

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 4, 2023

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

11. STACI HALLIHAN V. KRISTOPHER HALLIHAN

PFL20200234

Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was filed on February 6, 2023 and served on February 19th. Petitioner filed her Responsive Declaration to Request for Order on April 21st. It was served on April 19th.

Respondent requests a 2-2-5-5 schedule for the children. This is a change from the current schedule wherein Respondent has the children every Sunday at 6:30 through Wednesday at 6:30 and Petitioner has them the rest of the time.

The parties attended Child Custody Recommending Counseling (CCRC) on March 17th. According to the CCRC counselor the parties reached a full agreement which was memorialized in the CCRC report.

Petitioner denies that the parties reached an agreement. She states that she was told initialing the form with the schedule listed only indicated that she understood the schedule, not that she had agreed to it. She states that she only agreed to changes to the holiday schedule which were to commence in January of 2024.

Petitioner states the 2-2-5-5 plan would not work as it would result in the children being with her on days she works and then being with Respondent on days Petitioner has off from work. Because Petitioner has an early start at work, having the children on a 2-2-5-5 schedule would cause her difficulty in obtaining childcare prior to work. Petitioner states that Respondent also claimed to have an early start time at his new job, however, Petitioner does not believe this. She has sent interrogatories for the identity of the new employer and she intends to subpoena records to confirm or refute his claim. Additionally, Petitioner has scheduled all of the children's extracurricular activities based on the current schedule which allows for all of the activities to land on her days with them because Respondent has been historically unsupportive of them and he does not want them scheduled on his parenting days.

The court has reviewed the filings as outlined above. The current schedule has been in place for approximately a year and allows for a near 50/50 timeshare. Given that the children are familiar with this schedule, and it has worked out well for them especially in light of their extracurricular activities, the court finds it in the best interest of the children to remain on the current parenting time schedule.

Respondent's RFO is denied. All prior orders remain in full force and effect.

TENTATIVE RULING #11: RESPONDENT'S RFO IS DENIED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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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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May 4, 2023

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

12. 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 parties once again appeared for arraignment on March 23, 2023. At that time Gina Pagala appeared on behalf of Respondent. Respondent entered a plea of not guilty but requested a continuance on the basis that Ms. Pagala had not received a signed copy of the custody/visitation orders. A copy was located and the continuance was granted.

The court orders parties to appear for the continued hearing.

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

LAW & MOTION TENTATIVE RULINGS

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May 4, 2023

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

13. CHRISTOPHER STARR V. LEILANI STARR

21FL0124

Respondent filed a Request for Order (RFO) with an Order Shortening Time (OST) on April 4, 2023 requesting the court postpone the Mandatory Settlement Conference and Trial on all issues. The court granted the OST and set the RFO for a hearing on May 4, 2023. Respondent was directed to served Petitioner with the RFO on or before April 10, 2023. Petitioner was authorized to file a Responsive Declaration on or before April 19, 2023.

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 #13: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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LAW & MOTION TENTATIVE RULINGS

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May 4, 2023

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

14. GARREN BRATCHER V. EMMALEIGH BRATCHER

PFL20140350

On April 13, 2023, parties appeared for a review hearing. Parties requested an additional review hearing. The court granted the request, and set a hearing for May 4, 2023 at 1:30 pm in Department 5. The court further directed that supplemental declarations were due at least 10 days prior to the hearing and failure to file a supplemental declaration would result in the matter being dropped from the court's calendar.

Respondent filed a Declaration on April 26, 2023. Respondent filed a Proof of Service on April 26, 2023, stating Petitioner was served electronically on June 14, 2022. The court finds the filing was less than 10 days prior to the hearing. Additionally, the Proof of Service is inaccurate, and the court cannot determine when Petitioner was served and therefore, the court cannot consider Respondent's Declaration.

The court drops the matter from calendar due to the lack of supplemental declaration being properly filed with the court.

TENTATIVE RULING #14: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE PARTIES' FAILURE TO FILE SUPPLEMENTAL DECLARATIONS.

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May 4, 2023

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

15. GARRET HUGHES V. ALAINA SUTORKA

PFL20150747

On February 14, 2023, Respondent filed a Request for Order (RFO) requesting the court modify custody and parenting plan orders, after the court denied her ex parte request for emergency custody. Proof of Service shows Petitioner was personally served on February 14, 2023 with the RFO and referral to Child Custody Recommending Counseling (CCRC) for an appointment on March 13, 2023.

Both parties appeared at the March 13, 2023 CCRC appointment and were able to reach a full agreement. A report with the agreement was filed with the court on April 25, 2023. Copies were mailed to the parties on April 25, 2023.

Petitioner filed a Responsive Declaration on March 6, 2023. There is no Proof of Service showing Respondent was served with this document, and therefore, the court cannot consider it.

The court has read and considered the filings as set forth above. The court finds the agreements of the parties as set forth in the April 25, 2023 CCRC report to be in the best interest of the minor. The court adopts the agreement of the parties as its orders.

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 #15: THE COURT FINDS THE AGREEMENTS OF THE PARTIES AS SET FORTH IN THE APRIL 25, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS ITS ORDERS. 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.

16. KELLI JEANCOQ V. RAYMOND LONERGAN

PFL20190708

Respondent filed a Request for Order (RFO) on September 29, 2022, requesting the court modify child custody and parenting time orders as well as child support. Respondent did not file an Income and Expense Declaration despite requesting modification of support. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 27, 2022 and a review hearing on December 15, 2022. Petitioner was served by mail on October 14.

In his declaration Respondent raised jurisdictional issues, which are not timely. California has had jurisdiction of this matter since 2019. Respondent is requesting in person visitation with the minor. It is unclear what legal or physical custody orders Respondent is requesting. It is also unclear what, if any, orders are being requested as to child support.

Petitioner filed a Responsive Declaration on October 24, 2022. Upon review of the court file, there is no Proof of Service showing this document was served on Respondent. As such, the court cannot consider this document.

Only Petitioner appeared at the CCRC appointment on October 27, 2022. Therefore, a single parent report was filed with no agreements or recommendations. A copy of the report was mailed to the parties on November 10, 2022.

Respondent filed a Declaration on November 29, 2022. There is no Proof of Service showing Petitioner was served, and therefore, the court cannot consider this document.

On December 15, 2022, parties appeared for the hearing. The court rereferred the parties to CCRC and set a further review hearing.

Only Respondent appeared at CCRC. Petitioner called the Clerk's office to notify CCRC that she was unable to attend due to the minors being ill. A single parent CCRC report was filed with the court on January 13, 2023. A copy was mailed to the parties on January 17, 2023.

Petitioner filed a Simplified Income and Expense Declaration on February 7, 2023. Respondent was served by mail on January 28, 2023.

Due to the illness of the minors, on February 16, 2023, the court adopted its tentative ruling, and referred the parties to CCRC for an appointment on March 16, 2023 and a further review hearing on May 4, 2023. Both parties were admonished that failure to appear for CCRC may result in the court imposing sanctions on the party that failed to appear. The court continued to reserve jurisdiction on the request to modify child support to the date of the filing of the RFO. Parties were ordered to file updated Income and Expense Declarations at least 10 days prior to the next hearing.

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Once again, Petitioner failed to appear for the March 16, 2023 CCRC appointment and once again a single parent CCRC report was filed on March 16, 2023. Copies were mailed to the parties on March 16, 2023.

Petitioner filed a Declaration on March 17, 2023. There is no Proof of Service showing it was served on Respondent and therefore, the court cannot consider this document.

The court orders parties to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 4, 2023

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

17. KENNETH CROMPTON V. DANA CROMPTON

23FL0077

On February 17, 2023, Petitioner filed a Request for Order (RFO) after the court denied an ex parte request for emergency custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 17, 2023 and a review hearing on May 4, 2023. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO or referral to CCRC.

Nevertheless, both parties appeared at CCRC and were able to reach a full agreement. A copy of the CCRC report with the parties' agreement was filed with the court on April 13, 2023. Parties were mailed a copy on April 13, 2023.

Petitioner filed a Supplemental Declaration along with exhibits on March 28, 2023. Respondent was served by mail on March 27, 2023 and March 28, 2023. Petitioner asserts the CCRC report does not accurately reflect the agreements reached at CCRC. Petitioner is requesting the court not adopt the agreements as set forth in the CCRC report dated April 13, 2023. Petitioner has set forth his own proposed orders for the court to adopt.

Respondent has not filed a Responsive Declaration.

Despite both parties appearing at the CCRC appointment and purportedly reaching a full agreement, Petitioner now disputes the report and states it does not accurately reflect the agreements reached. As there is no longer a full agreement, the court drops the matter from calendar, the court cannot find good cause to proceed with this matter as Respondent was not properly served.

All prior orders remain in full force and effect.

TENTATIVE RULING #17: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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DEPARTMENT 5

May 4, 2023

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

18. REBEKAH MONTESANTI V. MATTHEW MONTESANTI

PFL20190300

Respondent filed a Request for Order (RFO) on March 17, 2023, requesting the court order enforcement of the May 20, 2020 orders. Petitioner was served by mail on April 14, 2023. The court finds that is less than 16 court days plus five days for mailing as required by Code of Civil Procedure section 1005. Therefore, the court finds notice was not given as required and drops the matter from calendar.

Petitioner filed a Responsive Declaration on April 26, 2023. Upon review of the court file, there is no Proof of Service for this document, and therefore, the court has not considered it.

TENTATIVE RULING #18: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE 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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May 4, 2023

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

19. STACEY VALIENTE-KEATES V. SELAH VALIENTE-KEATES

22FL0868

Petitioner filed a Request for Order (RFO) on December 7, 2022, requesting the court make child custody and parenting plan orders, as well as child and spousal support orders. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail with the RFO and Blank FL-320. There is no Proof of Service showing Respondent was served with the FL-150, Income and Expense Declaration or a blank FL-150.

On February 23, 2023, the court adopted its tentative ruling and granted Petitioner's request to rerefer the parties to CCRC. The court found Petitioner had not properly served Respondent with her Income and Expense Declaration. The court continued the requests for child and spousal support. Petitioner was ordered to properly serve Respondent with the FL-150 forthwith. The court reserved jurisdiction to retroactively modify support to the filing of the RFO, December 7, 2022. Both parties were ordered to file an Income and Expense Declaration at least 10 days prior to the next hearing.

Parties attended CCRC on March 8, 2023 and reached a full agreement. A copy of the report with the parties' agreement was filed with the court on April 25, 2023. The parties were mailed a copy of the report on April 25, 2023. The court has read and considered the April 25, 2023 CCRC report and finds the agreement of the parties to be in the minor's best interest. The court adopts the agreement of the parties as its order.

Upon review of the court file has not filed an updated Income and Expense Declaration with the court. Nor has Petitioner filed a Proof of Service showing served Respondent with a copy of her Income and Expense Declaration, the FL-150.

Respondent filed an Income and Expense Declaration on March 1, 2023. There is no Proof of Service showing Petitioner was served with the Income and Expense Declaration. Petitioner is ordered to prepare and file the Findings and Orders After Hearing.

The court orders parties to appear on the issue of child and spousal support.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR ON THE ISSUE OF CHILD AND SPOUSAL SUPPORT.

THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS SET FORTH IN THE APRIL 25, 2023 CCRC REPORT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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