

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

**1. CANDACE LAING V. JAMES S. LAING**

**PFL20140429**

On April 13, 2022, Petitioner filed a Request for Order (RFO) requesting the following: (1) An order that the court grant leave to amend the Petition for Dissolution; (2) That the court order Respondent to pay one-half the net proceeds from the rents received from the rental of the former family residence; (3) Reserve jurisdiction retroactively regarding the rental income to date Respondent has been collecting; and (4) An order that the court reserve as to retroactivity to the date he first started to collect rent and that Respondent provide Petitioner an accounting from the date of inception to date.

Upon review of the file, there is no Proof of Service indicating that the RFO was served on Respondent. As such, the matter is dropped from the court's calendar.

**TENTATIVE RULING #1: MATTER DROPPED FROM COURT'S CALENDAR**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 30, 2022  
8:30 a.m./1:30 p.m.

**2. CHRISTOPHER CONNORS V. ERIKA CONNORS**

**PFL20120316**

On August 2, 2021, Petitioner filed a Request for Order (RFO), requesting a referral to Child Custody Recommending Counseling (CCRC), specified custody and visitation orders, and sanctions against Respondent. The parties attended CCRC in November of 2021 and a report was issued.

On December 9, 2021, the court appointed Stephanie Holtz as minor's counsel and requested that she meet with the minors and then provide input to the court regarding the custody arrangement, and the potential need for counseling. Minor's Counsel filed her report on February 2, 2022, recommending, among other things, that the status quo be maintained, with no change to the parenting schedule established on December 9, 2021. Minor's Counsel indicated that she did not feel that court ordered therapy would be in the best interest of the minor, but she did suggest ways in which Petitioner may reach out to his daughter to repair their relationship.

On February 17, 2022, the court adopted Minor's Counsel's recommendations with regard to the minor daughter, and increased parenting time with the minor son to Friday after school (or 3 p.m. if no school) to Friday drop off at school (or 8 a.m. if no school). The court continued the matter to June 30, 2022, to review the parenting schedule.

On June 2, 2022, Minor's Counsel filed a statement with the court indicating the following: (1) Minor son is happy with the current parenting schedule and would like it to continue as-is; Neither parent objects to this; (2) Minor daughter is happy with the current arrangement which allows her to visit her father based on her decision to do so; Neither parent objects to keeping this arrangement as-is. Minor's Counsel indicated that neither child seems to have any mental health issues that would require therapy.

The recommendations of Minor's Counsel are in the best interest of the minors and are adopted as the orders of the court. All current orders are to be maintained in full force and effect.

**TENTATIVE RULING #2: THE RECOMMENDATIONS OF MINOR'S COUNSEL ARE IN THE BEST INTEREST OF THE MINORS AND ARE ADOPTED AS THE ORDERS OF THE COURT. ALL CURRENT ORDERS ARE TO BE MAINTAINED IN FULL FORCE AND EFFECT.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 30, 2022  
8:30 a.m./1:30 p.m.

**3. DAVID SLIPER V. DANIELLE BARTOL-SLIPER**

**PFL20210384**

On April 13, 2022, Petitioner filed a Request for Order (RFO) requesting an order to compel Respondent to comply with Fam. Code §2104 and an order for sanctions pursuant to Fam Code §271. The RFO and all other required documents were served on Respondent on April 21, 2022. In support of his RFO, Petitioner filed a declaration indicating that he has timely filed and served his Income and Expense Declaration.

Petitioner filed for dissolution on June 28, 2021. The Response and Request for Dissolution of Marriage was filed on August 31, 2021, thereby making Respondent's preliminary disclosures due no later than 60-days from that date.

Petitioner's declaration indicates that he did receive a Schedule of Assets and Debts form, but he does not indicate the date this was received. Attachments such as individual bank statements and tax returns were missing entirely and there was no Declaration of Disclosure or Income and Expense Declaration included.

On May 31, 2022, Respondent filed an Income and Expense Declaration with the court. Also filed on that day was a Declaration Regarding Service of Declaration of Disclosure and Respondent's Income and Expense Declaration. However, the declaration of service is unclear. It lists all of the documents required by Family Code § 2104 (with the exception of tax returns) and indicates that they were served on March 21, 2022, and April 25, 2022. It is not clear if all of the listed documents were served on March 21st and then again on April 25th, or if some were served on March 21st and then the remainder served on April 25, 2022. Regardless, the documents were not served timely.

Respondent has not filed a response to the RFO.

At the commencement of a dissolution proceeding, all parties are required to make a Preliminary Declaration of Disclosure which "shall include all tax returns filed by the declarant within the two years prior to the date that the party served the declaration." Fam. Code §2104. Each spouse has the duty to make "...a full and accurate disclosure of all assets and liabilities in which one or both parties have or may have an interest." Cal. Fam. Code §2100. Outside of the required declarations, the parties to a dissolution proceeding may engage in the formal discovery process as established by the California Civil Discovery Act. Cal. Fam. Code § 210; See also Marriage of Boblitt (2014) 223 Cal. App. 4th 1004.

While bank statements are clearly relevant and discoverable if properly requested, their disclosure is not expressly required by Fam. Code Section 2104. Here, Respondent did disclose the total amount of assets contained in cash, checking and savings accounts under Section 11 of her Income and Expense Declaration. Petitioner has not shown that a proper discovery request for the bank statements themselves has been made. Accordingly, his request for a court order

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

on this matter is premature. In the event that a request for the bank statements is made and Respondent fails to produce the requested documentation, Petitioner can then file an RFO on the matter. However, currently the issue is not yet ripe. The court denies, without prejudice, Petitioner's request for the production of bank statements for lack of ripeness.

Unlike bank statements, Section 2104 expressly mandates the disclosure of tax returns. Accordingly, the court grants Petitioner's request for an order mandating the production of all tax returns in accordance with Family Code § 2104. Respondent is ordered to produce all tax returns in Respondent's possession that were filed within the two years prior to the date of her Preliminary Declaration of Disclosure within fourteen calendar days of the date of hearing.

Within 60 days of a party's first appearance in a dissolution proceeding, that party must serve on the opposing party a Preliminary Declaration of Disclosure, including tax returns, and a completed Income and Expense Declaration. Fam. Code §2104. When a party serves the aforementioned documents a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration is to be filed with the court. *Id.*

If a party fails to comply with any of its disclosure requirements "...the court *shall*...impose money sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct and shall include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of sanctions unjust. (Emphasis added)" Fam. Code §2107.

A court may also impose sanctions pursuant to Family Code § 271, which allows for attorney's fees to be awarded where the court finds that the conduct of a party "frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys." Fam. Code §271(a). In issuing Section 271 sanctions the court is not to impose a sanction that would be an unreasonable financial burden on the sanctioned party, taking into consideration that party's income, assets, and liabilities. *Id.*

While Respondent has served a Schedule of Assets and Debts form as well as an Income and Expense Declaration, neither were timely served and the Income and Expense Declaration was not served until after Petitioner undertook the time and expense associated with filing a Request for Order. Additionally, Respondent has not produced any of the required tax returns which, according to Petitioner's declaration, are in Respondent's possession and control. Respondent has not provided the court with any justification for her untimely service of the required documents. Respondent's failure to serve documents that are clearly required of her until after the filing of an RFO is not in keeping with the court's policy to promote settlement and reduce the cost of litigation. In light of the information in Respondent's Income and

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

Expense Declaration the court finds an award of sanctions in the amount of \$750 to be appropriate.

**TENTATIVE RULING #3: THE COURT DENIES, WITHOUT PREJUDICE, PETITIONER'S REQUEST FOR THE PRODUCTION OF BANK STATEMENTS FOR LACK OF RIPENESS. RESPONDENT IS ORDERED TO PRODUCE ALL TAX RETURNS IN RESPONDENT'S POSSESSION THAT WERE FILED WITHIN THE TWO YEARS PRIOR TO THE DATE OF HER PRELIMINARY DECLARATION OF DISCLOSURE. THE AFOREMENTIONED TAX RETURNS SHALL BE PROVIDED TO PETITIONER WITHIN FOURTEEN CALENDAR DAYS OF THE DATE OF HEARING. PETITIONER'S REQUEST FOR SANCTIONS IN THE AMOUNT OF \$750 IS GRANTED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

**4. COUNTY OF EL DORADO V. ANDREW LLOYD LENDACKY**

**PFS20210025**

On April 12, 2022, Respondent filed a Request for Temporary Emergency Ex Parte Order to preclude Mother, who is the Other Party in this matter, from moving to Brazil with the couple's minor child. The ex parte request was approved on April 13, 2022, and the parties were ordered to appear at Child Custody Recommending Counseling (CCRC). Also on that date, Respondent filed a permanent Request for Order (RFO).

Neither party appeared at the CCRC appointment. On June 1, 2022, the parties filed a Stipulation and Order for Custody and/or Visitation of Children. The stipulation was signed and adopted as the order of the court.

Given that the parties have stipulated to resolve the issues raised in the RFO the court sees no need to move forward with the hearing as scheduled, and the matter is dropped from the court's calendar.

**TENTATIVE RULING #4: THE PARTIES HAVE STIPULATED TO RESOLVE THE ISSUES SET FORTH IN THE RFO, AS SUCH, THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

**5. DEDRA SCHMEECKLE-COX V. JASON COX**

**PFL20180475**

On May 13, 2022, Respondent filed an Order to Show Cause (OSC) and Affidavit for Contempt alleging Petitioner had violated the September 11, 2019 custody and parenting time order by refusing Respondent contact and parenting time with the minor. Respondent also asserts Petitioner has refused to allow him to attend doctor's appointments for the minor in violation of the legal custody orders. Petitioner was personally served on June 5, 2022.

Parties are ordered to appear for arraignment on the contempt proceedings.

**TENTATIVE RULING #5: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE CONTEMPT PROCEEDINGS.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 30, 2022  
8:30 a.m./1:30 p.m.

**6. ELIZABETH VAN LEUVEN V. KIRK VAN LEUVEN**

**PFL20190169**

Petitioner filed a RFO on February 25, 2022 requesting a modification of child support orders. Petitioner filed her Income and Expense Declaration concurrently with the RFO. Respondent was served by mail on February 27, 2022.

Respondent filed a Responsive Declaration to the February 25, 2022 RFO, an Income and Expense Declaration, and a Supplemental Declaration on April 1, 2022. Petitioner was served by mail on March 30, 2022. Respondent requests the court deny Petitioner's request to modify child support.

On April 5, 2022, Petitioner filed an Objection to Respondent's Responsive Declaration as it was served late. Respondent was served with Petitioner's Objection electronically on April 5, 2022.

On April 7, 2022, the court continued the issue of child support to May 19, 2022. The court reserved jurisdiction to modify child support retroactive to the date of the filing of the RFO.

On May 18, 2022, parties submitted a stipulation to continue the May 19, 2022 hearing at least 30 days due to outstanding discovery, including a subpoena for production of business records. The court signed the stipulation and set June 30, 2022 as the next hearing date.

Respondent filed an updated Income and Expense Declaration on June 20, 2022. Petitioner was served electronically on June 20, 2022. Respondent claims an average monthly income of \$10,416 with an average monthly commission of \$5,625. Respondent as a deduction of \$313 for health insurance. Respondent lists no other deductions.

On June 22, 2022, Petitioner filed a Supplemental Declaration regarding Respondent's Income. Respondent was served electronically on June 21, 2022. Petitioner asserts Respondent has not been forthright in disclosing his income. Petitioner asserts Respondent's average monthly income, based on deposits into his bank accounts is \$15,137.57 with commissions in the amount of \$6,873.39 per month. Petitioner also asserts Respondent earned a one-time salary bonus of \$61,593, rather than the \$15,000 Respondent claims on his Income and Expense Declaration. Petitioner has attached a proposed DissoMaster which includes these figures as well as deductions of \$313 per month for health insurance, \$590 per month for property taxes, and \$1,310 for declared interest expense. Petitioner lists her income as \$300 in other taxable income and a deduction of \$210 per month for health insurance. Petitioner's proposed DissoMaster has a child support calculation of \$2,495 per month, with Respondent having a 0% timeshare. Petitioner also requests the court grant her sole legal and physical custody of the minor.



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

Petitioner filed an updated Income and Expense Declaration on June 22, 2022. Respondent was served electronically on June 21, 2022. Petitioner states she has an average monthly income of \$300 and health insurance deduction of \$210 per month.

Utilizing a 0% timeshare for Respondent, and a single tax filing status, with Petitioner having a Head of Household status, and the income asserted for Respondent by Petitioner in her Supplemental Declaration, the court finds guideline child support to be \$2,490 per month. See attached DissoMaster report. The court orders child support in the amount of \$2,490 effective March 1, 2022, payable on the first of each month until further court order or by operation of law.

The court finds this order results in an arrears amount of \$3960. The court orders Respondent to pay \$440 per month for arrears, due on the 15<sup>th</sup> of each month until paid in full (approximately 9 months). The first arrears payment is due July 15, 2022. Any missed payment will result in the full amount being due plus any legal interest.

The court denies Petitioner's request for custody orders, as the court resolved the custody issue on April 7, 2022, and only reserved on the issue of child support.

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 #6: THE COURT ORDERS CHILD SUPPORT AS OUTLINED ABOVE. THE COURT ORDERS ARREARS AS OUTLINED ABOVE. 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.**

ATTORNEY (NAME AND ADDRESS): <b>EDC Court</b>  <b>California</b>  ATTORNEY FOR: <b>Resp.</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>DISSOMASTER REPORT</b> 2022, Monthly		CASE NUMBER: <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;">PFL 2019 0169</div>

Input Data	Resp.	Pet.	Guideline (2022)	Cash Flow Analysis	Resp.	Pet.
Number of children	0	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	0%	0%	Resp.	14,195	Payment (cost)/benefit	(2,490) 2,490
Filing status	Single	HH/MLA	Pet.	233	Net spendable income	11,704 2,724
# Federal exemptions	1*	2*	Total	14,428	% combined spendable	81.1% 18.9%
Wages + salary	15,138	0	<b>Support</b>		Total taxes	7,503 (143)
401(k) employee contrib	0	0	CS Payor	Resp.	# WHA	0 0
Self-employment income	0	300	Presumed	2,490	Net wage paycheck/mo	9,712 0
Other taxable income	6,873	0	Basic CS	2,490	Comb. net spendable	14,428
Short-term cap. gains	0	0	Add-ons	0	<b>Proposed</b>	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(2,494) 2,494
Other gains (and losses)	0	0	Child 1	2,490	Net spendable income	11,727 2,717
Ordinary dividends	0	0	Spousal support	blocked	NSI change from gdl	23 (7)
Tax. Interest received	0	0	Total	2,490	% combined spendable	81.2% 18.8%
Social Security received	0	0	<b>Proposed, tactic 9</b>		% of saving over gdl	142.7% -42.7%
Unemployment compensation	0	0	CS Payor	Resp.	Total taxes	7,477 (132)
Operating losses	0	0	Presumed	2,494	# WHA	0 0
Ca. operating loss adj.	0	0	Basic CS	2,494	Net wage paycheck/mo	9,712 0
Roy, partnerships, S corp, trusts	0	0	Add-ons	0	Comb. net spendable	14,444
Rental income	0	0	Presumed Per Kid		Percent change	0.1%
Misc ordinary tax. inc.	6,873	0	Child 1	2,494	Default Case Settings	
Other nontaxable income	0	0	Spousal support	blocked		
New-spouse income	0	0	Total	2,494		
Adj. to income (ATI)	0	0	Savings	16		
SS paid other marriage	0	0	Total releases to Resp.	1		
Ptr Support Pd. other P'ships	0	0				
CS paid other relationship	0	0				
Health ins(Pd by party)	313	210				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	1,900	0				
Other medical expenses	0	0				
Property tax expenses	590	0				
Ded. interest expense	1,310	0				
Charitable contribution	0	0				
Miscellaneous itemized	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. deductions	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 30, 2022  
8:30 a.m./1:30 p.m.

**7. JONATHAN KLEIN V. CALLIE KLEIN**

**PFL20160213**

On March 17, 2022, parties appeared and presented oral argument on the November 29, 2021 filed motion to compel. The court adopted the tentative ruling and continued the matter to confirm compliance with discovery.

On April 1, 2022, Respondent filed a Request for Order (RFO) requesting the court establish child support arrears and for clarification of orders. Petitioner was served by mail on April 5, 2022. Respondent is requesting the court order child support arrears for 2021 be set at \$300,413. Respondent is further requesting the court clarify the language in the parties Marital Settlement Agreement, that while the bonus table stops at \$1,000,000 that was not intended to cap bonus support. Respondent asserts Petitioner has previously paid bonus support from approximately \$1.5 million in 2019. Respondent is requesting that all excess income is subject to the bonus table and should the excess income exceed 1 million dollars, Petitioner will apply the percentage associated with the \$1 million to any and all excess income to determine the bonus support.

On April 28, 2022, parties appeared for the hearing regarding discovery, discovery sanctions, and attorney fees. Each side presented argument. The court stayed its tentative ruling and continued the matter to June 30, 2022. The court directed Respondent beginning January 1, 2021 to highlight general expenditures for the minors. If Respondent was able to recall what was purchased for the minors, she was to note that. If she was unable to recall, the highlights would be deemed sufficient. The parties provided a trial estimate of four days.

Petitioner filed a Responsive Declaration to the April 1, 2022 RFO on May 6, 2022. Respondent was served by mail on May 6, 2022. Petitioner objects to Respondent's request. Petitioner asserts the plain language of the Judgement and Stipulation are clear and the bonus tables attached stop at 1 million dollars, therefore capping the bonus income for support at 1 million. Petitioner also asserts that if the language is ambiguous, that this is an issue should be consolidated with Petitioner's request to be deemed a high earner.

On May 18, 2022 parties submitted a stipulation to continue all matter to June 30, 2022.

There have been no additional filings in this matter.

Therefore, the court reiterates its order from March 17, 2022. Regarding the first issue concerning the exact amounts of the expenditures for the minor children, the court finds this request to be unreasonable and overly burdensome. Respondent represents that she expends funds for groceries and other household needs for the household as a whole; determining the exact amount of the expense that is for her three children versus herself, her spouse, and her stepchild would require significant speculation. While the court is mindful of the relevance of the minor children's financial needs in the analysis of a possible downward deviation form

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

guideline child support under Family Code 4057, the court finds Petitioner's request for the exact amount of expenses is not practical or necessary for the court to conduct this analysis.

Regarding the missing bank statements, the court found these requests to be reasonable and compels Respondent was to file a further response no later than April 7, 2022 responsive to these requests. The court granted the motion to compel in part regarding the requests for the Wells Fargo statements and the related bank statements as described in the January 12, 2022 letter with a deadline for further responses of April 7, 2022.

The court continued the motion to compel in part regarding the requests for further responses related to the identification of exact expenses for the minor children in the enumerated categories. Parties were to meet and confer further to resolve the request.

As to the remaining requests for further responses, the court found that the parties had resolved these issues through their meet and confer efforts and found<sup>1</sup> these requests to be moot.

As to the issue of sanctions under the Civil Discovery Act, the court found that both parties acted with substantial justification and declines to issue any sanctions against either party.

Regarding Respondent's request for attorney's fees, the court found that Respondent had not clearly articulated the basis of a fees award of \$50,000. Additionally, the court found that Respondent has approximately \$630,000 in stock, bonds, or other assets she could easily sell per her January 6, 2022 Income and Expense Declaration. Respondent also receives sizable additional child support payments from Petitioner above and beyond the base child support amount of about \$9,000 and the monthly interest-only payments from Petitioner currently at about \$12,000. The court further found that Respondent is set to received \$4.75 million dollars from Petitioner as an equalization payment in 2024. While Petitioner makes substantially more than Respondent in earned income, the court found that there is not a disparity in the parties' access to funds to hire legal representation based on the totality of the resources available to Respondent, and the court denies the request for fees.

The court finds that the as to the request for arrears and clarification of court orders, testimony will be required. Parties are ordered to appear to select Mandatory Settlement Conference and Trial dates.

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

**TENTATIVE RULING #7: THE COURT DENIES THE MOTION TO COMPEL IN PART REGARDING THE REQUESTS FOR FURTHER RESPONSES RELATED TO THE IDENTIFICATION OF EXACT**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

**EXPENSES FOR THE MINOR CHILDREN IN THE ENUMERATED CATEGORIES. AS TO THE REMAINING REQUESTS FOR FURTHER RESPONSES, THE COURT FINDS THAT THE PARTIES HAVE RESOLVED THESE ISSUES THROUGH THEIR MEET AND CONFER EFFORTS AND FINDS THESE REQUESTS TO BE MOOT. AS TO THE ISSUE OF SANCTIONS UNDER THE CIVIL DISCOVERY ACT, THE COURT FINDS THAT BOTH PARTIES ACTED WITH SUBSTANTIAL JUSTIFICATION AND DECLINES TO ISSUE ANY SANCTIONS AGAINST EITHER PARTY. THE COURT DENIES RESPONDENT'S REQUEST FOR ATTORNEY'S FEES UNDER FAMILY CODE 2030. ON THE REMAINING ISSUES, PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

**8. JORDANA WEBBER AKA ANNA KLINE V. JASON TORRES**

**SFL20190173**

The matter is currently before the court for the return of a Family Code section 3111 evaluation. Parties stipulated to participate in a Family Code section 311 evaluation with an Evidence Code section 730 evaluation on October 30, 2022. The stipulation was filed on November 12, 2021 with Dr. Eugene Roeder as the evaluator. The court received the Family Code section 3111 evaluation report on June 28, 2022. The court has not read or considered Dr. Roeder's report as it was not timely filed.

On April 12, 2022, Petitioner filed a Request for Order (RFO) requesting the court maintain the current custody orders and order parenting time pursuant to the Family Code section 3111 evaluation report. Petitioner requests the court allow the minor to relocate with her to Minnesota. Parties were served by mail on April 12, 2022. Petitioner states that while she has been able to work remotely, she has been asked by her employer to move to Minnesota. Petitioner asserts she has close family in the area she wishes to relocate to, including a nephew that is close in age to the minor. Petitioner states she will have additional family support in the area.

On May 27, 2022, Petitioner filed a notice of hearing that the Request for Order (RFO) filed on April 12, 2022, requesting a Move Away order be heard on June 30, 2022. The RFO is currently set for July 7, 2022 at 8:30 in Department 5. Parties were served by mail on May 26, 2022.

Minor's Counsel filed a Statement of Issues and Contentions and Request for Orders on June 28, 2022. Parties were served by mail on June 24, 2022. Minor's Counsel states she is concerned about the minor's behaviors at the supervised parenting time with Respondent. The parenting time supervisor states the minor refuses to go into visits and the staff are unable to calm him down. Further, the minor's therapist has also reported concerning information about the minor to Minor's Counsel. Minor's Counsel believes Dr. Roeder should speak with the minor's therapist prior to completing the evaluation.

No other supplemental declarations have been filed.

The court finds good cause to advance the RFO currently set for July 7, 2022 to June 30, 2022. The court anticipates there will be a need for an evidentiary hearing on the Family Code section 3111 report as well as the Move Away request by Petitioner. Therefore, parties are ordered to appear on June 30, 2022 to select Mandatory Settlement Conference and Trial dates.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

**TENTATIVE RULING #8: THE COURT FINDS GOOD CAUSE TO ADVANCE THE RFO CURRENTLY SET FOR JULY 7, 2022 TO JUNE 30, 2022. THE COURT ANTICIPATES THERE WILL BE A NEED FOR AN EVIDENTIARY HEARING ON THE FAMILY CODE SECTION 3111 REPORT AS WELL AS THE MOVE AWAY REQUEST BY PETITIONER. THEREFORE, PARTIES ARE ORDERED TO APPEAR ON JUNE 30, 2022 TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 30, 2022  
8:30 a.m./1:30 p.m.

**12. TODD FUJIWARA V. KRIS FUJIUWARA**

**PFL20150424**

On May 19, 2022, all parties appeared for a review hearing to determine a summer parenting plan for the minor. As the minor had just begun counseling, additional time was needed for the counselor to prepare a report. The court ordered Petitioner shall have phone contact with the minor on Sundays at 7:00 pm. Petitioner shall initiate the phone contact with the minor. The minor could not refuse future contact. The calls are to be outside Respondent's presence.

On June 24, 2022, Minor's Counsel filed a Statement of Issues and Contentions and Request for orders. Parties were served both by mail and electronically on June 22, 2022. Minor's Counsel has spoken with both her client and the minor's therapist. Minor's Counsel requests the parties' stipulation that Petitioner have three weeks of parenting time during the summer, so long as minor's therapist did not find it would be detrimental to the minor, move forward. Minor's Counsel states the parenting time should occur and that if parties are unable to agree to a three-week timeframe, then the court should order the parenting time to be July 11, 2022 through July 31, 2022. Minor's Counsel further states there should be no restrictions on or conditions precedent to Petitioner's parenting time.

No additional Supplemental Declarations have been filed.

The court finds Minor's Counsel's Request for Orders to be in the best interest of the minor. The court adopts the recommendations of Minor's Counsel. Petitioner shall have three weeks of parenting time for summer of 2022. If parties cannot agree on when the parenting time will occur, then Petitioner shall have the minor from July 11, 2022 until July 31, 2022.

All prior orders not in conflict with this order remain in full force and effect. Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #12: PETITIONER SHALL HAVE THREE WEEKS OF PARENTING TIME FOR SUMMER OF 2022. IF PARTIES CANNOT AGREE ON WHEN THE PARENTING TIME WILL OCCUR, THEN PETITIONER SHALL HAVE THE MINOR FROM JULY 11, 2022 UNTIL JULY 31, 2022. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**



LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 30, 2022  
8:30 a.m./1:30 p.m.

**13. WILLIAM FORREST V. MAILE FORREST**

**PFL20170101**

On April 8, 2022, the court conducted a Domestic Violence Restraining Order (DVRO) trial. The court granted Petitioner's request for a DVRO protecting him from Petitioner. The court did not include the minors in the DVRO, however, the court did make temporary custody and parenting time orders. The court temporarily granted Petitioner sole physical custody of the minors and continued joint legal custody. The court ordered Respondent to have professionally supervised parenting time two times per week for two hours each visit. The parties could agree to a non-professional supervisor in writing. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on May 12, 2022 and set a review hearing for June 30, 2022. Respondent was personally served on April 22, 2022.

Respondent filed an ex parte request to set aside the DVRO on April 29, 2022. On May 2, 2022, Petitioner filed a Responsive Declaration requesting the court deny the request to set aside the DVRO. On May 2, 2022, the court denied the request to set aside the DVRO. On May 2, 2022, Respondent filed a Request For Order (RFO) requesting the court set aside the DVRO. Upon review of the court file, there is no Proof of Service showing the RFO was served on Petitioner. A Proof of Unsuccessful service was filed with the court on May 31, 2022. As the RFO has not been served on Petitioner, it is dropped from calendar.

Parties attended CCRC on May 12, 2022. The parties were unable to reach any agreements. A CCRC report with recommendations was filed on June 20, 2022. A copy of the report was mailed to the parties on June 20, 2022. The court has read and considered the report and finds the recommendations to be in the best interests of the minors. The court adopts the recommendations as its order. The parties will continue to have joint legal custody. The minors will reside primarily with Petitioner. Respondent shall have parenting time with the minors in a step-up process. Respondent shall have parenting time on alternating Saturdays unsupervised from 10:00 am to 6:00 pm for 60 days. After 60 days, respondent shall have parenting time alternating Saturdays and Sundays from 10:00 am to 6:00 pm. After 60 days, Respondent shall have parenting time on alternating weekends from Saturday at 10:00 until Sunday at 6:00 pm. After 60 days, Respondent shall have parenting time the 2<sup>nd</sup> and 4<sup>th</sup> weekend of every month from Friday at 3:00 pm (after school) until Sunday at 6:00 pm. The minors may decline overnights at Respondent's home if they feel uncomfortable. The court adopts the transportation plan as well as the additional provisions as set forth in the report. The minors may have telephone access to each parent and the parents may have telephone access to the minors at a reasonable time for a reasonable duration. The parties shall use the talkingparents.com application to communicate about the minors. The parties are to abide by the respect guidelines as set forth in the report. Respondent shall not consume alcohol, narcotic, or restricted dangerous drugs, except with a valid prescription, within 24 hours before

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 30, 2022

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

or during her parenting time. The minor L.F. is to continue in counseling at It Takes a Village in El Dorado Hills.

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

**TENTATIVE RULING #13: RESPONDENT'S RFO IS DROPPED FROM CALENDAR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT AND AS SET FORTH ABOVE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**