

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 8, 2024

8:30 a.m./1:30 p.m.

1. A. HONOROF V. D. HONOROF

SFL20100058

On May 9, 2024, Respondent filed a Request for Order (RFO) seeking to have the matter transferred back to the South Lake Tahoe branch. It was mail served on July 8th, though the Proof of Service does not indicate whether or not the Notice of Tentative Ruling or the blank Responsive Declaration to Request for Order form was served. Petitioner has not filed a Responsive Declaration to Request for Order.

After reviewing the file, the court does find the South Lake Tahoe branch to be proper venue for this matter. As such, the request to have the matter transferred back to South Lake Tahoe is granted. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #1: RESPONDENT'S REQUEST TO TRANSFER THE MATTER BACK TO SOUTH LAKE TAHOE IS GRANTED. RESPONDENT SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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8:30 a.m./1:30 p.m.

2. ALEJANDRA GARCIA V. JOSE COBIAN

PFL20210597

On February 9, 2024, Respondent filed a Request for Order (RFO) seeking child custody, child support, attorney's fees, and an order of contempt. There is a Proof of Service filed by Petitioner indicating mail service of an RFO filed on February 9. The court does not have an RFO filed by Petitioner on February 9th, nor does it have a Proof of Service for the RFO filed by Respondent. Additionally, this is a post-judgment request for modification of custody orders. As such, it was required to be personally served or, if served by mail, a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, was required to be filed. See Fam. Code § 215. Likewise, service of contempt papers must also be done by personal service. *Albrecht v. Sup. Ct.*, 132 Cal. App. 3d 612, 618-619 (1982); See also Cal. Civ. Pro. §§ 1015 & 1016.

Despite the confusion regarding service, the parties attended Child Custody Recommending Counseling (CCRC) on June 17, 2024. They were unable to reach any agreements therefore a report with recommendations was prepared on July 25th and mailed to the parties on July 26th.

Petitioner filed and served a Responsive Declaration to Request for Order and an Income and Expense Declaration on July 29th.

Respondent's request for a finding of contempt is denied for failure to use the requisite FL-410 and failure to personally serve the contempt papers. Likewise, Respondent's requests for attorney's fees and child support are denied for failure to file an Income and Expense Declaration, failure to file an FL-319, and failure to file an FL-158 or an affidavit addressing the requisite factors.

Regarding the requested change in custody orders, Respondent states that Petitioner moved away with the children and enrolled them in a new school therefore the current custody orders are no longer workable. In light of the alleged move away that was done without a court order, the parties are ordered to appear for the hearing.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUE OF CHILD CUSTODY ONLY. RESPONDENT'S REQUEST FOR A FINDING OF CONTEMPT IS DENIED FOR FAILURE TO USE THE REQUISITE FL-410 AND FAILURE TO PERSONALLY SERVE THE CONTEMPT PAPERS. LIKEWISE, RESPONDENT'S REQUESTS FOR ATTORNEY'S FEES AND CHILD SUPPORT ARE DENIED FOR FAILURE TO FILE AN INCOME AND EXPENSE DECLARATION, FAILURE TO FILE AN FL-319, AND FAILURE TO FILE AN FL-158 OR AN AFFIDAVIT ADDRESSING THE REQUISITE FACTORS.

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4. CRYSTAL HATFIELD V. PAUL HATFIELD

24FL0471

On May 10, 2024, Petitioner filed a Request for Order (RFO) seeking orders for spousal support, property control, and attorney's fees. The RFO and all other required documents were personally served on May 14th.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on July 16th.

Petitioner's Reply Declaration was filed on July 22nd, along with her Income and Expense Declaration and her Declaration of Attorney Layla Cordero Re: Fees and Costs.

Petitioner brings her RFO seeking the following orders: (1) Exclusive use and control of the parties' 2020 Ford Expedition vehicle; (2) The parties to take all necessary actions to transfer recurring bills and carrying costs associated with the marital property located at 9260 Cranmore Rd., Meridian out of Petitioner's name and into Respondent's name. This includes, but is not limited to, the two PG&E bills, one for the residence and the other for the agricultural farmland; (3) Respondent be ordered to pay all bills associated with the marital residence; (4) Respondent be ordered to take all necessary action to remove himself from Petitioner's Verizon phone plan; (5) \$20,670 in attorney's fees and costs; and (6) guideline spousal support.

Respondent does not oppose guideline support though he does request the following: (1) imputation of income to Petitioner; (2) Petitioner be ordered to seek work; (3) Petitioner be ordered to pay her own cell phone bill, vehicle insurance, and other vehicle expenses once support orders are made; and (4) credit for voluntary support paid in the amount of \$2,000 paid for the months of June and July; (5) the parties be ordered to file taxes as married filing jointly for 2024, or married filing separately, to reflect the support calculation.

Respondent also agrees to Petitioner's exclusive use and control of the 2020 Ford Expedition. Additionally, he requests exclusive use and control of a 2005 Dodge 2500, a 2003 Jeep Wrangler, and the marital residence. He agrees to the transfer of recurring bills, including the PG&E bills, and to obtaining his own phone plan. He asks that Petitioner be ordered to remove her poultry from the marital property by a date certain. Finally, Respondent opposes the request for attorney's fees and notes that Petitioner did not include the requisite FL-319 to support her request.

Given that the parties appear to be in agreement on most of the property control requests, the court makes the following orders. Petitioner shall have exclusive use and control of the 2020 Ford Expedition. Respondent shall have exclusive use and control of the

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2005 Dodge 2500 and the 2003 Jeep Wrangler. Respondent shall also have exclusive use and control of the marital property located at 9260 Cranmore Rd., Meridian. The court reserves jurisdiction over the characterization of all of the aforementioned real and personal property as well as any credits/charges for each party's use and control of the aforementioned property.

Both parties are ordered to pay all bills, and maintain all insurance, on their respective vehicles. Respondent is ordered to pay for all bills associated with the use and control of the marital property. The parties are to work together in good faith to take all actions necessary to transfer all recurring bills for the marital property, including but not limited to the two PG&E bills, to Respondent's name. The parties are also ordered to take all necessary actions to transfer Respondent's phone to a separate plan in his name.

Petitioner is ordered to retrieve the remainder of her poultry from the marital property no later than September 8, 2024. The parties are to mutually agree on a date for Petitioner to do so. Respondent shall not be present on the premises when Petitioner picks up her poultry or, in the alternative, the parties are to arrange for a civil standby. Respondent is ordered to ensure that the chickens are confined in their coops at the time Petitioner is scheduled to pick them up.

Turning to the issue of support, an award of temporary spousal support lies solely within the trial court's discretion regarding each party's respective need and ability to pay. See *Marriage of Tong & Samson*, 197 Cal. App. 4th 23, 29 (2011). Support is appropriate where it is necessary to enable a spouse to advance their earning capacity and obtain marketable skills sufficient to become self-supporting. *Marriage of Watt*, 24 Cal. App. 3d 340, 347-348 (1989). However, it is not an abuse of discretion for the court to decrease an award for support, or deny it altogether, based on the requesting spouse's *unreasonable delay or refusal to seek employment* consistent with existing marketable skills and ability. *In re Marriage of Dennis*, 35 Cal. App. 3d 279, 283 (1973) (emphasis added); See also *Marriage of Mason*, 93 Cal. App. 3d 215, 221 (1979).

Here, Respondent is requesting a seek work order and the imputation of income to Petitioner. Petitioner opposes these requests noting that she already agreed to undergo a vocational evaluation. Given that the parties just recently separated, it is not unreasonable that Petitioner needs time to obtain marketable skills sufficient to become self-supporting. The court sees no unreasonable delay in Petitioner's actions at this time therefore, the requests for a seek work order and the imputation of income are denied without prejudice.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$3,474 per month. The court adopts

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the attached DissoMaster report and orders Respondent to pay Petitioner \$3,474 per month as and for temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. This spousal support order is effective as of May 15, 2024.

The court finds the above order results in arrears in the amount of \$10,422 through and including July 15, 2024. Respondent is credited \$4,000 for voluntary support paid in the months of June and July therefore the remaining arrears amount is \$6,422. The court orders Respondent pay Petitioner \$267.58 on the 1st of each month commencing on September 1st and continuing until paid in full (approximately 24 months). If any payment is late or missed the remaining balance shall become immediately due and payable with legal interest within five days. The court reserves jurisdiction on the issue of credits for any other payments made by Respondent.

Finally, regarding the attorney's fees request, the request is granted in part. The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." *In Re Marriage of Keech*, 75 Cal. App. 4th 860, 866 (1999). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2). Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032.

After reviewing the filings, there is a clear disparity in income between the parties such that there is not parity between each party's ability to obtain legal representation. Additionally, after reviewing Respondent's Income and Expense Declaration, he does have sufficient income to assist in Petitioner's ability to pay for her counsel. That said, the court does not find an award of \$20,670 to be reasonable at this early stage of the proceedings. Petitioner has already been charged \$5,507.50 in attorney's fees. Given the additional work needed and the support orders herein, the court finds an award of \$7,500 to be reasonably necessary for Petitioner to maintain her counsel. Accordingly, Respondent is ordered to pay to Petitioner's counsel \$7,500 as and for attorney's fees. This amount may be paid in one lump sum or in monthly increments of \$625 commencing on September 1st and continuing on the 1st of each month until paid in full (approximately 12 months). If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

Petitioner shall prepare and file the Findings and Orders After Hearing.

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TENTATIVE RULING #4: PETITIONER SHALL HAVE EXCLUSIVE USE AND CONTROL OF THE 2020 FORD EXPEDITION. RESPONDENT SHALL HAVE EXCLUSIVE USE AND CONTROL OF THE 2005 DODGE 2500 AND THE 2003 JEEP WRANGLER. RESPONDENT SHALL ALSO HAVE EXCLUSIVE USE AND CONTROL OF THE MARITAL PROPERTY LOCATED AT 9260 CRANMORE RD., MERIDIAN. THE COURT RESERVES JURISDICTION OVER THE CHARACTERIZATION OF ALL OF THE AFOREMENTIONED REAL AND PERSONAL PROPERTY AS WELL AS ANY CREDITS/CHARGES FOR EACH PARTY'S USE AND CONTROL OF THE AFOREMENTIONED PROPERTY.

BOTH PARTIES ARE ORDERED TO PAY ALL BILLS, AND MAINTAIN ALL INSURANCE, ON THEIR RESPECTIVE VEHICLES. RESPONDENT IS ORDERED TO PAY FOR ALL BILLS ASSOCIATED WITH THE USE AND CONTROL OF THE MARITAL PROPERTY. THE PARTIES ARE TO WORK TOGETHER IN GOOD FAITH TO TAKE ALL ACTIONS NECESSARY TO TRANSFER ALL RECURRING BILLS FOR THE MARITAL PROPERTY, INCLUDING BUT NOT LIMITED TO THE TWO PG&E BILLS, TO RESPONDENT'S NAME. THE PARTIES ARE ALSO ORDERED TO TAKE ALL NECESSARY ACTIONS TO TRANSFER RESPONDENT'S PHONE TO A SEPARATE PLAN IN HIS NAME.

PETITIONER IS ORDERED TO RETRIEVE THE REMAINDER OF HER POULTRY FROM THE MARITAL PROPERTY NO LATER THAN SEPTEMBER 8, 2024. THE PARTIES ARE TO MUTUALLY AGREE ON A DATE FOR PETITIONER TO DO SO. RESPONDENT SHALL NOT BE PRESENT ON THE PREMISES WHEN PETITIONER PICKS UP HER POULTRY OR, IN THE ALTERNATIVE, THE PARTIES ARE TO ARRANGE FOR A CIVIL STANDBY. RESPONDENT IS ORDERED TO ENSURE THAT THE CHICKENS ARE CONFINED IN THEIR COOPS AT THE TIME PETITIONER IS SCHEDULED TO PICK THEM UP.

THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$3,474 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$3,474 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS SPOUSAL SUPPORT ORDER IS EFFECTIVE AS OF MAY 15, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$10,422 THROUGH AND INCLUDING JULY 15, 2024. RESPONDENT IS CREDITED \$4,000 FOR VOLUNTARY SUPPORT PAID IN THE MONTHS OF JUNE AND JULY THEREFORE THE REMAINING ARREARS AMOUNT IS \$6,422. THE COURT ORDERS RESPONDENT PAY PETITIONER \$267.58 ON THE 1ST OF EACH MONTH COMMENCING ON SEPTEMBER 1ST AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL

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BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST WITHIN FIVE DAYS. THE COURT RESERVES JURISDICTION ON THE ISSUE OF CREDITS FOR ANY OTHER PAYMENTS MADE BY RESPONDENT.

RESPONDENT IS ORDERED TO PAY TO PETITIONER'S COUNSEL \$7,500 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$625 COMMENCING ON SEPTEMBER 1ST AND CONTINUING ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	20%	0%	Father	8,497 Payment (cost)/benefit	(3,474)	3,474
Filing status	MFJ->	<-MFJ	Mother	(151) Net spendable income	5,022	3,323
# Federal exemptions	1*	2*	Total	8,346 % combined spendable	60.2%	39.8%
Wages + salary	897	125	Support (Nondeductible)	Total taxes	991	22
401(k) employee contrib	0	0	Presumed	blocked Comb. net spendable	8,345	
Self-employment income	0	0	Basic CS	blocked Proposed		
Other taxable income	9,291	0	Add-ons	blocked Payment (cost)/benefit	(3,474)	3,474
Short-term cap. gains	0	0	SS Payor	Father Net spendable income	5,022	3,323
Long-term cap. gains	0	0	Alameda	3,474 NSI change from gdl	0	0
Other gains (and losses)	0	0	Total	3,474 % combined spendable	60.2%	39.8%
Ordinary dividends	0	0	Proposed, tactic 9	% of saving over gdl	0%	0%
Tax. interest received	0	0	Presumed	blocked Total taxes	991	22
Social Security received	0	0	Basic CS	blocked Comb. net spendable	8,345	
Unemployment compensation	0	0	Add-ons	blocked Percent change	0.0%	
Operating losses	0	0	SS Payor	Father Default Case Settings		
Ca. operating loss adj.	0	0	Alameda	3,474		
Roy, partnerships, S corp, trusts	0	0	Total	3,474		
Rental income	1,062	0	Savings	0		
Misc ordinary tax. inc.	8,229	0	Mother	0		
Other nontaxable income	0	0	Father	0		
New-spouse income	0	0	No releases			
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	700	254				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,132	0				
Other medical expenses	0	0				
Property tax expenses	1,667	0				
Ded. interest expense	465	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				

PETITIONER: RESPONDENT:	CASE NUMBER:
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TANF,SSI and CS received

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6. ERIKA SANDOVAL V. JUSTIN DEAN PAINTER

PFL20200280

On May 7, 2024, Petitioner filed a Request for Order (RFO) seeking sanctions in the amount of \$10,000 pursuant to Family Code § 271. She filed her Income and Expense Declaration concurrently therewith. The Proof of Service, however, does not indicate that the Income and Expense Declaration was served, only the RFO, a blank Responsive Declaration to Request for Order, and the Notice of Tentative Ruling and the Proof of Service. Respondent has not filed a Responsive Declaration to Request for Order.

Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure “as an admission that the motion or other application is meritorious.” El Dorado County, Local Rule 7.10.02(C). Here, it is quite clear the RFO was timely filed and served, therefore, the court is deeming Respondent’s failure to file a responsive declaration as an admission of the meritorious nature of Petitioner’s request.

According to Petitioner, the parties reached a full settlement agreement at the Mandatory Status Conference held on July 25, 2023. Despite this, Respondent is now refusing to sign the prepared agreement and Petitioner has been forced to file a request for a Trial Setting Conference.

An award for attorney’s fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, “...the court may base an award of attorney’s fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney’s fees and costs pursuant to this section is in the nature of a sanction.” Fam. Code § 271(a). While the purpose of Section 271 is to impose a punitive sanction, the court is not to impose a sanction that would create an “unreasonable financial burden on the party against whom the sanction is imposed.” *Id.*

It is inarguable that Respondent’s failure to sign the agreed upon terms of the settlement has frustrated the policy of the law and caused Petitioner to incur additional attorney’s fees. That said, the court is not inclined to make an award of \$10,000 out of concern that this would pose an unreasonable financial burden on Respondent. Instead, Respondent is ordered to pay Petitioner \$1,500 as and for sanctions pursuant to Family Code § 271. This amount may be paid in one lump sum or in monthly increments of \$500 due and payable on the 15th of each month, commencing on August 15th and continuing until paid in full (approximately 3 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

Petitioner is to prepare and file the Findings and Orders After Hearing.

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TENTATIVE RULING #6: RESPONDENT IS ORDERED TO PAY PETITIONER \$1,500 AS AND FOR SANCTIONS PURSUANT TO FAMILY CODE § 271. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE AND PAYABLE ON THE 15TH OF EACH MONTH, COMMENCING ON AUGUST 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 3 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. LEELO ARVISAIS V. JONAH GRIFFIN

24FL0346

On May 13, 2024, Respondent filed a Request for Order (RFO) seeking a variety of orders as listed therein. The RFO and all other required documents were personally served on July 31st. Petitioner filed and served a Responsive Declaration to Request for Order on July 22nd.

Respondent brings his RFO requesting the set aside of the stipulation and judgment dated April 12, 2024. He also requests child custody and visitation orders.

Petitioner does not oppose the requested set aside, though she does oppose Respondent's requested custody orders.

Given that Petitioner is not opposing the set aside, Respondent's request to set aside the judgment and stipulation of April 12, 2024 is granted. Respondent is ordered to file and serve his Response to the Petition no later than August 22, 2024.

The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 10th. Only Respondent appeared at the CCRC appointment. The parties are ordered to appear for the hearing to address Petitioner's failure to participate in CCRC.

Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #7: RESPONDENT'S REQUEST TO SET ASIDE THE JUDGMENT AND STIPULATION OF APRIL 12, 2024 IS GRANTED. RESPONDENT IS ORDERED TO FILE AND SERVE HIS RESPONSE TO THE PETITION NO LATER THAN AUGUST 22, 2024. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

THE PARTIES ARE ORDERED TO APPEAR TO ADDRESS PETITIONER'S FAILURE TO PARTICIPATE IN CCRC.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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8. NATASHA MOWERY V. DAVID GOUDY

24FL0489

On May 13, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 10th. The RFO, the CCRC referral form, and all other required documents were personally served on May 21st. Neither party appeared for the CCRC appointment therefore, this matter is dropped from calendar.

TENTATIVE RULING #8: THIS MATTER IS DROPPED FROM CALENDAR AS NEITHER PARTY APPEARED FOR THE SCHEDULED CCRC APPOINTMENT.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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9. SARAH CRAIG V. RYAN CRAIG

PFL20170099

This matter came before the court on April 9, 2024 for a long cause trial on the issue of Petitioner's request for a Domestic Violence Restraining Order (DVRO) and a hearing on the issue of custody and visitation. The court ruled on all issues and set the matter for a review hearing to address the progress of supervised visits and reunification therapy. Supplemental Declarations were to be filed no later than 10 days prior to the hearing date.

Petitioner filed her Supplemental Declaration and her Amended Supplemental Declaration on July 19th and July 24th, respectively. She also filed and served a Responsive Declaration to Request for Order on July 26th. Respondent filed his Supplemental Declaration on July 29th. Petitioner filed and served her Reply Declaration to Respondent's Supplemental Declaration for 8/8/24 Hearing on July 31st. Minor's Counsel has not filed a Supplemental Declaration.

Petitioner requests the court maintain the current orders as Respondent has not provided any proof that there has been any progress made between him and the children and therefore the current orders remain in the best interests of the children. She also requests clarification between professionally supervised/therapeutically supervised visits and reunification therapy. Finally, she is requesting the September 5, 2024 hearing be taken off calendar as Respondent improperly filed an RFO despite his status as a Vexatious Litigant. Petitioner's FL-320 states she is seeking attorney's fees and sanctions in an unstated amount. The FL-320 refers to Petitioner's declaration for more information regarding the sanctions request, though her declaration does not make any such request.

Respondent is asking the court to reinstate the custody orders made prior to the January 9, 2023 RFO filed by Ms. Bentley and the February 10, 2023 CCRC report by Ms. Iremonger. He also requests an interim order allowing for 8 weeks of non-professionally supervised visits with Mickey Ellis, Tracy Barnes, and/or David Else. He is asking for one overnight weekend visit to take place with David Else supervising. Respondent also requests a new therapist be selected to facilitate the parties moving forward.

After reviewing the filings of the parties as outlined above, the court finds the current orders remain in the best interests of the children. There quite clearly has been little to no contact between Respondent and the children and therefore, the court cannot find it would be in the best interests of the minors to expand their time with Respondent as he is requesting.

The court notes there was a request made by Petitioner on September 6, 2022, to deem Respondent a vexatious litigant. On October 26, 2022, the court issued a tentative ruling, granting Petitioner's request and finding Respondent to meet the criteria to be

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deemed a vexatious litigant. Respondent requested oral argument on the issue. Parties appeared for the hearing on October 27, 2022. After argument from all side, the court set the issue of Respondent being deemed a vexatious litigant for trial. Pending the trial, the court stayed its tentative ruling as to the vexatious litigant issue. It also issued a stay prohibiting Respondent from filing any further motions pending the trial date. At the Mandatory Settlement Conference (MSC) held on February 27, 2023, the parties agreed to vacate the trial date the issues of vexatious litigant, contempt, and both parties' fee requests associated therewith were reserved for a future trial setting. Therefore, the court finds the issue of vexatious litigant remains stayed.

Parties are ordered to appear to address the issues of vexatious litigant, contempt, and both parties' fee requests that were associated therewith, that were reserved for trial on February 27, 2023.

Petitioner's request for sanctions is denied as she has failed to provide the court with any basis on which she makes her request and has not established an amount requested.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #9: PARTIES ARE ORDERED TO APPEAR TO ADDRESS THE ISSUES OF VEXATIOUS LITIGANT, CONTEMPT, AND BOTH PARTIES' FEE REQUESTS THAT WERE ASSOCIATED THEREWITH, THAT WERE RESERVED FOR TRIAL ON FEBRUARY 27, 2023.

ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER'S REQUEST FOR SANCTIONS IS DENIED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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10. SEAN CLARK V. BRANDY CLARK

PFL20160816

On October 18, 2023, Petitioner filed a Request for Order (RFO) seeking orders for custody and visitation. The matter came before the court for hearing on February 1, 2024, at which time the parties presented the court with a full stipulation and an agreement to set a review hearing for the present date. Parties agreed to file and serve updating declarations at least ten days prior to the hearing date.

Neither party has filed an updating declaration therefore, the court is maintaining all prior orders.

All prior orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #10: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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8:30 a.m./1:30 p.m.

12. ZACHARY MOODY V. SAMANTHA ESCOBAR

23FL0805

On February 27, 2024, Petitioner filed a Request for Order (RFO) requesting, among other things, orders directing Respondent to seek work. The matter came before the court for hearing on May 9, 2024, at which time the court granted the request and ordered Respondent to make a diligent job search effort for jobs for which she is qualified. The court further ordered Respondent to apply for a minimum of 5 jobs per week and to provide proof of said applications to Petitioner on a monthly basis until she has secured stable employment. A review hearing was set for the present date and the parties were ordered to file Supplemental Declarations no later than 10 days prior to the hearing date.

Petitioner's Supplemental Declaration was filed and served on July 22, 2024. Respondent has not filed a Supplemental Declaration.

According to Petitioner, to date he has not received proof of any job applications submitted by Respondent. In fact, Respondent has apparently applied for welfare/CashAid benefits in Placer County.

TENTATIVE RULING #12: THE COURT IS REITERATING ITS PRIOR ORDERS TO RESPONDENT. RESPONDENT IS ORDERED TO MAKE A DILIGENT JOB SEARCH EFFORT FOR JOBS FOR WHICH SHE IS QUALIFIED. THE COURT FURTHER ORDERS RESPONDENT TO APPLY FOR A MINIMUM OF 5 JOBS PER WEEK AND TO PROVIDE PROOF OF SAID APPLICATIONS TO PETITIONER ON A MONTHLY BASIS UNTIL SHE HAS SECURED STABLE EMPLOYMENT. RESPONDENT IS ADMONISHED TO COMPLY WITH THE COURT'S ORDERS. FAILURE TO DO SO MAY RESULT IN CONTEMPT CHARGES.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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13. ALYSON CLINK V. GEORGE CLINK

PFL20200799

Petitioner filed a Request for Order (RFO) on May 17, 2024, requesting the court make child custody and parenting time orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had been referred within the prior six months. Proof of Service shows Respondent was electronically served with the RFO and other necessary documents on July 9th and 10th.

Petitioner requests the court grant her sole legal and physical custody of the minor with Respondent to have parenting time as agreed upon by the parties. Petitioner asserts this maintains the status quo.

Respondent has not filed a Responsive Declaration.

The court orders parties to appear for the hearing.

TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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8:30 a.m./1:30 p.m.

14. BRYAN MOORMAN V. HEIDI MOORMAN

22FL0569

Petitioner filed a Request for Order (RFO) on May 23, 2024, requesting a modification of permanent spousal support. Petitioner concurrently filed an Income and Expense Declaration. Respondent was personally served on May 27, 2024. Petitioner asserts there has been a change in circumstances and as such permanent spousal support should be modified.

Respondent filed a Responsive Declaration on July 22, 2024. Respondent concurrently filed her Income and Expense Declaration. Petitioner was personally served on July 22, 2024.

As this is a request to modify permanent spousal support, the court finds it must take testimony on the Family Code section 4320 factors. Therefore, the parties are ordered to appear to select Mandatory Settlement Conference (MSC) and trial dates.

TENTATIVE RULING #14: THE PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE (MSC) AND TRIAL DATES.

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15. DCSS V. NICHOLAS DAVIS [OTHER PARTY: KIMBERLY PLACEK] PFS20180144

On July 10, 2024, Other Party filed and mail served a Supplemental Declaration of Kimberly Placek. Respondent has not filed a response.

According to Other Party, she filed an Order to Show Cause re Contempt (OSC) on October 13, 2021. With the OSC pending, the parties entered into a stipulation and order to resolve the contempt matters. The OSC was stayed and the parties waived their right to a speedy trial thereon. The parties agreed to set a review hearing for the present date to assess Respondent's compliance with the stipulation. Other Party states that Respondent has not complied and therefore she wishes to move forward with the OSC.

The Public Defender, Other Party, and her counsel appeared for the hearing on July 25, 2024. However, there was no representative from DCSS present, and Respondent failed to appear. The court continued the matter to allow DCSS to appear and directed the clerk of the court to provide notice to DCSS. The court admonished that if Respondent failed to appear at the continued hearing, the court may issue a bench warrant for his arrest.

The parties are ordered to appear.

TENTATIVE RULING #15: THE PARTIES ARE ORDERED TO APPEAR.

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16. DCSS v. Jame Rhoades (Other Parent: Brianna Snyder)

PFS20200140

Other Parent filed a Request for Order (RFO) requesting a modification of child custody and parenting time orders on June 21, 2024. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had attended within the prior six months. Proof of Service shows Respondent was served by mail on June 24th and personally on July 15th. There is no Proof of Service for Petitioner.

Other Parent is requesting sole legal and physical custody of the minor with no visitation to Respondent. Other Parent asserts it is confusing to the minor when Respondent fails to show up for his parenting time.

Respondent has not filed a Responsive Declaration.

The court finds good cause to proceed with the RFO, despite the lack of proper notice to Petitioner. The court maintains the current orders with the following modification. Respondent is to call Other Parent 24 hours prior to his scheduled parenting time to verify he will be participating. If Respondent does not call to verify his parenting time, no visit shall take place.

All prior orders not in conflict with this order remain in full force and effect. Other Parent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #16: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE RFO, DESPITE THE LACK OF PROPER NOTICE TO PETITIONER. THE COURT MAINTAINS THE CURRENT ORDERS WITH THE FOLLOWING MODIFICATION. RESPONDENT IS TO CALL OTHER PARENT 24 HOURS PRIOR TO HIS SCHEDULED PARENTING TIME TO VERIFY HE WILL BE PARTICIPATING. IF RESPONDENT DOES NOT CALL TO VERIFY HIS PARENTING TIME, NO VISIT SHALL TAKE PLACE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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8:30 a.m./1:30 p.m.

17. GARRETT LARSON V. NICHOLE LARSON

PFL20170552

Petitioner filed a Request for Order (RFO) on May 17, 2024, seeking a post judgment modification of parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 24, 2024, and a review hearing on August 8th. Upon review of the court's file, there is no Proof of Service showing Respondent was properly served.

Nevertheless, both parties appeared for the CCRC appointment. The parties were unable to reach any agreements. A report with recommendations was filed with the court on July 26th and mailed to the parties the same day.

Respondent filed a Responsive Declaration on August 5, 2024. Proof of Service shows it was served electronically on August 1st. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the day of the hearing as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made July 26th the last day for filing Respondent's Responsive Declaration to Request for Order. Therefore, this document is late filed and cannot be considered by the court.

The court finds good cause to proceed with the RFO, despite Petitioner's failure to comply with Family Code section 215. The court finds the recommendation as set forth in the CCRC report is in the minor's best interest. The court adopts the recommendation and maintains all current orders in full force and effect.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #17: ALL CURRENT ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON

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**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE
8.05.07.**

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18. MARY RAINES V. TRAVIS TYUS

PFL20110433

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 4, 2024. Respondent also filed two declarations in support of the OSC on April 8, 2024. Proof of Service shows Petitioner was personally served with the OSC on April 7, 2024. Petitioner was served with the declarations electronically on April 9, 2024. Petitioner was personally served with copies of the text messages on April 14, 2024.

On May 30, 2024, the court on its own motion continued the OSC hearing to June 20, 2024.

On June 20, 2024, the court advised Petitioner of her rights and appointed the Public Defender's office. Petitioner waived time and the matter was continued to August 8th to allow the Public Defender to appear.

Parties are ordered to appear for the arraignment.

TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT.

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8:30 a.m./1:30 p.m.

19. ROB GRONEWOLD V. KATHERINE GRONEWOLD

PFL20190313

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 30, 2024, asserting Respondent has violated the December 1, 2021 orders regarding the parental exchange location, providing a list of counselors within 10 days of the order, completion of a co-parenting class, and refinancing the mortgage into her name by November 1, 2023. Proof of Service shows Respondent was personally served on February 9, 2024.

Petitioner filed a second OSC on May 21, 2024, alleged three additional counts of contempt for violations of court orders made on January 18, 2024. Proof of Service shows Respondent was personally served on May 30, 2024.

Petitioner filed a Request for Order (RFO) on May 22, 2024, requesting enforcement of the Judgement that the property at 5957 Pony Express Trail in Pollock Pine California be sold if it was not placed in Respondent's name solely on or before November 2023. Proof of Service shows Respondent was personally served with the RFO on May 30, 2024.

The court orders parties to appear for hearing on the RFO and for arraignment on the OSCs.

TENTATIVE RULING #19: THE COURT ORDERS PARTIES TO APPEAR FOR HEARING ON THE RFO AND FOR ARRAIGNMENT ON THE OSCS.

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8:30 a.m./1:30 p.m.

20. STEVE WOLF V. NAJA WOLF

23FL0404

Petitioner filed a Request for Order (RFO) on May 22, 2024, requesting the court waive Respondent's Preliminary Declaration of Disclosure (PDD). Proof of Service shows Respondent was served by mail on May 24th.

Petitioner requests the court find good cause to waive Respondent's PDD. Petitioner asserts he is "not concerned about other potential accounts that Naja may or may not have. Would like to get this done." Petitioner states no other grounds upon which the court should grant the request. The court notes that Petitioner did not serve Respondent with his PDD until May 22, 2024, despite the Petition in this matter being filed on May 5, 2023.

Respondent has not filed a Responsive Declaration to Request for Order.

Respondent filed her Response to the Petition on June 12, 2023, which made her PDD due at that time or within 60 days, August 11, 2023.

In a leading treatise on family law, the authors state: "Section 2104 is cast in mandatory terms (Fam. C. § 2104(a)—'... each party shall serve on the other party ...'). The statute contains no exceptions and, therefore, the preliminary declaration of disclosure requirement is implicitly *nonwaivable*. [Fam. C. § 2104(a)] [¶] Indeed, even if the final declaration is waived as allowed by the statutes ..., a preliminary declaration is still required. [Fam. C. §§ 2105(c)(1), 2110 ...]." (Hogoboom & King, Cal. Practice Guide: Family Law (The Rutter Group 1997) ¶ 11:66, p. 11–14 (rev. #1, 2000), original italics.)

Although Family Code section 2107 (b)(3) does allow the court to grant the complying party's voluntary waiver of the receipt of the noncomplying party's preliminary PDD, the court notes, it is the third remedy available to a party. The first available remedy in subsection (b) is (1) to compel a further response. Next is (2) an order preventing the noncomplying party from presenting evidence on issues that should have been covered in the declaration of disclosure. In this context, "good cause" for granting the waiver is where a party is seeking entry of judgment and has fully complied with the declaration requirements. Here, while Petitioner has complied with the disclosure requirements, he did so very recently in May. Further, the court cannot find Petitioner's assertion that he "[w]ould like to get this done" and that he is "not concerned" about Respondent's accounts" is not a sufficient showing of good cause. Rather, the court is ordering Respondent to serve her PDD on Petitioner no later than August 22, 2024, and file the FL-141 by no later than August 22nd. The court sets a review hearing for August 29, 2024 at 1:30 PM in Department 5. The court reserves on Petitioner's request to waive Respondent's PDD.

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TENTATIVE RULING #20: THE COURT CANNOT YET FIND GOOD CAUSE TO WAIVE RESPONDENT'S PDD. RATHER, THE COURT IS ORDERING RESPONDENT TO SERVE HER PDD ON PETITIONER NO LATER THAN AUGUST 22, 2024. THE COURT SETS A REVIEW HEARING FOR AUGUST 29, 2024 AT 1:30 PM. THE COURT RESERVES ON PETITIONER'S REQUEST TO WAIVE RESPONDENT'S PDD.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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21. TIMOTHY NICHOLL V. HALEY NICHOLL

23FL0674

Petitioner filed a Request for Order (RFO) on May 10, 2024, requesting the court make custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 7, 2024, and a review hearing on August 8th. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO and other necessary documents.

Nevertheless, both parties appeared for the CCRC appointment and were able to reach many agreements. A report memorializing the parties' agreements and with further recommendations was filed with the court on July 3, 2024. Copies were mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

Respondent filed a Supplemental Responsive Declaration on July 24, 2024. Proof of Service shows Petitioner was served on July 23, 2024. Respondent raises issues which exceed the scope of the RFO, including schooling and health insurance.

Petitioner filed a Reply to Respondent's Supplemental on August 1, 2024. Proof of Service shows it was served on August 1, 2024. Petitioner makes requests which exceed the scope of the RFO as well. Petitioner also requests the court delay the implementation of the new parenting plan for 90 days.

The court finds good cause to proceed with Petitioner's RFO, despite the lack of Proof of Service given Respondent appeared for the CCRC appointment and the parties reached agreements. The court finds the parties' agreements to be in the best interest of the minors. The court adopts the agreements as set forth in the July 3rd CCRC report as its order. The court is not adopting the recommendations, as it finds the recommendations exceed the scope of the RFO. The court is also not addressing issues raised in either party's Responsive Supplemental and Reply Declaration, as they exceed the scope of the RFO. If parties wish to have those issues taken into consideration by the court, a new RFO will need to be filed.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #21: THE COURT FINDS GOOD CAUSE TO PROCEED WITH PETITIONER'S RFO, DESPITE THE LACK OF PROOF OF SERVICE GIVEN RESPONDENT APPEARED FOR THE CCRC APPOINTMENT AND THE PARTIES REACHED AGREEMENTS. THE COURT FINDS THE PARTIES' AGREEMENTS TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AS SET FORTH IN IN THE JULY 3RD CCRC REPORT AS ITS ORDER. THE COURT IS NOT ADOPTING THE

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RECOMMENDATIONS, AS IT FINDS THE RECOMMENDATIONS EXCEED THE SCOPE OF THE RFO. THE COURT IS ALSO NOT ADDRESSING ISSUES RAISED IN EITHER PARTY'S RESPONSIVE SUPPLEMENTAL AND REPLY DECLARATION, AS THEY EXCEED THE SCOPE OF THE RFO. IF PARTIES WISH TO HAVE THOSE ISSUES TAKEN INTO CONSIDERATION BY THE COURT, A NEW RFO WILL NEED TO BE FILED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.