

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 23, 2022

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

**15. BRANDON BERUMEN v. ZSANENN WARD-THOMAS**

**PFL20200128**

On April 26, 2022, Respondent filed a Request for Order (RFO) requesting that the court order Petitioner to provide his contact information, including a mailing address, physical address, and phone number.

Respondent notes that the parties use the Talking Parents app as their primary form of communication. Respondent requests Petitioner's address in order to send gifts and other items to their children. Respondent has provided the court with print outs from the Talking Parents app wherein Respondent has made several requests for Petitioner's address.

A Proof of Service for the RFO was filed with the court on May 2, 2022, indicating that service was done via U.S. mail. Petitioner has not filed a responsive declaration; however, Respondent is aware that Petitioner no longer resides at the address served.

Petitioner's attorney of record filed a Notice of Withdrawal of Attorney of Record on March 24, 2022

California Rule of Court 2.200 requires a "...self-represented party whose mailing address, telephone number, fax number, or e-mail address... changes while an action is pending" to serve on all parties, and file with the court, a written notice of the change. Cal. Rule Ct. 2.200. When a matter is pending before the court, the burden is on each attorney or self-represented party to notify the court and the other parties of any change in address; failure to do so does not afford that party the right to avoid judgment on the substance of the matter by claiming improper service. (*Kramer v. Traditional Escrow, Inc.*, (2020) 56 Cal.App.5th 13.)

Petitioner has failed to keep Respondent and the court informed of his current contact information as is required of him. Accordingly, regardless of the potential lack of actual notice, service was proper, and the court may rule on the motion.

The court hereby orders Petitioner to file a Notice of Change of Address with the court, and serve it on Respondent, within 15 court days from the hearing date.

**TENTATIVE RULING #15: THE COURT HEREBY ORDERS PETITIONER TO FILE A NOTICE OF CHANGE OF ADDRESS WITH THE COURT, AND SERVE IT ON RESPONDENT, WITHIN 15 COURT DAYS FROM THE HEARING DATE. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 23, 2022

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

**17. SAMANTHA KOPP v. JUSTIN MOAR**

**PFL20180187**

On January 4, 2022, Petitioner filed a Request for Order (RFO) requesting a modification of the parenting time for Respondent. The parties were referred to Child Custody Recommended Counseling (CCRC) to take place on January 31, 2022. The court never received a proof of service evidencing that Respondent was provided notice of the CCRC referral, and Respondent did not appear at the CCRC appointment.

On May 4, 2012, Petitioner again filed an RFO requesting modification of the visitation order. Petitioner is requesting a suspension of Respondent's parental visits until he has participated in a 90-day drug rehabilitation program and established a pattern of clean drug tests. Petitioner has not filed a responsive declaration. Parties were not referred to CCRC, as there had been a referral within the last six months.

The court finds good cause to re-refer the parties to CCRC for an appointment on July 7<sup>th</sup>, 2022 at 1:00 PM. Petitioner is to properly serve Respondent with notice of the referral. The court sets a review hearing for August 18, 2022, to review the CCRC report. Until then, all prior orders are to remain in full force and effect.

**TENTATIVE RULING #17: THE PARTIES ARE RE-REFERRED TO CCRC FOR AN APPOINTMENT ON JULY 7<sup>TH</sup>, 2022 AT 1:00 PM. PETITIONER IS TO PROPERLY SERVE RESPONDENT WITH NOTICE OF THE REFERRAL. THE COURT SETS A REVIEW HEARING FOR AUGUST 18, 2022, TO REVIEW THE CCRC REPORT. UNTIL THEN, ALL PRIOR ORDERS ARE TO REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 23, 2022

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

**19. RICHARD MUELLER V. AMBER MUELLER**

**PFL20170889**

On June 16, 2022, the court continued the arraignment on the January 14, 2022 filed Order to Show Cause and Affidavit for contempt as the Public Defender's office had been appointment but not provided notice. The matter was set for further arraignment on June 23, 2022.

Parties are ordered to appear for arraignment.

**TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**