

On December 9, 2021, the court continued the matter for input from minor's counsel, for receipt of information from the minor's therapy, and Respondent's alcohol assessment. The parties were ordered to file and serve Income and Expense Declarations for the court's consideration regarding the costs of Minor's counsel. The court noted that failure to do so shall result in the matter being taken off calendar.

On January 31, 2022, minor's counsel filed a Statement on behalf of the minor. Proof of Service was filed on February 2, 2022, indicating the parties were served via mail on February 1, 2022. Minor's counsel met with the minor on November 18, 2021. The minor is content with the current custody schedule and would not make any changes to it. The minor does not believe therapy is necessary at this time. Minor's counsel recommends that the current custody schedule remain in effect, that Respondent not consume alcohol while the minor is in his custody, and that Respondent be subject to an 80-hour alcohol test at the request of Petitioner, with Petitioner to reimburse the cost of testing if the test is negative. Minor's counsel also recommends that Respondent is to provide proof of a valid driver's license; if Respondent does not have a valid driver's license then he is not to transport the minor and must make arrangements for transportation with someone who has a valid driver's license and insurance. Finally, Minor's counsel recommends that the minor is to attend therapy with Jamie Johnson assuming they have availability. If unavailable, then the parties are to meet and confer with minor's counsel to find another suitable therapist. The frequency and duration of therapy for the minor is to be determined by the therapist.

Respondent participated in an alcohol assessment in September 2021 with was filed with the court on September 22, 2021. Upon review of the file, there is no Proof of Service for this Declaration and attachments. Respondent filed two letters with Proof of Service on December 6, 2021. The letter attached from Progress House indicates Respondent was seen there for an alcohol assessment on September 16, 2021. The letter from EDCA Lifeskills indicates Respondent requested an alcohol assessment from that agency, however, they no longer provide that service.

The court adopts the recommendations from minor's counsel as they are in the best interests of the minor. The current custody schedule will remain in full force and effect. Respondent is not to consume alcohol while the minor is in his custody. Respondent is to file and serve proof of a valid California Driver's license. Respondent will be subject to an 80-hour alcohol test at the request of the Petitioner. Petitioner shall reimburse the cost if the test results are negative. The minor is to attend therapy with Jamie Johnson assuming they have availability. If unavailable, then the parties are to meet and confer with minor's counsel to find another suitable therapist. The frequency and duration of therapy for the minor is to be determined by the therapist. Parties are to file and serve Income and Expense Declarations for the court's consideration of the costs for minor's counsel.

The court denies the request for sanctions for Respondent's failure to file proof of the court ordered alcohol assessment. The Respondent did file proof of an alcohol assessment on September 22, 2021.

Minor's counsel is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #1: THE COURT ADOPTS THE RECOMMENDATIONS OF MINOR'S COUNSEL AS OUTLINED ABOVE AS THEY ARE IN THE BEST INTERESTS OF THE MINOR. THE PARTIES ARE ORDERED TO FILE AND SERVE INCOME AND EXPENSE DECLARATIONS. MINOR'S COUNSEL IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

2. ASHLEY SAMADANI V. ANTHONY SAMADANI

PFL20200775

On November 29, 2021, Petitioner filed a Request for Order (RFO) requesting a bifurcation of the case to grant a separate trial on the marital status as well as an attorney's fees award. On December 8, 2021, Respondent was served by mail with the RFO.

Upon review of the file, Respondent has not filed a Responsive Declaration or any other pleading on this issue. The court further finds that the Petition was filed on December 2, 2020, the Response was filed on January 4, 2021, and Petitioner's Declaration of Service of the Preliminary and Final Declaration of Disclosure was filed on April 19, 2021.

The court finds good cause to bifurcate the case and grant a separate trial on the marital status. The court orders the parties to appear at the February 10, 2022 regarding the trial on the marital status.

The court finds that Petitioner has not provided a sufficient basis for an attorney's fees award and denies that request without prejudice.

TENTATIVE RULING #2: THE COURT FINDS GOOD CAUSE TO BIFURCATE THE CASE AND GRANT A SEPARATE TRIAL ON THE MARITAL STATUS. THE COURT ORDERS THE PARTIES TO APPEAR AT THE FEBRUARY 10, 2022 REGARDING THE TRIAL ON THE MARITAL STATUS. THE COURT FINDS THAT PETITIONER HAS NOT PROVIDED A SUFFICIENT BASIS FOR AN ATTORNEY'S FEES AWARD AND DENIES THAT REQUEST WITHOUT PREJUDICE.

3. AUTUMN KHATTAR V. KELLY KHATTAR

PFL20120662

On November 30, 2021 Respondent's Attorney filed a Notice of Motion and Motion to be Relieved as Counsel and a Declaration in Support of the Motion to be Relieved, which included that Respondent's estate representative was served by Mail at an address confirmed within the last 30 days. In addition, Respondent's Attorney filed a Proof of Service by Mail showing service upon Petitioner on November 30, 2021.

No responsive pleadings have been filed.

The court has read and considered the above and makes the following findings and orders:

Proper service of the request has been demonstrated. Respondent's Attorney has shown sufficient reasons why the motion should be granted. The motion is granted, and the court will sign the submitted proposed order. Petitioner's Attorney is relieved upon filing of the proof of service for the order.

TENTATIVE RULING #3: COUNSEL'S MOTION TO BE RELIEVED IS GRANTED AND SHALL SIGN THE ORDER LODGED WITH THE COURT. THE ORDER SHALL BE EFFECTIVE UPON FILING OF THE PROOF OF SERVICE OF THE SIGNED ORDER ON RESPONDENT'S ESTATE.

On August 24, 2021, Respondent filed a Request for Order (RFO) requesting the court compel Petitioner to transfer the Vanguard 529 Education Savings Plan account for the youngest minor to Respondent, compel Petitioner to provide monthly, quarterly, and yearly statements of the account from January 1, 2016 to the date of transfer to Respondent, compel Petitioner to provide statements for the Hendrickson and Hunt Profit Sharing Plan from date of separation to the date of the order to Respondent, order the parties to cooperate with Moon, Schwartz, and Madden (MSM) in completing the Qualified Domestic Relations Order (QDRO), and order Petitioner to pay Respondent \$5,000 in attorney's fees under Family Code 271.

A Declaration in Support of the RFO, a Declaration of Diane M. Yapundich, and a Declaration of Nicholas Musgrove were filed concurrently with the RFO, all of which were served on Petitioner by mail on August 27, 2021.

On September 17, 2021, Respondent filed a Notice to Petitioner to Appear at Hearing, served by mail on Petitioner the day prior. Also, on September 17, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail that same day.

On September 23, 2021, Petitioner filed a Supplemental Declaration, served on Respondent by mail that same day.

On September 24, 2021, Respondent filed an Income and Expense Declaration, served on Petitioner by mail that same day.

At the September 30, 2021 hearing, the court ordered Respondent to locate the QDRO that day by 5 p.m. If the QDRO was not located, Respondent's counsel was to contact Petitioner's counsel, after which Petitioner's counsel would send a new QDRO for signature. Respondent would then have 5 days to sign or object to the QDRO. The court set a review hearing to confirm that the issues before the court were resolved.

At the October 28, 2021 hearing, the parties indicated that they had a revised QDRO that was circulating and jointly requested a continuance. The court continued the matter to December 16, 2021, which thereafter was continued to February 10, 2022 by joint letter request of the parties on December 13, 2021.

On December 7, 2021, Respondent's Counsel filed a Motion to be Relieved as Counsel, along with a supporting declaration. The declaration requests an in-camera hearing outside the presence of the other parties if the court requires further information to ascertain the good faith basis for the Motion to be Relieved. On December 13, 2021, Respondent's Counsel served the Motion and supporting declaration on Petitioner and Respondent, at an address confirmed within the last 30 days, by mail. Upon review of the file, no opposition has been filed to the Motion to be Relieved. Given the absence of opposition, the court finds good cause to grant the Motion and shall sign the order lodged with the court. The order shall be effective upon filing of the proof of service of the signed order on Respondent.

On January 3, 2022, the court approved the parties' Stipulation for Division of Savings Plan Benefits and Qualified Domestic Relations Order. As such, the court finds that the issue before the court regarding the QDRO has been resolved.

TENTATIVE RULING #4: THE COURT FINDS GOOD CAUSE TO GRANT RESPONDENT'S COUNSEL'S MOTION TO BE RELIEVED AS COUNSEL AND SHALL SIGN THE ORDER LODGED WITH THE COURT. THE ORDER SHALL BE EFFECTIVE UPON FILING OF THE PROOF OF SERVICE OF THE SIGNED ORDER ON RESPONDENT. THE COURT FINDS THAT THE ISSUE BEFORE THE COURT REGARDING THE QDRO HAS BEEN RESOLVED.

Petitioner filed a Request for Order (RFO) on December 3, 2021. Respondent was served electronically on December 21, 2021, with Proof of Service filed the same day. Petitioner requests the court order guideline child support, guideline spousal support, that parties split the costs of health care for the minor as well as childcare, that Respondent be ordered to seek work and full-time earnings be imputed to him, and award attorney fees. Petitioner believes the child support aspect of the case should be referred to the DCSS court.

Respondent filed a Responsive Declaration on February 1, 2022. Upon review of the file, the court was unable to locate a Proof of Service for this filing and therefore has not considered it.

On February 2, 2022, Petitioner filed an Income and Expense Declaration, served by mail on Respondent that same day. Upon review of the file, Respondent has not filed an Income and Expense Declaration.

Based on Petitioner's declaration that she is receiving county assistance and DCSS has opened a case, the court finds that the child support matter should be heard by the Child Support Commissioner under Family Code 4251 and therefore continues the matter to February 28, 2022 at 8:30 a.m. in Department 5.

The court also continues the requests for spousal support and attorney fees to the DCSS calendar for judicial economy as these issues and the child support issue require a similar assessment of the parties' respective financial circumstances. The court reserves jurisdiction to order child and spousal support back to the date of filing of the RFO. Both parties are ordered to serve all documents related to the hearing, including the RFO, Responsive Declaration, and Income and Expense Declaration, on DCSS at least 10 days in advance of the next hearing. Respondent is ordered to file and serve on Petitioner and DCSS a current Income and Expense Declarations no later than 10 days prior to the next hearing.

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

TENTATIVE RULING #5: THE COURT FINDS THAT THE CHILD SUPPORT ISSUES SHOULD BE HEARD BY THE CHILD SUPPORT COMMISSIONER AND THEREFORE CONTINUES THE MATTER TO FEBRUARY 28, 2022 AT 8:30 A.M. IN DEPARTMENT 5. THE COURT ALSO CONTINUES THE REQUESTS FOR SPOUSAL SUPPORT AND ATTORNEY FEES TO THE DCSS CALENDAR ON FEBRUARY 28, 2022 AT 8:30 A.M. IN DEPARTMENT 5 FOR JUDICIAL ECONOMY. THE COURT RESERVES JURISDICTION TO ORDER CHILD AND SPOUSAL SUPPORT BACK TO THE DATE OF FILING OF THE RFO. BOTH PARTIES ARE ORDERED TO SERVE ALL DOCUMENTS RELATED TO THE HEARING, INCLUDING THE RFO, RESPONSIVE DECLARATION, AND INCOME AND EXPENSE DECLARATION, ON DCSS AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING. RESPONDENT IS ORDERED TO FILE AND SERVE ON PETITIONER AND DCSS A CURRENT INCOME

**AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING.
PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**

On February 26, 2021 Petitioner filed a Request for Order (RFO) requesting orders relating to child custody, child support, temporary spousal support and attorney's fees and costs. The parties were referred to CCRC on March 29, 2021 and the matter was set for hearing on May 13, 2021. Petitioner filed an Income and Expense Declaration with the RFO. On March 25, 2021 Petitioner filed a Proof of Service showing personal service upon Respondent on March 20, 2021.

On March 26, 2021 the court granted the parties' request to continue the hearing and reset the CCRC appointment. The CCRC appointment was reset to April 8, 2021 and the hearing to May 20, 2021.

The parties appeared for their April 8, 2021 CCRC appointment and a CCRC report was issued on April 15, 2021. Copies of the CCRC report were mailed to the parties on April 27, 2021. The CCRC report reflects that the parties reached a complete agreement during their CCRC appointment.

On May 7, 2021 Petitioner filed an updated Income and Expense Declaration and a Proof of Service by Mail showing service of the filing upon Respondent on May 6, 2021.

On May 12, 2021 the court granted the parties' request to reset the matter to October 21, 2021. Again, on October 6, 2021 the court granted the parties' request to continue the matter to December 2, 2021. On November 30, 2021 the court granted the parties request to continue the hearing until January 6, 2021. On December 23, 2021, the court on its own motion continued the January 6, 2021 hearing to February 10, 2022 due the unavailability of the court.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration. No further filings have been submitted by either party.

The court has read and considered the above filings and makes the following findings and orders:

The agreements reached by the parties, as contained in the April 15, 2021 CCRC report, are in the best interest of the minor child and are adopted as the court order. This order results in an equal parenting time share for both parties.

The last financial information the court received from the parties was submitted approximately 8 months ago in May 2021. The court finds that the parties are not in compliance with California Rules of Court, rule 5.260 and Local Rule 8.03.01. Further, the court finds that it does not have sufficient and current information to address the financial requests brought in Petitioner's RFO. Therefore, the financial requests are denied without prejudice.

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

TENTATIVE RULING #6: THE AGREEMENT CONTAINED IN THE 4/15/21 CCRC REPORT IS ADOPTED AS THE COURT ORDER. PETITIONER'S REMAINING FINANCIAL REQUESTS ARE DENIED WITHOUT PREJUDICE AS SET FORTH ABOVE. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On December 9, 2021, the court continued the issue of Child Support for review to February 10, 2022 and reserved jurisdiction to modify the support order back to October 1, 2021. Respondent was to fully complete, and serve, an Income and Expense Declaration with supporting documentation no later than 15 days after the December 9, 2021 hearing. Petitioner was also ordered to file and serve a current Income and Expense Declaration no later than 10 days prior to the February 10th hearing.

Respondent filed an Income and Expense Declaration on January 25, 2022. Upon review of the file, the court was unable to locate a Proof of Service indicating Petitioner has been served with this document. However, Petitioner's Notice of Noncompliance and Request for Sanctions filed on January 13, 2022, indicates Petitioner did receive a copy of Respondent's FL-150 on or about December 30, 2021.

In Petitioner's Notice of Noncompliance and Request for Sanctions, Petitioner notes the deficiencies in Respondent's Income and Expense Declaration and requests \$1,750 as Family Code section 271 sanctions. The court notes the Proof of Service for the Notice of Noncompliance and Request for Sanctions indicates service on Respondent on November 12, 2022, a date which has not yet occurred.

Petitioner filed an updated Income and Expense Declaration on January 31, 2022. Proof of Service was filed on January 31, 2022 showing Respondent was served by mail the same date.

Respondent filed a Request for Order (RFO) on January 25, 2022 requesting a change in custody and parenting time. The court has set a hearing date of March 10, 2022. However, the court was unable to locate a proof of service for this RFO.

On February 7, 2022, Petitioner filed an updated Income and Expense Declaration, served by mail on Respondent that same day.

In the interest of judicial economy, the court continues this matter to join with the RFO set on March 10, 2022, as any changes in custody and parenting time may impact the child support order. Respondent is directed to serve Petitioner with the RFO forthwith if he has not already done so. Respondent is directed to file and serve an updated Income and Expense Declaration, that complies with the California Rules of Court and the Local Rules no later than February 24, 2022. If Respondent requires assistance with this, he can utilize the services of the Family Law Facilitator. Failure to comply with the California Rules of Court and Local Rules, can result in the court issuing sanctions. The court reserves on Petitioner's request for Family Code 271 sanctions until March 10, 2022.

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

TENTATIVE RULING #7: THE MATTER IS CONTINUED TO MARCH 10, 2022 TO BE HEARD WITH RESPONDENT'S RFO FOR CUSTODY AND PARENTING TIME. RESPONDENT IS TO SERVE PETITIONER WITH THE JANUARY 25, 2022 FILED RFO FORTHWITH AND FILE A PROOF OF SERVICE. RESPONDENT IS TO FILE AND SERVE A COMPLETE INCOME AND EXPENSE DECLARATION IN ACCORDANCE WITH THE RULES OF COURT AND LOCAL RULES BY NO LATER THAN FEBRUARY 24, 2022. THE COURT RESERVES ON THE ISSUE OF FAMILY CODE 271 SANCTIONS REQUESTED BY PETITIONER. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On September 21, 2021, Respondent filed a Request for Order (RFO) requesting modification of the custody, visitation, and child support orders. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served personally on Petitioner on September 28, 2021.

On November 4, 2021, Petitioner filed a Responsive Declaration, but no Income and Expense Declaration. Although there is no Proof of Service indicating service of this filing on Respondent, Respondent filed a Reply to the Responsive Declaration as well as a Motion to Strike on December 2, 2021, served on Petitioner that same day by mail. Respondent requests that the court strike Petitioner's filing as she was not properly served with it.

At the initial hearing on December 9, 2021, the court adopted the recommendations contained within the CCRC session with modifications as temporary orders pending the trial on March 2, 2022 and continued the matter to February 10, 2022 to address child support. The court ordered Petitioner to file and serve a current and completed Income and Expense Declaration with supporting documentation at least 10 days in advance of the next hearing.

On December 6, 2021, Petitioner filed an Income and Expense Declaration, served on Respondent personally on December 7, 2021. As this filing was filed late, the court had not had an opportunity to review it prior to issuing its tentative ruling.

Regarding child support, Respondent is requesting that the court reduce child support to zero dollars per month and instead order that Respondent be responsible for payment of the minor's school expenses, medical and dental insurance, and her medical and dental bills. Upon review of the parties' respective Income and Expense Declarations, the court finds that Petitioner claims negative income between his self-employment and rental income whereas Respondent claims over \$7,000 in monthly income. Given these figures, notwithstanding that the court may find good cause to impute income to Petitioner, the court finds that the guideline formula would yield a support payment from Respondent to Petitioner. As such, the court finds that to order the zero dollar amount as requested by Respondent would require a deviation from guideline support. Under Family Code 4056, the court first must find the guideline amount and then consider whether a deviation is appropriate. The court finds it must take evidence to determine whether Petitioner should be imputed income and whether a deviation is appropriate.

As the timeshare may change after the March 2, 2022 trial, the court finds good cause to continue the child support issue to the March 2, 2022 trial. This will afford the court an opportunity to take evidence as noted above as well as to adjust support as necessary if the timeshare changes. The court reserves jurisdiction to modify child support back to the date of filing of the RFO. If there are no substantial changes to Respondent's financial circumstances by the time of the March 2, 2022 trial, Respondent need not file an updated Income and Expense Declaration.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #8: THE COURT CONTINUES THE CHILD SUPPORT ISSUE TO THE MARCH 2, 2022 TRIAL. THE COURT RESERVES JURISDICTION TO MODIFY CHILD SUPPORT BACK TO THE DATE OF FILING OF THE RFO. IF THERE ARE NO SUBSTANTIAL CHANGES TO RESPONDENT'S FINANCIAL CIRCUMSTANCES BY THE TIME OF THE MARCH 2, 2022 TRIAL, RESPONDENT NEED NOT FILE AN UPDATED INCOME AND EXPENSE DECLARATION. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On December 6, 2021, Petitioner filed a Request for Order (RFO) requesting a modification of child support, an order that Respondent submit to a vocational evaluation, and an attorney's fees award. An Income and Expense Declaration and supporting declaration were filed concurrently with the RFO. Upon review of the file, Petitioner filed two proof of service forms on January 21, 2022, indicating service of the RFO and Income and Expense Declaration on Respondent electronically and on the Department of Child Support Services (DCSS), who is also a party to the case, by mail on January 18, 2022. The court finds that there is no proof of service indicating service of the supporting declaration on the other parties.

On February 3, 2022, DCSS filed a Responsive Declaration requesting that the child support modification request be continued to the DCSS calendar on a Monday to be heard in front of the Child Support Commissioner under Family Code 4251.

The court finds that Petitioner has not provided any basis for his request for attorney's fees and therefore denies this request without prejudice. The court continues the requests to modify child support and to order Respondent to submit to a vocational evaluation to March 14, 2022 at 8:30 a.m. in Department 5 to be heard on the DCSS calendar by the Child Support Commissioner under Family Code 4251. Petitioner is ordered to serve his supporting declaration on the other parties and file a proof of service with the court regarding the filing, as required by law. Respondent is ordered to file and serve on the other parties an updated Income and Expense Declaration at least 10 days in advance of the next hearing.

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

TENTATIVE RULING #9: THE COURT FINDS THAT PETITIONER HAS NOT PROVIDED ANY BASIS FOR HIS REQUEST FOR ATTORNEY'S FEES AND THEREFORE DENIES THIS REQUEST WITHOUT PREJUDICE. THE COURT CONTINUES THE REQUESTS TO MODIFY CHILD SUPPORT AND TO ORDER RESPONDENT TO SUBMIT TO A VOCATIONAL EVALUATION TO MARCH 14, 2022 AT 8:30 A.M. IN DEPARTMENT 5 TO BE HEARD ON THE DCSS CALENDAR BY THE CHILD SUPPORT COMMISSIONER UNDER FAMILY CODE 4251. PETITIONER IS ORDERED TO SERVE HIS SUPPORTING DECLARATION ON THE OTHER PARTIES AND FILE A PROOF OF SERVICE WITH THE COURT REGARDING THE FILING, AS REQUIRED BY LAW. RESPONDENT IS ORDERED TO FILE AND SERVE ON THE OTHER PARTIES AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On November 30, 2021, Petitioner filed a Request for Order (RFO) requesting a sanctions under Family Code 721 et seq. and an order for Respondent to provide Petitioner access to community funds and financial accounts. An Income and Expense Declaration was filed concurrently with the RFO, both which were served personally on Respondent on January 14, 2022.

On January 26, 2022, Respondent filed a Responsive Declaration, an Income and Expense Declaration, and a Declaration in support of both her Responsive Declaration and her own RFO filed that same date. Upon review of the file, the court finds that there is no proof of service indicating service of these filings on Petitioner. As such, the court cannot review nor consider them.

The court finds that Petitioner has not provided a sufficient basis at this time for an award of sanctions under Family Code 721. The court notes that there is an upcoming hearing date for Respondent's RFO on April 14, 2022, which also relates to financial issues. As such, the court continues this matter to April 14, 2022 to be heard at the same time. Either party may file additional pleadings regarding the issues before the court for its consideration, provided they are filed and served on the other party at least 10 days in advance of the next hearing.

The court admonishes Respondent that, to the extent she is limiting Petitioner's access to community accounts without good cause or otherwise violating her fiduciary responsibilities, the court will consider sanctions under Family Code 721.

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

TENTATIVE RULING #10: THE COURT CONTINUES THE MATTER TO APRIL 14, 2022. EITHER PARTY MAY FILE ADDITIONAL PLEADINGS REGARDING THE ISSUES BEFORE THE COURT FOR ITS CONSIDERATION, PROVIDED THEY ARE FILED AND SERVED ON THE OTHER PARTY AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On September 23, 2021, Respondent filed a Request for Order (RFO) requesting a modification of the temporary spousal support orders, property control, and an order for the sale of the former marital home, and a release of retirement funds. Respondent concurrently filed an Income and Expense Declaration, served on Petitioner by mail with the RFO on October 5, 2021.

On November 24, 2021, Petitioner filed a Responsive Declaration to the RFO and an Income and Expense Declaration, served on Respondent by mail the same day.

At the December 9, 2021 hearing, the parties reached a stipulation regarding the property control issue. At the close of escrow for the home, the court ordered that each party receive \$10,000 each with the remaining of the funds placed in a block account. The court continued the spousal support issue to February 10, 2022 and ordered Respondent to provide additional supporting information regarding the terms regarding her retirement and disability by January 6, 2022, with Petitioner to file a reply by January 14, 2022. The court adopted the rest of the tentative ruling, to the extent not inconsistent with the above, except for the portion regarding spousal support. The court reserved jurisdiction to retroactively modify spousal support to the date of filing of the RFO.

On January 31, 2022, Petitioner filed a Supplemental Declaration, served on Respondent by mail that same day. Petitioner notes that Respondent failed to provide any of the information she was court-ordered to provide. Petitioner contends that evidence needs to be provided at a trial to resolve the spousal support issue, alleging that Respondent has failed to be truthful with the court. Petitioner requests that the court set a trial date to resolve all issues in the matter, that the court continue to reserve jurisdiction to modify spousal support retroactive to the date of filing, and that sanctions be issued against Respondent in the amount of \$10,000.

On February 4, 2022, Respondent filed an Income and Expense Declaration, a Reply Declaration, and a Dissomaster Report, served by mail and electronically on Petitioner that same day. Respondent maintains that she does not operate a dog breeding business, although she acknowledges assisting a friend in selling three dogs, for which she received a total of \$300.

The court finds that it needs to take evidence to resolve the issue. The court orders the parties to appear to set a trial in the matter. The court reserves jurisdiction to modify spousal support retroactive to the date of filing.

Regarding Petitioner's request for sanctions, the court finds that Respondent's failure to comply with court orders regarding providing supporting documents to the court about her retirement and disability have frustrated the policy of the law to promote settlement. As such, the court issues sanctions against Respondent under Family Code 271 in the amount of \$250, which shall be paid out of Respondent's share of the community property at the time of trial.

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

TENTATIVE RULING #11: THE COURT ORDERS THE PARTIES TO APPEAR TO SET A TRIAL IN THE MATTER. THE COURT RESERVES JURISDICTION TO MODIFY SPOUSAL SUPPORT RETROACTIVE TO THE DATE OF FILING. THE COURT ISSUES SANCTIONS AGAINST RESPONDENT UNDER FAMILY CODE 271 IN THE AMOUNT OF \$250, WHICH SHALL BE PAID OUT OF RESPONDENT'S SHARE OF THE COMMUNITY PROPERTY AT THE TIME OF TRIAL. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On December 7, 2021, Petitioner filed a Request for Order (RFO) requesting the court order that Petitioner be allowed to immediately sell the property located at 6170 China Hill Road in El Dorado and that the court sign all required documents to the list the home as Elisor if necessary, that the court sign the Grant Deed in Respondent's stead as Elisor after the sale, that Petitioner be granted full authority to sell the remaining goats and business supplies of the business known as Goat Central, that Respondent be ordered to remove all photographs of Petitioner's goats from his new website for Central Goat, and that Respondent be ordered to pay attorney's fees as a sanction under Family Code 271.

A Memorandum of Points and Authorities, an Income and Expense Declaration, and a Declaration in Support of Attorney Fees and Costs were filed concurrently with the RFO, all served on Respondent personally on December 8, 2021.

Upon review of the file, the court finds that Respondent has not filed a Responsive Declaration or any other filings regarding the RFO.

Petitioner states that the parties' Judgment, entered on March 15, 2021, incorporated a Marital Settlement Agreement (MSA) in which the parties agreed that Respondent would either refinance or purchase the property by September 30, 2021 or it would be sold (Section 4.1 of the MSA). Petitioner declares that, after Respondent failed to comply with this agreement, she agreed to give him an additional 45 days, but Respondent once again failed to comply.

Petitioner further alleges that Respondent has failed to comply with Section 2.4 of the MSA which specified that identified assets of the parties' community business would be sold by September 30, 2021. Moreover, per the MSA, Respondent agreed to release control of the domain name for the community business and start his own separate business by September 30, 2021. Petitioner contends that Respondent is using photographs from the community business on the website for his new business, which hurts the interests of Petitioner who is re-establishing the community business as her own, per the parties' agreements.

Lastly, Petitioner requests \$6,149 in attorney's fees as sanction under Family Code 271. Petitioner claims that Respondent has failed to follow through with the agreements, seeking to delay compliance as long as possible which has unjustly enriched him and frustrated the prospects of settlement.

Upon review of the file, the court finds that the Judgment included terms as referenced in Petitioner's RFO. The court finds good cause to grant the relief requested by Petitioner as follows. Petitioner is authorized to immediately sell the property located at 6170 China Hill Road in El Dorado. If Respondent fails to sign any required document for the sale, included the Grant Deed, within 3 days of request, the court appoints the court clerk as Elisor in Respondent's stead to sign any and all documents necessary to complete the sale. Petitioner is granted full authority to sell the remaining goats and business supplies of the business known

as Goat Central. To the extent Respondent is using photographs of the goats owned by Petitioner and/or the business Goat Central, Respondent is ordered to remove these photographs immediately from his new website for Central Goat.

Regarding the attorney's fees request, the court finds that Respondent has frustrated the policy of law to promote settlement by his failure to comply with the parties' agreements despite repeated efforts by Petitioner to reach a resolution. The court orders Respondent to pay \$5,000 in attorney's fees as a sanction under Family Code 271, to be paid out of Respondent's share of the proceeds of the sale of the community home.

Respondent further is admonished that his failure to reasonably cooperate with Petitioner regarding the sale of the home and business property, as ordered above, may form the basis for additional sanctions.

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

TENTATIVE RULING #12: PETITIONER IS AUTHORIZED TO IMMEDIATELY SELL THE PROPERTY LOCATED AT 6170 CHINA HILL ROAD IN EL DORADO. IF RESPONDENT FAILS TO SIGN ANY REQUIRED DOCUMENT FOR THE SALE, INCLUDED THE GRANT DEED, WITHIN 3 DAYS OF REQUEST, THE COURT APPOINTS THE COURT CLERK AS ELISOR IN RESPONDENT'S STEAD TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE. PETITIONER IS GRANTED FULL AUTHORITY TO SELL THE REMAINING GOATS AND BUSINESS SUPPLIES OF THE BUSINESS KNOWN AS GOAT CENTRAL. TO THE EXTENT RESPONDENT IS USING PHOTOGRAPHS OF THE GOATS OWNED BY PETITIONER AND/OR THE BUSINESS GOAT CENTRAL, RESPONDENT IS ORDERED TO REMOVE THESE PHOTOGRAPHS IMMEDIATELY FROM HIS NEW WEBSITE FOR CENTRAL GOAT. THE COURT ORDERS RESPONDENT TO PAY \$5,000 IN ATTORNEY'S FEES AS A SANCTION UNDER FAMILY CODE 271, TO BE PAID OUT OF RESPONDENT'S SHARE OF THE PROCEEDS OF THE SALE OF THE COMMUNITY HOME. RESPONDENT FURTHER IS ADMONISHED THAT HIS FAILURE TO REASONABLY COOPERATE WITH PETITIONER REGARDING THE SALE OF THE HOME AND BUSINESS PROPERTY, AS ORDERED ABOVE, MAY FORM THE BASIS FOR ADDITIONAL SANCTIONS. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On November 29, 2021, Petitioner filed a Request for Order (RFO) requesting an order to compel Respondent to produce documents in response to Petitioner's Request for Production of Documents served on Respondent on July 28, 2021 and an order for sanctions. That same day, Respondent was served with the RFO.

On January 28, 2022, Respondent filed a Responsive Declaration, an Opposition to the RFO, which included his own request for sanctions, and a Declaration of his attorney in support of the opposition. All filings were served on Petitioner electronically that same day.

Respondent states that Petitioner failed to include a separate statement, as required by Ca. Rules of Court, rule 3.1345(a)(3) and failed to comply with other formalities required under rule 3.3145, such as not including the texts of each Response made by Respondent and a statement of the factual and legal reasons for compelling further response, among other alleged deficiencies. Additionally, Respondent contends that Petitioner is not entitled to sanctions for her failure to include the amount of the sanction, to whom it is against, and its basis. Respondent requests \$820 in attorney's fees and \$1,500 in sanctions for having to oppose the motion.

On February 7, 2022, Petitioner filed a Declaration of Petitioner's attorney in response to the Respondent's Opposition, served on Respondent electronically on February 4, 2022. Petitioner's counsel acknowledges the procedural defects in the motion and requests that the court continue the matter to allow Petitioner an opportunity to cure the defects. Petitioner's counsel adds that a trial has yet to set in the matter. The court notes that trial setting in the matter also is set on the court's calendar on February 10, 2022.

Petitioner's counsel continues that, after Respondent's counsel e-mailed Petitioner's counsel on November 18, 2022 to request additional time to meet and confer prior to the filing of a Motion to Compel, Petitioner's office responded on November 22, 2022 requesting to set up a time to discuss the issues. Petitioner's counsel alleges that, although Respondent's office agreed to a phone call on December 17, 2022 to meet and confer, Respondent's counsel did not call and later stated through counsel's office that Respondent did not wish to discuss the matter any further but would let Petitioner's counsel know if that position changed. This chain of events was supported by e-mail communications attached to the declaration.

The court finds that Petitioner's Motion failed to include a separate statement as required by the Cal. Rules of Court and that Petitioner made good faith efforts to resolve the issue prior to Respondent filing his responsive pleadings. In the interest of resolving the matter on its merits, the court grants Petitioner's request to continue the hearing on the RFO to a later date as determined by the court. Petitioner is ordered to cure any defects in the Motion to Compel and serve the new pleadings on Respondent at least 16 court days prior to the new hearing date. The court reserves both parties request for sanctions to the continued hearing date and finds that Petitioner's failure to comply with court rules will be factor in determining

whether to issue sanctions and in what amount. The parties further are ordered to meet and confer in attempt to resolve the issues raised in the RFO prior to the continued hearing date.

The parties are ordered to appear to set a trial date in the matter as previously ordered. After setting a trial date, the court shall determine a date to hear the RFO.

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

TENTATIVE RULING #14: THE COURT GRANTS PETITIONER'S REQUEST TO CONTINUE THE HEARING ON THE RFO TO A LATER DATE AS DETERMINED BY THE COURT. PETITIONER IS ORDERED TO CURE ANY DEFECTS IN THE MOTION TO COMPEL AND SERVE THE NEW PLEADINGS ON RESPONDENT AT LEAST 16 COURT DAYS PRIOR TO THE NEW HEARING DATE. THE COURT RESERVES BOTH PARTIES REQUEST FOR SANCTIONS TO THE CONTINUED HEARING DATE AND FINDS THAT PETITIONER'S FAILURE TO COMPLY WITH COURT RULES WILL BE FACTOR IN DETERMINING WHETHER TO ISSUE SANCTIONS AND IN WHAT AMOUNT. THE PARTIES FURTHER ARE ORDERED TO MEET AND CONFER IN ATTEMPT TO RESOLVE THE ISSUES RAISED IN THE RFO PRIOR TO THE CONTINUED HEARING DATE. THE PARTIES ARE ORDERED TO APPEAR TO SET A TRIAL DATE IN THE MATTER AS PREVIOUSLY ORDERED. AFTER SETTING A TRIAL DATE, THE COURT SHALL DETERMINE A DATE TO HEAR THE RFO. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On December 20, 2021 Petitioner filed a Request for Order following the court partially granting Petitioner's ex parte request. Parties were ordered to attend an emergency set Child Custody Recommending Counseling session on December 21, 2021. Respondent was electronically served on December 20, 2021.

Parties attended CCRC and were able to reach a full agreement. A CCRC report was issued on January 27, 2022 and mailed to the parties on January 31, 2022.

Respondent filed a Responsive Declaration on January 28, 2022 with Proof of Personal Service on Counsel for Petitioner on the same date. Respondent requested to reinstate the prior custody agreement, with parties sharing joint legal and physical custody.

The court has read and considered the filings of the parties as well as the CCRC report and finds the agreement of the parties contained in the CCRC report is in the best interest of the minor and adopts it as the court's order. The parenting plan contained within the Marital Settlement agreement filed on or about June 28, 2019 will be reinstated. The parties will have joint legal and physical custody of the minor.

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

TENTATIVE RULING #15: THE COURT ORDERS THE AGREEMENT OF THE PARTIES AS OUTLINED IN THE CCRC REPORT IS ADOPTED. THE PARENTING PLAN OUTLINED IN THE JUNE 28, 2019 MARRIAGE SETTLEMENT AGREEMENT IS REINSTATED AS IT IS IN THE BEST INTEREST OF THE MINOR. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On December 1, 2021, Respondent filed a Request for Order (RFO) requesting modification of custody, parenting time, property control, and Family Code 271 sanctions. Parties were referred to attend Child Custody Recommending Counseling (CCRC) on January 10, 2022. Proof of service of the RFO and referral to CCRC was served on Petitioner by mail on December 20, 2021.

Due to the unavailability of the CCRC the session was reset to January 24, 2022. Both parties attended and reached a full agreement. The CCRC report was mailed to the parties on January 26, 2022.

Petitioner has not filed a response to the RFO.

Parties agreed to continued joint legal and physical custody. The Respondent's parenting time will have a step-up plan commencing on February 10, 2022. Step 1 Respondent will have unsupervised visits on Mondays, Thursdays, and Sundays for 30 days. The children will participate in counseling with the school counselor during the first 30 days of unsupervised visits. Step 2, Respondent will have Sundays from 10:00 A.M. to Monday at 8:00 am and Thursdays from 3:00 P.M. to Friday at 8:00 A.M. for 30 days. The children will be enrolled counseling with an individual therapist. Parents are to follow the recommendations of the therapist. Step 3, with input from the children's therapist, Petitioner shall have parenting time from Wednesday at 6:30 P.M. until Sunday at 6:30 P.M. with Respondent to have Sunday from 6:30 P.M. to Wednesday at 6:30 P.M. the 1st and 3rd week of the month. The opposite schedule for the 2nd and 4th week of the month. Parties agreed to a holiday schedule as well as a phone contact schedule. Neither party shall consume alcohol, narcotics, or restricted dangerous drugs while the children are in their respective care. The parties are to enroll in and complete co-parenting counseling.

The court adopts the agreements contained in the CCRC report as they are in the best interest of the children. The children are to be enrolled in individual counseling no later than March 10, 2022. Frequency and duration are to be at the discretion of the therapist.

Respondent also requests property control over a variety of items set forth in Attachment B of the Declaration in support of the RFO. The court previously issued orders on June 4, 2021 that Petitioner was to provide a list of any objections to the lists forthwith. Parties were to arrange a peaceful transfer of the items. Given Petitioner has lodged no objections to the items listed, the court orders parties to arrange a time for the exchange of the items. The exchange shall take place no later than March 7, 2022.

As to Respondent's request for Family Code section 271 sanctions, the court reserves on that issue. The court continues that matter to a review hearing on March 17, 2022. The court will consider compliance with the above orders at that hearing as well as the progress in the

step-up parenting plan, the children's enrollment in therapy, and the parties' enrollment in co-parenting counseling.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING # 16: THE COURT ADOPTS THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT AS THEY ARE IN THE BEST INTEREST OF THE CHILDREN. THE CHILDREN ARE TO BE ENROLLED IN INDIVIDUAL THERAPY NO LATER THAN MARCH 10, 2022. FREQUENCY AND DURATION OF THE CHILDREN'S THERAPY TO BE DETERMINED BY THE THERAPIST. THE PARTIES ARE TO BE ENROLLED IN CO-PARENTING COUNSELING. THE PARTIES ARE TO ARRANGE FOR AND EXCHANGE THE PROPERTY ITEMS SET FORTH IN ATTACHMENT B OF RESPONDENT'S DECLARATION ON OR BEFORE MARCH 7, 2022. THE COURT RESERVES ON THE ISSUE OF FAMILY CODE SECTION 271 SANCTIONS. THE COURT SETS A FURTHER REVIEW HEARING AS SET FORTH ABOVE ON MARCH 17, 2022. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On October 4, 2021, Petitioner filed an ex parte application for custody and visitation orders. The underlying Request for Order (RFO) also requests child support orders and an order regarding the enforcement of health care orders. An Income and Expense Declaration was filed concurrently with the ex parte application.

On October 5, 2021, the court denied the ex parte request and set a CCRC session on November 4, 2021 and a hearing on the RFO on January 6, 2022.

Respondent was served electronically with the RFO and CCRC referral on October 20, 2021, with Proof of Service filed October 25, 2021.

Respondent filed a Responsive Declaration on November 5, 2021 with Proof of electronic service on the Petitioner on November 4, 2021.

Both parties and both minors participated in CCRC. A CCRC report was issued on December 13, 2021 with copies mailed to the parties on December 20, 2021.

The CCRC report notes that the minors do not wish to visit with Respondent, who lives in the Santa Cruz area and recently has had a contentious relationship with the minors. The report further notes the animosity of the parties and each's allegations that the other is an unfit parent. Given the age of the minors and the divergent positions of the parties, the report relies on the wishes of the children, recommending joint legal custody, physical custody to Petitioner, and visits to Respondent on the 1st and 3rd weekends, provided the children wish to visit with him. The report also recommends that the minors be engaged in mental health services.

Having reviewed the filings of the parties and the CCRC report, the court finds that the agreements contained within the CCRC report are in the best interest of the minors and adopts them as the orders of the court. The court finds good cause to adopt these recommendations, despite the lack of service of the RFO, given both parties' participation in the CCRC session.

Based on Respondent's Declaration filed on November 5, 2021, the minors are eligible for free health care through the Shingle Springs Tribal Health Center. Any uncovered medical expenses are to be split between the parties 50/50.

Regarding the requests for child support the court declines to make any orders as the court finds that neither party has filed an updated Income and Expense Declaration as required by California Rule of Court 5.260 and by Local Rule 8.01.01. Although Petitioner did file an Income and Expense Declaration on October 4, 2021, there is no proof of it having been served on Respondent and it is now stale. The court also denies Petitioner's request for attorney fees as it does not have the requisite information to grant the request.

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

TENTATIVE RULING #17: THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. THE COURT DECLINES TO MAKE ANY ORDERS REGARDING CHILD SUPPORT OR THE ENFORCEMENT OF HEALTH CARE ORDERS. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.