

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 5, 2024

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

1. 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 are ordered to appear for the arraignment.

TENTATIVE RULING #1: THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT.

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

2. ASHLEY SAMADANI V. ANTHONY SAMADANI

PFL20200775

On April 11, 2024, Respondent filed a Request for Order (RFO) seeking to terminate spousal support. The RFO was accompanied by Respondent's Income and Expense Declaration and a Memorandum of Points and Authorities in Support of Request to Terminate Spousal Support. All documents were electronically served on Petitioner's attorney on June 3rd.

The RFO was originally set to be heard on June 27th but it was continued at the request of Petitioner.

Petitioner filed and served her Income and Expense Declaration on July 18, 2024. She also filed and served a Responsive Declaration to Request for Order and a Memorandum of Points and Authorities in Opposition to Motion to Terminate Spousal Support on August 22nd.

On August 27th, Respondent filed and served a Reply Declaration of Respondent Anthony Samadani in Support of Request for Order Re Terminating Spousal Support, a Reply Memorandum of Points and Authorities of Respondent Anthony Samadani in Support of Request for Order Re Terminating Spousal Support, and a Declaration of Payment History.

Petitioner filed a Supplemental Declaration on August 29, 2024. Respondent was electronically served on August 29, 2024. The court finds this document to be late filed, and therefore, has not considered it.

The court notes the parties are currently set for trial on the issues of spousal support as well as division of the community estate on February 4 and 5, 2025. Further, parties are currently set for a hearing on November 14, 2024, for an additional RFO filed by Respondent, for a vocational evaluation, and a request to impute Petitioner with income.

For judicial economy, and because of the related issues, the court finds good cause to continue this matter to join with the November 14, 2024 RFO. Pending the November 14th hearing, all prior orders remain in full force and effect.

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

TENTATIVE RULING #2: THIS MATTER IS CONTINUED TO JOIN WITH THE RFO CURRENTLY SET FOR NOVEMBER 14, 2024 AT 8:30 IN DEPARTMENT 5. PENDING THE NOVEMBER 14TH HEARING, ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. 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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8:30 a.m./1:30 p.m.

3. CATHERYN WADMAN V. MAX TOPPING WADMAN

21FL0116

On April 25, 2024, Respondent filed and served a Request for Order (RFO) seeking custody and visitation orders. The RFO was set to be heard on May 9th.

Petitioner filed a Responsive Declaration to Request for Order the same day. Respondent filed an additional Declaration on April 30th and Petitioner filed and served an additional Responsive Declaration to Request for Order on April 30th. On May 2nd, Petitioner filed and served Petitioner Catheryn Corcoran's Supplemental Declaration and Petitioner Catheryn Corcoran's Objection and Request to Strike Respondent's FL-300.

On May 7, 2024, Respondent filed an RFO seeking additional custody and visitation orders. This RFO is on the heels of an ex parte request for orders which was filed by Respondent on May 6th. Petitioner filed a Responsive Declaration to Request for Order on May 6th.

The court denied the ex parte request, referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment, and directed the parties to make the minor available to be interviewed by the CCRC counselor. The court also appointed Minor's Counsel and continued the May 9th hearing to join with the hearing on the RFO. Respondent filed and served a Supplemental Declaration of Max Wadman on June 6, 2024 along with a Declaration of Kelly Topping.

Respondent filed his initial RFO seeking full physical custody of the minor child with joint legal custody to be shared by the parties. He proposes Petitioner have visitation every other weekend and one week-long vacation during the summer. He requests holidays to be split as previously ordered by the court. He also asks the court to remind Petitioner that the current order for joint legal custody means that he shall have access to all the child's medical and school records. He also asks that the court admonish Petitioner and remind her not to make disparaging remarks in the child's presence.

Petitioner opposes Respondent's requested orders and asks that the court maintain all current orders.

The parties attended CCRC on May 21st and were unable to reach any agreements. A report with recommendations was prepared on June 4 and sent to the parties on June 5th.

The parties attended the hearing on all pending matters on June 13th at which time the court re-referred the parties to CCRC with an appointment on July 29, 2024 and ordered the parties to make the child available to be interviewed. The parties were ordered to meet and confer regarding tutoring and a review hearing on all issues was set for the present

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date. Supplemental Declarations were ordered to be filed no later than 10 days prior to the hearing date.

The parties attended CCRC as schedule and the minor was interviewed. A report with recommendations was prepared and mailed to the parties on August 21, 2024. Neither party has filed a Supplemental Declaration or a declaration in response to the CCRC report.

On June 13, 2024, the court appointed Minor's Counsel, Sarah Kukuruzza to represent the minor. Notice was provided via mail by the clerk's office on June 24, 2024. Minor's Counsel was also served with a copy of the CCRC report. The court has not received a Statement of Issues and Contentions from Minor's Counsel as of the writing of this tentative ruling.

After reviewing the CCRC recommendations, the court finds them to be in the best interests of the minor. The recommendations as stated in the August 21, 2024 CCRC report are hereby adopted as the orders of the court.

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

TENTATIVE RULING #3: THE RECOMMENDATIONS AS STATED IN THE AUGUST 21, 2024 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. 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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8:30 a.m./1:30 p.m.

4. DAVID ANDERSON V. LAURA ANDERSON

23FL0694

Petitioner filed a Request for Order (RFO) on April 25, 2024, seeking an order for trial preference pursuant to Code of Civil Procedure section 36 and an order for Respondent to appear for her deposition and produce the documents requested in that notice no later than June 21, 2023. Petitioner concurrently filed a Declaration of Counsel. Proof of Service shows Respondent was electronically served on April 25, 2024.

Respondent filed a Responsive Declaration on July 5, 2024. There is no Proof of Service for this document, therefore, the court has not considered it.

The parties appeared for the hearing on the RFO on July 18th, at which time they agreed to a continuance to allow additional time to meet and confer. The continuance was granted and the hearing was set for the present date. The parties were told to submit a letter to the court dropping the hearing date if they were able to reach a full agreement. There have been no filings since the July 18th hearing.

The parties are ordered to appear to update the court on the status of their negotiations.

TENTATIVE RULING #4: THE COURT ORDERS THE PARTIES TO APPEAR FOR THE HEARING.

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

5. HEATHER SMITH V. SCOTT MITCHELL

24FL0224

On February 21, 2024, this matter was ordered to be transferred from Humbolt County to El Dorado County. After the transfer was completed, the parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 4, 2024.

Only Respondent appeared at CCRC therefore, a single parent report was prepared. On May 8th Petitioner filed a Responsive Declaration to Request for Order asking that the parties be rereferred to CCRC. She is requesting unsupervised visitation pending the rereferral to CCRC and the review hearing.

The matter came before the court for hearing on June 6th, at which time the parties were rereferred to CCRC with an appointment on July 18, 2024. A review hearing was set for the present date.

The parties attended CCRC as scheduled and were able to reach agreements on some issues. A report with agreements, and recommendations, was prepared and mailed to the parties on July 30th.

Petitioner filed a Declaration on August 23rd providing the court with proof of her participation in therapy as well as her possession of a valid driver's license, registration and insurance. She also notes that the outstanding warrants have been dropped.

The court has reviewed the filings as outlined above and finds that it is not clear agreements were reached between the parties, as set forth in the CCRC report. As such, the court finds that what are purposed to be agreements, are recommendations. The court adopts the legal custody provisions, with the exception of the language contained under item 7a. as to the school. The court does not have jurisdiction to order the school to take such actions. The court finds the remainder of the recommendations contained in the July 30, 2024 CCRC report to be in the best interests of the minor. Therefore, they are hereby adopted as the orders of the court.

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

TENTATIVE RULING #5: THE COURT FINDS THAT WHAT ARE PURPOSED TO BE AGREEMENTS, ARE RECOMMENDATIONS. THE COURT ADOPTS THE LEGAL CUSTODY PROVISIONS, WITH THE EXCEPTION OF THE LANGUAGE CONTAINED UNDER ITEM 7A. AS TO THE SCHOOL. THE COURT DOES NOT HAVE JURISDICTION TO ORDER THE SCHOOL TO TAKE SUCH ACTIONS. THE COURT FINDS THE REMAINDER OF THE RECOMMENDATIONS CONTAINED IN THE JULY 30, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND ARE HEREBY ADOPTED AS THE ORDERS OF THE

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

COURT. 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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7. JENNIFER COWLES V. BENJAMIN COWLES

PFL20180808

On July 18, 2024, Respondent filed an Ex Parte Application and Declaration for Orders and Notice requesting full physical custody until Petitioner obtained housing, then shared physical custody, as well as a reservation of a change in child support to the date of filing the ex parte. The court granted Respondent temporary sole physical custody but maintained joint legal custody. Petitioner was given frequent visitation with the minor at the minor's discretion. All prior orders were to remain in full force and effect. The parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date. The court reserved jurisdiction to modify child support to the date of filing the Request for Order (RFO).

The RFO was filed on July 19th seeking custody and visitation orders as well as child support orders. The RFO was electronically served on July 24th along with the CCRC referral and all other required documents. However, this is a post-judgment request for modification of custody and support orders. As such, it was required to be personally served or, if served by mail, Respondent was required to complete and file a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, which he has not done. See Fam. Code § 215. Nevertheless, Petitioner appeared at CCRC as scheduled and addressed the issues on the merits. Therefore, the court finds Petitioner waived any potential defect in service and the matter may be reached on the merits.

Respondent did not file his Income and Expense Declaration until August 23rd. It was served the same date as filing. Petitioner has not filed an Income and Expense Declaration.

The parties attended CCRC on August 6, 2024 and were able to reach agreements on many issues. A report codifying those agreements and also containing recommendations from the CCRC counselor, was prepared on August 12th and mailed to the parties on August 13th.

The court has reviewed the filings as outlined above and finds the agreements and recommendations contained in the August 12, 2024 CCRC report to be in the best interests of the minor. Therefore, they are hereby adopted as the orders of the court.

As to Respondent's request for modification of child support, the court finds Respondent 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

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Dorado Sup. Ct. Rule 8.03.01. Respondent failed to file and served an Income and Expense Declaration at the time of filing of the RFO. Therefore, the court denies the request for child support.

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

TENTATIVE RULING #7: RESPONDENT'S REQUEST FOR CHILD SUPPORT IS DENIED FOR THE REASONS SET FORTH ABOVE. THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE AUGUST 12, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. 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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8:30 a.m./1:30 p.m.

8. JUSTIN HALLOCK V. DEBRA HALLOCK

PFL20200781

In March of 2024, the parties reached a stipulation, which the court adopted as its order, regarding custody and the parenting plan. The stipulation and order included, along with multiple other items, a provision for a review hearing in six months' time, to consider how the minors are doing with the existing parenting plan and make any necessary modifications to ensure the minors best interests are being met. The review hearing was set for September 5, 2024.

Per the stipulation, Minors' Counsel was appointed to the case. Minors' Counsel filed a Statement of Issues and Contentions on July 5, 2024. Parties were served on July 1, 2024. After meeting with her clients, the parties, and other collateral contacts, Minors' Counsel recommends during the school year, Petitioner have primary custody, and Respondent have parenting time the 1st, 2nd, and 4th weekends of the month. The parties would continue to utilize the current schedule during school breaks and holidays. Minors' Counsel requests an order for no corporal punishment. Lastly, Minors' Counsel requests the minor Gunnar not share a bedroom with his sisters at Respondent's home.

Each party participated in a psychological evaluation in lieu of a formal Evidence Code section 730 evaluation. The results of the testing were provided to the court on July 22, 2024 and served on Minors' Counsel on August 13, 2024. The court has read and considered each evaluation.

Respondent filed a Supplemental Declaration on August 22, 2024. Parties were mail served on August 21, 2024. Respondent requests the court maintain the current orders as to legal custody. Respondent requests the parties use a week on/week off parenting schedule or in the alternative, 72 hours on/72 hours off. Respondent also proposes a rotating schedule for claiming the minors for tax purposes. Respondent addresses many of the concerns raised by Minors' Counsel regarding the distance the minors have to travel from Respondent's home to school as well as current living arrangements.

Petitioner filed a Reply Declaration to Minors' Counsel's Statement of Issues and Contentions and Request for Orders on August 22, 2024. Parties were served on August 21, 2024. Petitioner proposes he have the minors at all times other than the 2nd and 4th weekend each month. Petitioner proposes this be the schedule year-round. Petitioner proposes the minors be allowed to refuse parenting time with Respondent. Petitioner also proposes a modification to the First Right of Refusal, to all his wife to provide childcare for the minors at any time he is unavailable.

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The court has read and considered the filings as set forth above. The court finds joint legal custody to be in the best interest of the minors. The court finds joint physical custody to be in the best interest of the minors.

The court finds a 2-2-5 parenting schedule is in the best interest of the minors. All exchanges are to be at the minors' school. Respondent shall reside or have accommodations during her parenting time within a 30-minute drive time radius of the minors' school. Petitioner shall have Monday at 8:00 AM or drop off at school until Wednesday at 8:00 AM or drop off at school. Respondent shall have every Wednesday from 8:00 AM or drop off at school until Friday at 8:00 AM or drop off at school. The parties shall alternate Friday from 8:00 AM until Monday at 8:00 AM. The first Friday shall be with Respondent beginning September 6, 2024, at 8:00 until drop off at school on Monday. Petitioner shall have the Friday beginning on September 13, 2024, at 8:00 AM until drop off at school on Monday. The alternating portion of the schedule will then repeat. Both parties are to ensure that the minors attend all agreed upon extracurricular activities. This shall be the year-round schedule.

There is to be no corporal punishment. Gunnar shall have his own bedroom. The minors are to bathe separately with any necessary supervision. The court modifies the First Right of Refusal, to reflect that if either parent requires childcare for more than 12 hours, that is not work related, the noncustodial parent shall be provided the opportunity to have the minors for the duration of the time the custodial parent is unavailable. The court denies Petitioner's request regarding his wife and her availability to care for the minors as it relates to the First Right of Refusal. All other orders not in conflict with this order remain in full force and effect, including orders for the minors to be in counseling and the parties to engage in coparenting counseling, and individual counseling services.

For tax year 2024, Petitioner shall claim the two of the minors, and Respondent shall claim one minors. Beginning tax year 2025, the parties shall alternate claiming the minors for tax purposes. Respondent shall have odd tax years; Petitioner shall have even tax years.

The court remains concerned about the minors' continued enhanced knowledge of the court case as well as concerning remarks by the minors about Respondent. The court is also concerned about the sentiment expressed by Minors' Counsel as well as various other professionals who have met with the parties since 2022, about Petitioner's ongoing anger and feelings of resentment towards Respondent. Both parties are reminded of the Respect Guidelines adopted by the court on October 20, 2022. The Respect Guidelines remain in full force and effect.

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

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

TENTATIVE RULING #8: THE COURT FINDS JOINT LEGAL CUSTODY TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT FINDS JOINT PHYSICAL CUSTODY TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT FINDS A 2-2-5 PARENTING SCHEDULE IS IN THE BEST INTEREST OF THE MINORS. ALL EXCHANGES ARE TO BE AT THE MINORS' SCHOOL. RESPONDENT SHALL RESIDE OR HAVE ACCOMMODATIONS DURING HER PARENTING TIME WITHIN A 30-MINUTE DRIVE TIME RADIUS OF THE MINORS' SCHOOL. PETITIONER SHALL HAVE MONDAY AT 8:00 AM OR DROP OFF AT SCHOOL UNTIL WEDNESDAY AT 8:00 AM OR DROP OFF AT SCHOOL. RESPONDENT SHALL HAVE EVERY WEDNESDAY FROM 8:00 AM OR DROP OFF AT SCHOOL UNTIL FRIDAY AT 8:00 AM OR DROP OFF AT SCHOOL. THE PARTIES SHALL ALTERNATE FRIDAY FROM 8:00 AM UNTIL MONDAY AT 8:00 AM. THE FIRST FRIDAY SHALL BE WITH RESPONDENT BEGINNING SEPTEMBER 6, 2024, AT 8:00 UNTIL DROP OFF AT SCHOOL ON MONDAY. PETITIONER SHALL HAVE THE FRIDAY BEGINNING ON SEPTEMBER 13, 2024, AT 8:00 AM UNTIL MONDAY. THE SCHEDULE WILL PROCEED IN THAT FASHION. BOTH PARTIES ARE TO ENSURE THAT THE MINORS ATTEND ALL AGREED UPON EXTRACURRICULAR ACTIVITIES. THIS SHALL BE THE YEAR-ROUND SCHEDULE. THERE IS TO BE NO CORPORAL PUNISHMENT. GUNNAR SHALL HAVE HIS OWN BEDROOM. THE MINORS ARE TO BATHE SEPARATELY WITH ANY NECESSARY SUPERVISION. THE COURT MODIFIES THE FIRST RIGHT OF REFUSAL, TO REFLECT THAT IF EITHER PARENT REQUIRES CHILDCARE FOR MORE THAN 12 HOURS, THAT IS NOT WORK RELATED, THE NONCUSTODIAL PARENT SHALL BE PROVIDED THE OPPORTUNITY TO HAVE THE MINORS FOR THE DURATION OF THE TIME THE CUSTODIAL PARENT IS UNAVAILABLE. THE COURT DENIES PETITIONER'S REQUEST REGARDING HIS WIFE AND HER AVAILABILITY TO CARE FOR THE MINORS AS IT RELATES TO THE FIRST RIGHT OF REFUSAL. ALL OTHER ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT, INCLUDING ORDERS FOR THE MINORS TO BE IN COUNSELING AND THE PARTIES TO ENGAGE IN COPARENTING COUNSELING, AND INDIVIDUAL COUNSELING SERVICES. FOR TAX YEAR 2024, PETITIONER SHALL CLAIM THE TWO OF THE MINORS, AND RESPONDENT SHALL CLAIM ONE MINORS. BEGINNING TAX YEAR 2025, THE PARTIES SHALL ALTERNATE CLAIMING THE MINORS FOR TAX PURPOSES. RESPONDENT SHALL HAVE ODD TAX YEARS; PETITIONER SHALL HAVE EVEN TAX YEARS. THE RESPECT GUIDELINES 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

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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.

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September 5, 2024

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

9. KAREN MAYTE CUEVA CORDOVA V. LEODAN CUEVA HUAMAN

24FL0574

Petitioner filed a Petition to Establish a Parental Relationship and Request for Order (RFO) on June 4, 2024. A Summons was issued the same day.

Proof of Service shows the Petition, Summons, and other required documents were personally served on “Respondent” in Peru on July 17, 2024. The court notes the Petitioner in this matter is the minor. Based on the pleadings the court believes the party who was served in Peru to be mother, or “Other Parent”.

Petitioner filed a Notice of Acknowledgement of Receipt on September 3, 2024. The Acknowledgement was signed by Respondent on August 30, 2024. The court finds this to be late filed.

Neither Respondent nor Other Parent have filed a Response or Responsive Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #9: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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September 5, 2024

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

10. SARAH CRAIG V. RYAN CRAIG

PFL20170099

On June 7, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. Petitioner objects to any hearing on this RFO on the basis that Respondent was previously deemed to be a vexatious litigant. However, due to procedural issues, the prior vexatious litigant ruling was stayed and a hearing on the matter has been set for September 20, 2024.

The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 17, 2024. However, there is no CCRC report in the file, so it appears the parties did not attend CCRC.

For the foregoing reasons, this matter is continued to trail the hearing on the vexatious litigant issue set for September 13, 2024 at 1:30 PM in Department 5.

TENTATIVE RULING #10: THIS MATTER IS CONTINUED TO TRAIL THE HEARING ON THE VEXATIOUS LITIGANT ISSUE SET FOR SEPTEMBER 13, 2024 AT 1:30 PM IN DEPARTMENT 5.

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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September 5, 2024

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

11. SARAH LESTER V. JASON LESTER

23FL1169

On June 20, 2024, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice seeking a move away order. Respondent filed his Responsive Declaration to Request for Order the same day. The ex parte request was denied, and it was ordered that the minors remain in the state of California. The parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date.

On July 30, 2024, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. In his ex parte, Respondent requested sole physical custody, abduction prevention orders, and an order directing Petitioner to refrain from alienating and frustrating Respondent's relationship with the children. Respondent filed a Request for Order (RFO) reiterating the requests made in his ex parte. The parties ultimately reached an agreement on the ex parte and filed a stipulation with the court pending a hearing on the RFO which was set to join the hearing on Petitioner's ex parte.

Petitioner filed and served her Responsive Declaration to Request for Order on July 30th.

The parties attended Child Custody Recommending Counseling (CCRC) on July 15th and were able to reach agreements on some issues. A report with the agreements, and recommendations, was prepared on August 7th and mailed to the parties on August 8th.

On August 23rd, Petitioner filed and served a Supplemental Declaration of Petitioner re CCRC Report Dated August 7, 2024. On August 27th, Respondent filed and served his Supplemental Declaration of Jason Lester in Support of the CCRC Report Dated August 7, 2024.

Respondent brings his RFO requesting sole physical custody of the minor children and joint legal custody. He is also requesting abduction prevention orders as well as orders that Petitioner refrain from alienating the children from Respondent. The catalyst for filing this motion is that Petitioner has moved her permanent residence to Idaho. Since her ex parte for a move away was denied, she left the children in California with her parents and, according to Respondent, Petitioner has been alienating the children from him ever since.

"A parent entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child." Fam. Code Section 7501(a). In assessing the rights and welfare of the child, each case must be evaluated on its own merits. In re Marriage of Burgess, 13 Cal. 4th 25, 37-40 (1996). "Among the factors that the court ordinarily should consider when deciding whether to modify a custody order in light of the custodial parent's proposal to

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change the residence of the child are the following: the children's interest in stability and continuity in the custodial arrangement; the distance of the move; the age of the children; the children's relationship with both parents; the relationship between the parents including, but not limited to, their ability to communicate and cooperate effectively and their willingness to put the interests of the children above their individual interests; the wishes of the children if they are mature enough for such an inquiry to be appropriate; the reasons for the proposed move; and the extent to which the parents currently are sharing custody." Marriage of LaMusga, 32 Cal. 4th 1072, 1098-1101 (2004). This is a very fact specific analysis and because move away cases involve "the most serious decisions a family law court is required to make and should not be made in haste." In re Marriage of Seagondollar, 139 Cal. App. 4th 1116 (2006).

In keeping with the requirements of the law, and given the fact driven analysis that the court must consider, the court is of the opinion that a full adversarial hearing must precede a decision on a move away request. The parties are ordered to appear to choose dates for an evidentiary hearing.

TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR TO CHOOSE DATES FOR AN EVIDENTIARY HEARING.

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12. AARON LUKIANOW V. CINDY LUKIANOW

23FL0373

Petitioner filed a Request for Hearing Regarding Earnings Assignment on August 26, 2024. The matter was set for a hearing as required on September 5, 2024. The certificate of mailing shows notice was mailed on August 26, 2024.

Respondent filed an Earnings Assignment Order on July 25, 2024, which reflects the accurate spousal support order.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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13. CHRISTINE HARRISON-WAKEFIELD V. JEFF WAKEFIELD

24FL0518

On May 21, 2024, Petitioner filed a Request for Order (RFO) seeking spousal support, attorney's fees, and a variety of property control orders. She filed her Income and Expense Declaration concurrently with the RFO. All required documents were personally served on May 29th. Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on August 8th. Both documents were served on August 7th. Parties stipulated to continue the August 22nd hearing to September 5th.

Petitioner brings her RFO requesting spousal support in the amount of \$1,166 per month. She also requests attorney's fees in the amount of \$5,000, and half of the community property cash held in the parties' safes. She states she is working part-time, and she has medical conditions which preclude her from working full-time.

Respondent asks that Petitioner be imputed with full-time minimum wage and spousal support be set to \$0. He also asks that each party be ordered to bear their own attorney's fees. Finally, he is opposing Petitioner's request for equalization of the alleged community property cash in the safe. Respondent argues that the safe originally held only \$10,000, which he used to retain his attorney. If there had been \$30,000 in the safe, Respondent is of the belief that Petitioner took the money.

"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.

While Petitioner did file and serve an Income and Expense Declaration, the document is incomplete. She states she makes approximately \$1,000 per month from self-employment but she failed to attach any documentation supporting that contention. Additionally, it appears she has \$15,000 in her savings account, which is inconsistent with the statements she makes in the rest of her filings. The issue of spousal support is continued to 12/05/2024 at 8:30 am in Department 5. Petitioner is ordered to file a complete Income and Expense Declaration, with documentation, no later than 10 days prior to the hearing date. Any supplemental declarations of the parties are due no later than 10 days prior to the hearing date.

Regarding Petitioner's request for attorney's fees, the request is denied. The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." *In Re Marriage of Keech*, 75 Cal. App. 4th 860, 866 (1999). In

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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, there is a disparity in income between Petitioner's \$1,000 per month and Respondent's \$2,279. However, Petitioner has \$15,000 in her bank account, approximately three times that of Respondent. For this reason, it appears there is parity in each party's access to funds for legal counsel. Moreover, even in the absence of parity, the court does not find that Respondent has the ability to pay for the fees of both parties. Therefore, Petitioner's request for attorney's fees is denied.

Petitioner's request for access to the parties' safes is granted. "Each spouse shall act with respect to the other spouse in accordance with the general rules governing fiduciary relationships...This duty includes the obligation to make full disclosure to the other spouse of all material facts and information regarding the existence, characterization, and valuation of all assets in which the community has or may have an interest...and to provide equal access to all information..." Fam. Code § 1100(e). In keeping with Respondent's fiduciary duty toward Petitioner, he is required to allow her access to all information regarding the community assets. This includes access to the safes. Therefore, Respondent shall provide Petitioner access to the safes no later than September 22, 2024. All cash in the safes shall remain there until final determination on this issue of property division. The court reserves jurisdiction over the characterization and distribution of all community property as well as any credits and charges to both parties.

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

TENTATIVE RULING #13: THE ISSUE OF SPOUSAL SUPPORT IS CONTINUED TO 12/05/2024 AT 8:30 AM IN DEPARTMENT 5. PETITIONER IS ORDERED TO FILE A COMPLETE INCOME AND EXPENSE DECLARATION, WITH DOCUMENTATION, NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. ANY SUPPLEMENTAL DECLARATIONS OF THE PARTIES ARE DUE NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS DENIED. RESPONDENT SHALL PROVIDE PETITIONER ACCESS TO THE SAFES NO LATER THAN SEPTEMBER 22, 2024. THE PARTIES ARE TO SPLIT EQUALLY ANY COMMUNITY PROPERTY CASH IN THE SAFES. THE COURT RESERVES JURISDICTION OVER THE CHARACTERIZATION AND DISTRIBUTION OF ALL COMMUNITY PROPERTY AS WELL AS ANY CREDITS AND CHARGES TO BOTH PARTIES.

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

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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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14. DAVID BELL V. MEGAN GUERRERO

24FL0556

Petitioner filed a Petition for Custody and Support on May 31, 2024. A Summons was issued the same day. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the Petition and Summons.

Petitioner filed an ex parte application for emergency custody orders on June 5, 2024. On June 7, 2024, the court denied the requested orders, as there were already custody orders in place through Petitioner's Temporary Domestic Violence Restraining Order. (TDVRO) On June 7, 2024, Petitioner filed a Request for Order (RFO) making the same requests as set forth in the ex parte application, including a request for child support. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 18, 2024, and a review hearing on September 5, 2024. Petitioner did not concurrently file an Income and Expense Declaration.

Upon review of the court file, there are two Proofs of Unsuccessful Service, filed on June 27, 2024, showing attempts to serve Respondent with the Petition and Summons as well as the RFO and other necessary documents. All attempts were unsuccessful.

Nevertheless, both parties appeared for the CCRC appointment on July 18, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on August 2, 2024. Copies were mailed to the parties on August 5th.

Petitioner filed a Reply Declaration on August 23, 2024. Proof of Service shows Respondent was served on August 22nd. Petitioner objects to the recommendations as set forth in the August 2nd CCRC report, with the exception of the recommendations as to counseling and co-parenting counseling.

The court finds it does not have jurisdiction to make orders in the custody and support action filed on May 31, 2024, as the Petition and Summons have not been served. Further, the RFO and other necessary documents were not served on Respondent. Additionally, Petitioner failed to file an Income and Expense Declaration as required when seeking a support order, and that request would have been denied, even if properly served. Although the court could make orders in the Domestic Violence Restraining Order case, as to custody and parenting time, it declines to do so. The court cannot find the recommendations as set forth in the August 2nd CCRC report are in the best interest of the minor. Further, there are no exceptions to the current restraining order that would allow the court to order co-parenting counseling. As such, the court finds the current orders remain in the minor's best interest and remain in full force and effect.

All prior orders remain in full force and effect.

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TENTATIVE RULING #14: THE COURT FINDS IT DOES NOT HAVE JURISDICTION TO MAKE ORDERS IN THE CUSTODY AND SUPPORT ACTION FILED ON MAY 31, 2024, AS THE PETITION AND SUMMONS HAVE NOT BEEN SERVED. FURTHER, THE RFO AND OTHER NECESSARY DOCUMENTS WERE NOT SERVED ON RESPONDENT. ADDITIONALLY, PETITIONER FAILED TO FILE AN INCOME AND EXPENSE DECLARATION AS REQUIRED WHEN SEEKING A SUPPORT ORDER, AND THAT REQUEST WOULD HAVE BEEN DENIED, EVEN IF PROPERLY SERVED. ALTHOUGH THE COURT COULD MAKE ORDERS IN THE DOMESTIC VIOLENCE RESTRAINING ORDER CASE, AS TO CUSTODY AND PARENTING TIME, IT DECLINES TO DO SO. THE COURT CANNOT FIND THE RECOMMENDATIONS AS SET FORTH IN THE AUGUST 2ND CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. FURTHER, THERE ARE NO EXCEPTIONS TO THE CURRENT RESTRAINING ORDER THAT WOULD ALLOW THE COURT TO ORDER CO-PARENTING COUNSELING. AS SUCH, THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINOR'S BEST INTEREST AND REMAIN IN FULL FORCE AND EFFECT. 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.

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

15. JACOB PEART V. LAUREN SEDWICK

PFL20200684

Petitioner filed a Request for Order (RFO) on June 5, 2024, requesting the court modify child custody, parenting plan, and child support orders. Petitioner did not concurrently file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 18, 2024 and a review hearing on September 5, 2024. Proof of Service shows Respondent was personally served on June 15, 2024.

Parties reached a full agreement at CCRC and submitted a Stipulation and Order to the court on July 29, 2024. The court adopted the parties' Stipulation as its order on July 29, 2024.

The only issue remaining is the request to modify child support. The court notes Petitioner failed to file an Income and Expense Declaration as required when requesting a modification of child support. Further, the parties have a separate action with the Department of Child Support Services in case number PFS20200280, and as such, any requests for modification would need to be filed in that case. Therefore, the court denies Petitioner's request to modify child support.

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 #15: THE COURT AFFIRMS THE JULY 29, 2024 STIPULATION AND ORDER AS TO CHILD CUSTODY AND PARENTING TIME. PETITIONER'S REQUEST TO MODIFY CHILD SUPPORT IS DENIED FOR THE REASONS SET FORTH ABOVE. 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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16. JOSE MORENO V. ALMA MORENO

23FL0995

Petitioner filed a Request for Order (RFO) on June 6, 2024, requesting the court waive Respondent's Preliminary Declaration of Disclosure (PDD). Respondent was personally served on June 6, 2024.

Petitioner filed a FL-141 on November 6, 2023, showing Respondent was personally served with Petitioner's PDD on October 20, 2023.

Family Code section 2107 (b)(3) allows the court to grant the complying party's voluntary waiver of the receipt of the noncomplying party's preliminary PDD, however, the court notes, it is the third remedy available to a party. The first available remedy in subsection (b) is (1) to compel a further response. Next is (2) an order preventing the noncomplying party from presenting evidence on issues that should have been covered in the declaration of disclosure. In this context, "good cause" for granting the waiver is where a party is seeking entry of judgment and has fully complied with the declaration requirements. Here, Petitioner has complied with the disclosure requirements. Respondent filed her Response on October 13, 2023, thereby making her PDD due on or before December 12, 2023. The court notes the parties have a Judgment of Legal Separation in case number PFL20130720. In that action, Respondent was the Petitioner. Further in that action, as Petitioner, she served PDD on Respondent, Petitioner in the present action on December 20, 2013. As such, the court finds good cause to waive Respondent's PDD.

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 GOOD CAUSE TO WAIVE RESPONDENT'S PRELIMINARY DECLARATION OF DISCLOSURE. 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.

17. KEVIN BOERNER V. SAMANTHA BOERNER

23FL0845

Petitioner filed a Request for Order (RFO) on May 31, 2024, requesting modification of child custody, parenting plan, and child support orders. Petitioner did not concurrently file an Income and Expense Declaration as required. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 12, 2024, and a review hearing on September 5, 2024. Proof of Service shows Respondent was personally served on June 13, 2024. Petitioner is seeking sole legal and physical custody of the minor, with Respondent to have parenting time as agreed upon. Petitioner is seeking guideline child support.

Both parties attended CCRC and were able to reach some agreements. A report with the parties' agreements and further recommendations was filed with the court on July 16, 2024. Copies were mailed to the parties on the same day.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the agreements and recommendations as set forth in the July 16th CCRC report are in the best interest of the minor. The court adopts the agreements and recommendations as its orders.

The court denies Petitioner's request to modify child support. Petitioner failed to file the necessary Income and Expense Declaration. Further, there has been no modification to the parenting plan orders that would warrant a modification of child support.

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 COURT HAS READ AND CONSIDERED THE FILINGS AS OUTLINED ABOVE. THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE JULY 16TH CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS ITS ORDERS. THE COURT DENIES PETITIONER'S REQUEST TO MODIFY CHILD SUPPORT. PETITIONER FAILED TO FILE THE NECESSARY INCOME AND EXPENSE DECLARATION. FURTHER, THERE HAS BEEN NO MODIFICATION TO THE PARENTING PLAN ORDERS THAT WOULD WARRANT A MODIFICATION OF CHILD SUPPORT. 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

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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.

18. MEGAN ANDERSON V. CHRISTIAN ANDERSON

24FL0077

Petitioner filed a Request for Order (RFO) along with an Income and Expense Declaration on March 20, 2024. Petitioner is seeking sole legal and physical custody of the minors, as well as spousal support, and payments for Respondent's portion of the lease. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 15, 2024, and a review hearing on June 6, 2024. Proof of Service shows Respondent was personally served with the Income and Expense Declaration along with the RFO on March 21, 2024. However, there is no Proof of Service showing Respondent was properly served with the referral to CCRC or the other necessary documents.

Nevertheless, both parties appeared for CCRC and were able to reach many agreements. A report containing the parties' agreements as well as further recommendations was filed with the court on April 15, 2024. Copies were mailed to the parties the same day.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on April 10, 2024. Proof of Service shows Petitioner was served on April 3, 2024. Respondent is requesting joint legal and physical custody of the minors with a specific parenting plan. Respondent objects to the request for spousal support and asserts Petitioner has filed for child support and as such he will not be able to pay spousal support. Respondent objects to paying his portion of the lease payments and states he did not agree to such an arrangement.

On June 6, 2024, court found good cause to proceed with ruling on the RFO despite the imperfections in service, as Respondent fully participated in CCRC and has addressed all the issues raised in the RFO in his Responsive Declaration. Both parties appeared for the hearing on Petitioner's RFO. The parties were able to reach agreements as to custody and parenting time, including that when Respondent relocates out of state, he shall be entitled to parenting time in El Dorado or Sacramento County upon 45 days' notice, for up to one week. The first week of such time he shall have one overnight in the middle of the week and shall have from 9:00 AM to 6:00 PM on the other days. The parties will meet and confer on the parenting periods after the first in order to discuss overnights and scheduling. The parties agreed to adopt all remaining recommendations as set forth in the April 15th CCRC report, except the holiday plan. Parties further agreed to set a review hearing in 90 days.

The court accepted the parties' agreements and set a review hearing for September 5, 2024, at 1:30 PM in Department 5. The court directed parties to file Supplemental

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Declarations at least 10 days prior to the review hearing and that failure to do so, would result in the review hearing being dropped from the court's calendar.

Parties filed a Judgment of Dissolution which incorporated the above orders as final custody orders pursuant to Montenegro v. Diaz, 26 Cal. 4th 249 (2001) on August 6, 2024.

Upon review of the court's file, neither party has filed a Supplemental Declaration. As such, the matter is dropped from the court's calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE PARTIES' FAILURE TO FILE SUPPLEMENTAL DECLARATIONS. 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.

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19. MICHAEL NIELSEN V. LORENE NIELSEN

PFL20140434

On May 9, 2024, parties appeared for the hearing based on Petitioner's request for oral argument. The court considered the arguments presented and adopted its tentative ruling, finding the recommendations as set forth in the April 25th CCRC report to be in the best interest of the minor. The court maintained the current custody and parenting plan orders. Any telephone contact was ordered to be professionally monitored at Petitioner's expense. The court set a review hearing for August 1, 2024, to review Petitioner's compliance with the current orders and determine if a step-up in parenting time would be appropriate. Parties were directed to file and serve any Supplemental Declarations at least 10 days prior to the hearing.

Respondent filed a Supplemental Declaration on July 12, 2024. Proof of Service shows Petitioner was served on July 17, 2024. Respondent continues to reiterate the same concerns about Petitioner that have prevailed throughout the case. Respondent requests the current orders remain in full force and effect.

Petitioner filed a Supplemental Declaration on July 16, 2024. Proof of Service shows Respondent was served on July 16th. In the Declaration, Petitioner laments the path this case as taken, and requests an increase in parenting time.

On August 1, 2024, the court adopted its tentative ruling appointing Kelly Bently as Minor's Counsel and continuing the review hearing to join with the hearing set on Respondent's Request for Order (RFO) on September 5, 2024.

Respondent filed a RFO on June 7, 2024, requesting reimbursement for uncovered medical expenses for the minors, to be collected through the Department of Child Support Services (DCSS). Petitioner was served by mail on June 7th. DCSS who are a party to the case, was not served.

Petitioner filed a Responsive Declaration to the RFO on August 15, 2024. Respondent was served on the same day. Petitioner agrees with the expenses as set forth, however, not the amount owed. Petitioner asserts the amounts should be offset by yet to be reimbursed amounts owed to Petitioner. Petitioner asserts that that when the offset is taken into account, the total amount owed to Respondent plus half the filing fee is \$419.79.

Respondent filed a Supplemental Declaration regarding the custody review hearing on August 16, 2024. Proof of Service shows Petitioner and Minor's Counsel were served on August 19, 2024. Respondent requests all current orders as to custody remain in full force and effect.

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Upon review of the court file, there has been no Statement of Issues and Contentions filed by Minor's Counsel.

Parties are ordered to appear for the child custody and parenting plan review hearing.

The court drops the June 7th RFO from calendar for failure to properly serve DCSS. DCSS are a part to the case and are enforcing the child support orders. Should the RFO be refiled, it would be more appropriate to be heard by the child support commissioner.

All prior orders remain in full force and effect.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE CHILD CUSTODY AND PARENTING PLAN REVIEW HEARING.

THE COURT DROPS THE JUNE 7TH RFO FROM CALENDAR FOR FAILURE TO PROPERLY SERVE DCSS. DCSS ARE A PART TO THE CASE AND ARE ENFORCING THE CHILD SUPPORT ORDERS. SHOULD THE RFO BE REFILED, IT WOULD BE MORE APPROPRIATE TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER. 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.

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DEPARTMENT 5

September 5, 2024

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

20. RICHARD BAKER V. KELSEY HICKENBOTTOM

23FL0229

Respondent filed a Request for Order (RFO) on June 4, 2024, requesting to modify child custody and parenting time, as well as remove the requirement for soberlink testing. The parties were not referred to Child Custody Recommending Counseling (CCR), though it is unclear why. There is no Proof of Service showing Petitioner was served with the RFO.

Petitioner filed a Responsive Declaration on August 16, 2024, which was served on Respondent the same day. Petitioner does not raise the issue of service of the RFO, and therefore, the court deems it to have been waived.

Respondent filed a Reply Declaration on August 20, 2024, it was served on August 19th.

Without addressing the underlying requests of Respondent's RFO, the court finds good cause to continue the matter, as the parties were not referred to CCRC despite not attending since last year.

Parties are to attend CCRC on 09/23/2024 at 9:00 AM with Norman Labat and return for a review hearing on 11/21/2024 at 1:30 PM in Department 5. Any Supplemental Declarations are due at least 10 days prior to the hearing. Pending the review hearing, all prior orders remain in full force and effect. Respondent shall prepare the Findings and Orders After Hearing.

TENTATIVE RULING #20: PARTIES ARE TO ATTEND CCRC ON 09/23/2024 AT 9:00 AM WITH NORMAN LABAT AND RETURN FOR A REVIEW HEARING ON 11/21/2024 AT 1:30 PM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE HEARING. PENDING THE REVIEW HEARING, ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 5, 2024

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

21. SARAH VALDEZ V. DEVIN HECTOR

PFL20130850

Petitioner filed a Request for Order (RFO) on June 6, 2024, requesting the court modify the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 18, 2024, and a review hearing on September 5, 2024. Proof of Service shows Respondent, and the Department of Child Support Services were properly served on June 28, 2024.

Both parties appeared for the CCRC appointment and reached a full agreement. Parties submitted a stipulation and order to the court. The court adopted the parties' stipulation as its order on August 1, 2024. The stipulation did not include a provision to drop the September 5th hearing from the court's calendar.

Petitioner filed a Declaration on August 16, 2024. There is no Proof of Service for this document and therefore, the court has not considered it.

The court finds the Stipulation and Order signed on August 1, 2024 resolves the issues set forth in the June 6th RFO. Therefore, the court drops the matter from calendar as moot.

All prior orders remain in full force and effect.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR AS MOOT. THE PARTIES AUGUST 1, 2024 STIPULATION AND ORDER AND ALL PRIOR ORDERS NOT IN CONFLICT 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.