

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 5, 2022

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

1. A.C. v. D.W.

22FL0126

On February 14, 2022 Petitioner filed a Petition for Custody and Support. Petitioner asserts the Respondent signed a Voluntary Declaration of Paternity at the minor's birth. The Petition included the minor's birth certificate as an attachment. Respondent is listed as the father. Petitioner is also requesting the court make child support orders.

On February 16, 2022 Petitioner filed an ex parte request for orders requesting the court make child custody, parenting time, and property control orders. Respondent was not served with the ex parte request. On February 16, 2022, the ex parte request was denied, and the Request for Order (RFO) was set for a hearing and the regular law and motion calendar. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 23, 2022 and a review hearing on May 5, 2022.

Respondent was personally served with the Summons on the Petition, RFO and referral to CCRC on February 19, 2022.

Petitioner requests the court order guideline child support and property control of the property located at 4911 Sagebrush Rd and a 2019 Dodge Charger. Petitioner also requests the court order Respondent to pay the mortgage, Pacific Gas and Electric, car payment, and car insurance.

On February 25, 2022, Petitioner filed a Declaration. Respondent was served with the Declaration by mail on the same day. Petitioner asserts she has been the full-time caretaker of the minor and homemaker. Petitioner also denies having any issues with alcohol. Petitioner request child support in the amount of \$1776.52.

Respondent filed a Declaration on March 16, 2022. Petitioner was served by mail on March 16, 2022. Respondent asserts he has been an active and close father. Respondent states Petitioner poorly manages the home and the home has safety hazards for the minor. Respondent included several attachments to the declaration.

The parties attended CCRC on March 23, 2022 and reached a full agreement. A copy of the CCRC report was mailed to the parties on April 6, 2022. The court has read and considered the CCRC report and finds the agreement of the parties to be in the minor's best interest and adopts it as the court's order.

On March 25, 2022, Respondent filed a Response to the Petition for Custody, confirming he signed the Voluntary Declaration of Paternity. Respondent requests joint legal and physical custody with a 2-2-5-5 schedule. Respondent also request the court order a holiday schedule that alternates holidays. Petitioner was served by mail on March 31, 2022.

On April 22, 2022 Respondent filed a Responsive Declaration and an Income and Expense Declaration. Petitioner was served electronically and by overnight delivery on April 21, 2022. Respondent requests the court order joint legal and physical custody with a 2-2-3-3 or 2-2-5-5 schedule. Respondent agrees to guideline child support. Respondent requests Petitioner vacate his separate property residence located at 4911 Sagebrush Rd.

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The court notes there is currently a Domestic Violence Restraining order set for a hearing on May 6, 2022. The court must resolve that matter prior to making further custody orders. Further, Petitioner has failed to file an Income and Expense Declaration and therefore, the court cannot make child support orders. The court adopts the agreement of the parties reached at CCRC and continues the matter for further review pending the outcome of the Domestic Violence Restraining Order hearing. The matter is continued to July 14th, 2022 at 8:30AM. Parties are to file their income and expense declarations no later than 10 days prior to the next hearing. The court reserves jurisdiction as to child support to the date of the filing of the RFO. 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 #1: THE COURT FINDS RESPONDENT TO BE THE PRESUMED FATHER OF THE MINOR AND ENTERS THE JUDGEMENT OF PATERNITY. THE MATTER IS CONTINUED TO JULY 14TH, 2022 AT 8:30AM FOR FURTHER REVIEW OF CUSTODY ORDERS, CHILD SUPPORT, AND PROPERTY CONTROL ORDERS. THE COURT ADOPTS THE AGREEMENT OF THE PARTIES CONTAINED IN THE CCRC REPORT. PARTIES ARE TO FILE THEIR INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING. THE COURT RESERVES JURISDICTION AS TO CHILD SUPPORT TO THE DATE OF THE FILING OF THE RFO. 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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2. AMBER STEVENS V. ALAN STEVENS

PFL20160548

On March 4, 2022, Respondent filed a Request for Order, requesting the court modify the post judgment spousal support order. Petitioner was served by mail on March 17, 2022. Respondent asserts there has been a change in circumstances and therefore, spousal support should be eliminated.

Petitioner has not filed a response.

The court must set an evidentiary hearing to receive evidence on the Family Code section 4320 factors, which it must weigh prior to making a post judgment modification of spousal support. The court orders the parties to appear for purposes of selecting a trial date.

TENTATIVE RULING #2: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

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

3. BRANDY WIRTH V. STEVEN WIRTH

PFL20200353

On March 28, 2022, Petitioner filed a Request for Order (RFO) requesting the court enter the stipulated judgment with a marital settlement agreement. Respondent was served by mail on April 4, 2022. Petitioner requests the court enter the judgement and marital settlement agreement the parties have reached. All parties have signed the FL-130; FL-144; FL-170; FL-180 with the attached marital settlement agreement; and the FL-190. However, Respondent is represented by counsel, as there is no substitution of attorney filed, and counsel has not signed the FL-130.

Respondent has not filed a response.

Parties are ordered to appear.

TENTATIVE RULING #3: PARTIES ARE ORDERED TO APPEAR.

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

4. COUNTY V. ROBERT CONGER (OTHER PARENT: YOLANDA TORRES)

PF930178

On November 19, 2021, Respondent filed a Request for Order (RFO) requesting an out-of-state clearance from California to lift the hold on Respondent's driver's license in Colorado. Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on the Other Parent.

On February 3, 2022, the court stayed the tentative ruling allowing Respondent additional time to perfect service.

The Department of Child Support Services (DCSS) and the Other Parent were served with the RFO by mail on April 5, 2022.

No responses have been filed.

The court takes judicial notice of the September 13, 2004 court order finding Respondent to be in compliance with the court's orders. There have been no subsequent filings in this matter. Therefore, the court grants Respondent's request to lift the hold on his driver's license.

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 #4: THE RESTRICTIONS ON RESPONDENT'S DRIVER'S LICENSE ARE LIFTED. 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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8:30 a.m./1:30 p.m.

5. COURTNEY KNIGHT V. FRANK HERNANDEZ

PFL20210427

On February 2, 2022, following a trial on a Domestic Violence Restraining Order (DVRO), the court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on March 4, 2022 and a review hearing for May 5, 2022.

Both parties attended CCRC on March 4, 2022 but were unable to reach any agreements. The CCRC counselor recommends the current parenting time order remain in full force and effect. A copy of the report was mailed to the parties on April 26, 2022.

The court has read and considered the CCRC report and finds the recommendation to be in the minors' best interests. Petitioner shall have sole physical and legal custody. Family Code section 3044 presumptions have not been overcome. Respondent will continue to have supervised parenting time at Family Time Visitation center, one time per week for two hours. Parties may agree to a third-party non-professional supervisor in writing.

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 #5: THE RECOMMENDATION CONTAIN IN THE CCRC REPORT IS ADOPTED AS IT IS IN THE BEST INTEREST OF THE MINORS. PETITIONER SHALL HAVE SOLE PHYSICAL AND LEGAL CUSTODY. FAMILY CODE SECTION 3044 PRESUMPTIONS HAVE NOT BEEN OVERCOME. RESPONDENT WILL CONTINUE TO HAVE SUPERVISED PARENTING TIME AT FAMILY TIME VISITATION CENTER, ONE TIME PER WEEK FOR TWO HOURS. PARTIES MAY AGREE TO A THIRD-PARTY NON-PROFESSIONAL SUPERVISOR IN WRITING. 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.

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6. DCSS V. CODY ELDERD (OTHER PARENT BRANDI WILKINSON)

PFS20120291

On February 8, 2022, Respondent filed a Request for Order (RFO) requesting a modification of child custody and parenting time. Parties were referred to Child Custody Recombing Counseling (CCRC) for an appointment on March 16, 2022 and a review hearing on May 5, 2022. Department of Child Support Services (DCSS) and minor's counsel were served by mail on February 9, 2022. Other parent was served by mail on February 8, 2022.

Respondent requests the court order a week on/week off schedule for parenting time. Respondent asserts there is no reason why this should not be the custody arrangement and further asserts the Other Parent is blocking him from spending time with the minor. The current order is for joint legal custody with Other Parent having primary physical custody and Respondent having parenting time the 1st, 3rd, and 5th weekends each month.

Other Parent filed a Responsive Declaration on March 8, 2022. Respondent and Minor's Counsel were served by mail on March 8, 2022. Other Parent request eh court deny Respondents request to modify the current parenting plan and order the parties to attend co-parenting counseling with one of three identified therapists. Further, Other Parent requests that if the parties cannot agree on a new therapist for the minor or for co-parenting counseling, that Minor's Counsel select a therapist for each respectively.

On March 16, 2022, Minor's Counsel filed a Statement of Issues and Contentions. Parties were served by mail March 22, 2022. Minor's Counsel requests the court deny Respondent's request to modify the parenting schedule and order the parties to participate in co-parenting counseling.

Parties attended CCRC on March 16, 2022. Parties were able to reach some agreements. The counselor made several recommendations. A copy of the report was mailed to the parties on April 20, 2022.

On April 18, 2022, Respondent filed a Supplemental Declaration. Parties were served by mail on April 19, 2022.

On April 29, 2022, Respondent filed a Reply Declaration to the CCRC report. Parties were served electronically on April 29, 2022.

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

The agreement and recommendations contain in the CCRC report are in the minor's best interest and are adopted as the court's order. Parties will continue to have joint legal custody. The current parenting plan remains in full force and effect. The current holiday schedule will remain in full force and effect with the modification of spring break and Thanksgiving break beginning on the last day of school before the break. Further, Respondent will have three, non-consecutive, one-week vacation periods with the minor every summer. Respondent and Other Parent are to participate in co-parenting counseling. Other Parent has put forth three names of therapists. Respondent shall select one of the three no later than May 19, 2022. If parties are unable to agree to a co-parenting counselor, Minor's

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Counsel shall make the choice. Parties are to select a therapist for the minor no later than June 1, 2022. If they are unable to agree on a therapist, Respondent shall provide three names to Other Parent no later than May 19, 2022. Other Parent shall select one of the three no later than May 26, 2022. If parties are unable to reach an agreement, Minor's Counsel shall make the choice. Parties shall abide by the therapist's treatment recommendations and the minor's counseling sessions will be at the frequency and duration of the therapist.

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

TENTATIVE RULING #6: PARTIES SHALL CONTINUE TO HAVE JOINT LEGAL CUSTODY. THE CURRENT PARENTING PLAN REMAINS IN FULL FORCE AND EFFECT. THE CURRENT HOLIDAY SCHEDULE SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE MODIFICATION OF SPRING BREAK AND THANKSGIVING BREAK BEGINNING ON THE LAST DAY OF SCHOOL BEFORE THE BREAK. FURTHER, RESPONDENT SHALL HAVE THREE, NON-CONSECUTIVE, ONE-WEEK VACATION PERIODS WITH THE MINOR EVERY SUMMER. RESPONDENT AND OTHER PARENT ARE TO PARTICIPATE IN CO-PARENTING COUNSELING. OTHER PARENT HAS PUT FORTH THREE NAMES OF THERAPISTS. RESPONDENT SHALL SELECT ONE OF THE THREE NO LATER THAN MAY 19, 2022. IF PARTIES ARE UNABLE TO AGREE TO A CO-PARENTING COUNSELOR, MINOR'S COUNSEL SHALL MAKE THE CHOICE. PARTIES ARE TO SELECT A THERAPIST FOR THE MINOR NO LATER THAN JUNE 1, 2022. IF THEY ARE UNABLE TO AGREE ON A THERAPIST, RESPONDENT SHALL PROVIDE THREE NAMES TO OTHER PARENT NO LATER THAN MAY 19, 2022. OTHER PARENT SHALL SELECT ONE OF THE THREE NO LATER THAN MAY 26, 2022. IF PARTIES ARE UNABLE TO REACH AN AGREEMENT, MINOR'S COUNSEL SHALL MAKE THE CHOICE. PARTIES SHALL ABIDE BY THE THERAPIST'S TREATMENT RECOMMENDATIONS AND THE MINOR'S COUNSELING SESSIONS WILL BE AT THE FREQUENCY AND DURATION OF THE THERAPIST. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. ISAAC EDELMAN V. TARA EDELMAN

PFL20200668

On March 2, 2022, Petitioner filed an ex parte request for orders, requesting the court order the sale of the former marital home and for Petitioner to have the authority to sign all documents necessary to effectuate the sale of the home with a realtor of his choice. Respondent filed a Responsive Declaration on March 3, 2022 requesting the court deny the ex parte requests and request the court award her attorney fees. The ex parte request was denied on March 4, 2022 and the Request for Order (RFO) was set on the law and motion calendar.

Respondent was served by mail with the RFO on March 25, 2022.

Petitioner is requesting property control of the residence located at 5542 Vista Del Huerto Drive in Garden Valley, California. Petitioner is also requesting the November 8, 2021 order to be the judgement in the case and for Family Code 271 sanctions, to be paid from Respondent's proceeds from the sale of the home.

No further responses have been filed.

Parties are ordered to appear.

TENTATIVE RULING #7: PARTIES ARE ORDERED TO APPEAR.

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

8. 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 parties appeared for the April 21, 2022 hearing and met with the Family Law Facilitator. Parties were to meet further with the Family Law Facilitator on May 4, 2022. The court held the tentative ruling in abeyance and continued the matter to May 5, 2022.

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 #8: 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

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AND TRIAL DATES. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

9. RICHARD FRIEND V. MELISSA COSENS

PFL20180670

On March 7, 2022, the court signed a stipulation and order for the parties to vacate the March 8, 2022 trial date and reserve jurisdiction to modify child support to February 4, 2022. Parties currently have joint legal and physical custody and exercise a 3-3-4-4- parenting schedule. Petitioner filed a Request for Order (RFO) to modify child support and for attorney fees on March 7, 2022. Petitioner was served with the RFO by mail on March 8, 2022. Petitioner requests the court order guideline child support and Family Code section 2030 attorney fees.

Petitioner filed an Income and Expense Declaration on April 15, 2022. Respondent was served by mail on April 18, 2022.

Respondent filed a Responsive Declaration on April 21, 2022. Petitioner was served electronically on April 21, 2022. Respondent requests the court order guideline child support based on the percentage of time and the parties' respective incomes. Respondent requests attorney fees but does not specify under which family code section. Respondent also asserts her income has not changed since her March 1, 2022 filed Income and Expense Declaration and attached her April 2022 pay stub.

Petitioner filed a Reply Declaration on April 28, 2022. Respondent was served an unfiled copy by mail on the same date.

Based on the April 15, 2022 filed Income and Expense Declaration, Petitioner has an average monthly income of \$3,466, based on an hourly rate of \$25 and 32 hours per week (\$25 multiplied by 32 hours per week multiplied by 52 weeks a year divided by 12 months). Petitioner has no noted deductions.

Based on the March 1, 2022 filed Income and Expense Declaration, Respondent has an average month income of \$1,895, using the hourly rate of \$16.50 and 26.5 hours per week (\$16.50 multiplied by 26.5 hours per week multiplied by 52 weeks per year divided by 12 months). Respondent has \$26 a month for union dues and \$121 for mandatory retirement.

Utilizing the above figures and a 50% timeshare, the court finds guideline child support to be \$160 per month payable by Petitioner to Respondent. Petitioner is ordered to pay Respondent \$160 per month as and for child support, commencing on March 1, 2022, payable on the 1st of the month, until further order of the court or termination by operation of law. See attached DissoMaster Report.

The court finds this results in an overpayment based on the prior order for child support of \$308 per month. The total overpayment for the months of March through May is \$444. Petitioner may reduce the child support by \$37 per month for approximately 12 months, making the total \$123.

The court denies both Petitioner's and Respondent's requests for attorney fees. The court finds there is not a significant disparity in income and neither side has greater access to representation.

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.

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TENTATIVE RULING #9: PETITIONER IS ORDERED TO PAY RESPONDENT \$160 PER MONTH AS AND FOR CHILD SUPPORT COMMENCING ON MARCH 1, 2022, PAYABLE ON THE 1ST OF THE MONTH, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS RESULTS IN AN OVERPAYMENT BASED ON THE PRIOR ORDER FOR CHILD SUPPORT OF \$308 PER MONTH. THE TOTAL OVERPAYMENT FOR THE MONTHS OF MARCH THROUGH MAY IS \$444. PETITIONER MAY REDUCE THE CHILD SUPPORT BY \$37 PER MONTH FOR APPROXIMATELY 12 MONTHS, MAKING THE TOTAL \$123. THE COURT DENIES BOTH PETITIONER'S AND RESPONDENT'S REQUESTS FOR ATTORNEY FEES. THE COURT FINDS THERE IS NOT A SIGNIFICANT DISPARITY IN INCOME AND NEITHER SIDE HAS GREATER ACCESS TO REPRESENTATION.

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: Pet.	DISSOMASTER REPORT 2022, Monthly	
		CASE NUMBER: PFL 20180670

Input Data	Pet.	Resp.	Guideline (2022)	Cash Flow Analysis	Pet.	Resp.
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Pet.	2,854	Payment (cost)/benefit	(160) 160
Filing status	Single	HH/MLA	Resp.	2,000	Net spendable income	2,694 2,160
# Federal exemptions	1*	2*	Total	4,854	% combined spendable	55.5% 44.5%
Wages + salary	3,466	1,895	Support		Total taxes	612 (252)
401(k) employee contrib	0	0	CS Payor	Pet.	# WHA	2 4
Self-employment income	0	0	Presumed	160	Net wage paycheck/mo	2,823 1,711
Other taxable income	0	0	Basic CS	160	Comb. net spendable	4,854
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(222) 222
Other gains (and losses)	0	0	Child 1	160	Net spendable income	2,823 2,081
Ordinary dividends	0	0	Spousal support	blocked	NSI change from gdl	129 (79)
Tax. interest received	0	0	Total	160	% combined spendable	57.6% 42.4%
Social Security received	0	0	Proposed, tactic 9		% of saving over gdl	255.7% -155.7%
Unemployment compensation	0	0	CS Payor	Pet.	Total taxes	421 (111)
Operating losses	0	0	Presumed	222	# WHA	6 4
Ca. operating loss adj.	0	0	Basic CS	222	Net wage paycheck/mo	3,032 1,711
Roy, partnerships, S corp, trusts	0	0	Add-ons	0	Comb. net spendable	4,904
Rental income	0	0	Presumed Per Kid		Percent change	1.0%
Misc ordinary tax. inc.	0	0	Child 1	222	Default Case Settings	
Other nontaxable income	0	0	Spousal support	blocked		
New-spouse income	0	0	Total	222		
Adj. to Income (ATI)	0	0	Savings	50		
SS paid other marriage	0	0	Total releases to Pet.	1		
Ptr Support Pd. other P'ships	0	0				
CS paid other relationship	0	0				
Health ins.	0	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	26				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	121				
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				

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

10. SILJA JOHNSON V. THOMAS JOHNSON

PFL20170337

On February 28, 2022, Petitioner filed an ex parte request for order, requesting the court order the former marital residence be listed for sale with Stuart Warner as the listing agent and for Mr. Warner to set the listing price. Petitioner further requested Mr. Warner to act on the parties' behalf should they not be able to reach an agreement. Lastly, Petitioner requests Respondent be ordered to sign promptly all necessary documents. Petitioner requested Family Code section 271 sanctions.

On February 28, 2022 Respondent filed a Responsive Declaration requesting the court deny the requested ex parte orders and requesting Family code section 271 sanctions. Respondent further requested Petitioner cooperate with all aspects of the refinance of the property.

On March 1, 2022, the court denied the ex parte request and the matter was set on the regular law and motion calendar. Respondent was served with the ex parte order and Request for Order (RFO) by mail on march 2, 2022.

There have been no further filings in this matter.

Parties are ordered to appear.

TENTATIVE RULING #10: PARTIES ARE ORDERED TO APPEAR.

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

11. SUSAN MOSKALETS V. VICTOR MOSKALETS

PFL20210479

On March 3, 2022, Respondent filed a Request for Order (RFO) requesting the court grant Respondent exclusive use and control of the property located at 6660 Slug Gulch Road in Somerset, CA and the court set a separate trial on the issue of the date of the marriage of the parties. Petitioner was served electronically with the RFO on March 4, 2022.

Respondent asserts the parties were married on November 15, 2017 and separated on December 25, 2022. Respondent further asserts he purchased the property in 1998 and paid off the home using separate property funds in 1999. Respondent has attached as exhibits a copy of the grant deed to the property. Respondent has also attached a copy of the parties' marriage certificate as an exhibit.

Petitioner has not filed a responsive declaration to this RFO.

Petitioner filed an Order to Show Cause re Contempt on March 3, 2022. Upon review of the file, the court finds that Respondent has not been served with the contempt as required by law. As such, the court drops the contempt complaint from its calendar.

Parties are ordered to appear to select mandatory Settlement Conference and trial dates.

TENTATIVE RULING #11: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

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

12. ZACHARY THOMAS V. VERONIKA THOMAS

22FL0041

On February 28, 2022, Petitioner filed a Request for Order (RFO) requesting the court make orders as to custody and parenting time, as well as for Respondent to serve her Preliminary Declarations of Disclosure. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 18, 2022 and a review hearing set for May 5, 2022. Respondent was served with the RFO and referral to CCRC by mail on March 2, 2022.

The parties attended CCRC on March 18, 2022 and were able to reach a full agreement. A copy of the CCRC report was mailed to the parties on April 20, 2022. The court has read and considered the CCRC report and finds the agreement of the parties to be in the best interest of the minor and adopts the agreement as the court's order. Parties shall have joint legal custody. Petitioner shall have parenting time the 1st, 3rd, and 4th weekend of the month from 6:00 pm Friday to 4:00 pm Sunday. Exchanges shall occur in Jackson at the local police station. The court adopts the vacation, holiday plan, notification of current address agreement and phone contact agreement as outlined in the report. Both parties shall enroll in and complete a co-parenting class and provide proof of completion to the court.

The court has reviewed the court file and finds Respondent has filed a Declaration regarding service of Declaration of Preliminary Disclosures. Petitioner was served electronically on March 29, 2022.

Respondent filed a Responsive Declaration on April 18, 2022. Petitioner was served electronically on April 18, 2022. Respondent requests the court adopt the agreement of the parties reached at CCRC. Respondent confirms the request for the Preliminary Declaration of Disclosure has been complied with and therefore, that request is now moot.

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 #12: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS CONTAINED IN THE CCRC REPORT AS THE COURT'S ORDER. PARTIES SHALL HAVE JOINT LEGAL CUSTODY. PETITIONER SHALL HAVE PARENTING TIME THE 1ST, 3RD, AND 4TH WEEKEND OF THE MONTH FROM 6:00 PM FRIDAY TO 4:00 PM SUNDAY. EXCHANGES SHALL OCCUR IN JACKSON AT THE LOCAL POLICE STATION. THE COURT ADOPTS THE VACATION, HOLIDAY PLAN, NOTIFICATION OF CURRENT ADDRESS AGREEMENT AND PHONE CONTACT AGREEMENT AS OUTLINED IN THE REPORT. BOTH PARTIES SHALL ENROLL IN AND COMPLETE A CO-PARENTING CLASS AND PROVIDE PROOF OF COMPLETION TO THE COURT. THE COURT FINDS THE REQUEST FOR PRELIMINARY DECLARATIONS OF DISCLOSURE TO HAVE BEEN COMPLIED WITH. 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.