

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

15. ALEXANDER PARDO V. CHANTAL MITCHELL

PFL20180206

On February 15, 2022, Petitioner filed a request for Order (RFO) requesting the court make orders as to custody and parenting time. Parties were referred to Child Custody Recommending Counselling (CCRC) with an appointment on March 3, 2022 and a review hearing set on April 14, 2022. Upon review of the court file, the court was unable to locate a Proof of Service showing Respondent had been served with the RFO and referral to CCRC.

Neither party appeared at the CCRC appointment scheduled on March 3, 2022. Therefore, the matter is dropped from the court's calendar and the previous orders regarding custody and visitation remain in full force and effect with no modifications.

TENTATIVE RULING #15: MATTER DROPPED FROM COURT'S CALENDAR DUE TO NONAPPEARANCE AT CCRC BY BOTH PARTIES. ALL PRIOR ORDERS REGARDING CUSTODY AND VISITATION REMAIN IN FULL FORCE AND EFFECT WITH NO MODIFICATIONS.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

16. BENJAMIN HAWKINS V. DANIELLE HAWKINS

PFL20170945

On January 28, 2022, Petitioner filed a request for Order (RFO) requesting the court change orders as to custody and child support. Petitioner filed an Income and Expense Declaration on January 31, 2022. Parties were referred to Child Custody Recommending Counselling (CCRC) with an appointment on March 4, 2022 and a review hearing set on April 14, 2022. Upon review of the court file, the court was unable to locate a Proof of Service showing Respondent had been served with the RFO, Income and Expense Declaration, and referral to CCRC.

Neither party appeared at the CCRC appointment scheduled on March 4, 2022. Therefore, the matter is dropped from the court's calendar and the previous orders regarding custody and visitation remain in full force and effect with no modifications.

TENTATIVE RULING #16: MATTER DROPPED FROM COURT'S CALENDAR DUE TO NONAPPEARANCE AT CCRC BY BOTH PARTIES. ALL PRIOR ORDERS REGARDING CUSTODY AND VISITATION REMAIN IN FULL FORCE AND EFFECT WITH NO MODIFICATIONS.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

17. C.A. V. M.J.

22FL0075

On January 26, 2022, Petitioner filed a Petition to establish paternity and Request for Order (RFO) requesting the court make orders as to custody. Parties were referred to Child Custody Recommending Counselling (CCRC) with an appointment on March 2, 2022 and a review hearing set on April 14, 2022. Upon review of the court file, the court was unable to locate a Proof of Service showing Respondent had been served with the RFO, Income and Expense Declaration, and referral to CCRC.

Neither party appeared at the CCRC appointment scheduled on March 2, 2022. Therefore, the matter is dropped from the court's calendar.

TENTATIVE RULING #17: MATTER DROPPED FROM COURT'S CALENDAR DUE TO NONAPPEARANCE AT CCRC BY BOTH PARTIES.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

19. JENNIFER BERZ V. SHELDON BERZ

22FL0067

On February 25, 2022, Petitioner filed a Request for Order (RFO) requesting the court make orders for property control, spousal support, health and life insurance, return of funds and jewelry, and attorney fees. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served with the RFO and Income and Expense Declaration by mail on February 28, 2022.

Petitioner is requesting an order for guideline temporary spousal support. Petitioner is requesting the court order exclusive use and control of the property located at 2661 Brown Bear Trail, Cool, California, a Toyota Camry, a Dodge Ram 2500, three horses and three dogs, a Lance camper, Trail West horse trailer, and a Bobcat utility vehicle. Petitioner is also requesting the court order Respondent to maintain her as the beneficiary on health and life insurance policies and that he continues to pay the premiums. Petitioner requests the court order return of one-half the funds removed from community property bank accounts and return of jewelry removed from the home. Petitioner is also requesting the court award Family Code section 2030 attorney fees.

On April 1, 2022, Respondent filed a Responsive Declaration and Income and Expense Declaration. Petitioner was served with the Response and Income and Expense Declaration on March 30, 2022. Respondent agrees to temporary spousal support. Respondent does not agree to the request for exclusive control of the property located at 2661 Brown Bear Trail. Respondent requests the parties cooperate to list the home for sale and requests the right to inspect upon 48 hours written notice. Respondent does agree to temporary exclusive control of the other listed assets, subject to Watts charges. Respondent also agrees Petitioner may have exclusive control of her separate property home on written notice. Respondent asserts there has been no violation of the ATROs. Respondent also disputes Petitioner's income. Respondent denies taking any jewelry. Respondent also disputes the date of separation. Respondent requests that each party pay their own attorney fees, and that the court deny Petitioner's request for attorney fees as it is deficient.

Based on the February 25, 2022 filed Income and Expense Declaration, Petitioner has an average monthly income of \$416. Petitioner has deductions of \$824 per month for health insurance and \$893 per month for property taxes. Petitioner claims \$9,254 per month in expenses and has approximately \$13,000 in assets listed in 11a. of the FL-150.

Respondent has an average month income of \$3159, which includes social security retirement and interest on notes. Respondent has no monthly deductions. Respondent's monthly expenses are \$5,794 and has approximately \$13,000 in cash assets and \$447,00 in real and property assets listed in item 112 on the FL-150.

Using the above figures, a married filing separately status for both parties, the court finds that guideline temporary spousal support under the Alameda formula is \$1,457. See attached DissoMaster Report. Respondent is ordered to pay Petitioner \$1,457 per month as and for temporary spousal support, payable on the 1st of the month, commencing on March 1, 2022, until further order of the court or termination by operation of law. The court finds this order results in an arrearage of \$2,914 for the months of March and April. The court orders Respondent to pay \$364.25 per month due on the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

15th of each month starting May 15, 2022 (for approximately 8 months). If there is a missed payment, the remaining balance is due in full with legal interest.

The court grants Petitioner's request for exclusive control of the personal property, items as agree to by Respondent, subject to Watts credits.

The court finds that even after the award of spousal support there is a disparity in income. However, the court notes that each party has access to savings of approximately the same amount. Therefore, the court finds the parties have sufficient financial resources to present their case adequately. The court denies Petitioner's request for Family Code section 2030 attorney fees without prejudice.

The court finds it will need to take testimony on the remaining issues. Parties are ordered to appear to select Mandatory Settlement Conference and Trial dates.

Petitioner shall prepare the findings and orders after hearing.

TENTATIVE RULING #19: RESPONDENT IS ORDERED TO PAY PETITIONER \$1,457 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH, COMMENCING ON MARCH 1, 2022, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARAGE OF \$2,914 FOR THE MONTHS OF MARCH AND APRIL. THE COURT ORDERS RESPONDENT TO PAY \$364.25 PER MONTH DUE ON THE 15TH OF EACH MONTH STARTING MAY 15, 2022 (FOR APPROXIMATELY 8 MONTHS). IF THERE IS A MISSED PAYMENT, THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST. THE COURT GRANTS PETITIONER'S REQUEST FOR EXCLUSIVE CONTROL OF THE PERSONAL PROPERTY, ITEMS AS AGREE TO BY RESPONDENT, SUBJECT TO WATTS CREDITS. THE COURT DENIES PETITIONER'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY FEES WITHOUT PREJUDICE. PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of
ATTORNEY FOR: Respondent		COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: 22FL0067

Input Data	Responden	Petitioner	Guideline (2022)	Cash Flow Analysis	Responden	Petitioner
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Respondent	3,059	Payment (cost)/benefit	(1,412) 1,456
Filing status	MFS->	<-MFS	Petitioner	(468)	Net spendable income	1,602 989
# Federal exemptions	1*	1*	Total	2,591	% combined spendable	61.8% 38.2%
Wages + salary	0	0	Support (Nondeductible)	Total taxes	100	60
401(k) employee contrib	0	0	SS Payor	Responden	# WHA	0 0
Self-employment income	0	416	Alameda	1,457	Net wage paycheck/mo	0 0
Other taxable income	3,159	0	Total	1,457	Comb. net spendable	2,591
Short-term cap. gains	0	0	Proposed, tactic 9	Proposed	Payment (cost)/benefit	(1,412) 1,456
Long-term cap. gains	0	0	SS Payor	Responden	Net spendable income	1,602 989
Other gains (and losses)	0	0	Alameda	1,457	NSI change from gdl	0 0
Ordinary dividends	1,117	0	Total	1,457	% combined spendable	61.8% 38.2%
Tax. interest received	2,042	0	Savings	0	% of saving over gdl	0% 0%
Social Security received	0	0	No releases		Total taxes	100 60
Unemployment compensation	0	0			# WHA	0 0
Operating losses	0	0			Net wage paycheck/mo	0 0
Ca. operating loss adj.	0	0			Comb. net spendable	2,591
Roy, partnerships, S corp, trusts	0	0			Percent change	0.0%
Rental income	0	0			Default Case Settings	
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
Adj. to income (ATI)	0	0				
SS paid other marriage	0	0				
Ptr Support Pd. other P'ships	0	0				
CS paid other relationship	0	0				
Health ins(Pd by party)	0	824				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	893				
Other medical expenses	0	0				
Property tax expenses	0	893				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

20. JESSICA ZWAHLEN V. KYLE ZWAHLEN

22FL0131

On February 15, 2022, Petitioner filed a Request for Order (RFO) requesting the court make child custody orders awarding the parties joint legal and physical custody. The parties were referred to a Child Custody Recommending Counseling (CCRC) appointment on April 1, 2022 with a review hearing set for May 19, 2022.

On February 18, 2022 Respondent filed a request for ex parte custody orders. On February 22, 2022 the request was denied and parties were referred to a CCRC appointment on March 1, 2022 and a review hearing on Respondent's RFO was set for April 14, 2022. Upon review of the court file, there is no filed Proof of Service showing Petitioner was served with the referral to CCRC and Respondent's RFO.

Respondent requests the court award him sole legal and physical custody of the minor. Respondent also requests the court grant him exclusive use and control of the property at 6207 Bucktail Lane, Pollock Pines, CA.

Nevertheless, both parties appeared at the March 1, 2022 CCRC appointment and reached a full agreement. Copies of the CCRC report were mailed to the parties on April 5, 2022. The court has read and considered the CCRC report and finds the agreement of the parties to be in the best interest of the minor. The agreement of the parties is adopted at the court order. Parties will have joint legal and physical custody of the minor. The court adopts the parenting plan as outlined in the CCRC report. The minor must be driven only by a licensed and insured driver. The vehicle must have legal child restraint devices. The court adopts the holiday schedule as outlined in the report. The court adopts the remaining agreements of the parties. Parties are to participate in and file proof of completion of a co-parenting class. Parties are to utilize the lakingparents.com application to communicate with each other about the minor's education, health, and general welfare and any changes in parenting schedules.

The court denies Respondent's request for exclusive use and control of the property at 6207 Bucktail Lane, Pollock Pines, CA, as the RFO has not been properly served on the Petitioner.

As stated above, Petitioner's RFO is scheduled for May 19, 2022, one week after the hearing on Petitioner's RFO. As the issues raised in Petitioner's RFO are identical to Respondent's RFO and parties have reached a full agreement at CCRC, for judicial economy the court finds good cause to advance Petitioner's RFO to April 14, 2022 to hear the two RFO's at the same time. Either party can request oral argument if they object to Petitioner's RFO being advanced to the April 14, 2022 date.

All prior orders not in conflict remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

TENTATIVE RULING #20: THE AGREEMENT OF THE PARTIES CONTAINED IN THE MARCH 1, 2022 CCRC REPORT IS ADOPTED AS THE COURT'S ORDER AS OUTLINED ABOVE. THE AGREEMENT IS IN THE BEST INTEREST OF THE MINOR. THE COURT DENIES RESPONDENT'S REQUEST FOR EXCLUSIVE USE AND CONTROL OF THE BUCKTAIL LANE PROPERTY WITHOUT PREJUDICE. THE COURT VACATES THE MAY 19, 2022 HEARING ON PETITIONER'S RFO AS THE REQUEST HAS BEEN ADJUDICATED BY THIS ORDER. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

21. JUSTIN SIMARRO V. YAJAIRA SIMARRO

PFL20200099

On January 13, 2022 the court adopted its tentative ruling as appointed a CASA for the minor. The court set a review hearing for April 14, 2022 for receipt of the CASA report. Parties were ordered to file any Supplemental Declarations at least 10 days prior to the next hearing.

On April 6, 2022, Respondent filed a Supplemental Declaration. Respondent was served via mail on the same day. Respondent requests the court order sole physical and legal custody or in the alternative grant her final decision-making authority. Respondent is also requesting the court order Petitioner to pay one-half the cost of extracurricular activities for the minor, as well as that Petitioner take the minor to extracurricular activities that are scheduled during his parenting time. Respondent requests the court grant her the ability to enroll the minor in one sport per season over Petitioner's objection. Order that neither party be under the influence of alcohol or intoxicating substance during their parenting time. Respondent further requests the court order parties to use a third-party application for communication. Respondent is also requesting Petitioner submit to a full Family code 730 evaluation. Last, Respondent requests the exchange location be Taylor's Ice Cream Place, at 3636 Taylor Road in Loomis, California.

Petitioner has not filed a Supplemental Declaration.

The court adopted the parties' agreement reached at Child Custody Recommending Counseling (CCRC) as modified on January 13, 2022. The court ordered parties shall have joint legal custody. The court will not disturb that order absent a new Request for Order. The court also ordered "Respondent shall not consume alcohol, narcotics, or restricted drugs during his parenting time or 12 hours prior to his parenting time." The court will correct the prior order to reflect Petitioner shall not consume alcohol, narcotics, or restricted drugs during his parenting time or 12 hours prior to his parenting time. This order includes no use of marijuana during or for 12 hours prior to Petitioner's parenting time. Parties are to utilize a third-party application, such as talkingparents.com or our family wizard for communication, as set forth in the CCRC report recommendation that was adopted as the court's order on January 13, 2022.

As to the remaining requests, the court finds there is no pending Request for Order for those requests, and therefore, they are denied without prejudice.

The court has not received a report from CASA. Therefore, the court continues the review hearing for receipt of the CASA report to July 14th, 2022 at 1:30PM.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

TENTATIVE RULING #21: THE COURT CLARIFIES THE PRIOR ORDERS AS OUTLINED ABOVE. RESPONDENT'S REQUEST FOR ADDITIONAL ORDERS IS DENIED WITHOUT PREJUDICE. THE COURT CONTINUES THE REVIEW HEARING FOR RECEIPT OF THE CASA REPORT TO JULY 14TH, 2022 AT 1:30PM. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

22. KATHY DITRICH V. DANIEL DITRICH

PFL20220547

On February 22, 2022, Petitioner filed a Request for Order (RFO) requesting the court make property control orders. Respondent was served by mail on February 22, 2022. Petitioner requests the court grant her exclusive use and control of the property located at 5979 French Creek Road, Shingle Springs. Petitioner asserts the property is her separate property by way of an interspousal transfer deed. Petitioner states she is unable to lock the home to prevent access and is in fear for her pets and retaliation by Respondent. The Respondent resides in a trailer located on the property.

Respondent filed a Responsive Declaration on March 25, 2022. Petitioner was served by mail on March 28, 2022. Respondent objects to the requested order. Respondent asserts the interspousal transfer deed may be fraudulent.

Parties are ordered to appear to select a Mandatory Settlement Conference date and trial date.

TENTATIVE RULING 22: PARTIES ARE ORDERED TO APPEAR TO SELECT A MANDATORY SETTLEMENT CONFERENCE DATE AND TRIAL DATE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

23. MIGUEL RUVAKCABA V. BERTHA RUVALCABA

PFL20190616

On February 2, 2022, Respondent filed a Request for Order (RFO) requesting termination of spousal support. Respondent filed an Income and Expense Declaration on the same day. Petitioner was personally served the RFO and Income and Expense Declaration on March 21, 2022.

Respondent requests the court order a termination of spousal support as she has paid Petitioner support for half the duration of the marriage.

Petitioner filed a Responsive Declaration on April 1, 2022. Upon review of the file, there is no Proof of Service showing Respondent was served with the Responsive Declaration. Therefore, the court has not considered this filing.

Regarding Respondent's request to modify spousal support, the court finds it needs to take evidence to address the Family Code 4320 factors and to address Petitioner's allegations that Respondent is failing to report all her income.

TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

24. RYAN HYNES V. SONYA LOSSIUS

PFL20210153

On January 20, 2022, the court adopted its tentative ruling including appointing CASA. The court set a further review hearing on April 14, 2022 for receipt of the CASA report.

On February 17, 2022, Respondent filed an ex parte request for order requesting sole legal custody of the minor. On February 18, 2022 the court denied Respondent's ex part request. The concurrently filed Request for Order (RFO) was set for a hearing on April 14, 2022.

Upon review of the file, there is no Proof of Service showing Petitioner was served with notice of the RFO. As such, that matter is dropped from the court's calendar.

CASA filed a report on April 4, 2022. Parties were electronically served on the same day. The CASA recommends the parties use the "Our Family Wizard" application as ordered by the court on January 20, 2022. The parties are currently participating in co-parenting counseling. The CASA was able to visit both parties' homes and found both to be suitable in terms of overall environment. The CASA observed both parents to be caring and attentive parents.

All prior orders remain in full force and effect.

TENTATIVE RULING #24: THE FEBRUARY 18, 2022 RFO IS DROPPED FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

25. SUSAN HAMLIN V. RICHARD HAMLIN

PFL20050172

On January 31, 2022, Petitioner filed a Request for Order (RFO) requesting adjudication of an unadjudicated asset, namely Petitioner's pension from her employment at Mechanics Bank. Petitioner declares that she started the employment from which the pension was earned on August 23, 2004, after the parties date of separation. On March 8, 2022, Respondent was served personally with the RFO.

On March 14, 2022, Respondent filed a Responsive Declaration. However, upon review of the file, the court finds that there is no proof of service indicating service of this filing on Petitioner.

Upon review of the file, the court finds that the Petition and Response filed in the matter both indicate February 28, 2004 as the date of separation, which preceded the date on which Petitioner began to accrue her pension benefits. As such, the court finds that the pension plan from Mechanics Bank is Petitioner's sole and separate property. The court orders that this pension plan be allocated to Petitioner.

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

TENTATIVE RULING #25: THE COURT FINDS THAT THE PENSION PLAN FROM MECHANICS BANK IS PETITIONER'S SOLE AND SEPARATE PROPERTY. THE COURT ORDERS THAT THIS PENSION PLAN BE ALLOCATED TO PETITIONER. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

26. ZACHARY CARTER V. SAMANTHA CARTER

PFL20210579

On February 25, 2022 Petitioner filed an ex parte request for order requesting temporary sole custody of the minors and for Respondent to commence and complete Phase I of testing per the parties stipulation prior to progressing to Phase II.

The court denied the ex parte request to change custody on February 28, 2022. The court granted the ex parte request for Respondent to commence Phase I of substance abuse testing per the parties January 3, 2022 agreement. The court reiterated the prior agreement of the parties to adopt the recommendations from the November 9, 2021 Child Custody Recommending Counseling report.

A hearing was set for April 14, 2022 for Petitioner's Request for Order.

Upon review of the file, there is no Proof of Service showing Respondent was served with notice of the RFO. As such, the matter is dropped from calendar.

On April 7, 2022, Petitioner filed a Supplemental Declaration. Respondent was served electronically on the same day.

On April 7, 2022 Respondent filed a Declaration with attached drug test results. On April 8, 2022 Respondent filed a Declaration with an Additional test result attached. On April 8, 2022 Respondent filed a Declaration responding to Petitioner's Supplemental Declaration. No Proof of Service has been filed showing Petitioner was served with the Declarations. Therefore, the court has not read or considered them.

Petitioner's RFO is dropped from calendar due to lack of proper service. All prior orders remain in full force and effect.

TENTATIVE RULING #26: PETITIONER'S RFO IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.