

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

1. ALYSSA HAAG V. NICK HAAG

PFL20200373

On June 13, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). There is no Proof of Service on file for this document therefore the matter is dropped from calendar.

TENTATIVE RULING #1: THE MATTER IS DROPPED FROM CALENDAR.

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2. ANNE MCNELIS V. FERRIS NUESMEYER

PFL20160411

On March 21, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). The OSC was personally served on March 29th.

On April 17th the parties filed a stipulation that included a conditional settlement of the OSC. Should Respondent comply with the terms of the stipulation, Petitioner agreed to dismiss the OSC. Respondent failed to comply and therefore the parties were ordered to appear for arraignment on June 13, 2024. Respondent did not appear, and the court issued a bench warrant and continued the arraignment to the present date. The bench warrant was stayed pending the continued arraignment.

The parties appeared before the court on September 5th, at which time the court appointed a Public Defender and continued the matter to the present date.

The parties are ordered to appear for the arraignment.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT.

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3. CANDICE CHURCHILL V. JON CHURCHILL

24FL0358

On July 1, 2024, Respondent filed and served a Request for Order (RFO) making various custody and property controls requests.

The parties attended Child Custody Recommending Counseling (CCRC) on July 26th and were able to reach agreements on all custody issues. A report with the agreements was prepared and mailed to the parties on July 26th.

Petitioner filed and served her Responsive Declaration to Request for Order on September 4th.

Respondent is requesting joint legal and joint physical custody of the parties' three children. Specifically, he asks for an order precluding Petitioner from moving the children to Roseville. He asks that the children remain in their current school district, and he is seeking exclusive use and possession of the marital residence in Cameron Park.

The parties attended CCRC and reached agreements on all issues. According to Petitioner, the parties agreed that Petitioner and the children would return to the marital residence during the school year and abide by the terms agreed upon in CCRC. Petitioner does intend to move to Folsom in the future. When she does, she would like the children to move with her and to change schools to the Folsom school district. She asks that Respondent have parenting time every weekend or every other weekend from Friday evening to Sunday evening.

The court has reviewed the filings of the parties as outlined above and does find the agreements reached in CCRC to be in the best interests of the children they are therefore adopted as the orders of the court. Respondent's request for exclusive use and possession of the marital residence is denied given that the parties agreed Petitioner would move back into the home with the children. When/if Petitioner moves to Folsom the children shall remain in their current school district. The court is not inclined to approve changing the school of the children when they are at ages where they have already established relationships with their friends and teachers. Additionally, the children will be going through a lot of change with Petitioner moving out of the home, therefore, the court cannot find that uprooting them from their friends and school would be in their best interests at this time. Folsom is relatively close to Cameron Park and the court sees no reason that Petitioner could not drive the children to school on her parenting days.

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

TENTATIVE RULING #3: THE AGREEMENTS AS STATED IN THE JULY 26, 2024 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT'S REQUEST

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FOR EXCLUSIVE USE AND POSSESSION OF THE MARITAL RESIDENCE IS DENIED. IF PETITIONER MOVES TO FOLSOM, THE CHILDREN ARE TO REMAIN ENROLLED IN THEIR CURRENT SCHOOL DISTRICT. 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.

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4. DAVID STEVEN MERCADO V. APRIL LOCKHART

PFL20180104

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 25, 2023. After several continuances, Respondent was found guilty of 4 counts of contempt on July 23, 2024. Concurrently with his request for an OSC, Petitioner also requested attorney's fees. The court continued the issue of attorney's fees to the present date. Respondent was ordered to file a complete Income and Expense Declaration. Respondent has not complied with the court's order.

Petitioner filed another OSC on July 5, 2024. It was personally served on August 26th.

TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AND FOR ARRAIGNMENT ON PETITIONER'S JULY 5TH OSC.

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

5. HILLERI TALAUGON V. GARY TALAUGON

23FL0825

This matter is before the court on Petitioner's request for bifurcation. Petitioner filed her Request for Order (RFO) on June 14, 2024. It was personally served on June 28th.

Respondent filed his Responsive Declaration to Request for Order on August 6th. It was mail served on August 8th. Petitioner filed a Reply Declaration on September 9th. Petitioner filed a Proof of Service on September 17th; however, this is late filed and therefore, the court cannot consider the Reply Declaration.

Petitioner filed a Declaration on September 16th. In addition to this document being late filed, there is no Proof of Service for the Declaration, and therefore, the court cannot consider it.

Petitioner requests the court bifurcate and terminate marital status at a hearing to be held at the time of hearing on the RFO. According to Petitioner, neither party has a pension or retirement plan in which the community has an interest. She has provided a Proof of Service of a Summons for Joinder of Employee Benefit Plan.

Respondent opposes the request as Carpenter's Pension Trust Fund for Northern California has not actually joined the case. The summons that was filed was issued to Pension Plan for the Carpenters Pension Trust Fund for Northern California, which is the incorrect claimant. He also states that Petitioner has destroyed much of the community property and his personal property, so he is concerned that bifurcation will bolster her continuing to do so.

"The court may separately try one or more issues before the trial of the other issues if resolution of the bifurcated issue is likely to simplify the determination of the other issues." Cal. Rules of Ct. Rule 5.390(c). In dissolution proceedings, the court may bifurcate the issue of the dissolution of the marriage and enter a status only judgment. *Id.* at (c)(7); Fam. Code § 2337. However, prior to doing so, the moving party must ensure that "[a]ll pension plans that have not been divided by court order that require joinder ..." have been joined. Cal. Rule Ct. 5.390(d)(1).

The RFO is denied as the proper pension plan has not been joined to the action. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #5: THE RFO IS DENIED AS THE PROPER PENSION PLAN HAS NOT BEEN JOINED TO THE ACTION. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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6. JESSE BURT V. ALEXANDRA OTHOLT

23FL1061

On August 20, 2024, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. Petitioner filed a Responsive Declaration to Request for Order on the same day. The court denied the requests on an ex parte basis but granted an order shortening time. Respondent then filed her Request for Order (RFO) on August 21st reiterating her ex parte requests. All required documents were mail served on August 23rd.

Respondent filed and served her Income and Expense Declaration on August 29th. Petitioner also filed an Income and Expense Declaration on August 30th.

Petitioner filed and served a Responsive Declaration to Request for Order on September 6th.

Respondent brings her RFO seeking sole physical custody of the minor. Her reason for making this request is the Petitioner has not complied with the court's August 1st order to ensure there is a self-latching fence around the pool on his property. She asks that Petitioner have supervised visits until he shows compliance with the court's order or, alternatively, she asks that Petitioner have no overnight visits and that no visits to occur at 5157 Ski Run in Pollock Pines. She requests \$3,000 as and for sanctions pursuant to Family Code § 271 and Civil Procedure §§ 177.5 and 128.5.

Petitioner opposes the request for attorney's fees pursuant to Family Code § 3121 on the basis that he does not have the ability to pay. He further argues that he has not engaged in any sanctionable conduct and the pool does have a latching gate around it.

The court has reviewed the filings of the parties and it does appear that Petitioner is in compliance with the court's order regarding the fence around the pool. Respondent's RFO is denied in full.

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

TENTATIVE RULING #6: RESPONDENT'S RFO IS DENIED IN FULL. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. JOHN ABATE V. AMANDA CARROLL

PFL20180902

On June 26, 2024, Respondent filed a Request for Order (RFO) and an Application for an Order Shortening Time (OST). Petitioner filed a Responsive Declaration to Request for Order on June 25th. The OST was denied, the parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was set for hearing on the present date. The CCRC referral and the RFO were mail served on July 11th.

Only Respondent and the minor appeared at the CCRC appointment on July 25th, therefore CCRC was unable to make any recommendations, and a single parent report was filed with the court on July 30th.

Respondent filed and served his Responsive Declaration to Request for Order on August 28th. Petitioner filed and served a Declaration on September 9th.

Petitioner brings her RFO seeking to change the minor's school to Schnell School in Placerville or, in the alternative, Sierra Elementary School in Placerville. She asks that the parties come to an agreement regarding transportation for school.

Respondent opposes the request and asks that the child remain in his current school. According to Respondent, his failure to appear at CCRC was because he did not receive the paperwork prior to the appointment. He is requesting a re-referral to CCRC.

The parties are re-referred to CCRC with an appointment on 10/16/2024 at 9:00 AM with Rebecca Nelson). A review hearing is scheduled for 12/5/2024 at 1:30pm in Department 5. The parties are to submit Supplemental Declarations no later than 10 days prior to the hearing date. Pending the next hearing, the minor is to remain enrolled at his current school.

TENTATIVE RULING #7: THE PARTIES ARE RE-REFERRED TO CCRC WITH AN APPOINTMENT ON 10/16/2024 AT 9:00 AM WITH REBECCA NELSON. A REVIEW HEARING IS SCHEDULED FOR 12/5/2024 AT 1:30PM IN DEPARTMENT 5. THE PARTIES ARE TO SUBMIT SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. PENDING THE NEXT HEARING, THE MINOR IS TO REMAIN ENROLLED AT HIS CURRENT SCHOOL.

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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8. JUSTIN REEDY V. KAYLA MCKINNEY

PFL20180289

On May 31, 2024, Petitioner filed a Request for Order (RFO) seeking a change of venue to Placer County. Pending the transfer, he asks that all orders modifying custody be stayed or, alternatively, he asks the court to vacate its prior orders regarding the first weekend of each month and make no change to the 4-3-3-4 schedule. He requests attorney's fees in the amount of \$2,000 for Respondent's failure to stipulate. All required documents were electronically served on June 17th.

On July 8, 2024, Petitioner filed an RFO seeking to disqualify the presiding bench officer. Petitioner has not filed a Responsive Declaration to Request for Order in response to either of the pending RFOs.

The court notes, there is a continuing trial on the issue of the parenting plan scheduled to resume on October 30th. The court will not grant a change of venue while there are pending hearing and trial dates on calendar. For that reason, the motion for a change of venue is continued join with the October 30th trial date. The motion will be ruled on at the conclusion of the trial.

Regarding the RFO to disqualify Judge Bowers, the rules governing disqualification of a judge appear in Civil Procedure sections 170.1 et. seq. An RFO is not the proper vehicle to bring a request for disqualification and the RFO does not comply with the procedural requirements per code. Accordingly, the RFO to disqualify is denied.

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

TENTATIVE RULING #8: THE COURT WILL NOT GRANT A CHANGE OF VENUE WHILE THERE ARE PENDING HEARING AND TRIAL DATES ON CALENDAR. FOR THAT REASON, THE MOTION FOR A CHANGE OF VENUE IS CONTINUED JOIN WITH THE OCTOBER 30TH TRIAL DATE. THE MOTION WILL BE RULED ON AT THE CONCLUSION OF THE TRIAL. PETITIONER'S REQUEST TO DISQUALIFY JUDGE BOWERS IS DENIED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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9. PAMELA SALATA V. THOMAS SALATA

24FL0617

Petitioner filed a Request for Order (RFO) on June 18, 2024, requesting spousal support, attorney's fees, as well as the sale of the former marital residence. Petitioner did not concurrently file an Income and Expense Declaration. Proof of Service shows Respondent was personally served on June 20, 2024. Petitioner subsequently filed an Income and Expense Declaration on July 9, 2024. Proof of Service shows Respondent was served by mail on July 9, 2024.

Respondent filed a Responsive Declaration and Income and Expense Declaration on August 30, 2024. Petitioner was served by mail and electronically on August 30th.

Petitioner filed a Reply Declaration on September 5, 2024, which was served the same day.

Petitioner requests the court order Respondent pay guideline temporary spousal support. Additionally, Petitioner is seeking Family Code section 2030 attorney's fees due to the disparity in income as well as the access to liquid assets. Petitioner is requesting the former marital residence be sold as neither party is residing in the home.

Respondent opposes the request for temporary guideline support, as he asserts Petitioner is self-sufficient and is cohabitating. Respondent requests that if the court were to order support, that Petitioner be imputed with minimum wage income. Respondent also opposes attorney's fees, as he asserts Petitioner has access to funds, and therefore, there is no disparity. Last, Respondent opposes the sale of the former marital residence, as he is currently residing in the home, and intends to buy out Petitioner's interest in the home.

Petitioner's request to sell the former marital residence is denied. While Family Code section 2108, allows the court to order the sale of the former marital residence pendente lite, Petitioner has failed to set forth any grounds upon which the court could order the sale. It does not appear that the home is not in danger of foreclosure and Petitioner has not set forth any risks to the asset.

As to Petitioner's request for temporary guideline spousal support, the request is granted. The court adopts the proposed DissoMaster and bonus table attached as Exhibit 1 to Petitioner's Reply Declaration. The court denies Respondent's request to impute Petitioner with full time minimum wage income. Petitioner retired in 2018; she did not voluntarily quit. It appears that Petitioner's retirement was by mutual agreement of the parties. Further, Respondent has failed to establish that Petitioner has the ability and opportunity to work.

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Respondent shall pay Petitioner \$1,415 per month as and for temporary guideline spousal support. This order is effective July 1, 2024. Payment is due on the 1st of each month until further order of the court or termination by operation of law.

The court finds this results in an arrears balance of \$4,245, for the months of July through September inclusive. Respondent is to pay Petitioner \$4,245 as and for arrears. This may be made in one lump sum payment due on October 15, 2024. In the alternative, Respondent may make monthly payments of \$707.50 beginning on October 15th and due on the 15th of each month until paid in full. If any payment is missed or late, the full amount shall become immediately due with legal interest.

The court, as stated above, is adopting the bonus table as set forth in Exhibit 1 to Petitioner's Reply Declaration. The court finds that Respondent routinely earns commission and bonus income. Respondent is ordered to true up all commission and bonus income using the bonus table on the 15th of each month.

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).

The court finds that even after the support orders, there remains a disparity in income. That is even more apparent when factoring in Respondent's commission and bonus income. Additionally, Respondent has greater access to funds than Petitioner. The court also finds Respondent has the ability to pay for his counsel as well as for Petitioner's counsel. The court grants the request for Family Code section 2030 fees in the amount of \$10,000 payable directedly to Ms. Layla Cordero. Payment may be paid in one lump sum on or before October 1, 2024. Alternatively, Respondent may make monthly payments of \$1,000 payable directly to Ms. Cordero beginning on October 1st and continuing until paid in full (approximately 10 months). If any payment is missed or late, the full amount is due with legal interest.

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

TENTATIVE RULING #9: PETITIONER'S REQUEST TO SELL THE FORMER MARTIAL RESIDENCE IS DENIED. THE COURT DENIES RESPONDENT'S REQUEST TO IMPUTE PETITIONER WITH FULL TIME MINIMUM WAGE INCOME. THE COURT ADOPTS

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PETITIONER'S PROPOSED DISSOMASTER (EXHIBIT 1 TO REPLY DECLARATION). RESPONDENT SHALL PAY PETITIONER \$1,415 PER MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT. THIS ORDER IS EFFECTIVE JULY 1, 2024. PAYMENT IS DUE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS RESULTS IN AN ARREARS BALANCE OF \$4,245, FOR THE MONTHS OF JULY THROUGH SEPTEMBER INCLUSIVE. RESPONDENT IS TO PAY PETITIONER \$4,245 AS AND FOR ARREARS. THIS MAY BE MADE IN ONE LUMP SUM PAYMENT DUE ON OCTOBER 15, 2024. IN THE ALTERNATIVE, RESPONDENT MAY MAKE MONTHLY PAYMENTS OF \$707.50 BEGINNING ON OCTOBER 15TH AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL. IF ANY PAYMENT IS MISSED OR LATE, THE FULL AMOUNT SHALL BECOME IMMEDIATELY DUE WITH LEGAL INTEREST. THE COURT AS STATED ABOVE IS ADOPTING THE BONUS TABLE AS SET FORTH IN EXHIBIT 1 TO THE REPLY DECLARATION. THE COURT FINDS THAT RESPONDENT ROUTINELY EARNS COMMISSION AND BONUS INCOME. RESPONDENT IS ORDERED TO TRUE UP ALL COMMISSION AND BONUS INCOME USING THE BONUS TABLE ON THE 15TH OF EACH MONTH. FOR THE REASONS SET FORTH ABOVE, THE COURT GRANTS THE REQUEST FOR FAMILY CODE SECTION 2030 FEES IN THE AMOUNT OF \$10,000 PAYABLE DIRECTEDLY TO MS. LAYLA CORDERO. PAYMENT MAY BE MADE IN ONE LUMP SUM DUE ON OR BEFORE OCTOBER 1, 2024. ALTERNATIVELY, RESPONDENT MAY MAKE MONTHLY PAYMENTS OF \$1,000 PAYABLE DIRECTLY TO MS. CORDERO BEGINNING ON OCTOBER 1ST AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE FULL AMOUNT SHALL BECOME IMMEDIATELY DUE WITH LEGAL INTEREST. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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11. ROBERT WILLIAM DRAPER V. REBEKAH GAYLENE DRAPER

23FL1109

Petitioner filed a Request for Order (RFO), a Memorandum of Points and Authorities, and an Income and Expense Declaration on June 14, 2024. All documents were served on August 20th, however the Proof of Service does not indicate that the Notice of Posting Tentative Ruling was served. Petitioner filed and served an updated Income and Expense Declaration on August 30th.

Respondent has not filed a Responsive Declaration to Request for Order or an Income and Expense Declaration.

Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure “as an admission that the motion or other application is meritorious.” El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO was timely and properly served on Respondent. She had notice of the pending requests and chose not to file an opposition to the RFO. As such, the court finds good cause to treat her failure to do so as an admission that the claims made in the RFO are meritorious.

Petitioner filed his RFO making the following requests: (1) A *Gavron* warning to Respondent pursuant to Family Code § 4330; (2) A seek work order directing her to submit at least 5 job applications a week and forward copies of the same to Petitioner’s counsel along with a summary of her job seeking efforts until she obtains full-time employment commensurate with her ability to earn, the summary is to include dates, names, addresses, telephone numbers, and company information for the contacts that Respondent communicates with regarding her efforts to obtain employment; (3) Imputation of full-time minimum wage income of \$20 per hour for purposes of calculating support; (4) An order for guideline child support retroactive to November 15, 2023 when Respondent was served with the Petition for Dissolution; (4) An order for Respondent to pay for one-half of all uninsured medical, dental, orthodontic, and mental health costs for the children; (5) An order for Respondent to pay one-half of all work-related childcare costs; (6) An order for Respondent to pay for one-half of all sports and extra-curricular activity costs for the children; (7) An order that Respondent pay all expenses related to the 2021 Cadillac Escalade, including but not limited to the loan payments, insurance, registration, etc. or, in the alternative, an order that the 2021 Cadillac Escalade be sold so as to limit liability as the vehicle is in the names of both parties; (8) An order that the court make factual findings pursuant to Family Code § 1615(c), that the Premarital Agreement executed by the Parties on December 17, 2023, is enforceable.

Petitioner’s requests for a *Gavron* warning and a seek work order are granted. Respondent is advised that it is the goal of the State of California that both parties shall

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become and remain self-supporting to the best of their ability. Respondent is further advised that, at some future date, should she fail to become self-supporting the other party may argue that your failure to become self-supporting is a factor which may be considered by the court to modify a spousal support order or terminate the court's jurisdiction to order spousal support. *In re Marriage of Gavron* (1988) 203 Cal.App.3d 705.

In furtherance of the state's goal that both parties become self-supporting, the legislature adopted Family Code § 3558 which states, in pertinent part, "a court may require either parent to attend job training, job placement and vocational rehabilitation, and work programs, as designated by the court, at regular intervals and times and for durations specified by the court and provide documentation of participation in the programs."

Respondent is ordered to make a diligent job search effort for jobs for which she is qualified. The court further orders Respondent to apply for a minimum of 5 jobs per week and to provide proof of said applications to Petitioner's counsel on a weekly basis along with a summary of her efforts to obtain employment. Summaries shall include the dates, names, addresses, telephone numbers, and company information for all companies Respondent applies to. This is to continue until Respondent has secured stable employment.

Respondent's request for child support add-ons is granted. The parties are to equally share in the costs of all uninsured medical, dental, orthodontic, and mental health costs for the children, as well as all work-related childcare costs, and the costs of agreed upon extracurricular activities. Reimbursement procedures shall comply with the attached FL-192 Notice of Rights and Responsibilities Regarding Child Support.

The request for imputation of income is granted as Petitioner has established that Respondent has both the ability and opportunity to work. The court hereby adopts the DissoMaster Report attached to the Declaration of Robert Draper as Exhibit A.

Utilizing the same figures as outlined above, the court finds that child support is \$798 per month. Respondent is ordered to pay Petitioner \$798 per month as and for child support, payable on the 15th of the month until further order of the court or legal termination. This order for support is effective as of June 15, 2024.

The court finds the above order results in arrears in the amount of \$3,192 through and including September 15, 2024. The court orders Respondent pay Petitioner \$266 on the 1st of each month commencing on October 1, 2024 and continuing until paid in full (approximately 12 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

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Regarding the 2021 Cadillac Escalade, Respondent is ordered to timely pay all loan payments and other expenses, including insurance, for the vehicle. In the event that insurance on the vehicle lapses, or any loan payment is late, the parties are ordered to sell the vehicle and evenly split the proceeds of the sale.

Finally, turning to the request to find the Premarital Agreement to be enforceable, the court is hesitant to make such a finding on a law and motion basis. Therefore, the court is reserving jurisdiction to rule on this issue at the time of trial on the issue of property division.

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

TENTATIVE RULING #11: PETITIONER'S REQUESTS FOR A GAVRON WARNING AND A SEEK WORK ORDER ARE GRANTED. RESPONDENT IS ADVISED THAT IT IS THE GOAL OF THE STATE OF CALIFORNIA THAT BOTH PARTIES SHALL BECOME AND REMAIN SELF-SUPPORTING TO THE BEST OF THEIR ABILITY. RESPONDENT IS FURTHER ADVISED THAT, AT SOME FUTURE DATE, SHOULD SHE FAIL TO BECOME SELF-SUPPORTING THE OTHER PARTY MAY ARGUE THAT YOUR FAILURE TO BECOME SELF-SUPPORTING IS A FACTOR WHICH MAY BE CONSIDERED BY THE COURT TO MODIFY A SPOUSAL SUPPORT ORDER OR TERMINATE THE COURT'S JURISDICTION TO ORDER SPOUSAL SUPPORT. *IN RE MARRIAGE OF GAVRON* (1988) 203 CAL.APP.3D 705.

RESPONDENT IS ORDERED TO MAKE A DILIGENT JOB SEARCH EFFORT FOR JOBS FOR WHICH SHE IS QUALIFIED. THE COURT FURTHER ORDERS RESPONDENT TO APPLY FOR A MINIMUM OF 5 JOBS PER WEEK AND TO PROVIDE PROOF OF SAID APPLICATIONS TO PETITIONER'S COUNSEL ON A WEEKLY BASIS ALONG WITH A SUMMARY OF HER EFFORTS TO OBTAIN EMPLOYMENT. SUMMARIES SHALL INCLUDE THE DATES, NAMES, ADDRESSES, TELEPHONE NUMBERS, AND COMPANY INFORMATION FOR ALL COMPANIES RESPONDENT APPLIES TO. THIS IS TO CONTINUE UNTIL RESPONDENT HAS SECURED STABLE EMPLOYMENT.

RESPONDENT'S REQUEST FOR CHILD SUPPORT ADD-ONS IS GRANTED. THE PARTIES ARE TO EQUALLY SHARE IN THE COSTS OF ALL UNINSURED MEDICAL, DENTAL, ORTHODONTIC, AND MENTAL HEALTH COSTS FOR THE CHILDREN, AS WELL AS ALL WORK-RELATED CHILDCARE COSTS, AND THE COSTS OF AGREED UPON EXTRACURRICULAR ACTIVITIES. REIMBURSEMENT PROCEDURES SHALL COMPLY WITH THE ATTACHED FL-192 NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT.

THE REQUEST FOR IMPUTATION OF INCOME IS GRANTED AS PETITIONER HAS ESTABLISHED THAT RESPONDENT HAS BOTH THE ABILITY AND OPPORTUNITY TO

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WORK. THE COURT HEREBY ADOPTS THE DISSOMASTER REPORT ATTACHED TO THE DECLARATION OF ROBERT DRAPER AS EXHIBIT A.

UTILIZING THE SAME FIGURES AS OUTLINED ABOVE, THE COURT FINDS THAT CHILD SUPPORT IS \$798 PER MONTH. RESPONDENT IS ORDERED TO PAY PETITIONER \$798 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER FOR SUPPORT IS EFFECTIVE AS OF JUNE 15, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$3,192 THROUGH AND INCLUDING SEPTEMBER 15, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$266 ON THE 1ST OF EACH MONTH COMMENCING ON OCTOBER 1, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

REGARDING THE 2021 CADILLAC ESCALADE, RESPONDENT IS ORDERED TO TIMELY PAY ALL LOAN PAYMENTS AND OTHER EXPENSES, INCLUDING INSURANCE, FOR THE VEHICLE. IN THE EVENT THAT INSURANCE ON THE VEHICLE LAPSES, OR ANY LOAN PAYMENT IS LATE, THE PARTIES ARE ORDERED TO SELL THE VEHICLE AND EVENLY SPLIT THE PROCEEDS OF THE SALE.

FINALLY, TURNING TO THE REQUEST TO FIND THE PREMARITAL AGREEMENT TO BE ENFORCEABLE, THE COURT IS HESITANT TO MAKE SUCH A FINDING ON A LAW AND MOTION BASIS. THEREFORE, THE COURT IS RESERVING JURISDICTION TO RULE ON THIS ISSUE AT THE TIME OF TRIAL ON THE ISSUE OF PROPERTY DIVISION.

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.

NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

Your child support order may include a provision for payment of childcare or uninsured health care costs. Childcare costs may be included as part of the monthly child support payment or reimbursable as a percentage of the costs. If the childcare costs are included as part of the monthly child support payment, you must pay that amount each month until the court changes (modifies) the child support order. If you need to change your child support order because there has been a change in the cost of childcare, see page 2.

If you have a child support order that includes a provision for the reimbursement of a percentage of childcare costs or a portion of the child's or children's health care costs and those costs are not paid by insurance, the **law says**:

1. **Notice.** You must give the other parent an itemized statement of the charges that have been billed for any childcare costs or health care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 90 days after those costs were given to you.
2. **Proof of full payment.** If you have already paid all of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
3. **Proof of partial payment.** If you have paid only your share of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the childcare or health care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
4. **Payment by notified parent.** If you receive notice from a parent that a childcare or uninsured health care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
5. **Going to court.** Sometimes parents get into disagreements about childcare and health care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
 - a. **Disputed requests for payment.** If you dispute a request for payment made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay the requested amount before filing your request.
 - b. **Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute.
 - c. **Paid charges.** The court will presume that if uninsured health care costs or childcare costs for employment or necessary training for job skills have been paid, those costs were reasonable. If you want to dispute paid charges, you will have to show the court that the costs were unreasonable.
 - d. **Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
 - e. **Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.
6. **Court-ordered insurance coverage.** If a parent provides health care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health care costs.
 - a. **Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. **Cost of additional coverage.** If a parent purchases health care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
7. **Preferred health providers.** If the court-ordered coverage designates a preferred health care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health care provider other than the preferred provider, any health care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.
8. **Need help?** Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at a parent's earning ability.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based on having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. **Remember:** You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form [FL-300](#), *Request for Order* or
- Form [FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form [FL-150](#), *Income and Expense Declaration* or
- Form [FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form [FW-001](#), *Request to Waive Court Fees* and
- Form [FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to: www.courts.ca.gov/holidays.htm.

Blank copies of both of these forms must also be served:

- Form [FL-320](#), *Responsive Declaration to Request for Order*
- Form [FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your proof of income for the past two months (like your paycheck stubs). The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form [FL-340](#), *Findings and Order After Hearing* and
- Form [FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information About Child Support for Incarcerated or Confined Parents

- 1. Child support.** As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support.

- 2. Past confinement.** Child support also automatically stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

- 3. Timing.** The date child support automatically restarts will depend on the parent's release date. If you need to change your child support order, see page 2.

- a. If released before January 1, 2024,** child support automatically restarts the first day of the first full month after the parent is released.
- b. If released after January 1, 2024,** child support will automatically restart the first day of the 10th month after the parent is released.

Employment before the 10-month period ends: If the parent who has to pay support starts working before the date child support is set to automatically restart, the person who is owed support or the local child support agency can request the court restart the child support order early. The court may order a different amount of child support if appropriate.

- 4. More info.** For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>.

You can also contact the family law facilitator in your county and can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

Print this form

Save this form

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

12. RUBEN WILBURN V. HEATHER VOGEL

24FL0197

Petitioner filed a Request for Order (RFO) on June 24, 2024, requesting the court set aside the Voluntary Declaration of Paternity and order paternity testing for Petitioner. Upon review of the court file, there is no Proof of Service for this document.

The matter is dropped from calendar due to the failure to serve Respondent.

TENTATIVE RULING #12: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO SERVE 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 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.

13. SEEMA RATHOD NAVEEN V. AASHEESH A. NAVEEN

PFL20170667

May 10, 2024 Request for Order

On May 10, 2024, Respondent filed a Request for Order (RFO) seeking an order enforcing the court's prior orders and Section 271 sanctions. The RFO was electronically served on May 13th. Petitioner filed and served her Responsive Declaration to Request for Order, her Declaration in Response to Respondent's Request for Order Re: Conjoint Therapy and Attorney Fees, and her Income and Expense Declaration on July 22nd. Minor's Counsel has not filed a Statement of Issues and Contentions.

On October 18, 2023, the court ordered the parties to ensure that the minor Aarav was to continue therapy at a frequency and duration as recommended by the therapist. The court also ordered conjoint therapy between the minor and Respondent, if and when the therapist recommended it. As of January 18, 2024, the minor's therapist (Kathleen Jones) recommended the commencement of conjoint therapy.

According to Respondent, instead of beginning the conjoint therapy process, Petitioner and Minor's Counsel informed Ms. Jones that the minor would no longer be participating in individual or conjoint therapy. Respondent requests the court enforce its prior orders and sanction Petitioner in the amount of \$5,000.

Petitioner opposes Respondent's requests and states that the minor has refused to continue with individual therapy and is refusing to participate in conjoint therapy. She asks that the minor not be ordered to participate in conjoint therapy at this time and instead she would like the minor to begin therapy with a therapist who is trained in dealing with victims of abuse. She also asks for evidence that Respondent has complied with the court's order that he participate in therapy for at least a year prior to commencing conjoint therapy. Finally, Petitioner asks the court to deny the request for sanctions as she is currently out of work and does not have the ability to pay.

The court has reviewed the filings of the parties and would like additional information from Minor's Counsel regarding the minor's thoughts on the issue. The parties are ordered to appear for the hearing.

Review Hearing and All Other Pending RFOs

Respondent filed an RFO on March 26, 2024 seeking to modify child and permanent spousal support orders. On May 2nd the parties appeared before the court for hearing on the RFO at which time the court made temporary orders and set a review hearing on the issues of *Watt's* charges, reimbursements, and child support. The court reserved jurisdiction to

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retroactively modify back to the date of filing the RFO. The review hearing was set for September 5th however that has since been continued to the present date.

Respondent filed another RFO on July 1, 2024, seeking reimbursement of costs related to re-furnishing all items taken in violation of court orders, as well as sanctions pursuant to Family Code § 271 and Civil Procedure § 128.5.

Petitioner's Declaration Regarding Review Hearing on Child Custody, Watt's Charges, and Reimbursements was filed and served on August 20th. Respondent's Reply Declaration was filed and served on August 27th. Petitioner then filed and served her Responsive Declaration to Request for Order on September 5th.

The court finds that it is in need of testimony regarding all pending matters therefore, the parties are ordered to appear to select trial and Mandatory Settlement Conference dates.

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

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

14. ALANA BARBIERY V. DANIEL BARBIERY

23FL0609

Petitioner's Request for Order

Petitioner filed a Request for Order on July 8, 2024, requesting an order to sell the former family residence pendent lite. Proof of Service shows Respondent was mail served with the RFO and a substitution of attorney on July 16, 2024. Petitioner filed a Declaration on August 29, 2024, stating that the Notice of Tentative Ruling was mail served on Respondent on August 29, 2024. There is no Proof of Service showing Respondent was served with the blank FL-320.

Respondent filed a Responsive Declaration on September 12, 2024. Petitioner was personally served on September 12, 2024. The court finds this document to be late filed, however, due to Petitioner's service errors, including not serving Respondent with a Blank FL-320 and late serving Respondent with the Notice of Tentative Ruling, the court finds good cause to consider the Responsive Declaration.

Petitioner requests the sale of the former marital residence prior to the final division of property because she wants to move the case forward and to take advantage of the favorable season for selling real estate. Respondent does not outright oppose the sale of the home, but rather objects to Petitioner being able to select the listing agent. Respondent asserts there were damages to the home caused by Petitioner's son, which should be refunded to him. Respondent is willing to cooperate with preparing the home for sale. Respondent is also willing to waive Watts charges. Respondent goes on to request other affirmative relief that is beyond the scope of Petitioner's RFO.

The court has considered the filings as outlined above. Family Code section 2108 allows the court to order the sale of the former marital residence pendent lite. It appears to the court Respondent has agreed to the sale. Therefore, the court grants Petitioner's request to list the former marital residence for sale. Petitioner's request to select the listing agent is denied. Petitioner shall propose the names of three potential agents and provide those to Respondent on or before October 1, 2024. Respondent shall have until October 8, 2024 to select one of the three. Should Respondent fail to select one of the three on or before October 8, 2024, then Petitioner shall have the final choice. Both parties are to cooperate with the listing agent to prepare the home for sale and on selecting a listing price. Parties are to share in the costs of necessary repairs equally, except for the stove, which Petitioner shall pay the costs of the repair or replacement. If the parties are unable to agree on a listing price, the agent shall decide. The home is to be listed for sale no later than November 1, 2024. If Respondent fails to cooperate in signing the listing agreement, the clerk of the court is authorized to act as elisor to sign the listing agreement, and any

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other necessary documents to list the home for sale. The proceeds of the sale are to be divided equally between the parties.

Respondent's affirmative requests for relief are denied, as they are beyond the scope of the RFO.

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.

Respondent's Request for Order

Respondent filed an RFO on August 14, 2024, requesting temporary guideline spousal support as well as attorney's fees. However, Respondent merely checked the box on the face sheet of the FL-300 requesting attorney's fees. Respondent has failed to include the FL-319 or the FL-158. Further, within the body of the FL-300, Respondent also appears to be making a request for property control, however, does not specifically identify any real property, and merely lists what appears to be debts. Respondent concurrently filed an Income and Expense Declaration. Petitioner was personally served on August 14, 2024, with the FL-300, FL-157, "3 pages" and F113. It does not appear Petitioner was served with all the necessary documents.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on September 6, 2024. Proof of Service shows Respondent was mail served on September 6, 2024. Petitioner does not raise the issue of any defects in service of Respondent's RFO in her Responsive Declaration. The court, therefore, deems the issue to have been waived.

As set forth above, the FL-300 filed by Respondent is incomplete. The court finds the request for attorney's fees to be lacking the requisite documents, and as such, it is denied. The property control request, in as much as Respondent was making such a request, is denied for failure to adequately set forth what is being requested and the grounds upon which the request is being made. The court, therefore, will only address the request for spousal support.

Respondent appears to be requesting temporary spousal support in the amount of \$312.70 per month. Petitioner opposes the request on the grounds that Respondent is working for cash and does not report his income accurately.

The court notes Petitioner is also the protected party in a Domestic Violence Restraining Order with Respondent as the restrained party. Family Code section 4320(i) required the court to consider evidence of a history of domestic violence, as defined by

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Family Code section 6211, between the parties. The court finds there is a history of domestic violence between the parties, and the court has found Respondent to be the perpetrator of the domestic violence. As such, the public policy of the state of California is that the protected party should not have to pay the perpetrator support. Therefore, Respondent's request for spousal support is denied.

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

The court finds it needs additional information from the parties. As such, the court orders parties to appear for the hearing.

TENTATIVE RULING #14: THE COURT FINDS GOOD CAUSE TO PROCEED WITH PETITIONER'S RFO DESPITE THE DEFECTS IN NOTICE, AS RESPONDENT HAS FILED A RESPONSIVE DECLARATION WHICH THE COURT FOUND GOOD CAUSE TO CONSIDER, DESPITE BEING LATE FILED. FAMILY CODE SECTION 2108 ALLOWS THE COURT TO ORDER THE SALE OF THE FORMER MARITAL RESIDENCE PENDENTE LITE. IT APPEARS TO THE COURT RESPONDENT HAS AGREED TO THE SALE. THEREFORE, THE COURT GRANTS PETITIONER'S REQUEST TO LIST THE FORMER MARITAL RESIDENCE FOR SALE. PETITIONER'S REQUEST TO SELECT THE LISTING AGENT IS DENIED. PETITIONER SHALL PROPOSE THE NAMES OF THREE POTENTIAL AGENTS AND PROVIDE THOSE TO RESPONDENT ON OR BEFORE OCTOBER 1, 2024. RESPONDENT SHALL HAVE UNTIL OCTOBER 8, 2024 TO SELECT ONE OF THE THREE. SHOULD RESPONDENT FAIL TO SELECT ONE OF THE THREE ON OR BEFORE OCTOBER 8, 2024, THEN PETITIONER SHALL HAVE THE FINAL CHOICE. BOTH PARTIES ARE TO COOPERATE WITH THE LISTING AGENT TO PREPARE THE HOME FOR SALE AND ON SELECTING A LISTING PRICE. PARTIES ARE TO SHARE IN THE COSTS OF NECESSARY REPAIRS EQUALLY, EXCEPT FOR THE STOVE, WHICH PETITIONER SHALL PAY THE COSTS OF THE REPAIR OR REPLACEMENT. IF THE PARTIES ARE UNABLE TO AGREE ON A LISTING PRICE, THE AGENT SHALL DECIDE. THE HOME IS TO BE LISTED FOR SALE NO LATER THAN NOVEMBER 1, 2024. IF RESPONDENT FAILS TO COOPERATE IN SIGNING THE LISTING AGREEMENT, THE CLERK OF THE COURT IS AUTHORIZED TO ACT AS ELISOR TO SIGN THE LISTING AGREEMENT, AND ANY OTHER NECESSARY DOCUMENTS TO LIST THE HOME FOR SALE. THE PROCEEDS OF THE SALE ARE TO BE DIVIDED EQUALLY BETWEEN THE PARTIES. RESPONDENT'S AFFIRMATIVE REQUESTS FOR RELIEF ARE DENIED, AS THEY ARE BEYOND THE SCOPE OF THE RFO. 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.

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

RESPONDENT'S REQUEST FOR ATTORNEY'S FEES UNDER FAMILY CODE SECTION 20230 IS DENIED DUE TO RESPONDENT'S FAILURE TO FILE THE REQUIRED FORMS. RESPONDENT'S REQUEST FOR PROPERTY CONTROL IS DENIED FOR FAILURE TO ADEQUATELY SET FORTH WHAT IS BEING REQUESTED AND THE GROUNDS UPON WHICH THE REQUEST IS BEING MADE. RESPONDENT'S REQUEST FOR SPOUSAL SUPPORT IS DENIED FOR THE REASONS SET FORTH ABOVE.

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 19, 2024

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

15. CHRISTINE MUNOZ V. MARIANO MUNOZ

24FL0624

Petitioner filed a Request for Order on June 21, 2024, requesting spousal support. Petitioner did not concurrently file an Income and Expense Declaration.

Upon review of the court file, there is no Proof of Service showing Respondent has been served with the Petition for Dissolution, summons, or RFO. As the Petition and summons have not been served, the court does not have jurisdiction to proceed with the RFO, as such the matter is dropped from calendar. Further, the RFO has not been served, and the matter is dropped from calendar on those grounds as well.

TENTATIVE RULING #15: AS THE PETITION AND SUMMONS HAVE NOT BEEN SERVED, THE COURT DOES NOT HAVE JURISDICTION TO PROCEED WITH THE RFO, AS SUCH THE MATTER IS DROPPED FROM CALENDAR. FURTHER, THE RFO HAS NOT BEEN SERVED, AND THE MATTER IS DROPPED FROM CALENDAR ON THOSE GROUNDS AS WELL.

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 19, 2024

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

16. DCSS V. JOSHUA AKERS (OTHER PARENT: MYRIAH DEMARS) PFS20150283

Respondent filed an ex parte application for emergency custody and parenting plan orders on May 9, 2024. The court denied the request on May 10, 2024, finding that Petitioner had not been noticed and Other Parent had not been provided with copies of the ex parte request. The court also found the allegations to be remote in time. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on May 28, 2024, and a review hearing on June 20, 2024. Other Parent was served on May 17, 2024. There is no Proof of Service showing Petitioner was properly served.

A CCRC report was filed with the court on June 18, 2024.

Parties were ordered to appear for the hearing on June 20, 2024. Only Respondent appeared. The court found good cause to proceed with the hearing as Other Parent had been provided with adequate notice. The court found good cause to dispense with service to DCSS as the RFO did not request to modify the current child support orders. The court granted Respondent temporary sole legal and physical custody of the minor. The court set a review hearing for September 19, 2024, due to concerns about Other Parent's physical condition. The court ordered parties to file and serve Supplemental Declarations at least 10 days prior to the hearing.

Other Parent filed a Declaration on September 13, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

The court notes the June 18th CCRC report is a single parent report as Other Parent could not attend. As such, the court finds good cause to rerefer the parties to CCRC with an appointment on 10/17/2024 at 9:00 AM with Becky and sets a further review hearing on 12/5/2024 at 1:30 PM in Department 5. Any Supplemental Declarations must be filed and served at least 10 days prior to the review hearing.

Pending the review hearing, the current orders remain in full force and effect. The court is authorizing non-professionally supervised visits between the minor and Other Parent a minimum of one time per week for a minimum of two hours. The parties are to agree upon the non-professional supervisor. If the parties are unable to agree to a non-professional supervision, Other Parent shall have professionally supervised visits a minimum of one time per week for two hours. The parties shall share in the cost of the professional supervision equally, subject to reallocation. Other Parent may also have telephone/Facetime calls with the minor three times per week for 15 minutes each. The phone calls may be monitored by Respondent.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

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 #16: THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC WITH AN APPOINTMENT ON 10/17/2024 AT 9:00 AM WITH BECKY AND SETS A FURTHER REVIEW HEARING ON 12/5/2024 AT 1:30 PM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS MUST BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING. PENDING THE REVIEW HEARING, THE CURRENT ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT IS AUTHORIZING NON-PROFESSIONALLY SUPERVISED VISITS BETWEEN THE MINOR AND OTHER PARENT A MINIMUM OF ONE TIME PER WEEK FOR A MINIMUM OF TWO HOURS. THE PARTIES ARE TO AGREE UPON THE NON-PROFESSIONAL SUPERVISOR. IF THE PARTIES ARE UNABLE TO AGREE TO A NON-PROFESSIONAL SUPERVISION, OTHER PARENT SHALL HAVE PROFESSIONALLY SUPERVISED VISITS A MINIMUM OF ONE TIME PER WEEK FOR TWO HOURS. THE PARTIES SHALL SHARE IN THE COST OF THE PROFESSIONAL SUPERVISION EQUALLY, SUBJECT TO REALLOCATION. OTHER PARENT MAY ALSO HAVE TELEPHONE/FACETIME CALLS WITH THE MINOR THREE TIMES PER WEEK FOR 15 MINUTES EACH. THE PHONE CALLS MAY BE MONITORED BY RESPONDENT. 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 19, 2024

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

18. GARY HARRISS V. KRISTEN BALCITA

23FL0561

Petitioner filed a Request for Order (RFO) on June 27, 2024, requesting orders for reunification counseling be modified. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO.

The matter is dropped from calendar for failure to properly serve Respondent.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR FOR FAILURE TO PROPERLY SERVE 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 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 19, 2024

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

19. JESSICA PESA V. ZACHARY BAILEY

24FL0344

Petitioner filed a Request for Order (RFO) on April 9, 2024, requesting the court make child custody and support orders. Petitioner did not file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment May 8, 2024, and a review hearing on June 27, 2024. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO, the referral to CCRC, or the other necessary documents. Respondent was served with the Petition and Summons.

Only Petitioner appeared for CCRC on May 8th. As such a single parent report was filed with the court on May 8, 2024, and mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

Petitioner filed five Declarations on May 3, 2024. Respondent was served by mail on July 17, 2024.

Parties appeared for the hearing on June 27, 2024. The court found Respondent to be the parent of the minor. Petitioner requested the matter be continued to allow her time to serve Respondent with the RFO and other necessary documents. The court found good cause to continue the matter and rereferred the parties to CCRC with an appointment on July 31, 2024, and a review hearing on September 19th. Parties were each directed to file and serve Income and Expense Declarations at least 10 days prior to the review hearing. The court admonished that failure to file the required documents, could result in the matter being dropped from the court's calendar.

Petitioner filed a Proof of Service showing that Respondent was served by mail with the RFO and other Declarations on July 17, 2024.

Petitioner filed an Income and Expense Declaration on July 19, 2024. 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 27th, however, were unable to reach any agreements. A report with recommendations was filed with the court on September 4, 2024. Copies were mailed to the parties the same day.

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

The court has read and considered the filings as set forth above. The court makes the following findings and orders. The court adopts the recommendations as set forth in the September 4th CCRC report as they are in the best interest of the minor.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

The court denies Petitioner's request for child support. 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. Petitioner failed to file and serve an Income and Expense Declaration at the time of filing of the RFO and has failed to serve the Income and Expense Declaration filed on July 19th. As such, there is no current Income and Expense Declaration for the court to consider. Petitioner was admonished that failure to file and serve the necessary documents could result in the matter being dropped from the court's calendar.

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

TENTATIVE RULING #19: THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE SEPTEMBER 4TH CCRC REPORT AS THEY ARE IN THE BEST INTEREST OF THE MINOR. THE COURT DENIES PETITIONER'S REQUEST FOR CHILD SUPPORT. PETITIONER FAILED TO CONCURRENTLY FILE AN INCOME AND EXPENSE DECLARATION AS REQUIRED. PETITIONER WAS ADMONISHED THAT FAILURE TO FILE AND SERVE THE NECESSARY DOCUMENTS COULD RESULT IN THE MATTER BEING DROPPED FROM THE COURT'S CALENDAR. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS ORDERED TO 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 19, 2024

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

20. KRISTLE HESTER V. SONNY HESTER

23FL1262

Petitioner filed an ex parte application for emergency orders on July 8, 2024, requesting modification of the current parenting time orders. The request was denied on July 9, 2024, due to the failure to notice Respondent. Petitioner filed a Request for Order (RFO) on July 9, 2024, making the same requests as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 2, 2024, and a review hearing on September 19th. Respondent was personally served in accordance with Family Code section 215 on July 22, 2024.

Only Petitioner appeared for the CCRC appointment. As such, a single parent report was filed with the court on August 2, 2024. Copies of the report were mailed to the parties on August 5, 2024.

Respondent has not filed a Responsive Declaration.

The court orders parties to appear for the hearing.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

21. MACHAELA MELROSE V. SHAWN SANTELIO

23FL1121

On June 20, 2024, parties appeared for a hearing on both Petitioner and Respondent's Request for Orders (RFO). The court adopted its tentative ruling with modifications and set a review hearing for September 19th, to address the step-up plan. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the review hearing.

Petitioner filed an RFO on August 8, 2024, requesting the court make orders as to child support and attorney's fees. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was served with the RFO, Income and Expense Declaration, as well as the Notice of Tentative Ruling by mail on August 12th. Petitioner is requesting guideline child support. Petitioner is also requesting \$5,000 in attorney's fees pursuant to Family Code section 7640.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on August 30, 2024. Petitioner was served by mail on August 30, 2024. Respondent requests the court impute Petitioner with a minimum of full-time minimum wage income or in the alternative with the amount she receives as a reoccurring gift from her mother. Respondent also requests the court progress with the step-up plan. Respondent asserts he has used all the parenting time made available to him and that the minor does well in his care. Respondent states Petitioner has attempted to track him using an Apple Airtag in the minor's diaper bag. At the subsequent exchange, he refused to take the diaper bag, fearing the Airtag was in the bag. Respondent states Petitioner never alerted him to the minor's health concerns, or any necessary medications until after the minor was returned and he received a Talking Parents message from Petitioner.

Petitioner filed a Reply Declaration on September 9, 2024. Respondent was served the same day. Petitioner objects to being imputed with income, because she asserts it is challenging to work because of having the minor in her care 95% of the time. Petitioner also objects to being imputed with income because she is engaged in an apprenticeship to become an appraiser. Petitioner asserts between the time working to become an appraiser and her time working at horse shows, she earns approximately \$500 per month. Petitioner objects to any increase in Respondent's parenting time. Petitioner asserts Respondent has missed parenting time on two occasions, refused to take the minor's diaper bag with necessary medications on one occasion, and does not have appropriate space or a bed for the minor.

The court finds it needs additional information from the parties. Therefore, the parties are ordered to appear for the hearing.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE 8:30 AM CALENDAR.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

22. MICHAEL CHARLES V. KELLY CHARLES

PFL20180046

Respondent filed a Request for Order (RFO) on June 20, 2024, requesting a modification of the parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 24, 2024, and a review hearing on September 19th. Petitioner was personally served in accordance with Family Code section 215 on June 28, 2024. Respondent is seeking equal parenting time.

Petitioner filed a Responsive Declaration on August 28, 2024. Respondent was served electronically the same day. Petitioner objected to the requested modifications. Petitioner asserts there has not been a substantial change in circumstances to warrant modifications to the current orders. Petitioner also requests modifications of his own, including a set schedule for vacation time in the summer as well as utilization of a coparenting application for communication about the minor.

Both parties attended the CCRC appointment on July 24th. The parties were able to reach some agreements, including switching the custodial days, however, they were unable to agree on all issues. A report with recommendations was filed with the court on September 4, 2024, and mailed to the parties on September 6th.

The court has read and considered the filings as outlined above. Additionally, the court has reviewed the parties' Judgment filed on March 25, 2019. The Marital Settlement Agreement (MSA) attached to the Judgment contains the child custody and parenting plan provisions. They are not final orders pursuant to Montenegro v. Diaz, 26 Cal. 4th 249 (2001). Therefore, the best interest of the minor standard applies to the request for modification. The court finds the recommendations as set forth in the September 4th CCRC report to be in the best interest of the minor. The court adopts the recommendations as set forth. The court notes the parties' MSA requires the parties to use the Talking Parents coparenting application. That order remains in full force and effect. The court also admonishes Respondent to ensure Petitioner's parenting time is unencumbered by tracking the minor's whereabouts through electronic devices. The Respect Guidelines as set forth in the MSA remain in full force and effect, including provision B. The provisions for extracurricular activities remain in full force and effect. Each party may have up to 14 consecutive days for vacation during the summer break. The vacationing parent must provide 30 days advance notice of the planned vacation, and if traveling out of state, an itinerary for the trip. The itinerary must include travel dates, time, destination, and lodging plans. The court reiterates that the 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

TENTATIVE RULING #22: THE COURT FINDS THE APPLICABLE STANDARD TO MODIFY THE PRIOR ORDERS IS THE BEST INTEREST OF THE MINOR, AS THE CURRENT ORDERS ARE NOT FINAL ORDERS PURSUANT TO MONTENEGRO V. DIAZ, 26 CAL. 4TH 249 (2001). THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE SEPTEMBER 4TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. THE COURT NOTES THE PARTIES' MSA REQUIRES THE PARTIES TO USE THE TALKING PARENTS COPARENTING APPLICATION. THAT ORDER REMAINS IN FULL FORCE AND EFFECT. THE COURT ALSO ADMONISHES RESPONDENT TO ENSURE PETITIONER'S PARENTING TIME IS UNENCUMBERED BY TRACKING THE MINOR'S WHEREABOUTS THROUGH ELECTRONIC DEVICES. THE RESPECT GUIDELINES AS SET FORTH IN THE MSA REMAIN IN FULL FORCE AND EFFECT, INCLUDING PROVISION B. THE PROVISIONS FOR EXTRACURRICULAR ACTIVITIES REMAIN IN FULL FORCE AND EFFECT. EACH PARTY MAY HAVE UP TO 14 CONSECUTIVE DAYS FOR VACATION DURING THE SUMMER BREAK. THE VACATIONING PARENT MUST PROVIDE 30 DAYS ADVANCE NOTICE OF THE PLANNED VACATION, AND IF TRAVELING OUT OF STATE, AN ITINERARY FOR THE TRIP. THE ITINERARY MUST INCLUDE TRAVEL DATES, TIME, DESTINATION, AND LODGING PLANS. THE COURT REITERATES THAT THE 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 19, 2024

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

23. PAMELA DEHERRERA V. JULIAN DEHERRERA

23FL0888

Respondent filed a Request for Order (RFO) on July 2, 2024, requesting an order to compel Petitioner's Final Declaration of Disclosure (FDD). Proof of Service shows Petitioner was personally served with the RFO on July 2, 2024. However, it does not show the other required documents were served.

Petitioner filed a Responsive Declaration on August 30, 2024. Respondent was served by mail on August 28, 2024. Petitioner asserts the FDD were personally served by substitute service on June 9, 2024. However, the additional required steps for substitute service were not completed.

On July 24, 2024, the court found the FDD had been exchanged. While Respondent may disagree with the contents of the disclosure, that is not grounds for a motion to compel.

The court drops the matter from calendar as moot, as the parties have exchanged FDDs.

All prior orders not in conflict with this order remain in full force and effect.

TENTATIVE RULING #23: THE COURT DROPS THE MATTER FROM CALENDAR AS MOOT, AS THE PARTIES HAVE EXCHANGED FDDS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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 19, 2024

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

24. SARAH HINRICHS V. WILLIAM HINRICHS

24FL0745

Petitioner filed an ex parte application for emergency orders on July 26, 2024. On July 29, 2024, the court denied the request as Respondent had not been served with the Petition and Summons.

Petitioner filed a second ex parte application for emergency orders on August 1, 2024. The court granted the request, giving Petitioner temporary sole physical custody of both minors. The court maintained joint legal custody. The court ordered the minors to be enrolled in school in California. The court ordered the parties to use a coparenting application for all communication about legal custody. The court ordered Respondent to have daily phone/video calls with the minors. The court ordered no contact with or discussion about the older sibling. The court authorized in-person contact to take place in California. The court referred the parties to an emergency set CCRC appointment on August 20, 2024, and a review hearing on September 19th.

Petitioner filed a Request for Order (RFO) on August 2, 2024, making the same requests as set forth in the August 1, 2024 ex parte application. Upon review of the court file, there is no Proof of Service showing Respondent was served with the necessary documents.

Only Petitioner appeared for the CCRC appointment on August 20th. As such a single parent report was filed with the court on August 20th and mailed the parties the same day.

Respondent has not filed a Responsive Declaration.

The court vacates the current temporary ex parte orders as Petitioner has failed to serve Respondent with the orders. The court drops the RFO from calendar due to Petitioner's failure to serve Respondent.

Petitioner shall prepare and file the Findings and Orders After Hearing vacating the ex parte temporary custody orders.

TENTATIVE RULING #24: THE COURT VACATES THE CURRENT TEMPORARY EX PARTE ORDERS AS PETITIONER HAS FAILED TO SERVE RESPONDENT WITH THE ORDERS. THE COURT DROPS THE RFO FROM CALENDAR DUE TO PETITIONER'S FAILURE TO SERVE RESPONDENT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING VACATING THE EX PARTE TEMPORARY CUSTODY ORDERS.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 19, 2024

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

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.