

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 28, 2022

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

2. APRIL HARRIS V. GRANT HARRIS

PFL20200384

On February 24, 2022, Petitioner file a Request for Order (RFO) requesting that the court change venue to Sacramento County as neither party lives in El Dorado County and Petitioner and the children reside in Sacramento County.

On March 10, 2022, Respondent filed a Responsive Declaration consenting to the change of venue.

Upon review of the file, the court finds that there is no proof of service indicating service of either filing on the other party.

However, the parties submitted a written stipulation on April 18, 2022 to transfer venue to Sacramento County. However, the Stipulation does not contain an order for the court to sign and the appropriate fees were not submitted. Therefore, the court did not sign the written stipulation. Given the parties' consent to the change of venue, the court finds good cause to grant the relief as requested.

The court orders venue transferred to Sacramento County and orders Petitioner to prepare and file any and all documents necessary for the transfer. Petitioner shall pay the fees to transfer the matter. Petitioner is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #2: THE COURT TRANSFERS THE MATTER TO SACRAMENTO COUNTY AND ORDERS PETITIONER TO PAY THE FEES FOR TRANSFER. PETITIONER SHALL PREPARE AND FILE ANY AND ALL DOCUMENTS NECESSARY FOR THE TRANSFER. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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

3. BASSEL KHADRA v. STEPHANIE WU

PFL20200697

On January 5, 2022 Petitioner filed a Request for Order (RFO) requesting a Child Custody Evaluation pursuant to Family Code section 3111 to determine custody and visitation orders as well as the move-away request. Petitioner requests the court order Petitioner to front the costs of the evaluation subject to reallocation. The RFO was set for March 3, 2022.

On February 28, 2022 Petitioner requested the court continue the hearing to April 28, 2022 as service had not yet occurred. The hearing was continued to the instant hearing date.

On March 1, 2022 Petitioner filed a Proof of Service by Mail showing service of the filing upon Respondent and Minor's Counsel the same day.

The court did not receive a Responsive Declaration or Opposition from Minor's Counsel or Respondent.

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

Petitioner's motion is granted. Petitioner shall front the cost of the 3111 evaluation and the court reserves jurisdiction over reallocation of the cost to the time of trial. The court orders Petitioner to provide the names of three 3111 evaluators to Respondent and Minor's Counsel within 2 weeks of this order. Respondent shall select an evaluator from the list and notify Petitioner and Minor's Counsel within one week. If Respondent fails to designate a 3111 evaluator as ordered, Minor's Counsel shall select the evaluator no later than 2 weeks after Petitioner provided the names.

The court sets the matter for receipt of the 3111 evaluation on 7/28/2022 at 8:30 am in Department 5. All prior orders remain in full force and effect. Petitioner shall prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #3: RESPONDENT'S MOTION GRANTED. HEARING SET FOR RECEIPT OF 3111 EVALUATION AS INDICATED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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

4. CANDY BROWN v. DAVID BROWN

PFL20210515

On February 16, 2022 Respondent filed a Request for Order (RFO) requesting the court grant his request for Bifurcation of the Marital Status and set a separate trial on the issue. Respondent attached an FL-315 and FL-347 to the submitted RFO. On March 11, 2022 Respondent filed a Proof of Electronic Service showing Proof of Service of the filing upon Petitioner on March 8, 2022.

Petitioner filed a Responsive Declaration to the RFO on April 14, 2022, requesting the court deny bifurcation. However, in the event the court is inclined to grant the motion, Petitioner submitted requested orders on an FL-315. Petitioner filed a Proof of Electronic Service on April 14, 2022 showing service upon Respondent on April 4, 2022.

Respondent filed a Reply and a Proof of Service on April 21, 2022.

The court has read and considered the above filings, as well as the contents of the file, and makes the following findings and orders:

Petitioner filed a Petition for Dissolution of Marriage on August 13, 2021. Respondent filed a Response and Request for Dissolution on September 8, 2021.

On September 15, 2021 Petitioner filed a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration, indicating service of Petitioner's Preliminary Disclosures upon Respondent by Mail on September 15, 2021. On October 13, 2021 Respondent filed a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration, indicating service of Respondent's Preliminary Disclosures upon Petitioner by Mail on October 12, 2021.

On January 25, 2022 Petitioner filed Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration, indicating service of Petitioner's Preliminary and Final Disclosures upon Respondent by Mail on September 15, 2021.

Respondent has shown sufficient cause to grant his request for a Bifurcation of the Marital Status and for the court to hold a separate trial on the issue. However, the court shall reserve jurisdiction over the issues listed in Family Code section 2337 as requested by Petitioner. The parties are ordered to appear for hearing on the Marital Status.

TENTATIVE RULING #4: RESPONDENT'S REQUEST FOR BIFURCATION OF THE MARITAL STATUS AND A SEPARATE HEARING IS GRANTED. THE PARTIES ARE ORDERED TO APPEAR FOR HEARING.

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

6. DANIELLE HOPKINS V. JOHN HOPKINS

PFL20170221

On August 6, 2021, Respondent filed a Request for Order (RFO) asking the court to modify the custody and visitation orders. A CCRC session was scheduled on September 3, 2021 with a hearing on the RFO set on October 21, 2021.

On August 6, 2021, Petitioner was served by mail with the RFO and referral to CCRC.

On October 7, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail the following day.

Both parties participated in the CCRC session and reached several agreements but not on all issues. A CCRC report was issued on September 9, 2021 with copies mailed to the parties that same day. The report recommends that the parties share physical custody but does not recommend a specific schedule.

At the October 21, 2021 hearing, the court adopted its tentative ruling as modified. This included an adoption of the CCRC report with the modifications that the parties shall participate in co-parenting counseling at least once per month and that Respondent shall have visits with the minor on every other weekend from Friday at 6 p.m. to Sunday at 6 p.m., commencing with the weekend of October 22, 2021, and every Wednesday from pick-up at school (or 2 p.m. if school is not in session from Petitioner's home) to Thursday morning drop-off at school (or 9 a.m. if school is not in session to Petitioner's home). The court ordered that, provided the parties participate in co-parenting counseling, after 60 days Respondent's parenting time shall increase to every other Thursday at 6 p.m. to Sunday at 6 p.m.

The court set review hearings on December 16, 2021 and February 24, 2022. The court ordered the parties to file declarations with the court at least 10 days in advance of the next hearing updating it on the status of the visits and the co-parenting counseling. If neither party files such a declaration with the court, the matter shall be dropped from calendar.

On December 3, 2021 and December 6, 2021, Respondent and Petitioner filed declarations updating the court on the status of the visits. On December 9, 2021, Respondent filed a Reply declaration. All declarations were properly served and were considered by the court.

At the December 16, 2021 hearing, the court adopted its tentative ruling, ordering the minor into therapy with specific orders regarding the selection of a therapist and ordering the parties to share the costs equally. The court further confirmed that the Wednesday overnight visits are to occur every week.

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Additionally, On October 7, 2021 Petitioner filed a Request for Order (RFO) requesting the court make an order for child support, for Respondent to pay for medical insurance through his employment, as well as to split the costs of uncovered medical expenses. Petitioner filed an Income and Expense declaration on the same date. A hearing on the RFO was set for January 6, 2022. Respondent was served by mail with the RFO on October 8, 2021.

Respondent filed a Responsive Declaration on November 2, 2021 agreeing to guideline support dependent on the custody order entered October 21, 2021, consenting to providing medical and dental insurance as well as to paying half of the uncovered medical expenses, and requesting that Petitioner be imputed full time minimum wage or in the alternative consider funds paid by her partner for expenses as her income. Respondent filed his Income and Expense Declaration on October 21, 2021. On November 2, 2021, Petitioner was served by mail with both filings.

At the January 6, 2022 hearing, the court adopted its tentative ruling, imputing minimum wage for 20 hours per week to Petitioner and ordering Respondent to pay Petitioner \$557 in monthly child support for November 2021 and December 2021 and \$551 in monthly child support beginning January 1, 2022. The court further ordered Respondent to pay an additional \$49 per month towards the arrears balance, payable on the 1st of the month, commencing on February 1, 2022, until the balance is paid in full. Petitioner was authorized to file for a wage garnishment.

Respondent was ordered to provide medical and dental insurance for the child if it is available through his employment at no or a reasonable cost. The court ordered the parties to share equally all uncovered medical, dental, vision, and prescription drug costs.

The court continued the matter to February 24, 2022 regarding the health insurance coverage and costs, with the parties ordered to meet and confer prior to the next hearing. The court reserved jurisdiction to modify child support back to the date of filing of the RFO.

On February 14, 2022, Petitioner filed a Status Report for Review Hearing, served on Respondent electronically that same day. On February 15, 2022, Respondent filed Respondent's Declaration Re: Status Update to the Court, served on Petitioner electronically the day prior and by mail the same day. Both parties acknowledged challenges in finding a therapist for the minor.

At the February 24, 2022 hearing, the court found that neither party had provided the court with confirmation of when the co-parenting counseling began. The court maintained its prior orders that Respondent's parenting time shall increase after 60 days in co-parenting counseling. The parties were ordered to meet and confer to determine on which date the 60 days have elapsed, with the court finding that co-parenting counseling shall be deemed to have commenced on the date that Respondent had his initial intake with the co-parenting counselor.

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Regarding health insurance coverage, the court found that Respondent has substantially complied with the court's orders. Respondent was ordered to provide Petitioner a copy of the paperwork confirming enrollment of the minor into the health insurance plans as well as proof of the out-of-pocket cost of the premiums within 3 days of receiving the paperwork. Respondent also was ordered to provide Petitioner the insurance cards within 3 days of receiving them.

The court continued the matter to April 28, 2022 at 8:30 a.m. in Department 5 to confirm that the parties have increased Respondent's parenting time as ordered, to confirm that Respondent has provided the documents and insurance cards to Petitioner as ordered above, and to modify child support based on Respondent's increased timeshare and his out-of-pocket insurance costs. The court reserved jurisdiction to modify child support back to the date of filing of the RFO. The court ordered the parties to meet and confer to resolve the above issues and to provide the court with a declaration updating it on the status at least 10 days in advance of the hearing.

Only Respondent filed a Status Update with the court, filed on April 20, 2022 and served on Petitioner electronically that same day. While the declaration notes that the parties reached an agreement regarding a parenting time schedule, the specific schedule is not stated. Further, while Respondent declares his health insurance deductions (including what will be deducted for dental care), he has not provided confirmation that he provided insurance cards to Petitioner.

The court orders the parties to appear to address the issues above.

TENTATIVE RULING #6: PARTIES ORDERED TO APPEAR. THE PARTIES SHALL MEET AND CONFER REGARDING THE PENDING ISSUES PRIOR TO THE CASE BEING CALLED.

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7. ELIZABETH BELL v. GREGORY BELL

PFL20200385

There are three pending Requests for Order (RFOs) before the court.

On January 24, 2022 Respondent filed a RFO requesting modification of the current custody and visitation orders. The parties were referred to CCRC and the matter was set for the instant hearing on the law and motion calendar. Respondent concurrently filed "Father's Notice of Lodgment" and a Declaration in Support of his RFO. Respondent did not file a Proof of Service showing that Petitioner was served with any of the filings or the referral to CCRC.

On March 2, 2022 the court denied Petitioner's ex parte application and consolidated the issues raised in the concurrently filed RFO with the hearing set on Respondent's RFO for the instant hearing date. However, there is no Proof of Service showing that this RFO was served upon Petitioner.

On March 8, 2022 the court denied Respondent's ex parte application and set the related RFO for the instant hearing date. Petitioner filed a Responsive Declaration, which was considered by the court.

Despite no service being shown on Petitioner, Petitioner filed a Responsive Declaration on April 19, 2022 that appears to address the issues raised in Respondent's January 24, 2022 RFO. Petitioner filed a Proof of Electronic Service showing service upon Respondent on April 18, 2022.

The parties attended CCRC and a CCRC report was issued on March 24, 2022. Copies of the report were mailed to the parties on April 18, 2022.

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

The parties are admonished that they must file Proofs of Service showing that the opposing party has been served with the filing as required by law. This court has previously addressed this issue with the parties.

For the matters on for the instant hearing, the court finds that Petitioner has participated in the CCRC and has filed a Responsive Declaration to address Respondent's 1/24/22 RFO, therefore the court finds that Petitioner has had a meaningful opportunity to respond and participate and will address that RFO.

The court finds that the agreements and recommendations contained in the CCRC report are in the best interest of the minor children and adopts the CCRC recommendations and agreements as the court order pending further order of the court. All prior orders not in conflict shall remain in full force and effect.

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Should Respondent still wish to set the matter for trial, Respondent shall notify Petitioner of a Request to Appear to set a trial date and the parties shall appear for purposes of selecting a trial date only. The orders above shall remain the temporary orders pending that trial date.

Further, the court orders the parties to provide proof to the court that they have complied with the court's order of October 15, 2021 to enroll in, and participate in, co-parent counseling. The court finds that the order to do so is in the best interest of the children. The parties are ordered to provide the proof no later than May 13, 2022. The court is not inclined to grant any further requests for modification until the parties have shown compliance with the court's order.

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

TENTATIVE RULING #7: THE COURT ADOPTS THE CCRC REPORT AND RECOMMENDATIONS AS THE COURT ORDER. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. SHOULD RESPONDENT REQUEST A TRIAL ON THE ISSUES RAISED IN THE RFO, RESPONDENT SHALL NOTIFY PETITIONER AND THE PARTIES SHALL APPEAR TO SELECT A TRIAL DATE ONLY. THE COURT ORDERS THE PARTIES TO PROVIDE PROOF OF COMPLIANCE WITH THE 10/15/21 ORDER TO PARTICIPATE IN CO-PARENT COUNSELING BY MAY 13, 2022 AS INDICATED ABOVE. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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8. HENRY AGUILAR v. KRISTIE WILLIS

PFL20180694

On February 28, 2022 Petitioner filed a Request for Order (RFO) requesting the court allow Petitioner to deduct \$300/month from his spousal support obligation until the July 1, 2021 sanction ordered against Respondent in the amount of \$1,500 is paid in full. Petitioner asserts that Respondent has failed to make a single payment towards the sanction order, which was due by July 2021. Petitioner requests an addition Family Code section 271 sanction on the amount of \$1000 for having to bring the motion.

After a review of the file, the court finds there is no Proof of Service in the file showing that Respondent was served as required by law. Respondent has not filed a Responsive Declaration to the RFO. As the court does not have proof that Respondent received notice of the filing, Petitioner's request is denied in its entirety without prejudice.

TENTATIVE RULING #8: PETITIONER'S MOTION IS DENIED WITHOUT PREJUDICE FOR LACK OF SERVICE.

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10. JOHNATHAN KLEIN V. CALLIE KLEIN

PFL20160213

On March 17, 2022, parties appeared and presented oral argument on the November 29, 2021 filed motion to compel. The court adopted the tentative ruling and continued the matter to confirm compliance with discovery.

The court has not received any supplemental declarations from either party.

Therefore, the court reiterates its order from March 17, 2022. Regarding the first issue concerning the exact amounts of the expenditures for the minor children, the court finds this request to be unreasonable and overly burdensome. Respondent represents that she expends funds for groceries and other household needs for the household as a whole; determining the exact amount of the expense that is for her three children versus herself, her spouse, and her stepchild would require significant speculation. While the court is mindful of the relevance of the minor children's financial needs in the analysis of a possible downward deviation form guideline child support under Family Code 4057, the court finds Petitioner's request for the exact amount of expenses is not practical or necessary for the court to conduct this analysis.

Regarding the missing bank statements, the court found these requests to be reasonable and compels Respondent was to file a further response no later than April 7, 2022 responsive to these requests. The court granted the motion to compel in part regarding the requests for the Wells Fargo statements and the related bank statements as described in the January 12, 2022 letter with a deadline for further responses of April 7, 2022.

The court continued the motion to compel in part regarding the requests for further responses related to the identification of exact expenses for the minor children in the enumerated categories. Parties were to meet and confer further to resolve the request.

As to the remaining requests for further responses, the court found that the parties had resolved these issues through their meet and confer efforts and found¹ these requests to be moot.

As to the issue of sanctions under the Civil Discovery Act, the court found that both parties acted with substantial justification and declines to issue any sanctions against either party.

Regarding Respondent's request for attorney's fees, the court found that Respondent had not clearly articulated the basis of a fees award of \$50,000. Additionally, the court found that Respondent has approximately \$630,000 in stock, bonds, or other assets she could easily sell per her January 6, 2022 Income and Expense Declaration. Respondent also receives sizable additional child support payments from Petitioner above and beyond the base child support amount of about \$9,000 and the monthly interest-only payments from Petitioner currently at about \$12,000. The court further found that Respondent is set to received \$4.75 million dollars

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from Petitioner as an equalization payment in 2024. While Petitioner makes substantially more than Respondent in earned income, the court found that there is not a disparity in the parties' access to funds to hire legal representation based on the totality of the resources available to Respondent, and the court denies the request for fees.

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

TENTATIVE RULING #10: THE COURT DENIES THE MOTION TO COMPEL IN PART REGARDING THE REQUESTS FOR FURTHER RESPONSES RELATED TO THE IDENTIFICATION OF EXACT EXPENSES FOR THE MINOR CHILDREN IN THE ENUMERATED CATEGORIES. AS TO THE REMAINING REQUESTS FOR FURTHER RESPONSES, THE COURT FINDS THAT THE PARTIES HAVE RESOLVED THESE ISSUES THROUGH THEIR MEET AND CONFER EFFORTS AND FINDS THESE REQUESTS TO BE MOOT. AS TO THE ISSUE OF SANCTIONS UNDER THE CIVIL DISCOVERY ACT, THE COURT FINDS THAT BOTH PARTIES ACTED WITH SUBSTANTIAL JUSTIFICATION AND DECLINES TO ISSUE ANY SANCTIONS AGAINST EITHER PARTY. THE COURT DENIES RESPONDENT'S REQUEST FOR ATTORNEY'S FEES UNDER FAMILY CODE 2030. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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11. KATHRYN MCDONALD V. JOHN MCDONALD

PFL20210430

On October 12, 2021, Respondent filed a Request for Order (RFO) asking the court to make child and spousal support orders. An Income and Expense Declaration was filed concurrently with the RFO.

Upon review of the file, the court finds that Respondent filed a proof of service on October 12, 2021, showing service of the Income and Expense Declaration on Petitioner that same day. However, the court finds that there is no proof of service for the RFO.

Nonetheless, on December 16, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail on December 14, 2021, in which she responds to the requests in the RFO and does not raise lack of service as an issue. Petitioner argued that child and spousal support should not be awarded to Respondent at that time as there was a Temporary Restraining Order in effect then granting Respondent only nonprofessionally supervised visits.

The court finds that a Temporary Restraining Order was granted against Respondent on October 27, 2021, limited his parenting time to supervised visits twice per week for up to 2 hours per visit. At the December 3, 2021 hearing, the court increased Respondent's parenting time to every Wednesday and Friday from after school to 7 p.m. as well as time on Christmas Eve from 10 a.m. to 5 p.m.

On November 9, 2022, Petitioner filed an Income and Expense Declaration, served on Respondent by mail the day prior.

On January 3, 2022, the court continued the initial hearing on the RFO set for January 6, 2022 to February 24, 2022 by the agreement of the parties, as indicated in a letter jointly submitted to the court.

On January 26, 2022, Petitioner filed an Income and Expense Declaration, served on Respondent by mail the same day.

After the January 26, 2022 hearing, the parties agreed to increase his parenting time to every Thursday after school to Sunday morning, supervised by the paternal grandparents.

On February 17, 2022, the court granted a Restraining Order After Hearing against Respondent. The court maintained the current parenting schedule but ordered that it would become unsupervised upon Respondent completing two anger management sessions. The court also ordered that the parties file updated Income and Expense Declaration and any other declarations they wish the court to consider regarding Petitioner's request for attorney's fees as the prevailing party in the restraining order trial. The parties were ordered to file these documents within 30 days of the February 17, 2022 hearing.

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At the February 24, 2022 hearing, the court found good cause to continue the matter until after Respondent had filed his updated Income and Expense Declaration as ordered by the court on February 17, 2022. Additionally, as the court found that the guideline support amount likely would lead to a payment of support from Petitioner to Respondent based on their respective incomes and the current timeshare, the court found good cause to consider any attorney's fees ordered by the court to determine whether it is appropriate to have the support order function as an offset from Respondent's potential attorney's fee obligation.

On March 3, 2022, Respondent filed an Income and Expense Declaration, served on Petitioner by mail on March 1, 2022. On April 7, 2022, Petitioner filed an Income and Expense Declaration, served on Respondent by mail on April 5, 2022. On April 21, 2022, Respondent filed an updated Income and Expense Declaration and a Hearing Brief for the April 28, 2022 hearing regarding support issues, served on Petitioner electronically that same day. In the Hearing Brief, Respondent argues that any support amounts ordered should take precedence over any attorney's fees ordered by the court due to Petitioner prevailing in the Domestic Violence Restraining Order trial. Respondent also asserted that any fees ordered should be deferred to until any outstanding property division, credits, and reimbursement issues are determined.

On April 27, 2022, the court issued its ruling regarding attorney's fees, ordering Respondent to pay Petitioner \$18,000 in fees and costs under Family Code § 6344, with payment deferred until the determination of the property division, credits, and reimbursement issues noted above. The court reserved to the April 28, 2022 hearing whether any support ordered payable by Petitioner to Respondent should function as an offset to this fee award.

Upon review of the respective Income and Expense Declarations, the court finds that Petitioner makes about \$8,861 per month based on her YTD gross earnings as of her March 25, 2022 paycheck. The court further finds that Petitioner pays about \$201 per month in pre-tax health insurance and about \$386 in contributions to a 403(b) account per month.

Effective December 1, 2021, the court finds that Respondent pays about \$170 per month in pre-tax health insurance and makes about \$1,750 in social security disability and about \$3,957 in military disability, for a total of \$5,707, which the court reasonably infers is nontaxable income. In November of 2021, the court finds that Respondent paid about \$149 per month in pre-tax health insurance and makes about \$1,652 in social security disability and about \$3,957 in military disability, for a total of \$5,609, which the court reasonably infers is nontaxable income. The court finds that Respondent pays about \$497 per month for property taxes and \$1,533 per month for mortgage interest expenses.

Regarding timeshare, the court finds that as of November 1, 2021, Respondent had only supervised visits, amounting to a roughly 2.4% timeshare. Starting in early December 2021, the

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timeshare increased to about 5.6% and increased again in late January 2022 to about 42.8%. Effective March 8, 2022, the parties share custody equally.

The court has considered Petitioner's request to deny Respondent's motion for temporary spousal support based on the issuance of the Domestic Violence Restraining Order. Based on the totality of the circumstances between the parties, the court declines to deny Respondent's motion based on Restraining Order and shall order temporary spousal support as set forth below.

Using the above figures, a head of household status for Petitioner with 4 exemptions and a married filing separately status for Respondent with 1 exemption, for November 2021 the court finds that guideline support is \$1,931 per month payable by Respondent and that temporary spousal support under the Alameda formula is \$234 per month payable by Petitioner, resulting in a net payment to \$1,697 from Respondent to Petitioner. For December 2021 and January 2022, the court finds that guideline support is \$1,858 per month payable by Respondent and that temporary spousal support under the Alameda formula is \$210 per month payable by Petitioner, resulting in a net payment to \$1,648 from Respondent to Petitioner. For February 2022, the court finds that guideline support is \$30 per month payable by Respondent and that temporary spousal support under the Alameda formula is \$164 per month payable by Petitioner, resulting in a net payment to \$134 from Petitioner to Respondent. Effective March 1, 2022, the court finds that guideline support is \$473 per month payable by Respondent and that temporary spousal support under the Alameda formula is \$155 per month payable by Petitioner, resulting in a net payment to \$628 from Petitioner to Respondent. The court orders the above amounts as the support amounts for the relevant time periods. Ongoing support is payable by Petitioner on the 1st of the month, until further order of the court or termination by operation of law.

The court finds that as of May 1, 2022 Respondent owes Petitioner \$3,603 in support arrears. Petitioner's obligation shall be deemed to be satisfied each month by deducting the net obligation (\$648 or any amount to which it is later modified) from Respondent's arrears balance. Once the arrears balance is satisfied, Petitioner's obligation shall be deemed to be satisfied by deducting the net obligation from Respondent's \$18,000 attorney's fees obligation, until further order of the court or resolution of this issue at the time of determination of the property division, credits, and reimbursement issues, whichever comes first.

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

TENTATIVE RULING #11: FOR NOVEMBER 2021 THE COURT FINDS THAT GUIDELINE SUPPORT IS \$1,931 PER MONTH PAYABLE BY RESPONDENT AND THAT TEMPORARY SPOUSAL SUPPORT UNDER THE ALAMEDA FORMULA IS \$234 PER MONTH PAYABLE BY PETITIONER, RESULTING IN A NET PAYMENT TO \$1,697 FROM RESPONDENT TO PETITIONER. FOR DECEMBER 2021 AND JANUARY 2022, THE COURT FINDS THAT GUIDELINE SUPPORT IS \$1,858 PER MONTH

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PAYABLE BY RESPONDENT AND THAT TEMPORARY SPOUSAL SUPPORT UNDER THE ALAMEDA FORMULA IS \$210 PER MONTH PAYABLE BY PETITIONER, RESULTING IN A NET PAYMENT TO \$1,648 FROM RESPONDENT TO PETITIONER. FOR FEBRUARY 2022, THE COURT FINDS THAT GUIDELINE SUPPORT IS \$30 PER MONTH PAYABLE BY RESPONDENT AND THAT TEMPORARY SPOUSAL SUPPORT UNDER THE ALAMEDA FORMULA IS \$164 PER MONTH PAYABLE BY PETITIONER, RESULTING IN A NET PAYMENT TO \$134 FROM PETITIONER TO RESPONDENT. EFFECTIVE MARCH 1, 2022, THE COURT FINDS THAT GUIDELINE SUPPORT IS \$473 PER MONTH PAYABLE BY RESPONDENT AND THAT TEMPORARY SPOUSAL SUPPORT UNDER THE ALAMEDA FORMULA IS \$155 PER MONTH PAYABLE BY PETITIONER, RESULTING IN A NET PAYMENT TO \$628 FROM PETITIONER TO RESPONDENT. THE COURT ORDERS THE ABOVE AMOUNTS AS THE SUPPORT AMOUNTS FOR THE RELEVANT TIME PERIODS. ONGOING SUPPORT IS PAYABLE BY PETITIONER ON THE 1ST OF THE MONTH, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THAT AS OF MAY 1, 2022 RESPONDENT OWES PETITIONER \$3,603 IN SUPPORT ARREARS. PETITIONER'S OBLIGATION SHALL BE DEEMED TO BE SATISFIED EACH MONTH BY DEDUCTING THE NET OBLIGATION (\$648 OR ANY AMOUNT TO WHICH IT IS LATER MODIFIED) FROM RESPONDENT'S ARREARS BALANCE. ONCE THE ARREARS BALANCE IS SATISFIED, PETITIONER'S OBLIGATION SHALL BE DEEMED TO BE SATISFIED BY DEDUCTING THE NET OBLIGATION FROM RESPONDENT'S \$18,000 ATTORNEY'S FEES OBLIGATION, UNTIL FURTHER ORDER OF THE COURT OR RESOLUTION OF THIS ISSUE AT THE TIME OF DETERMINATION OF THE PROPERTY DIVISION, CREDITS, AND REIMBURSEMENT ISSUES, WHICHEVER COMES FIRST. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father		V 12021
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: PCL2021 0430

Input Data	Father	Mother	Guideline (2022)	Cash Flow Analysis	Father	Mother
Number of children	0	3	Nets (adjusted)	Guideline		
% time with Second Parent	2.4%	0%	Father	5,460	Payment (cost)/benefit	(1,697) 1,717
Filing status	MFS->	HH/MLA	Mother	7,285	Net spendable income	3,763 8,982
# Federal exemptions	1*	4*	Total	12,745	% combined spendable	29.5% 70.5%
Wages + salary	0	8,861	Support (Nondeductible)	Total taxes	0	1,375
401(k) employee contrib	0	386	CS Payor	Father	# WHA	0 12
Self-employment income	0	0	Presumed	(1,931)	Net wage paycheck/mo	0 7,368
Other taxable income	0	0	Basic CS	(1,931)	Comb. net spendable	12,745
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(1,697) 1,717
Other gains (and losses)	0	0	Child 1	(376)	Net spendable income	3,763 8,982
Ordinary dividends	0	0	Child 2	(576)	NSI change from gdl	0 0
Tax. interest received	0	0	Child 3	(978)	% combined spendable	29.5% 70.5%
Social Security received	0	0	SS Payor	Mother	% of saving over gdl	0% 0%
Unemployment compensation	0	0	Alameda	234	Total taxes	0 1,375
Operating losses	0	0	Total	(1,697)	# WHA	0 12
Ca. operating loss adj.	0	0	Proposed, tactic 9		Net wage paycheck/mo	0 7,368
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father	Comb. net spendable	12,745
Rental income	0	0	Presumed	(1,931)	Percent change	0.0%
Misc ordinary tax. inc.	0	0	Basic CS	(1,931)	Default Case Settings	
Other nontaxable income	5,609	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
Adj. to income (ATI)	0	0	Child 1	(376)		
SS paid other marriage	0	0	Child 2	(576)		
Ptr Support Pd. other P'ships	0	0	Child 3	(978)		
CS paid other relationship	0	0	SS Payor	Mother		
Health ins (Pre-tax)	149	201	Alameda	234		
Qual. Bus. Inc. Ded.	0	0	Total	(1,697)		
Itemized deductions	2,030	0	Savings	0		
Other medical expenses	0	0	No releases			
Property tax expenses	497	0				
Ded. interest expense	1,533	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				



ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father		12/2021 a.o 1/2022
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: PFL2021 0430

Input Data	Father	Mother	Guideline (2022)	Cash Flow Analysis	Father	Mother
Number of children	0	3	Nets (adjusted)	Guideline		
% time with Second Parent	5.6%	0%	Father	5,537	Payment (cost)/benefit	(1,648) 1,666
Filing status	MFS->	HH/MLA	Mother	7,283	Net spendable income	3,889 8,931
# Federal exemptions	1*	4*	Total	12,820	% combined spendable	30.3% 69.7%
Wages + salary	0	8,861	Support (Nondeductible)	Total taxes	0	1,377
401(k) employee contrib	0	386	CS Payor	Father	# WHA	0 12
Self-employment income	0	0	Presumed	(1,858)	Net wage paycheck/mo	0 7,368
Other taxable income	0	0	Basic CS	(1,858)	Comb. net spendable	12,820
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(1,648) 1,666
Other gains (and losses)	0	0	Child 1	(360)	Net spendable income	3,889 8,931
Ordinary dividends	0	0	Child 2	(554)	NSI change from gdl	0 0
Tax. interest received	0	0	Child 3	(944)	% combined spendable	30.3% 69.7%
Social Security received	0	0	SS Payor	Mother	% of saving over gdl	0% 0%
Unemployment compensation	0	0	Alameda	210	Total taxes	0 1,377
Operating losses	0	0	Total	(1,648)	# WHA	0 12
Ca. operating loss adj.	0	0	Proposed, tactic 9		Net wage paycheck/mo	0 7,368
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father	Comb. net spendable	12,820
Rental income	0	0	Presumed	(1,858)	Percent change	0.0%
Misc ordinary tax. inc.	0	0	Basic CS	(1,858)	Default Case Settings	
Other nontaxable income	5,707	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
Adj. to income (ATI)	0	0	Child 1	(360)		
SS paid other marriage	0	0	Child 2	(554)		
Ptr Support Pd. other P'ships	0	0	Child 3	(944)		
CS paid other relationship	0	0	SS Payor	Mother		
Health ins (Pre-tax)	170	201	Alameda	210		
Qual. Bus. Inc. Ded.	0	0	Total	(1,648)		
Itemized deductions	2,030	0	Savings	0		
Other medical expenses	0	0	No releases			
Property tax expenses	497	0				
Ded. interest expense	1,533	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				



ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father		2/2022
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: PFL20210430

Input Data	Father	Mother	Guideline (2022)	Cash Flow Analysis	Father	Mother
Number of children	0	3	Nets (adjusted)	Guideline		
% time with Second Parent	42.8%	0%	Father	5,537	Payment (cost)/benefit	134 (119)
Filing status	MFS->	HH/MLA	Mother	7,279	Net spendable income	5,671 7,146
# Federal exemptions	1*	4*	Total	12,816	% combined spendable	44.2% 55.8%
Wages + salary	0	8,861	Support (Nondeductible)	Total taxes	0	1,381
401(k) employee contrib	0	386	CS Payor	Father	# WHA	0 12
Self-employment income	0	0	Presumed	(30)	Net wage paycheck/mo	0 7,368
Other taxable income	0	0	Basic CS	(30)	Comb. net spendable	12,816
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	134 (119)
Other gains (and losses)	0	0	Child 1	30	Net spendable income	5,671 7,146
Ordinary dividends	0	0	Child 2	0	NSI change from gdl	0 0
Tax. interest received	0	0	Child 3	(61)	% combined spendable	44.2% 55.8%
Social Security received	0	0	SS Payor	Mother	% of saving over gdl	0% 0%
Unemployment compensation	0	0	Alameda	164	Total taxes	0 1,381
Operating losses	0	0	Total	134	# WHA	0 12
Ca. operating loss adj.	0	0	Proposed, tactic 9		Net wage paycheck/mo	0 7,368
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father	Comb. net spendable	12,816
Rental income	0	0	Presumed	(30)	Percent change	0.0%
Misc ordinary tax. inc.	0	0	Basic CS	(30)	Default Case Settings	
Other nontaxable income	5,707	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
Adj. to income (ATI)	0	0	Child 1	30		
SS paid other marriage	0	0	Child 2	0		
Ptr Support Pd. other P'ships	0	0	Child 3	(61)		
CS paid other relationship	0	0	SS Payor	Mother		
Health ins (Pre-tax)	170	201	Alameda	164		
Qual. Bus. Inc. Ded.	0	0	Total	134		
Itemized deductions	2,030	0	Savings	0		
Other medical expenses	0	0	No releases			
Property tax expenses	497	0				
Ded. interest expense	1,533	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				

ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father		<i>eff. 3/1/22</i>
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: <i>PFL 20210430</i>

Input Data	Father	Mother	Guideline (2022)	Cash Flow Analysis	Father	Mother
Number of children	0	3	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Father	5,537	Payment (cost)/benefit	628 (613)
Filing status	MFS->	HH/MLA	Mother	7,279	Net spendable income	6,165 6,651
# Federal exemptions	1*	4*	Total	12,816	% combined spendable	48.1% 51.9%
Wages + salary	0	8,861	Support (Nondeductible)	Total taxes	0	1,381
401(k) employee contrib	0	386	CS Payor	Mother	# WHA	0 12
Self-employment income	0	0	Presumed	473	Net wage paycheck/mo	0 7,368
Other taxable income	0	0	Basic CS	473	Comb. net spendable	12,816
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	628 (613)
Other gains (and losses)	0	0	Child 1	137	Net spendable income	6,165 6,651
Ordinary dividends	0	0	Child 2	153	NSI change from gdl	0 0
Tax. interest received	0	0	Child 3	183	% combined spendable	48.1% 51.9%
Social Security received	0	0	SS Payor	Mother	% of saving over gdl	0% 0%
Unemployment compensation	0	0	Alameda	155	Total taxes	0 1,381
Operating losses	0	0	Total	628	# WHA	0 12
Ca. operating loss adj.	0	0	Proposed, tactic 9		Net wage paycheck/mo	0 7,368
Roy, partnerships, S corp, trusts	0	0	CS Payor	Mother	Comb. net spendable	12,816
Rental income	0	0	Presumed	473	Percent change	0.0%
Misc ordinary tax. inc.	0	0	Basic CS	473	Default Case Settings	
Other nontaxable income	5,707	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
Adj. to income (ATI)	0	0	Child 1	137		
SS paid other marriage	0	0	Child 2	153		
Ptr Support Pd. other P'ships	0	0	Child 3	183		
CS paid other relationship	0	0	SS Payor	Mother		
Health ins (Pre-tax)	170	201	Alameda	155		
Qual. Bus. Inc. Ded.	0	0	Total	628		
Itemized deductions	2,030	0	Savings	0		
Other medical expenses	0	0	No releases			
Property tax expenses	497	0				
Ded. interest expense	1,533	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 28, 2022

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

12. LISA THOMASON V. LOUIS MOLAKIDES

PFL20210494

On March 2, 2022, Petitioner filed two Orders to Show Cause and Affidavits for Contempt against Respondent. Upon review of the file, the court finds that Petitioner has not filed a Proof of Service showing that either filing has been personally served upon Respondent as required by law. As such, the court dismisses both OSCs without prejudice for lack of service.

TENTATIVE RULING #12: THE OSCS ARE DISMISSED WITHOUT FOR LACK OF SERVICE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 28, 2022

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

13. NINA LODHIA V. ASHWIN NARASIMHAN

PFL20210013

The matter was set for an evidentiary hearing on the issues of child support, spousal support, and attorney fees on March 15, 2022. The court was to consider the private Child Custody Recommending Counseling (CCRC) report as well. Parties appeared at the hearing. Respondent requested the court adopt the recommendations contained in the CCRC report, however, Petitioner requested the matter be continued as she had just received the report. The court had not received the report. The court continued the matter to the law and motion calendar for a review of the private CCRC report and to select new trial dates. The court continued to reserve jurisdiction on all issues to the date of the filing of the RFO.

The private CCRC report by Deborah Barnes was filed on April 4, 2022. Parties were unable to reach any agreements. The report does contain a full recommendation. Parties were served electronically on March 11, 2022.

No Supplemental Declarations have been filed by either party.

The court has read and considered the private CCRC report and adopts the recommendation finding they is in the best interest of the minor. The parties will have joint legal custody. The parties shall implemental the step-up plan as outlined in the report. Parties shall return to Ms. Barns for a holiday schedule or submit an agreement. Each party shall have the option of enrolling the minor in preschool near their respective homes. The parties are to enroll and participate in conjoint co-parenting counseling with a licensed therapist for a minimum of 12 sessions. The frequency and duration of the sessions shall be determined by the therapist. If parties cannot agree to a therapist, Petitioner is to provide Respondent with the names of three potential therapists who are currently taking on new clients, no later than May 19, 2022. Respondent will then have one week to select one of the three and notify Petitioner of the selection, no later than May 26, 2022.

Parties are 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 ADOPTS THE RECOMMENDATION FROM THE PRIVATE CCRC REPORT AS OUTLINED ABOVE. PARTIES ARE 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 28, 2022

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

14. SHARLENE WHITING v. BRADLEY WHITING

PFL20180913

On February 22, 2022 Respondent filed a Request for Order (RFO) requesting the court compel Petitioner to pay the court ordered work-related childcare costs in the amount of \$3,825 and for the court to order Family Code section 271 sanctions against Petitioner in the amount of \$5,000 for Petitioner's failure to follow court orders and procedures. Petitioner requests to reduce his spousal support payments to Respondent by \$500/month until the \$3,825 is paid in full. Petitioner requests that going forward, he may deduct from his child support payments the amount of \$294.23/month, which is the average child care costs he has incurred for work purposes from December 2020 to December 2021.

Respondent alleges the parties previously agreed on September 26, 2019, through a stipulation in court (attached as Exhibit A), that each party would pay ½ of the work-related childcare costs for their three minor children. Respondent alleges that Petitioner refuses to comply or communicate when he provides documentation in support of his costs and requests the court order the parties to conduct a year-end accounting, with a "true-up" payment from one parent to the other for any over/under payments for the preceding year.

Respondent concurrently filed an Income and Expense Declaration. The same day, Respondent filed a Proof of Service by Mail showing service upon Petitioner on February 22, 2022 of the above filings.

Petitioner has not filed a Responsive Declaration or Opposition to the RFO. Petitioner has not filed a current Income and Expense Declaration.

The court has read and considered the above filings, and has reviewed the Judgement entered on April 8, 2022 with an effective date of January 5, 2022. Following its review, the court makes the following findings and orders:

On September 26, 2019 the court entered the parties written stipulation in which the parties agreed that each would pay one-half of the total child care costs for the minor children.

Respondent has provided proof of receipts totaling \$7,650 (1/2 responsibility of each party is \$3,825) for child care costs from December 2020 to December 2021. Respondent provided proof that the receipts were submitted to Petitioner and alleges that Petitioner has not reimbursed him as required by their stipulation. Petitioner has not filed an opposition or proof that the amounts have been paid. As such, the court grants Respondent's request and orders Petitioner to reimburse Respondent \$3,825 for her one-half share of the child care costs from December 2020 to December 2021. The court orders Respondent may deduct \$500/month from his spousal support obligation until the \$3,825 is paid in full (approximately 8 months). However, the court orders Respondent may not begin to deduct for this order until the prior order allowing for a deduction for sanctions is satisfied (total monthly deduction shall not exceed \$500).

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 28, 2022

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

The court denies Respondent's request to deduct for child care costs following the effective date of the parties' Judgment, which is January 5, 2022. On January 5, 2022 the court granted Respondent's request to enter Judgment pursuant to the parties written agreement per CCP 664.6. The court has reviewed the Judgment and finds that there is no order for the parties to share equally in child care costs contained within the terms of the Judgment and no order incorporating the terms of the September 26, 2019 Stipulation.

The court grants Respondent's request for sanctions per Family Code section 271, finding that Petitioner's conduct has frustrated the policy in the law to promote settlement and reduce the costs of litigation. Petitioner has continued to fail to respond to Respondent, resulting in the instant motion being filed. The court grants Respondent's request and orders Family Code section 271 sanctions in the amount of \$3500. The court orders that Respondent may deduct \$500/month from his spousal support obligation until this sanction is paid in full (approximately 7 months). The court orders that the deduction shall not begin until the prior orders addressed above have been satisfied (monthly deductions shall not exceed \$500).

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

TENTATIVE RULING #14: RESPONDENT'S MOTION IS GRANTED AS SET FORTH. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.