

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

1. AMBER DOBBS V. ZACK MILLER

PFL20140872

Petitioner filed a Request for Order (RFO) on March 16, 2023 seeking custody and visitation orders. The RFO and all other required documents were mail served on March 22nd. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 10th and a hearing on the RFO was set for the present date.

The parties attended CCRC as scheduled and a CCRC report was drafted and sent to all parties on May 22nd. Thereafter, Petitioner served and filed an Updating Declaration on May 22nd and 23rd respectively. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner filed her RFO requesting sole legal and sole physical custody of the parties' minor child. She requests Respondent have visitation on Mondays and Tuesdays from 3:15 pm to 7:00 pm and on the 1st, 2nd and 3rd weekend of each month from 1:00 pm to 5:30 pm on Saturday and then again from 1:00 pm to 5:30 pm on Sunday. The last custody orders were made in February of 2021. Petitioner states that the change in circumstances which warrants a change in the custody orders is Respondent's increasing disregard for the minor's diabetes. She also requests an order directing Respondent to notify Petitioner of the minor's blood glucose level and number of insulin units administered within one hour of testing. Failure to do so would result in the minor being picked up immediately.

The parties attended CCRC and reached a full agreement. The agreement is codified in the CCRC report dated May 22, 2023.

On May 23rd Petitioner filed her Updating Declaration asking the court to continue the hearing date. As of the 23rd Petitioner had not yet received the CCRC report which she is entitled to have at least 10 days prior to the hearing. Fam. Code § 311.

This matter is continued to 8/10/2023 at 8:30 am in Department 5.

TENTATIVE RULING #1: THIS MATTER IS CONTINUED TO 8/10/2023 AT 8:30 AM IN DEPARTMENT 5.

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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**IF A PARTY PROPERLY REQUESTS A HEARING, THE HEARING WILL BE HELD AT 9:00
A.M. IN DEPARTMENT 5.**

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2. ANN MARIE MURRY V. EDUARDO RODRIGUEZ

PFL20199389

Respondent filed a Request for Order (RFO) on March 1, 2023, requesting the court set aside the default judgment of August 30, 2022. The RFO, Points and Authorities in Support of Respondent's Motion to Set Aside Judgment, and all other required documents were personally served on April 4th.

On May 18th Petitioner filed the following documents: Responsive Declaration to Request for Order, Petitioner's Memorandum of Points and Authorities in Opposition to Respondent's Motion to Set Aside the Default Judgment of Dissolution, and Declaration of Ann Murry in Opposition to Respondent's Motion to Set Aside Default Judgment of Dissolution. All documents were mail served on May 17th.

Respondent filed and served Respondent's Reply Declaration and Respondent's Reply Points and Authorities on May 22, 2023. On May 25th, Petitioner filed and served declarations of Walter Murry, Sabrina Bose, Alyssa Bose, Gina Tretton and Ann Murry in Reply to Respondent's Reply Declaration.

The court entered judgment in this matter on August 30, 2022. According to Respondent, judgment was entered as a direct act of fraudulent misrepresentations made by Petitioner. Petitioner misrepresented the date of separation on the Request for Entry of Default which is listed as May 4, 2019. In fact, Respondent states the parties had reconciled and were working on the marriage until the final date of separation on January 26, 2023. He states that Petitioner represented to him that she had withdrawn the Petition for Dissolution and as such, he did not believe filing an answer was necessary. He also argues that Petitioner misled the court by listing the marital residence and two vehicles as separate property when they were in fact community property. Respondent filed his answer on February 17, 2022, but was not informed it was untimely until September of 2022, which was after the default judgment had been entered. Respondent has provided the court with his proposed Response to the Petition.

Petitioner asks the court to deny the RFO and award her attorney's fees and sanctions in the amount of \$15,000 pursuant to Family Code sections 271 and 6344. She further requests an order directing Respondent to comply with the terms of the default judgment within 30 days of the date of the hearing. Such compliance to include returning any vehicles that are in Petitioner's name. Petitioner is adamant that she and Respondent never reconciled after she filed the petition. She states Respondent was frequently served with legal documents during the proceedings and the parties had numerous conversations regarding the separation of the property. Further, Petitioner states she paid Respondent \$33,000 as and for his portion of the marital residence. In exchange he executed the Interspousal Transfer Deed. Ultimately, Petitioner asks the court to deny the Motion to Set Aside as it is untimely and there was no

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fraud, no perjury, and no reconciliation. If the Motion to Set Aside is granted, Petitioner asks that Respondent and his counsel be sanctioned under Civil Procedure section 473(c).

Respondent reiterates his contention that the parties reconciled after the filing of the divorce petition. He further states that he did not receive any money for his interest in the marital residence and when he signed the transfer deed he believed it was to remove him from the home loan and refinance to take advantage of the low rates in 2020.

“The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” Cal. Civ. Pro. § 473(b). To obtain relief under Section 473(b), the moving party must do so within a reasonable time, but in no case exceeding 6 months after the date of the judgment and must provide a copy of the pleading proposed to be filed. *Id.* Family Code section 2121 also vests the court with the authority to set aside a judgment even after the six-month time limit as set by Civil Procedure section 473. Fam. Code § 2121(a). In matters of actual fraud or perjury, the motion shall be brought within one year of the date the moving party either discovered or should have discovered the fraud or perjury. Fam. Code § 2122 (a) & (b). However, “before granting relief, the court shall find that the facts alleged as the grounds for relief materially affected the original outcome and that the moving party would materially benefit from the granting of the relief.” Fam. Code § 2121 (b).

The court is dealing with the competing public policies of favoring trial on the merits and the policy of the law that it does not reward parties who fail to exercise reasonable diligence in their own defense. Much of the argument in the pleadings centers around whether or not Respondent’s motion was brought with such unreasonable delay as to warrant its denial. The timeliness of the motion relies in part, on whether or not Respondent can establish actual fraud or perjury. The court is in need of additional information to make this determination. Accordingly, the parties are ordered to appear at 9:00 am in Department 5 to select hearing dates.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR AT 9:00 AM IN DEPARTMENT 5 TO SELECT HEARING DATES.

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3. BASIL AREVALO V. ELISABETH AREVALO

22FL 0061

Respondent filed a Request for Order (RFO) on October 7, 2022 requesting temporary spousal support as well as attorney's fees. Respondent filed an Income and Expense Declaration on September 29, 2022. Petitioner was personally served with the RFO on October 19, 2022.

Respondent is requesting the court grant temporary spousal support in the amount of \$1,800 per month, though Respondent does not provide any basis for this amount. Respondent also requests the court award her attorney's fees; however, she does not request a specified amount nor does she include the FL-319 or FL-158.

Parties appeared for the hearing on December 22, 2022. Respondent made an oral request for attorney's fees pursuant to Family Code 2030. Petitioner was not willing to waive the short notice of Respondent's Income and Expense Declaration and further asserted Respondent's Declaration was incomplete and inaccurate as she had failed to disclose additional income she receives. The court found there were too many discrepancies in both parties' Income and Expense Declarations to proceed and continued the request for spousal support and attorney fees to January 5, 2023. The court ordered parties to file and serve updated, accurate Income and Expense Declarations forthwith.

Parties appeared for the January 5, 2023 hearing. Counsel for Respondent requested a continuance based on new information received. The court continued the matter to March 23, 2023 and ordered the parties to prepare and file updated Income and Expense Declarations. The court reserved jurisdiction to retroactively modify support to the date of the filing of the RFO.

On February 10, 2023, the parties appeared for a hearing on Respondent's request for a Domestic Violence Restraining Order. After the court received testimony and evidence, the court granted the request for a restraining order. The court continued Respondent's request for attorney's fees to join with the hearing already set on March 23, 2023.

On March 23rd the parties once again appeared before the court for hearing on the RFO. The court granted a continuance to the present date and again ordered both parties to file complete Income and Expense Declarations no later than 10 days prior to the hearing date. The court reserved jurisdiction on attorney's fees and reserved jurisdiction to retroactively modify spousal support back to the date of filing (10/7/2022). The court warned the parties that late filed documents may result in sanctions. Failure to file documents may result in the RFO being dropped from calendar.

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Petitioner filed his Income and Expense Declaration on May 11, 2023. There is no Proof of Service on file evidencing proper service of this document though it appears there are no significant changes from his previous Income and Expense Declaration which was served on Respondent. Therefore, the court finds good cause to reach the matter on the merits.

Respondent filed her Income and Expense Declaration on May 19th and another one on May 22nd. Petitioner was served on May 22nd.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$0 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders temporary spousal support to be set at \$0.

It is unclear if Respondent is making her request for attorney's fees pursuant to Family Code section 2030 or Family Code section 6344. Regardless, both sections require the court to consider the other party's ability to pay the requested fees. Here, the court finds Petitioner has no ability to pay. He is unemployed and on disability with little to no assets and significant credit card debt. As such, Respondent's request for attorney's fees is denied.

TENTATIVE RULING #3: THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$0 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS TEMPORARY SPOUSAL SUPPORT TO BE SET AT \$0. RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

Input Data	Husband	Wife	Guideline (2023)	Cash Flow Analysis	Husband	Wife
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Husband	2,950 Payment (cost)/benefit	0	0
Filing status	MFJ->	<-MFJ	Wife	3,270 Net spendable income	2,950	3,270
# Federal exemptions	1*	1*	Total	6,220 % combined spendable	47.4%	52.6%
Wages + salary	3,243	2,000	Support	Total taxes	615	554
401(k) employee contrib	0	0	Alameda	0 Comb. net spendable	6,221	
Self-employment income	0	0	Total	0 Proposed		
Other taxable income	322	2,084	Proposed, tactic 9	Payment (cost)/benefit	0	0
Short-term cap. gains	0	0	Alameda	0 Net spendable income	2,950	3,270
Long-term cap. gains	0	0	Total	0 NSI change from gdl	0	0
Other gains (and losses)	0	0	Savings	0 % combined spendable	47.4%	52.6%
Ordinary dividends	0	0	No releases	% of saving over gdl	0%	0%
Tax. interest received	0	0		Total taxes	615	554
Social Security received	0	0		Comb. net spendable	6,221	
Unemployment compensation	0	0		Percent change	0.0%	
Operating losses	0	0		Default Case Settings		
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	0				
Misc ordinary tax. inc.	322	2,084				
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	0	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
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	259				
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				

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4. DARCY BLESSING V. PATRICK PORTER

PFL20210614

Petitioner filed her Income and Expense Declaration and a Request for Order (RFO) on April 3rd. Both documents, along with all other required documents, were served on April 5, 2023. Respondent filed his Income and Expense Declaration and his Responsive Declaration to Request for Order on May 18th. Both were mail served on May 13th. On May 24th, Respondent filed his Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration.

Petitioner brings this RFO making the following requests: (1) Guideline spousal support retroactive to October 15, 2022; (2) Respondent to re-add Petitioner to his health insurance forthwith; (3) Attorney's fees in the amount of \$7,500 per Family Code section 2030; (4) Attorney's fees in the amount of \$1,500 per Family Code section 2107; (5) Respondent to produce his Final Declaration of Disclosure within 10 days of the date of the hearing on this RFO; (6) Order a QDRO to be prepared by George McCauslan and for the parties to cooperate with Mr. McCauslan and equally divide his costs for the QDRO then order each party to sign the QDRO so it may be submitted to the court and CalPERS for division; (7) Equal division of the costs of appraisals on both parcels of real property and orders for Respondent to make both homes available for appraisal.

Spousal Support

Petitioner makes her request for retroactive spousal support on the basis that the Stipulation and Order filed December 12, 2022 expressly states the court reserves jurisdiction to retroactively modify support back to October 15, 2022 based on changes in income of either party. As of the date of the December order spousal support was set to \$419 per month. According to Petitioner, approximately a month after the order Petitioner was taken off work by her doctor. She would like support recalculated to reflect her current income as well as Respondent's actual income and imputed income to include amounts available to him by way of withdrawals from various retirement accounts.

Respondent argues for spousal support to remain as is. He states there has been no change in circumstances as Petitioner was not working at the time the existing order was issued. Respondent states his income has not changed either. Respondent has been paying monthly support since the December 2022 order. In addition to that support, Petitioner has been withdrawing anywhere from \$1,000 to \$3,000 from their jointly held bank account on a monthly basis.

This issue is continued to join with the trial currently set for September 5th. Petitioner is asking that Respondent be imputed with additional income to account for the amounts he has been taking out of his retirement but she does not provide the court with the monthly average

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of the alleged amounts he received. Further, Respondent argues Petitioner has been taking additional money from their joint bank account which has caused him to make the withdrawals from retirement. The court needs additional information to fully rule on this issue and as such the court continues it to join with the September 5, 2023 hearing date. The court reserves jurisdiction to award spousal support back to October 15, 2022.

Health Insurance

Petitioner asks to be placed back on Respondent's health insurance to assist her in paying for medical treatment. Respondent is agreeable to putting Petitioner back on his health insurance as long as Petitioner agrees to reimburse him for the increase in his premiums.

Respondent is ordered to add Petitioner back onto his health insurance forthwith. Respondent is to cover the cost of any increase in premiums subject to reallocation at trial.

Attorney's Fees

Petitioner's requests for attorney's fees are pursuant to Family Code section 2030 and section 2107. She states her attorney sent a demand for further particularity in Respondent's Preliminary Declaration of Disclosure in February of 2022. No response was received. On February 4, 2023, Petitioner's counsel sent the demand for Respondent's Final Declaration of Disclosure. As of the date of filing Respondent had not responded to either demand and as such Petitioner argues sanctions are mandated under Family Code section 2107.

Respondent opposes the requested attorney's fees. Fees under 2030 are need based and he argues Petitioner does not have the financial need to warrant such an award. He states she inherited close to \$500,000, most of which she still has. She also owns her home outright and does not have a mortgage payment.

Respondent also argues an award of attorney's fees under 2107 is improper as Petitioner has not suffered any prejudice from his late disclosure. He notes that Petitioner served her disclosures which were marked as both preliminary and final, over a year ago and has not updated them since.

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

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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.

Respondent is correct in that an attorney fee award under Family Code section 2030 is a need-based award. However, the court does not agree that Petitioner has no need for the award. Respondent's monthly income is more than double that of Petitioner. His monthly income, coupled with the significant amount he has in checking, savings, and other accounts, there is no question as to Respondent's ability to pay both his fees and those of Petitioner. Finally, as Respondent notes numerous times in his opposition papers, the parties are set for trial on all issues in September. It is inarguable that Petitioner's ability to be adequately represented at trial is both reasonable and necessary. In light of the foregoing, Respondent is ordered to pay Petitioner's attorney \$7,500 as and for attorney's fees. This amount may be paid in one lump sum or in monthly increments of \$1,875 due and payable on the 15th of each month commencing June 15th and continuing until paid in full (approximately 4 months). If any payment is missed or late the entire amount is to become immediately due and payable.

Regarding the request for attorney's fees under Family Code section 2107, the court finds sanctions to be warranted. Section 2107 states, in pertinent part, if a party fails to timely serve its required disclosures "...the court shall, in addition to any other remedy provided by law, impose money sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and shall include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c).

Respondent opposes sanctions under 2107 on the basis that Petitioner did not suffer any prejudice from his delay in disclosure. However, actual prejudice is not the standard. Respondent is required by law to make timely disclosures. By failing to do so Petitioner incurred costs and fees associated with the preparation and filing of the present motion. That said, it is hardly believable that Petitioner incurred the entire \$1,500 in fees related to the motion to compel the disclosure when that portion accounted for approximately 1 page of the entirety of the RFO. Petitioner has not provided any billing evidencing how she reached \$1,500 in attorney's fees directly related to Respondent's failure to timely serve his disclosures. In light of the foregoing the court finds \$500 to be a more reasonable estimate for the amount of fees incurred. Respondent is to pay Petitioner's attorney \$500 as and for attorney's fees and sanctions pursuant to Family Code section 2107(c). Payment is to be made in one lump sum due and payable no later than June 15, 2023.

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Final Declaration of Disclosure

Respondent's Final Declaration of Disclosure was served on May 12, 2023. As such, Petitioner's request in this regard is moot.

Retirement Division

According to Petitioner she used over \$45,000 in separate property funds to purchase service credits for Respondent's PERS account. PERS has been joined as a party to the action and has set aside a portion of the retirement account for Petitioner. Petitioner now asks to have a QDRO prepared.

Respondent does not oppose the appropriate division of the account but argues Petitioner's claim to the funds must first be adjudicated. He asks that the issue be deferred to trial which is set to begin on September 5th.

This issue is continued to join with the trial set for September 5, 2023.

Appraisals

Petitioner asks to have the Garden Valley property and the Homewood property appraised for settlement purposes. She asks that Respondent pay for half of each of the appraisals and make the properties available to be appraised.

Respondent has no objection to making the properties available to Petitioner, however, he does not feel the court has the authority to order him to pay for the appraisals of the properties over his objection because he does not feel they are necessary.

Respondent is ordered to make each of the subject properties available to Petitioner's appraisers at a mutually agreeable time. Petitioner's request that the parties jointly be required to share in the cost of the appraisals is denied.

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

TENTATIVE RULING #4: RESPONDENT IS ORDERED TO ADD PETITIONER BACK ONTO HIS HEALTH INSURANCE FORTHWITH. RESPONDENT IS TO COVER THE COST OF ANY INCREASE IN PREMIUMS SUBJECT TO REALLOCATION AT TRIAL. PETITIONER'S REQUEST FOR RESPONDENT'S FINAL DECLARATION OF DISCLOSURE IS MOOT. RESPONDENT IS ORDERED TO MAKE EACH OF THE SUBJECT PROPERTIES AVAILABLE TO PETITIONER'S APPRAISERS AT A MUTUALLY AGREEABLE TIME. PETITIONER'S REQUEST THAT THE PARTIES JOINTLY BE REQUIRED TO SHARE IN THE COST OF THE APPRAISALS IS DENIED. THE ISSUE OF SPOUSAL SUPPORT IS CONTINUED TO JOIN WITH THE TRIAL SET FOR SEPTEMBER 5, 2023. THE COURT

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RESERVES JURISDICTION TO AWARD SUPPORT BACK TO OCTOBER 15, 2022. THE ISSUE OF PREPARING THE QDRO IS CONTINUED TO JOIN WITH THE SEPTEMBER 5, 2023 TRIAL DATE. RESPONDENT IS ORDERED TO PAY PETITIONER'S ATTORNEY \$7,500 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$1,875 DUE AND PAYABLE ON THE 15TH OF EACH MONTH COMMENCING JUNE 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 4 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT IS TO BECOME IMMEDIATELY DUE AND PAYABLE. RESPONDENT IS TO PAY PETITIONER'S ATTORNEY \$500 AS AND FOR ATTORNEY'S FEES AND SANCTIONS PURSUANT TO FAMILY CODE SECTION 2107(C). PAYMENT IS TO BE MADE IN ONE LUMP SUM DUE AND PAYABLE NO LATER THAN JUNE 15, 2023. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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.

IF A HEARING IS REQUESTED IT WILL BE HELD AT 9:00 AM IN DEPARTMENT 5.

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5. DCSS V. HOLLIE TAYLOR

PFS20170179

Respondent filed a Request for Order (RFO) seeking custody and child support orders. The RFO, along with Respondent's Income and Expense Declaration and all other required documents were served on March 16th. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment scheduled for April 10th. A hearing on the RFO was set for the present date.

Respondent and Other Parent appeared at CCRC, and a report was prepared dated April 11, 2023. Thereafter, Petitioner filed and served a Responsive Declaration to Request for Order on April 12th. Petitioner filed and served an additional Responsive Declaration to Request for Order on May 23rd.

Respondent brings her RFO requesting sole legal and sole physical custody of the minor children. This is a change from joint legal custody and Other Parent's current visitation schedule which is alternating Monday through Friday, and one weekend a month plus alternating holidays and 14 vacation days per year. She seeks guideline child support commensurate with the updated custody orders. Respondent makes this request on the basis that Other Parent has not seen the children since June of 2022 and in October of 2022 felony charges were brought against him for corporal injury to a spouse or cohabitant with an enhancement alleging great bodily injury. She also states that Other Parent is currently homeless, and the paternal grandmother is now refusing to supervise his visits with the children as previously ordered. If Other Parent is awarded any visitation, Respondent asks that it be professionally supervised at Other Parent's sole expense.

The parties attended CCRC as scheduled. Other Parent appeared and opposed the requested custody changes. He did state he has not exercised his current visitation since he has no place for the children to stay although he is working to secure new housing. Other Parent asks the current custody and visitation orders to remain the same. The parties were unable to reach any agreements at CCRC, so the CCRC counselor provided several recommendations in her report. After reviewing the aforementioned filings of the parties, the court finds the recommendations contained in the CCRC report to be in the best interest of the minors and adopts them as the orders of the court.

DCSS is providing child support enforcement in this matter. As such, the issue of child support is continued to the DCSS calendar in accordance with Family Code section 425.1. A child support hearing is set for 7/24/2023 at 8:30 AM in Department 8.

TENTATIVE RULING #5: THE RECOMMENDATIONS AS CONTAINED IN THE APRIL 11, 2023 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. THE ISSUE OF CHILD SUPPORT IS CONTINUED TO THE DCSS CALENDAR WITH A HEARING ON 7/24/2023 AT 8:30 AM IN

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DEPARTMENT 8. 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.

IF A HEARING IS REQUESTED IT WILL BE HELD AT 9:00 AM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

6. GRAYSON HOWARD V. NATALIE PETERSEN

PFL20210468

On April 20, 2023, the court appointed new Minors' Counsel to the case, as the prior Minors' Counsel had resigned. As such, the matter had to be continued. The court set a further review hearing to allow Minors' Counsel to meet with her clients and familiarize herself with the case.

Respondent filed a Supplemental Declaration on May 17, 2023. Petitioner and Minors' Counsel were served on May 17, 2023. Respondent states that there have been continued delays in the minors' counseling, due to no fault of his own. Respondent is requesting the court order Step 2 in the step-up plan begin this upcoming weekend, rather than 30 days after counseling has commenced as that order was made in October 2022, and counseling should have commenced long since. Respondent is also requesting two non-consecutive weeks during the minors' summer vacation to allow him vacation time with the minors. Respondent also requests the court vacate the order preventing him from having 3rd parties present during his parenting time, as it is anticipated his parenting time will be increasing.

Petitioner filed a Declaration on May 24, 2023. Respondent and Minors' Counsel were served on May 24, 2023. Petitioner asserts the delays in counseling were due to the minors being on a waitlist due to the high demand for counseling services. Petitioner requests the court continue to keep the 30-day delay in place.

Minors' Counsel has not filed a Statement of Issues and Contentions.

The court has read and considered the filings as set forth above. Respondent has been participating in Step 1 for over six months with no noted concerns. It was anticipated that the minors would have been enrolled in and engaged in counseling sessions long before now. The court notes that the minor R.P. still has not completed an intake appointment and Petitioner has preemptively canceled two future sessions for a planned vacation, which results in the minor not being able to complete his intake until July 1, 2023. The court orders Step 2 to begin the weekend of June 3. The court is not vacating the order regarding 3rd parties. The court reserves on Respondent's request for two weeklong visits over the summer and sets a review hearing for July 1, 2023 at 1:30 pm in Department 5 to review the minor's adjustment to Step 2, to review the minors' progress in counseling, the need to keep the 3rd party prohibition order in place, as well as Respondent's request for extended visits during the summer break.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

TENTATIVE RULING #6: THE COURT ORDERS STEP 2 TO BEING THE WEEKEND OF JUNE 3. THE COURT IS NOT VACATING THE ORDER REGARDING 3RD PARTIES. THE COURT RESERVES ON RESPONDENT'S REQUEST FOR TWO WEEKLONG VISITS OVER THE SUMMER AND SETS A REVIEW HEARING FOR JULY 1, 2023 AT 1:30 PM IN DEPARTMENT 5 TO REVIEW THE MINOR'S ADJUSTMENT TO STEP 2, TO REVIEW THE MINORS' PROGRESS IN COUNSELING, THE NEED TO KEEP THE 3RD PARTY PROHIBITION ORDER IN PLACE, AS WELL AS RESPONDENT'S REQUEST FOR EXTENDED VISITS DURING THE SUMMER BREAK. 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.

IF A HEARING IS REQUESTED IT WILL BE HELD AT 9:00 AM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

7. JARED DENNIS V. AMORE BISHOP

PFL20160085

Respondent filed a Request for Order (RFO) on March 17, 2023, requesting the court modify the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 17, 2023 and a review hearing on June 1, 2023. Petitioner was served by mail on March 24, 2023. Respondent is requesting the court accelerate the reunification process and have regular review hearings to ensure the parties are following through with court orders.

Both parties attended CCRC on April 17, 2023 and were able to reach agreements regarding reunification counseling for the minor and Respondent. The CCRC report was filed with the court and mailed to the parties on May 18, 2023.

Petitioner filed a Responsive Declaration on May 18, 2023. Respondent was served by mail and electronically on May 18, 2023. Petitioner objects to the request to accelerate reunification therapy. Petitioner requests the court order reunification therapy proceed based on the recommendation of the minor's individual therapist as to the frequency, duration, and timeline for all future reunification sessions.

The court has read and considered the filings as set forth above. The court finds the agreements of the parties to be in the best interest of the minor and adopts the agreements as set forth in the May 18, 2023 CCRC report as its orders. Reunification therapy will proceed at the frequency and duration as recommended by the minor's individual therapist in conjunction with the reunification counselor, should the minor's individual therapist not be the reunification therapist. The minor shall continue to participate in individual counseling at a frequency and duration as recommended by the counselor. The parties are to follow the recommendations of the minor's individual therapist. The court denies Respondent's request to set regular review hearings.

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 #7: THE COURT FINDS THE AGREEMENTS OF THE PARTIES TO BE IN THE BEST INTEREST OF THE MINOR AND ADOPTS THE AGREEMENTS AS SET FORTH IN THE MAY 18, 2023 CCRC REPORT AS ITS ORDERS. REUNIFICATION THERAPY WILL PROCEED AT THE FREQUENCY AND DURATION AS RECOMMENDED BY THE MINOR'S INDIVIDUAL THERAPIST IN CONJUNCTION WITH THE REUNIFICATION COUNSELOR, SHOULD THE MINOR'S INDIVIDUAL THERAPIST NOT BE THE REUNIFICATION THERAPIST. THE MINOR SHALL CONTINUE TO PARTICIPATE IN INDIVIDUAL COUNSELING AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE COUNSELOR. THE PARTIES ARE TO FOLLOW THE RECOMMENDATIONS OF THE MINOR'S INDIVIDUAL THERAPIST. THE COURT DENIES

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

RESPONDENT'S REQUEST TO SET REGULAR REVIEW HEARINGS. 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.

IF A HEARING IS REQUESTED IT WILL BE HELD AT 9:00 AM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

8. JESUS NEGRON FLORES JR. V. ALEXANDRIA WASHBURN

PFL20200647

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on September 14, 2022. The OSC was properly served via personal service on September 26, 2022. Respondent alleges Petitioner has repeatedly failed to comply with numerous court orders for the parties to participate in co-parenting counseling. The parties were ordered to appear on January 26, 2023, at which time the court confirmed Respondent's intent to pursue contempt charges. Petitioner was advised of his rights and appointed counsel through the Public Defender's office. The matter was continued to the present hearing date to allow Petitioner time to confer with his attorney.

Parties appeared on March 23, 2023 for an arraignment hearing. Petitioner requested and the court appointed the Public Defender's office. The matter was continued to allow Petitioner to meet with his counsel.

The parties are ordered to appear for arraignment.

TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR AT 9:00 AM IN DEPARTEMNT 5 FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

9. LAURIE BYBEE V. AARON BYBEE

PFL20190366

Respondent filed a Request for Order (RFO) on March 8, 2023 seeking to have the court set aside its order of January 19, 2023, as well as sanctions and a disciplinary report to the State Bar. The RFO was mail served on March 18th. Petitioner's Responsive Declaration to Request for Order was filed and served on May 16th. Respondent's Reply to Petitioner's Responsive Declaration to Request for Order was filed and served on May 24th.

Respondent brings his RFO requesting (1) the court set aside all orders from the January 19, 2023 hearing; (2) the court issue \$5,000 in sanctions against Petitioner's attorney Katharine Rupp pursuant to Family Code section 271; and (3) state bar discipline against Petitioner's attorney for her fraudulent actions.

Petitioner agrees to have the January 19th orders set aside. She opposes the request for sanctions as Ms. Rupp is no longer the handling attorney nor is she employed by the firm handling the case on behalf of Petitioner. Petitioner maintains that Respondent's proper course of action is in civil court against Ms. Rupp directly.

Respondent's request to set aside all orders from the January 19, 2023 hearing is granted. Orders made at the January 19, 2023 hearing are hereby vacated. The issues of sanctions and State Bar discipline are continued to July 6, 2023 at 8:30 am in Department 5. The parties are to submit further briefing on whether or not Section 271 sanctions can be awarded against an attorney or the attorney's law firm. Briefs are to be filed and served no later than 10 days prior to the hearing date.

TENTATIVE RULING #9: RESPONDENT'S REQUEST TO SET ASIDE ALL ORDERS FROM THE JANUARY 19, 2023 HEARING IS GRANTED. ORDERS MADE AT THE JANUARY 19, 2023 HEARING ARE HEREBY VACATED. THE ISSUES OF SANCTIONS AND STATE BAR DISCIPLINE ARE CONTINUED TO JULY 6, 2023 AT 8:30 AM IN DEPARTMENT 5. THE PARTIES ARE TO SUBMIT FURTHER BRIEFING ON WHETHER OR NOT SECTION 271 SANCTIONS CAN BE AWARDED AGAINST AN ATTORNEY OR THE ATTORNEY'S LAW FIRM. BRIEFS ARE TO BE FILED AND SERVED NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. 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

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**MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS
ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

IF A HEARING IS REQUESTED IT WILL BE HELD AT 9:00 AM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

10. MICHA VAN CLEAVE V. TREVOR VAN CLEAVE

PFL20210623

Petitioner filed a Request for Order (RFO) on October 4, 2022, seeking orders for child custody and visitation, child support, spousal support, and \$5,000 in attorney's fees pursuant to Family Code Section 2031. Petitioner filed her Income and Expense Declaration concurrently with her RFO. Both documents, along with all other required documents, were served the same day as filing. Respondent has not filed a responsive declaration.

On December 22, 2022, the court adopted the agreements the parties reached at Child Custody Recommending Counseling (CCRC) and continued the support requests and request for attorney's fees, as Respondent had not yet filed his Income and Expense Declaration. Further, the parties agreed upon a parenting schedule provided little direction regarding the estimated timeshare between the parties. Respondent was ordered to file an Income and Expense Declaration no later than 10 days prior to the hearing date. Both parties were ordered to file declarations regarding the appropriate timeshare to use in calculating child support. These declarations were to be filed with the court no later than 10 days prior to the hearing date.

On March 16, 2023, the court again continued the matter as neither party had filed updated Income and Expense Declaration and neither party had filed a Declaration regarding the timeshare of the minor. The court again continued the matter and again ordered the parties to file updated Income and Expense Declarations and Supplemental Declarations regarding the timeshare of the minor. The court admonished the parties that failure to file Income and Expense Declarations or the Supplemental Declarations may result in the matter being dropped from the court's calendar.

Neither party has filed a Supplemental Declaration regarding the timeshare of the minor.

Respondent filed an Income and Expense Declaration on May 18, 2023. There is no Proof of Service showing this document was served on Petitioner. Therefore, the court is unable to consider this document.

Petitioner has not filed an Income and Expense Declaration.

The court denies Petitioner's request for child support and spousal support. Petitioner is the moving party and has failed to provide the court with an Income and Expense Declaration as required by both the California Rules of Court as well as the El Dorado County Local Rules. Therefore, Petitioner's requests are denied.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

TENTATIVE RULING #10: THE COURT DENIES PETITIONER'S REQUEST FOR CHILD SUPPORT AND SPOUSAL SUPPORT. PETITIONER IS THE MOVING PARTY AND HAS FAILED TO PROVIDE THE COURT WITH AN INCOME AND EXPENSE DECLARATION AS REQUIRED BY BOTH THE CALIFORNIA RULES OF COURT AS WELL AS THE EL DORADO COUNTY LOCAL RULES. 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.

HEARINGS PROPERLY REQUESTED WILL BE HEARD AT 9:00 AM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

11. RYAN WISE V. ALLISON WHITE

PFL20200713

Petitioner filed a Request for Order (RFO) on March 7, 2023, requesting modification of the current custody and visitation orders and authorization to relocate with the minor to Oregon. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 12, 2023 and a review hearing on June 1, 2023. Respondent was served by mail on March 14, 2023.

Petitioner is requesting the court maintain the current orders for custody, namely that he continue to have sole legal and physical custody of the minor. Petitioner is requesting he be permitted to relocate to Oregon with the minor. Petitioner is also requesting Respondent's FaceTime visits be suspended pending Respondent resuming court-ordered drug testing.

Only Petitioner appeared for the CCRC appointment on April 12, 2023. As such, as single parent report was filed with the court on April 12, 2023. Copies were mailed to the parties the same day.

The court finds Petitioner's request requires the court to hold an evidentiary hearing. Parties are ordered to appear to select Mandatory settlement Conference and trial dates.

TENTATIVE RULING #11: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

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DEPARTMENT 5

June 1, 2023

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

12. SCOTT RONNINGEN V. ANGELA RONNINGEN

23FL0127

Respondent filed a Request for Order (RFO) on March 13, 2023, requesting support orders, custody orders, attorney fees and sanctions. Concurrently therewith she filed her Income and Expense Declaration. These documents, along with all other required documents, were personally served on March 15th. On April 4th Petitioner filed his Income and Expense Declaration along with his Responsive Declaration to Request for Order. These documents were mail served on April 28th. Respondent's Reply Declaration was served on May 17th and filed on May 18th.

Petitioner filed an RFO on March 14th also requesting custody orders. His RFO was mail served on March 17th. It does not appear that Respondent has filed a Responsive Declaration to Request for Order in response to this RFO.

Respondent makes the following requests in her RFO: (1) Custody and visitation orders consistent with the best interests of the minor; (2) Each parent to have a right to reasonable phone contact with the minor and each parent to have nightly FaceTime calls with the minor for 10 minutes prior to bedtime; (3) Guideline child support; (4) Guideline temporary spousal support; (5) \$5,000 in attorney's fees pursuant to Family Code section 2030; (5) Each party to abide by her proposed Respect Guidelines; (6) Communication between the parties to take place only through the Talking Parents App; (7) Order that neither party is to become intoxicated during his or her parenting time; (8) Petitioner to complete a 15-hour parenting course focused on preschool aged children; (9) Sanctions pursuant to Family Code section 271.

Petitioner agrees with the following: (1) Instituting a parenting plan that is in the best interest of the minor; (2) Payment of guideline child support; (3) Nightly phone calls between the minor and the non-custodial parent; (4) The parties are to use the Talking Parents App; (5) The parties to follow respect guidelines; (6) Neither party is to be intoxicated during that party's custodial parenting time; In fact, he requests the parties be ordered not to consume any alcohol during their parenting time. Petitioner is also agreeable to the parenting class so long as both parents are required to do so. Petitioner objects to the payment of spousal support. He states that Respondent resides in the marital home and is not contributing to the mortgage payments. The parties are splitting the utilities equally but until Respondent vacates the home Petitioner does not feel spousal support is called for. Likewise, he asks the court to deny the requests for attorney's fees and sanctions. Petitioner provides several declarations in support of his response to Respondent's RFO. In Petitioner's own RFO he requests joint legal and joint physical custody with the preference for a 2-2-3 parenting plan.

Respondent objects to the declarations provided by Petitioner as hearsay. She argues they are inadmissible pursuant to California Rules of Court rule 5.111 and Evidence Code

LAW & MOTION TENTATIVE RULINGS

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section 1200. She also objects to the inclusion of text messages submitted by Petitioner which are between him and a third party.

Respondent notes that the reason she is requesting support is to move out of the marital residence. She believes Petitioner intends to move back into the home once she has left. She suggests any spousal support payments made to her while she resides in the marital home be subject to reallocation.

The parties attended Child Custody Recommending Counseling on April 10th and were able to reach agreements on all custody issues. The agreements of the parties are codified in the April 10th CCRC report.

Respondent's objections to the Declarations of Kearstin Miley, Westley Brad Mallard and Jamie Riley, as well as the text messages with Brent, are sustained. The court finds these documents to be hearsay and therefore inadmissible in rendering the court's decision. The court has not read or considered them.

The court has reviewed the agreements of the parties as codified in the CCRC report and finds them to be in the best interest of the minor. The court adopts the agreements as the orders of the court with the following modifications: Paragraph 2 of the parenting time schedule shall be modified to state – "Mother shall have Tanner Monday after school, or 3:00 pm if school is not in session, to Wednesday at school drop off, or 8:00 am if school is not in session. Father shall have Tanner Wednesday after school, or 3:00 pm if school is not in session, to Friday at school drop off, or 8:00 am if school is not in session. Mother shall have Friday after school, or 3:00 pm if school is not in session, to Monday at school drop off, or 8:00 am if school is not in session. The Friday to Monday schedule alternates between Mother and Father."

With a 50/50 timeshare the court finds guideline child support to be \$829 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$829 per month as and for child support, payable on the 15th of the month until further order of the court or legal termination. The court orders this child support order effective March 15, 2023.

The court finds the above order results in arrears in the amount of \$2,487 through and including May 15, 2023. The court orders Petitioner to pay Respondent \$207.25 on the 15th of each month until paid in full (approximately 12 months). If a payment is late or missed the remaining balance shall become immediately due in full with legal interest.

Regarding spousal support, generally speaking, a married person has a duty to support his or her spouse. Cal. Fam. Code § 4300. The intent is to ensure that each party, upon separation, is able to maintain the marital standard of living. See Cal. Fam. Code § 4330(a). The

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court maintains broad discretion in determining whether a support award is warranted and if so, the amount and duration thereof. In re Marriage of McLain, 7 Cal. App. 5th 262, 269 (2017). Petitioner objects to the payment of support until Respondent moves from the marital residence. However, Respondent states she cannot move without the payment of spousal support. Given the disparity in the earning capacities of the parties, the court does find an award of spousal support to be called for and which will allow Respondent to find other living arrangements. Spousal support will be awarded with the amounts paid prior to Respondent moving out of the marital home subject to reallocation. Additionally, the court award of support will go into effect June 15th instead of retroactive back to the date of filing the RFO as Respondent has been residing in the home with Petitioner paying the entirety of the mortgage. The court finds this to be akin to the parties residing together. The court has equitable power to deny enforcement of a support order when equity requires it. Jackson v. Jackson, 51 Cal. App. 3d 363 (1975). In keeping with California's equitable approach to support orders, courts have found that in home support during a period of living together can constitute support sufficient to act as a credit against the amount owed in monetary terms. Helgestad v. Vargas, 231 Cal. App. 4th 719, 735 (2014).

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$1,340 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$1,340 per month as and for temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective June 1, 2023.

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 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.

In ruling on the issue of attorney's fees, the court must first determine whether a disparity exists in the ability to pay for counsel. The court finds this prong has been met. Petitioner has an average monthly income more than three times that of Respondent. However, considering Petitioner's reasonable expenses, including support orders, it does not appear that Petitioner has the ability to pay the entirety of the \$5,000 requested. According to Respondent, she has incurred \$1,000 in fees to date. Given the relatively low complexity of this

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case the court finds an attorney's fees award of \$2,500 to be sufficient at this time. Petitioner is to pay Respondent's attorney \$2,500. Payments may be made in monthly increments of \$250 due on the 15th of each month until paid in full (approximately 10 months). If any payment is missed or late the entire amount is to become immediately due and payable.

Respondent 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). Respondent makes her request on the basis that Petitioner breached his fiduciary duty to her and denied her access to her vehicle. Respondent incurred \$795.33 in fees associated with obtaining a rental vehicle. However, it does appear from the texts between the parties that Petitioner did offer to provide Respondent with one of the other community property vehicles. As such, Respondent's request for sanctions is denied.

TENTATIVE RULING #12: THE COURT HAS REVIEWED THE AGREEMENTS OF THE PARTIES AS CODIFIED IN THE CCRC REPORT AND FINDS THEM TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE AGREEMENTS AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS: PARAGRAPH 2 OF THE PARENTING TIME SCHEDULE SHALL BE MODIFIED TO STATE – "MOTHER SHALL HAVE TANNER MONDAY AFTER SCHOOL, OR 3:00 PM IF SCHOOL IS NOT IN SESSION, TO WEDNESDAY AT SCHOOL DROP OFF, OR 8:00 AM IF SCHOOL IS NOT IN SESSION. FATHER SHALL HAVE TANNER WEDNESDAY AFTER SCHOOL, OR 3:00 PM IF SCHOOL IS NOT IN SESSION, TO FRIDAY AT SCHOOL DROP OFF, OR 8:00 AM IF SCHOOL IS NOT IN SESSION. MOTHER SHALL HAVE FRIDAY AFTER SCHOOL, OR 3:00 PM IF SCHOOL IS NOT IN SESSION, TO MONDAY AT SCHOOL DROP OFF, OR 8:00 AM IF SCHOOL IS NOT IN SESSION. THE FRIDAY TO MONDAY SCHEDULE ALTERNATES BETWEEN MOTHER AND FATHER."

THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$829 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THIS CHILD SUPPORT ORDER EFFECTIVE MARCH 15, 2023. THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$2,487 THROUGH AND INCLUDING MAY 15, 2023. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$207.25 ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL BECOME IMMEDIATELY DUE IN FULL WITH LEGAL INTEREST.

THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,340 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED

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June 1, 2023

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

DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$1,340 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE JUNE 1, 2023.

PETITIONER IS TO PAY RESPONDENT'S ATTORNEY \$2,500. PAYMENTS MAY BE MADE IN MONTHLY INCREMENTS OF \$250 DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT IS TO BECOME IMMEDIATELY DUE AND PAYABLE.

RESPONDENT'S REQUEST FOR SANCTIONS PURSUANT TO FAMILY CODE SECTION 271 IS DENIED.

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.

IF A PARTY PROPERLY REQUESTS A HEARING, THE HEARING WILL BE HELD AT 9:00 A.M. IN DEPARTMENT 5.

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

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Father	8,019	Payment (cost)/benefit	(2,045) 2,169
Filing status	MFS->	HH/MLA	Mother	2,319	Net spendable income	5,850 4,488
# Federal exemptions	1*	2*	Total	10,338	% combined spendable	56.6% 43.4%
Wages + salary	9,760	2,531	Support (Nondeductible)	Total taxes	3,478	(63)
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	10,338
Self-employment income	0	0	Presumed	829	Proposed	
Other taxable income	2,417	0	Basic CS	829	Payment (cost)/benefit	(2,203) 2,316
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,895 4,468
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	45 (20)
Other gains (and losses)	0	0	Child 1	829	% combined spendable	56.9% 43.1%
Ordinary dividends	0	0	SS Payor	Father	% of saving over gdl	180.3% -80.3%
Tax. interest received	0	0	Alameda	1,340	Total taxes	3,263 126
Social Security received	0	0	Total	2,169	Comb. net spendable	10,363
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.2%
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	883		
Roy, partnerships, S corp, trusts	0	0	Basic CS	883		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	2,417	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	883		
New-spouse income	0	0	SS Payor	Father		
SS paid other marriage	0	0	Alameda	1,455		
CS paid other relationship	0	0	Total	2,338		
Adj. to income (ATI)	0	0	Savings	25		
Ptr Support Pd. other P'ships	0	0	Total releases to Father	1		
Health insurance	305	240				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	4,279	0				
Other medical expenses	0	0				
Property tax expenses	3,561	0				
Ded. interest expense	717	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	375	35				
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				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

13. BARRON HOOPER V. SCHEA LAMONT

23FL0019

Petitioner filed a Petition for Custody and Support of Minor Children on January 11, 2023 and a Request for Order (RFO) on January 13, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 6, 2023 and a review hearing on March 30, 2023. Respondent was personally served the summons and RFO along with the referral to CCRC on January 30, 2023. Petitioner has not filed an Income and Expense Declaration.

Petitioner is seeking sole legal and physical custody of the minor. Petitioner asserts Respondent has a substance abuse issue which requires court ordered substance abuse testing as well as professionally supervised visitation.

Only Petitioner appeared for the CCRC appointment on February 6, 2023. As such a single parent report was filed on February 6, 2023. Copies were mailed to the parties on February 9, 2023. The court notes, Petitioner's copy was returned to the court.

On March 30, 2023, both parties appeared for the hearing. The court rereferred the parties to CCRC for an appointment on April 7, 2023 and set a further review hearing for June 1, 2023.

Neither party appeared for CCRC on April 7, 2023.

Parties are ordered to appear.

TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AT 1:30 PM IN DEPARTEMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

14. BEAU GRIFFIN V. HANNAH GRIFFIN

PFL20200103

Respondent filed a Request for Order (RFO) on April 5, 2023, requesting a modification of child custody and parenting time orders. Parties were not referred to Child Custody Recommending Counseling as they had participated within the prior six months. Petitioner was personally served on April 24, 2023. Respondent is requesting sole legal and physical custody of the minor P.G. and for Petitioner to have sole legal and physical custody of the minor B.G.

Petitioner filed a Responsive Declaration on May 16, 2023. Respondent was served by mail on May 16, 2023. Petitioner objects to Respondent's requested modifications. Petitioner requests Respondent have no parenting time until she complies with the March 30, 2023 orders. Petitioner also objects to Respondent's request to split up the siblings as it is not in the best interest of the minors.

The court notes this RFO is nearly identical to the RFO filed by Respondent earlier this year. Both parties attended CCRC on the earlier RFO and were able to reach some agreements. The mediator had all of the information Respondent has presented to the court in this request. The court finds this RFO to be akin to a motion for reconsideration. Respondent has not presented any new or different information or law to the court that was not available to Respondent on March 30, 2023. The court finds the current orders remain in the best interest of the minors.

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

TENTATIVE RULING #14: THE COURT DENIES RESPONDENT'S REQUEST FOR MODIFICATION. RESPONDENT HAS NOT PRESENTED ANY NEW OR DIFFERENT INFORMATION OR LAW TO THE COURT THAT WAS NOT AVAILABLE TO RESPONDENT ON MARCH 30, 2023. THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE BEST INTEREST OF THE MINORS. 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. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

15. DANIEL LOSSIUS V. MICHELLE COCKRELL

PFL20180865

Respondent filed a Request for Order (RFO) on April 3, 2023, requesting the court enter current orders into judgement. Petitioner was served by mail on April 3, 2023. Respondent is requesting the court enter proposed paternity orders into judgement without changes. Respondent has attached proposed orders.

Petitioner has not filed a Responsive Declaration.

The court finds an RFO is unnecessary for entry of a judgment in this matter. The court directs Respondent to work with the Family Law Facilitator to prepare and file the judgment. Further, it appears to the court what Respondent is seeking is Findings and Orders After Hearing (FOAH) for the hearing which took place on February 28, 2019, wherein the court made child custody and parenting plan orders as well as child support orders. Upon review of the court file, there is no FOAH for that hearing. Respondent is directed to work with the Family Law Facilitator to prepare and file the FOAH for the February 28, 2019 hearing.

All prior orders not in conflict with this order remain in full force and effect.

TENTATIVE RULING #15: THE COURT FINDS A RFO IS UNNECESSARY FOR ENTRY OF A JUDGMENT IN THIS MATTER. THE COURT DIRECTS RESPONDENT TO WORK WITH THE FAMILY LAW FACILITATOR TO PREPARE AND FILE THE JUDGMENT. RESPONDENT IS DIRECTED TO WORK WITH THE FAMILY LAW FACILITATOR TO PREPARE AND FILE THE FOAH FOR THE FEBRUARY 28, 2019 HEARING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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

June 1, 2023

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

16. JORDANA WEBER V. JASON TORRES

SFL20190173

On April 13, 2023, the court ordered Respondent to continue to have supervised parenting time and authorized the minor's therapist to provide supervision. On the weeks the minor's therapist was unable to provide supervision, Respondent's parenting time was to continue to take place in person at the visitation center. If in person visitation was unable to take place, Zoom visits were authorized. The court set a further review hearing for May 25, 2023. Parties stipulated to continue the matter to June 1, 2023.

Minor's Counsel filed a Statement of Issues on Contentions on May 24, 2023. Parties were served both by mail and electronically on May 24, 2023. Minor's Counsel outlines the ongoing issues with visits between the minor and Respondent. No visits have occurred between the minor and Respondent with minor's therapist as the supervisor, due to Respondent's availability, the therapist's availability, and finally due to Petitioner cancelling a visit due to Petitioner claiming the minor had Covid. Minor's Counsel requests the court continue this matter to be addressed at the contested hearing currently set to be heard on June 21, 2023.

Petitioner filed a Supplemental Declaration, a Supplemental Statement of Issues, and a Declaration of Alyssa Welch on May 25, 2023. Parties were served electronically on May 24, 2023. The court notes all documents were filed less than 10 days prior to the hearing. Despite the lateness, the court has read and considered Petitioner's filings.

Respondent has not filed a Supplemental Declaration.

The court continues to be troubled regarding Respondent's visitation. There appears to have been a multitude of reasons visits have been cancelled, including cancellations by the provider, by Respondent, and by Petitioner. The matter is currently set for trial and the issues will be fully litigated at trial. The court finds the current orders for Respondent's visitation remain in the best interest of the minor.

All prior orders remain in full force and effect. Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #16: THE MATTER IS CONTINUED TO JOIN WITH THE HEARING CURRENTLY SET FOR JUNE 21, 2023.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

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.

17. JULIE ROZZI V. MATTHEW ROZZI

PFL20200644

Petitioner filed a Request for Order (RFO) on October 3, 2022, requesting the court modify the current child support order. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served with address verification on October 10, 2022. Petitioner is requesting guideline child support, with a 100% timeshare of the minor.

Respondent filed a Responsive Declaration and Income and Expense Declaration on December 2, 2022. Petitioner was served electronically on December 2, 2022. Respondent objects to the requested guideline support as he has been out of work since May 2022, due to a work injury and currently has no income.

Parties appeared on December 15, 2022 and reached an agreement for interim child support. Respondent agreed to pay Petitioner \$200 per month as and for child support beginning February 1, 2023. Payments due on the first of each month until further order of the court or termination by operation of law. The court set a further review hearing date and ordered parties to file updated Income and Expense Declarations.

Petitioner filed an Income and Expense Declaration on May 3, 2023. Respondent was served by mail on May 3, 2023.

Respondent filed an Income and Expense Declaration as well as a Declaration on May 26, 2023. There is no Proof of Service showing Petitioner was served with either of these documents. The court notes, these documents were both filed less than 10 days prior to the hearing. The court cannot consider either document as they have not been properly served.

The court orders parties to appear for the hearing.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AT 1:30 PM IN DEPARTEMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

18. KATHRYN RUNDLE V. SHAUN RUNDLE

22FL0909

Petitioner filed a Request for Order (RFO) on April 4, 2023, requesting to amend the Petition for Legal Septation to a Petition for Divorce. Upon review of the court's file, there is no Proof of Service showing Respondent was served with the RFO.

Respondent filed a Responsive Declaration on April 7, 2023, stating he consents to the order requested. Upon review of the court file, there is no Proof of Service showing Petitioner was served with Respondent's Responsive Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AT 1:30 PM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

19. MICHAEL KATAUSKAS V. KAITLIN WARDLOW

22FL0196

Respondent filed an ex parte application for emergency orders on March 13, 2023, requesting to relocate out of state with the minors. The court denied the request on March 15, 2023 and ordered the minors to remain in the state of California. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on April 12, 2023 and a review hearing on June 1, 2023. Respondent filed a Request for Order (RFO) making the same requests as set forth in the ex parte application on March 15, 2023. Petitioner was served by mail on April 28, 2023. The court notes, this was after the CCRC appointment.

Petitioner filed an ex parte application for emergency orders on March 23, 2023. On March 24, 2023, the court denied Petitioner's request and affirmed the prior set CCRC appointment and review hearing. On March 24, 2023, Petitioner filed an RFO requesting the same orders as set forth in the ex parte request. Upon review of the court file, there is no Proof of Service showing the RFO was served on Respondent. Therefore, the court drops Petitioner's March 24, 2023 filed RFO from calendar due to lack of proper service.

On March 29, 2023, the parties filed a Stipulation and Order for custody and visitation pending the June 1, 2023 review hearing, which the court signed and adopted as its order.

Neither party appeared to CCRC on April 12, 2023.

Respondent filed a Declaration on April 26, 2023. There is no Proof of Service showing Petitioner was served with this document, therefore, the court cannot consider it.

The court notes all mail sent by the court to Petitioner has been returned.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AT 1:30 PM IN DEPARTMENT 5.

PETITIONER'S MARCH 24, 2023 RFO 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

June 1, 2023

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

20. MIGUEL RUVALCABA V. BERTHA RUVALCABA

PFL20190616

Respondent filed a Request for Order (RFO) requesting modification of child custody and parenting plan orders as well as modification of the terms of the transfer of the marital residence on March 28, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 20, 2023 and a review hearing on June 1, 2023. Petitioner was personally served on April 7, 2023.

Parties appeared for CCRC on April 7, 2023 and reached a full agreement. Parties submitted a Stipulation and Order regarding custody and parenting time which the court signed and adopted as its order on April 20, 2023. Therefore, the court finds the custody and parenting time issues have been resolved.

Respondent requests the court order Petitioner refinance the former marital residence and remove Respondent's name from the mortgage or in the alternative, sell the property. Respondent asserts in her declaration, it has been three years and Petitioner has failed to remove her name from the mortgage, despite it being a term of the Marital Settlement Agreement.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court grants Respondent's request. Petitioner is ordered to refinance the mortgage and remove Respondent's name from the mortgage. Petitioner shall have 90 days to complete the refinance and removal of Respondent's name from the mortgage. Should Petitioner fail to secure a refinance and/or remove Respondent's name from the mortgage, the home is to be listed for sale.

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 # 20: THE COURT GRANTS RESPONDENT'S REQUEST. PETITIONER IS ORDERED TO REFINANCE THE MORTGAGE AND REMOVE RESPONDENT'S NAME FROM THE MORTGAGE. PETITIONER SHALL HAVE 90 DAYS TO COMPLETE THE REFINANCE AND REMOVAL OF RESPONDENT'S NAME FROM THE MORTGAGE. SHOULD PETITIONER FAIL TO SECURE A REFINANCE AND/OR REMOVE RESPONDENT'S NAME FROM THE MORTGAGE, THE HOME IS TO BE LISTED FOR SALE. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 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. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 1, 2023

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

21. ROBERT CLARK V. LISSA LYNCH

PFL20110438

Respondent filed a Request for Order (RFO) on March 15, 2023, requesting the court modify child custody and parenting time orders. Petitioner was served by mail on April 17, 2023. Although Respondent checked the box requesting modification of child custody, Respondent has not indicated any requested changes to the current custody orders. Respondent is requesting modification of Petitioner's parenting time every other Thursday from after school until Sunday at 7:00 pm and each Wednesday from after school until 6 pm. However, Respondent does not specify what the requested modification is. Respondent requests a holiday schedule and for Petitioner to provide transportation to and from his parenting time, as well as for Petitioner to refrain from negative comments about the minors' choices in friends and physical appearance, for Petitioner to communicate with Respondent about his intentions to pick up the minors from the Boys and Girls Club, and for Respondent to have the minors for religious ceremonies throughout the year.

Petitioner filed a Responsive Declaration on May 15, 2023. Respondent was served by mail on May 23, 2023. The Proof of Service states Respondent was also served a Declaration, however, the court notes, no Declaration has been filed with the court. Petitioner states in his Responsive Declaration that he consents to the requested modifications. Petitioner also states in the Responsive Declaration there is an attached Declaration, however, there is no such attachment.

The court has read and considered the filings as set forth above. The court grants the requested modifications.

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 #21: THE COURT GRANTS THE REQUESTED MODIFICATIONS. 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.