

1. ALICIA KONA ALLEN V. RICHARD BLAKE ALLEN

PFL20210447

Petitioner filed a Request for Domestic Violence Restraining Order (DVRO) on July 22, 2021. After numerous continuances Respondent made an oral request for sanctions before the court on February 3, 2023. The DVRO and request for sanctions were both continued to February 24, 2023.

Ultimately the court denied the DVRO and set a hearing on the issue of sanctions for May 18th. The hearing was continued to the present date.

Petitioner filed an Income and Expense Declaration on June 16th but there is no Proof of Service indicating this document was served on Respondent and therefore the court cannot consider it.

Respondent has not filed a declaration providing the court with additional information regarding the amount requested or attorney's fees incurred associated with the numerous continuances of the DVRO.

In light of the lack of filing by Respondent, and the lack of service by Petitioner, this matter is dropped from calendar.

TENTATIVE RULING #1: THE MATTER IS DROPPED FROM CALENDAR.

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.

3. GABRIELLA LUNDQVIST V. DANIEL POPPERS

22FL0193

Respondent filed a Request for Order (RFO) on October 26, 2022, requesting the court make custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 21, 2022 and a review hearing on January 19, 2023. Respondent filed two subsequent declarations, on October 26th and 27th, however those were not considered by the court as there was no proof of service.

The parties attended CCRC on November 21, 2022, and were unable to reach any agreements. A report was issued enumerating a number of recommendations made by the CCRC counselor. Petitioner filed a Responsive Declaration on January 16, 2023, wherein she objected to the requested orders. Respondent filed a Reply Declaration on January 12, 2023.

In accordance with local rules, the court issued its tentative ruling on January 18th. By way of its tentative ruling the court adopted the recommendations of the CCRC report with modifications. A hearing was called for and the parties presented to the court on January 19th with a stipulation agreeing to the court's tentative ruling and adding additional modifications as stated therein. The court adopted the stipulation and set a review hearing for April 20, 2023.

In anticipation of the April hearing Respondent's Supplemental Declaration was filed on April 6th. Therein Respondent asked the court to order communications between Petitioner and the children to be in English while in Respondent's presence. He also requested the parties alternate Memorial Day and Labor Day based on odd and even years, the remaining Monday school closures he would like to extend the weekend of the custodial parent to allow that parent to have a three-day weekend. He asked that all of the children's belongings, such as sports gear, music equipment, and school materials, be provided to the receiving parent. Finally, Respondent requested Petitioner contribute to all costs related to the extracurricular activities and healthcare of the children.

The court once again issued a tentative ruling addressing each of the requests made by Respondent. In response to the tentative ruling, Petitioner requested oral argument and presented the court with a stipulation of the parties to continue the matter. The court granted the continuance and set a hearing for the present date.

Both parties submitted supplemental declarations for the court's consideration. Petitioner addresses the issues raised in Respondent's April 6th filing. Petitioner submits the following in response to Respondent's April 6th filing. She argues that no order regarding language is necessary. She opposes Respondent's request to add Monday holidays to his parenting schedule. She asks that it be the responsibility of the receiving parent to ensure that all extracurricular and school materials are exchanged at the time of custodial exchanges. Finally, she agrees to split any agreed upon out-of-pocket medical expenses and agreed upon out-of-pocket extracurricular costs. Finally, while she is not asking for a change in custody orders at this time she would like to note her concerns for Respondent's use of alcohol and drugs.

In Respondent's updated declaration he requests only one order which he believes the parties have already agreed upon, that "the parties shall trade time for an even amount of custodial time, wherein one party is unavailable, up to 48 hours prior to the event that makes the party unavailable. If one party is unavailable and notices the other party 48 hours or less prior to their unavailability, then the first right of refusal is in place and there will be no make up time or trade time."

After reviewing the aforementioned filings of the parties the court finds the following to be in the best interests of the minors and therefore makes the following orders: (1) Petitioner is to communicate with the children in English only when in the presence of Respondent; (2) Respondent's request to change the holiday schedule is denied. The parties previously agreed on a schedule and there has not been a change in circumstance to warrant a change to that agreement; (3) The parties are to exchange all necessary sports, music, and school equipment and materials during visitation exchanges; (4) The parties are to split evenly all medical expenses as well as necessary educational costs for the children. The parties are further ordered to confer in good faith on extracurricular activities for the children and to split evenly the costs of those activities that are mutually agreed upon prior to signing the children up. Where one party is seeking payment or reimbursement for any of the aforementioned costs, that party is to provide the opposing party with either a copy of the invoice to be paid directly to the vendor or a copy of the invoice and proof of payment thereof when seeking reimbursement. Once in receipt of the aforementioned documentation, that reimbursing, or paying, party is to promptly pay his or her portion of any bills prior to due date or to reimburse the other party for his or her portion within 2 weeks of receipt of the documents or as otherwise agreed upon by the parties. The court declines to issue Respondent's requested order for 48-hour prior notice of unavailability as it is unclear to the court if the parties have in fact agreed on this issue and the court does not have sufficient information to determine whether or not this order would be in the best interests of the children. The parties are encouraged to adhere to any agreements made amongst themselves in coparenting counseling.

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

TENTATIVE RULING #3: THE COURT MAKES THE FOLLOWING ORDERS: (1) PETITIONER IS TO COMMUNICATE WITH THE CHILDREN IN ENGLISH ONLY WHEN IN THE PRESENCE OF RESPONDENT; (2) RESPONDENT'S REQUEST TO CHANGE THE HOLIDAY SCHEDULE IS DENIED. THE PARTIES PREVIOUSLY AGREED ON A SCHEDULE AND THERE HAS NOT BEEN A CHANGE IN CIRCUMSTANCE TO WARRANT A CHANGE TO THAT AGREEMENT; (3) THE PARTIES ARE TO EXCHANGE ALL NECESSARY SPORTS, MUSIC, AND SCHOOL EQUIPMENT AND MATERIALS DURING VISITATION EXCHANGES; (4) THE PARTIES ARE TO SPLIT EVENLY ALL OUT-OF-POCKET NECESSARY MEDICAL EXPENSES AS WELL AS NECESSARY EDUCATIONAL COSTS FOR THE CHILDREN. THE PARTIES ARE FURTHER ORDERED TO CONFER IN GOOD FAITH ON EXTRACURRICULAR ACTIVITIES FOR THE CHILDREN AND TO SPLIT EVENLY THE COSTS OF

THOSE ACTIVITIES THAT ARE MUTUALLY AGREED UPON PRIOR TO SIGNING THE CHILDREN UP. WHERE ONE PARTY IS SEEKING PAYMENT OR REIMBURSEMENT FOR ANY OF THE AFOREMENTIONED COSTS, THAT PARTY IS TO PROVIDE THE OPPOSING PARTY WITH EITHER A COPY OF THE INVOICE TO BE PAID DIRECTLY TO THE VENDOR OR A COPY OF THE INVOICE AND PROOF OF PAYMENT THEREOF WHEN SEEKING REIMBURSEMENT. ONCE IN RECEIPT OF THE AFOREMENTIONED DOCUMENTATION, THAT REIMBURSING, OR PAYING, PARTY IS TO PROMPTLY PAY HIS OR HER PORTION OF ANY BILLS PRIOR TO DUE DATE OR TO REIMBURSE THE OTHER PARTY FOR HIS OR HER PORTION WITHIN 2 WEEKS OF RECEIPT OF THE DOCUMENTS OR AS OTHERWISE AGREED UPON BY THE PARTIES. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER ARE TO REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING. THE COURT DECLINES TO ISSUE RESPONDENT'S REQUESTED ORDER FOR 48-HOUR PRIOR NOTICE OF UNAVAILABILITY AS IT IS UNCLEAR TO THE COURT IF THE PARTIES HAVE IN FACT AGREED ON THIS ISSUE AND THE COURT DOES NOT HAVE SUFFICIENT INFORMATION TO DETERMINE WHETHER OR NOT THIS ORDER WOULD BE IN THE BEST INTERESTS OF THE CHILDREN. THE PARTIES ARE ENCOURAGED TO ADHERE TO ANY AGREEMENTS MADE AMONGST THEMSELVES IN COPARENTING COUNSELING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

4. HAYLEY SCHULZ V. TREVOR HARDING

23FL0002

On February 3, 2023, the court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on February 16, 2023 and a review hearing on April 6, 2023 at 1:30 pm.

On February 3, 2023, the court granted Petitioner a Domestic Violence Restraining Order with Respondent as the restrained party. On February 10, 2023, the court granted Respondent a Domestic Violence Restraining Order with Petitioner as the restrained party.

Both parties attended CCRC on February 16, 2023 and were able to reach some agreements. A report with agreements and recommendations was filed on March 15, 2023. A copy of the report was mailed to the parties on March 16, 2023.

The parties presented to the court for hearing on April 4, 2023, at which time the court adopted the recommendations and agreements from CCRC with the following modifications: (1) Respondent is to have parenting time with the minors on the first, third, and fifth weekend of each month from Friday at 5:00 p.m. until Sunday at 5:00 p.m. On Respondent's non-custodial weeks, he shall have parenting time on Tuesday and Thursday of the second and fourth week of each month from 4:00 p.m. to 7:00 p.m. (2) Exchanges shall take place at the Folsom police station. (3) Visits shall be informally supervised by grandparent, pending the next review hearing. Petitioner had requested child support in her request for a Domestic Violence Restraining Order filed on January 3, 2023 though neither party had filed a current Income and Expense Declaration. The court continued that matter and set a review hearing for the present date.

Despite the court's April 4th orders, Respondent filed an RFO on April 28th requesting a change in the custody and visitation orders. On May 5th Respondent filed a Declaration in support of his RFO. Both documents were mail served on May 5th. Petitioner's Reply Declaration Regarding Visitation was filed and served on May 12th. She also filed and served a Responsive Declaration to Request for Order on June 23rd.

On May 11th Petitioner filed and served another RFO, this time making a request for child support. Petitioner filed and served her Income and Expense Declaration along with the RFO. The Proof of Service indicates that the RFO and an Income and Expense Declaration were mail served on the same day as filing. Respondent has not filed a response to this RFO.

Respondent filed Respondent's Update to the Court and Requested Orders on June 30th, though there is not a Proof of Service for this document and as such the court has not read or considered it.

Presently pending before the court are the issues of grandparent supervision, child support as requested by Petitioner in her request for a DVRO as well as in her May 11th RFO, and the request for custody and visitation orders pursuant to Respondent's April 28th RFO.

Respondent filed his RFO requesting joint legal and physical custody of the minors with a 3-3-4 parenting schedule, a holiday schedule pursuant to his filed FL-341, and unsupervised visits. He also asks that the exchange point be changed to Rancho Cordova Police Department. He has provided the court with a completed lease agreement as evidence of his current housing situation.

Given that Respondent has provided the court with documentation that he has obtained housing supervised visits no longer appear necessary. That said, the court is not inclined to grant 50/50 visitation as requested by Respondent. His request to amend the visitation schedule is akin to a request for reconsideration of the court's April 4th ruling and Respondent has not provided the court with any new or additional information sufficient to warrant a change to the visitation schedule. The court's prior custody, visitation, and exchange orders remain in full force and effect. Visits are not required to be supervised.

The court does not have current Income and Expense Declaration from Respondent. Accordingly, the issue of child support is continued to August 31, 2023, at 8:30 AM in department 5. Respondent is ordered to file completed Income and Expense Declarations, along with a Proof of Service evidencing service on Petitioner, no later than 10 days prior to the hearing date.

TENTATIVE RULING #4: THE COURT'S PRIOR CUSTODY, VISITATION, AND EXCHANGE ORDERS REMAIN IN FULL FORCE AND EFFECT. VISITS ARE NOT REQUIRED TO BE SUPERVISED. THE ISSUE OF CHILD SUPPORT IS CONTINUED TO AUGUST 31, 2023, AT 8:30 AM IN DEPARTMENT 5. RESPONDENT IS ORDERED TO FILE COMPLETED INCOME AND EXPENSE DECLARATIONS, ALONG WITH A PROOF OF SERVICE EVIDENCING SERVICE ON PETITIONER, NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

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5. JACINTA LASHE BADELITA V. BOGDANEL BADELITA

22FL0797

On December 19, 2022, Petitioner filed her Income and Expense Declaration along with a Request for Order (RFO) requesting orders for custody, visitation, child support, spousal support, property control and attorney's fees. On December 27, 2022, Petitioner filed a motion to compel discovery and a request for sanctions. Both RFOs were mail served on January 27, 2023.

In response to the RFOs Respondent filed and served a Declaration on March 13th and another Declaration on June 12th. A Supplemental Declaration of Petitioner Jacinta Lashae Badelita was filed and served on June 26th.

Child Custody and Visitation

Petitioner is requesting joint legal custody and joint physical custody of the children. As of the filing of the RFO, Petitioner was of the opinion that the parties could agree to a parenting plan with the assistance of a mediator.

The parties were referred to Child Custody Recommending Counseling (CCRC), with an appointment scheduled for March 2nd. Respondent did not appear at CCRC, therefore, a single parent report was prepared and CCRC was unable to make any recommendations. However, on March 13th Respondent filed a Declaration with the court requesting to be re-referred to CCRC. The court granted the request, and a CCRC appointment was set for May 15th.

The parties attended CCRC as scheduled. A report containing recommendations was prepared on June 22, 2023. The parties initially met with the CCRC counselor jointly but given the deterioration of the parties' ability to respectfully communicate with one another the remainder of the visit was conducted separately.

Respondent disputes the findings at CCRC and asks that the court not consider them. According to Respondent, the CCRC counselor used profane and aggressive language during the visit which made Respondent uncomfortable. Respondent requests another CCRC appointment with a different CCRC counselor.

In Petitioner's supplemental declaration she requested the parties utilize a week on/week off schedule with the non-custodial parent having a midweek dinner with the children. In the alternative, she requests primary custody of the children with Respondent to have visitation every other weekend. Petitioner asks that the court not institute the 2-2-5-5 schedule as proposed by CCRC because of the way Respondent treats her and because of the increased interactions that would be necessary between the parties with such a schedule. Finally, she asks that Respondent be ordered to wait in his vehicle when picking the minor E.B. up from daycare. This request stems from an incident in which the daycare administrator called Petitioner with concern over Respondent's verbally violent and aggressive behavior toward the administrator. The administrator requested that Respondent not pick-up the minor in the future or, if he does,

that he be required to stay in the vehicle. If this order is not put in place the minor may need to be removed from the program.

Respondent's request to be re-referred to CCRC is denied. The parties were already re-referred to CCRC once at the request of Respondent.

The court finds the recommendations contained in the CCRC report to be in the best interests of the minors and hereby adopts them as the orders of the court. Respondent is admonished to adhere to the Respect Guidelines as stated in the CCRC report. Failure to do so may result in the court ordering changes to the custody orders.

The court also finds it to be in the best interest of the minor E.B. to maintain her position at the current daycare program. As such, Respondent is ordered to remain in his vehicle when dropping off or picking up E.B. from daycare.

Property Control

Petitioner requests exclusive use and possession of the marital residence. She states that Respondent owns a home that was purchased prior to the marriage where he can reside. Additionally, Petitioner provides the court with examples of ways Respondent has been verbally and emotionally abusive toward her in front of the children.

It is a longstanding tenant of the law that the court shall divide the community estate of the parties equally. Cal. Fam. Code 2550. Inherent in the court's authority to ensure that community assets are divided equally, the court holds broad discretion to "...make any orders [it] considers necessary." Fam. Code § 2553. This includes awarding one party exclusive use and possession of the marital residence.

The court is concerned with the dynamic between the parties and the adverse affect that is having on the children while they try to reside in the same home. Additionally, Respondent appears to be in a much better position to find alternative housing until a final determination on property division is made. As such, Petitioner is awarded exclusive use and possession of the marital residence located at 1536 Barcelona Drive in El Dorado Hills. Respondent is ordered to vacate the premises forthwith. Respondent may arrange for a civil standby to move his possessions from the home. Respondent is reminded of the ATROS and ordered to continue making timely and complete payments on the mortgage, insurance, and utilities for the home. These amounts may be subject to reallocation or may be offset from any future award of support.

Child Support

Petitioner is requesting guideline child support. She has provided the court with a proposed DissoMaster report which sets child support at \$3,688.

Under the circumstances the court is inclined to rule on support orders even without an Income and Expense Declaration from Respondent due to his refusal to respond to discovery

and his flagrant disregard for the law. Unfortunately, however, the court is not in possession of a current Income and Expense Declaration from Petitioner. The declaration filed at the time of the RFO is no longer current as the RFO has been pending for so long. As such, the court continues this issue to September 7, 2023 at 8:30 a.m. in Department 5. Both parties are to file and serve completed Income and Expense Declarations and the corresponding Proof of Service thereof no later than 10 days prior to the hearing date. Respondent is admonished that if he fails to timely file and serve his Income and Expense Declaration the court will make support orders using Petitioner's estimate of Respondent's income. The court reserves jurisdiction to award child support back to the date of filing the RFO.

Spousal Support

Petitioner is requesting spousal support to maintain the marital standard of living which she describes as upper middle class. Petitioner would like to remain in the family residence but without contribution from Respondent she would be unable to do so while maintaining the lifestyle she and the children became accustomed to. Petitioner estimates Respondent's monthly income to be approximately \$50,000 a month though Respondent has not yet served his disclosures. Using her estimate of Respondent's income, Petitioner has prepared a proposed DissoMaster report which would set spousal support at \$8,808.

For the same reasons as stated above, the court continues the issue of spousal support to September 7, 2023 at 8:30 a.m. in Department 5. Both parties are to file and serve completed Income and Expense Declarations and the corresponding Proof of Service thereof no later than 10 days prior to the hearing date. Again, Respondent is admonished that if he fails to timely file and serve his Income and Expense Declaration the court will make support orders using Petitioner's estimate of Respondent's income. The court reserves jurisdiction to award spousal support back to the date of filing the RFO.

Attorney's Fees and Sanctions

Petitioner requests attorney's fees in the amount of \$20,000 pursuant to Family Code section 2030. She states that Respondent is a high wage earner and controls most of the financial accounts.

Petitioner also requests sanctions pursuant to Family Code section 271 for Respondent's failure to file his Income and Expense Declaration. Respondent has refused to provide his Income and Expense Declaration despite requests by Petitioner's attorney.

For the same reasons as stated above, the court continues the issues of attorney's fees and Section 271 sanctions to September 7, 2023 at 8:30 a.m. in Department 5. Both parties are to file and serve completed Income and Expense Declarations and the corresponding Proof of Service thereof no later than 10 days prior to the hearing date. Again, Respondent is admonished that if he fails to timely file and serve his Income and Expense Declaration the

court will make orders using Petitioner's estimate of Respondent's income. The court reserves jurisdiction to award attorney's fees and costs back to the date of filing the RFO.

Motion to Compel Discovery and Sanctions

On November 4, 2022, Petitioner served Respondent with Form Interrogatories – Family Law [Set One]. As of June 26, 2023, Respondent still had not served responses. Petitioner now requests an order directing Respondent to respond to the requested discovery, without objections, within 10 days from the date of the hearing on the motion. She requests \$2,212.50 in discovery sanctions.

"The party to whom interrogatories have been propounded shall respond in writing under oath separately to each interrogatory..." Cal. Civ. Pro. § 2030.210(a). Answers are to be "as complete and straightforward" as possible. Cal. Civ. Pro. § 2030.220. If an objection is made, "the specific ground for the objection shall be set forth clearly in the response." Cal. Civ. Pro. § 2030.240(b). Generally speaking, responses to interrogatories are due within 30 days of the date of service. Cal. Civ. Pro. § 2030.260. If a party fails to provide timely responses, that party waives any right to object to the interrogatories. Cal. Civ. Pro. § 2030.290 (a). Even if a party does respond to discovery, that party waives any objections he or she may have had if they are not raised in the initial responses. Scottsdale Ins. Co. v. Sup. Ct., 59 Cal. App. 4th 263 (1997) *citing* Leach v. Sup. Ct. 111 Cal. App. 3d 902, 905 (1980).

Where a party engages in the misuse of the discovery process, the court "shall" impose monetary sanctions "unless it finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Cal. Civ. Pro. 2023.030(a)(emphasis added) & 2023.020. Misuse of the discovery process includes, but is not limited to, failing to respond or submit to an authorized method of discovery. Cal. Civ. Pro. § 2023.010. Written interrogatories are one of the authorized forms of discovery allowable under the Code of Civil Procedure. Cal. Civ. Pro. § 2030.010. A party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must already be liable for those expenses before the court can award the costs as sanctions. See Tucker v. Pacific Bell Mobile Servs., 186 Cal. App. 4th 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

Here, Petitioner has provided the court with copies of the requested interrogatories as well as the Proof of Service thereof. It is unquestionable that Respondent has failed to comply with the requirements of the Civil Discovery Act. Accordingly, Respondent is ordered to provide full and complete verified responses to Form Interrogatories – Family Law [Set One], without objections, no later than July 17, 2023.

Given Respondent's failure to comply with an authorized form of discovery, the court finds sanctions to be warranted under Section 2023.030. The court has reviewed the declaration provided by counsel and finds that Petitioner has incurred \$472.50 in attorney's fees and costs to date. The court therefore awards Petitioner \$472.50. Respondent is to pay

Petitioner this amount in one lump sum no later than July 17, 2023. This amount may be subject to increase in the event Petitioner incurs additional costs and fees associated with the preparation for, and appearance at, oral argument on the motion.

TENTATIVE RULING #5: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND HEREBY ADOPTS THEM AS THE ORDERS OF THE COURT. RESPONDENT IS ADMONISHED TO ADHERE TO THE RESPECT GUIDELINES AS STATED IN THE CCRC REPORT. FAILURE TO DO SO MAY RESULT IN THE COURT ORDERING CHANGES TO THE CUSTODY ORDERS. THE COURT ALSO FINDS IT TO BE IN THE BEST INTEREST OF THE MINOR E.B. TO MAINTAIN HER POSITION AT THE CURRENT DAYCARE PROGRAM. AS SUCH, RESPONDENT IS ORDERED TO REMAIN IN HIS VEHICLE WHEN DROPPING OFF OR PICKING UP E.B. FROM DAYCARE.

PETITIONER IS AWARDED EXCLUSIVE USE AND POSSESSION OF THE MARITAL RESIDENCE LOCATED AT 1536 BARCELONA DRIVE IN EL DORADO HILLS. RESPONDENT IS ORDERED TO VACATE THE PREMISES FORTHWITH. RESPONDENT MAY ARRANGE FOR A CIVIL STANDBY TO MOVE HIS POSSESSIONS FROM THE HOME. RESPONDENT IS REMINDED OF THE ATROS AND ORDERED TO CONTINUE MAKING TIMELY AND COMPLETE PAYMENTS ON THE MORTGAGE, INSURANCE, AND UTILITIES FOR THE HOME. THESE AMOUNTS MAY BE SUBJECT TO REALLOCATION OR MAY BE OFFSET FROM ANY FUTURE AWARD OF SUPPORT.

THE COURT CONTINUES THE ISSUES OF CHILD CUSTODY, CHILD SUPPORT, ATTORNEY'S FEES, AND 271 SANCTIONS TO SEPTEMBER 7, 2023 AT 8:30 A.M. IN DEPARTMENT 5. BOTH PARTIES ARE TO FILE AND SERVE COMPLETED INCOME AND EXPENSE DECLARATIONS AND THE CORRESPONDING PROOF OF SERVICE THEREOF NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. RESPONDENT IS ADMONISHED THAT IF HE FAILS TO TIMELY FILE AND SERVE HIS INCOME AND EXPENSE DECLARATION THE COURT WILL MAKE SUPPORT ORDERS USING PETITIONER'S ESTIMATE OF RESPONDENT'S INCOME. THE COURT RESERVES JURISDICTION TO AWARD CHILD SUPPORT, SPOUSAL SUPPORT, AND ATTORNEY'S FEES AND COSTS BACK TO THE DATE OF FILING THE RFO.

RESPONDENT IS ORDERED TO PROVIDE FULL AND COMPLETE VERIFIED RESPONSES TO FORM INTERROGATORIES – FAMILY LAW [SET ONE], WITHOUT OBJECTIONS, NO LATER THAN JULY 17, 2023. THE COURT AWARDS PETITIONER \$472.50 AS AND FOR DISCOVERY SANCTIONS. RESPONDENT IS TO PAY PETITIONER THIS AMOUNT IN ONE LUMP SUM NO LATER THAN JULY 17, 2023. THIS AMOUNT MAY BE SUBJECT TO INCREASE IN THE EVENT PETITIONER INCURS ADDITIONAL COSTS AND FEES ASSOCIATED WITH THE PREPARATION FOR, AND APPEARANCE AT, ORAL ARGUMENT ON THE MOTION.

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

LAW AND MOTION TENTATIVE RULINGS
DEPARTMENT 5
JULY 6, 2023
8:30 a.m./1:30 p.m.

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. 3.13.08; LOCAL RULE 8.05.07.

6. JESUS NEGRON FLORES FR V. ALEXANDRIA WASHBURN

PFL20200647

On April 28th Respondent moved ex parte for an order directing Petitioner's visitation to be professionally supervised. The court granted the order on May 1st and ordered professionally supervised visitation for up to 2 hours per day, 3 times per week. In the event the parties were able to agree to a non-professional supervisor, visits may be non-professionally supervised. Respondent renewed her ex parte request by way of a Request for Order (RFO) filed on May 1st. The RFO was set on the regular law and motion calendar with a hearing scheduled for July 6th. On June 12th Respondent filed and served a Declaration of Alexandria Dotson in support of her RFO. Petitioner has not filed a Responsive Declaration.

According to Respondent, the parties recently stipulated to reduce Petitioner's parenting time to every other weekend on Saturday and Sunday, not overnight, and every Wednesday from 4:00 p.m. to 6:20 p.m. On April 26th, Petitioner left the children alone at Respondent's house, locked out of the home until they were able to climb in through a window. Respondent recounted another incident that occurred on April 29th when the children, who are unable to swim, fell into the river while in Petitioner's care. Respondent has proposed numerous non-professional supervisors for Petitioner's visits with the children. Petitioner has only arranged for one visit with the children since the ex parte orders were issued. Respondent now requests the following orders: (1) Petitioner to take a parenting class prior to resuming his non-supervised visits; (2) Until completion of a parenting class, Petitioner's visits to continue to be supervised either professionally or by one of the non-professional parties proposed by Respondent or an additional non-professional party as mutually agreed upon.

After reviewing the filings by Respondent, the court shares in her concerns for the safety of the children during their visits with Petitioner. When making orders regarding custody or visitation the court is to consider (1) the state's policy to ensure the child has frequent and continuing contact with both parents after a separation and (2) the health, welfare, and safety of the child. Cal. Fam. Code § 3020. Where these two factors are in conflict, the health, welfare, and safety of the child trumps the policy regarding parental contact. *Id.* at (c). In furtherance of ensuring the safety of the children all visitation between Petitioner and the children is to be either professionally supervised or non-professionally supervised by one of the following: Patrick Villarreal, Jayda Chargaulaf, Monica Sinclair, Jesus Negron, Rejan Toscano, Fran Washburn, or another individual as mutually agreed upon between the parties. Petitioner is ordered to participate in a parenting class and provide the court and Respondent with evidence of completion thereof.

TENTATIVE RULING #6: ALL VISITATION BETWEEN PETITIONER AND THE CHILDREN SHALL BE EITHER PROFESSIONALLY SUPERVISED OR NON-PROFESSIONALLY SUPERVISED BY ONE OF THE FOLLOWING: PATRICK VILLARREAL, JAYDA CHARGAULAF, MONICA SINCLAIR, JESUS NEGRON, REJAN TOSCANO, FRAN WASHBURN, OR ANOTHER INDIVIDUAL AS MUTUALLY AGREED UPON BETWEEN THE PARTIES. PETITIONER IS ORDERED TO PARTICIPATE IN A PARENTING CLASS AND PROVIDE THE COURT AND RESPONDENT WITH EVIDENCE OF COMPLETION THEREOF. 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

LAW AND MOTION TENTATIVE RULINGS
DEPARTMENT 5
JULY 6, 2023
8:30 a.m./1:30 p.m.

TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247(1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.13.08; LOCAL RULE 8.05.07.

7. JUSTIN REEDY V. KAYLA MCKINNEY

PFL20180289

Order to Show Cause

Petitioner filed an Order to Show Cause and Affidavit for Contempt (“OSC”) on February 24, 2023 alleging Respondent has violated prior court orders including from the court’s May 12, 2022 tentative ruling. Respondent was personally served on March 28, 2023.

Respondent filed a Responsive Declaration on April 5, 2023. Petitioner was served by mail on April 5, 2023.

The parties were ordered to appear for arraignment on April 20, 2023 at which time a continuance was requested in order to allow Petitioner time to amend the contempt allegations. The court granted the request and continued the matter to the present date. On May 10, 2023, Petitioner filed his Amended Order to Show Cause and Affidavit for Contempt which was personally served on May 31st.

Petitioner brings his amended OSC arguing eight counts of contempt and requesting attorney’s fees and costs for the necessity of bringing the present motion.

Respondent filed and served her Responsive Declaration to Request for Order on June 30th requesting the court deny the OSC in full. She argues Petitioner’s claims are vague and meritless and rely more on Petitioner’s feelings than on any factual basis.

The court previously denied Counts 1, 2, 3, 4, 6, 7, and 8 of the amended OSC. The parties are ordered to appear for arraignment on the remaining count.

The parties are ordered to appear.

Motion in Limine to Exclude Prejudicial Evidence and Testimonial Hearsay

On May 1, 2023, Petitioner filed an RFO for his Motion in Limine to exclude evidence at trial which was set to begin on May 23rd. The RFO was served on May 3rd. The court declines to rule on this RFO as moot. The parties attended trial on May 23rd and the issue was addressed at that time.

Set Aside Findings and Orders After Hearing from May 12, 2022 Hearing

Petitioner filed an RFO on May 11, 2023 asking the court to set aside the Findings and Orders After Hearing (FOAH) from the May 12, 2022 hearing. The RFO was served on May 31st. Respondent filed and served her Responsive Declaration to Request for Order on June 30th.

Petitioner is arguing for the set aside of the May 12th FOAH which was filed with the court on August 16, 2022. He premises his argument on the fact that the minute order states

“the 2/3/22 CCRC report is adopted” while the tentative ruling states “[t]he court adopts....the recommendations of the counselor contained in the CCRC report” and “[t]he parties will work with Ms. Greenfield to select a school for the minor that will accept an inter-district transfer.” Petitioner also argues that the FOAH states Respondent was to provide Petitioner with the names of three therapists, whereas the hearing transcript shows that Petitioner was to choose the names of three therapists.

Respondent notes that the FOAH being objected to was filed over a year ago pursuant to Local Rule 5.125 which afforded Respondent the opportunity to object prior to filing. Moreover, the FOAH was prepared in accordance with the minute order, the tentative ruling, and counsel’s notes. Under the local rule, the court was to compare the proposed FOAH to the court record to ensure accuracy.

El Dorado County Local Rule 8.06.04 states the opposing party shall have 10 calendar days to review and either approve or object to the proposed order. If a party objects to the proposed FOAH, that party is to provide the court with written notice thereof. It is well past Petitioner’s 10-day time to object to the FOAH. The FOAH was submitted to the court and signed almost a year ago. As such, Petitioner’s request is denied as untimely. For the avoidance of doubt, however, even if the court had reached this issue on the merits, Petitioner’s request would have been denied as the court has reviewed the FOAH and the minute order and finds the FOAH to accurately reflect the court’s rulings from the May 12th hearing date. The tentative ruling was adopted but with modifications which were made at the hearing as are reflected in the FOAH.

Vexatious Litigant

Respondent filed a Request for Order (RFO) on March 2, 2023, requesting the court deem Petitioner a vexatious litigant. On April 19, 2023, the court granted Respondent’s request to continue the RFO due to being unable to serve Petitioner. The RFO was continued to the present date, and it appears Respondent was mail served on April 17th. Respondent filed his Responsive Declaration to Request for Order on June 20th it was mail served on June 15th.

Respondent brings her RFO requesting the following orders: (1) Find Petitioner to be a vexatious litigant pursuant to Code of Civil Procedure section 391(b); (2) Prohibit Petitioner from filing any new litigation, or amending any pending litigation, in the court without first obtaining leave of the Presiding Judge pursuant to Section 391.7; (3) Order that Petitioner’s failure to comply with the vexatious litigant finding is punishable as contempt of court. Respondent has provided the court with an outline of RFOs filed by Petitioner since October of 2019 which include 12 RFOs, six of which were filed in the last year. Respondent argues the RFOs repeatedly litigated the same issues and were often denied.

Petitioner asks the court to deny Respondent's request and instead find Respondent to be a vexatious litigant. He argues that all of his motions have been brought in good faith and he has been forced to file motions with the court to protect his parental rights. Petitioner points to requests made by Respondent in responsive declarations that she filed as a result of Petitioner filing RFOs. He also identifies four RFOs filed by Respondent in the past five years.

The purpose of the vexatious litigant statutes is to curb the misuse of the judicial process by self-represented litigants who repeatedly file unmeritorious litigation, or motions, or who repeatedly attempt to relitigate issues that have already been decided by the court. Shalant v. Girardi, 51 Cal. App. 4th 1164 (2011). To be declared a vexatious litigant the self-represented party must meet at least one of four statutory definitions. These definitions include an individual who "...repeatedly relitigates or attempts to relitigate, in propria persona, either (1) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined," or one who "repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay." Cal. Civ. Pro. § 391(b)(2) & (b)(3). A finding of as few as three motions on the same issue has been upheld as grounds for a vexatious litigant ruling. Goodrich v. Sierra Vista Reg'l Med. Ctr., 246 Cal. App. 4th 1260 (2016).

Because the determination of a vexatious litigant is an assessment of the filings of the moving party, the court does not consider responsive declarations to be pertinent to the issue. Accordingly, without considering the requests made by Respondent in her responsive declarations over the years, Respondent has only filed four RFOs in five years, a third of the amount filed by Petitioner in just four years. The court does not find this to rise to the level of a vexatious litigant and therefore Petitioner's request to have Respondent deemed a vexatious litigant is denied. Respondent's request is more compelling.

Given the number of RFOs pending before the court for today's hearing date alone, the court is concerned with court resources being abused to continue ruling on motions for reconsideration and motions to set aside orders that have already been put in place. That said, it does not appear that Petitioner's motions are being filed with the intent to harass or delay proceedings. However, the court admonishes Petitioner that continued filing of unmeritorious requests for reconsideration, set asides, or repeated requests on the same issues without new or additional facts may result in his being deemed a vexatious litigant. The court is not inclined to make such a finding at this time and as such Respondent's request to have Petitioner deemed a vexatious litigant is denied without prejudice.

TENTATIVE RULING #7: PETITIONER'S REQUEST TO SET ASIDE THE FINDINGS AND ORDERS AFTER HEARING FOR THE MAY 12, 2022 HEARING IS DENIED AS UNTIMELY. THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE ORDER TO SHOW CAUSE. THE COURT

DECLINES TO RULE ON PETITIONER'S MAY 1ST RFO ASSERTING HIS MOTION IN LIMINE AS IT IS NOW MOOT. THE PARTIES ATTENDED TRIAL ON MAY 23RD AND THE ISSUE WAS ADDRESSED AT THAT TIME. PETITIONER'S REQUEST TO HAVE RESPONDENT DEEMED A VEXATIOUS LITIGANT IS DENIED. RESPONDENT'S REQUEST TO HAVE PETITIONER DEEMED A VEXATIOUS LITIGANT IS DENIED WITHOUT PREJUDICE. 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.

8. LAURIE BYBEE V. AARON BYBEE

PFL20190366

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

Respondent brings his RFO requesting (1) the court set aside all orders from the January 19, 2023 hearing; (2) the court issue \$5,000 in sanctions against Petitioner's attorney Katharine Rupp pursuant to Family Code section 271; and (3) state bar discipline against Petitioner's attorney for her fraudulent actions. As of the initial hearing on this matter, Petitioner agreed to setting aside the January 19th orders and the court granted this request. The court continued the issue of Section 271 sanctions against counsel to the present date and requested further briefing from the parties. In response, Respondent filed Respondent's Supplemental Reply to Petitioner's Responsive Declaration to Request for Order on June 7th and Petitioner filed Memorandum of Points and Authorities Regarding Family Code Section 271 Sanctions Against an Attorney on June 12th.

Respondent's initial RFO requests sanctions pursuant to Section 271 only. However, his supplemental reply seems to concede that Section 271 sanctions are against a party only. In the alternative, he argues for sanctions pursuant to Code of Civil Procedure Section 128.5 and/or 128.7 and he notes that the court may issue sanctions pursuant to these sections on its own motion.

Petitioner opposes the request for sanctions as Ms. Rupp is no longer the handling attorney nor is she employed by the firm handling the case on behalf of Petitioner. Moreover, Petitioner notes that Family Code Section 271 does not allow for sanctions against a handling attorney or law firm and the proper code section would be Civil Procedure Section 128.5. Petitioner argues Respondent's request for monetary sanctions must be denied as a matter of law.

Respondent's Evidentiary Objections

In his Reply, Respondent objects to several of the statements made in Petitioner's FL-320. The court rules on those objections as follows:

1. FL-320, page 2, Paragraph number 10 – "In regards to counsel's request for sanctions, this is considered against Katharine Rupp, my prior counsel, directly." Objection: Improper opinion, legal conclusion. Move to strike.

Overruled.

2. FL-320, page 2, Paragraph number 10 – “Ms. Rupp abruptly resigned from Purcell Stowell in March 2023, and my case was reassigned to Michelle Sowell.” Objection: Hearsay, lack of foundation. Move to strike.

Overruled.

3. FL-320, page 2, paragraph number 10 – “It is necessary for counsel to pursue civil litigation against Ms. Rupp in regards to his request for sanctions for the alleged fraud.” Objection: improper opinion, legal conclusion. Move to strike.

Sustained.

Sanctions and Bar Discipline

Respondent’s request for monetary sanctions is denied. Family Code Section 271 is a mechanism which provides for sanctions only against a party, not that party’s attorney. And, while Respondent is correct that the court may impose sanctions on its own motion under Section 128.7, the court is not inclined to do so in this circumstance. While Ms. Rupp’s actions are clearly deserving of discipline, Ms. Rupp is no longer employed by Purcell Stowell, PC. If Respondent was forced to incur costs and fees associated with the need for filing the present motion, the court would be inclined to, at the very least, award sanctions in an amount sufficient to reimburse Respondent for that cost. However, it appears that the present motion was unnecessary as Petitioner’s new handling attorney agreed to set aside the January 19th ruling without the need for the filing of an RFO.

While the court is not imposing monetary sanctions, the court is greatly concerned with Ms. Rupp’s actions and this matter will be reported to the State Bar.

TENTATIVE RULING #9: RESPONDENT’S REQUEST FOR MONETARY SANCTIONS IS DENIED. WHILE THE COURT IS NOT IMPOSING MONETARY SANCTIONS, THE COURT IS GREATLY CONCERNED WITH MS. RUPP’S ACTIONS AND THIS MATTER WILL BE REPORTED TO THE STATE BAR. 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.

10. SHARLENE WHITING V. BRADLEY WHITING

PFL20180913

Petitioner filed a Request for Order (RFO) on April 12, 2023 requesting modification of child custody and child support. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 12, 2023 and a review hearing on July 6, 2023. Upon review of the court file, there is no Proof of Service of the RFO or the CCRC referral. The court notes, this is a post judgment request for modification.

On May 4, 2023, Petitioner filed a Declaration regarding the 52-week batterers intervention course. There is no Proof of Service for this document, therefore, the court has not considered it.

Both parties attended CCRC on May 12, 2023 and were able to reach a full agreement per the CCRC report. A report was filed with the court on May 16, 2023. Parties were mailed a copy of the report on May 24, 2023.

Petitioner filed an Income and Expense Declaration as well as an additional Declaration on June 9, 2023. There is no Proof of Service for these documents, therefore, the court has not considered them.

Respondent filed a Declaration of Sarah Johnson on June 20, 2023. Petitioner was served by mail on June 18, 2023.

Respondent filed a Responsive Declaration on June 22, 2023. Petitioner was served electronically on June 22, 2023. Respondent is not opposed to adopting the "Agreements" as set forth in the May 16, 2023 CCRC report with modifications. Respondent requests the court deny Petitioner's request for modification of child support based on her failure to serve a current Income and Expense Declaration. Respondent requests the court maintain the current orders as to the minor Brynn. Respondent also requests Petitioner's parenting time with Clair start at 3:00 PM on the day he starts his shift, and his parenting time would start at 3:00 pm on the day he concludes his shift.

The court finds Petitioner's RFO was not properly served pursuant to Family Code section 215. However, the court finds good cause to proceed with the custody portion of the request as both parties attended CCRC and have essentially reached agreements on that issue. The court adopts the agreements as set forth in the May 16, 2023 CCRC report with the following modifications: the current orders as to the minor Brynn remain in full force and effect. As to the minor Claire, Petitioner's parenting time will begin at 3:00 PM on the day of Respondent starts his work shift and will end at 3:00 PM on the day Respondent's work shift ends. The court adopts the remaining agreements as set forth.

The court drops the remainder of Petitioner's RFO from calendar due to lack of proper service.

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

TENTATIVE RULING #10: THE COURT FINDS PETITIONER'S RFO WAS NOT PROPERLY SERVED PURSUANT TO FAMILY CODE SECTION 215. HOWEVER, THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE CUSTODY PORTION OF THE REQUEST AS BOTH PARTIES ATTENDED CCRC AND HAVE ESSENTIALLY REACHED AGREEMENTS ON THAT ISSUE. THE COURT ADOPTS THE AGREEMENTS AS SET FORTH IN THE MAY 16, 2023 CCRC REPORT WITH THE FOLLOWING MODIFICATIONS: THE CURRENT ORDERS AS TO THE MINOR BRYNN REMAIN IN FULL FORCE AND EFFECT. AS TO THE MINOR CLAIRE, PETITIONER'S PARENTING TIME WILL BEGIN AT 3:00 PM ON THE DAY OF RESPONDENT STARTS HIS WORK SHIFT AND WILL END AT 3:00 PM ON THE DAY RESPONDENT'S WORK SHIFT ENDS. THE COURT ADOPTS THE REMAINING AGREEMENTS AS SET FORTH. THE COURT DROPS THE REMAINDER OF PETITIONER'S RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

11. SUSAN SOHAL V. RISHI SOHAL

PFL20180510

On April 11, 2023, at the conclusion of trial the court set a review hearing to address Petitioner's consistency with parenting time, exchanging the minors, and capacity and ability to parent the minors. The court directed that any supplemental declarations were due at least 10 days prior to the hearing.

Petitioner filed a Supplemental Declaration on June 27, 2023. Respondent was served on June 27, 2023. The court notes, the Supplemental Declaration was filed less than 10 days prior to the hearing and therefore the court has not considered it.

Respondent has not filed a Supplemental Declaration.

The court finds the current orders as to custody and the parenting plan remain in the best interest of the minors. All current orders remain in full force and effect.

TENTATIVE RULING #11: ALL CURRENT 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 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.

12. ASHLEY ST. GEORGE V. JOSHUA ST. GEORGE

22FL0412

Petitioner filed a Request for Order (RFO) on May 2, 2023. Requesting modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on June 7, 2023 and a review hearing on July 6, 2023. Respondent was personally served on May 21, 2023. Petitioner is seeking sole legal and physical custody of the minors. Petitioner asserts there is ongoing domestic violence and neglect in Respondent's home.

Both parties appeared for the CCRC appointment on June 7, 2023. However, the parties were unable to reach any agreements. A report with recommendations was filed with the court on June 26, 2023. A copy was mailed to the parties on June 26, 2023.

Respondent has not filed a Responsive Declaration.

The court has read and considered the June 26, 2023 filed CCRC report and finds the recommendations to be in the best interest of the minors. The court adopts the recommendations as its orders.

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

TENTATIVE RULING #12: THE COURT FINDS THE RECOMMENDATIONS OF THE JUNE 26, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

13. CARLOS SANCHEZ ALCALA V. MARIA ALVARADO HERNANDEZ

23FL0441

Petitioner filed a Petition to Establish a Parental Relationship on May 15, 2023. Respondent was personally served on May 16, 2023. Petitioner filed a Request for Order (RFO) on May 15, 2023, seeking child custody and parenting time orders. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO. The parties were not referred to Child Custody Recommending Counseling (CCRC) as no birth certificate was attached to the Petition to Establish a Parental Relationship.

Respondent filed a Response on May 25, 2023. Petitioner was served by mail on June 13, 2023. Respondent confirms Petitioner and Respondent are the parents and has attached the minor's birth certificate, which names both parties as the parents.

The court, therefore, finds that paternity has been established by a voluntary declaration of parentage, as Petitioner is named on the minor's birth certificate and the parties are not married. The court directs Petitioner to work with the Family Law Facilitator to prepare and file the paternity Judgment.

Respondent filed a Responsive Declaration on May 25, 2023. Petitioner was served by mail on June 13, 2023. Respondent is objecting to Petitioner's requested orders. Petitioner is requesting sole legal and physical custody of the minor.

The court drops Petitioner's RFO from calendar as it has not been properly served.

TENTATIVE RULING #13: THE COURT FINDS THAT PATERNITY HAS BEEN ESTABLISHED BY A VOLUNTARY DECLARATION OF PARENTAGE, AS PETITIONER IS NAMED ON THE MINOR'S BIRTH CERTIFICATE. THE COURT DIRECTS PETITIONER TO WORK WITH THE FAMILY LAW FACILITATOR TO PREPARE AND FILE THE PATERNITY JUDGMENT. THE COURT DROPS PETITIONER'S RFO FROM CALENDAR AS IT HAS NOT BEEN PROPERLY SERVED.

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.

14. CASSI POREIDER V. ANDREW POREIDER

PFL20200082

Respondent filed an ex parte application for emergency custody orders on May 19, 2023. Petitioner filed a Responsive Declaration on May 22, 2023. On May 23, 2023, the court granted Respondent's request for temporary sole legal and physical custody of the minor and ordered Petitioner to have professionally supervised visitation one time per week for four hours at Petitioner's cost. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment for June 20, 2023 and a review hearing on July 6, 2023.

Respondent filed a Request for Order (RFO) requesting the same modifications as set forth in the ex parte request, as well as a request to modify child support. Petitioner was served by mail and electronically on May 23, 2023. The Department of Child Support Services (DCSS) was served by mail on May 23, 2023.

Both parties attended CCRC on June 20, 2023 and were able to reach several agreements. A report with agreements and recommendations was filed with the court on June 20, 2023. A copy of the report was mailed to the parties on June 21, 2023.

DCSS filed a Responsive Declaration on May 26, 2023. Parties were served by mail on May 26, 2023. DCSS has no objection to guideline child support, but requests the matter be heard on the child support calendar by the child support commissioner pursuant to Family Code section 4251 after this court has issued custody orders.

Respondent filed an Income and Expense Declaration on June 15, 2023. Petitioner and DCSS were served on June 14, 2023.

Petitioner filed an Income and Expense Declaration on June 23, 2023. Proof of Service shows Respondent was served by mail on June 23, 2023.

The court has read and considered the June 20, 2023 CCRC report as well as the filings as set forth above. The court joins in the concerns noted by the CCRC counselor regarding having appropriate childcare for the minor Olivia. The court adopts the agreements and recommendations as set forth in the June 20, 2023 CCRC report. Respondent is to provide the court and Petitioner with his plan for supervision for Olivia during his work schedule or when he is gone for more than 3 hours by the close of business on July 14, 2023.

The court continues the request to modify child support to the child support calendar in Department 8 on August 14, 2023 at 8:30 AM. The court reserves jurisdiction to retroactively modify support to the date of the filing of the RFO. All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #14: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE JUNE 20, 2023 CCRC REPORT. RESPONDENT IS TO PROVIDE THE COURT

AND PETITIONER WITH HIS PLAN FOR SUPERVISION FOR OLIVIA DURING HIS WORK SCHEDULE OR WHEN HE IS GONE FOR MORE THAN 3 HOURS BY THE CLOSE OF BUSINESS ON JULY 14, 2023. THE COURT CONTINUES THE REQUEST TO MODIFY CHILD SUPPORT TO THE CHILD SUPPORT CALENDAR IN DEPARTMENT 8 ON AUGUST 14, 2023 AT 8:30 AM. THE COURT RESERVES JURISDICTION TO RETROACTIVELY MODIFY SUPPORT TO THE DATE OF THE FILING OF THE RFO. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

15. DANIEL LOPEZ V. CHRISTINE LONG

PFL20080476

Petitioner filed a Request for Order (RFO) on April 21, 2023 requesting a modification of child custody and parenting plan orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 19, 2023 and a review hearing on July 6, 2023. Respondent was personally served on May 13, 2023. Petitioner is requesting sole legal and physical custody of the minor.

Both parties appeared for the CCRC appointment on May 19, 2023 and reached a full agreement. Parties submitted a stipulation and order to the court. On May 25, 2023, the court signed and adopted the parties' agreement as its order.

The court finds the parties' stipulation to have resolved the RFO. As the RFO is moot, the matter is dropped from calendar.

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

TENTATIVE RULING #15: THE COURT FINDS PARTIES REACHED A FULL STIPULATION WHICH THE COURT ADOPTED AS ITS ORDER ON MAY 25, 2023. PETITIONER'S RFO IS THEREFORE, MOOT AND DROPPED FROM CALENDAR. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

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

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

PFS20200140

Other Parent filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 26, 2023, alleging Respondent's failure to follow the court's orders for visitation. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the OSC.

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

TENTATIVE RULING #16: 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.

17. DESTINEE VEGA V. KODIE VEGA

PFL20190268

Respondent filed a Request for Order (RFO) on April 17, 2023 requesting modification of child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 17, 2023 and a review hearing on July 6, 2023. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO or referral to CCRC.

Neither party appeared for the CCRC appointment on May 17, 2023.

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

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

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

18. GRAYSON HOWARD V. NATALIE PETERSEN

PFL20210468

On June 1, 2023, the court adopted its tentative ruling ordering Step 2 to begin the weekend of June 3. The court did not vacate the order regarding 3rd parties. The court reserved on Respondent's request for two weeklong visits over the summer and set a review hearing for July 1, 2023 at 1:30 pm in Department 5 to review the minor's adjustment to Step 2, the minors' progress in counseling, the need to keep the 3rd party prohibition order in place, and to address Respondent's request for extended visits during the summer break.

Minors' Counsel filed a Declaration on June 1, 2023. Parties were served electronically on June 2, 2023. Minors' Counsel has had the opportunity to meet with both minors as well as review the case history. Minors' Counsel recommends the court order joint legal and physical custody. Minors' Counsel also recommends the parties re-engage in co-parenting counseling, the minors continue with individual counseling, and the parties use the Talking Parents: Co-Parenting App to communicate about the minors.

Petitioner filed a Supplemental Declaration on June 26, 2023. Proof of Service shows it was served by mail and electronically on June 26, 2023. Petitioner is requesting joint physical custody or in the alternative, alternating weekends from Friday at 3 pm or after school, to Sunday at 7:00 pm, as well as a Wednesday overnight on the weeks that Petitioner does not have weekend visitation. Petitioner is also seeking two weeklong, non-consecutive, visits during the summer, as well as the 3rd party restriction to be lifted.

Respondent filed a Declaration on June 27, 2023. There is no Proof of Service for this document, and it was not filed 10 days prior to the hearing, therefore, the court has not considered it.

The court orders parties to appear.

TENTATIVE RULING # 18: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

19. MISTI SMITH V. VINCENT LOFRANCO

23FL0510

Petitioner filed a Request for Order (RFO) on June 5, 2023 requesting property control of the property located at 3771 Starbust Lane in Placerville, CA. Respondent was served on June 16, 2023 by mail. The court notes this is less than 15 court days, plus five days for mail service before the hearing. The court further notes, the hearing was set out 31 calendar days, with two court holidays, leaving little time to perfect service.

Respondent has not filed a Responsive Declaration.

The court continues the matter on its own motion, given service has been accomplished. The matter is continued to August 10, 2023 at 1:30 PM in Department 5. Respondent is authorized to file and serve a Responsive Declaration on or before July 26, 2023.

TENTATIVE RULING #19: THE COURT CONTINUES THE MATTER ON ITS OWN MOTION TO AUGUST 10, 2023 AT 1:30 PM AS RESPONDENT WAS NOT TIMELY SERVED WITH THE RFO. RESPONDENT IS GRANTED LEAVE TO FILE AND SERVE A RESPONSIVE DECLARATION ON OR BEFORE JULY 26, 2023.

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

20. NANCY WACHTLER V. GREGORY WACHTLER

PFL20010612

Respondent filed a Request for Order (RFO) on May 16, 2023, requesting the court authorize the clerk of the court to act as ellisor to sign a QDRO and for reimbursement of \$500 for court dates including missed work and Respondent's time. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO.

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

TENTATIVE RULING #20: 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.