

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 23, 2023

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

11. ADAM PAINE V. AMY PAINE

22FL1006

Respondent filed a Request for Order (RFO) on December 30, 2022, requesting the court make orders as to child custody, parenting time, child and spousal support, as well as breach of fiduciary duties. Respondent filed an Income and Expense Declaration concurrently with her RFO. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 26, 2023 and a review hearing on March 23, 2023. Petitioner was served by mail on January 4, 2023.

Respondent is requesting joint legal and physical custody of the minors, with reasonable parenting time to each party. Along with guideline child and spousal support. Respondent asserts in her declaration that Petitioner was reckless with their savings, including losing substantial amounts of money in "day trading" and the parties now own a significant amount in taxes. Respondent asserts Petitioner has not been forthcoming about his finances with her and has been misleading in his financial disclosures.

Respondent filed a Declaration on January 31, 2023. There is no Proof of Service for this Document, therefore, the court cannot consider it.

Parties appeared for CCRC and were able to reach a full agreement. The parties submitted a stipulation regarding custody and parenting time which the court signed and adopted as its order on February 9, 2023. Therefore, the court finds the issues of custody and parenting time have been resolved.

Petitioner filed a Responsive Declaration on February 9, 2023. There is no Proof of Service for this document, and therefore, the court cannot consider this filing. Petitioner has not filed an Income and Expense Declaration as required.

The parties are ordered to appear on the requests for child and spousal support as well as the breach of fiduciary duties. Petitioner is directed to immediately file and serve his Income and Expense Declaration.

TENTATIVE RULING #11: THE COURT FINDS THE ISSUES OF CUSTODY AND PARENTING TIME HAVE BEEN RESOLVED BY THE PARTIES' FEBRUARY 9, 2023 STIPULATION AND ORDER. THE PARTIES ARE ORDERED TO APPEAR ON THE REQUESTS FOR CHILD AND SPOUSAL SUPPORT AS WELL AS THE BREACH OF FIDUCIARY DUTIES. PETITIONER IS DIRECTED TO IMMEDIATELY FILE AND SERVE HIS INCOME AND EXPENSE DECLARATION.

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March 23, 2023

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

12. FELICIA VARGA V. JOSEPH VARGA

PFL20210426

On December 27, 2022, Petitioner filed a Request for Order (RFO) requesting the court modify child custody and parenting time orders as well as child support. This a post-judgment modification request. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 23, 2023 and a review hearing on March 16, 2023. Respondent was served by mail, with address verification on December 27, 2022.

Respondent requested to reschedule the hearing due to his unavailability to participate due to the nature of his work. The court granted his request and rescheduled both the CCRC appointment and hearing.

Parties appeared for the CCRC appointment on February 9, 2023 and reached a full agreement. Parties submitted a stipulation to the court, which was signed and adopted as the court's order.

Respondent has not submitted a Responsive Declaration or an Income and Expense Declaration.

The parties are ordered to appear on the requests for child and spousal support as well as the breach of fiduciary duties. Respondent is directed to immediately file and serve his Income and Expense Declaration.

TENTATIVE RULING #12: THE COURT FINDS THE ISSUES OF CUSTODY AND PARENTING TIME HAVE BEEN RESOLVED BY THE PARTIES' FEBRUARY 9, 2023 STIPULATION AND ORDER. THE PARTIES ARE ORDERED TO APPEAR ON THE REQUESTS FOR CHILD AND SPOUSAL SUPPORT AS WELL AS THE BREACH OF FIDUCIARY DUTIES. PETITIONER IS DIRECTED TO IMMEDIATELY FILE AND SERVE HIS INCOME AND EXPENSE DECLARATION.

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DEPARTMENT 5

March 23, 2023

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

13. ISRAEL MENDOZA V. ENEIDA MENDOZA

PFL20210121

Petitioner filed a Request for Order (RFO) on December 30, 2022, requesting a modification of child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 30, 2023 and a review hearing on March 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.

Only Petitioner appeared for the CCRC appointment on January 30, 2023. As such, a single parent CCRC report was filed. A copy of the CCRC report was mailed to the parties on February 9, 2023.

The court drops the matter from calendar due to the lack of proper notice to Respondent. All prior orders remain in full force and effect.

TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER NOTICE. 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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March 23, 2023

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

14. JOHN PATTERSON V. CHRISTY THOMAS

22FL1054

The parties were referred to Child Custody Recommending Counseling (CCRC) at Petitioner's request at a Domestic Violence Restraining Order hearing on January 19, 2023. The parties were to attend an appointment for CCRC on February 9, 2023 and a review hearing on March 16, 2023.

A CCRC report was filed on March 2, 2023. A copy was mailed to the parties on March 9, 2023. The minor is currently the subject of a guardianship, and therefore, this court does not have jurisdiction to make custody or parenting time orders as to the minor. Therefore, the court drops this matter from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #14: THE MATTER IS DROPPED FROM CALENDAR AS THIS COURT LACKS JURISDICTION TO MAKE CUSTODY AND PARENTING PLAN ORDERS AS THE MINOR IS THE SUBJECT OF A GUARDIANSHIP. 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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March 23, 2023

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

15. KAITLIN WARDLOW V. CODY HUIHUI

PFL20200409

Petitioner filed a Request for Order (RFO) on January 24, 2023, requesting the court make orders as to child custody and parenting time. The parties were to attend an appointment for CCRC on February 8, 2023 and a review hearing on March 23, 2023. Respondent was served by mail on February 4, 2023.

Only Petitioner appeared for the CCRC appointment on February 8, 2023. As such, a single parent CCRC report was filed on February 8, 2023. A copy was mailed to the parties on February 9, 2023.

The court orders parties to appear for the hearing.

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

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

16. LILY DILTS V. DAN DILTS

23FL0007

Petitioner filed a Request for Order (RFO) on January 20, 2023, requesting the court order temporary guideline spousal support. Petitioner concurrently filed an Income and Expense Declaration. Petitioner filed an amended RFO on January 27, 2023, making the same request for temporary guideline spousal support. Petitioner states she has been receiving social security disability which ends in February 2023 and therefore, needs \$2,000 per month in spousal support.

Petitioner filed a Proof of Service of Summons, which includes the service of the RFO, though it is unclear which of the RFOs was served on Respondent. Respondent was personally served on January 30, 2023.

Respondent has not filed a Responsive declaration or an Income and Expense Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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March 23, 2023

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

17. MARIS CRUZ DIAZ V. DANIEL CRUZ

22FL0480

Petitioner filed a Request for Order (RFO) on December 30, 2022, requesting the court make child custody and parenting time orders as well as property control orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 30, 2023 and a review hearing on March 23, 2023. Respondent was served by mail on December 30, 2023.

Petitioner is requesting joint legal and physical custody of the minors and reasonable parenting time to each parent. Petitioner is also requesting exclusive use and control of the home located at 4330 Panorama Drive, Space 29 in Placerville, California.

Neither party appeared for the CCRC appointment on January 30, 2023.

Petitioner filed a Declaration on January 31, 2023 regarding the missed CCRC appointment. Respondent was served by mail on January 31, 2023. Petitioner states there is a language barrier, as she speaks Spanish. The individual she had hoped would assist her that day was unable to do so. Petitioner would like a further CCRC appointment and would like the court to decide who will keep the home.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as set forth above. The court grants Petitioner's request for exclusive use and control of the home located at 4330 Panorama Drive, Space 29 in Placerville, California. Petitioner shall be responsible for the rent and space payments due as set forth in her RFO.

The court rerefers the parties to CCRC for an appointment on 4/19/23 with Norman Labat. The court sets a further review hearing on 6/8/23 at 1:30 PM in Department 5. The court is ordering a Spanish interpreter be made available for the parties for both the CCRC appointment and for the next hearing date.

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

TENTATIVE RULING #17: THE COURT GRANTS PETITIONER'S REQUEST FOR EXCLUSIVE USE AND CONTROL OF THE HOME LOCATED AT 4330 PANORAMA DRIVE, SPACE 29 IN PLACERVILLE, CALIFORNIA. PETITIONER SHALL BE RESPONSIBLE FOR THE RENT AND SPACE PAYMENTS DUE AS SET FORTH IN HER RFO. THE COURT REREFERS THE PARTIES TO CCRC FOR AN APPOINTMENT ON 4/19/23 WITH NORMAN LABAT. THE COURT SETS A FURTHER REVIEW HEARING ON 6/8/23 AT 1:30 PM IN DEPARTMENT 5. THE COURT IS ORDERING A SPANISH INTERPRETER BE MADE AVAILABLE FOR THE PARTIES FOR BOTH THE CCRC APPOINTMENT

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AND FOR THE NEXT HEARING DATE. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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March 23, 2023

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

18. SHANNON SCHUNNEMAN V. ERIC CUSIC

23FL0020

Petitioner filed a Request for Order (RFO) on January 17, 2023, requesting the court make orders as to child custody and parenting time. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 9, 2023 and a review hearing on March 23, 2023. Respondent was personally served on January 29, 2023.

Petitioner filed a Declaration on January 24, 2023, requesting the parenting plan set forth in the FL-300 be modified. There is no Proof of Service of this declaration, therefore, the court cannot consider it.

Both parties attended CCRC on February 9, 2023 and were able to reach a full agreement. A report with the agreement was filed with the court on February 9, 2023. A copy of the report was mailed to the parties on February 9, 2023.

Petitioner filed a Declaration on February 9, 2023. Respondent was served on March 12, 2023. Petitioner states Respondent has not been truthful with her about the status of his driver's license for over two years. Further, Respondent failed to inform Petitioner that he was involved in a moving violation with the minor in the vehicle.

The court has read and considered the filings as outlined above. The court finds the agreements of the parties to be in the best interest of the minor. The court adopts the agreements of the parties as set forth in the February 9, 2023 CCRC report as its orders. The minor shall only be transported by a licensed and insured driver. The minor must be transported in the proper safety restraints.

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 #18: THE COURT ADOPTS THE AGREEMENTS OF THE PARTIES AS SET FORTH IN THE FEBRUARY 9, 2023 CCRC REPORT AS ITS ORDERS. THE MINOR SHALL ONLY BE TRANSPORTED BY A LICENSED AND INSURED DRIVER. THE MINOR MUST BE TRANSPORTED IN THE PROPER SAFETY RESTRAINTS. 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

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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.**

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March 23, 2023

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

19. STEVEN GIBSON V. STARR ROBINSON

PFL20190532

Petitioner filed an Order to Show Cause and Affidavit for Contempt on November 21, 2022 alleging Respondent has violated the September 6, 2019 order for parenting time by withholding the minor from him. Respondent was personally served on December 13, 2022.

Parties appeared for an arraignment hearing on February 2, 2023. Respondent requested to be appointed a Public Defender. The court appointed the Public Defender's Office and continued the hearing until March 23, 2023.

The court orders parties to appear for the continued arraignment hearing.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR.

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March 23, 2023

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

20. ZACHARY CARTER V. SAMANTHA CARTER

PFL20210579

Petitioner's counsel appeared on January 17, 2023 requesting a continuance of the hearing to allow parties to sign and return the Marriage Settlement Agreement and Stipulation. The court granted the continuance request and set a further hearing on March 23, 2023 for receipt of the Marriage Settlement Agreement and Stipulation of the parties.

Upon review of the court file, no Marriage Settlement Agreement or Stipulation have been filed. As such, the court drops the matter from calendar. If parties wish to set the matter for a contested proceeding, they may request a trial setting conference. If parties have in fact reached a settlement agreement, such agreement may be submitted to the Judgment clerk for processing through the normal course.

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM CALENDAR.