

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

1. ANGELA FINDLETON V. RYAN FINDLETON

PFL20180821

Respondent filed a Request for Order (RFO) on May 22, 2024, seeking a variety of custody and visitation orders. It was served on May 28, 2024. This is a post-judgment request for custody orders therefore Respondent filed a Declaration Regarding Address Verification as required by Family Code § 215.

The parties attended Child Custody Recommending Counseling (CCRC) on August 7, 2024. A report with recommendations was prepared on August 27th; it was mailed to the parties on August 28th.

Petitioner filed a Responsive Declaration to Request for Order on September 3rd. It was electronically served the same day.

Respondent filed his RFO making the following requests: (1) an order allowing the minor to attend either Louisiana Schnell School or Sierra for the upcoming school year; (2) admonishment of Petitioner for failing to comply with court ordered exchanges and a potential change to the parenting schedule to week-on/week-off if the parties cannot devise a way for Petitioner to comply with them; (3) Mr. Fugate not be present during Petitioner's parenting time with the minor; (4) that the minor be driven only by persons with valid, current, and unrestricted driver's license and adequate insurance coverage; (5) that Petitioner not be allowed to administer any medication to the minor without Respondent's knowledge and consent; (6) that the court take judicial notice of the parentage case file involving Petitioner and Jarred Pringle, together with its contents; (7) that Respondent may be allowed to access the parentage case between Petitioner and Mr. Pringle so Respondent may be aware of any relevant issues involving Petitioner's ability to parent the minor.

Petitioner asks that the visitation schedule be changed to Respondent having the child from Thursday after school until Monday drop off. In the alternative, she proposes either Sunday through Friday every week or Thursday through Sunday. She asks that exchanges occur at her house to alleviate the issues with late or missed exchanges.

As noted above, this is a post-judgment request for modification. Upon review of the parties' judgment, filed on November 28, 2023, the custody orders contained therein are "Final orders" pursuant to Montenegro v. Diaz, 26 Cal. 4th 249 (2001). Therefore, to modify custody orders, the party requesting the change must show a material change of circumstances from and after the time of the Judgment. As such, the court must evaluate whether there has been a material change in circumstances *and* whether the requested change is in the minor's best interest.

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After reviewing the filings as outlined above, the court does not find that there has been a material change in circumstances sufficient to justify a modification of the prior custody and parenting plan orders. All prior orders remain in the minor's best interests and as such, they remain in full force and effect. The court does find the recommendations as set forth in the August 28th CCRC report are warranted, as they do not modify custody or the parenting plan, but rather provide further guidelines to ensure effective co-parenting between the parties. The court finds the recommendations to be in the best interest of the minor. As such, the court adopts the recommendations as set forth.

Petitioner is admonished to ensure that she complies with all orders regarding timely exchanges and exchange locations. Failure to comply with the court's orders may result in a change in custody in the future or contempt. In addition to the prior orders, the child may only be driven by a licensed and insured driver. Mr. Fugate may not transport the child in any vehicle under any circumstances until further order of the court.

Neither party may administer any medication to the minor without a valid prescription and only in accordance with the terms of that prescription. Both parties shall be informed with the child's medical provider prescribes medication of any kind. The parties are ordered to comply with all treatment recommendations of the minor's medical providers.

Respondent's request for judicial notice of the parentage case file is granted. Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 govern the circumstances in which judicial notice of a matter may be taken. While Section 451 provides a comprehensive list of matters that must be judicially noticed, Section 452 sets forth matters which *may* be judicially noticed, including "[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States."

Section 452 provides that the court "may" take judicial notice of the matters listed therein, while Section 453 provides a caveat that the court "shall" take judicial notice of any matter "specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request...to enable such adverse party to prepare to meet the request; and (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter." Cal. Evid. Code § 453. Here, Respondent has provided Petitioner with sufficient notice of the request for her to respond to it and she has not objected. Further, he has provided the court with sufficient information to enable the court to take judicial notice. Therefore, the request is granted.

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Respondent's request for access to the court's file between Mr. Pringle and Petitioner is denied. Information regarding custody of Petitioner's older child is not probative to the issue of custody in the present matter. Furthermore, Respondent appears to be in contact with Mr. Pringle therefore Respondent can obtain any information that he feels may be relevant by less invasive means than providing him access to the court's confidential case file. Therefore, this request is denied.

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

TENTATIVE RULING #1: UPON REVIEW OF THE PARTIES' JUDGMENT, FILED ON NOVEMBER 28, 2023, THE CUSTODY ORDERS CONTAINED THEREIN ARE "FINAL ORDERS" PURSUANT TO MONTENEGRO V. DIAZ, 26 CAL. 4TH 249 (2001). THE COURT MUST EVALUATE WHETHER THERE HAS BEEN A MATERIAL CHANGE IN CIRCUMSTANCES AND WHETHER THE REQUESTED CHANGE IS IN THE MINOR'S BEST INTEREST. THE COURT DOES NOT FIND THAT THERE HAS BEEN A MATERIAL CHANGE IN CIRCUMSTANCES SUFFICIENT TO JUSTIFY A MODIFICATION OF THE PRIOR CUSTODY AND PARENTING PLAN ORDERS. ALL PRIOR ORDERS REMAIN IN THE MINOR'S BEST INTERESTS AND AS SUCH, THEY REMAIN IN FULL FORCE AND EFFECT. THE COURT DOES FIND THE RECOMMENDATIONS AS SET FORTH IN THE AUGUST 28TH CCRC REPORT ARE WARRANTED, AS THEY DO NOT MODIFY CUSTODY OR THE PARENTING PLAN, BUT RATHER PROVIDE FURTHER GUIDELINES TO ENSURE EFFECTIVE CO-PARENTING BETWEEN THE PARTIES. THE COURT FINDS THE RECOMMENDATIONS TO BE IN THE BEST INTEREST OF THE MINOR. AS SUCH, THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. PETITIONER IS ADMONISHED TO ENSURE THAT SHE COMPLIES WITH ALL ORDERS REGARDING TIMELY EXCHANGES AND EXCHANGE LOCATIONS. FAILURE TO COMPLY WITH THE COURT'S ORDERS MAY RESULT IN A CHANGE IN CUSTODY IN THE FUTURE OR CONTEMPT. THE COURT REITERATES THE ORDER THAT MR. FUGATE MAY NOT TRANSPORT THE CHILD IN ANY VEHICLE UNDER ANY CIRCUMSTANCES UNTIL FURTHER ORDER OF THE COURT. NEITHER PARTY MAY ADMINISTER ANY MEDICATION TO THE MINOR WITHOUT A VALID PRESCRIPTION AND ONLY IN ACCORDANCE WITH THE TERMS OF THAT PRESCRIPTION. BOTH PARTIES SHALL BE INFORMED WITH THE CHILD'S MEDICAL PROVIDER PRESCRIBES MEDICATION OF ANY KIND. THE PARTIES ARE ORDERED TO COMPLY WITH ALL TREATMENT RECOMMENDATIONS OF THE MINOR'S MEDICAL PROVIDERS. RESPONDENT'S REQUEST FOR JUDICIAL NOTICE OF THE PARENTAGE CASE FILE IS GRANTED. RESPONDENT'S REQUEST FOR ACCESS TO THE COURT'S FILE BETWEEN MR. PRINGLE AND PETITIONER IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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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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2. BRIAN EDMONDS V. AMBER MARLIN

PFL20180074

On July 25, 2024, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. Respondent concurrently filed an Income and Expense Declaration, as well as a Declaration of Counsel for attorney's fees. Proof of Service shows Petitioner was served electronically on July 26, 2024, however, no email address was given for Petitioner. Petitioner filed a Responsive Declaration to Request for Order on July 25th, however, it was not provided to the court until after the ex parte orders were made. As a result of Respondent's ex parte, the court granted the request for temporary sole legal and physical custody of the minor. Petitioner was allowed professionally supervised visits once per week for two hours. All other requests were denied on an ex parte basis and the court reserved on the request for Section 2030 attorney's fees. Following the ex parte orders, Respondent filed her Request for Order (RFO) on July 26th. Parties were referred to Child Custody Recommending Counseling (CCRC) for an emergency appointment on August 13, 2024 and a review hearing on September 12th. Upon review of the court's file, there is no Proof of Service showing the ex parte orders, the July 26, 2024 RFO, or the CCRC referral and other necessary documents were served on Petitioner.

On July 26th, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice requesting the court reconsider its ex parte orders. Respondent filed her Responsive Declaration to Request for Order on July 26th. On July 29, 2024, after reviewing Petitioner's ex parte, the court vacated its ex parte orders from July 26th and reinstated the prior custody and parenting orders which afforded each party joint legal and physical custody with a 2-2-3 schedule. The court confirmed the previously set emergency CCRC appointment and review hearing.

The parties attended CCRC and were unable to reach any agreements. A report with recommendations was prepared on September 3rd and sent to the parties on September 4th.

Petitioner filed and served his Reply Declaration on September 5th.

Respondent is requesting sole legal and sole physical custody of the minor child. She asks that Petitioner only have supervised visits with the minor's consent. She is also requesting an order directing Petitioner to submit to random drug and alcohol testing and to undergo a mental health examination. She asks for an order directing the minor to attend therapy. Finally, she is requesting \$5,000 in attorney's fees pursuant to Family Code § 2030.

Petitioner is asking the court to maintain the 2-2-3 schedule with joint legal custody. He also asks that the minor be allowed to attend a trip to New Jersey with him from July 28-August 4th. Finally, he is requesting the parties each pay for their own attorney's fees.

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After receiving the CCRC report, Petitioner filed his reply to the report asking that the CCRC recommendations be adopted with the exception of the second recommendation which would allow the minor to refuse visitation if he does not wish to see Petitioner. He also asks the court not to adopt the recommendation for the appointment of Minor's Counsel if the parties are going to be practicing a 2-2-3 without a review hearing.

After reviewing the filings of the parties as outlined above, the court finds the recommendations contained in the CCRC report to be in the best interests of the minor with the exception of #2 under the Parenting Time section. The minor is still very young, and the court cannot find that providing him with the right to refuse visitation with his father would be in his best interests at this time. Additionally, the court cannot find that Minor's Counsel is necessary and therefore, that recommendation is not being adopted. The court hereby adopts the recommendations of the September 3, 2024, CCRC report with the exception of number 2 under the Parenting Time section and the recommendation for the appointment of Minor's Counsel.

Petitioner has not filed an Income and Expense Declaration.

Respondent brings her request for attorney's fees under Family Code § 2030 which is only applicable in dissolution matters. In reviewing the file, it appears the parties were never married therefore the request under Family Code section 2030, is not appropriate. The court notes Family Code section 7605 is the applicable section under which Respondent may request attorney's fees and Section 7605 parallels Section 2030. The public policy of Family Code section 2030, and by extension Family Code section 7605, 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). This assures each party has access to legal representation to preserve each party's rights. 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). Because Petitioner has not filed an Income and Expense Declaration, the court looks to Respondent's July 25, 2024 filed Income and Expense Declaration to determine if Respondent has provided an accurate, fact based estimate of Petitioner's income. The court finds Respondent has provided an estimate, however, has not provided any grounds upon which that estimate is based. Therefore, the court does not have sufficient information before it to decide the request for attorney's fees. The court finds it must take testimony to obtain the requisite information, and therefore, orders parties to appear on the request for attorney's fees. Petitioner is ordered to prepare, file, and serve an Income and Expense Declaration.

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

TENTATIVE RULING #2: PARTIES ARE ORDERED TO APPEAR ON RESPONDENT'S REQUEST FOR ATTORNEY'S FEES. PETITIONER IS ORDERED TO PREPARE, FILE, AND SERVE AND INCOME AND EXPENSE DECLARATION.

THE COURT HEREBY ADOPTS THE RECOMMENDATIONS OF THE SEPTEMBER 3, 2024, CCRC REPORT WITH THE EXCEPTION OF NUMBER 2 UNDER THE PARENTING TIME SECTION AND THE RECOMMENDATION FOR THE APPOINTMENT OF MINOR'S COUNSEL. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

3. BRITTNEY VERGARA V. ROBERT VERGARA

24FL0185

On March 29, 2024, Petitioner filed a Request for Order (RFO) seeking child custody and parenting plan orders, as well as child support orders. A first amended RFO was filed on May 28, 2024. The parties appeared at the hearing on the RFO and the court set the matter for long cause trial to begin on August 14th.

On August 14th the court bifurcated the requests made in the RFO and set the issues of child and spousal support for hearing on September 12th. The issues of custody and a CCRC review were set to be heard concurrently with the related domestic violence case on September 18th.

The Department of Child Support Services (DCSS) filed a Responsive Declaration on September 4, 2024. DCSS requests the issue of child support be continued until after the resolution of the parenting time issues. DCSS requests the matter be heard in Department 10 before the child support commissioner in accordance with Family Code section 4251.

The court notes there is currently an order in case 24FL0266 for Respondent to pay the Pacific Gas and Electric bill, the rent payment, and a payment for Bob's furniture monthly.

Additionally, Petitioner has not filed an updated Income and Expense Declaration and Respondent's declaration will no longer be current at the time support orders are heard. Therefore, the parties are ordered to file and serve updated Income and Expense Declarations no later than 10 days prior to the hearing on child and spousal support.

The court continues to reserve jurisdiction to retroactively modify support to the filing of the RFO.

TENTATIVE RULING #3: DUE TO DCSS BEING A PARTY TO THE CASE, PURSUANT TO FAMILY CODE SECTION 4251, THE COURT CONTINUES THE REQUEST FOR CHILD AND SPOUSAL SUPPORT TO JOIN WITH THE HEARING CURRENTLY SET FOR SEPTEMBER 18, 2024 IN DEPARTMENT 8. ONCE THE ISSUES OF CUSTODY AND PARENTING TIME HAVE BEEN RESOLVED, THE REQUESTS FOR SUPPORT ARE TO BE SET FOR A HEARING IN DEPARTMENT 10 BEFORE THE CHILD SUPPORT COMMISSIONER IN ACCORDANCE WITH FAMILY CODE SECTION 4251. THE PARTIES ARE ORDERED TO FILE AND SERVE UPDATED INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING ON CHILD AND SPOUSAL SUPPORT. THE COURT CONTINUES TO RESERVE JURISDICTION TO RETROACTIVELY MODIFY SUPPORT TO THE FILING OF THE RFO.

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4. VITO MIRABILE v. JESSICA MIRABILE

PFL20200461

Respondent filed a Request for Order (RFO) on June 13, 2024, requesting the court enforce the judgment and grant Family Code section 271 sanctions. Petitioner concurrently filed a Declaration of counsel. Petitioner was personally served in accordance with Family Code section 215 on June 19, 2024.

Respondent asserts Petitioner has failed to comply with the Marital Settlement Agreement (MSA) as he has not signed the Amended 2020 tax forms. The MSA allowed Respondent to file amended taxes for 2020 and 2021 at her expense. The MSA provided Petitioner should fully cooperate with the preparation of the tax returns and provide necessary signatures. Respondent requests Petitioner be ordered to sign and return the 2020 amended tax forms within 48 hours. Respondent also asserts Petitioner has failed to comply with the MSA in that Petitioner has not transferred all the digital assets that were to be provided to Respondent. Respondent requests an order directing Petitioner to complete the transfer of the remaining digital assets within two weeks. Last, Respondent is requesting Family Code section 271 sanctions for having to file the current motion.

Petitioner filed a Responsive Declaration on August 28, 2024. Respondent was served by mail on August 28th. Petitioner requests the court deny Respondent's motion as he has complied with the MSA. Petitioner asserts he signed all necessary tax forms and was never contacted by either party's CPA requesting a signature. Regardless, Petitioner asserts all signatures have been provided and Respondent's CPA has verified there is nothing outstanding. Petitioner asserts all digital assets were appropriately transferred in July of 2023. Petitioner has included exhibits with emails to Respondent and Respondent's counsel confirming the transfers. Petitioner objects to the requested sanctions pursuant to Family Code section 271, as he has complied with the MSA and for Respondent's failure to file the requisite Income and Expense Declaration. Petitioner requests \$3,000 in attorney's fees for having to respond to the motion.

Respondent filed a Supplemental Declaration on September 3, 2024. Petitioner was served on September 3rd. The court notes as a Supplemental Declaration, this document is late filed. As a Reply Declaration, it could be considered timely. As such, the court considers the Declaration to be a Reply Declaration and will consider it. Respondent acknowledges Petitioner has signed the necessary tax forms since the RFO was filed. Respondent asserts however, that she still has not received the transfer of final batch of digital assets. As such, Respondent renews the request that Petitioner be ordered to transfer the digital assets within two weeks and that the court order sanctions.

The court notes neither party has filed an Income and Expense Declaration.

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The court has read and considered the filings as outlined above. The court finds Respondent's request for Petitioner to sign the amended tax returns to be moot, as Petitioner has done so.

As to Respondent's request for Petitioner to transfer the remaining digital assets, it is unclear whether this portion of the MSA has been complied with. Petitioner asserts Respondent's portion of the digital assets were transferred to her last year. However, there does appear to be a response from Respondent in July 2023, requesting the transfer of additional assets, which was never addressed by Petitioner or Petitioner's counsel. Therefore, the court finds it must take testimony on this issue and orders parties to appear to select Mandatory Settlement Conference and Trial dates.

The court reserves on the competing requests for Family Code section 271 sanctions to the time of trial.

TENTATIVE RULING 4: THE COURT FINDS THE REQUEST FOR PETITIONER TO SIGN THE AMENDED 2020 TAX RETURN TO BE MOOT. PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES. THE COURT RESERVES ON THE COMPETING REQUESTS FOR FAMILY CODE SECTION 271 SANCTIONS TO THE TIME OF TRIAL.

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5. JENNIFER BOYLE V. JASON BOYLE

PFL20200014

Petitioner has retained Mike Schneider, an active attorney in good standing in the State of Colorado, to represent her in the instant matter. Petitioner requests authorization for Mr. Schneider to temporarily practice law in California pursuant to California Rules of Court, Rule 9,47.

Respondent has not filed an objection.

The petition is granted as requested.

TENTATIVE RULING #5: THE PETITION GRANTED AS REQUESTED.

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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6. JENNIFER KRANZKE V. THOMAS COPE

PFL20200619

Order to Show Cause

On March 21, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) alleging one count of contempt. It was personally served on April 6th. Respondent filed and served a Responsive Declaration to Request for Order on June 17th.

The court has reviewed the filings as outlined above and it appears the information provided in Respondent's Responsive Declaration to Request for Order is intended as a defenses to the OSC which may be presented at trial. The parties are ordered to appear for arraignment.

Request for Order

On June 28, 2024, Respondent filed and served a Request for Order (RFO) seeking spousal support and a vocational assessment of Petitioner. He did not file an Income and Expense Declaration with the moving papers.

On August 1, 2024, the parties filed a Stipulation and Order for Vocational Evaluation & Appraisal of Real Properties.

Petitioner filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on August 21st.

Respondent brings his RFO requesting a vocational assessment of Petitioner by David Ritz MA, CRC pursuant to Family Code § 4331, and a return hearing for receipt of the evaluation and reassessment of spousal support. He also requests a seek work order and modification of ongoing spousal support.

The parties have since stipulated to a vocational evaluation with Respondent to pay for the cost thereof, subject to reallocation. They have agreed to the court setting a review hearing for receipt of the vocational evaluation report.

According to Petitioner she has already begun the evaluation process with Mr. Ritz. Petitioner does not agree to a modification of support in the interim or the seek work order as she states she is currently working full time and there have been no changes to the income of either party since December of 2023.

This matter is set for a review hearing on 12/12/2024 at 8:30 am in Department 5 for receipt and review of the vocational evaluation. The requests for a seek work order and modification of spousal support are continued to join with the review hearing. The court reserves jurisdiction to modify support back to the date of filing the RFO. Both parties are

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ordered to file and serve updated Income and Expense Declarations no later than 10 days prior to the hearing date.

TENTATIVE RULING #6: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE MARCH 21, 2024 OSC.

THIS MATTER IS SET FOR A REVIEW HEARING ON 12/12/2024 AT 8:30 AM IN DEPARTMENT 5 FOR RECEIPT AND REVIEW OF THE VOCATIONAL EVALUATION. THE REQUESTS FOR A SEEK WORK ORDER AND MODIFICATION OF SPOUSAL SUPPORT ARE CONTINUED TO JOIN WITH THE REVIEW HEARING. THE COURT RESERVES JURISDICTION TO MODIFY SUPPORT BACK TO THE DATE OF FILING THE RFO. BOTH PARTIES ARE ORDERED TO FILE AND SERVE UPDATED INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

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7. JENNIFER WIDAU V. TOM SANDOVAL

PFL20210301

On August 23, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The parties attended Child Custody Recommending Counseling (CCRC) on November 1st and a report was prepared dated December 7, 2023. At the June 20, 2024 hearing, the court adopted the recommendations as stated in the December 7th CCRC report. A review hearing was set for the present date to address the status of reunification therapy. Parties were ordered to file and serve supplemental declarations no later than 10 days prior to the review hearing and the court reserved on Petitioner's request for Family Code § 271 sanctions.

Petitioner's Supplemental Declaration was filed and served on August 26, 2024. Respondent has not filed a Supplemental Declaration.

According to Petitioner, the parties had agreed to one reunification therapist, however, that therapist declined to take their case. Petitioner states that there have been no orders as to who pays for reunification therapy, she is asking that Respondent be ordered to pay 100% of reunification therapy. She notes that the court has reserved on the request for sanctions three times and once again, Respondent has failed to comply with court orders. She is renewing her request for \$13,000 in sanctions arguing that but for Respondent's filing of the RFO and continual failure to comply with court orders, she would not have incurred any of the foregoing attorney's fees.

The court has reviewed Petitioner's updating declaration and finds that all prior orders remain in the minor's best interests and therefore, remain in full force and effect. Respondent is ordered to pay the entire cost of reunification therapy subject to reallocation.

Petitioner's request for sanctions is granted, in part. 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.*

While Petitioner did provide redacted billing statements showing over \$13,000 in attorney's fees, she fails to establish that all such fees were a direct result of Respondent's

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filing of the RFO and failure to comply with court orders. Therefore, the court awards Petitioner \$5,000 as and for attorney's fees and sanctions pursuant to Family Code § 271. This amount may be paid in one lump sum or in monthly increments of \$500 due on the 1st of each month commencing on October 1, 2024, and continuing until paid in full (approximately 10 months). If any amount 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.

TENTATIVE RULING #7: THE COURT HAS REVIEWED PETITIONER'S UPDATING DECLARATION AND FINDS THAT ALL PRIOR ORDERS REMAIN IN THE MINOR'S BEST INTERESTS AND THEREFORE REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS ORDERED TO PAY THE ENTIRE COST OF REUNIFICATION THERAPY SUBJECT TO REALLOCATION. THE COURT AWARDS PETITIONER \$5,000 AS AND FOR ATTORNEY'S FEES AND SANCTIONS PURSUANT TO FAMILY CODE § 271. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE ON THE 1ST OF EACH MONTH COMMENCING ON OCTOBER 1, 2024, AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY AMOUNT 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.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

8. JESSICA ROBBINS V. RESTYN ROBBINS

21FL0115

On April 8, 2024, Respondent filed a Request for Order (RFO) seeking to compel Petitioner's responses to Request for Production of Documents, Set One. Respondent also seeks \$3,720 in sanctions. There is no Proof of Service showing Petitioner was properly served with the RFO.

On May 24, 2024, Respondent filed a Request to Continue the Hearing, as the moving papers had not yet been filed, and Respondent required additional time to finalize the judgment, as well as the issue of production of documents, without further litigation. On May 28, 2024, the court granted the continuance request and set the matter for a hearing on September 12, 2024.

The court notes, on August 16, 2024, the parties submitted a request to enter Judgment, a declaration for an uncontested dissolution, a stipulation to waive appearances, a stipulation to waive final disclosures, and a Judgment with a Marital Settlement Agreement. The Judgment packet has been returned by the Judgment Clerk for corrections. Despite the parties coming to a resolution of the underlying dissolution, and the court infers the issue of production of documents, Respondent took no steps to request the pending RFO either be continued or dropped from the court's calendar.

The matter is dropped from calendar due to Respondent's failure to properly serve Petitioner.

All prior orders remain in full force and effect.

TENTATIVE RULING #8: THE MATTER IS DROPPED FROM CALENDAR DUE TO RESPONDENT'S FAILURE TO PROPERLY SERVE PETITIONER. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

9. JORDAN LYKINS V. SONJA GILSON

24FL0295

Respondent filed a Request for Order (RFO) on April 8, 2024, seeking custody orders, child support, spousal support, property control and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. There is a Proof of Service by mail and a Proof of Electronic Service indicating that all documents were served on Petitioner, but neither one indicates the date served nor does either indicate service of the referral to Child Custody Recommending Counseling (CCRC).

On April 10th, Respondent filed a Declaration in Support of Family Code § 2030 Attorney's Fees. The declaration was served on April 15th.

The parties were referred to CCRC and given an appointment on May 6, 2024. Neither party appeared at CCRC.

On May 21st, Petitioner filed and served a Declaration of Attorney Re: Notice of Referral to CCRC/CCRC Report of Non-Appearance. Petitioner filed and served his Responsive Declaration to Request for Order on June 13th. Petitioner then filed and served an Updating Declaration on June 17th. On June 21st he filed and served his Income and Expense Declaration.

Respondent brings her RFO requesting sole legal custody and primary physical custody of the parties' minor children. She proposes a visitation schedule for Petitioner of every other weekend from Friday after school, or 3:00 pm if no school, to 5:00 pm on Sunday. She asks that Petitioner be solely responsible for the cost of transporting the children for his visits. Respondent further requests exclusive use and possession of the property located on State Highway 193 in Garden Valley, California. Finally, she is requesting guideline child support, guideline spousal support, and attorney's fees in the amount of \$20,000 pursuant to Family Code § 2030.

Petitioner is requesting joint legal and joint physical custody of the minors, an order precluding the parties from consuming alcohol during their parenting time, a non-disparagement order, a no-contact order between the children and Nicholas Dixon, and extended weekend parenting time and summer and vacation parenting time.

Regarding support, Petitioner is requesting a seek work order and the imputation of income commensurate with Respondent's earning capacity. He asks for an accounting of the community and separate property sold by Respondent and return thereof. Finally, he is asking the court to reserve jurisdiction on support until the 2023 tax return has been finalized.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

Petitioner opposes Respondent's request for exclusive use and possession of the State Highway 193 property as he needs access to the property to continue running the community property business. He asks the court to order Respondent to cease any work on the property without a written agreement between the parties. He also opposes the request for attorney's fees arguing that he does not have the ability to pay.

The matter came before the court for hearing on June 27th at which time the court re-referred the parties to CCRC and continued all issues to the present date. The parties were ordered to file and serve updated Income and Expense Declarations no later than 10 days prior to the hearing date. Jurisdiction on support was reserved back to the date of filing the RFO.

The parties filed a Stipulation and Orders Re Child Custody and Visitation on July 5, 2024. The stipulation was signed by the court the same day.

Only Respondent appeared for the re-set CCRC appointment on July 25th, as such a single parent report was prepared and filed with the court.

Respondent filed her Income and Expense Declaration on August 29th. She served it on the 27th.

Given that the parties have already reached agreements regarding custody and visitation, as stated in their July 5th stipulation, the court finds Respondent's requests for custody and visitation orders to be moot.

Respondent's request for exclusive use and possession of the property located at 8200 State Highway 193, in Garden Valley is denied. Petitioner has indicated that his intermittent use of the property is necessary to continue running his business. There does not appear to be any concerns with regard to domestic violence or any other reason that would justify an order for exclusive use and possession at this time.

Regarding support, according to the stipulation of the parties, Petitioner is to have the children every other weekend from Friday after school, or 3pm if no school, to 5pm on Sunday. This amounts to a 14% timeshare.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$1,286 per month and child support is \$2,467. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$3,753 per month as and for child support and temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. These orders are effective as of April 15, 2024.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

The court finds the above order results in arrears in the amount of \$18,675 through and including August 15, 2024. The court orders Respondent pay Petitioner \$1,037.50 on the 1st of each month commencing on October 1, 2024 and continuing until paid in full (approximately 18 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

Regarding the request for § 2030 attorney's fees, the request is denied at this time. 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). This assures each party has access to legal representation to preserve each party's rights. 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).

Here, while there is a significant disparity in income between the parties, the support orders made herein decrease that disparity significantly, such that Respondent ends up with the higher percentage of net spendable income. With the support orders in place, the court cannot not find that there is a disparity in income nor can the court find that Petitioner has the ability to pay the attorney's fees for both parties. As such, the request for attorney's fees is denied.

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

TENTATIVE RULING #9: RESPONDENT'S REQUESTS FOR CUSTODY AND VISITATION ORDERS ARE MOOT AND THEREFORE THE COURT DECLINES TO RULE ON THEM. THE REQUEST FOR EXCLUSIVE USE AND POSSESSION OF THE PROPERTY LOCATED ON STATE HIGHWAY 193 IN GARDEN VALLEY IS DENIED. THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,286 PER MONTH AND CHILD SUPPORT IS \$2,467. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$3,753 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THESE ORDERS ARE EFFECTIVE AS OF APRIL 15, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$18,675 THROUGH AND INCLUDING AUGUST 15, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$1,037.50 ON THE 1ST OF EACH MONTH COMMENCING ON OCTOBER 1, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 18

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED.

RESPONDENT 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.

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	2	Nets (adjusted)	Guideline		
% time with Second Parent	14%	0%	Father	7,286 Payment (cost)/benefit	(3,753)	3,753
Filing status	MFJ->	<-MFJ	Mother	993 Net spendable income	3,533	4,747
# Federal exemptions	1*	3*	Total	8,279 % combined spendable	42.7%	57.3%
Wages + salary	8,333	1,148	Support (Nondeductible)	Total taxes	1,749	155
401(k) employee contrib	0	0	CS Payor	Father Comb. net spendable	8,279	
Self-employment income	3,327	0	Presumed	2,467 Proposed		
Other taxable income	0	0	Basic CS	2,467 Payment (cost)/benefit	(3,753)	3,753
Short-term cap. gains	0	0	Add-ons	0 Net spendable income	3,533	4,747
Long-term cap. gains	0	0	Presumed Per Kid	NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	944 % combined spendable	42.7%	57.3%
Ordinary dividends	0	0	Child 2	1,524 % of saving over gdl	0%	0%
Tax. interest received	0	0	SS Payor	Father Total taxes	1,749	155
Social Security received	0	0	Alameda	1,286 Comb. net spendable	8,279	
Unemployment compensation	0	0	Total	3,753 Percent change	0.0%	
Operating losses	0	0	Proposed, tactic 9	Default Case Settings		
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,467		
Rental income	0	0	Basic CS	2,467		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	944		
SS paid other marriage	0	0	Child 2	1,524		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,286		
9.3% elective PTE payment	0	0	Total	3,753		
Ptr Support Pd. other P'ships	0	0	Savings	0		
Health insurance	2,625	0	Mother	0		
Qual. Bus. Inc. Ded.	0	0	Father	0		
Itemized deductions	2,513	0	No releases			
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	2,513	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

0

0



LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
September 12, 2024
8:30 a.m./1:30 p.m.

10. NICOLE RILEY V. RANDY LOWELL HOFF

22FL0770

On February 5, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). There is no Proof of Service on file for this OSC.

On February 13, 2024, the parties appeared before the court on, among other things, an OSC filed by Petitioner on June 26, 2023. The OSC was originally set to be heard on July 27 but has since been continued several times. At the February 13, 2024, hearing the court appointed Respondent an alternate Public Defender and once again continued the hearing on the OSC and set it for April 11, 2024.

On March 18, 2024, the parties appeared before the court on a request for Domestic Violence Restraining Order (DVRO) which the court ultimately granted. As the prevailing party on the DVRO, Petitioner requested attorney's fees and costs. The court continued the issue to April 11, 2024, and ordered Respondent to file an Income and Expense Declaration no later than March 29, 2024.

The parties appeared before the court on April 11, 2024. At that time the court found that Mr. Hoff was evading service and therefore the court did not drop the February 5 OSC. The court reiterated the order that Respondent appear in person for the matter in Department 9. All issues were continued to June 27, 2024. Respondent was ordered to file and serve an Income and Expense Declaration no later than 10 days prior to the hearing. He was admonished that failure to do so would result in sanctions.

Due to Respondent's failure to appear on June 27, 2024, a bench warrant was issued and held until the next hearing on September 12, 2024. All issues were continued to September 12, 2024. Respondent was ordered to file and serve an Income and Expense Declaration no later than 10 days prior to the hearing. Once again, Respondent has failed to file an Income and Expense Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

11. SHANNON KAYE HEMANS V. ADAM JOSEPH HEMANS

24FL0170

On March 5, 2024, Petitioner filed a Request for Order (RFO) along with her Income and Expense Declaration and a Declaration of Heather Tattershall in Support of Request for Attorney Fees. All three documents, along with all other required documents, were personally served on March 6th.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration.

Petitioner brings her RFO requesting custody and visitation orders for the parties' two minor children. While she is seeking primary physical custody of the children, she is agreeable to joint legal custody. She also requests guideline child support, guideline spousal support, and exclusive use and possession of the property located at 4304 Brisbane in El Dorado Hills. She has attached a proposed XSpouse report to her RFO utilizing a 10% timeshare and her estimate of Respondent's income. Finally, Petitioner requests attorney's fees in the amount of \$15,000.

The parties attended Child Custody Recommending Counseling (CCRC) on April 3, 2024 and were able to reach agreements on the matters of custody and visitation. A report codifying those agreements was prepared on May 9th and mailed to the parties on May 10th however the copy of the report mailed to Respondent was returned to the court as undeliverable.

On June 5th, the parties filed a Stipulation and Order Re Custody, Visitation, Child Support, Spousal Support, Real Property Control, Vocational Evaluation and Attorney's Fees. The court signed the stipulation and adopted the terms therein on the same day as filing. The stipulation appears to resolve all issues raised in the RFO however, the parties did not agree to vacate the hearing date but instead they agreed to continue it to the present date.

There have been no filings since the stipulation. As such, the court is of the impression that there are no outstanding issues that need to be addressed. All prior orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #11: 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

12. SVETLANA PROTSYUK V. OLEG PROTSYUK

23FL0358

On June 14, 2024, Respondent filed a Request for Order (RFO) requesting modification multiple orders including child custody and parenting time, child and temporary guideline spousal support, property control, to hold gold, silver, coins, and cash in a safety deposit box, and for the proceeds from the inverse condemnation of the property in South Carolina to be placed in trust pending final division of assets. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 24, 2024, and a review hearing on September 12th. Respondent filed an Income and Expense Declaration on June 13, 2024. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO and other necessary documents.

Nevertheless, both parties participated in the July 24th CCRC appointment. The parties were unable to reach any agreements. A report with recommendations was filed with the court on August 29, 2024, and mailed to the parties the same day.

Petitioner filed an Income and Expense Declaration on August 8, 2024. Proof of Service shows Respondent was served on August 8, 2024.

Petitioner filed an objection to Respondent's June 14, 2024 Declaration as it exceeds the 10 page limit imposed by California Rule of Court 5.1111 (a) on August 27, 2024. Respondent was served by mail on August 22, 2024. Petitioner requests the court either not consider the Declaration due to the failure to comply with California Rule of Court 5.1111 (a) or in the alternative, to not consider past page 10. The court grants Petitioner's objection, and has not considered Respondent's June 14, 2024 Declaration past page 10.

Petitioner filed a Responsive Declaration and Declaration on August 27, 2024. There is no Proof of Service for this document. However, Respondent filed a Reply Declaration on August 30, 2024, which addresses the issues raised in Petitioner's Responsive Declaration and acknowledges the Declaration itself. As such the court finds good cause to consider the Responsive Declaration and Declaration of Petitioner. Petitioner objects to the requested orders. Petitioner requests the current support orders remain in full force and effect. Petitioner requests the proceeds from the inverse condemnation be awarded to her, as Respondent has failed to pay support since the support orders were made. Petitioner objects to Respondent's request to not use the Talking Parents co-parenting application. Petitioner has no objection to Respondent using Facetime to speak with the minors. Petitioner requests the ability to sell the remaining gold to allow her to pay community debts for the former family residence.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

As stated above, Respondent filed a Reply Declaration and Income and Expense Declaration on August 30, 2024, seeking trial on the issues raised in his RFO. Proof of Service shows the Reply Declaration and Income and Expense Declaration were mail and electronically served on Petitioner on August 30th.

The court has read and considered the filings as set forth above. As to custody and the parenting plan, the court finds the parties are still pending a trial on Petitioner's request for a permanent Domestic Violence Restraining Order. The court finds the recommendations as set forth in the August 29th CCRC report to be in the best interests of the minors. The court adopts the recommendations as its orders. The court denies Respondent's request to vacate the order regarding the parties' use of a co-parenting application for all communications about the minors. The court is maintaining the order with the following modification. If there is another application that is more conducive to Respondent's communication needs and abilities, the parties are to utilize that application. For example, if Our Family Wizard has features which allow Respondent to communicate more easily, then the parties may switch to that application. However, the court is not removing the requirement for the use of a co-parenting application for communication about the minors.

As to the remaining requests, the court finds it must take testimony on the issues. As such, the parties are ordered to appear to select Mandatory Settlement and Trial dates.

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

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT AND TRIAL DATES ON THE REQUEST TO MODIFY CHILD AND TEMPORARY SPOUSAL SUPPORT, THE REQUEST FOR PROPERTY CONTROL, THE REQUESTS AS TO THE PROCEEDS OF THE SALE OF PROPERTY, AND FOR THE GOLD AND OTHER ITEMS TO BE HELD IN A SAFETY DEPOSIT BOX.

AS TO CUSTODY AND THE PARENTING PLAN, THE COURT FINDS THE PARTIES ARE STILL PENDING A TRIAL ON PETITIONER'S REQUEST FOR A PERMANENT DOMESTIC VIOLENCE RESTRAINING ORDER. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE AUGUST 29TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. THE COURT DENIES RESPONDENT'S REQUEST TO VACATE THE ORDER REGARDING THE PARTIES' USE OF A CO-PARENTING APPLICATION FOR ALL COMMUNICATIONS ABOUT THE MINORS. THE COURT IS MAINTAINING THE ORDER WITH THE FOLLOWING MODIFICATION. IF THERE IS ANOTHER APPLICATION THAT IS MORE CONDUCTIVE TO

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

RESPONDENT'S COMMUNICATION NEEDS AND ABILITIES, THE PARTIES ARE TO UTILIZE THAT APPLICATION. FOR EXAMPLE, IF OUR FAMILY WIZARD HAS FEATURES WHICH ALLOW RESPONDENT TO COMMUNICATE MORE EASILY, THEN THE PARTIES MAY SWITCH TO THAT APPLICATION. HOWEVER, THE COURT IS NOT REMOVING THE REQUIREMENT FOR THE USE OF A CO-PARENTING APPLICATION FOR ALL COMMUNICATION REGARDING THE MINORS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

13. ADAM LAVALLEY vs. RACHEL SCOTT

24FL0611

Petitioner filed a Petition for Custody and Support on June 14, 2024. A summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) seeking child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 22, 2024, and a review hearing on September 12, 2024. Proof of Service shows Respondent was properly served on June 16, 2024.

Respondent filed a Response to the Petition for Custody and Support on June 25, 2024. However, there is no Proof of Service for this document and therefore, the court cannot consider it.

Both parties appeared for the CCRC appointment on July 22nd. They were unable to reach any agreements. A report with recommendations was filed with the court on August 29, 2024, and mailed to the parties on the same day.

Petitioner filed a Declaration on July 12, 2024. There is no Proof of Service for this document and as such, the court cannot consider it.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as set forth above. The court finds the recommendations as set forth in the August 29th CCRC report to be in the best interest of the minor. The court adopts the recommendations as set forth.

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

TENTATIVE RULING #13: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE AUGUST 29TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

14. ASHLEY ST. GEORGE V. JOSHUA ST. GEORGE

22FL0412

Petitioner filed a Request for Order (RFO) on June 18, 2024, requesting the court switch the supervised visitation agency to a local company. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO.

The court drops the matter from calendar due to the lack of proper service.

TENTATIVE RULING #4: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR DUE TO THE LACK OF PROPER SERVICE.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

15. BRENNAN MICHAEL ALBERT vs. MEGAN MCCALL

24FL0603

Petitioner filed a Petition for Custody and Support on June 13, 2024. A summons was issued the same day. Petitioner concurrently filed an ex parte application for emergency orders. On June 14, 2024, the court denied the ex parte request due to the failure to serve Respondent with the Petition and summons, as well as for failing to plead sufficient facts to warrant the granting of ex parte orders. Petitioner filed a Request for Order (RFO) requesting child custody orders on June 14, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 22, 2024, and a review hearing on September 12th.

Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the Petition, Summons, RFO, referral to CCRC and other necessary documents. However, Respondent filed a Response to the Petition and a Responsive Declaration on August 22, 2024. Petitioner was served on August 15th and 22nd. Neither raise an objection to service, therefore, the court deems the issue waived.

Only Petitioner appeared for CCRC on July 22nd. In her Responsive Declaration, Respondent states she was unable to attend due to her work obligations.

The court has read and considered the filings as outlined above. The court finds good cause to rerefer the parties to CCRC with an appointment on 10/03/2024 at 9:00 AM with Norman Labat and continues the review hearing to 11/21/2024 at 1:30 PM in Department 5. Should either party fail to appear for the CCRC appointment, the court may impose sanctions.

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

TENTATIVE RULING #15: THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC WITH AN APPOINTMENT ON 10/03/2024 AT 9:00 AM WITH NORMAN LABAT AND CONTINUES THE REVIEW HEARING TO 11/21/2024 AT 1:30 PM IN DEPARTMENT 5. SHOULD EITHER PARTY FAIL TO APPEAR FOR THE CCRC APPOINTMENT, THE COURT MAY IMPOSE SANCTIONS. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

16. BRITTNEY STUCKEY VS. MICHAEL STUCKEY

23FL0078

Petitioner filed a Request for Order (RFO) on June 10, 2024, requesting modification of the parties' judgment and an order for Respondent to participate in co-parenting classes. There is no Proof of Service for the RFO and other necessary documents. The court notes this is a post-judgment request for modification and as such, service must comply with Family Code section 215.

Respondent filed a Responsive Declaration on August 1, 2024, which was served on Petitioner on July 30th and again on August 7th. The Responsive Declaration does not raise the issue of service; therefore, the court deems it to have been waived.

Respondent objects to the requested modification of the judgment, specifically due to the parties' agreement as set forth in the Marital Settlement Agreement (MSA) divesting the court of jurisdiction to modify the orders as to exclusive use and control of the former family residence for a period of five years. Respondent does not object to participating in a co-parenting class, so long as the court orders Petitioner to participate as well. Respondent objects to the request to reimburse Petitioner for the childcare costs, as he asserts, they were not work related, and as such, outside of the scope of reimbursable childcare costs.

The court has read and considered the filings as outlined above, as well as the parties' Judgment filed on April 16, 2024. The court finds it does not have jurisdiction to modify the current orders as to the exclusive use and control of the former family residence per the parties' MSA, which was adopted as the court's order on April 16, 2024. The MSA specifically divests the court of jurisdiction to modify the orders as to exclusive use and control of the former family home for a period of five years commencing from the adoption of the agreement. As such, the court cannot grant Petitioner's requested relief. The court grants the request for co-parenting classes. Based on Petitioner's Declaration, it appears to the court both parties are struggling with communication and co-parenting. Both parties are to enroll in and provide the court and other party with proof of completion of a co-parenting class by no later than November 12, 2024. As to Respondent's objection to a request for childcare reimbursement, the court finds no such request was made in Petitioner's RFO. As such, the court declines to rule on the matter.

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

TENTATIVE RULING #16: THE COURT FINDS IT DOES NOT HAVE JURISDICTION TO MODIFY THE CURRENT ORDERS AS TO THE EXCLUSIVE USE AND CONTROL OF THE FORMER FAMILY RESIDENCE PER THE PARTIES' MSA, WHICH WAS ADOPTED AS THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

COURT'S ORDER ON APRIL 16, 2024. THE MSA SPECIFICALLY DIVESTS THE COURT OF JURISDICTION TO MODIFY THE ORDERS AS TO EXCLUSIVE USE AND CONTROL OF THE FORMER FAMILY HOME FOR A PERIOD OF FIVE YEARS COMMENCING FROM THE ADOPTION OF THE AGREEMENT. AS SUCH, THE COURT CANNOT GRANT PETITIONER'S REQUESTED RELIEF. THE COURT GRANTS THE REQUEST FOR CO-PARENTING CLASSES. BASED ON PETITIONER'S DECLARATION, IT APPEARS TO THE COURT BOTH PARTIES ARE STRUGGLING WITH COMMUNICATION AND CO-PARENTING. BOTH PARTIES ARE TO ENROLL IN AND PROVIDE THE COURT AND OTHER PARTY WITH PROOF OF COMPLETION OF A CO-PARENTING CLASS BY NO LATER THAN NOVEMBER 12, 2024. AS TO RESPONDENT'S OBJECTION TO A REQUEST FOR CHILDCARE REIMBURSEMENT, THE COURT FINDS NO SUCH REQUEST WAS MADE IN PETITIONER'S RFO. AS SUCH, THE COURT DECLINES TO RULE ON THE MATTER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

17. DANNY SPOHNHOLZ vs. NICOLE SPOHNHOLZ

23FL0233

On June 10, 2024, Petitioner filed a Request for Order (RFO) requesting the court make child custody and parenting plan orders as well as order the sale of the former family residence. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 22, 2024 and a review hearing on September 12th. Proof of service shows Respondent was personally served on June 11th.

Both parties appeared at CCRC and reached a full agreement. Parties prepared a Stipulation and Order, which the court signed and adopted as its order on July 31, 2024. The court finds that the parties' Stipulation and Order has resolved the custody and parenting plan requested orders.

As to the request to sell the former family home, the court notes the parties are currently set for trial on October 2, 2024, including the final division of assets and debts. The issue of the sale of the home is more appropriate to be resolved at the trial. Therefore, the court continues the issue to be joined with the parties' trial on October 2, 2024, at 8:30 in Department 5.

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

TENTATIVE RULING #17: THE CURRENT CUSTODY AND PARENTING PLAN ORDERS AS SET FORTH IN THE JULY 31, 2024 STIPULATION AND ORDER REMAIN IN FULL FORCE AND EFFECT. THE COURT CONTINUES THE REQUEST TO SELL THE FORMER FAMILY RESIDENCE TO THE TRIAL CURRENTLY SET FOR OCTOBER 2, 2024 AT 8:30 IN DEPARTMENT 5. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

18. ELISABETH POWELL vs. NICHOLAS POWELL

23FL0555

On March 7, 2024, the court granted Respondent's request for orders as to child custody and parenting plan. The court ordered Respondent shall have sole legal and physical custody of the minors, with Petitioner to have non-professionally supervised visitation. The court set a review hearing for September 12, 2024. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the hearing. The court advised that failure to file and serve a Supplemental Declaration could result in the matter being dropped from calendar.

Neither party has filed a Supplemental Declaration. As such, the court finds the current orders remain in the minors' best interests and drops the matter from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #18: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE MATTER IS DROPPED FROM CALENDAR.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

19. GABRIEL HALL vs. LINDSEY LEE HALL

22FL1173

Respondent filed a Request for Order (RFO) on April 12, 2024, requesting the court make child custody and parenting plan orders, as well as child support and property control orders. Respondent did not file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 10, 2024, and a review hearing on June 27th. Proof of Service shows Petitioner was served with a variety of documents, however, the RFO and referral to CCRC, notice of tentative ruling, and blank Responsive Declaration are not among them.

Only Respondent appeared for the May 10th CCRC appointment. As such a single parent report was filed with the court on May 10th and mailed to the parties the same day.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on June 5, 2024. Respondent was served on June 5th.

On June 27th the court adopted its tentative ruling, referring the parties to CCRC and setting a further review hearing. The court also continued Respondent's other requests to the September 12, 2024, review hearing and reserved jurisdiction to retroactively modify support to the date of the RFO.

Both parties appeared for the CCRC appointment on July 26, 2024. They were able to reach some agreements. A report with the parties' agreements and further recommendations as filed with the court and mailed to the parties on August 1st.

Respondent filed a Declaration on July 26th. Respondent filed a Responsive Declaration to her own motion, objecting to the requested orders on July 29, 2024. Additionally, Respondent filed an updated Income and Expense Declaration on July 29th. All documents were mail served on Petitioner on July 26, 2024.

The court has read and considered the CCRC report filed August 1, 2024. The court finds the agreements and recommendations to be in the minor's best interest. The court adopts the agreements and recommendations as set forth, with the following addition. Petitioner shall be responsible for the costs of transportation for the minor's travel to and from New York. Any cost for Respondent to travel to accompany the minor to New York shall be split between the parties equally. Should Petitioner choose to travel to escort the minor to and from New York, those costs are to be Petitioner's sole responsibility.

Regarding Respondent's requests for guideline child support. The court notes Petitioner last filed an Income and Expense Declaration on June 5, 2024. It is no longer current. Additionally, Petitioner noted that he was relocating out of state and would be seeking unemployment or new employment. The court orders parties to appear on the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

child and temporary guideline spousal support requests. Petitioner is ordered to provide the court and Respondent and updated Income and Expense Declaration.

The court grants Respondent's request for property control of the 2021 Toyota Corolla. Petitioner shall return the vehicle to Respondent or in the alternative, refinance the vehicle and remove Respondent's name from the loan. If Petitioner chooses to refinance the vehicle, the refinance and removal of Respondent's name shall be completed no later than November 12, 2024.

Parties are ordered to appear on Respondent's request for property control of the Discover credit card.

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

TENTATIVE RULING #19: THE COURT ORDERS PARTIES TO APPEAR ON THE CHILD AND TEMPORARY GUIDELINE SPOUSAL SUPPORT REQUESTS. PETITIONER IS ORDERED TO PROVIDE THE COURT AND RESPONDENT AND UPDATED INCOME AND EXPENSE DECLARATION.

PARTIES ARE ORDERED TO APPEAR ON RESPONDENT'S REQUEST FOR PROPERTY CONTROL OF THE DISCOVER CREDIT CARD.

THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS TO THE IN THE MINOR'S BEST INTEREST. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH, WITH THE FOLLOWING ADDITION. PETITIONER SHALL BE RESPONSIBLE FOR THE COSTS OF TRANSPORTATION FOR THE MINOR'S TRAVEL TO AND FROM NEW YORK. ANY COST FOR RESPONDENT TO TRAVEL TO ACCOMPANY THE MINOR TO NEW YORK SHALL BE SPLIT BETWEEN THE PARTIES EQUALLY. SHOULD PETITIONER CHOOSE TO TRAVEL TO ESCORT THE MINOR TO AND FROM NEW YORK, THOSE COSTS ARE TO BE PETITIONER'S SOLE RESPONSIBILITY. RESPONDENT 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

20. HAYLEY SCHULZ vs. TREVOR HARDING

23FL0002

Petitioner filed an ex parte application for emergency orders on August 6, 2024, requesting sole legal and physical custody of the minors. Respondent filed a Responsive Declaration on August 9, 2024. On August 12, 2024, the court denied the ex parte request, due to a failure to properly serve Respondent. The court found good cause to grant an order shortening time and refer the parties to an emergency set Child Custody Recommending Counseling appointment on August 20th and a review hearing on September 12, 2024. Petitioner filed a Request for Order (RFO) on August 12, 2024, making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was personally served on August 14, 2024, with “mediation paperwork”. It does not appear to the court that Respondent was appropriately served with any of the necessary paperwork, other than the referral to CCRC.

Respondent filed a Declaration on August 15, 2024. Proof of Service shows Petitioner was served on the same day.

Respondent filed an additional Declaration on August 20, 2024. It was served on Petitioner the same day.

Both parties appeared for CCRC and were unable to reach any agreement. A report with recommendations was filed with the court on September 4, 2024, and mailed to the parties the same day.

The court finds good cause to proceed with Petitioner’s RFO, despite the lack of proper service, as Respondent appeared at the CCRC appointment, and has filed at least three Declarations which address the issues raised in the RFO.

The court finds the recommendations as set forth in the September 4th CCRC report to be in the best interests of the minors. The court adopts the recommendations as its orders with the following addition. The parties are to refrain from personally serving the other at any child custody exchanges. Further, the parties are to utilize mail service unless personal service is required by law. The court modifies the DV-140 that is a part of the February 3, 2023 Domestic Violence Restraining Order (DV-130) to reflect the current custody and parenting plan orders.

All prior orders not in conflict with this order remain in full force and effect. All future requests for modification of custody and parenting plan orders are to be filed in case 22FL1210, the parentage case, unless the request is to modify the permanent restraining orders. Petitioner shall prepare and file the Findings and Orders After Hearing as well as the amended DV-140.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

TENTATIVE RULING #20: THE COURT FINDS GOOD CAUSE TO PROCEED WITH PETITIONER'S RFO, DESPITE THE LACK OF PROPER SERVICE, AS RESPONDENT APPEARED AT THE CCRC APPOINTMENT, AND HAS FILED AT LEAST THREE DECLARATIONS WHICH ADDRESS THE ISSUES RAISED IN THE RFO. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE SEPTEMBER 4TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS WITH THE FOLLOWING ADDITION. THE PARTIES ARE TO REFRAIN FROM PERSONALLY SERVING THE OTHER AT ANY CHILD CUSTODY EXCHANGES. FURTHER, THE PARTIES ARE TO UTILIZE MAIL SERVICE UNLESS PERSONAL SERVICE IS REQUIRED BY LAW. THE COURT MODIFIES THE DV-140 THAT IS A PART OF THE FEBRUARY 3, 2023 DOMESTIC VIOLENCE RESTRAINING ORDER (DV-130) TO REFLECT THE CURRENT CUSTODY AND PARENTING PLAN ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. ALL FUTURE REQUESTS FOR MODIFICATION OF CUSTODY AND PARENTING PLAN ORDERS ARE TO BE FILED IN CASE 22FL1210, THE PARENTAGE CASE, UNLESS THE REQUEST IS TO MODIFY THE PERMANENT RESTRAINING ORDERS. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING AS WELL AS THE AMENDED DV-140.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

21. JASON HARDOUIN v. JENAE NORELL

22FL0118

On December 20, 2023, the court sentenced Respondent for five counts of contempt. Respondent was ordered to complete 120 hours of community service in person with a non-profit or government agency for the first count of contempt. The court granted a term of probation and stayed sentencing on the remaining counts. The court set a compliance date of November 21, 2024. This review hearing was set to ensure Respondent's timely participation in the court ordered community service as well as compliance with all other court orders.

Petitioner filed a Declaration on September 5, 2024. Proof of Service shows Respondent was served on September 5, 2024. There is no Proof of Service showing Minor's Counsel was served. The court finds this document to be late filed and will not consider it.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

22. LANA DOUGHERTY V. KENT DOUGHERTY

PFL20180371

Petitioner filed an Order to Show Cause and Affidavit for Contempt on June 14, 2024, alleging 36 counts of contempt for failure to pay support. Proof of Service shows Respondent was personally served on July 23, 2024.

The court initially struck counts one through 13, due to the statute of limitations. However, only count one should have been stricken. Therefore, the court reinstates counts two-36, and will arraign Respondent on counts two-36.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #22: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

23. MICHELLE PETERS V. JOSPEH PETERS

24FL0418

Petitioner filed a Request for Order (RFO) on June 13, 2024, requesting the court make child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 26, 2024 and a review hearing on September 12th. Respondent was personally served with the RFO, Notice of Tentative Ruling, the CCRC referral, and CCRC questionnaire on June 16, 2024. It does not appear Respondent was served with a blank FL-320 as required.

Only Petitioner appeared for the CCRC appointment on July 26th. As such, a single parent report with no recommendations or agreements was filed with the court. Copies were mailed to the parties on July 26, 2024.

Respondent has not filed a Responsive Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

24. RICKI COATE V. DAVID HUSBY-SMITH

PFL20160732

Petitioner filed a Request for Order (RFO) on April 2, 2024, requesting the court modify the child custody orders. The parties were referred to Child Custody Recommending Counseling with an appointment on May 1, 2024, and a review hearing on June 20, 2024.

Petitioner filed a Proof of Service on May 2, 2024, stating Respondent was personally served with the RFO and referral to CCRC. The Proof of Service does not state Respondent was served with the other necessary documents, including the Notice of Tentative Ruling.

Only Petitioner appeared at CCRC on May 2, 2024. As such, a single parent report was issued. Copies were mailed to the parties the same day.

Respondent filed a Responsive Declaration on May 7, 2024. Proof of Service shows this document, as well as an FL-300, FL-311, and FL-341(D) and (E) were served by mail on Petitioner on May 29, 2024.

On June 4, 2024, Respondent filed a Declaration regarding the service by Petitioner. There is no Proof of Service for this document, and however, the court finds good cause to consider it, given the concerns raised by Respondent about the lack of proper service of the RFO and referral to CCRC.

Petitioner filed a Declaration on June 13, 2024. There is no Proof of Service showing Respondent was served with this document. Therefore, the court cannot consider it. Additionally, the document was filed less than 10 days prior to the hearing and the court will not consider it on those grounds as well.

Parties appeared on June 20, 2024, for the hearing. Parties reached agreements for Petitioner to participate with the minor in reunification counseling. Parties agreed to meet and confer each Sunday to determine parenting time for the following week. The parties' intention was for the minor to spend two or three overnights per week with Petitioner. Additionally, the court rereferred the parties to CCRC for an appointment on July 22, 2024, and a further review hearing on September 12th. The court directed that any Supplemental Declarations were to be filed and served at least 10 days prior to the review hearing.

Petitioner failed to appear for the July 22nd CCRC appointment. As such, a single parent report was filed with the court on August 27, 2024. Copies were mailed to the parties the same day.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 12, 2024

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

Respondent filed a Declaration on August 29, 2024. Proof of Service shows Petitioner was served by mail on August 29, 2024. Respondent requests the court order continued joint legal custody. Respondent requests the court order Respondent to have primary physical custody with Petitioner to have parenting time the 1st, 2nd, 4th, and 5th weekends of each month from Friday at 2:40 PM to Sunday at 6:00 PM. On the 3rd weekend of the month, Respondent proposes Petitioner have parenting time from Thursday after school or 2:40 PM until Friday after school or 2:40 PM. Respondent proposes transportation be provided for the parent with custody to the parent receiving custody. Respondent requests the party with more than 50% custody be able to claim the minor for tax purposes. Respondent also proposes the parties alternate holidays with Respondent to have all even year holidays and Petitioner to have all odd year holidays.

Petitioner has not filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court finds Respondent's proposed orders to be in the best interest of the minor. The court makes the following orders.

The parties shall maintain joint legal custody. Respondent shall have primary physical custody. Petitioner shall have parenting time 1st, 2nd, 4th, and 5th weekends of each month from Friday at 2:40 PM to Sunday at 6:00 PM. On the 3rd weekend of the month, Respondent proposes Petitioner have parenting time from Thursday after school or 2:40 PM until Friday after school or 2:40 PM. The party with custody shall provide transportation to the receiving party.

The court is not adopting the proposed order as to claiming the minor for tax purposes, as the court finds it exceeds the scope of the original RFO. Likewise, the court is not adopting the holiday order. The court finds the proposed order to be overbroad and vague. The court directs the parties to meet and confer on a holiday schedule. If the parties are unable to reach an agreement, a further RFO may be filed.

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

TENTATIVE RULING #24: THE COURT FINDS RESPONDENT'S PROPOSED ORDERS TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT MAKES THE FOLLOWING ORDERS. THE PARTIES SHALL MAINTAIN JOINT LEGAL CUSTODY. RESPONDENT SHALL HAVE PRIMARY PHYSICAL CUSTODY. PETITIONER SHALL HAVE PARENTING TIME 1ST, 2ND, 4TH, AND 5TH WEEKENDS OF EACH MONTH FROM FRIDAY AT 2:40 PM TO SUNDAY AT 6:00 PM. ON THE 3RD WEEKEND OF THE MONTH, RESPONDENT PROPOSES PETITIONER HAVE PARENTING TIME FROM THURSDAY AFTER SCHOOL OR 2:40 PM UNTIL FRIDAY

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AFTER SCHOOL OR 2:40 PM. THE PARTY WITH CUSTODY SHALL PROVIDE TRANSPORTATION TO THE RECEIVING PARTY. THE COURT IS NOT ADOPTING THE PROPOSED ORDER AS TO CLAIMING THE MINOR FOR TAX PURPOSES, AS THE COURT FINDS IT EXCEEDS THE SCOPE OF THE ORIGINAL RFO. LIKEWISE, THE COURT IS NOT ADOPTING THE HOLIDAY ORDER. THE COURT FINDS THE PROPOSED ORDER TO BE OVERBROAD AND VAGUE. THE COURT DIRECTS THE PARTIES TO MEET AND CONFER ON A HOLIDAY SCHEDULE. IF THE PARTIES ARE UNABLE TO REACH AN AGREEMENT, A FURTHER RFO MAY BE FILED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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.

25. ROSA RODRIGUEZ V. ADOLFO RODRIGUEZ

23FL0271

Petitioner filed a Request for Order (RFO) on June 28, 2024, requesting the court make child custody and parenting plan orders, as well as child and temporary guideline spousal support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 26, 2024, and a review hearing on September 12th. Petitioner did not concurrently file an Income and Expense Declaration.

Proof of Service shows Respondent was served with the RFO, an Income and Expense Declaration, paystubs and W-2 forms, as well as FL-140; FL-141; FL-142. However, there is no Proof of Service showing Respondent was served with the referral to CCRC, Notice of Tentative Ruling, or a blank FL-320.

Only Petitioner appeared for the CCRC appointment on July 26th. As such, a single parent report was filed with the court on July 29th and mailed to the parties the same day.

Petitioner filed an Income and Expense Declaration on August 9, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration.

The court finds Respondent was not properly served. Further, Petitioner failed to concurrently file an Income and Expense Declaration at the time of the filing of the RFO, as such the court finds Petitioner has failed to comply with the California Rules of Court as well as the El Dorado County Local Rules. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); See also Cal. Fam. Code § 2100. The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers. El Dorado Sup. Ct. Rule 8.03.01.

The court drops the matter from calendar due to the lack of proper service.

TENTATIVE RULING #25: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE ON RESPONDENT.

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

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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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26. TROY R. MULERT V. ELLEN R. MULERT

22FL0425

Petitioner filed a Request for Order (RFO) on June 10, 2024, requesting the court modify the current child support order. Petitioner concurrently filed an Income and Expense Declaration. This is a post-judgment request for modification, and as such service must comply with Family Code section 215. There is no Proof of Service showing Respondent was properly served with the RFO.

However, despite the defect in service, Respondent filed a Responsive Declaration on September 3, 2024, which was served on Petitioner by mail the same day. Respondent filed an Income and Expense Declaration concurrently with the Responsive Declaration which was served on Petitioner concurrently as well. While Respondent raises the issue of not being served properly with the RFO and other necessary paperwork, Respondent does not request the court not hear the matter. Given that Respondent filed a substantive response to the RFO, the court finds that any defect in service has been waived.

Subject to certain exceptions, child support orders are modifiable “at any time as the court determines to be necessary.” (Fam. Code, § 3651, subs. (a), (e); *Marriage of Bodo* (2011) 198 Cal.App.4th 373, 386.) The party seeking to modify a child support order must show there has been a material change in circumstances since entry of the last support order. (*In re Marriage of Hein* (2020) 52 Cal.App.5th 519, 528.) A trial court’s determination to grant or deny a request for modification of a child support order is reviewed for abuse of discretion. (*In re Marriage of Macilwaine* (2018) 26 Cal.App.5th 514, 527.)

Pursuant to the parties’ Marital Settlement Agreement (MSA) executed on August 1, 2022, Petitioner is required to pay Respondent child support in the amount of \$430 for the parties’ son and \$790 for the parties’ daughter, for a total amount of \$1,220 per month.

The parties’ son has reached the age of 18. There is no indication that he is a full-time high school student. Therefore, child support for the son has terminated.

Petitioner is requesting updated guideline child support for the parties’ daughter. Specifically, Petitioner seeks to reduce his support obligation from \$790 to \$0 per month pursuant to the guideline formula on the grounds that, as of April 2024, minor is no longer residing with Respondent. Respondent does not dispute that, upon mutual agreement of the parties, the minor has been living primarily with Petitioner as of April 2024. In Respondent’s Income and Expense Declaration, Respondent affirms the minor is residing with Petitioner 100% of the time as of April 2024. The court notes Respondent’s objections

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to a modification of child support are premised on Petitioner's failure to comply with the current orders for support.

The court finds good cause to modify the child support orders. The court finds based on the parties' statements, the minor is residing with Petitioner full time, and has been doing so since April 2024. The court must make a support determination based on the timeshare that is being practiced. As such, the court reduces Petitioner's child support obligation from \$790 per month to zero effective July 1, 2024.

The court notes, this does not alleviate Petitioner's obligation for support prior to July 1, 2024. However, any request for enforcement of prior orders is not currently before the court.

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

TENTATIVE RULING #26: THE COURT FINDS GOOD CAUSE TO PROCEED WITH PETITIONER'S RFO DESPITE THE FAILURE TO COMPLY WITH THE SERVICE REQUIREMENTS OF FAMILY CODE SECTION 215. RESPONDENT HAS FILED A RESPONSIVE DECLARATION AND INCOME AND EXPENSE DECLARATION WHICH ADDRESS THE MERITS OF THE RFO. THE COURT FINDS GOOD CAUSE TO MODIFY THE CHILD SUPPORT ORDERS. THE COURT FINDS BASED ON THE PARTIES' STATEMENTS, THE MINOR IS RESIDING WITH PETITIONER FULL TIME, AND HAS BEEN DOING SO SINCE APRIL 2024. THE COURT MUST MAKE A SUPPORT DETERMINATION BASED ON THE TIMESHARE THAT IS BEING PRACTICED. AS SUCH, THE COURT REDUCES PETITIONER'S CHILD SUPPORT OBLIGATION FROM \$790 PER MONTH TO ZERO EFFECTIVE JULY 1, 2024. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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 TELEPHONE 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 TELEPHONE 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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27. CIDNEY CUNNINGHAM V. ROBERT HOVLAND

PFL20160019

On March 14, 2024, Respondent filed and served a Request for Order (RFO) seeking custody and visitation orders. On March 15th, Petitioner also filed an RFO seeking custody and visitation orders. Respondent filed and served his responsive declaration to Petitioner's RFO on March 14th. Petitioner's Reply Declaration was filed and served on March 15th.

Petitioner filed her responsive declaration to Respondent's RFO on March 29th. It was served on March 27th.

The parties attended Child Custody Recommending Counseling (CCRC) on March 19th but were unable to reach any agreements. A report with recommendations was prepared and sent to the parties on April 2, 2024.

Respondent brings his RFO requesting sole legal and sole physical custody of the minor child with professionally supervised visits to Petitioner. He also asks that Petitioner be ordered to undergo a psychiatric evaluation and the minor be put into therapy immediately.

Petitioner is also asking for temporary sole legal and sole physical custody, though at other points in her RFO she requests joint legal custody with final decision-making authority and sole physical custody. She proposes professionally supervised visits to Respondent, at Respondent's expense. She further asks for a custody evaluation pursuant to Evidence Code § 730 with both parties to share in the cost equally. Finally, she asks that the minor continue in therapy with his current therapist, and neither parent be allowed to participate in the minor's counseling unless the therapist deems it necessary, appropriate, and safe.

This matter was originally set to be heard on April 11, 2024. The parties appeared on April 11, 2024, and continued the matter to April 18th. It was then again continued to June 20th. Parties subsequently stipulated to continue the matter to September 12th.

Petitioner filed a Declaration on August 29, 2024. Respondent was served on August 29, 2024. Petitioner sets forth what she believes to be errors and omissions from the CCRC report as well as additional requests. Petitioner requests the court maintain the current order that she has the tie breaking authority over medical decisions. Petitioner also requests Respondent have supervised parenting time with a goal of alternating weekends. Petitioner requests vacation plans require 45 days advance notice, and the other parent must respond within 10 days. As Petitioner requests the holiday schedule be amended to reflect Petitioner having spring break in odd years.

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After reviewing the filings of the parties and the CCRC report the court finds the recommendations contained in the CCRC report to be in the best interests of the minor and therefore adopts them as its orders, with the following modification: Petitioner shall continue to have tie-breaking authority for medical decisions. Each party must provide the other notice of all non-emergency medical appointments at the time the appointment is scheduled. Respondent shall reply to any medical decision inquiry a minimum of 48 hours prior to the appointment if Respondent chooses not to attend the appointment. For non-emergency medical decisions, Petitioner shall have tie-breaking authority only after a good faith discussion, using talking parents or similar co-parenting application, has occurred. Additionally, the minor is to continue individual therapy with his current therapist with both parties to equally split any costs not covered by insurance. Neither party shall participate in, or sit-in on, the minor's counseling unless the therapist recommends it. The minor's phone calls with the non-custodial parent are to be free from all supervision by the custodial parent or any third parties.

The court denies Petitioner's request to modify the vacation orders and the spring break order. Additionally, the court denies Petitioner's request for Respondent's parenting time to be supervised with a goal of alternating weekends. Petitioner has failed to set forth sufficient grounds to modify the current parenting plan.

Both requests for a psychological/§ 730 evaluation are denied as there has not been a sufficient showing of necessity to justify doing so at this time.

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

TENTATIVE RULING #27: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND THEREFORE ADOPTS THEM AS ITS ORDERS, WITH THE FOLLOWING MODIFICATION: PETITIONER SHALL CONTINUE TO HAVE TIE-BREAKING AUTHORITY FOR MEDICAL DECISIONS. EACH PARTY MUST PROVIDE THE OTHER NOTICE OF ALL NON-EMERGENCY MEDICAL APPOINTMENTS AT THE TIME THE APPOINTMENT IS SCHEDULED. RESPONDENT SHALL REPLY TO ANY MEDICAL DECISION INQUIRY A MINIMUM OF 48 HOURS PRIOR TO THE APPOINTMENT IF RESPONDENT CHOOSES NOT TO ATTEND THE APPOINTMENT. FOR NON-EMERGENCY MEDICAL DECISIONS, PETITIONER SHALL HAVE TIE-BREAKING AUTHORITY ONLY AFTER A GOOD FAITH DISCUSSION, USING TALKING PARENTS OR SIMILAR CO-PARENTING APPLICATION, HAS OCCURRED. ADDITIONALLY, THE MINOR IS TO CONTINUE INDIVIDUAL THERAPY WITH HIS CURRENT THERAPIST WITH BOTH PARTIES TO EQUALLY SPLIT ANY COSTS NOT COVERED BY INSURANCE. NEITHER PARTY SHALL PARTICIPATE IN, OR SIT-IN ON, THE

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MINOR'S COUNSELING UNLESS THE THERAPIST RECOMMENDS IT. THE MINOR'S PHONE CALLS WITH THE NON-CUSTODIAL PARENT ARE TO BE FREE FROM ALL SUPERVISION BY THE CUSTODIAL PARENT OR ANY THIRD PARTIES. THE COURT DENIES PETITIONER'S REQUEST TO MODIFY THE VACATION ORDERS AND THE SPRING BREAK ORDER. ADDITIONALLY, THE COURT DENIES PETITIONER'S REQUEST FOR RESPONDENT'S PARENTING TIME TO BE SUPERVISED WITH A GOAL OF ALTERNATING WEEKENDS. PETITIONER HAS FAILED TO SET FORTH SUFFICIENT GROUNDS TO MODIFY THE CURRENT PARENTING PLAN. BOTH REQUESTS FOR A PSYCHOLOGICAL/S 730 EVALUATION ARE DENIED AS THERE HAS NOT BEEN A SUFFICIENT SHOWING OF NECESSITY TO JUSTIFY DOING SO AT THIS TIME. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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 TELEPHONE 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 TELEPHONE 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.