

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**2. BURNS BRIMHALL V. MERI BRIMHALL**

**PFL20150809**

On February 16, 2022 Petitioner filed a Request for Order (RFO) requesting the court order Respondent and Respondent's counsel sign the QDRO or the court to appoint the clerk to act as elisor to sign in their stead and for Family Code section 271 sanctions. Respondent was served with the RFO by mail on February 16, 2022.

Petitioner asserts the completed QDROs were signed by Petitioner and Petitioner's counsel and sent to Respondent and Respondent's counsel on October 13, 2021. Repeated attempts to obtain signatures from Respondent and Respondent's counsel have been fruitless. Petitioner also asserts this is not the first time this issue has arisen in the pendency of the case. Respondent was previously sanctioned on June 27, 2020 for her failure to provide signed copies of the Marital Settlement Agreement. Petitioner requests the court order sanctions against Respondent in the amount of \$1,000 and \$2,500 against Respondent's counsel, Michelle Trigger.

In the Request for Order, Petitioner attaches several exhibits, including a copy of the QDROs signed by Petitioner and his counsel and communication from Petitioner's counsel to Respondent's counsel confirming receipt of the document and regularly inquiring about the status of the signature.

Respondent has not filed a responsive declaration.

The court orders Respondent and her counsel to sign and return the QDROs no later than close of business April 28, 2022. If Respondent and her counsel fail to do so, the court authorizes the clerk of the court to act as elisor to sign.

As to the issue of Family Code Section 271 Sanctions, the Court finds that Respondent has frustrated the policy of the court to reduce the cost of litigation and promote settlement. It has been six months since Respondent and her counsel were first sent a copy of the QRDOs. And further necessitated the filing of this RFO by Petitioner. The filing of the RFO followed numerous communications to Respondent's counsel in attempts to get the QDROs signed and filed with minimal response by Respondent's counsel. Petitioner has now incurred additional attorney fees for the filing of this motion due to inaction by Respondent and her counsel. *In Re Marriage of Daniels* (1993) 19 Cal.App.4th 1102 precludes this court from ordering 271 sanctions against Respondent's counsel, however, the case of *In Re Marriage of Davenport* (2011) 194 Cal.App.4th 1507 holds that it is proper to hold a client responsible for the conduct of his/her attorney. Here, the court finds that both Respondent and her counsel have frustrated the policy of the court to reduce the cost of litigation and promote settlement by their inaction and repeatedly failing to respond to Petitioner's counsel to get the QDROs signed and filed. There has been no explanation for the delay and lack of response.

Therefore, the court orders Respondent pay Petitioner \$3,500 as Family Code Section 271 sanctions in this matter. The Court finds she received an equal amount of community assets, owns her own business, and has the ability to pay these sanctions. Sanctions are payable at the rate of \$500 per month beginning May 1, 2022 and continuing the first of every month thereafter until paid in full.

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**TENTATIVE RULING #2: THE COURT ORDERS RESPONDENT AND RESPONDENT'S COUNSEL TO SIGN THE OCTOBER 13, 2021 QDROS BY THE CLOSE OF BUSINESS APRIL 28, 2022. IF THEY FAIL TO DO SO, THE CLERK OF THE COURT IS AUTHORIZED TO ACT AS ELISOR AND SIGN IN THEIR STEAD. THE COURT ORDERS RESPONDENT PAY PETITIONER \$3,500 AS FAMILY CODE SECTION 271 SANCTIONS IN THIS MATTER SANCTIONS ARE PAYABLE AT THE RATE OF \$500 PER MONTH BEGINNING MAY 1, 2022 AND CONTINUING THE FIRST OF EVERY MONTH THEREAFTER UNTIL PAID IN FULL.**

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

**3. CHRISTOPHER BARNES V. TERRY MANLEY-BARNES**

**PFL20170830**

On February 17, 2022, Petitioner filed a Declaration a request for attorney fees and costs and sanctions for failure to supply documents, served personally on Respondent on February 24, 2022. Petitioner asserts that Respondent has failed to produce any of the documents requested in the June 8, 2021 hearing. Petitioner requests the court use Petitioner's figures on Personal property where Respondent failed to provide the evidence requested. Petitioner requests \$10,000 for attorney fees and Family code section 271 sanctions.

Respondent filed a Responsive Declaration on April 11, 2022. Petitioner was served by mail on April 4, 2022. Respondent asserts the RFO is deficient and does not support the relief requested. Respondent asserts that on June 8, 2021, the court adopted its February 18, 2021 tentative ruling and the only additional order was for Respondent to pay petitioner \$1,500 for sanctions. No findings and orders after hearing were ever submitted by Petitioner. Respondent states she has complied to the best of her ability to all discovery requests. Further, Petitioner failed to provide any Meet and Confer letter as required by the Code of Civil Procedure and Petitioner failed to file a motion with the court within the timeframes set by Code of Civil Procedure section 2031.310 to compel further responses. Respondent asserts Petitioner is estopped from filing this motion as a result. Respondent requests the court deny the motion and set the matter for a long cause trial on all issues.

The court has reviewed all the filings in the case. In sum, Petitioner is arguing that Respondent is continuing to be evasive in not providing complete and truthful responses, failing to disclose documents in her control and/or failing to identify who has control of those documents to the extent they are not in her control. Petitioner particularly points to documents related to the sale of community assets and transactions involving Respondent's parents that allegedly involve community funds. In response, Respondent argues that she has already produced all the documents she has and much of what she does not have Petitioner can obtain on his own. Respondent adds that while there may be additional documents that she can request, so can Petitioner, and the cost of requesting these documents would pose a financial hardship on her. Respondent also contends that Petitioner is mistaken about the facts related to the sale of community assets and the transactions involving her parents.

To resolve these discovery issues, the court must hold a hearing. The court, on its own motion, sets this matter for a long cause hearing, finding that it would exceed the 15 minutes available on a Law and Motion calendar. The parties and their counsel are ordered to appear to select dates for a long cause hearing. The court reserves on the request for attorney fees and sanctions for both parties.

**TENTATIVE RULING #6: THE PARTIES AND THEIR COUNSEL ARE ORDERED TO APPEAR AT TO SELECT DATES FOR A LONG CAUSE HEARING.**

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April 21, 2022

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

**5. CRYSTALL L. CORBETT V. SEAN P. CORBETT**

**PFL20110935**

On December 9, 2021, the parties appeared in court for a CCRC Review. The court declined to adopt its tentative ruling for the hearing and instead ordered Respondent to provide proof of his completion of a drug program and testing and of counseling. The court set a hearing to determine proof of compliance on February 24, 2022. All supporting information regarding compliance was to be filed with the court at least 10 days in advance of the hearing date. The court maintained all prior orders.

On February 24, 2022 the court adopted its tentative ruling continuing the matter to April 21, 2022 as the court had not received Respondent's proof of compliance 10 days prior to the hearing.

On February 17, 2022, Respondent filed a Declaration with Exhibits A-E attached. Petitioner was served electronically on the same day. Respondent asserts he has completed more than what was ordered of him. Respondent has attached drug testing results as Exhibit A, showing negative results, including hair follicle test results. Respondent has completed substance abuse treatment and attached the certificate of completion as Exhibit B. Respondent completed a Parenting class and has attached the certificate of completion as Exhibit C. Respondent has also submitted letters from last and present counselors as Exhibits D and E. Respondent requests the court adopt the recommendations of the Child Custody Recommending Counseling (CCRC) report, that the minor begin therapy with a therapist who specializes in reunification therapy.

On February 22, 2022, Petitioner filed a Reply Declaration requesting the court continue the February 24, 2022 hearing to allow more time to review the Declaration filed by Respondent and to file a Reply on the merits.

On March 11, 2022, Respondent filed a supplemental declaration. Petitioner was served by mail on March 11, 2022. Respondent has provided a letter from his treatment provider stating he attends weekly therapy session and all scheduled medication assisted treatment appointments.

On April 8, 2022, Respondent filed an additional Supplemental Declaration. Petitioner was served electronically on April 7, 2022. The supplemental declaration contains an April 1, 2022 letter from Community Clinics regarding Respondent's attendance at the Medically Assisted Treatment clinic.

Petitioner filed a further Reply declaration on April 12, 2022. Respondent was served by mail on April 12, 2022. Petitioner requests the court deny Respondent's requests as he has not provided proof he is in compliance with the 2013 orders. Petitioner asserts the drug test results provided by Respondent do not comply with the court's orders. The drug tests were to be random observed testing, using a 10-panel screen and include tests for Suboxone-Subutex. The tests provided by Respondent are hair follicle tests which were not random. Further the test results were to be provided by the facility conducting the tests directly to minor's counsel. Further, the tests do not include testing for Suboxone-Subutex, which Respondent has abused in the past. Petitioner also asserts the court should not consider information about treatment prior to Respondent's March 2019 relapse. Petitioner also states Respondent has failed to provide adequate proof he is in compliance with attending two counseling sessions a month. Petitioner requests Respondent demonstrate compliance with the prior orders for six months prior to ordering reunification with the minor begin.

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The court has read and considered the CCRC report dated October 2, 2021 and the above filings and makes the following findings and orders:

Respondent has complied with the order to participate in drug treatment as well as counseling. Respondent is currently in compliance with his drug treatment program.

Respondent is to submit to random observed urinalysis testing. The tests shall be a 10-panel test and include testing for Suboxone-Subutex. Respondent shall be tested weekly on a random schedule. Test results are to be provided directly from the testing agency to Petitioner's counsel. After a period of 60 days with no missed tests and no positive tests, the minor shall be referred to a therapist that specializes in reunification therapy.

If parties are unable to agree to a reunification therapist, the Respondent is to provide Petitioner the names of three licensed therapists that specialize in reunification therapy within two weeks of notice that all tests are negative and there have been no missed tests. Petitioner will then have until one week to select one of the three and notify Respondent of the choice. The minor will participate in reunification therapy at a frequency and duration as directed by the therapist. The parties are to comply with the directives of the therapist as to when or if it is appropriate to begin integration of Respondent into the sessions.

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 #5: RESPONDENT IS TO SUBMIT TO RANDOM OBSERVED URINALYSIS TESTING. THE TESTS SHALL BE A 10-PANEL TEST AND INCLUDE TESTING FOR SUBOXONE-SUBUTEX. RESPONDENT SHALL BE TESTED WEEKLY ON A RANDOM SCHEDULE. AFTER A PERIOD OF 60 DAYS WITH NO MISSED TESTS AND NO POSITIVE TESTS, THE MINOR SHALL BE REFERRED TO A THERAPIST THAT SPECIALIZES IN REUNIFICATION THERAPY. IF PARTIES ARE UNABLE TO AGREE TO A REUNIFICATION THERAPIST, THE RESPONDENT IS TO PROVIDE PETITIONER THE NAMES OF THREE LICENSED THERAPISTS THAT SPECIALIZE IN REUNIFICATION THERAPY WITHIN TWO WEEKS OF NOTICE THAT ALL TESTS ARE NEGATIVE AND THERE HAVE BEEN NO MISSED TESTS. PETITIONER WILL THEN HAVE UNTIL ONE WEEK TO SELECT ONE OF THE THREE AND NOTIFY RESPONDENT OF THE CHOICE. THE MINOR WILL PARTICIPATE IN REUNIFICATION THERAPY AT A FREQUENCY AND DURATION AS DIRECTED BY THE THERAPIST. THE PARTIES ARE TO COMPLY WITH THE DIRECTIVES OF THE THERAPIST AS TO WHEN OR IF IT IS APPROPRIATE TO BEGIN INTEGRATION OF RESPONDENT INTO THE SESSIONS. 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.**

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**6. DCSS V. COLBY NORDYKE (OTHER PARTY: ANGEL ROBERTS)**

**PFS20140191**

On February 28, 2022 Commissioner Gary S. Slossberg recused himself pursuant to CCP 170.1(a)(6)(A). Subsequently, the matter was reassigned to Judge Lauren C. Bowers in Department 5 and set on the law and motion calendar for April 21, 2022.

Parties are ordered to appear.

**TENTATIVE RULING #6: PARTIES ARE ORDERED TO APPEAR.**

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

**7. HENRY AGUILAR V. KRISTIE WILLIS**

**PFL20180694**

On February 28, 2022, counsel for Respondent filed a Motion to be relieved as counsel. Respondent and Petitioner were served by first class mail and electronically on March 18, 2022.

The court notes the mailing address Respondent was sent notice to has previously been determined to not be a current mailing address for Respondent. Further, counsel has been unable to verify if the email address Respondent was served at is current. The court is also concerned that there is currently a Request for Order set on the law and motion calendar on April 28, 2022.

Parties are ordered to appear.

**TENTATIVE RULING #7: PARTIES ARE ORDERED TO APPEAR.**

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April 21, 2022

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

**8. JARED LUNGREN V. RANA LUNGREN**

**PFL20190056**

On February 7, 2022 the court referred the parties to Child Custody Recommending Counseling for an appointment on March 4, 2022 and a review hearing on April 21, 2022.

Parties appeared at CCRC on March 4, 2022 and reached a full agreement. A copy of the report was mailed to the parties on April 11, 2022.

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

The court adopts the agreement of the parties contained in the CCRC report. The parties agree Petitioner will continue to have sole physical custody of the minor. Respondent will participate in substance abuse services with Progress House. Upon successful participation in and completion of substance abuse services, Respondent's parenting time will be stepped up, in 90 day intervals. Respondent shall provide documentation and results of her participation in substance abuse services as well as drug test results to Petitioner and the court. Respondent is to participate in community based 12-step program or support group a minimum of three times per week. Only a licensed driver shall transport the minor. Respondent is to totally abstain from the use of alcohol or any intoxicating substance, without a valid prescription, for 24 hours prior to and during her parenting time. The court adopts the remaining agreements of the parties.

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

**TENTATIVE RULING #8: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS CONTAINED IN THE CCRC REPORT. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

**9. JENNIFER WYMAN RUSH V. SETH WYMAN RUSH**

**22FL0106**

On February 4, 2022, Petitioner filed a Request for Order (RFO) requesting the court makes orders as to custody, parenting time, child support, property control, spousal support, Respondent to maintain health insurance, and attorney fees. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 7, 2022 and a review hearing set for April 21, 2022. Petitioner concurrently filed an Income and Expense Declaration. Respondent was personally served with the Income and expense Declaration, RFO, and CCRC referral On February 13, 2022.

Petitioner is requesting joint legal custody and sole physical custody. Petitioner proposes Respondent have parenting time every other weekend from Friday at 6:00 PM until Sunday at 6:00 pm. Petitioner requests the court order guideline child support. Petitioner also requests the court order guideline temporary spousal support. Petitioner request the court order she have temporary use, possession, and control of the property located at 2682 Cresta Verde Drive in Camino as well as of a Saab vehicle that is currently inoperable. Petitioner requests the court order Respondent to maintain her as well as the minors on his health insurance through his employer. Lastly, Petitioner request the court award her \$7,500 for Family Code section 2030 attorney fees.

Respondent filed a Responsive Declaration and Income and Expense Declaration on April 8, 2022. Petitioner was served both by mail and electronically on April 8, 2022. Respondent requests the court order joint legal and physical custody of the minors, with parenting time every other weekend and two weekday evenings for three hours each. Respondent agrees to guideline child and spousal support, but request the court make a seek work order for Petitioner, impute at least full-time minimum wage to Petitioner, order a vocational evaluation and set a 90-day review hearing, and credits to Respondent per *Marriage of Stallworth*. Respondent agrees to maintain Petitioner and the minors on his health insurances. Respondent requests the court deny Petitioner's request for attorney fees. Respondent consents to Petitioner having exclusive use and control of the Saab, but requests Petitioner be responsible for any payments associated with it. Lastly, Respondent request the court order the former family home be sold, or in the alternative grant Petitioner temporary control, provided Petitioner is to pay all mortgage, tax, and insurance costs, and any other costs of living.

Petitioner filed a Reply Declaration on April 15, 2022. Respondent was served electronically on April 14, 2022. Petitioner objects to the seek work order. Petitioner asserts it is not in the best interest of the minors, as the eldest minor is 15 and Autistic and cannot be left unattended and the youngest minor is three. Petitioner has been a full-time homemaker throughout the marriage and has not worked outside the home since approximate 2005. Petitioner further asserts the other adults living on the property are not appropriate or available to provide full-time childcare for the minors. Petitioner also asserts prior to the parties' separation, the rent being paid by the maternal family members was substantially lower than what has been paid since the separation, and Petitioner has received loans from family members to pay the mortgage each month. Finally, Petitioner states Respondent's income is misstated in his Income and Expense Declaration.

Parties attended CCRC on March 7, 2022 and were able to reach a full agreement. A copy of the CCRC report was mailed to the parties on April 11, 2022. The court has read and considered the CCR

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report and finds the agreement of the parties to be in the best interest of the minors. The parties will have joint legal custody. The minors will have parenting time with Respondent every other weekend from Friday at 3:00 PM until Sunday at 6:00 PM. Respondent will also have parenting time two weekdays a week from 4:00 PM to 7:00 PM. Parties are to determine what the days will be based on Respondent's work schedule and the needs of the eldest minor. Respondent's parenting time will take place in his home. The eldest minor will be assessed by the school district or mental health profession within 90 days to determine if the minor has any undiagnosed mental health or neurological disorders. The parties shall enroll in a co-parenting class, utilizing one of the classes listed on the court website, and provide the court with a copy of the certificate of completion of the course.

The court finds Petitioner to have no income based on her Income and Expense Declaration. Petitioner does receive assistance from others of approximately \$727 per month. Petitioner pays approximate \$66 per month for educational expenses. Petitioner has a deduction of \$324 per month for the property taxes. Petitioner's tax status is married filing jointly with Respondent.

The court finds Respondent to have an average monthly income of \$7,346 (\$42.38 per hour for 40 hours a week, times 52 weeks a year, divided by 12 months). The court notes Respondent does receive overtime pay and has included an Overtime table. Respondent has a \$285 deduction for retirement and \$227 for health insurance. Respondent last filed taxes a married filing jointly, with head of household.

Using the above figures and a 25% timeshare for Respondent, the court finds that guideline child support is \$1,296. See attached DissoMaster Report. Beginning March 1, 2022, Respondent shall pay Petitioner \$1,296 per month as and for child support, payable on the 1st of the month, until further order of the court or termination by operation of law. The court notes Respondent has been voluntarily paying Petitioner \$1,200 per month for support. This order results in an arrearage of \$192. The court orders Respondent to pay Petitioner \$192 as arrears on or before May 15, 2022.

Utilizing the same figures as outlines above, the court finds that guideline temporary spousal support is \$1,189. See attached DissoMaster report. Beginning March 1, 2022, Respondent shall pay Petitioner \$1,189 per month as and for temporary spousal support, payable on the 1<sup>st</sup> of the month, until further order of the court or termination by operation of law. This order results in an arrearage of \$2,378. The court order Respondent to pay Petitioner \$297.25 per month, due on the 15<sup>th</sup> of each month beginning May 15, 2022 as arrears. Failure to pay will result in the balance becoming due with full legal interest.

The court also finds that Respondent's Income and Expense Declaration demonstrates that Respondent receives bonus payments and overtime income. Therefore, the court finds that additional support is appropriate per the attached Overtime/Bonus Table. The court adopts the orders Respondent to pay Petitioner additional support per the Overtime/Bonus Table within 5 days of receipt. Respondent shall provide proof of the bonus/overtime received with the payment.

The court declines to impute income to Petitioner at this time. The court finds that given the ages and needs of the minors it is in the minors' best interest for Petitioner to remain their full-time caretaker. The court denies Respondent's request for a seek work order. The court grants Respondent's

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request for Petitioner to participate in a vocational evaluation with Patrick Sullivan. Respondent shall advance the cost of the evaluation, subject to reallocation. Petitioner is reminded of her equal obligation to support the minors.

Respondent is ordered to maintain Petitioner and the minors on his employer-sponsored health insurance pursuant to the ATROs.

The court denies Respondent's request for sale of the property. The court grants Petitioner's request for exclusive use and possession of 2682 Cresta Verda Drive in Camino. Petitioner shall be responsible for the costs of maintaining the property, including payment of the mortgage, property taxes, insurance, and maintenance costs. The court grants Petitioner's request for the exclusive control and use of the Saab vehicle. Petitioner shall pay the costs of the vehicle, including any car payments, insurance, registration, and maintenance costs.

The court denies Petitioner's request for Family Code section 2030 attorney fees. The court finds that will the spousal support payments, the parties are more equally situated and that each party has an equal access to legal representation.

The court sets a review hearing in 90 days for receipt of the vocational evaluation.

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 #9: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES CONTAINED IN THE CCRC REPORT AS OUTLINED ABOVE. THE COURT ORDERS GUIDELINE CHILD SUPPORT AS OUTLINED ABOVE. THE COURT ORDERS GUIDELINE TEMPORARY SPOUSAL SUPPORT AS OUTLINED ABOVE. RESPONDENT SHALL MAINTAIN PETITIONER AND THE MINORS ON HIS HEALTH INSURANCE. THE COURT DENIED RESPONDENT'S REQUEST TO IMPUTE INCOME TO PETITIONER. THE COURT DENIES RESPONDENT'S REQUEST FOR A SEEK WORK ORDER. THE COURT GRANTS RESPONDENT'S REQUEST FOR PETITIONER TO PARTICIPATE IN A VOCATIONAL EVALUATION. RESPONDENT SHALL ADVANCE THE COSTS SUBJECT TO REALLOCATION. THE COURT DENIES RESPONDENT'S REQUEST TO ORDER THE SALE OF THE FORMER MARITAL PROPERTY. PETITIONER SHALL HAVE USE AND CONTROL OF THE PROPERTY AS OUTLINED ABOVE. PETITIONER SHALL HAVE USE AND CONTROL OF THE SAAB VEHICLE AS OUTLINED ABOVE. THE COURT DENIES PETITIONER'S REQUEST OF FAMILY CODE SECTION 2030 ATTORNEY FEES WITHOUT PREJUDICE. THE COURT SETS A REVIEW HEARING FOR RECEIPT OF THE VOCATIONAL EVALUATION ON JULY 21<sup>ST</sup>, 2022 AT 8:30AM. 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.**

ATTORNEY (NAME AND ADDRESS): <b>EDC Court</b>  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Respondent</b>	DISSOMASTER REPORT 2022, Monthly	
		CASE NUMBER: <b>22 FLO106</b>

Input Data	Responden	Petitioner	Guideline (2022)	Cash Flow Analysis	Responden	Petitioner
Number of children	0	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	25%	0%	Respondent	5,772	Payment (cost)/benefit	(2,485) 2,485
Filing status	MFJ->	<-MFJ	Petitioner	727	Net spendable income	3,287 3,212
# Federal exemptions	1*	2*	Total	6,499	% combined spendable	50.6% 49.4%
Wages + salary	7,346	0	<b>Support (Nondeductible)</b>	Total taxes	1,062	0
401(k) employee contrib	0	0	CS Payor	Respondent	# WHA	8 0
Self-employment income	0	0	Presumed	t	Net wage paycheck/mo	6,246 0
Other taxable income	0	0	Basic CS	1,296	Comb. net spendable	6,499
Short-term cap. gains	0	0	Add-ons	0	<b>Proposed</b>	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(2,485) 2,485
Other gains (and losses)	0	0	Child 1	1,296	Net spendable income	3,287 3,212
Ordinary dividends	0	0	SS Payor	Respondent	NSI change from gdl	0 0
Tax. interest received	0	0	Alameda	1,189	% combined spendable	50.6% 49.4%
Social Security received	0	0	Total	2,485	% of saving over gdl	0% 0%
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>		Total taxes	1,062 0
Operating losses	0	0	CS Payor	Respondent	# WHA	8 0
Ca. operating loss adj.	0	0	Presumed	t	Net wage paycheck/mo	6,246 0
Roy, partnerships, S corp, trusts	0	0	Basic CS	1,296	Comb. net spendable	6,499
Rental income	0	0	Add-ons	0	Percent change	0.0%
Misc ordinary tax. inc.	0	0	Presumed Per Kid		Default Case Settings	
Other nontaxable income	0	727	Child 1	1,296		
New-spouse income	0	0	SS Payor	Respondent		
Adj. to income (ATI)	0	0	Alameda	1,189		
SS paid other marriage	0	0	Total	2,485		
Ptr Support Pd. other P'ships	0	0	Savings	0		
CS paid other relationship	0	0	No releases			
Health ins (Pre-tax)	227	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
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	285	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				



ATTORNEY (NAME AND ADDRESS): <b>EDC Court California</b>  ATTORNEY FOR: <b>Respondent</b>	TELEPHONE NO:   	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>Respondent Monthly Overtime Wages Report</b> 2022 Monthly	CASE NUMBER: <b>22FL0106</b>	

"R" denotes that Respondent is a recipient for the corresponding support  
 "CS%" is the percentage of Overtime paid as additional Child Support  
 "SS%" is the percentage of Overtime paid as additional Spousal Support

Respondent's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	1,296	1,189	2,485
100	17.64	18	18.11	18	1,314	1,207	2,521
200	17.43	35	17.89	36	1,331	1,225	2,556
300	15.15	45	18.72	56	1,342	1,245	2,587
400	13.44	54	19.38	78	1,350	1,267	2,616
500	12.41	62	19.77	99	1,358	1,288	2,646
600	11.72	70	20.04	120	1,366	1,309	2,676
700	11.22	79	20.24	142	1,375	1,331	2,705
800	10.85	87	20.39	163	1,383	1,352	2,735
900	10.55	95	20.50	185	1,391	1,374	2,765
1,000	10.31	103	20.60	206	1,399	1,395	2,794
1,100	10.11	111	20.68	227	1,407	1,417	2,824
1,200	9.85	118	20.51	246	1,414	1,435	2,849
1,300	9.72	126	20.58	268	1,422	1,457	2,879
1,400	9.60	134	20.65	289	1,430	1,478	2,909
1,500	9.49	142	20.71	311	1,438	1,500	2,938
1,600	9.40	150	20.77	332	1,447	1,521	2,968
1,700	9.32	158	20.81	354	1,454	1,543	2,997
1,800	9.24	166	20.86	375	1,462	1,564	3,027
1,900	9.17	174	20.90	397	1,470	1,586	3,057
2,000	9.11	182	20.94	419	1,478	1,608	3,086



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**10. JEREMY MCCOY V. JESSICA MCCOY**

**PFL20180393**

On February 9, 2022 Petitioner filed a Request For Order (RFO) requesting the court authorize the release of \$10,000 from funds held in trust to each party for attorney fees. Respondent was served with the RFO by mail on February 10, 2022.

Petitioner asserts the parties have been unable to reach a resolution in this matter despite his attempts to negotiate a settlement. Therefore, the matter is currently set for a long-cause trial. Petitioner's attorney requires a \$10,000 trial retainer. Therefore, Petitioner is requesting the court authorize the release of \$10,000 to each party from the trust account. The funds held in trust are the proceeds of the sale of the former marital residence.

Respondent filed a Responsive Declaration on April 8, 2022. Upon review of the court filed there is no proof of service showing Petitioner was served with the response.

Respondent asserts she has attempted to negotiate a settlement, yet Petitioner failed to respond and has chosen to litigate the issue. Respondent further asserts Petitioner's request for attorney fees does not comply with California Rule of Court 5.427(b)(1), in that Petitioner has not submitted the FL-319 and a current Income and Expense Declaration, and there has not submitted sufficient information about the attorney's billing rate, nature of the litigation, the attorney's experience, et cetera. Further, Respondent asserts that pending the end of litigation, it is unclear whether Petitioner will have an interest in the funds currently held in trust. Lastly, Respondent asserts Petitioner has sufficient monthly income to pay his attorney fees.

The court finds Petitioner has failed to comply with California Rule of Court 5.427(b). Therefore, the court denies Petitioner's request.

All prior orders remain in full force and effect. Petitioner shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #10: PETITIONER'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY FEES IS DENIED WITHOUT PREJUDICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**11. LEANNE VANNOY V. WILLIAM VANNOY**

**PFL20150453**

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 found 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 granted Petitioner's request to continue the hearing on the RFO to March 24, 2022. Petitioner was 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 reserved both parties request for sanctions to the continued hearing date and found that Petitioner's failure to comply with court rules will be factor in determining whether to issue sanctions and in what amount. The parties were further ordered to meet and confer in attempt to resolve the issues raised in the RFO prior to the continued hearing date.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

On March 8, 2022 Petitioner filed a Separate Statement pursuant to Cal. Rules of Court, Rule 3.1345(a)(3) requesting motions to compel and sanctions. Respondent was served the same day. Petitioner is requesting the Respondent be compelled to produce documents in 30 different requests.

Respondent filed a Second Supplemental Response to the Demand for Production of documents. Petitioner was served personally on April 6, 2022. Respondent Supplemental Response contains a total of 1,415 pages of documents. Upon review of the declaration, Respondent has addressed each of the requests for production.

The court finds Petitioner's Motion to Compel has been complied with. Therefore, the court drops the matter from calendar.

**TENTATIVE RULING #11: RESPONDENT HAS COMPLIED WITH THE MOTION TO COMPEL. THE MATTER IS DROPPED FROM CALENDAR.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**12. MANDY ANDERSON V. JEREMEY ANDERSON**

**PFL20190451**

On September 23, 2021 parties appeared for a hearing on the July 28, 2021 Request for Order (RFO). Parties presented oral argument and reached an agreement. Parties agreed to participate in a Family Code section 3111 evaluation. Parties agreed to an interim modification of custody and parenting time pending return on the evaluation. Petitioner agreed to waive the defect in notice and agreed to reserve jurisdiction on the request to modify support to the date of the filing of Respondent's Income and Expense Declaration on June 22, 2021. Parties were to file updated Income and Expense Declarations prior to the next court date. The court adopted the tentative ruling not in conflict with the parties' agreement. Any orders not in conflict with the tentative ruling remained in full force and effect. The matter was set for a review hearing on December 2, 2021.

On November 23, 2021, parties submitted a stipulation and order to continue the December 2, 2021 hearing to February 24, 2021.

On February 23, 2022, parties submitted a stipulation and order to continue the February 24, 2022 hearing to April 21, 2022.

On April 12, 2022 Respondent filed an updated income and expense declaration. Petitioner was served by mail on the same day.

On April 18, 2022, Petitioner filed a Supplemental Declarations. Respondent was served electronically the same day.

Respondent filed a Supplemental Declaration on April 19, 2022. Petitioner was served by mail on April 18, 2022.

The matter is currently set for a review of the Family Code 3111 report as well as on the support issues. Although both parties have filed supplemental declarations referring to the report, the court has not received the report nor had an opportunity to review it. Further, neither of the Supplemental Declarations were filed 10 days prior to the hearing. Therefore, the court continues the matter to JULY 7<sup>TH</sup>, 2022 AT 8:30AM. The court continues to reserve jurisdiction on the request to modify support to June 22, 2021. The 3111 report is to be filed forthwith.

All prior orders remain in full force and effect. Respondent's counsel shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #12: THE MATTER IS CONTINUED TO JULY 7<sup>TH</sup>, 2022 AT 8:30AM FOR RECEIPT OF THE 3111 REPORT. THE COURT CONTINUES TO RESERVE JURISDICTION ON THE MODIFICATION OF SUPPORT REQUEST TO JUNE 22, 2021, THE DATE AGREED UPON BY THE PARTIES. THE 3111 REPORT IS TO BE FILED FORTHWITH. ANY SUPPLEMENTAL DECLARATIONS ARE TO BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE NEXT COURT HEARING. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**13. MICHAEL NIELSEN V. LORENE NIELSEN**

**PFL20140434**

On February 8, 2022, Respondent filed a Request for Order requesting the court order wage garnishment for child support arrears owed. Petitioner was served by mail on February 2, 2022.

Respondent asserts the court calculated arrears on September 10, 2021. Petitioner was ordered to pay Respondent \$2669. Respondent asserts Petitioner has paid \$1750 towards the arrears balance. Petitioner stated he would pay the remaining \$919 by January 2022 but has failed to do so. Therefore, Respondent is requesting the court make a wage garnishment order. Respondent also requests the court order \$130 per month also be garnished for reimbursements for the minors' extracurricular activities and expenses, and that should the expenses be less than \$130 per month, Respondent would issue Petitioner a refund.

Petitioner filed a Responsive Declaration on April 5, 2022. Respondent was served by mail on April 4, 2022. Petitioner requests the court deny Respondent's order in its entirety. Petitioner asserts child support has been paid as ordered every month. Petitioner asserts the requests for reimbursement exceed the previous order. Petitioner asserts because Respondent has failed to reimburse him for the insurance co-pays, he has been unable to pay the remaining arrears balance. Petitioner states he has not received any reimbursements for the costs of counseling for the children since September 2021. Petitioner requests that the remaining amount of arrears be deducted from the amount owed to him for insurance reimbursements and that Respondent pay him the balance owed for insurance reimbursement. Petitioner requests that Respondent be ordered to pay the upfront costs of counseling for the minors and that he then issue the reimbursement from insurance. Last, Petitioner requests the court deny the request for \$130 monthly reimbursements for the minors' expenses and that the court rescind that order.

The court finds Petitioner's request to rescind the order the parties share the costs of the minors' extracurricular activities and expenses exceeds the scope of the RFO filed by Respondent and therefore, denies that request. The court finds on the remaining issues it will need to take testimony from the parties. Therefore, parties are ordered to appear to select Mandatory Settlement Conference and trial dates.

All prior orders remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #13: THE COURT DENIES PETITIONER'S REQUEST TO RESCIND THE ORDER THE PARTIES SHARE THE COSTS OF THE MINORS' EXTRACURRICULAR ACTIVITIES AND EXPENSES AS IT EXCEEDS THE SCOPE OF THE RFO FILED BY RESPONDENT AND THEREFORE, DENIES THAT REQUEST. THE COURT FINDS ON THE REMAINING ISSUES IT WILL NEED TO TAKE TESTIMONY FROM THE PARTIES. THEREFORE, PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**14. MICHELLE GREENE V. JOSHUA SEATS**

**PFL20210580**

On February 14, 2022, Respondent filed a Request for Order (RFO) along with a Declaration from counsel, requesting the court award him attorney fees and costs. Respondent filed an Income and Expense Declaration on the same date. Petitioner was personally served with on the Income and Expense Declaration and Declaration of counsel on April 5, 2022.

Petitioner filed a Responsive Declaration on April 15, 2022 requesting the court deny the request for attorney fees as it was not properly served. Petitioner concurrently filed her Income and Expense Declaration. Respondent was served electronically on February 14, 2022.

The court finds Petitioner was not properly served with the RFO, as the FL-300 was not included in the served documents. Further, the service was not timely as it was served on April 5, 2022, less than 16 court days prior to the hearing.

The court denies Respondent's request for attorney fees without prejudice.

All prior orders remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #14: RESPONDENT'S RFO IS DENIED WITHOUT PREJUDICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**15. SANDRA GRANADE V. TIMOTHY GRANADE**

**PFL20190133**

On November 22, 2021, the parties submitted a stipulation and order for the parties to be referred to Child Custody Recommending Counseling (CCRC) and set a review hearing. The court referred the parties to CCRC for an appointment on December 29, 2021 and a review hearing set for February 10, 2022. Respondent was served with a copy of the stipulation and order as well as the referral to CCRC electronically on November 23, 2021.

On January 4, 2022, Petitioner filed an ex parte request for orders requesting the court order Respondent reinstate Petitioner's medical, dental, and vision insurance. Petitioner also requested reimbursement for any out-of-pocket expenses as well as Family Code section 271 sanctions. Respondent was served with the request on January 4, 2022.

On January 7, 2022, the court granted the ex parte request in part and ordered Petitioner's medical, dental, and vision insurance be reinstated. The court reserved on the request for Family Code section 271 sanctions and on the request for reimbursement subject to proof.

Respondent was served with ex parte orders and Request for Order (RFO) electronically on January 7, 2022.

On January 13, 2022 the court issued an ex parte minute order, rescheduling the CCRC appointment and review hearing. The court was closed on December 29, 2021 due to inclement weather. The CCRC appointment was rescheduled to January 21, 2022 and the review hearing was reset to March 3, 2022.

The parties and the minors participated in the CCRC appointment on January 21, 2022. The parties were unable to reach any agreements. Therefore, a report with recommendations was issued. A copy of the report as mailed to the parties on February 28, 2022.

On February 9, 2022, parties agreed to continue the hearing from March 3, 2022 to April 21, 2022 for all matters.

On April 18, 2022, Respondent filed a Declaration of counsel and Income and Expense Declaration. Petitioner was served both by mail and electronically on April 18, 2022. Counsel requests the court deny Petitioner's request for Family Code section 271 sanctions. Counsel asserts Respondent was mistaken in his belief the parties were divorced and requested his employer remove Petitioner from his insurance. Respondent had Petitioner reinstated retroactively, resulting in no lapse in coverage. Respondent, through counsel's declaration requests the court not order sanctions as he made a mistake and has corrected it, at significant expense. Further, Respondent's counsel asserts Respondent is not financially able to afford sanctions.

The court has received no supplemental declaration from Petitioner.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

Respondent shall maintain Petitioner's health (medical, dental, and vision) insurance until further court order or by operation of law. Petitioner has not submitted documentation for reimbursement for expenses during the period without coverage, therefore, the court denies the request. The court denies Petitioner's request for Family Code section 271 sanctions.

The court adopts the recommendations in the CCRC report. The current custody and parenting time orders remain in full force and effect. Respondent and the minors are to re-engage in family therapy with a licensed clinician and follow the therapist's recommendations.

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

**TENTATIVE RULING #15: THE COURT ADOPTS THE RECOMMENDATIONS IN THE CCRC REPORT. THE CURRENT CUSTODY AND PARENTING TIME ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT AND THE MINORS ARE TO RE-ENGAGE IN FAMILY THERAPY WITH A LICENSED CLINICIAN AND FOLLOW THE THERAPIST'S RECOMMENDATIONS. RESPONDENT SHALL MAINTAIN PETITIONER'S HEALTH (MEDICAL, DENTAL, AND VISION) INSURANCE UNTIL FURTHER COURT ORDER OR BY OPERATION OF LAW. PETITIONER HAS NOT SUBMITTED DOCUMENTATION FOR REIMBURSEMENT FOR EXPENSES DURING THE PERIOD WITHOUT COVERAGE, THEREFORE, THE COURT DENIES THE REQUEST. THE COURT DENIES PETITIONER'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 21, 2022

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

**16. TARA GRUDIN V. KEVIN GRUDIN**

**PFL20190049**

On February 7, 2022, Respondent filed a Request for Order (RFO) requesting a change in child custody, parenting time, and child support. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 14, 2022 and a review hearing on April 21, 2022. Petitioner was served with the RFO and referral to CCRC personally on February 7, 2022.

Respondent requests the court order joint legal and physical custody of the minor with a week on/week off parenting plan. Respondent is also requesting Petitioner comply with the prior order to participate in co-parenting. Respondent request Petition provide all information concerning a missing firearm. Respondent request Petitioner be ordered to provide him with his one-half of the economic stimulus payment. Respondent requests child support be adjusted to reflect the any change in custody. Lastly, Respondent request \$2,500 for sanctions, for failure to comply with court orders.

Petitioner filed a Supplemental declaration on April 12, 2022 explaining why she failed to attend CCRC. Respondent was served by mail on the same day. Petitioner asserts that she was required to attend a K-12 Threat Assessment Training as a requirement of her employment, and that she had not be previously notified of this training. Petitioner requests the court re-refer the parties to CCRC.

The court finds good cause to re-refer the parties to CCRC. The court admonishes Petitioner that failure to appear at the subsequent CCRC session may result in the court issuing sanctions pursuant to the local rules. Parties are to attend CCRC on May 18<sup>th</sup>, 2022 at 9:00AM with Ady Langer. The court continues the remaining issues to a review hearing set on July 7<sup>th</sup>, 2022 at 8:30AM.

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

**TENTATIVE RULING #16: THE PARTIES ARE RE-REFERRED TO CCRC ON MAY 18<sup>TH</sup>, 2022 AT 9:00AM WITH ADY LANGER. THE COURT CONTINUES THE HEARING ON THE RFO TO JULY 7<sup>TH</sup>, 2022 AT 8:30AM. 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.**