

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 9, 2023

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

15. 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.

On February 2, 2023, Petitioner appeared for arraignment, however, counsel Adam Clark was ill and Alternate Public Defender Elvira Lua appear on his behalf to request the matter be continued. Respondent failed to appear. The court advised that should Respondent fail to appear at the next court date, a bench warrant would be issued.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

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March 9, 2023

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

16. COUNTY OF EL DORADO V. CODY HUI HUI (OTHER PARENT: YANALE COOK) PFS20190033

Other Parent filed an ex parte request for emergency orders on December 16, 2022, requesting the court order Respondent to return the minor to California and that Other Parent be granted sole legal and physical custody with Respondent to have reasonable parenting time. Other Parent stated in her Declaration Respondent had taken the minor to Arkansas, despite a court order stating the minor shall remain in the state of California. The court granted the ex parte request on December 19, 2022 and ordered the minor be returned to the state of California and authorized the District Attorney's office to retrieve the minor pursuant to Family Code Section 3131. The court ordered Respondent have professionally supervised parenting time in California. Petitioner filed a Request for Order (RFO) on December 19, 2022, requesting the same orders as set forth in the ex parte request for orders. The parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment for December 27, 2022 and a review hearing for January 19, 2023. Respondent was served by mail on December 21, 2022.

Neither party appeared for the CCRC appointment on December 27, 2022.

Other Parent filed a Declaration on December 28, 2022, regarding the missed CCRC appointment. Respondent was served by mail on January 4, 2023. Other Parent asserts she missed the CCRC appointment as she was unaware of the appointment until December 27, 2022, after the appointment occurred. Other Parent attempted to pick up the ex parte order after hearing on December 23, 2022 but was unable to do so because she did not have identification with her, and the matter is a confidential case. Other Parent was unable to return to court until December 27, 2022, due to the Christmas holiday.

The parties appeared for the hearing on January 19, 2023. The court ordered the minor to be returned to California not later than 9:00 am on January 26, 2023. Parties were rereferred to CCRC for an appointment on January 26, 2023 at 9:00 am. The court set a review hearing for March 9, 2023, to join with the Order to Show Cause Hearing already set.

The minor has not been returned to California.

Only Other Parent appeared at the CCRC appointment. A such a single parent report was filed on February 22, 2023. A copy of the report was mailed to the parties on February 23, 2023.

The court orders parties to appear for the hearing.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR.

LAW & MOTION TENTATIVE RULINGS

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March 9, 2023

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

17. DANA ZINK V. JASON LYONS

PFL20180912

Petitioner filed a Request to set an Uncontested Matter on January 18, 2023, requesting the court order Respondent's name be added to the minor's birth certificate. A Default Judgment of Paternity was entered on January 17, 2023.

Parties are ordered to appear for the hearing.

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

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March 9, 2023

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

18. DCSS v. David Nieves, Jr (Other Parent: Sarah Edens)

PFS20120109

Other Parent filed a Request for Order (RFO) on January 18, 2023, requesting move-away orders. Petitioner and Respondent were served by mail on January 30, 2023. Parties had previously been referred to Child Custody Recommending Counseling (CCRC) last year. The September 27, 2022 CCRC report addresses Other Parent's move away requests.

On November 3, 2022, the court adopted its tentative ruling on Respondent's RFO, finding Other's Parent's move-away request to not properly be before the court and that the recommendations set forth in the CCRC report to be premature. The court ordered all prior orders to remain in full force and effect.

Respondent filed a Responsive Declaration on February 22, 2023. There is no Proof of Service showing DCSS or Other Parent were served, therefore, the court cannot consider this document.

The court finds it must take testimony prior to being able to rule on the move-away request. Therefore, parties are ordered to appear to select Mandatory Settlement and Trial dates.

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

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19. JASON STEVENS V. ANGELA STEVENS

21FL0076

Petitioner filed a Request for Order (RFO) on November 16, 2022, requesting the court waive receipt of Respondent's preliminary disclosures. No Proof of Service had been filed.

On February 2, 2023, Petitioner requested oral argument and appeared for the hearing. Despite irregularities in notice, the court allowed Petitioner to proceed with oral argument. Petitioner requested the matter be continued to allow him additional time to perfect notice. The court granted the request to continue the matter and ordered Petitioner notice Respondent of the RFO forthwith.

Upon review of the court file there is no Proof of Service showing Respondent was served.

Respondent has not filed a Responsive Declaration.

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

TENTATIVE RULING #19: 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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8:30 a.m./1:30 p.m.

20. JESSICA TURNBULL V. JUSTIN TURNBULL

PFL20180517

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on October 6, 2022. Petitioner asserts Respondent has violated the court's order that the minor have no contact with Crystal Challoner. Upon review of the court file there is no Proof of Service showing Respondent was personally served with the OSC. However, the court notes, there is a notice of return from the Clerk's Office returning a Proof of Service due to errors which was filed on November 9, 2022. The court further notes, the Proof of Service was returned to Respondent, rather than to Petitioner. Therefore, Petitioner has not been provided the opportunity to correct the errors on the Proof of Service.

Parties appeared for arraignment on December 22, 2022. Respondent was appointed a Public Defender and the matter was continued to allow Respondent an opportunity to meet with counsel.

The court orders parties to appear for the hearing.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR.

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

21. KRISTEN DARLING V. MARK DARLING

PFL20190211

On December 23, 2022, the court granted Petitioner's request for a Domestic Violence Restraining Order. Only Petitioner appeared. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on January 12, 2023 and a review hearing on March 9, 2023.

Neither party appeared for the CCRC appointment on January 12, 2023.

The court drops the matter from calendar as neither party appeared for CCRC.

All prior orders remain in full force and effect.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE PARTIES' FAILURE TO APPEAR AT CCRC. 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. 3.13.08; LOCAL RULE 8.05.07.

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

22. STACY PURDY V. RYAN PURDY

PFL20150937

Petitioner filed a Request for Order (RFO) on December 29, 2022 requesting the court set aside the orders from September 15, 2022 and December 1, 2022 and transfer the matter to Carson City, Nevada. Upon review of the court file, there is no Proof of Service showing Respondent or Minor's Counsel were served with the RFO.

The court drops Petitioner's RFO from calendar due to lack of proper service.

On February 16, 2023, the court adopted its tentative ruling continuing the review hearing from February 16, 2023 to March 9, 2023 to join with the RFO set.

Respondent filed a Supplemental Declaration on February 1, 2023. Petitioner was served electronically the same day.

Minor's Counsel filed a Statement of Issues and Contentions on February 14, 2023. Parties were served by mail on February 13, 2023. Minor's Counsel requests the court order: 1. the minor live primarily with Respondent; 2. Petitioner have parenting time every other weekend from 10 am to 6 pm on Saturday and Sunday and the parenting time not to occur in her home; 3. Upon proof the pit bull dog has been rehomed or adequate safety measures have been implemented, Petitioner's parenting time may return to her home from Friday after school until Sunday at 7 pm every other weekend; 4. Petitioner is not allowed to have Cayden be at home with the Minor with no adults present.

Petitioner has not filed a Supplemental Declaration.

The court has read and considered the filings as set forth above. The court finds the recommendations of Minor's Counsel to be in the best interest of the minor. The court adopts the recommendations as its orders. Respondent shall continue to have primary custody of the minor. Petitioner have parenting time every other weekend from 10 am to 6 pm on Saturday and Sunday and the parenting time not to occur in her home. Upon proof the pit bull dog has been rehomed or adequate safety measures have been implemented, Petitioner's parenting time may return to her home from Friday after school until Sunday at 7 pm every other weekend. Petitioner shall not allow the minor and Cayden to be left at home with no adults present.

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

TENTATIVE RULING #22: THE COURT DROPS PETITIONER'S RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE. THE COURT FINDS THE RECOMMENDATIONS OF MINOR'S COUNSEL TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. RESPONDENT SHALL CONTINUE TO HAVE PRIMARY

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CUSTODY OF THE MINOR. PETITIONER HAVE PARENTING TIME EVERY OTHER WEEKEND FROM 10 AM TO 6 PM ON SATURDAY AND SUNDAY AND THE PARENTING TIME NOT TO OCCUR IN HER HOME. UPON PROOF THE PIT BULL DOG HAS BEEN REHOMED OR ADEQUATE SAFETY MEASURES HAVE BEEN IMPLEMENTED, PETITIONER'S PARENTING TIME MAY RETURN TO HER HOME FROM FRIDAY AFTER SCHOOL UNTIL SUNDAY AT 7 PM EVERY OTHER WEEKEND. PETITIONER SHALL NOT ALLOW THE MINOR AND CAYDEN TO BE LEFT AT HOME WITH NO ADULTS PRESENT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINOR'S 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. 3.13.08; LOCAL RULE 8.05.07.

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

23. STEPHANIE AMMONS V. KYLE CATLIN

PFL20190640

Petitioner filed a Request for Order (RFO) on January 27, 2023, requesting the court modify the December 15, 2022 stipulation of the parties as to child custody. Respondent was served by mail on January 27, 2023.

Parties had previously been referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 2, 2022 and a review hearing on December 15, 2022. Petitioner was served by mail on October 20, 2022. Only Respondent appeared for the CCRC appointment. As such a single parent report with no agreements or recommendations was filed. A copy of the report was mailed to the parties on November 3, 2022.

Parties appeared for a hearing on Respondent's RFO to modify child custody and parenting plan on December 15, 2022. After meeting with the Family Law Facilitator, parties reached a full agreement. Parties would share joint legal custody. Respondent would have physical custody. Petitioner shall have parenting time every weekend from Saturday after work until Sunday when Respondent is off work. Petitioner shall also have parenting time every other Monday after school until Respondent is off work. The court voided the parties prior to adopting their agreement as its order.

Petitioner has stated no grounds on which the requested change should be granted. Petitioner has merely made a conclusory statement that it is her belief that the minors should be with both parents equally. Petitioner also states there is a change in behavior of the minors but fails to state what that change is. Petitioner fails to set forth how the requested change would be in the minors' best interests.

Respondent has not filed a Responsive Declaration.

The court denies Petitioner's request to change the current custody orders. Petitioner has failed to set forth why the requested change would be in the minors' best interest.

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

TENTATIVE RULING #23: THE COURT DENIES PETITIONER'S REQUEST TO CHANGE THE CURRENT CUSTODY ORDERS. PETITIONER HAS FAILED TO SET FORTH WHY THE REQUESTED CHANGE WOULD BE IN THE MINORS' BEST INTEREST. ALL PRIOR ORDERS 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

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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.