

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 23, 2022

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

15. CHRISTINA BERTOLINO V. JOSEPH BERTOLINO

PFL20190172

Petitioner filed an ex parte request for emergency orders on December 2, 2022, requesting sole legal and physical custody of the minors. On December 5, 2022, the court denied the request. Petitioner filed a Request for Order (RFO) on December 5, 2022, making the same requests as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 6, 2023 and a review hearing on February 23, 2023. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO or referral to CCRC.

Nevertheless, both parties and the minors appeared for the CCRC appointment. The parties were unable to reach any agreements. A report with recommendations was filed on January 17, 2023. A copy was mailed to the parties on January 17, 2023.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as set forth above. The court finds good cause to proceed with the matter, despite any defect in notice, as Respondent appeared for CCRC and is aware of Petitioner's requested orders. The court finds the recommendations as set forth in the January 17, 2023 CCRC report to be in the best interest of the minors. The court adopts the recommendations as its orders.

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 #15: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE MATTER, DESPITE ANY DEFECT IN NOTICE, AS RESPONDENT APPEARED FOR CCRC AND IS AWARE OF PETITIONER'S REQUESTED ORDERS. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JANUARY 17, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. 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. 3.1308; LOCAL RULE 8.05.07.

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

16. JEREMY MOULTON V. ASHLEIGH CERTA

PFL20040657

Petitioner filed a Request for Order (RFO) on December 2, 2022, requesting modification of child support orders. Respondent was personally served on December 5, 2022.

On December 22, 2022, the parties and the Department of Child Support Services (DCSS) submitted a Stipulation and Order on the modification of child support. The Child Support Commissioner signed the Stipulation and Order on December 22, 2022.

The court finds the RFO to be moot and drops the matter from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #16: THE COURT FINDS THE RFO TO BE MOOT AND DROPS THE MATTER FROM CALENDAR.

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. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 23, 2022

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

17. KAYLA RIVERA V. EDSON RIVERA

21FL0113

Petitioner filed a Request for Order (RFO) on December 16, 2022 requesting the court make orders as to child custody and child support. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 4, 2023 and a review hearing on February 23, 2023. Petitioner has not filed an Income and Expense Declaration since March 14, 2022. Proof of Service file on December 30, 2022, shows Respondent was personally served with the RFO and referral to CCRC as well as an Income and Expense Declaration and Notice of Tentative Ruling on December 27, 2022.

Only Petitioner appeared for the CCRC appointment on January 4, 2023. As such a single parent report was filed on January 4, 2023. A copy of the report was mailed to the parties on January 6, 2023.

Respondent has not filed a Responsive Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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

18. ROBERT ELLIS V. RISHA MERCADO

SFL20120148

Respondent filed a Request for Order (RFO) on October 28, 2023 requesting the court modify child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 9, 2023 and a review hearing on February 22, 2023. Petitioner was served by mail on October 31, 2022.

On November 15, 2022, the court issued an ex parte minute order reassigning the case to Judge Bowers. The review hearing was reset to February 23, 2023 in Department 5.

Neither party appeared for CCRC on January 9, 2023.

On February 9, 2023, Respondent filed a Request for Dismissal of the RFO filed on October 28, 2023 without prejudice. The Request for Dismissal was denied, as the RFO has been served on Petitioner and Petitioner has not signed the request for Dismissal.

The court denies Respondent's requests as Respondent failed to appear at CCRC. Further, it appears based on Respondent's request for Dismissal, she is no longer requesting the changes as set forth in her RFO.

All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #18: THE COURT DENIES RESPONDENT'S REQUESTS AS RESPONDENT FAILED TO APPEAR AT CCRC. FURTHER, IT APPEARS BASED ON RESPONDENT'S REQUEST FOR DISMISSAL, SHE IS NO LONGER REQUESTING THE CHANGES AS SET FORTH IN HER RFO. ALL PRIOR ORDERS 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. 3.1308; LOCAL RULE 8.05.07.

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February 23, 2022

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

19. SARAH CRAIG V. RYAN CRAIG

PFL20170099

On January 12, 2023, parties were referred to Child Custody Recommending Counseling (CCRC) after a hearing on Minors' Counsel's ex parte request to modify custody and parenting time orders.

Parties attended CCRC on January 24, 2023. Parties were unable to reach any agreements. A report with recommendations was filed on February 10, 2023. A copy of the report was mailed to the parties on February 14, 2023.

Petitioner filed a Reply Declaration on February 14, 2023. Respondent and Minors' Counsel were served on February 13, 2023. Petitioner requests modification to the CCRC recommendations, specifically that phone contact between the minors and Respondent be at the request of the minors, and be monitored; the professionally supervised visits occur one time per week for two hours and that there be five successful weeks of professionally supervised visits prior to adding a second visit per week; the court to provide a list of qualified agencies to provide the professionally supervised visitation; Respondent to cover the cost of professionally supervised visitation; the court suspend the holiday and summer schedule; the court to clarify the parties ability to file a Request for Order based on the court's determination of whether Respondent is found to be a vexatious litigant; and for the court to order Respondent enroll in individual counseling as well as a parenting class as to how to communicate with teenagers and appropriate discipline.

Neither Respondent nor Minors' Counsel have filed any further Declarations.

The court has read and considered the filings as set forth above. The court adopts the recommendations of the February 10, 2023 CCRC report as set forth therein. Respondent shall select one of the following professional supervised visitation providers: 1. Parenting time, Inc; 2. Family Time Visitation Center; or 3. Family Visitation Network¹ no later than March 2, 2023 and inform Petitioner and Minors' Counsel of the selection. The court orders Respondent shall be responsible for the costs of professionally supervised visitation. The court suspends the current holiday and summer schedule, pending further review hearing. The court orders Respondent to enroll in a parenting class geared to teenagers/adolescents that includes a component on age-appropriate discipline. Respondent shall provide a certificate of completion to the court as well as Petitioner and Minors' Counsel. The court sets a review hearing to assess the orders for professionally supervised visitation in 120 days.

¹ The court believes these are the current three providers offering supervised parenting time on the West Slope of El Dorado County. Contact information for the providers is listed on the court's website.

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All prior orders not in conflict with this order remain in full force and effect. Minors' Counsel shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #19: THE COURT ADOPTS THE RECOMMENDATIONS OF THE FEBRUARY 10, 2023 CCRC REPORT AS SET FORTH. RESPONDENT SHALL SELECT ONE OF THE FOLLOWING PROFESSIONAL SUPERVISED VISITATION PROVIDERS: 1. PARENTING TIME, INC; 2. FAMILY TIME VISITATION CENTER; OR 3. FAMILY VISITATION NETWORK NO LATER THAN MARCH 2, 2023 AND INFORM PETITIONER AND MINORS' COUNSEL OF THE SELECTION. THE COURT ORDERS RESPONDENT SHALL BE RESPONSIBLE FOR THE COSTS OF PROFESSIONALLY SUPERVISED VISITATION. THE COURT SUSPENDS THE CURRENT HOLIDAY AND SUMMER SCHEDULE, PENDING FURTHER REVIEW HEARING. THE COURT ORDERS RESPONDENT TO ENROLL IN A PARENTING CLASS GEARED TO TEENAGERS/ADOLESCENTS THAT INCLUDES A COMPONENT ON AGE-APPROPRIATE DISCIPLINE. RESPONDENT SHALL PROVIDE A CERTIFICATE OF COMPLETION TO THE COURT AS WELL AS PETITIONER AND MINORS' COUNSEL. THE COURT SETS A REVIEW HEARING TO ASSESS THE ORDERS FOR PROFESSIONALLY SUPERVISED VISITATION ON JUNE 22, 2023 AT 8:30 AM. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINORS' COUNSEL 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. 3.1308; LOCAL RULE 8.05.07.

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February 23, 2022

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

20. SARAH GRIFFITH V. JESSE KONIECZNY

PFL20100901

Respondent filed a Request for Order (RFO) on December 5, 2022 requesting visitation. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on December 29, 2022 and a review hearing on February 23, 2023. Upon review of the court file, there is no proof of service showing Petitioner was served with the RFO or referral to CCRC.

Neither party appeared for CCRC on December 29, 2022.

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

TENTATIVE RULING #20: THE COURT DROPS THE MATTER 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. 3.1308; LOCAL RULE 8.05.07.

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February 23, 2022

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

21. STACEY VALIENTE-KEATS V. SELAH VALIENTE-KEATS

22FL0868

Petitioner filed a Request for Order (RFO) on December 7, 2022, requesting the court make child custody and parenting plan orders, as well as child and spousal support orders. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail with the RFO and Blank FL-320. There is no Proof of Service showing Respondent was served with the FL-150, Income and Expense Declaration or a blank FL-150.

Petitioner requests the parties be rereferred to Child Custody Recommending Counseling (CCRC). Petitioner requests the court order guideline child support and states in her declaration she has applied for child support through San Joaquin County. Petitioner is also requesting guideline spousal support.

Respondent has not filed a Responsive Declaration.

The court finds Petitioner has not properly served Respondent with the Income and Expense Declaration. The court continues the requests for child and spousal support. Petitioner is ordered to properly serve Respondent with the FL-150 forthwith. The court reserves jurisdiction to retroactive modify support to the filing of the RFO, December 7, 2022. Both parties are ordered to file an Income and Expense Declarations at least 10 days prior to the next hearing

The court grants Petitioner's request to rerefer the parties to CCRC.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #21: THE COURT CONTINUE THE MATTER FOR ALL PURPOSES TO MAY 4, 2023. THE COURT REREFERS THE PARTIES TO CCRC WITH NORMAN LABAT ON MARCH 8TH 2023 AT 1:00PM PETITIONER IS ORDERED TO PROPERLY SERVE RESPONDENT WITH HER INCOME AND EXPENSE DECLARATION ALONG WITH A BLANK FL-150 FORTHWITH. BOTH PARTIES ARE ORDERED TO FILE AN INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. THE COURT RESERVES JURISDICTION TO RETROACTIVE MODIFY CHILD AND SPOUSAL SUPPORT TO THE DATE OF THE FILING OF THE RFO. 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

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**MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS
ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 23, 2022

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

22. SUSAN MOSKALETS V. VICTOR MOSKALETS

PFL20210479

On September 21, 2022, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on the basis that Respondent failed to pay spousal support for the month of September. The OSC was personally served on October 3rd.

Parties appeared for arraignment on December 8, 2022. Respondent was appointed a Public Defender and the matter was continued to February 23, 2023.

The parties are ordered to appear for arraignment.

TENTATIVE RULING #22: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.