

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

13. AHMED EL SAKA V. DYANA ANCHIETTA

PFL20200567

On January 21, 2022 Respondent filed a Request for Order requesting the court modify custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 24, 2022 and a review hearing on April 14, 2022. Petitioner was served electronically on February 9, 2022. Respondent is requesting the court grant her sole physical as well as sole legal custody of the minor.

Respondent asserts Petitioner has failed to participate in court ordered reunification therapy with the minor. Further, Respondent states Petitioner has thwarted reunification efforts by refusing to engage in reunification therapy, cancelling sessions which led to the therapist no longer being available, and refusing to cooperate with Respondent to obtain a new therapist. The court order for reunification therapy was made November 12, 2020. Respondent asserts that no progress has been made, due to Petitioner's resistance.

Parties participated in the CCRC appointment on February 24, 2022. No agreements were reached. Therefore, the counselor issued a report with recommendations. A copy of the report was mailed to the parties on April 5, 2022. The CCRC counselor recommends the November 12, 2020 orders regarding custody continue, as they are in the best interest of the minor.

Petitioner filed a Responsive Declaration to the RFO on April 1, 2022. Petitioner requests the court deny Respondent's requested orders. Respondent was served with the Responsive Declaration by mail on April 1, 2022. Petitioner asserts Respondent has not complied with the legal custody requirements by not providing him medical and school information for the minor. Petitioner further asserts Respondent has changed the minor's name in violation of the legal custody agreements. Petitioner requests the current court orders for custody and parenting time remain in full force and effect.

Respondent filed a Reply Declaration on April 8, 2022. Petitioner was served electronically on April 7, 2022. Respondent asserts she has provided Petitioner with all the necessary medical and schooling information. Respondent further asserts the minor is using her correct legal name. Respondent reasserts her request for sole legal and physical custody of the minor and that the court not change the reunification therapist.

On April 1, 2022, Respondent filed a RFO requesting Petitioner be ordered to appear for his deposition and Petitioner be ordered to pay discovery sanctions. Respondent asserts there was an attempt to obtain testimony for the custody motion and to understand Petitioner's claim he has a medial disability, through a deposition. Respondent asserts this information is relevant to the subject matter pending before the court regarding custody, fees, and support as Petitioner claims he is unable to work. Petitioner was timely served with a Notice of Deposition. Petitioner served an objection to the deposition notice complaining the distance was too far as the location of the deposition was more than 75 miles from his residence. Respondent offered to take the deposition via Zoom, however, no response was received. Respondent then served an amended deposition notice for a location within 75 miles of Petitioner's residence. Again, Petitioner objected, alleging the deposition was being conducted in bad faith. Respondent asserts this is an invalid objection, and the request for a deposition is valid. Respondent requests the court order Petitioner comply with the deposition and order him to appear

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

and produce the documents requested. Respondent is requesting discovery sanctions of \$115 for costs and \$3,188.50 for attorney fees.

On April 14, 2022, parties appeared for the hearing. The matter was continued as there was not an Arabic interpreter available for Petitioner. The court stayed its tentative ruling. The court also advanced the RFO set for May 26, 2022 to May 19, 2022.

On May 6, 2022, Petitioner filed a Responsive Declaration to the RFO. Respondent was served by mail on May 6, 2022. Petitioner asserts the same claims that were previously raised in the March 29, 2022 request for protective order.

On March 29, 2022, Petitioner filed a request for protective order. Respondent was served electronically on March 29, 2022. Petitioner asserts the request for deposition and production of documents is duplicative of earlier requests and the requests contained in the notice only include subjects that have already been the subject of evidentiary hearings and/or to which the parties have already entered into Stipulated agreements. Petitioner asserts the request for documents is duplicative of Respondent's request for production of documents that was served on February 9, 2022 and complied with on March 11, 2022. Petitioner asserts Respondent has made not attempt to meet and confer on any alleged deficiencies in those responses, nor has Respondent given any indication that there are deficiencies. Petitioner's counsel states there were attempts to resolve the dispute informally with Respondent's attorney. Petitioner is seeking a protective order limiting the scope of future discovery to a change in circumstances related to child custody and visitation and child and spousal support. Petitioner objects to the request for sanctions and requests attorney fees be awarded in the amount of \$3,500.

On May 19, 2022 an Arabic interpreter was not available. Therefore, the matter was continued to June 2, 2022.

The parties are ordered to appear.

TENTATIVE RULING #13: THE PARTIES ARE ORDERED TO APPEAR.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

14. DARBARA SIDHU V. FATEMEH SIDHU

22FL0406

On May 6, 2022, Petitioner filed an Application for Order Shortening time for his Request for Order (RFO). The court granted the Order to Shorten time and set the RFO for May 19, 2022. Petitioner was ordered to served Respondent with the RFO on or before May 9, 2022. Respondent was personally served on May 9, 2022.

Respondent filed an ex parte request and request for order to shorten time on May 17, 2022, requesting the court continue the May 19, 2022 hearing as counsel for Respondent was unavailable. Petitioner filed a Responsive Declaration stating he was not opposed to a short continuance but would be opposed to anything more than one to two weeks. On May 18, 2022, the court granted the ex parte request and order shortening time and continued the May 19, 2022 hearing to June 2, 2022 at 1:30 pm.

In the RFO filed by Petitioner on May 6, 2022, Petitioner asserts the home located in El Dorado Hills is his separate property purchased prior to the marriage. Petitioner requests the court grant him exclusive use and control of the property. Petitioner further asserts, Respondent has been occupying the property without his permission and has failed to pay the utilities. Petitioner requests Respondent pay the outstanding utility bill.

In the RFO filed by Respondent on May 18, 2022, Respondent has attached a copy of the deed to the property showing the parties own the property as husband and wife as Community Property with right of Survivorship. Further, Respondent has attached the utility bills for El Dorado Irrigation District and Pacific Gas and Electric. The El Dorado Irrigation District bill has a balance of \$184.92 due on March 3, 2022, but had no balance owed other than the current monthly charges. The Pacific Gas and Electric shows a monthly balance of \$76.98 due on May 18, 2022 and a prior balance of \$11.28. The total amount due after credits is the \$76.98 due May 18, 2022. A payment was made on May 16, 2022 and the current balance due is \$0 after the credits for May. Respondent further asserts she would be homeless if Petitioner was given exclusive use and control of the property.

The court denies the request by Petitioner for exclusive use and possession of the El Dorado Hills Residence as Respondent has not provided a compelling reason for the court to issue that temporary order pending a final division of the parties' property.

TENTATIVE RULING #14: PETITIONER'S REQUEST FOR EXCLUSIVE USE AND CONTROL OF THE EL DORADO HILLS HOME IS DENIED.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

15. DAWNYELL AUGHT V. HARVEY WHISENTON

PFL20160258

On April 1, 2022, Respondent filed an Order to Show Cause (OSC) and Affidavit for Contempt alleging Petitioner has failed to send the minor to Respondent for court ordered parenting time. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the OSC. Therefore, the matter is dropped from the court's calendar.

TENTATIVE RULING #15: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

16. DCSS V. ERIC HILL (OTHER PARENT: ANAROSE FERRO)

PFS20150143

On April 1, 2022, Other Parent filed an ex parte request for orders regarding custody seeking temporary full custody of the minor. On April 5, 2022, the court denied the ex parte request, and ordered all prior orders to remain in full force and effect. Other Parent filed a Request for Order (RFO) on April 5, 2022. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 9, 2022 and a review hearing on June 23, 2022. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO. Therefore, Other Parent's RFO is dropped from the court's calendar.

On April 12, 2022, Respondent filed an ex parte request for orders regarding custody seeking emergency full legal and physical custody of the minor. On April 13, the court denied the request and ordered all prior orders to remain in full force and effect. The court ordered exchanges to take place Friday at school to minimize the conflict between the parties. Respondent filed a RFO on April 13, 2022 requesting the court modify the custody order. The court set an emergency CCRC appointment and set a review hearing for June 2, 2022. The court issued an ex parte minute order on April 13, 2022 advancing the previously set CCRC appointment from May 9, 2022 to April 19, 2022 and advancing the previously set review hearing from June 23, 2022 to June 2, 2022. A copy of the minute order was mailed to the parties. Other Parent was personally served on April 13, 2022.

Respondent filed an Order to Show Cause and Affidavit for Contempt on April 12, 2022. Other Parent was personally served on April 13, 2022. Respondent asserts Other Parent has failed to exchange the minor on April 10, 2022 per the court's prior orders that custody exchanges take place on Sunday. Parties are ordered to appear for arraignment on the Order to Show Cause.

Parties appeared for the CCRC appointment on April 13, 2022. A CCRC report was filed on May 10, 2022 and mailed to the parties on May 11, 2022. The parties participated in the appointment separately. However, when it was Respondent's turn to meet with the counselor, he refused to do so without his current spouse. When it was explained to Respondent that his current spouse would not be able to participate in or attend the CCRC appointment, Respondent elected he would not participate in the appointment. The counselor made several attempts to engage in the appointment, however, he refused to do so. Therefore, the counselor was unable to write a report with any agreements or recommendations.

Respondent's request to modify custody and parenting time for sole legal and physical custody is denied. Respondent chose not to participate in the CCRC appointment on his own request to modify the current custody and visitation orders.

TENTATIVE RULING #16: OTHER PARENT'S RFO IS DROPPED FROM CALENDAR AS IT WAS NOT PROPERLY SERVED. RESPONDENT'S RFO IS DENIED. PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE APRIL 12, 2022 FILED ORDER TO SHOW CAUSE FOR CONTEMPT

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

17. HEATHER REYES V. DANIEL REYES

PFL20150786

On March 28, 2022, Petitioner filed a Request for Order (RFO) requesting the court determine the amount of arrears for spousal support and order a wage assignment reflecting the current amount owed for spousal support including arrears. On February 17, 2022, Petitioner filed a Declaration regarding payment history. Upon review of the court file, there is no Proof of Service of the RFO or Declaration. As such, the matter is dropped from the court's calendar.

TENTATIVE RULING #17: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

18. JAMES FILIPPELLO V. BONNIE FILIPPELLO

PFL20010253

On March 29, 2022, Petitioner filed a Request for Order (RFO) requesting the court adjudicate unadjudicated assets, namely the parties' retirement accounts. Respondent was personally served on April 10, 2022.

Petitioner asserts the parties need orders regarding their mutual interests in their retirement accounts. Parties were granted a status only judgement on March 1, 2022.

Respondent has not filed a Responsive Declaration.

The court needs additional information regarding the parties' retirement accounts. Therefore, parties are ordered to appear.

TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT AND TRIAL DATES.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 2, 2022

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

19. KATEY WILLIAMS V. ROBERT WILLIAMS

22FL0162

On March 29, 2022, Petitioner filed a Request for Order (RFO) requesting the court order spousal support. Petitioner filed an Income and Expense Declaration on the same date. Respondent was served by mail on April 19, 2022.

Petitioner requests the court order \$1,500 per month for spousal support. Petitioner asserts this amount is necessary to aid her in paying her expenses as well as being able to secure her own housing.

Respondent filed a Responsive Declaration and Income and Expense Declaration on May 19, 2022. Petitioner was served both by mail and electronically on May 19, 2022. Respondent objects to Petitioner's request for spousal support. In the alternative Respondent requests the court order guideline spousal support. Respondent asserts Petitioner has underreported her income, as Petitioner earns cash tips. Respondent included two proposed DissoMaster reports.

Based on the March 29, 2022 filed Income and Expense Declaration, Petitioner has an average monthly income of \$2,755 per month and \$300 per month in tips. Petitioner has no deductions. Petitioner last filed taxes as married filing jointly with Respondent.

Respondent has an average monthly income of \$4,832 based on the May 19, 2022 filed Income and Expense Declaration. Respondent contributes \$107 per month to a 401K. Respondent has no other deductions. Respondent last filed taxes as married filing jointly with Petitioner.

Utilizing the above figures, the court finds guideline spousal support to be \$272. See attached DissoMaster Report. This order is effective April 1, 2022. The court orders Respondent to pay Petitioner \$272 the 1st of each month, as and for spousal support, continuing the 1st of each month thereafter until further order of the court or legal termination.

The court finds this order results in an arrears balance of \$816 for April through June. The court orders Respondent to pay Petitioner \$102 per month as and for arrears beginning on June 15, 2022, and due on the 15th of each month until paid in full (approximately 8 months). If there is a missed payment, the full balance is due plus legal interest.

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 #19: THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$272 THE 1ST OF EACH MONTH, AS AND FOR SPOUSAL SUPPORT, CONTINUING THE 1ST OF EACH MONTH THEREAFTER UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$102 PER MONTH AS AND FOR ARREARS BEGINNING ON JUNE 15, 2022, AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 8 MONTHS). IF THERE IS A MISSED PAYMENT, THE FULL BALANCE IS DUE PLUS LEGAL INTEREST. 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): EDC Court California ATTORNEY FOR: Resp.	TELEPHONE NO: Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly	CASE NUMBER: 22FL0162

Input Data	Resp.	Pet.	Guideline (2022)	Cash Flow Analysis	Resp.	Pet.
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Resp.	3,807 Payment (cost)/benefit	(272)	272
Filing status	MFJ->	<-MFJ	Pet.	2,501 Net spendable income	3,535	2,773
# Federal exemptions	1*	1*	Total	6,308 % combined spendable	56%	44%
Wages + salary	4,832	2,755	Support (Nondeductible)	Total taxes	918	554
401(k) employee contrib	0	0	SS Payor	Resp. # WHA	0	0
Self-employment income	0	0	El Dorado	272 Net wage paycheck/mo	3,897	2,312
Other taxable income	0	300	Total	272 Comb. net spendable	6,308	
Short-term cap. gains	0	0	Proposed, tactic 9	Proposed		
Long-term cap. gains	0	0	SS Payor	Resp. Payment (cost)/benefit	(272)	272
Other gains (and losses)	0	0	El Dorado	272 Net spendable income	3,535	2,773
Ordinary dividends	0	0	Total	272 NSI change from gdl	0	0
Tax. interest received	0	0	Savings	0 % combined spendable	56%	44%
Social Security received	0	0	No releases	% of saving over gdl	0%	0%
Unemployment compensation	0	0		Total taxes	918	554
Operating losses	0	0		# WHA	0	0
Ca. operating loss adj.	0	0		Net wage paycheck/mo	3,897	2,312
Roy, partnerships, S corp, trusts	0	0		Comb. net spendable	6,308	
Rental income	0	0		Percent change	0.0%	
Misc ordinary tax. inc.	0	300		Default Case Settings		
Other nontaxable income	0	0				
New-spouse income	0	0				
Adj. to income (ATI)	0	0				
SS paid other marriage	0	0				
Ptr Support Pd. other P'ships	0	0				
CS paid other relationship	0	0				
Health ins.	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	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	107	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				