

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 16, 2023

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

12. BRIAN CAMERON V. CARLI CAMERON

PFL20160660

Respondent filed a Request for Order (RFO) on October 11, 2022, seeking orders for child custody and visitation as well as child support. Concurrently therewith, she filed her Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was set to be heard on January 5, 2023.

The RFO and all other required documents were served on October 26th. Because this is a motion for post-judgment modification of child support, Respondent filed a Declaration Regarding Address Verification on October 26th.

Only Respondent appeared at the November 3rd CCRC appointment. A single parent report was prepared and no recommendations were made pursuant to California Rules of Court, Rule 5.210(h)(4).

Current custody orders are for joint legal custody and physical custody with a 50/50 visitation schedule; however, Respondent maintains that both minors have resided solely with her since mid-2020. She states that Petitioner has not seen or spoken with the younger child since March of that year and he has only seen the older child twice since April of 2020. Respondent would now like an order awarding her sole physical custody.

Petitioner filed a Responsive Declaration to Request for Order and his Income and Expense Declaration on December 29, 2022. Respondent was served by mail on January 3, 2023, which was untimely for the January 5, 2023 hearing.

Parties appeared at the hearing on January 5, 2023. The parties were rereferred to CCRC. The court reserved jurisdiction to modify child support retroactively to the date of the filing of the RFO. The court set a further review hearing for March 16, 2023. Any Supplemental Declarations were to be filed at least 10 days prior to the next hearing.

The parties and minor attended CCRC on January 12, 2023 and were unable to reach any agreements. A report with recommendations was filed on January 30, 2023. A copy of the report was mailed to the parties on January 31, 2023.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the CCRC report are in the minor's best interest and adopts them as the court's order apart from the provision for co-parenting counseling. The court is not ordering the parties to participate in co-parenting counseling services.

As to the requested modification of child support, the court finds the Department of Child Support Services is a party to the case and therefore, continues the matter pursuant to

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Family Code section 4251 to the next available child support calendar to be heard by the child support commissioner.

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 #12: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT ARE IN THE MINOR'S BEST INTEREST AND ADOPTS THEM AS THE COURT'S ORDER APART FROM THE PROVISION FOR CO-PARENTING COUNSELING. THE COURT IS NOT ORDERING THE PARTIES TO PARTICIPATE IN CO-PARENTING COUNSELING SERVICES. AS TO THE REQUESTED MODIFICATION OF CHILD SUPPORT, THE COURT FINDS THE DEPARTMENT OF CHILD SUPPORT SERVICES IS A PARTY TO THE CASE AND THEREFORE, CONTINUES THE MATTER PURSUANT TO FAMILY CODE SECTION 4251 TO 3/27/23 AT 8:30 IN DEPARTMENT 8 TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER. 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.

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

13. CHRISTOPHER STARR V. LEILANI STARR

21FL0124

Respondent filed an ex parte request for emergency orders on February 9, 2023, requesting the court allow the minors to have supervised visitation at the Carmichael location of Family Time Visitation Center, that Respondent be given exclusive use and control of the parties' 2016 Dodge Durango Vehicle, and that Petitioner be ordered to sign Respondent's Sutter Health Pension cash out by February 13, 2023. The court denied the ex parte request on February 10, 2023, but granted an order shortening time on the Request For Order. The court set a hearing on March 16, 2023 and ordered Respondent to serve Petitioner on or before February 21, 2023. The court ordered Petitioner to file a Responsive Declaration on or before February 3, 2023.

Upon review of the court file, there is no Proof of Service showing Petitioner was served with the Request for Order. Therefore, therefore, the court drops the matter from calendar. Further, even if there had been a Proof of Service, the court notes Respondent filed a Request for Order (RFO) making the same requests which has been set for a hearing on April 6, 2023, and the court would have continued this matter to join with the April 6, 2023 matter for judicial economy.

Petitioner filed a Responsive Declaration on March 1, 2023. Respondent was served on February 27, 2023. Petitioner objects to Respondent's requested orders.

All prior orders remain in full force and effect.

TENTATIVE RULING #13: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO LACK OF PROPER SERVICE. FURTHER, EVEN IF THERE HAD BEEN A PROOF OF SERVICE, THE COURT NOTES RESPONDENT FILED A REQUEST FOR ORDER (RFO) MAKING THE SAME REQUESTS WHICH HAS BEEN SET FOR A HEARING ON APRIL 6, 2023, AND THE COURT WOULD HAVE CONTINUED THIS MATTER TO JOIN WITH THE APRIL 6, 2023 MATTER FOR JUDICIAL ECONOMY. 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.

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

14. DEIDRE WALKE V. RICHARD WALKE, JR.

PFL20210452

Petitioner filed an ex parte request for evidentiary sanctions as well as attorney fees as sanctions on January 27, 2023. The court granted the request as an order shortening time and set the matter for a hearing on February 7, 2023. On February 7, 2023, parties appeared and presented argument. The court directed parties to meet and confer on the outstanding discovery issues. The trial was reset to June 6 and 7, 2023. The court set a further review hearing on the request for evidentiary sanctions for March 16, 2023. The court ordered any supplemental declarations to be filed and served at least 10 days prior to the next hearing. The court reserved jurisdiction on Family Code section 271 sanctions as well as discovery sanctions.

Petitioner's Counsel filed a Supplemental Declaration on March 3, 2023. Respondent was served by mail on March 2, 2023. Petitioner is requesting this hearing be continued to April or early May to allow the time needed for a proper meet and confer and review of supplemental responses. Alternatively, Petitioner requests the court grant her request for issues sanctions.

Respondent's Counsel filed a Declaration and Opposition to the Request for Issue Sanctions on March 6, 2023. Petitioner was served by mail and electronically on March 4, 2023. It appears Respondent is not opposed to a continuance. Respondent objects to the court imposing sanctions, either monetary or evidentiary. Respondent is requesting Family Code section 271 sanctions for Petitioner's failure to reach a settlement.

The court finds good cause to continue this matter to May 11, 2023 at 8:30 AM in Department 5. Supplemental declarations must be filed and served at least 10 days prior to the next hearing. The court reserves jurisdiction on the requests for Family Code section 271 sanctions as well as discovery sanctions.

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 #14: THE COURT FINDS GOOD CAUSE TO CONTINUE THIS MATTER TO MAY 11, 2023 AT 8:30 AM IN DEPARTMENT 5. SUPPLEMENTAL DECLARATIONS MUST BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. THE COURT RESERVES JURISDICTION ON THE REQUESTS FOR FAMILY CODE SECTION 271 SANCTIONS AS WELL AS DISCOVERY SANCTIONS. 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

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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.

15. DCSS V. JOSEPH ROLOFF (OTHER PARENT: TAYLOR MATTHEWS)

22FL0355

Other Parent filed an ex parte application for emergency custody orders on January 26, 2023, requesting temporary sole legal and physical custody of the minor and that the minor be returned to the state of California forthwith. On January 27, 2023, the court granted Other's Parent's request and ordered the minor to be returned to California. The court set an emergency Child Custody Recommending Counseling (CCRC) appointment and review hearing. Other Parent filed a Request for Order (RFO) on January 27, 2023 making the same requests as set forth in her ex parte application.

Respondent filed an ex parte application for emergency custody orders requesting the minor be allowed to remain with him in Wisconsin and that he be given sole legal and physical custody of the minor on January 29, 2023. The court denied the request on January 30, 2023, ordering all prior orders to remain in full force and effect and confirming the CCRC appointment as well as the review hearing date. It does not appear Respondent filed an RFO after his ex parte application was denied.

The Proof of Service filed by Other Parent on February 1, 2023 does not include the address where Respondent was served. The court finds the service to be deficient.

Other Parent filed a Declaration on February 8, 2023. It was served on Respondent by mail on February 8, 2023. Other Parent disputes the facts as set forth in the Fond Du La County Sheriff's Department Narrative.

Nevertheless, both parties appeared for CCRC on February 14, 2023. The parties were unable to reach any agreements. A report with recommendations was filed on March 1, 2023. A copy of the report was mailed to the parties on March 2, 2023.

Respondent filed a Declaration on February 14, 2023. Other Parent was served by mail on February 10, 2023. Respondent reiterates his request for primary custody of the minor. Respondent asserts Other Parent does not have a safe and stable home. Respondent raises concerns about Other Parent's past behaviors with a different minor.

Other Parent filed a Responsive Declaration to Respondent's RFO on March 2, 2023. It was served by mail on March 2, 2023. Other Parent is requesting the current orders remain in full force and effect.

The court has read and considered the filings as set forth above. The court finds the recommendations as set forth in the March 1, 2023 CCRC report to be in the best interest of the minor. The court adopts the recommendations of the March 1, 2023 CCRC as its orders.

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

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

TENTATIVE RULING #15: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE MARCH 1, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS OF THE MARCH 1, 2023 CCRC AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT 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. JORDANA WEBBER V. JASON TORRES

SFL20190173

On February 17, 2023, the parties appeared for a trial setting conference. The court set a further trial setting conference for February 27, 2023 at 1:30 in Department 9 and set a review hearing on Respondent's visitation for March 16, 2023 at 1:30.

Minor's Counsel filed a Statement of Issues and Contentions (SIC) on March 6, 2023. Parties were served electronically the same day. Minor's Counsel states the visits have not occurred due in part to the inclement weather in Norther California/Northern Nevada for the last several weeks. A visit was scheduled to take place on March 6, 2023, but as of the writing of the SIC, it was unknown whether the visit would go forward. A virtual visit was offered to Respondent, in lieu of an in person visit, however, Respondent declined. Minor's Counsel proposes the matter be continued for two weeks or in the alternative the court authorize a liberalization clause for Respondent's visitation.

Petitioner filed a SIC on March 7, 2023, along with a myriad of Declarations from various individuals. Parties were served on March 6, 2023. Petitioner opposes the court modifying the current orders for visitation.

Respondent has not filed a Declaration.

The court orders the parties to appear for the hearing to provide the court with an update as to the scheduled March 6, 2023 visit and whether any additional visits have taken place.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR.

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

17. JOSEPH CARLISLE V. GINA CARLISLE

PFL20170803

Petitioner moves for an annulment order and related orders thereto. His Request for Order (RFO) was filed on November 8, 2022 and served thereafter on November 14th. Petitioner filed another RFO on November 30th seeking to compel discovery responses.

On January 5, 2023, Respondent filed an RFO seeking the entry of a status only judgment. Her RFO was set to be heard on the present date.

Given the overlap in issues between the request for annulment and the request for status judgment, and in the interest of judicial economy, the court continued the Petitioner's RFOs to join with the hearing on Respondent's RFO.

The court finds it will need to take testimony on the issues. Therefore, the parties are ordered to appear to select Mandatory Settlement Conference Dates and Trial Dates.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR.

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March 16, 2023

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

18. LORRENE FISH V. KATHLEEN PRINZ

22FL0839

Respondent filed a Request for Order (RFO) on January 3, 2023, requesting the court modify the Domestic Violence Restraining Order issued on October 28, 2022 protecting Petitioner from Respondent. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #18: 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. 3.1308; LOCAL RULE 8.05.07.

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

19. ROBERT THORNTON V. MELISSA MEANOR

PFL20140803

On December 22, 2022, Petitioner appeared for the hearing on the underlying Requests for Orders. No other parties appeared. The court found the notice of the request for oral argument by Petitioner was proper, however, due to Minor's Counsel's family emergency the matter needed to be continued. The court stayed its tentative ruling and continued to matter to March 16, 2023. Parties were directed to file and serve any Supplemental Declarations at least 10 days prior to the next hearing.

Since the last hearing date, Minor's Counsel has requested to be relieved from his El Dorado County cases. The court, therefore, finds it must appoint new Minor's Counsel to this matter and continue the hearing to allow new Minor's Counsel to obtain and review the case file.

The court appoints Rebecca Esty-Burke as Minor's Counsel and continues the matter to May 18, 2023 at 1:30 PM in Department 5.

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

TENTATIVE RULING #19: THE COURT APPOINTS REBECCA ESTY-BURKE AS MINOR'S COUNSEL AND CONTINUES THE MATTER TO MAY 18, 2023 AT 1:30 PM IN DEPARTMENT 5. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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March 16, 2023

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

20. RYLEE ANDERSON V. GREGORY LIDDLE

23FL0066

Respondent filed an ex parte request for emergency custody orders on January 31, 2023. The court denied the request on February 1, 2023 and referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on February 14, 2023 with a review hearing on March 16, 2023. Petitioner was served by mail on February 1, 2023.

Only Respondent appeared for CCRC on February 14, 2023. As such a single parent report was filed on February 22, 2023. A copy of the report was mailed to the parties on the same day.

On February 17, 2023, both parties appeared for a hearing on Petitioner's request for a Domestic Violence Restraining Order. After taking testimony, the court denied a permanent Domestic Violence Restraining Order. The court referred the parties to CCRC for an appointment on March 17, 2023 and a further review hearing on May 4, 2023 at 1:30 pm in Department 5.

The court continues this hearing to join with the May 4, 2023 review hearing and confirms the March 17, 2023 CCRC appointment.

TENTATIVE RULING #20: THE COURT CONTINUES THIS HEARING TO JOIN WITH THE MAY 4, 2023 REVIEW HEARING AND CONFIRMS THE MARCH 17, 2023 CCRC APPOINTMENT.

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.