

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

14. CAITLYN ALSOBROOK V. COLE KELLER

PFL20180916

Respondent filed a Request for Order (RFO) on October 21, 2022, requesting the court modify child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 14, 2022 and a review hearing on January 5, 2023. Petitioner was personally served on November 4, 2022.

Respondent asserts in his declaration that he has been diagnosed with stage four cancer and is no longer working. Respondent is requesting joint physical custody and parenting time when Petitioner is working.

Parties attended CCRC on November 14, 2022. A report was filed with the court on November 21, 2022. A copy of the report was mailed to the parties on November 22, 2022. The parties agree that Respondent should have more parenting time with the minor, with Respondent having the minor every week from Friday through Monday and every other week from Friday to Tuesday. However, Petitioner rescinded her agreement to joint physical custody. Therefore, the CCRC counselor recommends the parties share joint physical custody and maintain the order for joint legal custody. The recommendation for parenting time is for Respondent to have parenting time weekly from Friday to Monday and every other week from Friday to Tuesday. The recommendation is also for a right of first refusal for childcare. The exchanges are to take place at school and when school is not in session, for the parties to agree to a mid-way location.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court adopts the recommendations of the November 21, 2022 CCRC report as its orders, as the recommendations are in the best interest of the minor. 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 #14: THE COURT ADOPTS THE RECOMMENDATIONS OF THE NOVEMBER 21, 2022 CCRC REPORT AS ITS ORDERS, AS THE RECOMMENDATIONS ARE IN THE BEST INTEREST OF THE MINOR. 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,

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

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

January 5, 2023

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

15. CAHN LE V. MARLANE REILLY

22FL0631

Petitioner filed an ex parte request for emergency orders on September 30, 2022. Petitioner requested the court grant him sole legal and physical custody of the minor. On October 4, 2022, the court denied the request and ordered all prior orders to remain in full force and effect.

Respondent filed an ex parte request for emergency orders on October 11, 2022, requesting sole legal and physical custody of the minor. On October 17, 2022, the court denied the ex parte request, however, ordered the maternal grandmother, Donna McGuire was not to provide childcare for the minor. The court further ordered that no one shall transport the minor while under the influence of any intoxicating substance and the minor is to be transported in a properly restrained car seat. The court found good cause to re-refer the parties to Child Custody Recommending Counseling (CCRC) despite having been in the prior six months. Parties were to attend CCRC on November 1, 2022 and the court set a review hearing on January 5, 2023.

Petitioner filed a second ex parte request for emergency orders on October 27, 2022. On October 28, 2022 the court denied the request as it was nearly identical to the October 4, 2022 denied request. The court affirmed the prior orders and CCRC appointment and hearing date.

Respondent filed a second ex parte request for emergency orders on October 27, 2022. On October 28, 2022, the court granted the request in part, ordering Respondent to have temporary sole physical custody of the minor and the parties to maintain joint legal custody. The court ordered supervised visitation for Petitioner. The court ordered Petitioner to exchange the minor with Respondent on October 28, 2022. The court reserved on the request for sanctions. The court affirmed the CCRC appointment and review hearing date. Petitioner was personally served with the orders and RFO on October 28, 2022.

Parties attended CCRC on November 1, 2022 and were unable to reach any agreements. A report with recommendations was filed with the court on December 19, 2022. The report was mailed to the parties on December 21, 2022.

Respondent filed a Responsive Declaration to the CCRC report on December 28, 2022. Petitioner was served electronically on December 28, 2022. Respondent reiterates her request for sole legal and physical custody. Respondent asserts the minor is not safe in Petitioner's care due to his illegal activities. Respondent also asserts Petitioner has not exercised any supervised visitation with the minor since October 28, 2022. Respondent asserts Petitioner has relocated to Monterey County and no longer has a residence in El Dorado County.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

The court has read and considered the filings as outlined above. The court does not find the recommendations as set forth in the December 19, 2022 CCRC report to be in the minor's best interest. The court is concerned with Petitioner's refusal to participate in substance abuse testing as well as his relocation to Monterey County. The court is also concerned with Petitioner's lack of denial of being involved in illegal activities which place the minor a substantial risk of abuse and/or neglect. Therefore, the court makes the following orders: Respondent shall continue to have temporary sole physical custody. The parties shall continue to maintain joint legal custody. Petitioner shall have professionally supervised parenting time a minimum of two times per week for two hours each. The visits are to take place in El Dorado County. The parties are to use the talkingparents.com or similar application for communication about the minor.

Respondent makes her request for sanctions pursuant to Family Code section 271 which states in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys." The court notes Petitioner's repeated filings on the same issue as well as his refusal to abide by the parenting plan by withholding the minor from Respondent. It appears that Petitioner has not made attempts to amicably resolve these issues without the need for court intervention. This is clearly not in keeping with the court's policy to promote settlement and reduce the cost of litigation and it appears Petitioner was in violation of the court's orders. However, the court does not have recent Income and Expense Declarations from either party, and therefore, does not have the requisite information before it to determine Petitioner's ability to pay sanctions. The court continues Respondent's request for sanctions and sets a further review hearing on the parenting plan. Both parties are ordered to file and serve updated Income and Expense Declarations at least 10 day prior to the next hearing.

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 #15: RESPONDENT SHALL CONTINUE TO HAVE TEMPORARY SOLE PHYSICAL CUSTODY. THE PARTIES SHALL CONTINUE TO MAINTAIN JOINT LEGAL CUSTODY. PETITIONER SHALL HAVE PROFESSIONALLY SUPERVISED PARENTING TIME A MINIMUM OF TWO TIMES PER WEEK FOR TWO HOURS EACH. THE VISITS ARE TO TAKE PLACE IN EL DORADO COUNTY. THE PARTIES ARE TO USE THE TALKINGPARENTS.COM OR SIMILAR APPLICATION FOR COMMUNICATION ABOUT THE MINOR. THE COURT CONTINUES RESPONDENT'S REQUEST FOR SANCTIONS AND SETS A FURTHER REVIEW HEARING ON THE PARENTING PLAN ON MARCH 16, 2023 AT 8:30 IN DEPARTMENT 5. BOTH PARTIES ARE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

ORDERED TO FILE AND SERVE UPDATED INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAY PRIOR TO THE NEXT HEARING. 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. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

16. CARLEY STALLINGS V. CODY MCGRADY

PFL20140073/2FL0822

On October 21, 2022, the parties appeared for a hearing on Petitioner's request for a Domestic Violence Restraining Order. The court had denied the request for a temporary restraining order. After taking testimony on the request for the restraining order, the court denied the it. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on November 9, 2022 and set a review hearing for January 5, 2023.

The parties attended the CCRC appointment, however, they were unable to reach any agreements. A report with recommendations was filed with the court on December 22, 2022. A copy of the report was mailed to the parties on December 22, 2022. The report was filed under case number PFL20140073 as the restraining order was denied and that case has concluded. The parties have prior custody orders from case number PFL20140073.

The court has read and considered the December 22, 2022 CCRC report and finds the recommendations to be in the minor's best interest. 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 #16: THE COURT FINDS THE RECOMMENDATIONS TO BE IN THE MINOR'S BEST INTEREST. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

17. ELIZABETH ARGUELLO V. ADOLFO PEREZ GARCIA

22FL0961

Petitioner filed an ex parte request for emergency orders on October 10, 2022. The court denied the request on October 14, 2022. Petitioner filed a Request for Order (RFO) on October 14, 2022, requesting the court make child custody, parenting time, and child support orders. Petitioner did not file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 4, 2022 and a review hearing on January 5, 2023. Upon review of the court file there is no Proof of Service showing Respondent was served with the RFO or referral to CCRC.

Only Petitioner appeared for the CCRC appointment on November 4, 2022. As such a single parent report with no agreements or recommendations as filed on November 4, 2022. A copy of the report was mailed to the parties on November 4, 2022.

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

18. JENESE OWN V. RUSSELL OWEN

22FL0807

Petitioner filed a Request for Order (RFO) on August 26, 2022, requesting the court make child custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on September 22, 2022 with a review hearing on October 27, 2022. Petitioner filed a Proof of Service showing Respondent was served with the FL-300 as well as the blank FL-320 on September 6, 2022, but the Proof of Service does not indicate Respondent was served with the referral to CCRC or the Notice of Tentative Ruling.

Only Petitioner appeared at the CCRC appointment on September 22, 2022. As such, a single parent report with no agreements or recommendations was filed on September 22, 2022. A copy of the report was mailed to the parties on September 22, 2022.

Respondent filed a Responsive Declaration on September 26, 2022. There is no Proof of Service showing Petitioner was served with this document, therefore, the court cannot consider it.

Petitioner filed a request for a Domestic Violence Restraining Order (DVRO) on August 24, 2022 (Case # 22FL0799). The court granted a temporary DVRO on August 26, 2022. Respondent was served with the temporary DVRO on August 27, 2022. The court made temporary custody orders in the temporary DVRO, with the parties sharing joint legal custody and Petitioner having sole physical custody. The court ordered supervised parenting time for Respondent twice a week for two hours each. The DVRO is set for a hearing on October 28, 2022 at 8:30 in Department 5.

On October 27, 2022, the court adopted its tentative ruling, finding good cause to refer the parties to CCRC, as Respondent did not receive notice of the CCRC appointment. The court set a CCRC appointment for November 17, 2022 and a further review hearing January 5, 2023.

On October 28, 2022, the parties appeared for the hearing on the Domestic Violence Restraining Order. Petitioner requested to withdraw the restraining order request. After voir dire, the court granted Petitioner's request to withdraw the restraining order request and the temporary restraining order expired by operation of law, and all prior orders were vacated.

Neither party appeared for CCRC on November 17, 2022. It appears the parties were not served with a copy of the CCRC referral, however, the parties had notice via the court's tentative ruling. As neither party participated in CCRC, the court denies the RFO.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

TENTATIVE RULING #18: THE RFO IS DENIED. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

19. JULIE AUSTIN V. ROY AUSTIN

PFL20190474

Petitioner filed a Request for Order (RFO) on October 13, 2022, requesting the court adjudicate a previously unadjudicated asset, namely a late issued federal tax refund for tax year 2019. The October 21, 2022 filed Proof of Service indicates Respondent was personally served on October 19, 2022, however, the stated location of personal service is a post office box. Family Code section 215 requires post judgment modifications to be personally served. The court cannot find that service on a post office box constitutes personal service.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

January 5, 2023

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

20. JUSTIN NEFF V. KAYLA LATTIMER

22FL0990

Petitioner filed an ex parte request for emergency orders on October 18, 2022. On October 24, 2022, the request was denied due to lack of service to Respondent. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 8, 2022 and a review hearing on January 5, 2023. There is no Proof of Service showing Respondent was served with the RFO or referral to CCRC.

Both parties appeared for the CCRC appointment, however, they were unable to reach any agreements. A report with recommendations was filed on December 21, 2022. A copy was mailed to the parties on December 22, 2022. As there are currently no custody or parenting plan orders in place, the court finds good cause to proceed despite the lack of proper notice.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations to be in the best interest of the minors. The court adopts the recommendations of the December 21, 2022 report as its orders.

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

TENTATIVE RULING #20: THE COURT FINDS THE RECOMMENDATIONS TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS OF THE DECEMBER 21, 2022 REPORT AS ITS ORDERS. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

21. NICKOLE BOON V. JIMMY TEW, JR.

PFL20140070

Respondent filed an ex parte request for emergency orders on October 12, 2022. On October 14, 2022 the court denied the request. Respondent filed a Request for Order (RFO) on October 14, 2022, requesting a modification of child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 4, 2022 and a review hearing on January 5, 2023. There is no Proof of Service showing Petitioner was served with the RFO or referral to CCRC.

Both parties appeared for the CCRC appointment and were able to reach a full agreement. As such, the court finds good cause to proceed with the matter despite the lack of proper service.

The court finds the agreement of the parties to be in the minor's best interest. The court adopts the agreement of the parties as its order. The parties agreed to return to CCRC for a new parenting plan in 90 days. The court refers the parties to CCRC for a further appointment on 4/5/2023 at 9:00 AM with Rebecca Nelson and sets a further review hearing for 5/25/2023 at 1:30 PM in Department 5.

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 #21: THE COURT FINDS THE AGREEMENT OF THE PARTIES TO BE IN THE MINOR'S BEST INTEREST. THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS ITS ORDER. THE PARTIES AGREED TO RETURN TO CCRC FOR A NEW PARENTING PLAN IN 90 DAYS. THE COURT REFERS THE PARTIES TO CCRC FOR A FURTHER APPOINTMENT ON 4/5/2023 AT 9:00 AM WITH REBECCA NELSON AND SETS A FURTHER REVIEW HEARING FOR 5/25/2023, AT 1:30 PM IN DEPARTMENT 5. 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. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

22. STEVEN CHAFFIN V. LINDA CHHON CHAFFIN

PFL20160242

The parties were referred to Child Custody Recommending Counseling (CCRC) at the conclusion of a move-away trial, where the court granted Petitioner's request to relocate to Bakersfield, California with the children. The court set an appointment on November 9, 2022 for CCRC and a review hearing on January 5, 2023.

Both parties attended CCRC on November 9, 2022 and were able to reach a full agreement. A copy of the report was filed with the court on November 10, 2022 and mailed to the parties on November 17, 2022.

On December 19, 2022, Respondent filed a Supplemental Declaration requesting modifications of the parties' agreements from CCRC. Petitioner was served by mail on December 15, 2022. Respondent requests the court order she have two weeks with the children on the date of the minors' birthdays. Respondent further requests joint physical custody as she has relocated to Bakersfield. Respondent is also requesting the right of first refusal. Respondent requests telephone contact be scheduled for 3:30 pm Tuesday through Friday.

Petitioner filed a Supplemental Declaration on December 27, 2022, requesting modification of the agreement of the parties. Respondent was served by mail on December 21, 2022. Petitioner requests the court order a step-up plan with Petitioner having parenting time every other week. Petitioner also requests Respondent be ordered to accommodate the minors' extracurricular activities. Petitioner requests the court deny Respondent's requests as set forth in her Supplemental Declaration.

The Court has read and considered the filings as outlined above. The court adopts the agreement of the parties as set forth in the November 10, 2022 CCRC report. Respondent has relocated to Bakersfield and therefore, the court adopts the parenting plan with Respondent to have the minors from Tuesday after school at 3:00 pm to Thursday drop off at school at 8:00 am. The court adopts the remaining agreements as recited in the report. The court refers the parties to a further CCRC appointment 3/29/2023 at 9:00 AM with Rebecca Nelson and sets a further review hearing on the parenting plan 5/18/2023 at 1:30 PM in Department 5.

As to Respondent's request for two weeks of parenting time around the boys' birthdays, the court finds their birthdays are in August and that issue may be addressed by the parties at the next CCRC appointment. The court defers the request for joint physical custody to the next hearing as well. As to the right of first refusal, the court grants Respondent's request. If either parent requires childcare for eight hours or more while the minors are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the minors before other arrangements are made. This does not include daytime childcare while

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

the parent is working. Respondent shall have regular telephone contact with the minors on her non-custodial days with the minors. This contact shall occur at the previously set time.

As to Petitioner's requests to modify the agreement, the request for Respondent's parenting time to be every other week is denied. As to the request Respondent ensure the minors participate in extracurricular activities, the court grants the request in part. Respondent is to ensure the minors attendance in extracurricular activities during her parenting time, for any activities the minors are currently enrolled in and participating in. Any future activities must be agreed to by the parties. That issue can be further explored at the next CCRC appointment.

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 #22: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS SET FORTH IN THE NOVEMBER 10, 2022 CCRC REPORT. RESPONDENT HAS RELOCATED TO BAKERSFIELD AND THEREFORE, THE COURT ADOPTS THE PARENTING PLAN WITH RESPONDENT TO HAVE THE MINORS FROM TUESDAY AFTER SCHOOL AT 3:00 PM TO THURSDAY DROP OFF AT SCHOOL AT 8:00 AM. THE COURT ADOPTS THE REMAINING AGREEMENTS AS RECITED IN THE REPORT. THE COURT REFERS THE PARTIES TO A FURTHER CCRC APPOINTMENT ON 3/29/2023 AT 9:00 AM WITH REBECCA NELSON AND SETS A FURTHER REVIEW HEARING ON THE PARENTING PLAN 5/18/2023 AT 1:30 PM IN DEPARTMENT 5. AS TO RESPONDENT'S REQUEST FOR TWO WEEKS OF PARENTING TIME AROUND THE BOYS' BIRTHDAYS, THE COURT FINDS THEIR BIRTHDAYS ARE IN AUGUST AND THAT ISSUE MAY BE ADDRESSED BY THE PARTIES AT THE NEXT CCRC APPOINTMENT. THE COURT DEFERS THE REQUEST FOR JOINT PHYSICAL CUSTODY TO THE NEXT HEARING AS WELL. AS TO THE RIGHT OF FIRST REFUSAL, THE COURT GRANTS RESPONDENT'S REQUEST. IF EITHER PARENT REQUIRES CHILDCARE FOR EIGHT HOURS OR MORE WHILE THE MINORS ARE IN HIS OR HER CUSTODY, THE OTHER PARENT MUST BE GIVEN FIRST OPPORTUNITY, WITH AS MUCH PRIOR NOTICE AS POSSIBLE, TO CARE FOR THE MINORS BEFORE OTHER ARRANGEMENTS ARE MADE. THIS DOES NOT INCLUDE DAYTIME CHILDCARE WHILE THE PARENT IS WORKING. RESPONDENT SHALL HAVE REGULAR TELEPHONE CONTACT WITH THE MINORS ON HER NON-CUSTODIAL DAYS WITH THE MINORS. THIS CONTACT SHALL OCCUR AT THE PREVIOUSLY SET TIME. THE REQUEST FOR RESPONDENT'S PARENTING TIME TO BE EVERY OTHER WEEK IS DENIED. RESPONDENT IS TO ENSURE THE MINORS ATTENDANCE IN EXTRACURRICULAR ACTIVITIES DURING HER PARENTING TIME, FOR ANY ACTIVITIES THE MINORS ARE CURRENTLY ENROLLED IN AND PARTICIPATING IN. ANY FUTURE ACTIVITIES MUST BE AGREED TO BY THE PARTIES. THAT ISSUE CAN BE FURTHER EXPLORED AT THE NEXT CCRC APPOINTMENT. ALL PRIOR ORDERS

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

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. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

23. SYDNEY LEOS V. LAWRENCE PORCHIA

PFL20210592

Respondent filed a Request for Order (RFO) requesting modification of child custody and parenting time orders on October 24, 2022. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 16, 2022 and a review hearing on January 5, 2023. Petitioner was served electronically on October 28, 2022.

Respondent is requesting sole physical custody and joint legal custody of the minor. Respondent requests the court order parenting time for Petitioner on weekends as well as school breaks and holidays. Respondent asserts in his declaration that he has had the minor in his care and Petitioner has not been exercising the current parenting plan consistently. Respondent states Petitioner does not prioritize the minor's schooling. Respondent further asserts Petitioner's schedule is inconsistent and leads to instability for the minor.

Only Respondent appeared at the CCRC appointment on November 16, 2022. As such a single parent report was filed on November 16, 2022. A copy of the report was mailed to the parties on November 17, 2022.

Petitioner has not filed a Responsive Declaration.

The court orders parties to appear for the hearing.

TENTATIVE RULING #23: THE COURT ORDERS PARTIES TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 5, 2023

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

24. TRACY HOLMES V. JAMES HOLMES

PFL20200291

Petitioner filed a Request for Order (RFO) on November 18, 2022, requesting the court determine the amount of spousal support arrears due and set a monthly amount due. Petitioner concurrently filed an Income and Expense Declaration. Respondent was personally served on November 1, 2022.

Petitioner asserts Respondent has failed to pay \$1,200 per month as and for spousal support as ordered in the parties' marital settlement agreement which was included in their judgment filed on March 25, 2022. Petitioner asserts Respondent paid \$1,000 for March and April of 2022 and \$800 in August. Respondent failed to pay any spousal support for June, July, and September. Petitioner asserts the arrears owed as of the date of her declaration was \$4,400 plus interest.

Respondent has not filed a Responsive Declaration.

The court finds it needs additional evidence prior to being able to rule on the matter. Parties are ordered to appear to select a Mandatory Settlement Conference Date and Trial date.

TENTATIVE RULING #24: PARTIES ARE ORDERED TO APPEAR TO SELECT A MANDATORY SETTLEMENT CONFERENCE DATE AND TRIAL DATE.