

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
June 29, 2023
8:30 a.m./1:30 p.m.

1. AMOR TORRES V. ROBERT TORRES

PFL20210332

This matter is before the court on a Request for Order (RFO) filed by Respondent on March 15, 2023. The RFO and all other required documents were mail served on March 22, 2023. Petitioner filed and served her Responsive Declaration to Request for Order on June 16, 2023. Respondent has not filed a Reply.

Respondent requests the court enter judgment based on the stipulation filed on June 7, 2022 and award Respondent \$7,500 in Family Code section 271 sanctions. According to Respondent, the parties reached a full agreement which was codified in their June 2022 stipulation. The stipulation vested Petitioner's attorney with the responsibility of preparing the Marital Settlement Agreement ("MSA") and the judgment paperwork. Now, Respondent states Petitioner is attempting to include terms in the MSA that were not included in the original stipulation. Specifically, he argues there are provisions in the MSA which award Petitioner one-half of the community property interest in restricted stock units ("RSU") that never vested, as well as an offset of \$13,114 for any interest Petitioner has in past or future RSUs. The issue of Respondent's interest in the RSUs, if any, was set to begin trial on April 18, 2023.

Petitioner asks that the RFO be denied in its entirety. She states that the disputed language in the MSA does not refer to the RSUs but instead refers to Respondent's interest in his Fidelity retirement account. Petitioner vehemently objects to the imposition of Section 271 sanctions as she notes a list of Respondent's actions which she feels are sanctionable and states that the issue of sanctions against Respondent is set for September 5th.

This matter is set for trial on September 5th to address Petitioner's request for sanctions against Respondent as well as the existence, or lack thereof, of the RSUs and whether or not the stipulation has been violated. In light of the pending trial and the fact that there is much dispute over the actual meaning of the stipulation, the court is hesitant to enter judgment on the stipulation. As such, Respondent's request to enter judgment based on the stipulation is denied. Respondent's request for Section 271 sanctions is continued to join with the issues set for trial on September 5, 2023 at 8:30 a.m.

TENTATIVE RULING #1: RESPONDENT'S REQUEST TO ENTER JUDGMENT BASED ON THE STIPULATION IS DENIED. RESPONDENT'S REQUEST FOR SECTION 271 SANCTIONS IS CONTINUED TO JOIN WITH THE ISSUES SET FOR TRIAL ON SEPTEMBER 5, 2023 AT 8:30 A.M. 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

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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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2. AMY BURSE V. DEWAYNE BURSE, JR.

PFL20170155

Respondent filed a Request for Order (RFO) on February 7, 2023, requesting modification of child custody and parenting time orders as well as modification of child and spousal support orders. Respondent concurrently filed an Income and Expense Declaration.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on March 24, 2023. Petitioner objected to the requested orders as to custody and visitation. As to child support, Petitioner agreed to dropping the bonus schedule as proposed by Respondent. Petitioner also agreed to changing the additional daycare support. Petitioner further objected to imputing her with additional income but agreed to the termination of spousal support.

The matter came before the court for hearing on April 13, 2023, at which time the court adopted its tentative ruling. The court reserved on the request to modify child support and noted the matter would be set on the child support calendar once the child custody and parenting plan issues have been resolved. The court reserved jurisdiction to retroactively modify child support to the date of the filing of the RFO. The parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date. The court granted Respondent's request to terminate spousal support with Petitioner's consent.

The parties attended CCRC on May 15, 2023, and were able to reach agreements on all issues. The terms of the agreements are codified in the CCRC report dated June 13, 2023. The court finds the agreements as stated in the June 13th CCRC report to be in the best interests of the minors and hereby adopts them as the orders of the court.

The issue of child support is continued to the Department of Child Support Services Calendar on 8/14/2023 at 8:30 AM in Department 8.

TENTATIVE RULING #2: THE COURT FINDS THE AGREEMENTS AS STATED IN THE JUNE 13TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND HEREBY ADOPTS THEM AS THE ORDERS OF THE COURT. THE ISSUE OF CHILD SUPPORT IS CONTINUED TO THE DEPARTMENT OF CHILD SUPPORT SERVICES CALENDAR ON 8/14/2023 AT 8:30 AM IN DEPARTMENT 8. 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.**

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3. BRANDON BERUMEN V. ZSANENN WARD-THOMAS

PFL20200128

Petitioner filed a Request for Order (RFO) on February 3, 2023, seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) and given an appointment on March 6, 2023. The RFO and the CCRC referral were mail served on February 3rd.

Neither party appeared for CCRC as scheduled. Thereafter, on March 13th, Petitioner filed a document entitled Request to Re-Refer Parties Back to CCRC. The court granted the request, and the parties were given a new CCRC appointment which was set for May 10th. The parties then stipulated to continue the hearing on the RFO until after the newly scheduled CCRC appointment. A hearing was therefore set for the present date.

Respondent filed and served his Responsive Declaration to Request for Order on April 28, 2023. On May 23rd Petitioner filed and served a Supplemental Declaration of Brandon Berumen in Support of the Request for Order.

Petitioner is requesting sole legal and sole physical custody. He asks that the court maintain the current visitation schedule but order visits to take place in North Carolina only. Petitioner agrees to pay for Respondent's airfare for the visits. While Respondent is in North Carolina Petitioner asks that the children not be allowed to remain with Respondent overnight. He also requests the visits be subject to a minimum 90-day prior notice requirement.

Petitioner asks that phone and video calls between Respondent and the children be ceased or, in the alternative, that they be limited to twice per month and that they take place only between the children and Respondent with no third parties allowed to participate. Petitioner further requests that when the children are with Respondent, Respondent not be allowed to take their phones from them, and that Respondent give the children privacy during their phone calls with Petitioner.

Finally, Petitioner requests an order prohibiting any physical discipline of the children and he asks that Respondent pay her half of all medical and dental copays.

Respondent objects to the requested orders. She asks that Petitioner not be allowed to contact the children while they are with her and when she has video calls with the children she asks that Petitioner not be present. She also asks that Petitioner be ordered not to incur excessive medical and dental bills and that he be ordered to confer with Respondent and provide her with written documentation of planned procedures. Finally, she asks for an order allowing her to move the children back to California.

The parties attended CCRC on May 10, 2023 but were unable to reach any agreements. A report was prepared by the CCRC counselor dated June 16, 2023. In that report the CCRC

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counselor provides the court with recommendations regarding custody, visitation, and additional provisions.

The court has reviewed the filings as outlined above and finds the current orders remain in the best interest of the children with some modifications. Currently, Respondent is to have visits with the children a minimum of three times per year. Moving forward, only one of those visits shall take place in California. The remaining two visits are to take place in North Carolina. The timing of the visits is to remain as previously ordered, except the summer visit is now ordered to take place the second to last week of summer break. Both parties are ordered to provide the other with the physical address where the children will be residing with the parent during his or her custodial time. The parties are to exchange addresses no later than July 6, 2023. This order does not apply if either party has an address registered with the State of California's Safe at Home Confidential Address Program. The current phone/video call schedules are to remain as previously ordered. The children are allowed to maintain possession of their individual cell phones during custodial time with both parents. However, the parties are to ensure they are not encouraging excessive calling from children during the other party's parenting time. The parties are not to call the children on their cell phones outside of the already scheduled phone calls unless there is an emergency. Neither party may use physical discipline to discipline the children. All prior orders not in conflict with this order remain in full force and effect. Both parties are admonished to fully comply with all court orders.

TENTATIVE RULING #3: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE BEST INTEREST OF THE CHILDREN WITH SOME MODIFICATIONS. CURRENTLY, RESPONDENT IS TO HAVE VISITS WITH THE CHILDREN A MINIMUM OF THREE TIMES PER YEAR. MOVING FORWARD, ONLY ONE OF THOSE VISITS SHALL TAKE PLACE IN CALIFORNIA. THE REMAINING TWO VISITS ARE TO TAKE PLACE IN NORTH CAROLINA. THE TIMING OF THE VISITS IS TO REMAIN AS PREVIOUSLY ORDERED, EXCEPT THE SUMMER VISIT IS NOW ORDERED TO TAKE PLACE THE SECOND TO LAST WEEK OF SUMMER BREAK. BOTH PARTIES ARE ORDERED TO PROVIDE THE OTHER WITH THE PHYSICAL ADDRESS WHERE THE CHILDREN WILL BE RESIDING WITH THE PARENT DURING HIS OR HER CUSTODIAL TIME. THE PARTIES ARE TO EXCHANGE ADDRESSES NO LATER THAN JULY 6, 2023. THIS ORDER DOES NOT APPLY IF EITHER PARTY HAS AN ADDRESS REGISTERED WITH THE STATE OF CALIFORNIA'S SAFE AT HOME CONFIDENTIAL ADDRESS PROGRAM. THE CURRENT PHONE/VIDEO CALL SCHEDULES ARE TO REMAIN AS PREVIOUSLY ORDERED. THE CHILDREN ARE ALLOWED TO MAINTAIN POSSESSION OF THEIR INDIVIDUAL CELL PHONES DURING CUSTODIAL TIME WITH BOTH PARENTS. HOWEVER, THE PARTIES ARE TO ENSURE THEY ARE NOT ENCOURAGING EXCESSIVE CALLING FROM CHILDREN DURING THE OTHER PARTY'S PARENTING TIME. THE PARTIES ARE NOT TO CALL THE CHILDREN ON THEIR CELL PHONES OUTSIDE OF THE ALREADY SCHEDULED PHONE CALLS UNLESS THERE IS AN EMERGENCY. NEITHER PARTY MAY USE PHYSICAL DISCIPLINE TO

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DISCIPLINE THE CHILDREN. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. BOTH PARTIES ARE ADMONISHED TO FULLY COMPLY WITH ALL COURT ORDERS. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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4. CHRISTIE BROWN V. BENJAMIN BROWN

PFL20160612

This matter is before the court on a Request for Order (RFO) filed by Respondent on April 7, 2023. The RFO, along with all other required documents, were served on April 17th. Petitioner filed her Responsive Declaration to Request for Order on May 5th, however there is no Proof of Service and as such the court has not read or considered this document. Respondent has not filed a Reply.

Respondent brings this RFO requesting unsupervised visits with the younger child every Saturday from 9:00 a.m. to 2:00 p.m. or, in the alternative, supervised visitation to take place with the paternal grandmother as supervisor. He also requests Petitioner be ordered to communicate on the status of the younger minor's counseling and provide contact information for his therapist.

The parties attended Child Custody Recommending Counseling (CCRC) on May 11, 2023 but were unable to reach any agreements. A CCRC report was prepared dated June 15, 2023 recommending all prior orders remain in place.

The court has reviewed the filings of the parties and is in agreement with CCRC, that the best interests of the children are for all prior orders to remain in full force and effect. The criminal matter against Respondent is still pending and the court is concerned with increasing visitation with either of the minors until that matter is resolved. Additionally, the court does not find disclosure of the identity of the younger minor's therapist is warranted as Petitioner has sole legal custody. Respondent would be precluded from obtaining any information from the therapist and the court is concerned that undue pressure may be placed on the therapist if Respondent were to have the therapist's identity and contact information. Respondent's RFO is denied.

TENTATIVE RULING #4: RESPONDENT'S RFO IS DENIED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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5. DEBRA STANLEY V. ROBERT STANLEY

PFL20210202

Respondent moves for custody and visitation orders, the appointment of Minor's Counsel, and an order directing Petitioner to undergo a 730 Evaluation. The Request for Order (RFO) was filed on January 19, 2023; it was mail served on January 26th. On March 30th, Respondent filed and served Respondent's Supplemental Declaration re Child Custody and Visitation, and Declaration of Kristy Stanley. Petitioner's Responsive Declaration to Request for Order was filed on April 3, 2023.

The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 23rd however, Respondent did not appear. The matter came before the court for hearing on April 13th at which time the parties were re-referred to CCRC and the hearing on the RFO was continued to the present date.

On April 24th Petitioner filed an RFO also requesting custody and visitation orders. This is a renewal of requests Petitioner brought ex parte on April 19th which was denied in part, but the court did make the following orders: (1) Exchanges are to take place at Family Visitation Network. Petitioner and Respondent shall share the costs equally. (2) Petitioner is to sign up for the premium Talkingparents.com services within 24 hours to facilitate the monitored phone calls. (3) Neither party is to record the exchanges. Both parties are to follow the rules and regulations of Family Visitation Network. (3) Non-professional supervisor Kristy Stanley is to complete and file the FL-324. She is to review the supervised visitation guide provided. (4) The parties are reminded of the Respect Guidelines. (5) All prior orders remain in full force and effect. The RFO was set for a regularly scheduled hearing on the present date.

Respondent filed an ex parte request for custody and visitation orders on May 4th. That request was denied in part, but the court did order Petitioner to complete her intake with Family Visitation Network no later than May 16, 2023. The first exchange visit was set to begin on May 21, 2023. The court admonished both parties that failure to abide by court orders could result in contempt, sanctions, and/or a change in custody and visitation orders. On May 16th Respondent filed another RFO reiterating his ex parte requests for custody and visitation orders. That RFO was set for the present hearing date and then served on May 19th. On June 20th Respondent filed a Declaration of Stephanie Gregory and a Declaration of Donelle Anderson in support of his RFO.

Petitioner's Reply re Child Custody/Visitation was filed and served on June 21, 2023. Petitioner raises multiple evidentiary objections to the Declaration of Donelle Anderson. The court sustains the hearsay objection in objection and grants the motion to strike. All remaining objections are overruled and the motions to strike are denied. Petitioner recounts her version of the intake process with Family Visitation Network and Ms. Anderson. Petitioner has included multiple exhibits.

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In Respondent's January 19th RFO he made the following requests: (1) Petitioner shall comply with court orders and exchanges for Respondent's visit at the Folsom Police Department. (2) Respondent's parenting time shall be increased to unsupervised, every weekend from Friday at 6:00 p.m. to Sunday at 6:00 p.m. (3) Minor's Counsel shall be appointed for the children. (4) Petitioner shall choose one therapist from the list of three therapists provided by Respondent for family counseling. (5) Petitioner shall be ordered to submit to a 730 Evaluation and follow any recommendations by the assessor. (6) Petitioner shall be ordered to comply with any prescriptions as prescribed. Respondent also requests court ordered FaceTime calls with the children 3 times per week without the presence of Petitioner during the calls.

Petitioner opposes Respondent's requests as well as his recounting of events that precipitated the RFO. In Petitioner's April 24th RFO she asserts that the children are afraid of Respondent and no longer wish to have visits with him. Petitioner requests Respondent's visits be terminated in full until he can demonstrate that he can act appropriately, and counseling has rebuilt the relationship between the children and Respondent.

Respondent followed Petitioner's request with the filing of another RFO on May 16th wherein he requested sole legal and sole physical custody of the children with supervised visitation to Petitioner every Sunday from 10:00 a.m. to 2:00 p.m. In the alternative, he requested Petitioner be ordered to complete her intake with Family Visitation Network no later than May 16th. He requested phone calls with the children every Monday, Wednesday and Friday at 7:00 p.m. Respondent asks the court to consider Petitioner's deliberate and repeated refusal to allow visitation between Respondent and the children.

The parties attended CCRC on May 3rd and a report with recommendations was prepared dated June 16, 2023. The court has reviewed the recommendations of the CCRC counselor and finds them to be in the best interests of the minors. The court hereby adopts the recommendations of the CCRC report with the following modifications.

Regarding counseling for J.N. and L.N., Respondent is to provide Petitioner with the name of three counselors no later than July 6th. Petitioner is to choose one of the three and inform Respondent and his counsel of her choice, in writing, no later than July 13th. If Petitioner does not choose a counselor by the specified date, Respondent may choose one of the three. Petitioner is ordered to timely complete all intake requirements of the therapist and to schedule the children for their first appointment as soon as reasonably possible. Paragraph 3 of the Counseling section of the CCRC report shall be deleted.

The court is concerned with Petitioner's attempts to preclude Respondent from exercising his parenting time. It is in the best interest of the children to have continuing and ongoing contact with both parents and by precluding them from seeing their father, especially

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in light of his recent and repeated negative drug tests, Petitioner is not serving the best interests of the minors. As such, the Parenting Time schedule shall be modified to state: (1) Respondent shall continue to have visitation with the children on Sundays from 10:00 a.m. until 2:00 p.m. These visits will be non-professionally supervised by paternal grandmother. (2) After 90 days, and a review hearing by the court, the court will determine whether it is appropriate for visitation to move on to step two. On step two of the step-up plan, Respondent shall have unsupervised visits every Sunday from 10:00 a.m. to 2:00 p.m. (3) After 90 days, and a review hearing by the court, the court will determine whether it is appropriate for visitation to move on to step three. On step three of the step-up plan, Respondent shall have unsupervised visits every Sunday from 10:00 a.m. to 6:00 p.m. At that time the court will determine if continued review hearings are necessary or if the therapist may be relied upon to make further determinations as to the progression of the step-up plan. (4) After 90 days, and a review hearing by the court or at the determination of the therapist, visitation may move on to step four. On step four of the step-up plan, visits between Respondent and the children will increase to 24 hours on alternating weekends. Respondent shall have visits from 10:00 a.m. on Saturdays to 10:00 a.m. on Sundays. Overnights are to take place in the home of the paternal grandmother or in a motel. (5) After 90 days, and a review hearing by the court or at the determination of the therapist, visitation may move on to step five. On step five of the step-up plan, Respondent shall have visitation with the children on the 1st and 3rd weekend of every month from Friday at 5:00 p.m. until Sunday at 5:00 p.m. These visits may occur at Respondent's home. (6) Visitation between Respondent and the minor I.N. shall only occur when the minor and I.N. agree to the visitation ahead of time. All such agreements shall be confirmed using Talkingparents.com prior to the visitation. The court sets a review hearing for 9/28/2023 at 8:30 AM in department 5. Parties are to prepare and file supplemental declarations no later than 10 days prior to the date of the hearing.

The section entitled Phone Contact Between Parties and Children shall be amended to read as follows: "Father shall have FaceTime/video calls with the children on Mondays, Wednesdays, and Fridays at 7:00 p.m. Petitioner shall not be present during, or interfere with, the calls."

In addition to adopting the recommendations of the CCRC report as set forth above, the court feels it is appropriate to appoint Minor's Counsel to the children. The court appoints Rebecca Esty-Burke as Minor's Counsel. Minor's counsel is directed to prepare a Statement of Issues and Contentions and file it with the court no later than 10 days prior to the next hearing date. Therein Minor's Counsel is to provide the court with recommendations regarding whether or not to move to step two of the step-up plan.

Respondent's request for a 730 Evaluation is denied for the time being. While the court is concerned with the apparent alienation of the children by Petitioner, the court finds it is in the

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best interest of the children to attend individual counseling and begin to work with their court appointed counsel to work toward repairing their relationship with Respondent. Additionally, other than the allegations of alienation, Respondent has not provided sufficient evidence to warrant a 730 Evaluation. Likewise, Respondent's request to order Petitioner to take all medications as prescribed is denied. Respondent has not provided any evidence to support his contention that Petitioner's mental health is interfering with her ability to parent the children and keep them safe.

TENTATIVE RULING #5: THE COURT HEREBY ADOPTS THE RECOMMENDATIONS OF THE CCRC REPORT WITH THE FOLLOWING MODIFICATIONS. REGARDING COUNSELING FOR J.N. AND L.N., RESPONDENT IS TO PROVIDE PETITIONER WITH THE NAME OF THREE COUNSELORS NO LATER THAN JULY 6TH. PETITIONER IS TO CHOOSE ONE OF THE THREE AND INFORM RESPONDENT AND HIS COUNSEL OF HER CHOICE, IN WRITING, NO LATER THAN JULY 13TH. IF PETITIONER DOES NOT CHOOSE A COUNSELOR BY THE SPECIFIED DATE, RESPONDENT MAY CHOOSE ONE OF THE THREE. PETITIONER IS ORDERED TO TIMELY COMPLETE WITH ALL INTAKE REQUIREMENTS OF THE THERAPIST AND TO SCHEDULE THE CHILDREN FOR THEIR FIRST APPOINTMENT AS SOON AS REASONABLY POSSIBLE. PARAGRAPH 3 OF THE COUNSELING SECTION SHALL BE DELETED.

THE PARENTING TIME SCHEDULE SHALL BE MODIFIED TO STATE: (1) RESPONDENT SHALL CONTINUE TO HAVE VISITATION WITH THE CHILDREN ON SUNDAYS FROM 10:00 A.M. UNTIL 2:00 P.M. THESE VISITS WILL BE NON-PROFESSIONALLY SUPERVISED BY PATERNAL GRANDMOTHER. (2) AFTER 90 DAYS, AND A REVIEW HEARING BY THE COURT, THE COURT WILL DETERMINE WHETHER IT IS APPROPRIATE FOR VISITATION TO MOVE ON TO STEP TWO. ON STEP TWO OF THE STEP-UP PLAN, RESPONDENT SHALL HAVE UNSUPERVISED VISITS EVERY SUNDAY FROM 10:00 A.M. TO 2:00 P.M. (3) AFTER 90 DAYS, AND A REVIEW HEARING BY THE COURT, THE COURT WILL DETERMINE WHETHER IT IS APPROPRIATE FOR VISITATION TO MOVE ON TO STEP THREE. ON STEP THREE OF THE STEP-UP PLAN, RESPONDENT SHALL HAVE UNSUPERVISED VISITS EVERY SUNDAY FROM 10:00 A.M. TO 6:00 P.M. AT THAT TIME THE COURT WILL DETERMINE IF CONTINUED REVIEW HEARINGS ARE NECESSARY OR IF THE THERAPIST MAY BE RELIED UPON TO MAKE FURTHER DETERMINATIONS AS TO THE PROGRESSION OF THE STEP-UP PLAN. (4) AFTER 90 DAYS, AND A REVIEW HEARING BY THE COURT OR AT THE DETERMINATION OF THE THERAPIST, VISITATION MAY MOVE ON TO STEP FOUR. ON STEP FOUR OF THE STEP-UP PLAN, VISITS BETWEEN RESPONDENT AND THE CHILDREN WILL INCREASE TO 24 HOURS ON ALTERNATING WEEKENDS. RESPONDENT SHALL HAVE VISITS FROM 10:00 A.M. ON SATURDAYS TO 10:00 A.M. ON SUNDAYS. OVERNIGHTS ARE TO TAKE PLACE IN THE HOME OF THE PATERNAL GRANDMOTHER OR IN A MOTEL. (5) AFTER 90 DAYS, AND A REVIEW HEARING BY THE COURT OR AT THE DETERMINATION OF THE THERAPIST, VISITATION MAY MOVE ON TO STEP FIVE. ON STEP FIVE OF THE STEP-UP PLAN,

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RESPONDENT SHALL HAVE VISITATION WITH THE CHILDREN ON THE 1ST AND 3RD WEEKEND OF EVERY MONTH FROM FRIDAY AT 5:00 P.M. UNTIL SUNDAY AT 5:00 P.M. THESE VISITS MAY OCCUR AT RESPONDENT'S HOME. (6) VISITATION BETWEEN RESPONDENT AND THE MINOR I.N. SHALL ONLY OCCUR WHEN THE MINOR AND I.N. AGREE TO THE VISITATION AHEAD OF TIME. ALL SUCH AGREEMENTS SHALL BE CONFIRMED USING TALKINGPARENTS.COM PRIOR TO THE VISITATION. THE COURT SETS A REVIEW HEARING FOR 9/28/2023 AT 8:30 AM IN DEPARTMENT 5. PARTIES ARE TO PREPARE AND FILE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE DATE OF THE HEARING.

THE SECTION ENTITLED PHONE CONTACT BETWEEN PARTIES AND CHILDREN SHALL BE AMENDED TO READ AS FOLLOWS: "FATHER SHALL HAVE FACETIME/VIDEO CALLS WITH THE CHILDREN ON MONDAYS, WEDNESDAYS, AND FRIDAYS AT 7:00 P.M. PETITIONER SHALL NOT BE PRESENT DURING, OR INTERFERE WITH, THE CALLS."

IN ADDITION TO ADOPTING THE RECOMMENDATIONS OF THE CCRC REPORT AS SET FORTH ABOVE, THE COURT FEELS IT IS APPROPRIATE TO APPOINT MINOR'S COUNSEL TO THE CHILDREN. THE COURT APPOINTS REBECCA ESTY-BURKE AS MINOR'S COUNSEL. MINOR'S COUNSEL IS DIRECTED TO PREPARE A STATEMENT OF ISSUES AND CONTENTIONS AND FILE IT WITH THE COURT NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE. THEREIN MINOR'S COUNSEL IS TO PROVIDE THE COURT WITH RECOMMENDATIONS REGARDING WHETHER OR NOT TO MOVE TO STEP TWO OF THE STEP-UP PLAN.

RESPONDENT'S REQUEST FOR A 730 EVALUATION IS DENIED. RESPONDENT'S REQUEST TO ORDER PETITIONER TO TAKE ALL MEDICATIONS AS PRESCRIBED 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 29, 2023

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

6. JENNIFER ANN ZEHNER V. JARROD JOHN ZEHNER

22FL0185

Petitioner filed a Request for Order (RFO) on April 5, 2023 seeking custody, visitation, and other orders. The RFO along with all other required documents were personally served on April 22nd and mail served on April 26th.

On May 11th Respondent filed and served his Responsive Declaration to Request for Order, his Income and Expense Declaration and his Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration. Petitioner has not filed a Reply.

Child Custody

Petitioner brings her RFO requesting joint legal and physical custody of the parties' minor child. She does not specify a requested visitation schedule but states that the parties currently share 50/50 custody in an amicable and equal fashion.

The parties were referred to Child Custody Recommending Counseling (CCRC) and given an appointment on May 4th. Petitioner attended CCRC, Respondent did not. As such, a report was prepared but the CCRC counselor was unable to make any recommendations without the participation of both parties.

Respondent asks the court to confirm 50/50 joint legal and physical custody of the children which, according to him, the parties have been doing amicably. He requests Sunday afternoon through Wednesday morning and every other Friday afternoon through Sunday afternoon. Petitioner has Wednesday morning through Friday afternoon and every other Friday afternoon through Sunday afternoon.

The court has reviewed the filings of the parties as outlined above and finds the current custody schedule to be in the best interests of the child. The parties are to maintain joint legal custody and joint physical custody with a 50/50 timeshare. Respondent is to have the minor on Sunday afternoon through Wednesday morning and every other Friday afternoon through Sunday afternoon. Petitioner shall have the minor Wednesday morning through Friday afternoon and every other Friday afternoon through Sunday afternoon.

Motion to Compel Disclosures

According to Petitioner she served her Preliminary Declaration of Disclosures on January 20, 2023. As of the date of filing the RFO Petitioner had not yet received Respondent's disclosures. This is despite the fact that Petitioner's counsel sent a demand letter on November 7, 2022. Petitioner is seeking an order compelling Respondent's Preliminary Declaration of Disclosures as well as sanctions and attorney's fees in the amount of \$3,000 which Petitioner argues were incurred as a result of Respondent's noncompliance.

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According to Respondent he served his Preliminary Declaration of Disclosure on May 11th. He asks that Petitioner's request for attorney's fees be denied as there was no meet and confer prior to the filing of the declaration. Respondent states the delay in serving his disclosure was due to the fact that he was trying to complete the parties' joint tax filing prior to serving the disclosure.

The court declines to rule on Petitioner's request for an order compelling Respondent's Preliminary Declaration of Disclosure due to the fact that disclosures have been served and the issue is now moot. Petitioner's request for attorney's fees and sanctions is denied. Petitioner has brought this motion requesting the initial disclosures but also making additional requests that would have been before the court regardless. While it is true that Petitioner incurred costs associated with sending the meet and confer letter, Petitioner has not provided the court with the amount incurred in that regard alone and the imposition of sanctions in the amount of \$3,000 appears to be unjust under the circumstances.

Property Buyout or Sale

During the marriage the parties purchased a residence located on Pelkie Lane in Shingle Springs. Both parties are on title to the home, but Petitioner would like an appraisal of the property and Respondent to pay the cost thereof. She would like her name removed from the mortgage loan and would like Respondent to pay Petitioner her half of the community interest in the home.

Respondent consents to an appraisal of the property but asks that the parties equally divide the appraisal fee. Likewise, he agrees to buy Petitioner out of the home.

The parties are ordered to mutually choose a qualified appraiser to conduct an appraisal of the marital residence. The parties are to evenly split the cost of the appraisal. After the appraisal is completed the parties are to meet and confer in good faith to discuss Respondent potentially buying Petitioner out of the home.

TENTATIVE RULING #6: THE PARTIES ARE TO MAINTAIN JOINT LEGAL CUSTODY AND JOINT PHYSICAL CUSTODY WITH A 50/50 TIMESHARE. RESPONDENT IS TO HAVE THE MINOR ON SUNDAY AFTERNOON THROUGH WEDNESDAY MORNING AND EVERY OTHER FRIDAY AFTERNOON THROUGH SUNDAY AFTERNOON. PETITIONER SHALL HAVE THE MINOR WEDNESDAY MORNING THROUGH FRIDAY AFTERNOON AND EVERY OTHER FRIDAY AFTERNOON THROUGH SUNDAY AFTERNOON. THE COURT DECLINES TO RULE ON PETITIONER'S REQUEST FOR AN ORDER COMPELLING RESPONDENT'S PRELIMINARY DECLARATION OF DISCLOSURE DUE TO THE FACT THAT DISCLOSURES HAVE BEEN SERVED AND THE ISSUE IS NOW MOOT. PETITIONER'S REQUEST FOR ATTORNEY'S FEES AND SANCTIONS IS DENIED. THE PARTIES ARE ORDERED TO MUTUALLY CHOOSE A QUALIFIED

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

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

APPRAISER TO CONDUCT AN APPRAISAL OF THE MARITAL RESIDENCE. THE PARTIES ARE TO EVENLY SPLIT THE COST OF THE APPRAISAL. AFTER THE APPRAISAL IS COMPLETED THE PARTIES ARE TO MEET AND CONFER IN GOOD FAITH TO DISCUSS RESPONDENT POTENTIALLY BUYING PETITIONER OUT OF THE HOME. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 29, 2023

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

7. JOHN CRISAFULLI V. ANITA CRISAFULLI

22FL1192

This matter is before the court on Respondent's request for support orders and attorney's fees. Respondent filed her Request for Order (RFO) along with her Income and Expense Declaration on April 18, 2023. All required documents were served on April 19th. Respondent filed another Income and Expense Declaration on June 6th.

Petitioner filed and served his Responsive Declaration to Request for Order on June 16th. He filed and served his Income and Expense Declaration on June 20th, which is late filed however, given that this matter has been pending since April and Respondent has not objected to the late filing, the court finds good cause to reach the issue on its merits.

Respondent's Reply Declaration Regarding the Issues of Child Support and Spousal Support was filed and served on June 22nd.

According to Respondent, she served as the homemaker during the couple's 17-year marriage and has not worked since 2004. She states Petitioner was the sole wage earner while Respondent cared for the parties' three children. She is not currently employed and receives only a nominal amount in monthly rental income. She is requesting guideline child and spousal support as well as \$18,000 in attorney's fees and costs due to the disparity in income between the parties.

While Petitioner does not object to supporting the children, he does feel that Respondent has misstated the facts. He states he puts \$2,600 per month in a joint account to which both parties have access. He also notes that Respondent is admittedly receiving support from her mother, sister, and friends but she failed to disclose this support on either of her Income and Expense Declarations. Respondent also failed to account for the fact that she has deposited an average of \$6,000 per month into a checking account in her name alone for December 2022 through March of 2023. This is in addition to the \$2,600 she receives from Petitioner's pension. Petitioner has propounded discovery on this issue but has not received satisfactory responses. Petitioner notes that once support orders are made he will no longer be able to afford the extracurricular activities for the children nor the cost of the marital residence. Petitioner asks that Minor's Counsel be vested with the job of informing the children that they will be unable to participate in extracurricular activities and that the home will be sold. He would like to ensure that the children are aware it is no one's fault. Petitioner states that he has been requesting to sell the marital residence since December and to take out a \$30,000 distribution from retirement but both requests have been denied. He does not request these orders of the court.

Petitioner notes the pending domestic violence restraining order hearing and asks that the court deny the request for attorney's fees for this reason. Alternatively, he asks the court to

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defer an order on fees until the time of trial. He is also requesting an evidentiary hearing on the issue of support once Respondent complies with the requirements of discovery. Finally, he asks that the hearing be continued until after August 3rd.

Respondent opposes Petitioner's request to postpone the hearing noting that he can attend by Zoom if need be. While she recognizes the pending domestic violence hearing, Respondent states that an order of support pending the outcome of the hearing would at least allow her to pay expenses until the hearing date.

The court has reviewed the filings of the parties as outlined above and while there is a pending hearing on the domestic violence restraining order, given the disparity in income and Respondent's current custody of two of the three children, the court finds it is warranted to make support orders at this time. However, the court sets a review hearing on the support issues to join with the hearing on the domestic violence restraining order which is currently set for 10/10/2023 at 8:30 AM in department 5. The court reserves jurisdiction on the issues of spousal support and child support back to the date of filing the RFO. In the event the court makes findings of domestic violence at the hearing, the court may order a pay back of amounts paid for support.

Utilizing the figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$2,301 per month. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$2,301 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective May 1, 2023.

The court finds the above order results in arrears in the amount of \$4,602 through and including June 1, 2023. The court orders Petitioner to pay Respondent \$460.20 on the 15th of each month until paid in full (approximately 10 months). If a payment is late or missed the remaining balance is due in full with legal interest within five days of the date the missed or late payment was originally due.

In addition to spousal support, the court finds that child support is \$3,964 per month. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$3,964 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective May 1, 2023.

The court finds the above order results in arrears in the amount of \$7, 928 through and including June 1, 2023. The court orders Petitioner to pay Respondent \$792.80 on the 15th of each month until paid in full (approximately 10 months). If a payment is late or missed the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

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remaining balance is due in full with legal interest within five days of the date the missed or late payment was originally due.

Regarding Respondent's request for attorney's fees, Respondent makes her request 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. 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.

The party making the request for attorney's fees must provide the court with sufficient information regarding the nature of the litigation, its difficulty and the skill required and employed in handling litigation as well as anticipated attorney's fees and costs and why those fees and costs are just, necessary and reasonable. Respondent has not made the requisite showing. Further, the court notes the request for \$18,000 is extremely high, even in light of the disparity in income. Further, after the support awards, the disparity in income between the parties has decreased considerably, as has Petitioner's ability to pay for both his and Respondent's attorney's fees. In light of the foregoing, Respondent's request for attorney's fees is denied.

TENTATIVE RULING #7: THE COURT SETS A REVIEW HEARING ON THE ISSUES OF SPOUSAL AND CHILD SUPPORT TO JOIN WITH THE HEARING ON THE DOMESTIC VIOLENCE RESTRAINING ORDER WHICH IS CURRENTLY SET FOR 10/10/2023 AT 8:30 AM IN DEPARTMENT 5. THE COURT RESERVES JURISDICTION ON THE ISSUES OF SPOUSAL SUPPORT AND CHILD SUPPORT BACK TO THE DATE OF FILING THE RFO. IN THE EVENT THE COURT MAKES FINDINGS OF DOMESTIC VIOLENCE AT THE HEARING, THE COURT MAY ORDER A PAY BACK OF AMOUNTS PAID FOR SUPPORT.

UTILIZING THE FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$2,301 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$2,301 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE MAY 1, 2023.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 29, 2023

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

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$4,602 THROUGH AND INCLUDING JUNE 1, 2023. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$460.20 ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS OF THE DATE THE MISSED OR LATE PAYMENT WAS ORIGINALLY DUE.

IN ADDITION TO SPOUSAL SUPPORT, THE COURT FINDS THAT CHILD SUPPORT IS \$3,964 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$3,964 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE MAY 1, 2023.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$7,928 THROUGH AND INCLUDING JUNE 1, 2023. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$792.80 ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS OF THE DATE THE MISSED OR LATE PAYMENT WAS ORIGINALLY DUE.

RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED. 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.

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	1	2	Nets (adjusted)	Guideline		
% time with Second Parent	33%	50%	Father	13,954	Payment (cost)/benefit	(6,442) 6,442
Filing status	MFJ->	<-MFJ	Mother	574	Net spendable income	7,512 7,016
# Federal exemptions	2*	3*	Total	14,528	% combined spendable	51.7% 48.3%
Wages + salary	8,040	0	Support (Nondeductible)	Total taxes	3,252	104
401(k) employee contrib	415	0	CS Payor	Father	Comb. net spendable	14,529
Self-employment income	0	0	Presumed	4,047	Proposed	
Other taxable income	9,166	678	Basic CS	4,047	Payment (cost)/benefit	(6,442) 6,442
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	7,512 7,016
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	937	% combined spendable	51.7% 48.3%
Ordinary dividends	0	0	Child 2	1,019	% of saving over gdl	0% 0%
Tax. interest received	0	0	Child 3	2,091	Total taxes	3,252 104
Social Security received	0	0	SS Payor	Father	Comb. net spendable	14,529
Unemployment compensation	0	0	Alameda	2,395	Percent change	0.0%
Operating losses	0	0	Total	6,442	Default Case Settings	
Ca. operating loss adj.	0	0	Proposed, tactic 9			
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father		
Rental income	405	678	Presumed	4,047		
Misc ordinary tax. inc.	8,761	0	Basic CS	4,047		
Other nontaxable income	0	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
SS paid other marriage	0	0	Child 1	937		
CS paid other relationship	0	0	Child 2	1,019		
Adj. to income (ATI)	0	0	Child 3	2,091		
Ptr Support Pd. other P'ships	0	0	SS Payor	Father		
Health insurance	0	0	Alameda	2,395		
Qual. Bus. Inc. Ded.	0	0	Total	6,442		
Itemized deductions	2,721	0	Savings	0		
Other medical expenses	0	0	No releases			
Property tax expenses	1,144	0				
Ded. interest expense	1,578	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
June 29, 2023
8:30 a.m./1:30 p.m.

9. KATHY DITRICH V. DANIEL DITRICH

PFL20210547

On April 13, 2023, Respondent filed a Request for Order (RFO) seeking spousal support and attorney's fees. There are two Proofs of Service stating that an RFO filed by Respondent was served on Petitioner. One served on April 14th and the other on May 19th. The actual date of service for this RFO is unclear but it appears it has been served.

Petitioner's Responsive Declaration to Request for Order and her Income and Expense Declaration were filed and served on June 13th.

Respondent is requesting guideline spousal support based on his current inability to be self-supporting. He states that his sole earnings are social security and much of his income has gone to the present litigation. He also requests attorney's fees in the amount of \$9,000, though his FL-319 indicates that he is requesting an order of \$14,960 in fees and costs. He makes this estimate based on the fact that he will incur additional litigation costs as Petitioner is withholding guns and ammunition despite the current temporary restraining order.

Petitioner opposes the requested orders. She states that as of April 28th she is no longer able to work due to a medical condition. She argues Respondent's income is higher than he alleges and his expenses are exaggerated. Petitioner has provided three proposed DissoMaster reports.

It is unclear exactly what Petitioner maintains her income will be moving forward now that she cannot work. She has not provided any documentation to support her asserted inability to work nor any documentation that she will be applying for, and receiving, disability benefits. In that vein, the court finds it appropriate to use Petitioner's average monthly income for the purpose of calculating support.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$411 per month. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$411 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 April 15, 2023.

The court finds the above order results in arrears in the amount of \$1,233 through and including June 15, 2023. The court orders Petitioner to pay Respondent \$123.30 on the 1st of each month until paid in full (approximately 10 months). If a payment is late or missed the remaining balance shall become immediately due with legal interest.

LAW & MOTION TENTATIVE RULINGS

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June 29, 2023

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

The court further finds Petitioner received bonus wages of \$4,556.94, therefore, the court has included an overtime table with the DissoMaster. Petitioner is to pay Respondent a true up of any bonus earned no later than the 15th of the month in which the bonus is received.

Regarding Respondent's request for attorney's fees, Respondent makes his request 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 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.

In ruling on a request for 2030 attorney's fees, the court must first determine whether a disparity exists in the ability to pay for, and access funds to retain, counsel. This element has been met. Even considering Respondent's gross monthly income from his self-employment, according to his 2021 Profit and Loss, Respondent has an income of approximately half of that of Petitioner.

The court must next turn to the ability of the proposed payor to pay for the legal representation of both parties. In reviewing the numbers, even with taking into consideration the support order, Petitioner still has an excess of income, nominal though it may be.

Finally, the court must determine whether the fees and costs requested are reasonably necessary. The court notes that at this point Respondent has incurred \$3,670. He expects to incur approximately an additional \$10,500 associated with the upcoming DVRO trial. This estimate appears to be high and as the fees have not yet been incurred and there is no evidence to support the reasonableness of this amount or the fact that it actually will be incurred in its entirety the court is hesitant to award such a large sum. As such, the court finds a more reasonable amount to be awarded is \$5,000. Petitioner is to pay Respondent \$5,000 as and for attorney's fees. This amount may be paid in one lump sum or in monthly increments of \$500 due and payable on the 1st of the month until paid in full (approximately 10 months). Payments are to be made directly to Respondent's counsel. If any payment is missed or late, the entire amount is to become immediately due and payable with legal interest.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 29, 2023

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

TENTATIVE RULING #9: THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$411 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$411 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 APRIL 15, 2023.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$1,233 THROUGH AND INCLUDING JUNE 15, 2023. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$123.30 ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL BECOME IMMEDIATELY DUE WITH LEGAL INTEREST.

THE COURT FURTHER FINDS PETITIONER RECEIVED BONUS WAGES OF \$4,556.94, THEREFORE THE COURT HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER. PETITIONER IS TO PAY RESPONDENT A TRUE UP OF ANY BONUS EARNED NO LATER THAN THE 15TH OF THE MONTH IN WHICH THE BONUS IS RECEIVED.

PETITIONER IS TO PAY RESPONDENT \$5,000 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE AND PAYABLE ON THE 1ST OF THE MONTH UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). PAYMENTS ARE TO BE MADE DIRECTLY TO RESPONDENT'S COUNSEL. IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT IS TO BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

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.

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	2,608	Payment (cost)/benefit	406 (391)
Filing status	MFS->	<-MFS	Wife	4,311	Net spendable income	3,031 3,889
# Federal exemptions	1*	1*	Total	6,919	% combined spendable	43.8% 56.2%
Wages + salary	2,300	6,250	Support (Nondeductible)	Total taxes	598	1,262
401(k) employee contrib	0	0	SS Payor	Wife	Comb. net spendable	6,919
Self-employment income	906	0	Alameda	423	Proposed	
Other taxable income	0	0	Total	423	Payment (cost)/benefit	406 (391)
Short-term cap. gains	0	0	Proposed, tactic 9		Net spendable income	3,031 3,889
Long-term cap. gains	0	0	SS Payor	Wife	NSI change from gdl	0 0
Other gains (and losses)	0	0	Alameda	423	% combined spendable	43.8% 56.2%
Ordinary dividends	0	0	Total	423	% of saving over gdl	0% 0%
Tax. interest received	0	0	Savings	0	Total taxes	598 1,262
Social Security received	0	0	No releases		Comb. net spendable	6,919
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.	0	0				
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	332				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	332				
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	676				
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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10. SHAHLA ALIMORADPOUR V. NOWZAR TAGHIPOUR

21FL0064

This matter is before the court on a Request for Order (RFO) filed by Petitioner on April 5, 2023. The RFO, along with Petitioner's Income and Expense Declaration and all other required documents were served on April 26th.

Respondent's Responsive Declaration to Request for Order, Respondent's Declaration in Opposition to Petitioner's Request for Order, and Respondent's Income and Expense Declaration were filed and served on June 20th. Petitioner filed and served her updated Income and Expense Declaration on June 27th.

Petitioner brings her RFO requesting attorney's fees in the amount of \$7,500. Her request is predicated on Family Code section 2030 and the disparity in income between the parties.

Respondent opposes Petitioner's request for attorney's fees. Respondent notes that during the April 21st hearing on Petitioner's request for restraining order, the parties agreed, and the court ordered spousal support to be bifurcated and to join with the pending RFO hearing. Likewise, on April 28th, the parties agreed, and the court ordered the issue of payment of household expenses to be bifurcated and join with the pending RFO hearing. Respondent requests spousal support in the amount of \$1,477 effective April 1st, which would result in an arrears amount of \$4,431. He asks the court to reserve jurisdiction to retroactively modify spousal support in the event discovery discloses additional income on the part of Petitioner. Respondent further requests a credit toward support in the amount of \$7,082.32 which would ultimately deem the arrears amount paid in full and an additional credit of \$2,652.32 toward future spousal support payments. Respondent further requests an order directing Petitioner to cease using the Costco Anywhere Visa card and order Petitioner to be 100% responsible for the mortgage, taxes, insurance, and other costs related to her exclusive use and possession of the marital residence.

There are no current orders for attorney's fees or spousal support, however, the court has awarded Petitioner temporary use and possession of the marital home. On March 24th the court further ordered Respondent to pay the mortgage on the home as well as the PG&E and El Dorado Irrigation District (EID) expenses.

Respondent's request for an order directing Petitioner to cease using the Costco Anywhere Visa card is denied. Use of this card is covered by the ATROS and therefore the court is not inclined to order Petitioner to stop using it. The potential reimbursement of separate property charges to the card made by Petitioner is an issue more properly addressed at trial on division of property.

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According to paystubs provided by Petitioner she has a gross income of \$3,087.12, multiplied by the 10 months out of the year that she is paid, and then divided by 12 months, the court calculates Petitioner's average monthly income to be \$2,572.60.

Utilizing the same figures as outlined above and in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$1,388 per month. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$1,388 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective April 1, 2023.

The court finds the above order results in arrears in the amount of \$4,164 through and including June 1, 2023. However, the court grants Respondent's request for a credit towards spousal support to account for payments he made to the mortgage, PG&E, EID, Comcast and Waste for the months of April and May. This results in a total credit of \$6,168.57. Deducting the arrears amount from the credit amount the court deems the arrears to be satisfied in full and Respondent has a net credit amount of \$2,004.57 to be applied to future support payments. Respondent may reduce monthly payments by \$334.09 for the next six support payments. This results in monthly payments of \$1,053.91 for the months of July through December. Commencing January 1, 2024, support payments will automatically return to the full amount of \$1,388. The court reserves jurisdiction to retroactively modify support back to the date of April 1, 2023.

In light of Petitioner's exclusive use and possession of the marital residence, and in light of the support orders made herein, the court orders Petitioner to pay the entirety of the mortgage, taxes, insurance, and other costs related to her use of the marital residence commencing July 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 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 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, as well as the assets, debts,

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earning ability, ability to pay, and the age and health of each party. *In Re Marriage Of Keech*, supra, at 860; see also *In re Marriage of McLain*, 212 Cal. Rptr. 3d 537 (2017).

In ruling on a request for Section 2030 attorney's fees, the court must first determine whether a disparity exists in the ability to pay for, and access to funds, to retain counsel. While there is a general disparity in monthly income, the court notes that there is little to no disparity in access to funds as both parties have approximately the same amounts listed in their cash, checking, savings, and other deposit accounts. That said, moving forward Petitioner cannot be made to rely entirely on her savings when Respondent is earning more on a monthly basis. Further, pursuant to today's order, Petitioner will be responsible for the monthly costs of living in the residence which will further deplete her access to funds. As such, the court has found this prong of the 2030 analysis has been satisfied.

The court next turns to Respondent's ability to pay for counsel for both parties. Given that Respondent's average monthly income is well in excess of Petitioner's, and in light of the fact that he will no longer be responsible for payment of the mortgage moving forward, the court finds that Respondent certainly does have the means to contribute to the cost of Petitioner's counsel while still maintaining sufficient assets to afford his own attorney.

Finally, the court must address the issue of reasonable and necessary fees. According to Respondent's Income and Expense Declaration he has incurred over \$20,000 in attorney's fees to date while Petitioner has only incurred \$3,709.27. Further, with the upcoming hearing on the domestic violence restraining order it is reasonable to believe that Petitioner will need access to funds to prepare for and litigate that matter and an additional \$3,790 does not seem outside the realm of reasonableness. While the court understands Respondent's concern that Petitioner requesting fees as part of her domestic violence restraining order may result in a windfall to her if she is awarded fees on her RFO, the court may take past fee awards into consideration in ruling on Petitioner's future request for fees.

For the foregoing reasons, the court awards Petitioner \$7,500 as and for attorney's fees. Respondent may pay this amount in one lump sum or in monthly increments of \$1,250 due and payable on the 15th of each month commencing with July 15th and continuing until paid in full (approximately 6 months). Payments are to be made directly to Petitioner's counsel. If any payment is missed or late the entire amount shall become immediately due and payable.

TENTATIVE RULING #10: RESPONDENT'S REQUEST FOR AN ORDER DIRECTING PETITIONER TO CEASE USING THE COSTCO ANYWHERE VISA CARD IS DENIED.

UTILIZING THE SAME FIGURES AS OUTLINED ABOVE AND IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,388 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER

LAW & MOTION TENTATIVE RULINGS

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REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,388 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE APRIL 1, 2023.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$4,164 THROUGH AND INCLUDING JUNE 1, 2023. HOWEVER, THE COURT GRANTS RESPONDENT'S REQUEST FOR A CREDIT TOWARDS SPOUSAL SUPPORT TO ACCOUNT FOR PAYMENTS HE MADE TO THE MORTGAGE, PG&E, EID, COMCAST AND WASTE FOR THE MONTHS OF APRIL AND MAY. THIS RESULTS IN A TOTAL CREDIT OF \$6,168.57. DEDUCTING THE ARREARS AMOUNT FROM THE CREDIT AMOUNT THE COURT DEEMS THE ARREARS TO BE SATISFIED IN FULL AND RESPONDENT HAS A NET CREDIT AMOUNT OF \$2,004.57 TO BE APPLIED TO FUTURE SUPPORT PAYMENTS. RESPONDENT MAY REDUCE MONTHLY PAYMENTS BY \$334.09 FOR THE NEXT SIX SUPPORT PAYMENTS. THIS RESULTS IN MONTHLY PAYMENTS OF \$1,053.91 FOR THE MONTHS OF JULY THROUGH DECEMBER. COMMENCING JANUARY 1, 2024, SUPPORT PAYMENTS WILL AUTOMATICALLY RETURN TO THE FULL AMOUNT OF \$1,388. THE COURT RESERVES JURISDICTION TO RETROACTIVELY MODIFY SUPPORT BACK TO THE DATE OF APRIL 1, 2023.

THE COURT ORDERS PETITIONER TO PAY THE ENTIRETY OF THE MORTGAGE, TAXES, INSURANCE, AND OTHER COSTS RELATED TO HER USE OF THE MARITAL RESIDENCE COMMENCING JULY 1, 2023.

THE COURT AWARDS PETITIONER \$7,500 AS AND FOR ATTORNEY'S FEES. RESPONDENT MAY PAY THIS AMOUNT IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$1,250 DUE AND PAYABLE ON THE 15TH OF EACH MONTH COMMENCING WITH JULY 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). PAYMENTS ARE TO BE MADE DIRECTLY TO PETITIONER'S COUNSEL. IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

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.

ATTORNEY (NAME AND ADDRESS): 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	5,893	Payment (cost)/benefit	(1,259)	1,336
Filing status	MFS->	<-MFS	Wife	1,952	Net spendable income	4,505	3,341
# Federal exemptions	1*	1*	Total	7,845	% combined spendable	57.4%	42.6%
Wages + salary	6,066	2,573	Support (Nondeductible)	Total taxes	1,897	424	
401(k) employee contrib	0	0	SS Payor	Husband	Comb. net spendable	7,846	
Self-employment income	0	0	Alameda	1,388	Proposed		
Other taxable income	1,935	128	Total	1,388	Payment (cost)/benefit	(1,259)	1,336
Short-term cap. gains	0	0	Proposed, tactic 9		Net spendable income	4,505	3,341
Long-term cap. gains	0	0	SS Payor	Husband	NSI change from gdl	0	0
Other gains (and losses)	0	0	Alameda	1,388	% combined spendable	57.4%	42.6%
Ordinary dividends	0	0	Total	1,388	% of saving over gdl	0%	0%
Tax. interest received	0	0	Savings	0	Total taxes	1,897	424
Social Security received	0	0	No releases		Comb. net spendable	7,846	
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.	1,935	128					
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	211	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	50					
Cr. for Pd. Sick and Fam. L.	0	0					
Mandatory retirement	0	234					
Hardship deduction	0*	0*					
Other gdl. adjustments	0	40					
AMT info (IRS Form 6251)	0	0					
Child support add-ons	0	0					
TANF,SSI and CS received	0	0					

LAW & MOTION TENTATIVE RULINGS

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June 29, 2023

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

11. ANGELA FINDLETON V. RYAN FINDLETON

PFL20180821

Counsel for Respondent, Daryl Lander, filed an Order Shortening Time along with a Motion to be Relieved as Counsel on June 6, 2023. The court granted the Order Shortening Time and set the Motion to be Relieved for a hearing on June 29, 2023. The court directed counsel to notice parties including his client on or before June 9, 2023.

Upon review of the court file, there is a Proof of Service showing Petitioner was electronically served with the Notice of the Motion to be Relieved. Respondent was served by mail on June 7, 2023. Counsel confirmed the mailing address within the 30 days prior to service.

No opposition has been filed.

After reviewing Counsel's moving papers, the court finds good cause has been established to relieve Mr. Lander of his position as attorney of record for Respondent. The motion to be relieved is granted.

TENTATIVE RULING #11: MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING THE PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER UPON THE CLIENT.

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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June 29, 2023
8:30 a.m./1:30 p.m.

12. ANGELA HURLEY V. IVAN RIVERA

PFL20200615

Minor's Counsel filed a Request for Order (RFO) on April 14, 2023, following the court's denial of Minor's Counsel's request for ex parte emergency orders, requesting modification of parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 10, 2023 and a review hearing on June 29, 2023. Upon review of the court file, there is no Proof of Service showing Petitioner or Respondent were served with the RFO and referral to CCRC.

Respondent filed a RFO on April 14, 2023, requesting the court remove Minor's Counsel. Upon review of the court file, there is no Proof of Service showing either Petitioner or Minor's Counsel were served with the RFO.

Respondent filed an RFO on May 11, 2023, requesting modification of parenting time. Upon review of the court file, there is no Proof of Service showing either Petitioner or Minor's Counsel were served with the RFO.

Only Petitioner appeared at CCRC on May 10, 2023. As such, a single parent report with no agreements or recommendations was filed with the court on June 16, 2023. A copy of the report was mailed to the parties on June 16, 2023.

Minor's Counsel filed a Statement of Issues and Contentions on June 9, 2023. Proof of Service shows Parties were served by mail and electronically on June 8, 2023. Minor's Counsel requests the parties be rereferred to CCRC to allow Respondent an opportunity to participate in the process. Minor's Counsel also requests the court deny Respondent's request to remove her as the minor's attorney.

The court finds none of the RFOs have been properly served. Therefore, all three RFOs are dropped from the court's calendar due to lack of proper service.

All prior orders remain in full force and effect.

TENTATIVE RULING #12: MINOR'S COUNSEL'S APRIL 14, 2023 REQUEST FOR ORDER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. RESPONDENT'S APRIL 14, 2023 REQUEST FOR ORDER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. RESPONDENT'S MAY 11, 2023 REQUEST FOR ORDER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL

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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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June 29, 2023
8:30 a.m./1:30 p.m.

13. BEAU GRIFFIN V. HANNAH GRIFFIN

PFL20200103

Parties appeared on June 1, 2023 for the hearing on Respondent's Request for Order. The court stayed its tentative ruling and directed Respondent to provide the court and Petitioner with copies of the alcohol and drug assessment Respondent had participated in as well as a letter from the counseling service provider that Respondent is participating in counseling services with. The court directed Respondent to file and serve the Supplemental Declaration at least 10 days prior to the hearing date.

Respondent filed a Declaration one June 20, 2023, less than 10 days prior to the hearing. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the Declaration, therefore, in addition to the document being late, the court cannot consider it because it has not been properly served. Accordingly, the court reinstates its prior tentative ruling as set forth below.

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

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June 29, 2023

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

REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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June 29, 2023

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

14. CARY O'NEAL V. COURTNEY O'NEAL (OTHER PARTY: LEANN BERGER AND MATTHEW BERGER)

PFL20200001

Other Party filed a Request for Order (RFO) on May 22, 2023, requesting grandparent visitation. Petitioner was personally served on May 22, 2023. Respondent was personally served on May 22, 2023. Other Party assert they have a close bond with the minor and it is in the best interest of the minor to continue that relationship through regular and consistent visitation.

Respondent filed a Declaration on June 15, 2023 stating the parties are in agreement with grandparent visitation. Respondent notes in her Declaration Petitioner has been unavailable to discuss this agreement with the parties. Respondent agrees to the Other Party having unsupervised visitation with the minor for three hours during the midweek and a 24-hour period each weekend, weekly. Respondent also states she is in agreement with additional visitation by mutual agreement.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the filings as set forth above. The court is concerned with Respondent's agreement regarding visitation, as per the parties' final judgement, Petitioner has sole legal and physical custody of the minor.

The court orders parties to appear for the hearing.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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June 29, 2023
8:30 a.m./1:30 p.m.

15. CLAIRE NIELSEN V. RICHARD PARADIS, JR.

22FL0711

Petitioner filed a Request for Order (RFO) on March 27, 2023, requesting child and spousal support, as well as attorney's fees, and bifurcation of marital status. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO.

The matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #15: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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June 29, 2023

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

16. DCSS V. JAMES RHOADES (OTHER PARENT: BRIANNA SNYDER)

PFS20200140

Other Parent filed a Request for Order (RFO) requesting modification of visitation on February 24, 2023. Respondent was served by mail on March 2, 2023. Other Parent is requesting a modification of the prior parenting plan orders.

Only Other Parent appeared for the hearing on April 20, 2023. The court found Respondent had been properly noticed and found good cause to proceed in his absence. The court rereferred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on May 18, 2023 and a further review hearing on June 29, 2023. The court authorized the Maternal Grandfather, William Snyder to serve as the non-professional supervisor for Other Parent's parenting time. The court reappointed CASA to the minor. The court also directed the parties to communicate via the Talkingparents.com application, and that Respondent is to reply to Other Parent within 24 hours.

Both parties appeared for the CCRC appointment on May 18, 2023, however, Respondent was asked to leave due to his behavior. As such, a single parent report was filed with the court on May 18, 2023. A copy of the report was mailed to the parties on May 19, 2023.

The court has not received a report from CASA.

Neither party has filed any Supplemental Declarations.

The court orders parties to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS
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June 29, 2023
8:30 a.m./1:30 p.m.

17. GREGORY KATZ V. DEBORAH ROLLINS

22FL0363

Petitioner filed a Request for Order (RFO) seeking bifurcation and a status only judgment on May 5, 2023. Respondent was served on May 8, 2023. Petitioner sought an Order Shortening Time (OST) when the RFO was filed. The court denied the OST. Petitioner is in poor health and seeks bifurcation. The parties have completed their preliminary disclosures.

Respondent filed a Responsive Declaration on June 9, 2023. Petitioner was served by mail on June 8, 2023. Respondent opposes bifurcation. Respondent is concerned about Petitioner's health and seeks a global settlement rather than a status only judgment. Respondent requests the court deny the bifurcation or in the alternative, grant all protections afforded under Family Code section 2337. Respondent is seeking Family Code section 271 sanctions for Petitioner's request for an OST being filed during a time when she had provided a notice of unavailability of counsel.

Petitioner filed a Reply Declaration and Declaration of Counsel on June 21, 2023. Respondent was served by mail and electronically on June 21, 2023. Petitioner asserts in his declaration that Respondent has failed to set forth any ground upon which the court can deny the bifurcation. Petitioner also asserts his retirement account contributions were all made pre-marriage, and therefore the Family Code section 2337 protections are unnecessary. Petitioner objects to Respondent's request for Family Code section 271 sanctions. Petitioner asserts that counsel's unavailability is not akin to a stay in the proceedings. Petitioner further asserts that the OST merely requires good cause, rather than an exigency as required by an ex parte motion. Petitioner did not seek ex parte orders, but rather an OST for the RFO to be set on an expedited basis.

A party may request bifurcation of the issue of marital status however, prior to doing so, the party must ensure that "[a]ll pension plans that have not been divided by court order that require joinder ..." have been joined. Cal. Rule Ct. 5.390(d)(1). A party seeking bifurcation is to submit a completed FL-315. Cal. Rule Ct. 5.390(a). Here, Petitioner has complied with both of the aforementioned requirements. He has submitted her completed FL-315 wherein he indicates that there are no pension or retirement plans to be joined. As such, the parties are ordered to appear for a status-only judgment.

As to Respondent's request for Family Code section 271 sanctions, the court reserves on the request until the time of trial.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR TO FOR A STATUS ONLY JUDGEMENT. THE COURT RESERVES JURISDICTION ON RESPONDENT'S REQUEST FOR 271 SANCTIONS UNTIL THE TIME OF TRIAL.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
June 29, 2023
8:30 a.m./1:30 p.m.

18. JULIE TRIPSHA V. GEORGE TRIPSHA

22FL0886

On April 27, 2023, the court adopted its tentative ruling as to custody and parenting time with modifications. The parties are to use the TalkingParents: Co-Parent App to communicate about matters concerning the minors only. The custody exchanges are to take place at the El Dorado Hills movie theater parking lot. The court set a further review hearing for June 29, 2023 to determine whether to proceed to the next step up. Parties were to file and serve any Supplemental Declarations at least 10 days prior to the hearing.

Petitioner filed an Updating Declaration on June 15, 2023. Respondent was served by mail on June 15, 2023. Petitioner requests the court keep all current orders in full force and effect. Petitioner also requests the court admonish Respondent to not discuss the case with the minors. Petitioner also requests the current orders allow for two shorter visits instead of one long visit to accommodate the minor's schedules. Finally, Petitioner requests the Domestic Violence Restraining Order be modified to allow an exception to the Stay Away Order, allowing the stay away distance to be 25 yards at the minors' competitions, games, extracurricular activities, and graduation ceremonies, excluding practices.

Respondent filed a Supplemental Declaration on June 22, 2023. Petitioner was served by mail on June 20, 2023. The court finds this to be late filed and therefore, has not considered it.

The court orders parties to appear for the hearing.

TENTATIVE RULING #18: THE COURT ORDERS PARTIES TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
June 29, 2023
8:30 a.m./1:30 p.m.

19. KENNETH CROMPTON V. DAYNA CROMPTON

23FL0321

Respondent filed a Request for Order (RFO) on May 23, 2023, requesting the court set aside the default. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO.

Petitioner filed a Responsive Declaration on June 9, 2023. Respondent was served by mail on June 8, 2023. Petitioner objects to the court granting the set aside. Petitioner asserts Respondent was properly served with the Petition and Summons when the matter was initially filed in Sacramento County and Respondent was fully aware of the proceedings. Respondent and her counsel stipulated to the matter being transferred to El Dorado County. Petitioner asserts Respondent has failed to set forth grounds upon which the court can set aside the default. Petitioner requests the court order Family code section 271 sanctions in the amount of \$2,000.

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

TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
June 29, 2023
8:30 a.m./1:30 p.m.

20. LAUREN HINCH V. MARK HINCH

23FL0174

Petitioner filed a Request for Order (RFO) on April 17, 2023, requesting the court order she be removed from the title and car loan of the 2020 Honda Civic Sport, per the parties' prior stipulation. Proof of Service shows Respondent was served by mail on April 20, 2023. Petitioner asserts the parties had agreed to Respondent keeping to 2020 Honda Civic and that Respondent was to remove Petitioner's name from the title and the loan. Petitioner asserts Respondent has failed to remove her from the title and the loan, despite repeated requests to do so. Respondent is in sole possession of the 2020 Honda Civic.

Respondent filed a Request to Continue the hearing on May 10, 2023. The court granted the request to continue and rescheduled the hearing from June 15, 2023 to June 29, 2023. Proof of Service shows Petitioner was served by mail with the Order to Continue the hearing on May 10, 2023.

Respondent has not filed a Responsive Declaration.

The court grants Petitioner's request. Respondent is to remove Petitioner's name from the title and loan for the 2020 Honda Civic. Respondent shall do so no later than July 18, 2023.

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 #20: PETITIONER'S REQUEST FOR ORDER IS GRANTED. RESPONDENT IS TO REMOVE PETITIONER'S NAME FROM THE TITLE AND LOAN FOR THE 2020 HONDA CIVIC. RESPONDENT SHALL DO SO NO LATER THAN JULY 18, 2023. 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
June 29, 2023
8:30 a.m./1:30 p.m.

21. 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 the attorney's fees request, as Respondent had not yet filed his Income and Expense Declaration. Further, the parties' agreed upon 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 an 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 had not filed an Income and Expense Declaration prior to the June 1, 2023 hearing.

On June 1, 2023, counsel for Petitioner appeared and requested a continuance. Counsel requested the court stay its tentative ruling dropping the matter from calendar pursuant to Code of Civil Procedure 473, through his mistake to file the Income and Expense Declaration. The court granted the request to continue and directed parties to properly file and serve Income and Expense Declarations at least 10 days prior to the hearing.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 29, 2023

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

Petitioner filed an Income and Expense Declaration on June 7, 2023. Proof of Service shows Respondent was served electronically on June 7, 2023.

Respondent filed a Proof of Service showing Petitioner was served by mail with the Income and Expense Declaration on June 15, 2023.

Utilizing the parties recently filed Income and Expense Declarations and a zero percent time share for Respondent, the court finds guideline child support to be \$1,554 per month payable from Respondent to Petitioner. (See DissoMaster attached.) The court orders Respondent to pay Petitioner \$1,554 per month as and for guideline child support effective November 1, 2022 and payable on the 1st of each month until further order of the court or termination by operation of law.

Using the same figures, the court finds guideline temporary spousal support per the Alameda formula to be \$1,476 per month payable from Respondent to Petitioner. (See attached DissoMaster.) The court orders Respondent to pay Petitioner \$1,476 per month as and for guideline temporary spousal support effective November 1, 2022 and payable on the 1st of each month until further order of the court or termination by operation of law.

The court finds the total of child and spousal support to be \$3,030 per month. The court further finds this order results in an arrears balance of \$24,240 for November through June inclusive. The court notes Respondent has included a monthly payment to Petitioner of \$1,125 in his Income and Expense Declaration. The court credits Respondent \$1,125 per month for voluntary support paid over the prior eight months. Therefore, the total arrears owing is \$15,240. The court orders Respondent to pay Petitioner \$505 per month as and for arrears effective July 15, 2023 and payable on the 15th of each month until paid in full (approximately 30 months) If there is any missed payment, the full amount is due with legal interest.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 29, 2023

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

First, the court must consider whether a disparity exists in ability to pay for, and access to funds to retain counsel. This requirement has been met. Respondent's gross monthly income exceeds that of Petitioner's by over \$9,000.

The court next turns to the issue of whether the fees and costs of maintaining or defending the proceeding are reasonably necessary. Here, Petitioner is requesting \$5,000 in fees. The court finds this to have been a marriage of long duration. The instant motion has been continued on multiple occasions due to one or both parties' failures to file Income and Expense Declarations. Parties were able to reach agreements as to custody and parenting time. Respondent has incurred no attorney's fees. The court must also take into consideration the support orders made herein. When considering the award of support, Respondent's ability to pay attorney's fees is significantly lessened, even more so when taking into consideration the court order for arrears.

For the foregoing reasons, the court grants Petitioner's request for attorney's fees. The court finds \$1,000 to be reasonable. This amount is to be paid directly to counsel and may be paid in one lump sum or in monthly increments of \$100 due and payable on the 15th of each month until paid in full (approximately 10 months). If any payment is missed or late, the entire amount becomes immediately due and payable with legal interest.

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

TENTATIVE RULING #21: THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,554 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE NOVEMBER 1, 2022 AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,476 PER MONTH AS AND FOR GUIDELINE TEMPORARY SPOUSAL SUPPORT EFFECTIVE NOVEMBER 1, 2022 AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$505 PER MONTH AS AND FOR ARREARS EFFECTIVE JULY 15, 2023 AND PAYABLE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 30 MONTHS) IF THERE IS ANY MISSED PAYMENT, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. THE COURT GRANTS PETITIONER'S REQUEST FOR ATTORNEY'S FEES. THE COURT FINDS \$1,000 TO BE REASONABLE. THIS AMOUNT IS TO BE PAID DIRECTLY TO COUNSEL AND MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$100 DUE AND PAYABLE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT BECOMES IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 29, 2023

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

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.

ATTORNEY (NAME AND ADDRESS): <div style="font-size: 1.2em; font-weight: bold; margin-top: 20px;">California</div> ATTORNEY FOR: Father	TELEPHONE NO: <div style="font-size: 0.8em;"> Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME: </div>
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	0%	0%	Father	8,015	Payment (cost)/benefit	(2,893) 3,030
Filing status	Single	HH/MLA	Mother	2,471	Net spendable income	4,985 5,502
# Federal exemptions	1*	2*	Total	10,486	% combined spendable	47.5% 52.5%
Wages + salary	11,737	1,837	Support (Nondeductible)	Total taxes	3,237	(134)
401(k) employee contrib	468	0	CS Payor	Father	Comb. net spendable	10,486
Self-employment income	0	500	Presumed	1,554	Proposed	
Other taxable income	0	0	Basic CS	1,554	Payment (cost)/benefit	(3,048) 3,176
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,036 5,481
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	51 (21)
Other gains (and losses)	0	0	Child 1	1,554	% combined spendable	47.9% 52.1%
Ordinary dividends	0	0	SS Payor	Father	% of saving over gdl	168.9% -68.9%
Tax. interest received	0	0	Alameda	1,476	Total taxes	3,019 54
Social Security received	0	0	Total	3,030	Comb. net spendable	10,516
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.3%
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	1,593		
Roy, partnerships, S corp, trusts	0	0	Basic CS	1,593		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	1,593		
New-spouse income	0	0	SS Payor	Father		
SS paid other marriage	0	0	Alameda	1,605		
CS paid other relationship	0	0	Total	3,198		
Adj. to income (ATI)	0	0	Savings	30		
Ptr Support Pd. other P'ships	0	0	Total releases to Father	1		
Health insurance	485	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	289				
Other medical expenses	0	0				
Property tax expenses	0	289				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				