

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

1. AMBER STEVENS V. ALAN STEVENS

PFL20160548

This matter is before the court on a Request for Order (RFO) filed by Petitioner on April 24, 2023. The RFO was mail served and electronically served on the same date as filing. This is a post-judgment request for modification of custody orders. As such, it was required to be personally served or, if served by mail, Petitioner was required to complete and file a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, which she has not done. *See* Fam. Code § 215.

Both parties attended Child Custody Recommending Counseling (CCRC) on May 24, 2023 and were able to reach several agreements. A CCRC report was filed with the court on May 24, 2023. Copies were mailed to the parties on the same day.

Respondent filed a Responsive Declaration along with a substitution of attorney on July 5, 2023. Petitioner was served electronically on July 3, 2023. Considering the foregoing, the court finds Respondent to have actual notice of the pending RFO and therefore, the court finds good cause to reach the merits of the RFO. *See In re Marriage of Gortner*, 60 Cal. App. 3d 996 (1976). However, this document was not timely filed, and therefore, the court cannot consider it.

Petitioner filed a Reply Declaration to the CCRC report on July 5, 2023. Respondent was served by mail and electronically on July 3, 2023.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #1: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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2. CANH LE V. MARLANE REILLY

22FL0631

Motion to be Relieved as Counsel

On May 22, 2023, counsel for Respondent filed a Notice of Motion and Motion to be Relieved as Counsel along with a Declaration in Support of Attorney's Motion to be Relieved as Counsel. The motion was electronically served on both Petitioner and on Respondent on the same date as filing.

The court notes a substitution of attorney was filed on June 29, 2023. The court finds the motion to be relieved to be moot.

Review Hearing

On January 5, 2023, the court adopted its tentative ruling, granting Respondent temporary sole physical custody with the parties maintaining joint legal custody. Petitioner was ordered to have professionally supervised parenting time in El Dorado County. The parties were ordered to use the talkingparents.com or similar application for all communication about the minor. The court continued Respondent's request for Family Code section 271 sanctions and ordered both parties to file updated Income and Expense Declarations at least 10 days prior to the review hearing date. A review hearing was set for March 16th.

At the review hearing the court ordered the parties to maintain joint legal custody and to continue utilizing Talking Parents: Co-Parenting App for all communication regarding legal custody decisions for the minor. The court ordered Respondent to reach out to Petitioner through the talkingparents.com application about any decisions that need to be made. If Petitioner fails to respond within 72 hours, the court vested Respondent with final decision-making authority. The court set a further review hearing for the present date and cautioned Petitioner that failure to participate in joint legal decision making may result in the court modifying the legal custody orders. The court granted Respondent's request for Section 271 sanctions.

On June 29th Respondent filed and served a Declaration updating the court on the status of the custody matters. According to Respondent, Petitioner has not attended any visits with the minor since October of 2022, though he was awarded supervised visitation. Respondent believes Petitioner is not sober and has not secured housing of his own. Respondent states she has made attempts to discuss the minor's dental care with Petitioner, however Petitioner did not return her messages. Respondent requests sole legal and physical custody as well as an additional \$3,500 to cover attorney's fees she has incurred as a result of the subject custody dispute.

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The court is in agreement that awarding Respondent sole legal and physical custody is in the minor's best interest. The minor is of such a young age and she has not seen Petitioner for almost 9 months. Further, Petitioner has shown he is disinterested in maintaining legal custody of the minor especially given his failure to participate in the minor's dental healthcare decision making in the face of the court's previous admonishment. For these reasons, Respondent is awarded sole legal and sole physical custody.

Respondent's request for attorney's fees is denied. She is seeking \$3,500 for amounts incurred but she has not provided the court with a breakdown of the costs and fees incurred or any way in which Petitioner's actions since the prior hearing have further frustrated the policy of the law.

TENTATIVE RULING #2: THE MOTION TO BE RELIEVED AS COUNSEL IS MOOT AS THERE HAS BEEN A SUBSTITUTION OF ATTORNEY FILED. RESPONDENT IS AWARDED SOLE LEGAL AND SOLE PHYSICAL CUSTODY. RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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4. CHARMIN BLAND V. CODY BLAND

23FL0364

On April 20, 2023, Petitioner filed a Request for Order (RFO) seeking property division and control orders. The Declaration of Mailing filed by Petitioner indicates that a blank Responsive Declaration to Request for Order, and additional required documents were served but it does not list the RFO as having been served. That said, Respondent filed and served his Responsive Declaration to Request for Order on May 30, 2023. Given Respondent's filing and the fact that he has not objected to service, the court finds good cause to reach this matter on its merits.

Petitioner requests the following orders: (1) A finding that Respondent has lived in Cheyenne, Wyoming since August 17, 2021 and the parties have been living separate and apart since that date; (2) Grant Petitioner exclusive use and control of the real property located at 1480 Quail Run Rd., Placerville, CA 94667 subject to Petitioner's payment for the maintenance, upkeep and debt thereon; (3) Order Respondent to make arrangements through Petitioner's counsel to retrieve his personal belongings and effects from the Quail Run property within 30 days of the date of the hearing; (4) Order Respondent to be solely responsible for the costs associated with the removal of his property including, but not limited to transportation costs, movers, and storage costs; (5) Allow Petitioner to dispose of Respondent's belongings should he fail to remove them within 30 days of the hearing date; and (6) Grant Petitioner exclusive care, custody and control of the parties' three dogs (Levi, Buffy, and Xander).

Respondent agrees to all of Petitioner's requested relief except for her request for exclusive care, custody and control of the dog Buffy. Respondent asks that he be granted exclusive care, custody and control of Buffy.

Petitioner argues Buffy should be awarded to her as all of the adoption paperwork is solely in Petitioner's name and she has had primary custody of the pet since the parties separated approximately two years ago. Further, she and her adult daughter have been financially responsible for Buffy's care since that time. Petitioner believes it is in Buffy's best interest to remain with her though she is agreeable to sharing photographs and stories regarding Buffy with Respondent.

In light of Respondent's agreements to Petitioner's requests, the court hereby orders the following: (1) Petitioner is awarded exclusive use and control of the real property located at 1480 Quail Run Rd., Placerville, CA 94667. Petitioner shall be solely responsible for timely and complete payments on the mortgage as well as all debt in relation to the maintenance of the property and Petitioner's use and possession thereof. (2) Respondent shall make arrangements with Petitioner's Counsel regarding the retrieval of his personal belongings from the Quail Run Rd. property. Belongings are to be removed from the property, at Respondent's sole expense, no later than August 10, 2023 or later if mutually agreed upon by the parties. If the items are

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not removed by August 10th, Petitioner may dispose of Respondent's personal items by any means she sees fit. (3) Petitioner is awarded exclusive care, custody and control of the dogs Levi and Xander.

Regarding Buffy, the court notes the extensive period of time between when Respondent moved and his desire to now retrieve Buffy. Further, Respondent has not made a showing of his ability to care for the dog either financially or provide adequate living arrangements. For these reasons, the court awards Petitioner temporary exclusive care, custody and control of Buffy. This may be subject to change pending a final judgment on property division by the court. Petitioner shall be solely responsible for providing for Buffy financially while Buffy is in her care, custody and control.

TENTATIVE RULING #4: IN LIGHT OF RESPONDENT'S AGREEMENTS TO PETITIONER'S REQUESTS, THE COURT HEREBY ORDERS THE FOLLOWING: (1) PETITIONER IS AWARDED EXCLUSIVE USE AND CONTROL OF THE REAL PROPERTY LOCATED AT 1480 QUAIL RUN RD., PLACERVILLE, CA 94667. PETITIONER SHALL BE SOLELY RESPONSIBLE FOR TIMELY AND COMPLETE PAYMENTS ON THE MORTGAGE AS WELL AS ALL DEBT IN RELATION TO THE MAINTENANCE OF THE PROPERTY AND PETITIONER'S USE AND POSSESSION THEREOF. (2) RESPONDENT SHALL MAKE ARRANGEMENTS WITH PETITIONER'S COUNSEL REGARDING THE RETRIEVAL OF HIS PERSONAL BELONGINGS FROM THE QUAIL RUN RD. PROPERTY. BELONGINGS ARE TO BE REMOVED FROM THE PROPERTY, AT RESPONDENT'S SOLE EXPENSE, NO LATER THAN AUGUST 10, 2023 OR LATER IF MUTUALLY AGREED UPON BY THE PARTIES. IF THE ITEMS ARE NOT REMOVED BY AUGUST 10TH, PETITIONER MAY DISPOSE OF RESPONDENT'S PERSONAL ITEMS BY ANY MEANS SHE SEES FIT. (3) PETITIONER IS AWARDED EXCLUSIVE CARE, CUSTODY AND CONTROL OF THE DOGS LEVI AND XANDER. THE COURT AWARDS PETITIONER TEMPORARY EXCLUSIVE CARE, CUSTODY AND CONTROL OF BUFFY. THIS MAY BE SUBJECT TO CHANGE PENDING A FINAL JUDGMENT ON PROPERTY DIVISION BY THE COURT. PETITIONER SHALL BE SOLELY RESPONSIBLE FOR PROVIDING FOR BUFFY FINANCIALLY WHILE BUFFY IS IN HER CARE, CUSTODY AND CONTROL. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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5. CHRIS FENTON V. RYAN KATHLEEN FENTON

22FL1106

This matter is before the court on a Request for Order (RFO) filed by Petitioner on April 19, 2023. It was mail served on April 24th. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner files his RFO requesting an order directing Respondent to serve her Preliminary Declaration of Disclosure (PDD) and file her declaration of service of the same within two weeks of the hearing on the RFO. He further requests sanctions pursuant to Family Code section 271 and 2107(c). The Petition for Dissolution in this matter was filed in December of 2022. Respondent filed her Response on December 7, 2022. Her PDD was due within 60 days of that date though she has yet to serve them. Petitioner served his PDD on January 12, 2023. Counsel sent a letter to Respondent requesting her PDD on February 8, 2023. As of the date of filing, Respondent still had not served her PDD.

Petitioner is requesting \$1,000 in costs and fees incurred as a result of having to file the present motion as well as an addition \$1,500 to deter future repetition of this conduct by Respondent. Additionally, Petitioner asks the court to impose a daily sanction of \$25 for each day Respondent's PDD is late beyond the date ordered by the court.

Family Code section 2104 imposes on each party the obligation of making a preliminary disclosure of assets within the timeframe specified. For the party responding to a Petition for Dissolution, the disclosure is due either concurrently with the response or within 60 days of filing the same. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). "...[T]he court *shall*...impose monetary sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and *shall* include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c). Sanctions may also be imposed under Family Code Section 271 which states in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties..." Fam. Code § 271(a).

Respondent's obligations under Family Code section 2104 are clear and her failure to abide by those obligations is subject to sanctions. Accordingly, Respondent is ordered to serve her full and complete Preliminary Declaration of Disclosure and Income and Expense Declaration no later than July 27, 2023. She is ordered to file her Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration no later than August 3, 2023.

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Respondent is ordered to pay sanctions in the amount of \$675 as and for sanctions pursuant to Section 2107. This amount is to be paid in one lump sum or in monthly increments of \$225 due and payable on the 1st of each month beginning on August 1st and continuing until paid in full (approximately 3 months). If any payment is missed or late the entire amount shall become immediately due and payable. The court denies the request for daily sanctions, however, the court reserves on the request for further Family Code section 271 sanctions and admonishes Respondent that failure to file the PDDs in a timely fashion may result in further sanctions.

TENTATIVE RULING #5: RESPONDENT IS ORDERED TO SERVE HER FULL AND COMPLETE PRELIMINARY DECLARATION OF DISCLOSURE AND INCOME AND EXPENSE DECLARATION NO LATER THAN JULY 27, 2023. SHE IS ORDERED TO FILE HER DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE AND INCOME AND EXPENSE DECLARATION NO LATER THAN AUGUST 3, 2023. RESPONDENT IS ORDERED TO PAY SANCTIONS IN THE AMOUNT OF \$675 AS AND FOR SANCTIONS PURSUANT TO SECTION 2107. THIS AMOUNT IS TO BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$225 DUE AND PAYABLE ON THE 1ST OF EACH MONTH BEGINNING ON AUGUST 1ST AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 3 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE. THE COURT DENIES THE REQUEST FOR DAILY SANCTIONS, HOWEVER, THE COURT RESERVES ON THE REQUEST FOR FURTHER FAMILY CODE SECTION 271 SANCTIONS AND ADMONISHES RESPONDENT THAT FAILURE TO FILE THE PDDs IN A TIMELY FASHION MAY RESULT IN FURTHER SANCTIONS. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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6. DAVID RAINALDI V. SAMANTHA BRAHAM

PFL20160044

Petitioner filed a Request for Order (RFO) on January 20, 2023, requesting the court modify legal custody orders as well as child support orders. The matter came before the court for hearing on March 16, 2023, at which time the court awarded Petitioner temporary sole legal custody and cautioned Respondent that her continued failure to participate in legal decision making for the minor may result in the award for sole legal custody to become permanent. The matter was set for a review hearing on the present date. Respondent was served with a letter notifying her of the review hearing as well as the court's amended tentative ruling.

In preparation for the review hearing, Petitioner filed and served his Declaration on June 30th. Therein Petitioner states that he hasn't had any contact with Respondent since March 6, 2023. She didn't appear at the March 16th hearing, nor did she sign up for Talking Parents. Further, Respondent has not called or attempted to arrange a visit with the minor. Petitioner is requesting sole legal custody and asking the court to confirm the full physical custody order. He also asks the court to continue the limited contact orders for Respondent's visits with the minor until Respondent files her own properly noticed motion with the court.

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). Here, Respondent has already effectively handed over all parenting duties to Petitioner. Petitioner's inability to contact Respondent to confer on issues of legal custody makes it exceedingly difficult for Petitioner to quickly and easily make those decisions which are necessary to ensure the health and welfare of the child. As such, the court finds it to be in the best interests of the minor to award Petitioner sole legal custody.

All prior orders not in conflict with this order, including but not limited to all orders regarding physical custody and visitation, remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #6: PETITIONER IS AWARDED FULL LEGAL CUSTODY OF THE MINOR. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER, INCLUDING BUT NOT LIMITED TO ALL ORDERS REGARDING PHYSICAL CUSTODY AND VISITATION, 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

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

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7. JONATHAN CHURAN V. KRISTI CHURAN

22FL1093

Respondent filed a Request for Order (RFO) on April 13, 2023, seeking child custody and visitation orders. The RFO and all other required documents were mail served on April 24, 2023. Petitioner filed and served his Responsive Declaration to Request for Order on June 15, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) and a hearing was set for June 29th, which was later continued to the present date. Respondent filed and served an Updating Declaration on July 13, 2023. Petitioner has not filed an updating declaration.

Respondent is requesting joint legal custody of the minor with physical custody awarded to herself. She asks that Petitioner have frequent and reasonable visitation with the minor on a schedule to be determined by the minor.

Petitioner is not opposed to the request for joint legal custody but does oppose the requested physical custody orders. Instead, Petitioner requests a 50/50 parenting plan on a week on/week off schedule.

On May 26th the parties did reach temporary agreements as to child support, spousal support, a resolution on the Family Code section 2030 attorney fee request, family reconnection therapy between Petitioner and Daisy and agreements regarding the sale of the marital property. The parties agreed to return for hearing on those issues on August 24, 2023.

The parties attended CCRC on May 8th and were unable to reach any agreements. CCRC made several recommendations including a recommendation that the parties utilize a 2-2-5-5 parenting schedule. Respondent agrees with the CCRC recommendations but requests the following modifications: (1) She agrees with the parties taking a coparenting class but requests that each party be ordered to take a class of at least six hours in duration. (2) She is agreement with family reconnection therapy and asks the court to order Petitioner to provide her with a new list of proposed therapists and that he calls the therapists to confirm they are willing and able to take the case prior to putting them on the lists. (3) She requests the court reserve on the issue of the minor attending individual therapy in order to determine if it would be appropriate for her to utilize the same therapist for individual therapy and reunification therapy.

After reviewing the filings of the parties as outlined above, the court finds the recommendations contained in the CCRC report to be in the best interests of the minor. The court hereby adopts the recommendations of the CCRC report with the following additional provisions. The co-parenting class as referenced in the CCRC report is to be a minimum of six hours in duration. The parties are to ensure that the child commences therapy with a mental health professional who is experienced in addressing issues with adolescents of parent-teen conflict, parental alienation, and sexuality. Respondent is to provide Petitioner with a list of the names of three therapists/mental health professionals no later than July 20, 2023. Petitioner

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shall choose one of the three and notify Respondent no later than July 27, 2023. Respondent shall contact the therapist/mental health professional as soon as possible after one is chosen to commence the intake process for the minor. The parties are to comply with all treatment and recommendations of the therapist/mental health professional. Therapy for the minor shall continue at a frequency and duration as recommended by the therapist/mental health professional. The court is not ordering family reunification therapy at this time however, if, during therapy for the child reunification services are recommended by the minor's therapist then the parties are to commence such therapy as recommended by the therapist/mental health professional.

TENTATIVE RULING #7: THE COURT HEREBY ADOPTS THE RECOMMENDATIONS OF THE CCRC REPORT WITH THE FOLLOWING ADDITIONAL PROVISIONS. THE CO-PARENTING CLASS AS REFERENCED IN THE CCRC REPORT IS TO BE A MINIMUM OF SIX HOURS IN DURATION. THE PARTIES ARE TO ENSURE THAT THE CHILD COMMENCES THERAPY WITH A MENTAL HEALTH PROFESSIONAL WHO IS EXPERIENCED IN ADDRESSING ISSUES WITH ADOLESCENTS OF PARENT-TEEN CONFLICT, PARENTAL ALIENATION, AND SEXUALITY. RESPONDENT IS TO PROVIDE PETITIONER WITH A LIST OF THE NAMES OF THREE THERAPISTS/MENTAL HEALTH PROFESSIONALS NO LATER THAN JULY 20, 2023. PETITIONER SHALL CHOOSE ONE OF THE THREE AND NOTIFY RESPONDENT NO LATER THAN JULY 27, 2023. RESPONDENT SHALL CONTACT THE THERAPIST/MENTAL HEALTH PROFESSIONAL AS SOON AS POSSIBLE AFTER ONE IS CHOSEN TO COMMENCE THE INTAKE PROCESS FOR THE MINOR. THE PARTIES ARE TO COMPLY WITH ALL TREATMENT AND RECOMMENDATIONS OF THE THERAPIST/MENTAL HEALTH PROFESSIONAL. THERAPY FOR THE MINOR SHALL CONTINUE AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE THERAPIST/MENTAL HEALTH PROFESSIONAL. THE COURT IS NOT ORDERING FAMILY REUNIFICATION THERAPY AT THIS TIME HOWEVER, IF, DURING THE COURSE OF THERAPY FOR THE CHILD RE-UNIFICATION SERVICES ARE RECOMMENDED BY THE MINOR'S THERAPIST THEN THE PARTIES ARE TO COMMENCE SUCH THERAPY AS RECOMMENDED BY THE THERAPIST/MENTAL HEALTH PROFESSIONAL. 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.

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8. JULIE SARLAN V. ROBERT SARLAN

PFL20140558

This matter is before the court on a Request for Order (RFO) filed by Petitioner on April 25, 2023. The RFO, along with a declaration in support of her RFO, the referral of the parties to Child Custody Recommending Counseling (CCRC), and all other required documents were mail served on April 26, 2023.

This is a post-judgment request. Petitioner properly filed her Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order. Petitioner states that she verified Respondent's service address because he was successfully served at that address for a hearing that was held on May 8th. However, the court notes that Respondent did not appear at the May 8th hearing. Likewise, he did not appear at the CCRC appointment per the referral which was served with the RFO.

Petitioner filed a Responsive Declaration to the CCRC report on July 6, 2023. Respondent was served by mail and electronically on July 5, 2023. The court deems this to be a Reply Declaration. Petitioner requests the minor continue to reside full time with Petitioner and the parties continue to share joint legal custody. Petitioner additionally requests both parties sign the minor's California High School Proficiency Examination test results to allow the minor to attend college in the fall.

Under the circumstances, the court is concerned with a defect in service. Petitioner's manner of verifying the service address is insufficient where it is unclear if Respondent received the notice of the May 8th hearing. For the foregoing reasons, the matter is dropped from calendar due to lack of proper service.

All prior orders remain in full force and effect.

TENTATIVE RULING #8: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

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9. KIMBERLY DEVAUGHN V. MARK B. DEVAUGHN

PFL20180127

This matter is before the court on a Request for Order (RFO) filed by Respondent on April 25, 2023. There is no Proof of Service on file evidencing that this document was properly served. Minor's Counsel filed and served a Responsive Declaration to Request for Order on June 5, 2023. Petitioner's Declaration in Opposition to Respondent's Request for Orders, Barbara Newman's Declaration of Points and Authorities Re: Respondent's Request for Order, and Declaration of Barbara Newman Regarding Attorney Fees and Sanctions, were all filed on June 15th. They were served the day prior on June 14th. Petitioner objects to service of the RFO noting that it was electronically served on May 22, 2022, just three days prior to the scheduled Child Custody Recommending Counseling (CCRC) appointment. This is despite the fact that the parties have not agreed to electronic service. Respondent's failure to timely and properly serve the RFO caused Petitioner to miss the scheduled CCRC appointment.

Given the lack of proper service to Petitioner, the parties are re-referred to CCRC with an appointment on 9/18/23 at 1:00 PM with Norman Labat. This matter is continued to 11/9/2023 at 8:30 in department 5. Any supplemental declarations from the parties shall be filed and properly served no later than 10 days prior to the hearing date. The parties are to file Proofs of Service along evidencing proper and timely service of their supplemental declarations, if any. The court reserves jurisdiction on Petitioner's requests for attorney's fees and costs pursuant to Family Code sections 2030 and 271.

TENTATIVE RULING #9: THE PARTIES ARE RE-REFERRED TO CCRC WITH AN APPOINTMENT ON 9/18/2023 AT 1:00 PM WITH NORMAN LABAT. THIS MATTER IS CONTINUED TO 11/9/2023 AT 8:30 AM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS FROM THE PARTIES SHALL BE FILED AND PROPERLY SERVED NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. THE PARTIES ARE TO FILE PROOFS OF SERVICE ALONG EVIDENCING PROPER AND TIMELY SERVICE OF THEIR SUPPLEMENTAL DECLARATIONS, IF ANY. THE COURT RESERVES JURISDICTION ON PETITIONER'S REQUESTS FOR ATTORNEY'S FEES AND COSTS PURSUANT TO FAMILY CODE SECTIONS 2030 AND 271.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

10. MATTHEW TOOCH V. JENNIFER HOLLY

PFL20140486

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on February 14, 2023. It was personally served on Respondent on June 15th.

The parties are ordered to appear for arraignment.

TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

11. MICHAEL K. MCFARLAND V. HOLLY A. MCFARLAND

23FL0342

This matter is before the court on a Request for Order (RFO) filed by Petitioner on April 27, 2023. The RFO was mail served and Petitioner properly filed a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order. Respondent filed and served her Responsive Declaration to Request for Order and Respondent’s Declaration in Response to Petitioner’s RFO on May 24, 2023. The parties attended Child Custody Recommending Counseling on May 25th and a CCRC report was prepared dated May 31st. Thereafter Respondent filed Respondent’s Declaration in Response to CCRC on July 3rd.

Petitioner is requesting sole legal custody and sole physical custody of the two minor children with reasonable visitation to Respondent. In conjunction with this request, he is seeking an order allowing the children to move with him and his wife to the Dallas, Texas area. Currently the parties share joint legal and joint physical custody pursuant to a judgment out of San Mateo County. Despite this, Petitioner maintains that in actuality he has had primary physical custody of the eldest son, while the parties have followed a week-on/week-off schedule with the younger son. This arrangement is the result of physical abuse toward the elder son at the hands of Respondent’s husband. Further, the children have extended family ties in Texas and Petitioner believes they would be happier moving there with him.

Respondent asks the court to deny the move away order in full or, in the alternative, at least award her custody of the younger minor. Respondent maintains that there was no physical abuse of the older minor instead, her husband who is a retired Deputy Sheriff, put the minor in a hold to calm him down during an argument. She states that following this incident the older minor actually requested to reside primarily with Respondent. He changed his mind in August of 2021 when he asked to live primarily with Petitioner “for a while.” Respondent maintains that she has since been trying to repair her relationship with the minor but Petitioner has begun making legal decisions for the minor without consulting her and he refused to allow the minor to participate in reunification therapy.

Respondent believes it is in the best interest of both of the minors to remain in California with her. Doing so would allow her and the older minor to participate in reunification therapy. Additionally, the boys have lived in El Dorado County for the past 6 years and have made friends and participated in extracurricular activities within the area. The boys also have two half-siblings who live in El Dorado County. She argues that Petitioner does not have family in the Dallas area other than two aunts which the boys have rarely seen. Ultimately, Respondent feels that Petitioner has alienated the older son against her and he will do the same thing with the younger son if they are allowed to move.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

The parties attended CCRC but were unable to reach any agreements on the move away issue. The CCRC counselor spoke with the minors. The elder son stated that he would like to return to Dallas where he was born. Regarding his relationship with Respondent, he feels has tried to repair the relationship but has not been successful and he does not believe that reunification therapy would be helpful at this time.

The younger minor also indicated to CCRC that he would like to move to Dallas. He stated that both sides of his family live in Texas and he has no relatives here. Additionally, the college he would like to attend is in Texas and moving there now would allow him to attend without paying out-of-state tuition.

After speaking with both parties and the minors, CCRC has provided the court with recommendations regarding legal custody, parenting time, a holiday schedule, transportation for parenting time and several additional provisions. All recommendations are codified in the May 31, 2023 CCRC report. Respondent filed her declaration disagreeing with the CCRCs recommendations. She notes that the CCRC counselor addresses the importance of the sibling bond between the two minors but does not include the bonds with their half-siblings. She reiterates her belief that Petitioner is alienating the minors against her.

“A parent entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child.” Fam. Code Section 7501(a). In assessing the rights and welfare of the child, each case must be evaluated on its own merits. In re Marriage of Burgess, 13 Cal. 4th 25, 37-40 (1996). “Among the factors that the court ordinarily should consider when deciding whether to modify a custody order in light of the custodial parent’s proposal to change the residence of the child are the following: the children’s interest in stability and continuity in the custodial arrangement; the distance of the move; the age of the children; the children’s relationship with both parents; the relationship between the parents including, but not limited to, their ability to communicate and cooperate effectively and their willingness to put the interests of the children above their individual interests; the wishes of the children if they are mature enough for such an inquiry to be appropriate; the reasons for the proposed move; and the extent to which the parents currently are sharing custody.” Marriage of LaMusga, 32 Cal. 4th 1072, 1098-1101 (2004). This is a very fact specific analysis and because move away cases involve “the most serious decisions a family law court is required to make and should not be made in haste.” In re Marriage of Seagondollar, 139 Cal. App. 4th 1116 (2006).

In keeping with the requirements of the law, and given the fact driven analysis that the court must consider, the court is of the opinion that a full adversarial hearing must precede such a decision. The parties are ordered to appear to choose trial dates.

TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR TO CHOOSE TRIAL DATES.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

12. SCOTT COLLINSON V. ASHLEY COLLINSON

PFL20200475

This matter is before the court on a Request for Order (RFO) filed by Petitioner on April 19, 2023. The RFO, along with Petitioner's Declaration in Support of Request for Order and all other required documents were mail served to Heather Tattershall on April 24th. This is a post-judgment request for modification of custody orders. As such, it was required to be personally served or, if served by mail, Petitioner was required to complete and file a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, which he has not done. See Fam. Code § 215. That said, on June 23, 2023 Respondent filed a Substitution of Attorney form substituting Ms. Tattershall in as her attorney. Thereafter, on June 28th Respondent filed Responsive Declaration to Request for Order. In light of the foregoing, the court finds Respondent to have actual notice of the pending RFO and therefore, the court finds good cause to reach the merits of the RFO. See In re Marriage of Gortner, 60 Cal. App. 3d 996 (1976).

Petitioner requests an order allowing him to enroll the minor in counseling sessions to be attended at least twice per month for a period of 6-12 months. Counseling will be during Petitioner's parenting time and at his own expense. He is requesting the ability to do so without the signature of Respondent.

Respondent objects to Petitioner's request to unilaterally enroll the minor in therapy without her participation or consent. She does not object to therapy in general but given the minor's age she would like to start with a developmentally appropriate form of therapy. She would also like to have input in the choice of therapist.

The parties attended Child Custody Recommending Counseling (CCRC) on May 17, 2023 and were able to reach agreements on the issue. A report codifying those agreements was issued on June 29, 2023. The court has reviewed the agreements as contained in the CCRC report and finds them to be in the best interests of the minor. As such, the court hereby adopts the agreements of the June 29th CCRC report as the orders of the court. All prior orders not in conflict with this order shall remain in full force and effect.

TENTATIVE RULING #12: THE COURT HEREBY ADOPTS THE AGREEMENTS OF THE JUNE 29TH CCRC REPORT AS THE ORDERS OF THE COURT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 13, 2023
8:30 a.m./1:30 p.m.

13. ANGELA PARSONS V. MARK PARSON

PFL20200195

Petitioner filed a Request for Order (RFO) on June 5, 2023, requesting the court order Respondent to pay arrears for spousal support. Petitioner concurrently filed a Declaration of Payment History. Upon review of the court file, there is no Proof of Service showing either the RFO or Declaration were properly served on Respondent.

Respondent filed a Responsive Declaration as well as an Income and Expense Declaration on June 29, 2023. Respondent objects to paying an arrears. Respondent is requesting the court deny the RFO as Petitioner did not file an Income and Expense Declaration.

Petitioner filed an Income and Expense Declaration on July 6, 2023. Proof of Service shows Respondent was served by mail on July 6, 2023.

The court notes Respondent filed a RFO on June 30, 2023, requesting to modify the current order for spousal support which is set for a hearing on August 31, 2023. The court on its own motion, for judicial economy, continues this matter to join with the hearing set on August 31, 2023. Petitioner is directed to file Proof of Service for the June 5, 2023 RFO and Declaration.

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

TENTATIVE RULING #13: THE COURT ON ITS OWN MOTION, FOR JUDICIAL ECONOMY, CONTINUES THIS MATTER TO JOIN WITH THE HEARING SET ON AUGUST 31, 2023. PETITIONER IS DIRECTED TO FILE PROOF OF SERVICE FOR THE JUNE 5, 2023 RFO AND DECLARATION. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

14. BRANDON KRATZER V. HEATHER WRIGHT

PFL20210349

Petitioner filed a Request for Order (RFO) on February 14, 2023, requesting the court modify custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 13, 2023 and a review hearing on April 27, 2023. Respondent was personally served a copy of the RFO February 14, 2023. It does not appear Respondent was provided a copy of the referral to CCRC.

On March 13, 2023 only Petitioner appeared for the CCRC appointment. As such, a single parent CCRC report was filed on March 13, 2023. A copy was mailed to the parties on March 16, 2023.

Parties appeared for the hearing on April 27, 2023. The parties were rereferred to CCRC for an appointment on May 22, 2023 and a further review hearing on July 13, 2023. Pending the review hearing the parties agreed Petitioner shall have physical custody of the minors. Respondent shall have parenting time every Saturday and Sunday at a time agreed upon by the parties. The court continued the joint legal custody orders.

Both parties attended CCRC on May 22, 2023, but were unable to reach any agreements. A report with recommendations was filed with the court on June 30, 2023. Copies were mailed to the parties on the same day.

Neither party has filed a Supplemental Declaration.

The court has read and considered the June 30, 2023 CCRC report and finds the recommendations to be in the minors' best interests. The court adopts the recommendations with the following modification: Respondent's parenting time shall be the 1st, 2nd, and 4th weekends of the month. A weekend is defined from Friday when school lets out, 3:00 pm on non-school days, until Sunday at 7:00 pm. The remainder of the recommendations are adopted without further modification.

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 #14: THE COURT ADOPTS THE RECOMMENDATIONS WITH THE FOLLOWING MODIFICATION: RESPONDENT'S PARENTING TIME SHALL BE THE 1ST, 2ND, AND 4TH WEEKENDS OF THE MONTH. A WEEKEND IS DEFINED FROM FRIDAY WHEN SCHOOL LETS OUT, 3:00 PM ON NON-SCHOOL DAYS, UNTIL SUNDAY AT 7:00 PM. THE REMAINDER OF THE RECOMMENDATIONS ARE ADOPTED WITHOUT FURTHER MODIFICATION. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

15. BRIAN BURKS V. MELISSA BURKS

PFL20180047

Respondent filed an Order to Show Cause and Affidavit for Contempt on May 11, 2023 and a second on May 19, 2023 alleging Petitioner is in violation of court orders, including an order for the parties to participate in co-parenting counseling and for reimbursement of medical expenses. Petitioner was personally served on May 29, 2023.

The parties are ordered to appear for an arraignment hearing.

Respondent filed a Request for Order on May 11, 2023, requesting the court force the same of the residence at 6178 Salmon Way, in Pollock Pines California. Petitioner was personally served on May 29, 2023. Respondent asserts Petitioner has failed to remove her from the mortgage and title of the home, despite being ordered to do so on January 20, 2022. Respondent asserts Petitioner has had over four years since the parties Judgment to refinance the home and remove her from the title.

Petitioner has not filed a Responsive Declaration.

The court grants Respondent's request to order the sale of the home. Respondent is to provide the names of three potential real estate agents to Petitioner on or before August 3, 2023. Petitioner shall select one of the three on or before August 10, 2023. If Petitioner fails to select one of the three agents, Respondent shall select from the three agents. The home is to be listed for sale no later than August 31, 2023. Parties are to cooperate with the listen agent to ensure the home is ready for sale. If parties cannot agree to a listing price, the agent shall set the listing price. Parties shall cooperate with the listing agent to sign all documents to list the home for sale.

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

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

THE COURT GRANTS RESPONDENT'S REQUEST TO ORDER THE SALE OF THE HOME. RESPONDENT IS TO PROVIDE THE NAMES OF THREE POTENTIAL REAL ESTATE AGENTS TO PETITIONER ON OR BEFORE AUGUST 3, 2023. PETITIONER SHALL SELECT ONE OF THE THREE ON OR BEFORE AUGUST 10, 2023. IF PETITIONER FAILS TO SELECT ONE OF THE THREE AGENTS, RESPONDENT SHALL SELECT FROM THE THREE AGENTS. THE HOME IS TO BE LISTED FOR SALE NO LATER THAN AUGUST 31, 2023. PARTIES ARE TO COOPERATE WITH THE LISTEN AGENT TO ENSURE THE HOME IS READY FOR SALE. IF PARTIES CANNOT AGREE TO A LISTING PRICE, THE AGENT SHALL SET THE LISTING PRICE. PARTIES SHALL COOPERATE WITH THE LISTING AGENT TO SIGN ALL DOCUMENTS TO LIST THE HOME FOR SALE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

16. CHRISTOPHER STARR V. LEILANI STARR

21FL0124

Petitioner filed a Request for Order (RFO) on March 22, 2023 seeking child support orders. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was served electronically on April 17, 2023. Petitioner is seeking guideline child support.

Respondent served her Responsive Declaration to Request for Order, her Income and Expense Declaration and an additional Declaration on June 5, 2023 and filed them on June 8, 2023. Respondent consents to guideline child support. Respondent raises issues regarding Petitioner's income in her Responsive Declaration.

Petitioner filed a Reply Declaration on June 6, 2023. Proof of Service shows Respondent was served electronically on June 6, 2023.

Parties appeared for the hearing originally set on June 15, 2023. The court's prior tentative ruling indicated there was no Proof of Service of the RFO and Respondent's Responsive Declaration was late filed. Petitioner provided a Proof of Service, although very late filed, indicating service was proper. Parties agreed to continue the matter with the court reserving jurisdiction to retroactively modify support to the date of the filing of the RFO.

Based on the parties filed Income and Expense Declarations, with Petitioner having a 100% timeshare of the minors, and a 2.3% timeshare per week, the court finds guideline child support to be \$2,253 payable from Respondent to Petitioner. The court orders Respondent to pay Petitioner \$2,253 as and for child support effective April 1, 2023 and due on the first of each month until further court order or termination by operation of law.

The court finds this order results in an arrears balance of \$9,012 for the months of April through July inclusive. The court orders Respondent to pay Petitioner \$375.50 per month as and for arrears effective August 15, 2023 and due on the 15th of each month until paid in full (approximately 24 months.) If there is any missed payment the full balance is due with legal interest.

Respondent filed a RFO on June 8, 2023, seeking to reopen evidence in the parties' Dissolution trial. Petitioner was served electronically on June 12, 2023. Respondent asserts she notified opposing counsel she was ill and/or was unable to attend trial and requested the matter be continued. Respondent asserts opposing counsel stated she would inform the court of this information. Respondent is requesting the court allow her an opportunity to present evidence in the Dissolution trial as she was unable to be at court the date trial took place.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

Petitioner filed a Responsive Declaration on July 10, 2023. Respondent was served electronically on July 10, 2023. This document was not timely filed and therefore, the court will not consider it.

The court orders parties to appear on Respondent's RFO.

TENTATIVE RULING #16: THE COURT ORDERS PARTIES TO APPEAR ON RESPONDENT'S RFO.

THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$2,253 PAYABLE FROM RESPONDENT TO PETITIONER. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$2,253 AS AND FOR CHILD SUPPORT EFFECTIVE APRIL 1, 2023 AND DUE ON THE FIRST OF EACH MONTH UNTIL FURTHER COURT ORDER OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$9,012 FOR THE MONTHS OF APRIL THROUGH JULY INCLUSIVE. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$375.50 PER MONTH AS AND FOR ARREARS EFFECTIVE AUGUST 15, 2023 AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS.) IF THERE IS ANY MISSED PAYMENT THE FULL BALANCE IS DUE WITH LEGAL INTEREST.

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

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

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	2	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	2.3%	Father	1,160	Payment (cost)/benefit	2,253 (2,253)
Filing status	MFS->	<-MFS	Mother	5,819	Net spendable income	3,413 3,566
# Federal exemptions	3*	1*	Total	6,979	% combined spendable	48.9% 51.1%
Wages + salary	0	9,000	Support		Total taxes	0 2,590
401(k) employee contrib	0	0	CS Payor	Mother	Comb. net spendable	6,979
Self-employment income	0	0	Presumed	2,253	Proposed	
Other taxable income	0	0	Basic CS	2,253	Payment (cost)/benefit	2,334 (2,334)
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	3,494 3,897
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	81 331
Other gains (and losses)	0	0	Child 1	845	% combined spendable	47.3% 52.7%
Ordinary dividends	0	0	Child 2	1,408	% of saving over gdl	19.7% 80.3%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	0 2,177
Social Security received	0	0	Total	2,253	Comb. net spendable	7,392
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	5.9%
Operating losses	0	0	CS Payor	Mother	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	2,334		
Roy, partnerships, S corp, trusts	0	0	Basic CS	2,334		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	1,160	0	Child 1	901		
New-spouse income	0	0	Child 2	1,434		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	2,334		
Adj. to income (ATI)	0	0	Savings	412		
Ptr Support Pd. other P'ships	0	0	Total releases to	2		
Health insurance	0	591	Mother			
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 13, 2023

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

17. JENNIFER COWELS V. BENJAMIN COWLES

PFL20180808

Respondent filed a Request for Order on May 1, 2023 requesting the court reset a contested hearing on the issue of attorney's fees which was not addressed by the court on June 9, 2022. Petitioner was served by mail on May 8, 2023 and June 6, 2023.

Respondent asserts in his declaration that in October 2020 he filed for reimbursement of attorney's fees as a result of bring the contempt trial. The matter was scheduled to be heard in November 2021 in Department 2. However, due to the retirement of Judge Melikian, the matter was continued and set to be hear by Judge Ralphs. The matter was then reset in Department 5, to be heard by Judge Bowers, however, due to the protracted nature of the case and the number of pending motions to be heard, the court did not include the contested reimbursement of fees hearing when resetting the trial dates. Respondent did not request oral argument or bring the oversight to the court's attention at the hearing on June 9, 2022. The court did reserve jurisdiction on all additional issues and set the matter for a long cause trial on the division of property issues.

Petitioner has not filed a Responsive Declaration.

The court finds good cause to add the reimbursement of attorney's fees to the trial currently set on October 4, 2023 at 8:30 in Department 5. The court confirms the Mandatory Settlement Conference set for September 11, 2023 at 8:30 in Department 5. Statements of Issues and Contentions are due in accordance with the Local Rules. The court continues to reserve jurisdiction on the reimbursement of fees.

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 #17: THE COURT FINDS GOOD CAUSE TO ADD THE REIMBURSEMENT OF ATTORNEY'S FEES TO THE TRIAL CURRENTLY SET ON OCTOBER 4, 2023 AT 8:30 IN DEPARTMENT 5. THE COURT CONFIRMS THE MANDATORY SETTLEMENT CONFERENCE SET FOR SEPTEMBER 11, 2023 AT 8:30 IN DEPARTMENT 5. STATEMENTS OF ISSUES AND CONTENTIONS ARE DUE IN ACCORDANCE WITH THE LOCAL RULES. THE COURT CONTINUES TO RESERVE JURISDICTION ON THE REIMBURSEMENT OF FEES. 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

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ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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18. KARLEY GENTRY V. PAUL GENTRY

22FL0745

Petitioner filed a Request for Order (RFO) on December 5, 2022, requesting the court make orders as to child and spousal support , as well as a request to remove Petitioner's name from the title of Respondent's vehicle. Petitioner filed an Income and Expense Declaration on the same date. Petitioner filed an Amended Income and Expense Declaration on December 6, 2022. Respondent was personally served on December 17, 2022.

Petitioner filed an Amended RFO on December 19, 2022. Petitioner requests the court make orders as to child custody and parenting time, child and spousal support, as well as to have Petitioner's name removed from the title of Respondent's Vehicle. Upon review of the court file, there is no Proof of Service showing Respondent was served with the Amended RFO.

Petitioner filed a Supplemental Declaration and updated Income and Expense Declaration on January 27, 2023. Respondent was served by mail on January 27, 2023. Petitioner affirms her requested orders as set forth in the Amended RFO. Petitioner requests the court order joint legal custody and for Petitioner to have sole physical custody, with Respondent having parenting time for two weeks in the summer and two weeks in the winter, to coincide with the minors' school breaks. Petitioner is requesting all parenting time occur in California. Petitioner requests guideline child and temporary spousal support.

Respondent had not filed a Responsive Declaration or an Income and Expense Declaration.

The court found the December 19, 2022 Amended RFO has not been properly served and dropped the matter from calendar.

The court found Petitioner's most recent Income and Expense Declaration to be incomplete. It is missing page two. Further Petitioner's December 6, 2022 filed Income and Expense Declaration does not have any pay stubs attached. Petitioner's December 5, 2022 Income and Expense Declaration does have pay stubs attached however, Petitioner is no longer employed with the employer. Therefore, the court found it did not have the requisite information necessary to make the guideline calculations for support and ordered parties to appear.

On February 9, 2023, parties appeared for the hearing. The court modified Respondent's RFO filed on February 9, 2023, and set the hearing time for 1:30 pm rather than 8:30 am on April 27, 2023. Petitioner's December 5, 2022 filed RFO was continued to April 27, 2023. The court directed Petitioner to serve Respondent's counsel with a copy of the filings in the matter to date. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on February 15, 2023 at 1:00 pm. Respondent was directed to submit the appropriate forms to appear remotely. The court reserved jurisdiction on the

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request for child and temporary guideline spousal support to the date of the filing of the RFO. The court also reserved on the request to remove Petitioner's name from the title of Respondent's vehicle.

Upon review of the court file, Respondent's February 9, 2023 RFO had not been served on Petitioner. In its tentative ruling the court dropped the matter from calendar. Further, Respondent failed to appear at the February 15, 2023 CCRC appointment where he was the moving party. Petitioner did appear and a single parent CCRC report was filed on February 21, 2023. Copies of the report were mailed to the parties on February 23, 2023.

Petitioner filed a Responsive Declaration and updated Income and Expense Declaration on April 12, 2023. Respondent was served by mail and electronically on April 12, 2023.

Respondent last filed an Income and Expense Declaration on February 9, 2023. There is no Proof of Service showing Petitioner was served.

On April 27, 2023 the court did not have the requisite information before it to make child and temporary spousal support orders, specifically, Respondent's Income and Expense Declaration. Parties were ordered to appear for the hearing.

At the hearing on April 27, 2023, Petitioner stipulated there was no defect in service of the RFO. Parties requested the matter be continued and the parties be referred to CCRC. The court rereferred the parties to CCRC for an appointment on May 18, 2023 and set a further review hearing for July 13, 2023. Parties were ordered to file updated Income and Expense Declarations and any Supplemental Declarations at least 10 days prior to the hearing. The court reserved jurisdiction to retroactively modify child and spousal support to the date the RFO was filed, December 5, 2022.

Petitioner filed a Supplemental Declaration and Income and Expense Declaration on June 22, 2023. Respondent was served by mail on June 22, 2023. Petitioner requests the court maintain the current custody orders and allow Respondent visitation whenever he is in California, with at least 30 days' notice to Petitioner.

Parties attended CCRC on May 18, 2023 and were unable to reach any agreements. A report with recommendations was filed on July 3, 2023. Copies were mailed to the parties on the same day.

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

Respondent has once again failed to file an updated Income and Expense Declaration. Therefore, the court will utilize Respondent's February 9, 2023 filed Income and Expense Declaration for purposes of calculating guideline child and temporary spousal support.

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Utilizing the figures provided in Petitioner's June 22, 2023 filed Income and Expense Declaration and Respondent's February 9, 2023 Income and Expense Declaration, with a tax status of married filing jointly, and a zero percent timeshare to Respondent, the court finds guideline child support to be \$2,043 per month payable from Respondent to Petitioner. (See attached DissoMaster) The court orders Respondent to pay Petitioner \$2,043 per month as and for child support effective January 1, 2023 and payable on the 1st of each month until further order of the court or termination by operation of law.

Utilizing the same figures, the court finds guideline temporary spousal support to be \$642 per month payable from Respondent to Petitioner (See attached DissoMaster). The court orders Respondent to pay Petitioner \$642 per month as and for guideline temporary spousal support effective January 1, 2023 and payable on the 1st of each month until further order of the court or termination by operation of law.

The court finds the total amount of support due each month to be \$2,685. The court further finds these orders result in an arrears balance of \$18,795 for the months of January through July inclusive. The court also finds there have been support payments made to Petitioner in the amount of \$1,300 per month for a total of \$9,100. Therefore, the total arrears owed is \$9,695. The court orders Respondent to pay Petitioner \$692.50 per month due on the 15th of each month as an for arrears until paid in full. (Approximately 14 months.) If there is any missed payment, the full amount is due with legal interest.

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 #18: THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE JULY 3, 2023 CCRC REPORT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. UTILIZING THE FIGURES PROVIDED IN PETITIONER'S JUNE 22, 2023 FILED INCOME AND EXPENSE DECLARATION AND RESPONDENT'S FEBRUARY 9, 2023 INCOME AND EXPENSE DECLARATION, WITH A TAX STATUS OF MARRIED FILING JOINTLY, AND A ZERO PERCENT TIMESHARE TO RESPONDENT, THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$2,043 PER MONTH PAYABLE FROM RESPONDENT TO PETITIONER. (SEE ATTACHED DISSOMASTER) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$2,043 PER MONTH AS AND FOR CHILD SUPPORT EFFECTIVE JANUARY 1, 2023 AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. UTILIZING THE SAME FIGURES, THE COURT FINDS GUIDELINE TEMPORARY SPOUSAL SUPPORT TO BE \$642 PER MONTH PAYABLE FROM RESPONDENT TO PETITIONER (SEE ATTACHED DISSOMASTER). THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$642 PER MONTH AS AND FOR GUIDELINE TEMPORARY SPOUSAL SUPPORT EFFECTIVE JANUARY 1, 2023

ATTORNEY (NAME AND ADDRESS): <div style="font-size: 1.2em; font-weight: bold; margin-top: 20px;">California</div> ATTORNEY FOR: Father	TELEPHONE NO: <div style="font-size: 0.8em;"> Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME: </div>
DISSOMASTER REPORT 2023, Monthly	CASE NUMBER:

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Father	5,929	Payment (cost)/benefit	(2,684) 2,684
Filing status	MFJ->	<-MFJ	Mother	2,741	Net spendable income	3,245 5,426
# Federal exemptions	1*	3*	Total	8,670	% combined spendable	37.4% 62.6%
Wages + salary	7,164	3,747	Support (Nondeductible)		Total taxes	1,204 664
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	8,671
Self-employment income	0	0	Presumed	2,043	Proposed	
Other taxable income	0	0	Basic CS	2,043	Payment (cost)/benefit	(2,684) 2,684
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	3,245 5,426
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	779	% combined spendable	37.4% 62.6%
Ordinary dividends	0	0	Child 2	1,264	% of saving over gdl	0% 0%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,204 664
Social Security received	0	0	Alameda	642	Comb. net spendable	8,671
Unemployment compensation	0	0	Total	2,685	Percent change	0.0%
Operating losses	0	0	Proposed, tactic 9		5 Settings Changed	
Ca. operating loss adj.	0	0	CS Payor	Father	Father, Include CASDI: No	
Roy, partnerships, S corp, trusts	0	0	Presumed	2,043	Father, Include Rent Credit: No	
Rental income	0	0	Basic CS	2,043	Father, Include Child Care Credit: No	
Misc ordinary tax. inc.	0	0	Add-ons	0	Father, Include CA Earned Income Credit: No	
Other nontaxable income	0	0	Presumed Per Kid		Father, Include Mental Health Tax: No	
New-spouse income	0	0	Child 1	779		
SS paid other marriage	0	0	Child 2	1,264		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	642		
Ptr Support Pd. other P'ships	0	0	Total	2,685		
Health insurance	31	218	Savings	0		
Qual. Bus. Inc. Ded.	0	0	No releases			
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	125				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

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AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THE TOTAL AMOUNT OF SUPPORT DUE EACH MONTH TO BE \$2,685. THE COURT FURTHER FINDS THESE ORDERS RESULT IN AN ARREARS BALANCE OF \$18,795 FOR THE MONTHS OF JANUARY THROUGH JULY INCLUSIVE. THE COURT ALSO FINDS THERE HAVE BEEN SUPPORT PAYMENTS MADE TO PETITIONER IN THE AMOUNT OF \$1,300 PER MONTH FOR A TOTAL OF \$9,100. THEREFORE, THE TOTAL ARREARS OWED IS \$9,695. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$692.50 PER MONTH DUE ON THE 15TH OF EACH MONTH AS AND FOR ARREARS UNTIL PAID IN FULL. (APPROXIMATELY 14 MONTHS.) IF THERE IS ANY MISSED PAYMENT, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. 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.

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19. KIMBERLY JOHNSON V. JEFFERY JOHNSON

PFL20120645

Petitioner filed a Request for Order on April 28, 2023, requesting modification of child custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 26, 2023 and a review hearing on July 13, 2023. This is a post-judgment modification. Respondent was served by mail with address verification on May 1, 2023.

Petitioner asserts the minor, who is 15 years old, would like to reside primarily with Petitioner and have parenting time with Respondent every other weekend, from Friday after school until Monday drop off at school.

Petitioner submitted a Declaration from his therapist on May 2, 2023. There is no Proof of Service for this Document, and therefore, the court cannot consider it.

Petitioner submitted a Declaration from the minor on June 1, 2023. Respondent was served by mail on June 8, 2023. The minor states in his declaration that he would like the court to grant the RFO to modify custody and parenting time. The minor also relays his concerns about Respondent and why he believes the requested modification is in his best interest.

Only Petitioner appeared for the CCRC appointment on May 26, 2023. As such, on May 26, 2023 a single parent report was filed with no agreements or recommendations. Copies were mailed to the parties on May 26, 2023.

Respondent filed a Responsive Declaration on July 10, 2023. Petitioner was served by mail on July 10, 2023. This document was late filed and therefore, the court has not considered it.

The court orders parties to appear.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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20. KIRK BARTH V. CANDACE BARTH

PFL20180841

Petitioner filed an ex parte request for emergency custody orders on May 25, 2023. On May 31, 2023, the court granted the request in part, granting Petitioner temporary sole physical custody of the minors. The parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment on June 20, 2023 and a review hearing on July 13, 2023. Petitioner subsequently filed a Request for Order (RFO) on May 31, 2023, making the same requests as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the ex parte orders, the RFO, or the referral to CCRC.

Petitioner filed a Declaration on June 27, 2023. There is no Proof of Service for this document, therefore, the court cannot consider it.

The court drops the matter from calendar due to lack of proper service. All prior ex parte orders are hereby vacated. The prior custody and parenting time orders are reinstated.

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

TENTATIVE RULING #20: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR EX PARTE ORDERS ARE HEREBY VACATED. THE PRIOR CUSTODY AND PARENTING TIME ORDERS ARE REINSTATED. 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.

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21. SEEMA NAVEEN V. AASHEESH NAVEEN

PFL20170667

Petitioner's Request for Order

Petitioner filed a Request for Order (RFO) on June 2, 2023, requesting the court stay the sell of the former marital residence. Respondent was served by mail on June 2, 2023. It is unclear to the court if this was a file endorsed copy of the RFO. Respondent was also served electronically on June 2, 2023. Minor's Counsel was served electronically on June 6, 2023. Petitioner requests the court either temporarily stay or vacate the order for the parties to sell the former family residence. Petitioner asserts Respondent has failed to disclose necessary financial information which she needs to determine whether she can make a first refusal offer on the home.

Respondent filed a Responsive Declaration on June 23, 2023. Petitioner was served by mail on June 23, 2023. Respondent requests the court deny Petitioner's motion. Respondent asserts the financial information is not necessary to complete the listing of the home. Respondent requests the court order Petitioner to sign the listing agreement within 48 hours or appoint the clerk of the court to act as ellisor to sign the listing agreement. Respondent requests the court to order Petitioner to fully cooperate in the listing and selling of the community home.

The court has read and considered the filings as outlined above. The court denies Petitioner's request to temporarily stay or vacate the order for the sale of the home. Petitioner has failed to set forth any grounds upon which the court should stay or vacate its prior orders. Petitioner is to sign the listing agreement on or before July 15, 2023. If Petitioner fails to do so, the clerk of the court is authorized to act as ellisor to sign the listing agreement for the sale of the former marital residence. Petitioner is ordered to fully cooperate with the listing agent to list and prepare the home for sale.

Visitation

On June 28, 2023, the court temporarily suspended Respondent's visitation with the minor. The court set a further review hearing for July 13, 2023 and directed Minor's Counsel to prepare and file a Statement regarding visitation between the minor and Respondent. Minor's Counsel filed a Statement on July 10, 2023. Parties were served both by mail and electronically on July 10, 2023. Minor's Counsel included a letter from the minor's therapist regarding visitation. Minor's Counsel recommends Respondent's visitation remain supervised at this time.

Based on the information provide, the court cannot find visitation with Respondent is detrimental to the minor. The court is reinstituting visitation at this time. The court finds some level of supervision is warranted, however, does not find professional supervision to be

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required. Parties are ordered to appear with proposals for individuals to provide non-professional supervision.

Child and Spousal Support

On May 25, 2023, the court continued the issues of child and spousal support calculations to July 13, 2023 and directed parties to submit proposed DissoMasters. Petitioner filed a Declaration on June 16, 2023 with attached DissoMasters. Proof of Service shows Respondent and Minor's Counsel were served electronically and by mail on June 16, 2023.

The court has read and considered Petitioner's proposed DissoMasters and adopts them as its orders. Respondent is ordered to pay child and spousal support as set forth. Parties are directed to meet and confer to determine any arrears owed. Respondent is ordered to supply any outstanding paystubs for bonus payments. All bonus true ups are to be paid on or before August 31, 2023.

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

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR ON THE ISSUE OF SELECTING A NON-PROFESSIONAL SUPERVISOR FOR VISITATION WITH MINOR AND RESPONDENT.

THE COURT DENIES PETITIONER'S REQUEST TO TEMPORARILY STAY OR VACATE THE ORDER FOR THE SALE OF THE HOME. PETITIONER HAS FAILED TO SET FORTH ANY GROUNDS UPON WHICH THE COURT SHOULD STAY OR VACATE ITS PRIOR ORDERS. PETITIONER IS TO SIGN THE LISTING AGREEMENT ON OR BEFORE JULY 15, 2023. IF PETITIONER FAILS TO DO SO, THE CLERK OF THE COURT IS AUTHORIZED TO ACT AS ELLISOR TO SIGN THE LISTING AGREEMENT FOR THE SALE OF THE FORMER MARITAL RESIDENCE. PETITIONER IS ORDERED TO FULLY COOPERATE WITH THE LISTING AGENT TO LIST AND PREPARE THE HOME FOR SALE.

THE COURT HAS READ AND CONSIDERED PETITIONER'S PROPOSED DISSOMASTERS AND ADOPTS THEM AS ITS ORDERS. RESPONDENT IS ORDERED TO PAY CHILD AND SPOUSAL SUPPORT AS SET FORTH. PARTIES ARE DIRECTED TO MEET AND CONFER TO DETERMINE ANY ARREARS OWED. RESPONDENT IS ORDERED TO SUPPLY ANY OUTSTANDING PAYSTUBS FOR BONUS PAYMENTS. ALL BONUS TRUE UPS ARE TO BE PAID ON OR BEFORE AUGUST 31, 2023. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

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

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

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22. TINAMARIE BROWN V. AMBER MILTZREY

22FL0847

On May 18, 2023, Petitioner filed a Petitioner for Visitation along with a Request for Order (RFO) requesting grandparent visitation. Respondent was personally served On May 25, 2022. Petitioner is the Paternal Grandmother to the minor and requests the court grant her visitation to be determined by the court. Petitioner asserts she has had limited visitation with the minor since the death of her son, the minor's father. Petitioner requests the parties be referred to mediation to potentially reach an agreement on a visitation schedule.

Respondent filed a Responsive Declaration on June 21, 2023. There is no Proof of Service showing Petitioner was served with the Responsive Declaration, therefore, the court cannot consider it.

As the court previously set out in its October 27, 2022 tentative ruling, which was adopted as its order, if either parent of an unemancipated minor dies, the deceased parent's children, siblings, parents, and grandparents "may be granted reasonable visitation" rights during the child's minority upon a finding visitation would be in the child's best interest. (Family Code section 3102(a); Ian J. v. Peter M. 213 Cal. App. 4th 189,203 (2013)) The parent's death does not instill the grandparents with the deceased parent's parental rights; not does it diminish the surviving parent's parental rights. "Nothing in the unfortunate circumstance of one biological parent's death affects the surviving parent's (constitutionally protected) fundamental right to make parenting decisions concerning their child's contact with grandparents." (Kyle O. v. Donald R. 85 Cal. App. 4th 848, 863 (2000).) Therefore, courts ordinarily defer to the surviving parent's constitutional right to determine the child's care, custody, and control, where there is no evidence of the surviving parent's "unfitness" as a parent, and they are not seeking to cut off grandparent visitation completely. The nonparent petitioners bear a heavy burden of rebutting the presumption favoring a fit parent's visitation decisions. (Kyle O. v. Donald R., supra, 85 Cal. App. 4th at 863-864.) To overcome the presumption that a fit parent will act in the best interests of their child, a grandparent has the burden of proving by clear and convincing evidence that denial of visitation is not in the best interests of the child, that is, that denying visitation would be detrimental to the child. (Ian J. v. Peter M. 213 Cal. App. 4th 189,203 (2013).) "To adequately protect a fit sole surviving parent's constitutional right to raise a child, a 'mere preponderance' burden as to 'best interest' is not sufficient. The 'clear and convincing' burden...promotes a parent's constitutionally protected 'first' choice. The higher evidentiary burden preserves the constitutionality of Family Code section 3102 and insures against erroneous fact finding. (Rich v. Thatcher 200 Cal. App. 4th 1176, 1181 (2011).)

The court finds, Petitioner has failed to establish Respondent is not a fit parent. The court cannot find Respondent to have cut off all contact, although Petitioner asserts there has

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been no visitation with the minor since the prior hearing on October 27, 2022. Even if Respondent was seeking to cut off all contact, Petitioner has not established by clear and convincing evidence that denying visitation would be detrimental to the minor. Therefore, the court denies Petitioner's request for court ordered grandparent visitation.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #22: PETITIONER'S REQUEST FOR GRANDPARENT VISITATION IS DENIED. 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.