

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 25, 2023

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

12. SEEMA RATHOD NAVEEN V. AASHEESH A. NAVEEN

PFL20170667

Respondent filed an Ex Parte Application and Declaration for Orders and Notice on March 9, 2023. The court denied the ex parte on the basis that no exigent circumstances existed and set the matter for hearing on the regular law and motion calendar. On March 10th Respondent filed his regularly noticed Request for Order (RFO) renewing the requests made in his ex parte application. The RFO was mail served on April 28th.

Petitioner filed and served her Responsive Declaration to Request for Order and Petitioner's Declaration in Response to Respondent's Request for Orders on May 11th. Minor's Counsel Statement Re: Custody and Visitation and Request for Disposition was filed and served on May 19th.

Respondent makes the following requests in his RFO: (1) Order a 730 Evaluation with either Dr. Alan Blotcky or Dr. Eugene Order, Respondent will front the cost of the evaluation subject to reallocation; (2) Order reunification with the minor; (3) Restore Ms. Sherry Savage as the FVN supervisor for the court ordered visitations; (4) Render a decision on the matter of which school the minor will attend; (5) Either provide a rationale for the use of the special master or remove the special master and order a co-parenting therapist for both parents; and (6) Deny Petitioner's prior request for temporary legal custody to make any unilateral decisions regarding the minor's high school and confirm the prior orders by Judge Pesce from July 2019 on public vs. private school matters.

Petitioner notes that the parties are pending trial regarding custody and as such she asks that the majority of Respondent's requests be continued to join with the June 28th trial date. She agrees to the court hearing the issues of the special master and the minor's high school placement.

Petitioner was of the opinion that the school attendance issue had been resolved when the minor chose to attend Granite Bay High School, a public school. She has already enrolled the minor in Granite Bay and asks the court order that he be allowed to attend there. Regarding the special master, Petitioner states she only agreed to joint legal custody in December of 2021 with the understanding that a special master would be utilized for final decision-making authority if the parties could not agree. Given Respondent's refusal to comply with the special master she requests sole legal custody or, in the alternative, Minor's Counsel to have final decision-making authority on issues of legal custody.

Petitioner asks the court to deny Respondent's request for a 730 Evaluation as there is no evidence to support Respondent's contention that she is alienating the minor. She also requests attorney's fees pursuant to Family Code section 2030 and Family Code section 271 in

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the amount of \$2,200. She states that the present motion makes many of the same requests that have already been heard or are currently pending.

Minor's Counsel also asks the court to deny the request for a 730 evaluation. She also notes that there is no evidence that Petitioner is alienating the minor. Minor's Counsel is in support of an order allowing the minor to attend Granite Bay as the minor put extensive thought into which school he would like to attend and that is the one he chose. She also notes that the parties are unable to agree on anything regarding legal custody and Minor's Counsel would not be opposed to having final decision-making authority. She asks the court to deny the request for Ms. Savage to be returned to her position as supervisor for the visits with Respondent as Ms. Savage violated several of the guidelines for supervised visit and the minor is refusing to visit with Respondent anyway. Likewise, she feels the request for reunification therapy should be denied as the minor is steadfast that he does not want a relationship with Respondent and the minor is in therapy on his own.

Respondent's request for a 730 Evaluation is denied. There does not appear to be any factual basis which would necessitate a 730 Evaluation. Respondent's contentions that Petitioner is alienating the minor from him is not substantiated by any objective evidence. Additionally, the allegations of abuse is currently pending before the court in an ongoing trial. As such, a 730 Evaluation is not called for under the circumstances and the request is denied.

Respondent asks the court to address the issue of where the minor will attend high school. It appears the basis for his concern is the court's ability to order the minor to attend private school over the objection of one parent. He repeatedly cites to Judge Pesce's ruling from July 2019 wherein he claims she stated the court had no authority to make such an order. However, given the filing by Petitioner, which states that the minor has chosen to attend Granite Bay High School, and Respondent's statement "I support exploring the best public schools for [the minor]" this issue is essentially resolved by the parties themselves. The minor is to be enrolled in and to attend Granite Bay High School. Neither party is to interfere with the minor's attendance at Granite Bay High School.

The special master was appointed specifically to act as the final decision-maker regarding issues of legal custody when the parties could not agree. Respondent has repeatedly refused to utilize the special master. The court is not inclined to award sole legal custody to Petitioner while a custody trial is pending; however, given the contentious nature of the relationship between the parties it does seem necessary to provide final decision-making authority to Minor's Counsel. As such, the parties are to continue sharing joint legal custody. The special master is no longer required. Minor's Counsel shall have final decision-making authority on all decisions regarding the best interests of the minor where the parties cannot agree amongst themselves.

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Petitioner has made a request for sanctions pursuant to Family Code Section 271 which states in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties..." Fam. Code § 271(a). She also requests attorney's fees pursuant to Family Code section 2030.

The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." *In Re Marriage Of Keech*, 75 Cal. App. 4th 860, 866(1999). This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." *Alan S. v Superior Court*, 172 Cal. App. 4th 238,251(2009). The award must be just and reasonable; in determining what is just and reasonable, the court can take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately. In addition to the parties' financial resources, the court may consider the parties' trial tactics. *In Re Marriage Of Falcone & Fyke*, 203 Cal. App. 4th 964; 975 (2012). The court must consider the impact of the fee award on the payor taking into account any orders for support. *In Re Marriage Of Keech*, *supra*, at 860.

Respondent's RFO makes the same requests that have been previously brought before the court. Further, he has exhibited willful disregard for the stipulation of the parties which he has been ordered to comply with numerous times. His actions have caused Petitioner to unnecessarily incur attorney's fees associated with defending against the pending RFO. Additionally, the Income and Expense Declarations of the respective parties shows that Respondent earns well in excess of Petitioner, and he has significant assets to cover fees for both parties. Likewise, sanctions are called for to deter future behavior of refusing to comply with court orders and bringing the same requests before the court without new or different facts or circumstances. Respondent is to pay Petitioner \$2,200 as and for attorney's fees and sanctions. Payment is to be made in one lump sum no later than June 8, 2023.

The request for reunification therapy and Ms. Savage's reinstatement as FVN supervisor are continued to join with the June 28th trial date.

The court adopts the attached DissoMaster reports to be utilized for the purpose of calculating child support, spousal support, and arrears.

TENTATIVE RULING #12: RESPONDENT'S REQUEST FOR A 730 EVALUATION IS DENIED. THE MINOR IS TO BE ENROLLED IN AND TO ATTEND GRANITE BAY HIGH SCHOOL. NEITHER PARTY

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IS TO INTERFERE WITH THE MINOR'S ATTENDANCE AT GRANITE BAY HIGH SCHOOL. THE PARTIES ARE TO CONTINUE SHARING JOINT LEGAL CUSTODY. THE SPECIAL MASTER IS NO LONGER REQUIRED. MINOR'S COUNSEL SHALL HAVE FINAL DECISION-MAKING AUTHORITY ON ALL DECISIONS REGARDING THE BEST INTERESTS OF THE MINOR WHERE THE PARTIES CANNOT AGREE AMONGST THEMSELVES. RESPONDENT IS TO PAY PETITIONER \$2,200 AS AND FOR ATTORNEY'S FEES AND SANCTIONS. PAYMENT IS TO BE MADE IN ONE LUMP SUM NO LATER THAN JUNE 8, 2023. THE REQUEST FOR REUNIFICATION THERAPY AND MS. SAVAGE'S REINSTATEMENT AS FVN SUPERVISOR ARE CONTINUED TO JOIN WITH THE JUNE 28TH TRIAL DATE. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORTS TO BE UTILIZED IN THE CALCULATION OF CHILD SUPPORT, SPOUSAL SUPPORT AND ARREARS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT 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.

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|--|--|--|--|
| ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father | | TELEPHONE NO: July 2019 - April 2021 | Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME: |
| Father Annual Bonus Wages Report 2018 Yearly | | | CASE NUMBER: |

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

| Father's Gross Bonus | Basic CS% | Basic CS | Alameda SS% | Alameda SS | Total Basic CS | Total SS | Total Support CS+SS |
|----------------------|-----------|----------|-------------|------------|----------------|----------|---------------------|
| 0 | 0.00 | 0 | 0.00 | 0 | 18,331 | 20,272 | 38,603 |
| 100 | 11.66 | 12 | 20.81 | 21 | 18,343 | 20,293 | 38,636 |
| 200 | 11.65 | 23 | 20.50 | 41 | 18,354 | 20,313 | 38,668 |
| 300 | 11.65 | 35 | 20.61 | 62 | 18,366 | 20,334 | 38,700 |
| 400 | 11.65 | 47 | 20.50 | 82 | 18,378 | 20,354 | 38,732 |
| 500 | 11.65 | 58 | 20.56 | 103 | 18,389 | 20,375 | 38,764 |
| 600 | 11.65 | 70 | 20.43 | 123 | 18,401 | 20,395 | 38,796 |
| 700 | 11.65 | 82 | 20.49 | 143 | 18,413 | 20,416 | 38,828 |
| 800 | 11.65 | 93 | 20.45 | 164 | 18,424 | 20,436 | 38,860 |
| 900 | 11.65 | 105 | 20.49 | 184 | 18,436 | 20,457 | 38,893 |
| 1,000 | 11.65 | 116 | 20.46 | 205 | 18,447 | 20,477 | 38,924 |
| 1,100 | 11.65 | 128 | 20.50 | 225 | 18,459 | 20,498 | 38,957 |
| 1,200 | 11.64 | 140 | 20.47 | 246 | 18,471 | 20,518 | 38,989 |
| 1,300 | 11.64 | 151 | 20.50 | 266 | 18,482 | 20,539 | 39,021 |
| 1,400 | 11.64 | 163 | 20.48 | 287 | 18,494 | 20,559 | 39,053 |
| 1,500 | 11.64 | 175 | 20.50 | 308 | 18,506 | 20,580 | 39,086 |
| 1,600 | 11.64 | 186 | 20.48 | 328 | 18,517 | 20,600 | 39,117 |
| 1,700 | 11.64 | 198 | 20.50 | 349 | 18,529 | 20,621 | 39,150 |
| 1,800 | 11.64 | 209 | 20.46 | 368 | 18,540 | 20,641 | 39,181 |
| 1,900 | 11.64 | 221 | 20.48 | 389 | 18,552 | 20,662 | 39,214 |
| 2,000 | 11.64 | 233 | 20.52 | 410 | 18,564 | 20,683 | 39,247 |

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| ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father | | TELEPHONE NO: May 2021 - Sept 2021 | Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME: |
| Father Annual Bonus Wages Report 2018 Yearly | | | CASE NUMBER: |

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

| Father's Gross Bonus | Basic CS% | Basic CS | Alameda SS% | Alameda SS | Total Basic CS | Total SS | Total Support CS+SS |
|----------------------|-----------|----------|-------------|------------|----------------|----------|---------------------|
| 0 | 0.00 | 0 | 0.00 | 0 | 19,488 | 22,340 | 41,828 |
| 100 | 11.46 | 11 | 21.12 | 21 | 19,499 | 22,361 | 41,860 |
| 200 | 11.46 | 23 | 20.84 | 42 | 19,510 | 22,382 | 41,892 |
| 300 | 11.46 | 34 | 20.93 | 63 | 19,522 | 22,403 | 41,925 |
| 400 | 11.46 | 46 | 21.12 | 84 | 19,533 | 22,425 | 41,958 |
| 500 | 11.46 | 57 | 20.91 | 105 | 19,545 | 22,445 | 41,989 |
| 600 | 11.46 | 69 | 20.94 | 126 | 19,556 | 22,466 | 42,022 |
| 700 | 11.45 | 80 | 20.89 | 146 | 19,568 | 22,486 | 42,054 |
| 800 | 11.45 | 92 | 20.92 | 167 | 19,579 | 22,507 | 42,087 |
| 900 | 11.45 | 103 | 21.00 | 189 | 19,591 | 22,529 | 42,120 |
| 1,000 | 11.45 | 115 | 20.91 | 209 | 19,602 | 22,549 | 42,151 |
| 1,100 | 11.45 | 126 | 20.93 | 230 | 19,613 | 22,570 | 42,184 |
| 1,200 | 11.45 | 137 | 20.90 | 251 | 19,625 | 22,591 | 42,216 |
| 1,300 | 11.45 | 149 | 20.92 | 272 | 19,636 | 22,612 | 42,248 |
| 1,400 | 11.45 | 160 | 20.97 | 294 | 19,648 | 22,634 | 42,281 |
| 1,500 | 11.45 | 172 | 20.94 | 314 | 19,659 | 22,654 | 42,313 |
| 1,600 | 11.45 | 183 | 20.93 | 335 | 19,671 | 22,675 | 42,346 |
| 1,700 | 11.45 | 195 | 20.93 | 356 | 19,682 | 22,696 | 42,378 |
| 1,800 | 11.44 | 206 | 20.94 | 377 | 19,694 | 22,717 | 42,411 |
| 1,900 | 11.44 | 217 | 20.92 | 398 | 19,705 | 22,738 | 42,443 |
| 2,000 | 11.44 | 229 | 20.94 | 419 | 19,716 | 22,759 | 42,475 |



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|--|--|---------------------------------------|--|
| ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father | | TELEPHONE NO: June 2023 | Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME: |
| Father Annual Bonus Wages Report 2023 Yearly | | | CASE NUMBER: |

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

| Father's Gross Bonus | Basic CS% | Basic CS | Alameda SS% | Alameda SS | Total Basic CS | Total SS | Total Support CS+SS |
|----------------------|-----------|----------|-------------|------------|----------------|----------|---------------------|
| 0 | 0.00 | 0 | 0.00 | 0 | 33,500 | 18,832 | 52,332 |
| 100 | 14.14 | 14 | 17.73 | 18 | 33,514 | 18,849 | 52,364 |
| 200 | 14.14 | 28 | 17.74 | 35 | 33,528 | 18,867 | 52,396 |
| 300 | 14.14 | 42 | 17.74 | 53 | 33,543 | 18,885 | 52,428 |
| 400 | 14.14 | 57 | 17.74 | 71 | 33,557 | 18,903 | 52,459 |
| 500 | 14.14 | 71 | 17.74 | 89 | 33,571 | 18,920 | 52,491 |
| 600 | 14.14 | 85 | 17.74 | 106 | 33,585 | 18,938 | 52,523 |
| 700 | 14.13 | 99 | 17.74 | 124 | 33,599 | 18,956 | 52,555 |
| 800 | 14.13 | 113 | 17.74 | 142 | 33,613 | 18,974 | 52,587 |
| 900 | 14.13 | 127 | 17.74 | 160 | 33,627 | 18,991 | 52,619 |
| 1,000 | 14.13 | 141 | 17.74 | 177 | 33,641 | 19,009 | 52,651 |
| 1,100 | 14.13 | 155 | 17.74 | 195 | 33,656 | 19,027 | 52,683 |
| 1,200 | 14.13 | 170 | 17.74 | 213 | 33,670 | 19,045 | 52,714 |
| 1,300 | 14.13 | 184 | 17.74 | 231 | 33,684 | 19,062 | 52,746 |
| 1,400 | 14.13 | 198 | 17.74 | 248 | 33,698 | 19,080 | 52,778 |
| 1,500 | 14.13 | 212 | 17.74 | 266 | 33,712 | 19,098 | 52,810 |
| 1,600 | 14.13 | 226 | 17.74 | 284 | 33,726 | 19,116 | 52,842 |
| 1,700 | 14.13 | 240 | 17.74 | 302 | 33,740 | 19,133 | 52,874 |
| 1,800 | 14.13 | 254 | 17.74 | 319 | 33,754 | 19,151 | 52,906 |
| 1,900 | 14.13 | 268 | 17.74 | 337 | 33,769 | 19,169 | 52,937 |
| 2,000 | 14.13 | 283 | 17.74 | 355 | 33,783 | 19,187 | 52,969 |

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| ATTORNEY (NAME AND ADDRESS): California | | TELEPHONE NO: July 2023 - Forward | Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME: |
| ATTORNEY FOR: Father Father Annual Bonus Wages Report 2023 Yearly | | | CASE NUMBER: |

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

| Father's Gross Bonus | Basic CS% | Basic CS | Alameda SS% | Alameda SS | Total Basic CS | Total SS | Total Support CS+SS |
|----------------------|-----------|----------|-------------|------------|----------------|----------|---------------------|
| 0 | 0.00 | 0 | 0.00 | 0 | 21,163 | 23,215 | 44,379 |
| 100 | 8.77 | 9 | 20.00 | 20 | 21,172 | 23,235 | 44,408 |
| 200 | 8.77 | 18 | 20.00 | 40 | 21,181 | 23,255 | 44,436 |
| 300 | 8.77 | 26 | 20.00 | 60 | 21,190 | 23,275 | 44,465 |
| 400 | 8.77 | 35 | 20.00 | 80 | 21,199 | 23,295 | 44,494 |
| 500 | 8.77 | 44 | 20.00 | 100 | 21,207 | 23,315 | 44,523 |
| 600 | 8.77 | 53 | 20.00 | 120 | 21,216 | 23,335 | 44,552 |
| 700 | 8.77 | 61 | 20.00 | 140 | 21,225 | 23,355 | 44,580 |
| 800 | 8.77 | 70 | 20.01 | 160 | 21,234 | 23,375 | 44,609 |
| 900 | 8.77 | 79 | 20.01 | 180 | 21,242 | 23,395 | 44,638 |
| 1,000 | 8.77 | 88 | 20.01 | 200 | 21,251 | 23,415 | 44,667 |
| 1,100 | 8.77 | 96 | 20.01 | 220 | 21,260 | 23,435 | 44,695 |
| 1,200 | 8.77 | 105 | 20.01 | 240 | 21,269 | 23,455 | 44,724 |
| 1,300 | 8.77 | 114 | 20.01 | 260 | 21,277 | 23,475 | 44,753 |
| 1,400 | 8.77 | 123 | 20.01 | 280 | 21,286 | 23,496 | 44,782 |
| 1,500 | 8.77 | 131 | 20.01 | 300 | 21,295 | 23,516 | 44,810 |
| 1,600 | 8.77 | 140 | 20.01 | 320 | 21,304 | 23,536 | 44,839 |
| 1,700 | 8.77 | 149 | 20.01 | 340 | 21,312 | 23,556 | 44,868 |
| 1,800 | 8.76 | 158 | 20.01 | 360 | 21,321 | 23,576 | 44,897 |
| 1,900 | 8.76 | 167 | 20.01 | 380 | 21,330 | 23,596 | 44,926 |
| 2,000 | 8.76 | 175 | 20.01 | 400 | 21,339 | 23,616 | 44,954 |



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

13. ANDREW SELLEN V. REBECCA SELLEN

22FL0615

Parties reached a stipulation on March 24, 2023 and were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 6, 2023 and a review hearing on May 25, 2023.

Both parties and four of the minors attended CCRC on April 6, 2023. The parties were able to reach several agreements. A report was filed with the court on April 19, 2023. Copies were mailed to the parties on the same day.

Respondent filed a Supplemental Declaration on May 10, 2023. It was served by mail on Petitioner on May 10, 2023. Respondent notes several concerns about Petitioner's behaviors since the stipulation. Respondent also raises several concerns regarding the recommendations of the CCRC report.

The court has read and considered the filings as set forth above. The court makes the following findings and orders.

The court adopts the agreements and recommendations as set forth in the CCRC report with the following modifications:

The parties shall have joint legal custody. The parties are to use the talkingparents.com application for all joint legal custody decision making discussions as set forth in item 2 under joint legal custody in the April 19, 2023 CCRC report. Petitioner must respond within 72 hours on all non-urgent legal custody decisions and within 24 hours on urgent legal custody decisions. If Petitioner fails to respond, Respondent shall have final decision-making authority. Respondent shall have primary physical custody of the minors. Petitioner shall have parenting time as set forth in the step-up plan. Petitioner shall enroll in Soberlink substance abuse testing and complete testing one hour prior to his parenting time and within one hour after each visit as scheduled. Prior to beginning unsupervised parenting time, Petitioner must enroll in the 52-week batterer's intervention program and have complied with the Soberlink testing during Step 1. Petitioner shall continue Soberlink testing during Step 2. Step 2 shall last for six weeks. The court sets a review hearing to review Petitioner's progress in anger management and parenting class as well as assess Petitioner's house to determine whether to advance to Step 3. Petitioner is to provide Respondent and the court proof of completion of anger management and parenting classes. The court is not adopting the holiday schedule currently but continues the issue to the review hearing.

Respondent has requested clarification and specificity as to how to resolve transportation for Petitioner's parenting time, given her vehicle is no longer drivable and Petitioner's vehicle has a four-person capacity. The parties are to share in the responsibility of

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transportation. The parties are authorized to have brief and peaceful contact through the talkingparents.com application to make such arrangements.

The court sets a review hearing for August 3, 2023 at 8:30 am in Department 5. Any Supplemental Declarations are due at least 10 days prior to the hearing.

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 #13: THE PARTIES SHALL HAVE JOINT LEGAL CUSTODY. THE PARTIES ARE TO USE THE TALKINGPARENTS.COM APPLICATION FOR ALL JOINT LEGAL CUSTODY DECISION MAKING DISCUSSIONS AS SET FORTH IN ITEM 2 UNDER JOINT LEGAL CUSTODY IN THE APRIL 19, 2023 CCRC REPORT. PETITIONER MUST RESPOND WITHIN 72 HOURS ON ALL NON-URGENT LEGAL CUSTODY DECISIONS AND WITHIN 24 HOURS ON URGENT LEGAL CUSTODY DECISIONS. IF PETITIONER FAILS TO RESPOND, RESPONDENT SHALL HAVE FINAL DECISION-MAKING AUTHORITY. RESPONDENT SHALL HAVE PRIMARY PHYSICAL CUSTODY OF THE MINORS. PETITIONER SHALL HAVE PARENTING TIME AS SET FORTH IN THE STEP-UP PLAN. PETITIONER SHALL ENROLL IN SOBERLINK SUBSTANCE ABUSE TESTING AND COMPLETE TESTING ONE HOUR PRIOR TO HIS PARENTING TIME AND WITHIN ONE HOUR AFTER EACH VISIT AS SCHEDULED. PRIOR TO BEGINNING UNSUPERVISED PARENTING TIME, PETITIONER MUST ENROLL IN THE 52-WEEK BATTERER'S INTERVENTION PROGRAM AND HAVE COMPLIED WITH THE SOBERLINK TESTING DURING STEP 1. PETITIONER SHALL CONTINUE SOBERLINK TESTING DURING STEP 2. STEP 2 SHALL LAST FOR SIX WEEKS. THE COURT SETS A REVIEW HEARING TO REVIEW PETITIONER'S PROGRESS IN ANGER MANAGEMENT AND PARENTING CLASS AS WELL AS ASSESS PETITIONER'S HOUSE TO DETERMINE WHETHER TO ADVANCE TO STEP 3. PETITIONER IS TO PROVIDE RESPONDENT AND THE COURT PROOF OF COMPLETION OF ANGER MANAGEMENT AND PARENTING CLASSES. THE COURT IS NOT ADOPTING THE HOLIDAY SCHEDULE CURRENTLY BUT CONTINUES THE ISSUE TO THE REVIEW HEARING. THE COURT SETS A REVIEW HEARING FOR AUGUST 3, 2023 AT 8:30 IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE HEARING. 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

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May 25, 2023

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

**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

May 25, 2023

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

14. DAVID KRELL V. JOSEPHINE CONNELLY

23FL0335

Petitioner filed an ex parte application for emergency custody orders on April 13, 2023, requesting sole legal and physical custody of the minors. On April 14, 2023, the court granted the request in part and denied the request in part, ordering the children not to be removed from the state of California, but denying the remainder of the request. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment due to the nature of the allegations set forth in the request. Parties were to attend CCRC on April 25, 2023 and return for a review hearing on May 12, 2023. The court reset the review hearing to May 25, 2023 via an ex parte minute order. Respondent was personally served on April 14, 2023.

Both parties attended CCRC on April 25, 2023 and were able to reach several agreements. A report with agreements and recommendations was filed on May 3, 2023. A copy was mailed to the parties on the same day.

Respondent filed a Declaration on May 18, 2023. Petitioner was personally served on May 18, 2023. The court notes, this is less than 10 days prior to the hearing, and therefore, the court has not considered this document.

The court has read and considered the filings as set forth above. The court adopts the agreements of the parties as set forth in the May 3, 2023 CCRC report. The court reserves on the remainder of the CCRC report and continues the review hearing to join with the hearing currently set on Respondent's request for a Domestic Violence Restraining Order (Case Number 23FL0340) on June 23, 2023 at 8:30 in Department 5.

All prior orders not in conflict with this order remain in full force and effect. Petitioner is directed to prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #14: THE COURT ADOPTS THE AGREEMENTS OF THE PARTIES AS SET FORTH IN THE MAY 3, 2023 CCRC REPORT. THE COURT RESERVES ON THE REMAINDER OF THE CCRC REPORT AND CONTINUES THE REVIEW HEARING TO JOIN WITH THE HEARING CURRENTLY SET ON RESPONDENT'S REQUEST FOR A DOMESTIC VIOLENCE RESTRAINING ORDER (CASE NUMBER 23FL0340) ON JUNE 23, 2023 AT 8:30 IN DEPARTMENT 5. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS DIRECTED 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 25, 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

May 25, 2023

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

15. DAVID NIEVES JR. V. CORTNEY NIEVES

PFL20170483

Respondent filed a Request for Order (RFO) on February 22, 2023, requesting a modification of the parenting plan. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 10, 2023 and a review hearing on May 25, 2023. Petitioner was served by mail on March 20, 2023. Respondent is seeking clarification of the current orders to avoid continued conflict.

Parties attended CCRC on April 10, 2023 and were able to reach a full agreement. A report with the parties' agreement was filed with the court on May 16, 2023. A copy was mailed to the parties the same day.

The court has read and considered the report and finds the parties' agreement to be in the best interest of the minor. The court adopts the parties' agreement as its order.

All prior orders not in conflict with this order remain in full force and effect. Respondent is ordered to prepare and file the findings and orders after hearing.

TENTATIVE RULING #15: THE COURT ADOPTS THE PARTIES' AGREEMENT AS SET FORTH IN THE MAY 16, 2023 CCRC REPORT AS ITS ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS ORDERED 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

May 25, 2023

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

16. DCSS V. ERIC J. HILL (OTHER PARENT: ANAROSE FERRO)

PFS20150143

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 12, 2022. Other Parent was personally served on April 13, 2022. Respondent asserts Other Parent failed to exchange the minor on April 10, 2022 per the court's prior orders which directed exchanges to take place on Sundays.

The parties appeared for hearing on September 21, 2022 and the court found Other Parent did violate the aforementioned court orders. Other Parent was directed to complete 12 hours of community service and provide the court with documentation thereof no later than six months from the date of the hearing. The court set sentencing to occur on March 23, 2023 but stated the contempt charge would be dismissed once proof of completion of the community service was filed with the court. Respondent was ordered to prepare the Findings and Orders After Hearing.

Other Parent filed a Declaration on March 27, 2023. There is no Proof of Service showing Respondent was served with this document, therefore, the court cannot consider it.

The parties are ordered to appear.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 25, 2023

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

18. JASON HARDOUIN V. JENAE NORELL

22FL0118

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) alleging Respondent has violated the parties' Stipulation and Order of March 12, 2019 and the court's orders of October 1, 2021. Respondent was personally served on December 12, 2022.

The parties appeared for arraignment on February 2, 2023, at which time the court appointed Respondent a Public Defender and continued the matter to the present hearing date in order to afford Respondent the opportunity to speak with counsel.

The parties appeared for the arraignment on March 30, 2023. Respondent entered a Not Guilty plea and requested a continuance. The court continued the matter to April 20, 2023.

Parties appeared on April 20, 2023. Respondent requested a continuance to file a motion to withdraw the plea to file a demur. The court denied the request. The court found the citation is sufficient to have put Respondent on notice as to the allegations. Petitioner requested a continuance, which the court granted.

Parties are ordered to appear for further proceedings on the contempt allegations.

TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR FURTHER PROCEEDINGS ON THE CONTEMPT ALLEGATIONS.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 25, 2023

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

19. JOHN HARMON V. ANGELA HARMON

22FL0481

On March 13, 2023, Parties reached a stipulation and were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 5, 2023 and a review hearing on May 25, 2023.

Both parties and the minor attended CCRC on April 5, 2023. Parties were unable to reach any agreements. A report was filed with the court and mailed to the parties on May 16, 2023. The court has read and considered the report and finds the recommendations to be in the best interest of the minor. The court adopts the recommendations as set forth in the May 16, 2023 report as its orders.

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 #19: THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE MAY 16, 2023 REPORT AS ITS ORDERS. 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 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

May 25, 2023

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

20. NICKOLE BOON V. JIMMY TEW JR.

PFL20140070

On January 5, 2023, the court adopted its tentative ruling, adopting the agreement of the parties as set forth in the January 5, 2023 Child Custody Recommending Counseling (CCRC) report. The court set a further CCRC appointment and Review hearing for April 5, 2023 and May 25, 2023 respectively.

Petitioner failed to attend the April 5, 2023 CCRC appointment. As such a single parent report was filed with the court and mailed to the parties on April 5, 2023.

Petitioner filed a Request for Order (RFO) on April 12, 2023 requesting modification of child custody. Respondent was personally served on May 14, 2023. The court finds this service to be untimely and drops the matter from calendar.

Petitioner filed a Declaration on April 21, 2023. Respondent was personally served on May 14, 2023. Petitioner states in her Declaration that she “accidentally mistaken” (sic) the mediation date.

The court finds good cause to rerefer the parties to CCRC. Petitioner is admonished however, that if she fails to appear at the appointment, the court may impose sanctions at the next review hearing date. The court continues the review hearing.

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

TENTATIVE RULING #20: THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC FOR AN APPOINTMENT ON 7/14/2023 AT 1:00 PM WITH REBECCA NELSON AND SETS A FURTHER REVIEW HEARING FOR 8/31/2023 AT 1:30 PM IN DEPARTMENT 5. PENDING THE REVIEW HEARING ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

THE COURT DROPS PETITIONER’S APRIL 12, 2023 FILED RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE. 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 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

May 25, 2023

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

21. NIKOLAI VAN AIKEN V. CALLI GARCIA

23FL0277

Petitioner filed an ex parte request for emergency custody orders on April 3, 2023. On April 10, 2023, the court denied the request as the request had not been properly served on Respondent. On April 10, 2023, Petitioner filed a Request for Order (RFO) for child custody. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 1, 2023 and a review hearing on May 25, 2023.

Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO or referral to CCRC.

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

TENTATIVE RULING #21: THE COURT DROPS THE MATTER 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

May 25, 2023

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

22. RACHEL WEBB-HOPKINS V. LYDON HOPKINS

23FL0151

Petitioner filed a Request for Order (RFO) on February 15, 2023, requesting the court make child custody orders as well as child and spousal support orders. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 13, 2023 and a review hearing on May 4, 2023.

Petitioner filed a Request to Reschedule Hearing, as she had been unable to serve respondent. The court granted the request and rescheduled both CCRC and the review hearing date. CCRC was reset for April 3, 2023 and the review hearing was reset for May 25, 2023.

Upon review of the court file, there is no Proof of Service of the RFO or referral to CCRC.

Neither party appeared for CCRC for either March 13, 2023 or April 3, 2023.

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

TENTATIVE RULING #22: THE MATTER IS DROPPED FROM THE COURT'S 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.