

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 6, 2023

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

**9. ANGELA HURLEY V. IVAN RIVERA**

**PFL20200615**

Respondent filed three Requests for Orders (RFO), two on January 20, 2023 and one on February 16, 2023. Respondent filed a Proof of Service on March 6, 2023, which states all three RFOs were served by mail to Petitioner and Minor's Counsel. However, the Proof of Service is deficient, in that it does not state what date the RFOs were mailed and fails to state the place of mailing. Therefore, the court cannot find notice has been perfected.

Petitioner filed a Responsive Declaration on March 24, 2023. Respondent and Minor's Counsel were served on March 20, 2023. Petitioner objects to Respondent's requested modifications.

The court drops the matters from calendar due to the lack of proper notice. Further, even if notice had been proper, the court finds Respondent's RFO to modify the custody exchange location to be moot, as the court resolved that issue at the February 16, 2023 hearing. As to Respondent's request to modify parenting time, if the court had reached the request on the merits, the court would have denied the request, as Respondent failed to set forth any grounds upon which the requested change should be granted.

All prior orders remain in full force and effect.

**TENTATIVE RULING #9: 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.

**10. CHRISTOPHER MICHAEL STARR V. LEILANI ALICE STARR**

**21FL0124**

Respondent filed a Request for Order (RFO) seeking a variety of orders regarding visitation, property control and retirement benefits. The RFO was filed on January 19, 2023 and served on January 18<sup>th</sup>. Petitioner filed and served his Declaration of Christopher Starr in Response to Request for Order Filed by Respondent on March 22, 2023. Respondent filed and served her Reply Declaration on March 27, 2023.

At issue are Respondent's requests for the following orders: (1) Petitioner to assist in paying half of the cost of supervised visitation; (2) Respondent to immediately reinstate car insurance; and (3) Petitioner to sign Respondent's Sutter Health pension cash out. In her Reply Declaration, Respondent agreed to drop the request for Petitioner to help pay for supervised visits however she makes a new request that Petitioner be required to use the Carmichael location for family time visits if there are no openings at the Cameron Park location. She has also agreed to drop the request for Petitioner to pay for auto insurance, but she does request possession of the Dodge Durango. As such, the issues remaining to be ruled on are the location of supervised visits, the possession of the Dodge Durango and the cash out of Respondent's pension.

According to Respondent, Petitioner is currently in possession of all four of the community owned vehicles. Respondent is left to Uber to her supervised visits with the children as well as her employment and medical appointments. She argues this has caused her great financial strain. She claims to have requested possession of the 2016 Dodge Durango, but Petitioner has refused unless she signs a settlement agreement.

Regarding the cash out of her pension, Respondent states she needs the money to obtain counsel. She argues that has been the sole payee on community debts and loans since the date of separation which has caused her financial hardship. Further, she claims that Petitioner drained the joint bank accounts and borrowed against their HELOC in order to pay for his attorney. Petitioner adamantly objects to this request as Respondent has already cashed out her community property IRA without his knowledge. He also states she withdrew a substantial amount of money from the HELOC and emptied all of the joint bank accounts. He does not believe Respondent has sufficient assets to cover the money she owes the community.

Respondent makes no argument in her moving papers regarding the location of the visits with the children however, anticipating her argument to come, Petitioner does address the issue in his Responsive Declaration. Petitioner believes the request is being made solely for the convenience of Respondent as she recently moved, and she has been admonished by the Cameron Park staff several times. He states that the Cameron Park facility is closest to him and the children. Petitioner requests the visits take place at the Carmichael location only if there are

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no openings at the Cameron Park location. She states this will allow her additional scheduling availability to consistently see the children for her visits twice per week.

Respondent's request for possession and use of the 2016 Dodge Durango is granted. The parties are to mutually agree to a time and location to transfer possession of the vehicle which shall take place no later than April 13<sup>th</sup>. Respondent is to timely make all payments on the vehicle loan. She is to obtain and make all payments for auto insurance on the vehicle. Failure to abide by these orders may result in the vehicle being returned to Petitioner upon noticed motion brought by Petitioner.

Respondent's request to have visitation take place in Carmichael is granted in part. Respondent is required to have one visit per week at the Cameron Park location. She may have her second weekly visit at the Carmichael location only if the Cameron Park location does not have availability. If Cameron Park has availability for the second visit then it shall be held at the Cameron Park location.

Respondent's request to cash out her pension is denied. The court is concerned with claims that both parties have used community funds in violation of the ATROS. The parties are admonished to abide by the ATROS until a final judgment has been made on the issue of property division.

**TENTATIVE RULING #10: RESPONDENT'S REQUEST FOR POSSESSION AND USE OF THE 2016 DODGE DURANGO IS GRANTED. THE PARTIES ARE TO MUTUALLY AGREE TO A TIME AND LOCATION TO TRANSFER POSSESSION OF THE VEHICLE WHICH SHALL TAKE PLACE NO LATER THAN APRIL 13<sup>TH</sup>. RESPONDENT IS TO TIMELY MAKE ALL PAYMENTS ON THE VEHICLE LOAN. SHE IS TO OBTAIN AND MAKE ALL PAYMENTS FOR AUTO INSURANCE ON THE VEHICLE. FAILURE TO ABIDE BY THESE ORDERS MAY RESULT IN THE VEHICLE BEING RETURNED TO PETITIONER UPON NOTICED MOTION BROUGHT BY PETITIONER. RESPONDENT'S REQUEST TO HAVE VISITATION TAKE PLACE IN CARMICHAEL IS GRANTED IN PART. RESPONDENT IS REQUIRED TO HAVE ONE VISIT PER WEEK AT THE CAMERON PARK LOCATION. SHE MAY HAVE HER SECOND WEEKLY VISIT AT THE CARMICHAEL LOCATION ONLY IF THE CAMERON PARK LOCATION DOES NOT HAVE AVAILABILITY. IF CAMERON PARK HAS AVAILABILITY FOR THE SECOND VISIT THEN IT SHALL BE HELD AT THE CAMERON PARK LOCATION. RESPONDENT'S REQUEST TO CASH OUT HER PENSION IS DENIED. THE PARTIES ARE ADMONISHED TO ABIDE BY THE ATROS UNTIL A FINAL JUDGMENT HAS BEEN MADE ON THE ISSUE OF PROPERTY DIVISION. RESPONDENT IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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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. 3.1308; LOCAL RULE 8.05.07.**

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**11. ERIC SNELL V. JESSICA SNELL**

**22FL0338**

Respondent filed a Request for Order (RFO) on January 31, 2023, requesting the court set aside the Default entered on October 7, 2022. Petitioner was served by mail on February 3, 2023.

Respondent does not set forth any legal grounds upon which she is requesting the court set aside the default. Respondent states in her declaration that Petitioner has not moved the judgment along at a satisfactory speed and she now wishes to participate to move the case forward to judgment in time for her pending wedding. Respondent has attached a Response to her pleading.

Petitioner has not filed a Responsive Declaration.

Code of Civil Procedure Section 473(b) governs the circumstances in which a party may be relieved of the terms of a judgment, dismissal, order or other proceeding in instances of mistake, inadvertence or excusable neglect. Cal. Civ. Pro. § 473(b). Here, Respondent has provided no facts to establish mistake, inadvertence, or excusable neglect. As such, the court declines to set aside the default. Petitioner is directed to file the Judgment forthwith if he has not already done so. The Family Law Facilitator is available if Petitioner needs assistance with completing the necessary paperwork.

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

**TENTATIVE RULING #11: THE COURT DENIES RESPONDENTS REQUEST TO SET ASIDE THE DEFAULT. RESPONDENT HAS PROVIDED NO FACTS TO ESTABLISH MISTAKE, INADVERTENCE OR EXCUSABLE NEGLECT TO WARRANT A SET ASIDE UNDER CODE OF CIVIL PROCEDURE SECTION 473(B). PETITIONER IS DIRECTED TO FILE THE JUDGMENT FORTHWITH IF HE HAS NOT ALREADY DONE SO. THE FAMILY LAW FACILITATOR IS AVAILABLE IF PETITIONER NEEDS ASSISTANCE WITH COMPLETING THE NECESSARY PAPERWORK. 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. 3.13.08; LOCAL RULE 8.05.07.**

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**12. HAYLEY SCHULZ V. TREVOR HARDING**

**23FL0002**

On February 3, 2023, the court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on February 16, 2023 and a review hearing on April 6, 2023 at 1:30 pm.

On February 3, 2023, the court granted Petitioner a Domestic Violence Restraining Order with Respondent as the restrained party. On February 10, 2023, the court granted Respondent a Domestic Violence Restraining Order with Petitioner as the restrained party.

Both parties attended CCRC on February 16, 2023 and were able to reach some agreements. A report with agreements and recommendations was filed on March 15, 2023. A copy of the report was mailed to the parties on March 16, 2023.

Petitioner filed a Declaration and Income and Expense Declaration on March 28, 2023. There is no Proof of Service showing either document has been served on Respondent, therefore, the court cannot consider either document. Additionally, the documents were filed less than 10 days prior to the hearing, and are therefore, late filed and the court will not consider them on those grounds as well.

The court has read and considered the March 15, 2023 filed CCRC report and finds the recommendations and agreements to be in the best interests of the minors. The court adopts the agreements and recommendations as its orders.

Petitioner had requested child support in her request for a Domestic Violence Restraining Order filed on January 3, 2023. Petitioner previously filed an Income and Expense Declaration on February 14, 2023. Respondent previously filed an Income and Expense Declaration on January 17, 2023. It does not appear either party has filed a Proof of Service showing they have properly served the other party with their Income and Expense Declaration. The parties are ordered to appear on the issue of child support.

All prior orders not in conflict with these orders remain in full force and effect. Petitioner shall prepare the Findings and Orders After Hearing.

**TENTATIVE RULING #12: THE PARTIES ARE ORDERED TO APPEAR ON THE ISSUE OF CHILD SUPPORT.**

**THE COURT HAS READ AND CONSIDERED THE MARCH 15, 2023 FILED CCRC REPORT AND FINDS THE RECOMMENDATIONS AND AGREEMENTS TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.**

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

**13. LAWRENCE WOOD V. JENNIFER WOOD**

**22FL0792**

The matter is on the court's calendar for a request for a Domestic Violence Restraining Order and a review hearing for Child Custody Recommending Counseling (CCRC).

On January 12, 2023 the court appointed Minor's Counsel and rereferred the parties to CCRC. The court set a further review hearing for April 6, 2023 at 1:30 pm in Department 5.

On January 27, 2023, the parties and minor appeared for the CCRC appointment, however, Respondent chose to leave after introducing herself to the CCRC Counselor. As such, a single parent CCRC report was filed with no agreements or recommendations. A copy of the report was mailed to the parties on February 2, 2023.

Respondent filed a Declaration on February 16, 2023. It was served on Petitioner by mail on February 16, 2023, however there is no Proof of Service showing it was served on Minor's Counsel, and therefore, the court cannot consider this document.

Minor's Counsel filed a Statement of Issues and Contentions (SIC) on February 24, 2023. Parties were served on February 23, 2023. Minor's Counsel requests the current order for Petitioner to have sole legal and physical custody remain in full force an effect. Minor's Counsel also requests the order for Respondent to have agency supervised visitation for up to two hours twice a week remain in place. Last, Minor's Counsel requests, the minor be allowed to contact Respondent via FaceTime or email if he chooses, and Petitioner has the right to review or monitor the contact to ensure the contact between Respondent and the minor is appropriate.

As to the CCRC review hearing, the court finds the current orders remain in the minor's best interest. Petitioner shall continue to have temporary sole legal and physical custody of the minor. Respondent shall continue to have agency supervised visitation two times per week for two hours each visit. The minor shall have email and/or FaceTime contact with Respondent in his discretion. Petitioner is authorized to monitor that contact to ensure it is appropriate. The court sets a further review hearing on custody and parenting time in 120 days, on August 3, 2023 at 1:30 pm in Department 5. Any Supplemental Declarations are due at least 10 days prior to the hearing.

Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

Parties are ordered to appear for the Domestic Violence Restraining Order request.

**TENTATIVE RULING #13: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINOR'S BEST INTEREST. PETITIONER SHALL CONTINUE TO HAVE TEMPORARY SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR. RESPONDENT SHALL CONTINUE TO HAVE AGENCY SUPERVISED VISITATION TWO TIMES PER WEEK FOR TWO HOURS EACH VISIT. THE MINOR SHALL HAVE EMAIL AND/OR FACETIME CONTACT WITH RESPONDENT IN HIS DISCRETION.**



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**PETITIONER IS AUTHORIZED TO MONITOR THAT CONTACT TO ENSURE IT IS APPROPRIATE. THE COURT SETS A FURTHER REVIEW HEARING ON CUSTODY AND PARENTING TIME IN 120 DAYS, ON AUGUST 3, 2023 AT 1:30 PM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE HEARING. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**PARTIES ARE ORDERED TO APPEAR FOR THE DOMESTIC VIOLENCE RESTRAINING ORDER REQUEST.**

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

**14. LISA VISCONTI V. SEAN ELLIOTT**

**22FL0256**

Petitioner filed a Request for Order (RFO) on January 31, 2023, requesting the court make guideline child support orders. Proof of Service shows, Respondent was personally served with the RFO on March 14, 2023. Petitioner filed an Income and Expense Declaration on March 9, 2023. Proof of Service shows Respondent was personally served with the Income and Expense Declaration on March 14, 2023. Petitioner requests the order be made retroactive to August of 2022.

Respondent filed a Responsive Declaration and Income and Expense Declaration on March 3, 2023. Petitioner was served by mail on March 13, 2023. Respondent agrees to guideline support, but requests the timeshare be set at 70%. Respondent also makes a request to be the minor V.E.'s guardian while he is in school. Respondent states in his declaration he has sent Petitioner \$400 on February 1, 2023 as and for child support. Respondent further states that he has split expenses for the children with Petitioner and will continue to do so.

Petitioner filed a Reply Declaration on March 22, 2023. There is no Proof of Service for this document, and as such, the court cannot consider it.

Using the parties respective Income and Expense Declaration and a 70% timeshare to Petitioner, the court finds guideline child support to be \$535 payable from Respondent to Petitioner. (see attached DissoMaster) The court orders Respondent to pay Petitioner \$535 per month as and for guideline child support effective February 1, 2023 and payable the first of each month until further order of the court or termination by operation of law.

The court denies Petitioner's request to order support retroactive to August 2022. Petitioner previously filed an RFO requesting child support which was heard on December 22, 2022. The court issued a tentative ruling dropping the matter from calendar due to the RFO not being properly served. The court declines to make this order retroactive, beyond the date of the filing of the current RFO.

The court finds this order results in an arrears balance of \$1,605. Respondent states in his declaration he sent Petitioner \$400 on February 1, 2023. The court has no evidence of any additional payments to Petitioner. Therefore, the court finds the total arrears owing is \$1,205. The court orders Respondent to pay Petitioner \$241 per month as and for arrears beginning May 15, 2023 and due on the 15<sup>th</sup> of each month until paid in full (approximately five months).

The court further finds Respondent routinely earns overtime pay and therefore, has included an overtime table with the DissoMaster. Respondent is to pay Petitioner a true up of any overtime earned no later than the 15<sup>th</sup> of each month.

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The court finds Respondent's request regarding the minor V.E. during school exceeds the scope of the RFO and declines to rule on the request.

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

**TENTATIVE RULING #14: THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$535 PAYABLE FROM RESPONDENT TO PETITION. (SEE ATTACHED DISSOMASTER) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$535 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE FEBRUARY 1, 2023 AND PAYABLE THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT DENIES PETITIONER'S REQUEST TO ORDER SUPPORT RETROACTIVE TO AUGUST 2022. THE COURT FINDS THE TOTAL ARREARS OWING IS \$1,205. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$241 PER MONTH AS AND FOR ARREARS BEGINNING MAY 15, 2023 AND DUE ON THE 15<sup>TH</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY FIVE MONTHS). THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS OVERTIME PAY AND THEREFORE, HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER. RESPONDENT IS TO PAY PETITIONER A TRUE UP OF ANY OVERTIME EARNED NO LATER THAN THE 15<sup>TH</sup> OF EACH MONTH. THE COURT FINDS RESPONDENTS REQUEST REGARDING THE MINOR V.E. DURING SCHOOL EXCEEDS THE SCOPE OF THE RFO AND DECLINES TO RULE ON THE REQUEST. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**

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ATTORNEY (NAME AND ADDRESS): <b>EDC Court</b>  <b>California</b>  ATTORNEY FOR: <b>Resp.</b>	TELEPHONE NO:  Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>DISSOMASTER REPORT</b> 2023, Monthly	CASE NUMBER:

Input Data	Resp.	Pet.	Guideline (2023)	Cash Flow Analysis	Resp.	Pet.
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	30%	0%	Resp.	3,468 Payment (cost)/benefit	(535)	535
Filing status	MFS->	HH/MLA	Pet.	4,333 Net spendable income	2,933	4,868
# Federal exemptions	1*	3*	Total	7,801 % combined spendable	37.6%	62.4%
Wages + salary	4,709	4,760	<b>Support</b>	Total taxes	943	427
401(k) employee contrib	67	0	CS Payor	Resp. Comb. net spendable	7,801	
Self-employment income	0	0	Presumed	(535) <b>Proposed</b>		
Other taxable income	0	0	Basic CS	(535) Payment (cost)/benefit	(627)	627
Short-term cap. gains	0	0	Add-ons	0 Net spendable income	3,045	4,782
Long-term cap. gains	0	0	Presumed Per Kid	NSI change from gdl	112	(86)
Other gains (and losses)	0	0	Child 1	(180) % combined spendable	38.9%	61.1%
Ordinary dividends	0	0	Child 2	(355) % of saving over gdl	439.6%	-339.6%
Tax. interest received	0	0	Spousal support	blocked Total taxes	739	605
Social Security received	0	0	Total	(535) Comb. net spendable	7,827	
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>	Percent change	0.3%	
Operating losses	0	0	CS Payor	Resp. <b>Default Case Settings</b>		
Ca. operating loss adj.	0	0	Presumed	(627)		
Roy, partnerships, S corp, trusts	0	0	Basic CS	(627)		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	(272)		
New-spouse income	0	0	Child 2	(355)		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	(627)		
Adj. to income (ATI)	0	0	Savings	25		
Ptr Support Pd. other P'ships	0	0	Total releases to Resp.	1		
Health insurance	298	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	377				
Other medical expenses	0	0				
Property tax expenses	0	377				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

ATTORNEY (NAME AND ADDRESS): <b>EDC Court  California</b>  ATTORNEY FOR: <b>Resp.</b>	TELEPHONE NO:  Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>Resp. Monthly Overtime Wages Report</b> 2023 Monthly	CASE NUMBER:

"R" denotes that Resp. is a recipient for the corresponding support  
 "CS%" is the percentage of Overtime paid as additional Child Support  
 "SS%" is the percentage of Overtime paid as additional Spousal Support

Resp.'s Gross Overtime	Basic CS%	Basic CS	El Dorado SS%	El Dorado SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	535	0	535
100	21.41	21	0.00	0	557	0	557
200	19.95	40	0.00	0	575	0	575
300	19.30	58	0.00	0	593	0	593
400	18.85	75	0.00	0	611	0	611
500	18.55	93	0.00	0	628	0	628
600	18.33	110	0.00	0	645	0	645
700	18.15	127	0.00	0	662	0	662
800	18.00	144	0.00	0	679	0	679
900	17.88	161	0.00	0	696	0	696
1,000	17.76	178	0.00	0	713	0	713
1,100	17.66	194	0.00	0	730	0	730
1,200	17.56	211	0.00	0	746	0	746
1,300	17.48	227	0.00	0	763	0	763
1,400	17.39	243	0.00	0	779	0	779
1,500	17.30	260	0.00	0	795	0	795
1,600	17.21	275	0.00	0	811	0	811
1,700	17.11	291	0.00	0	826	0	826
1,800	17.03	307	0.00	0	842	0	842
1,900	16.95	322	0.00	0	857	0	857
2,000	16.87	337	0.00	0	873	0	873



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 6, 2023

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

**15. MEGAN MONTGOMERY V. CODY OLSEN**

**PFL20120175**

Respondent filed a Request for Order (RFO) on September 22, 2022, requesting a modification of child custody and parenting time. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 24, 2022 and a review hearing on December 15, 2022. Respondent filed a Proof of Service on December 15, 2022 showing Petitioner was served at an address in Placerville on October 14, 2022.

Neither party appeared for CCRC and a nonappearance report was filed.

On December 15, 2022, both parties appeared for the hearing. The court rereferred the parties to CCRC and made interim orders as to visitation for Respondent, ordering professionally supervised visitation in San Luis Obispo County. The court also authorized video conference and/or Facetime calls between Respondent and the minor one time a week for not less than 10 minutes, as well as letter contact.

Only Petitioner and the minor attended CCRC on January 9, 2023. As such a single parent report was filed on January 10, 2023. A copy of the report was mailed to the parties on January 10, 2023. The court notes, this is the second time Respondent has failed to appear for CCRC despite being the moving party in this matter.

Neither party has filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court denies Respondents request. The court vacates its orders for visitation between Respondent and the minor made on December 15, 2023. Respondent may have visitation with the minor at the minor's request. All contact will take place in a professionally supervised setting in the minor's county of residence. Respondent shall be responsible for the cost of supervision.

All prior orders not in conflict with these orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #15: THE COURT DENIES RESPONDENTS REQUEST. THE COURT VACATES ITS ORDERS FOR VISITATION BETWEEN RESPONDENT AND THE MINOR MADE ON DECEMBER 15, 2023. RESPONDENT MAY HAVE VISITATION WITH THE MINOR AT THE MINOR'S REQUEST. ALL CONTACT WILL TAKE PLACE IN A PROFESSIONALLY SUPERVISED SETTING IN THE MINOR'S COUNTY OF RESIDENCE. RESPONDENT SHALL BE RESPONSIBLE FOR THE COST OF SUPERVISION. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE 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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 6, 2023

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

**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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 6, 2023

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

**16. MEGAN RIOS V. JEREMY MASON**

**23FL0043**

On February 10, 2023, the court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on February 23, 2023 and a review hearing on April 6, 2023.

Neither party appeared for the CCRC appointment on February 23, 2023. Therefore, the court drops the matter from calendar.

All prior orders remain in full force and effect.

**TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR. 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.**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 6, 2023

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

**17. NANCY WACHTLER V. GREGORY WACHTLER**

**PFL20010612**

Respondent filed a Request for Order (RFO) on February 14, 2023, which has checked the box other. It is unclear to the court, what Respondent is requesting the court order. There is a Proof of Service filed on February 23, 2023, showing Petitioner was personally served on February 21, 2023.

Petitioner filed a Declaration on February 23, 2023. There is no Proof of Service showing this Declaration was served on Respondent and therefore, the court cannot consider this document.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 6, 2023

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

**18. ROSICLEIA CORREIA V. JASON KADILAK**

**23FL0047**

Petitioner filed a Petition to Establish a Paternal Relationship and a Request for Order (RFO) on January 20, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 22, 2023 and a review hearing on April 6, 2023. Petitioner also filed a Declaration on January 20, 2023. There is a Proof of Service showing the RFO and Declaration was served on Respondent on February 14, 2023, however, there does not appear to be a Proof of Service showing the Summons was served.

Both parties appeared for the CCRC appointment on February 22, 2023. They were able to reach some agreements. A report with agreements and recommendations was filed on March 20, 2023. A copy was mailed to the parties on March 23, 2023.

Petitioner filed an amended Declaration under the UCCJEA on February 6, 2023. Respondent was served by mail on February 3, 2023. It appears there is a concurrent matter pending in Santa Cruz County.

The court finds it needs additional information about when the action was filed in Santa Cruz County and if there are any orders that have been made in Santa Cruz County. The court orders parties to appear for the hearing.

**TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 6, 2023

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

**19. SHALYSSA LEE V. ADAM CARTER**

**PFL20180898**

Petitioner filed a Petition for Nullity on December 5, 2018. Respondent signed a Notice and Acknowledgement of Receipt on December 8, 2018. Respondent filed a Response on December 21, 2018.

Respondent filed a Request to Set an Uncontested Matter on January 25, 2023. Respondent states in the Request to set and Uncontested Matter that both Parties Agree. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the Request to Set an Uncontested Matter.

The court drops the matter 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.**