

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

**MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS
ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

19. AIMEE ELSE V. DANIEL ELSE

PFL20190360

Petitioner filed a Request for Order (RFO) on November 15, 2022, requesting modification of visitation orders, regarding the paternal grandmother. Petitioner concurrently filed a Declaration requesting the court restrict paternal grandmother's visitation. Upon review of the court file, there is no Proof of Service showing the RFO was served on Respondent. Therefore, the court drops the matter from calendar due to lack of proper service.

Further, the court addressed the issue of the minors contact with the paternal grandmother at the hearing on December 10, 2022. Therefore, the court finds the matter to be moot.

TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE AND MOOTNESS.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

20. AMETHYST DYER V. JAMES DYER

22FL1072

Petitioner filed a Request for Order (RFO) on November 7, 2022, requesting the court make child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on December 6, 2022 and a review hearing on February 2, 2023. Respondent was personally served with the RFO on November 22, 2022. There is no Proof of Service showing Respondent was served with the referral to CCRC.

Petitioner is requesting sole legal and physical custody of the minor. Petitioner has included a copy of the Criminal Protective Order issued in case number P21CRF0181 on July 26, 2021. The Criminal Protective Order includes Petitioner as well as the minor and expires on July 26, 2031. There is an exception for peaceful contact with Petitioner for purposes of telephone contact with the minor. There The Respondent is currently incarcerated.

Only Petitioner appeared for the CCRC appointment on December 6, 2022. A single parent report was filed with the court on December 6, 2022. A copy of the report was mailed to the parties on December 21, 2022.

Respondent has not filed a Responsive Declaration.

The court takes judicial notice of case number P21CRF0181. The court finds the provisions of Family Code Section 3044 apply. The court grants Petitioner's request for sole legal and physical custody of the minor.

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 #20: THE COURT TAKES JUDICIAL NOTICE OF CASE NUMBER P21CRF0181. THE COURT FINDS THE PROVISIONS OF FAMILY CODE SECTION 3044 APPLY. THE COURT GRANTS PETITIONER'S REQUEST FOR SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR. 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.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

21. BARBARA GLOVER V. GREG DESILVA

22FL0542

Respondent filed a Request for Order (RFO) on November 4, 2022, requesting the court terminate the Domestic Violence Restraining order. Proof of Service filed on November 14, 2022, shows personal service was made on November 5, 2022, however, there is no indication who was served. Further the Proof of Service states the Request for Order was served, however, the blank Responsive Declaration (FL-320) and Notice of Tentative Ruling were not served. The court cannot find notice to Petitioner was proper.

Petitioner has not filed a Responsive Declaration.

The matter is dropped from calendar due to lack of proper notice.

Even if the court had reached the matter on the merits, the court would have denied Respondent's request. The matter was set for a contested hearing on October 26, 2022. Respondent was not present. Respondent was present when the matter was set for trial and knew the time of the hearing. Respondent states in his Declaration there was a traffic accident and construction which delayed his travel from the Bay Area, however, he did not contact the Clerk's Office to notify the court he was running late due to traffic. Therefore, the court proceeded in his absence. Respondent has not provided any law as to why the court should vacate the Domestic Violence Restraining Order. Respondent has not provided any grounds upon which the court could set aside the Domestic Violence Restraining Order. Therefore, Respondent's request would have been denied, if the court had reached the issue on the merits.

All prior orders remain in full force and effect.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER NOTICE. EVEN IF THE COURT HAD REACHED THE MATTER ON THE MERITS, THE COURT WOULD HAVE DENIED RESPONDENT'S REQUEST. THE MATTER WAS SET FOR A CONTESTED HEARING ON OCTOBER 26, 2022. RESPONDENT WAS NOT PRESENT. RESPONDENT WAS PRESENT WHEN THE MATTER WAS SET FOR TRIAL AND KNEW OF THE TIME OF THE HEARING. RESPONDENT STATES IN HIS DECLARATION THERE WAS A TRAFFIC ACCIDENT AND CONSTRUCTION WHICH DELAYED HIS TRAVEL FROM THE BAY AREA, HE DID NOT CONTACT THE CLERK'S OFFICE TO NOTIFY THE COURT HE WAS RUNNING LATE DUE TO TRAFFIC. THEREFORE, THE COURT PROCEEDED IN HIS ABSENCE. RESPONDENT HAS NOT PROVIDED ANY LAW AS TO WHY THE COURT SHOULD VACATE THE DOMESTIC VIOLENCE RESTRAINING ORDER. RESPONDENT HAS NOT PROVIDED ANY GROUNDS UPON WHICH THE COURT COULD SET ASIDE THE DOMESTIC VIOLENCE RESTRAINING ORDER. THEREFORE, RESPONDENT'S REQUEST WOULD HAVE BEEN DENIED, IF THE COURT HAD REACHED THE ISSUE ON THE MERITS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

22. BRITTNEY BONNIE V. SCOTLAND BONNIE

21FL0013

Petitioner filed a Request for Order (RFO) on September 6, 2022, requesting court grant permission to relocate the minor to New Hampshire. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on September 28, 2022 and a review hearing on November 10, 2022. Respondent was personally served on September 11, 2022. Petitioner subsequently filed an amended RFO on October 18, 2022. It was served by mail on October 18, 2022, with address verification. The court finds the amended RFO was not timely served as it was not served 16 court days plus five calendar days prior to the hearing.

Petitioner is requesting the court allow her and the minor to relocate to New Hampshire. Petitioner currently has sole legal and physical custody of the minor with Respondent having reasonable visitation. Petitioner sets forth in her request the reasons for the proposed move as well as why she believes it is in the minor's best interest.

Parties attended CCRC on September 28, 2022 but were unable to reach any agreements. A report with recommendations was filed on November 1, 2022. Copies of the report were mailed to the parties on November 1, 2022.

Respondent filed a Declaration on September 28, 2022. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the Declaration and therefore, the court cannot consider it.

Petitioner filed a Reply Declaration to the CCRC report on November 4, 2022. Respondent was served by mail on November 4, 2022. Petitioner requests the court not adopt the recommendations as set forth in the November 1, 2022 CCRC report. Petitioner asserts there were many improprieties by the CCRC counselor during the CCRC appointment.

Parties appeared for the hearing on November 10, 2022 and presented argument. The move-away request was set for trial on March 28, 2023 with a Mandatory Settlement Conference on February 27, 2023. The court stayed its tentative ruling and set a further CCRC review hearing on February 2, 2023.

Respondent has not filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court does not adopt the recommendations as set forth in the November 1, 2022 CCRC report. All prior orders as to child custody and parenting time remain in full force and effect. The court confirms the MSC and Trial dates currently set.

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

TENTATIVE RULING #22: THE COURT DOES NOT ADOPT THE RECOMMENDATIONS AS SET FORTH IN THE NOVEMBER 1, 2022 CCRC REPORT. ALL PRIOR ORDERS AS TO CHILD CUSTODY AND PARENTING TIME REMAIN IN FULL FORCE AND EFFECT. THE COURT CONFIRMS THE MSC AND TRIAL DATES CURRENTLY SET. 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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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

23. CARISSA MASTEN V. NICHOLAS WHITE

22FL0574

On July 19, 2022, Petitioner filed an Order to Show Cause (OSC) and Affidavit for Contempt alleging Respondent has violated the temporary domestic violence restraining order on multiple occasions. Respondent was personally served with the OSC on July 22, 2022.

Parties appeared on September 8, 2022. The Public Defender's Office was appointed to represent Respondent and the matter was continued.

Parties appeared on November 10, 2022. The Public Defender's Office declared a conflict and were relieved. The Alternative Public Defender was appointed and requested the matter be continued.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

24. D.F. V. J.W.

22FL1211

Petitioner filed an ex parte request for emergency orders on December 30, 2022. On January 3, 2023, the court denied the request and referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment for January 10, 2023 and a review hearing on February 2, 2023. Upon review of the court file, there is no Proof of Service showing Respondent was served with the ex parte order after hearing or CCRC referral. Petitioner filed a Request for Order (RFO) on December 30, 2022, making the same requests as the ex parte application. There is no Proof of Service showing Respondent was served with the RFO.

Neither party appeared for the CCRC appointment on January 10, 2023.

The matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #24: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

25. PAMELA HARE V. BENJAMIN GOFF

PFL20130645

Petitioner filed a Request for Order (RFO) on November 23, 2022, requesting the court appoint Minor's Counsel to the minor in this case. The court notes the parties are currently pending an evidentiary hearing on Petitioner's move-away request. Respondent was personally served on November 23, 2022.

Petitioner asserts in the RFO the minor was previously appointed Minor's Counsel, Laura Baer. Ms. Baer is no longer a Minor's Counsel in El Dorado County.

Respondent has not filed a Responsive Declaration.

The court finds that Ms. Baer was appointed as Minor's Counsel on April 8, 2019. It is unclear if she appeared at the hearing on May 30, 2019, as the minute order states a Laura, no last name, was present. There were no subsequent hearings on this matter until November 10, 2022. The court on its own motion thanks and relieves Laura Baer as Minor's Counsel. The court appoints Rebecca Esty-Burke as Minor's Counsel.

Parties are ordered to appear to select new Mandatory Settlement Conference and Trial Dates.

TENTATIVE RULING #25: THE COURT ON ITS OWN MOTION THANKS AND RELIEVES LAURA BAER AS MINOR'S COUNSEL. THE COURT APPOINTS Rebecca Esty-Burke AS MINOR'S COUNSEL.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

PARTIES ARE ORDERED TO APPEAR TO SELECT NEW MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

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February 2, 2023

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

26. STEVEN GIBSON V. STARR ROBINSON

PFL20190532

Petitioner filed an Order to Show Cause and Affidavit for Contempt on November 21, 2022. Upon review of the court file, there is no Proof of Service showing Respondent was served.

The court drops the matter from calendar due to lack of service.

TENTATIVE RULING #26: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 2, 2023

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

27. TAYLOR YAEGER V. CORAL YAEGER

PFL20180340

Respondent filed a Request for Order (RFO) on November 22, 2022, requesting the court modify the parenting plan. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on December 14, 2022 and a review hearing on February 2, 2023. Petitioner was personally served with the FL-300 on November 25, 2022. There is no Proof of Service showing Petitioner was properly served with the referral to CCRC, a blank Responsive Declaration, or the Notice of Tentative Ruling.

Respondent is requesting she have custody of the minor at any time Petitioner is working and that third parties not provide transportation to the parenting exchanges.

Nevertheless, both parties appeared for CCRC on December 14, 2022. The parties were unable to reach any agreements. A report with recommendations was filed with the court on January 23, 2023 and mailed to the parties on the same date.

Petitioner filed a Responsive Declaration on January 12, 2023. Respondent was served by mail on January 12, 2023. Petitioner objects to Respondent's requested changes. Petitioner requests the court grant him sole legal and physical custody of the minor. Petitioner requests the court find the Family Code Section 3044 presumptions apply in this case. Petitioner asserts Respondent has been abusive towards the minor, as well as neglectful. Petitioner asserts Respondent has perpetrated domestic violence against him.

The court has read and considered the filings as set forth above. The court finds the recommendations in the January 23, 2023 CCRC report to be in the best interest of the minor. The court adopts the recommendations as its orders, with the exception of the abstention order. The parties shall have joint legal and physical custody of the minor. The parties shall utilize the 2-2-5-5 parenting plan as set forth. The current holiday schedule shall remain in full force and effect. The court adopts the provisions of the Transportation for Visitation section. The court adopts the Additional Provisions as set forth. The court adopts the Respect Guidelines. The court is not adopting the Alcohol or Substance Abuse provision, as there is no evidence to support the need for it. Neither party shall expose the minor to secondhand smoke, of any type. The parties are to enroll in, complete, and provide the court with proof of completion of a co-parenting class.

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 #27: THE COURT HAS READ AND CONSIDERED THE FILINGS AS SET FORTH ABOVE. THE COURT FINDS THE RECOMMENDATIONS IN THE JANUARY 23, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS

LAW & MOTION TENTATIVE RULINGS

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

AS ITS ORDERS, WITH THE EXCEPTION OF THE ABSTENTION ORDER. THE PARTIES SHALL HAVE JOINT LEGAL AND PHYSICAL CUSTODY OF THE MINOR. THE PARTIES SHALL UTILIZE THE 2-2-5-5 PARENTING PLAN AS SET FORTH. THE CURRENT HOLIDAY SCHEDULE SHALL REMAIN IN FULL FORCE AND EFFECT. THE COURT ADOPTS THE PROVISIONS OF THE TRANSPORTATION FOR VISITATION SECTION. THE COURT ADOPTS THE ADDITIONAL PROVISIONS AS SET FORTH. THE COURT ADOPTS THE RESPECT GUIDELINES. THE COURT IS NOT ADOPTING THE ALCOHOL OR SUBSTANCE ABUSE PROVISION, AS THERE IS NO EVIDENCE TO SUPPORT THE NEED FOR IT. NEITHER PARTY SHALL EXPOSE THE MINOR TO SECONDHAND SMOKE, OF ANY TYPE. THE PARTIES ARE TO ENROLL IN, COMPLETE, AND PROVIDE THE COURT WITH PROOF OF COMPLETION OF A CO-PARENTING CLASS. THE PARTIES ARE TO ENROLL IN, COMPLETE, AND PROVIDE THE COURT WITH PROOF OF COMPLETION OF A CO-PARENTING CLASS. 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.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

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February 2, 2023

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

28. TERRY MEDINA V. RAYMOND MEDINA, JR.

PFL20150870

Respondent filed a Request for Order (RFO) on November 9, 2022, requesting the court make property control orders. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO.

The court drops the matter from calendar due to lack of proper service.

TENTATIVE RULING #28: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

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February 2, 2023

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

29. TIFFANY WHITAKER V. VANESSA SUMNER (OTHER PARENT: ZACHARY PLOGHOFT)

22FL0802

Petitioner filed a Request for Order (RFO) on November 15, 2022, requesting grandparent visitation with the minor. Respondent was personally served on January 7, 2023, in Sacramento County. There is a Proof of Service filed on January 23, 2023, stating Other Parent was personally served on December 22, 2023 in El Dorado County. However, the Proof of Service also indicates Other Parent was served by mail on January 17, 2023 at an address in Oregon. Petitioner filed a Declaration, signed by Stephanie Gill, the individual who effectuated service, on January 23, 2023, stating Other Parent was not in fact personally served on December 22, 2022, as Other Parent refused personal service. The court notes the address where the alleged personal service took place is in Placerville, in El Dorado County. Petitioner further asserts in her January 23, 2023 Declaration, that Other Parent resides in Oregon. The court further notes, the Declaration of Stephanie Gill has not been served on parties, however, the court finds good cause to consider it as it is essential to determine whether service was proper in this matter. The court notes, that Petitioner is a resident of Sacramento County, Respondent was served in Sacramento County, and Other Parent is a resident of Oregon. It is unclear to the court, who if anyone, is a resident of El Dorado County. El Dorado County may not be the proper jurisdiction for this matter. The court notes requests for parties seeking Family Code Section 3104 visitation, notice must be given by personal service pursuant to Code of Civil Procedure Section 415.10. Therefore, the court finds notice to Other Parent via mail is not proper.

The court drops the matter from calendar due to lack of proper service. Further, if no party resides in El Dorado County, El Dorado County does not have jurisdiction to adjudicate this matter.

TENTATIVE RULING #29: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO LACK OF PROPER SERVICE. FURTHER, IF NO PARTY RESIDES IN EL DORADO COUNTY, EL DORADO COUNTY DOES NOT HAVE JURISDICTION TO ADJUDICATE THIS MATTER.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.