

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 27, 2023

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

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

April 27, 2023

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

12. AHREN CHRISTOPHERSON V. THOMAS CHRISTOPHERSON

PFL20200826

Petitioner filed a Request for Order (RFO) on February 8, 2023, requesting the court modify custody and parenting time orders. Petitioner concurrently filed a Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 10, 2023 and a review hearing on April 27, 2023. Respondent was personally served a copy of the RFO and the Declaration on February 18, 2023. It does not appear Respondent was provided a copy of the referral to CCRC.

On March 10, 2023 only Petitioner appeared for the CCRC appointment. As such, a single parent CCRC report was filed on March 10, 2023. A copy was mailed to the parties on March 16, 2023. Respondent's copy was returned as undeliverable on March 22, 2023.

The court orders parties to appear for the hearing.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 27, 2023

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

13. BRANDON KRATZER V. HEATHER WRIGHT

PFL20210349

Petitioner filed a Request for Order (RFO) on February 14, 2023, requesting the court modify custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 13, 2023 and a review hearing on April 27, 2023. Respondent was personally served a copy of the RFO February 14, 2023. It does not appear Respondent was provided a copy of the referral to CCRC.

On March 13, 2023 only Petitioner appeared for the CCRC appointment. As such, a single parent CCRC report was filed on March 13, 2023. A copy was mailed to the parties on March 16, 2023.

The court orders parties to appear for the hearing.

TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 27, 2023

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

14. BRITTNEY BONNIE V. SCOTLAND BONNIE

21FL0013

On March 28, 2023, parties reached a stipulation resolving their contested hearing on Petitioners request for court authorization to move away with the minor. As part of the stipulation, the parties agreed to obtain reunification services for the minor and Respondent prior to the relocation. Parties were to submit Supplemental Declarations at least 10 days prior to the review hearing to provide the court with an update as to the progress in obtaining a reunification counselor.

Petitioner filed a Supplemental Declaration on April 13, 2023. Respondent was served by mail and electronically on April 13, 2023. Petitioner states she has been able to locate a therapist who is willing and able to accommodate reunification therapy between the minor and Respondent upon the relocation. Petitioner is requesting clarifying orders that Respondent it to be financially responsible for the costs associated with reunification therapy moving forward.

Respondent has not filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court finds Petitioner's request for the court to issue clarifying orders regarding the costs of reunification counseling to be beyond the scope of the original Request for Order and the parties' stipulation is silent as to the payment of reunification counseling. Therefore, the court cannot address the issue at this hearing. The court finds the conditions precedent for the move-away have been met and lifts the stay. The minor is permitted to relocate with Petitioner.

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 THE CONDITIONS PRECEDENT FOR THE MOVE-AWAY HAVE BEEN MET AND LIFTS THE STAY. THE MINOR IS PERMITTED TO RELOCATE WITH PETITIONER. THE COURT FINDS PETITIONER'S REQUEST FOR CLARIFYING ORDERS REGARDING PAYMENT OF REUNIFICATION COUNSELING TO BE BEYOND THE SCOPE OF THE RFO AND THE PARTIES' STIPULATION. 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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ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 27, 2023

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

15. JAKE THOMPSON V. JENNIE FERRIERA

PFL20140192

Petitioner filed a Request for Order (RFO) after the court denied an ex parte emergency request to modify custody and visitation orders on February 6, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 6, 2023 and a review hearing on April 27, 2023. Respondent was personally served on February 9, 2023.

Only Respondent appeared for the CCRC appointment on March 6, 2023. As such a single parent report was filed on March 6, 2023. Copies were mailed to the parties on March 9, 2023.

Petitioner was the moving party in the request to modify and failed to appear for the CCRC appointment. The court denies Petitioner's request to modify custody and parenting time orders. The court finds the current orders remain the minor's best interest.

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

TENTATIVE RULING #15: THE COURT DENIES PETITIONER'S REQUEST TO MODIFY CUSTODY AND PARENTING TIME ORDERS. THE COURT FINDS THE CURRENT ORDERS REMAIN THE MINOR'S BEST INTEREST. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS TO 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

April 27, 2023

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

16. JENNIFER HENRICH V. SHAWN MATTHEWS

PFL20190796

Petitioner filed a Request for Order (RFO) on February 3, 2023, requesting modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 9, 2023 and a review hearing on April 27, 2023. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO and referral to CCRC.

Only Petitioner appeared for CCRC on March 9, 2023. As such, a single parent CCRC report was filed on March 9, 2023. Copies were mailed to the parties on March 16, 2023.

Respondent filed a Responsive Declaration on April 17, 2023. There is no Proof of Service showing Petitioner was served with a copy of the Responsive Declaration and therefore the court has not considered this document.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #16: 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

April 27, 2023

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

17. 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.

Parties appeared on March 9, 2023. Respondent requested the arraignment be continued to allow him an opportunity to file a written demur. The court continued the matter to the present date.

Respondent filed a demurrer on March 30, 2023. Petitioner was served electronically on March 30, 2023. Respondent asserts that Petitioner has failed to identify a valid court order and that even if Petitioner has identified a valid court order, the order is vague and ambiguous. Respondent has demurred to each count of contempt.

Petitioner filed an amended OSC on April 20, 2023. There is no Proof of Service showing Respondent was served with the Amended OSC.

The court orders parties to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 27, 2023

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

18. JODIE CRANE V. JAMES ARBOGAST

PFL20120647

Petitioner filed a Request for Order (RFO) on February 1, 2023, requesting the court make changes to the child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 6, 2023 and a review hearing on April 27, 2023. Upon review of the court file, there is no Proof of Service showing the RFO or referral to CCRC were served on Respondent.

Neither party appeared for the CCRC appointment on March 6, 2023.

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

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 27, 2023

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

19. KARLY GENTRY V. PAUL GENTRY

22FL0745

Petitioner filed a Request for Order (RFO) on December 5, 2022, requesting the court make orders as to child and spousal support, as well as a request to remove Petitioner's name from the title of Respondent's vehicle. Petitioner filed an Income and Expense Declaration on the same date. Petitioner filed an Amended Income and Expense Declaration on December 6, 2022. Respondent was personally served on December 17, 2022.

Petitioner filed an Amended RFO on December 19, 2022. Petitioner requests the court make orders as to child custody and parenting time, child and spousal support, as well as to have Petitioner's name removed from the title of Respondent's Vehicle. Upon review of the court file, there is no Proof of Service showing Respondent was served with the Amended RFO.

Petitioner filed a Supplemental Declaration and updated Income and Expense Declaration on January 27, 2023. Respondent was served by mail on January 27, 2023. Petitioner affirms her requested orders as set forth in the Amended RFO. Petitioner requests the court order joint legal custody and for Petitioner to have sole physical custody, with Respondent having parenting time for two weeks in the summer and two weeks in the winter, to coincide with the minors' school breaks. Petitioner is requesting all parenting time occur in California. Petitioner requests guideline child and temporary spousal support.

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

The court found the December 19, 2022 Amended RFO has not been properly served and dropped the matter from calendar.

The court found Petitioner's most recent Income and Expense Declaration to be incomplete. It is missing page two. Further Petitioner's December 6, 2022 filed Income and Expense Declaration does not have any pay stubs attached. Petitioner's December 5, 2022 Income and Expense Declaration does have pay stubs attached however, Petitioner is no longer employed with the employer. Therefore, the court found it did not have the requisite information necessary to make the guideline calculations for support and ordered parties to appear.

On February 9, 2023, parties appeared for the hearing. The court modified Respondent's RFO filed on February 9, 2023, and set the hearing time for 1:30 pm rather than 8:30 am on April 27, 2023. Petitioner's December 5, 2022 filed RFO was continued to April 27, 2023. The court directed Petitioner to serve Respondent's counsel with a copy of the filings in the matter to date. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on February 15, 2023 at 1:00 pm. Respondent was directed to

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 27, 2023

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

submit the appropriate forms to appear remotely. The court reserved jurisdiction on the request for child and temporary guideline spousal support to the date of the filing of the RFO. The court also reserved on the request to remove Petitioner's name from the title of Respondent's vehicle.

Upon review of the court file, Respondent's February 9, 2023 RFO has not been served on Petitioner. It is therefore, dropped from calendar. Further, Respondent failed to appear at the February 15, 2023 CCRC appointment where he was the moving party. Petitioner did appear and a single parent CCRC report was filed on February 21, 2023. Copies of the report were mailed to the parties on February 23, 2023.

Petitioner filed a Responsive Declaration and updated Income and Expense Declaration on April 12, 2023. Respondent was served by mail and electronically on April 12, 2023.

Respondent last filed an Income and Expense Declaration on February 9, 2023. There is no Proof of Service showing Petitioner was served.

Regrettably, the court finds itself in a similar position as at the time of the February 9, 2023 hearing, where it does not have the requisite information before it to make child and temporary spousal support orders. Namely, Respondent's Income and Expense Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.