

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

1. A. HONOROF V. D. HONOROF

SFL20100058

Petitioner filed a Request for Order (RFO) seeking \$15,423.10 in attorney's fees and costs. The RFO and her Income and Expense Declaration, along with an FL-319 (Requests for Attorney's Fees and Costs Attachment) and an FL-158 (Supporting Declaration for Attorney's Fees and Costs Attachment), were filed and served on February 21, 2023. An updated Income and Expense Declaration was filed on May 3rd. On May 4, 2023, Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration. Both were mail served on May 9th. Petitioner Aneta Honorof's Reply Brief in Support of Motion for Attorney's Fees and Sanctions; Declaration of Mark Martel was filed on May 22, 2023.

Petitioner requests attorney's fees and costs pursuant to Family Code section 2032. Her request can be broken down into \$15,000 in attorney's fees and \$423.10 in costs. She seeks an additional \$1,000 in sanctions pursuant to Family Code section 271. According to Petitioner, she has incurred extensive fees and costs due to Respondent's failure to abide by custody orders, failure to engage in discussions to amend the order, and his filing of a request for emergency orders which contained false assertions and made outrageous requests. Petitioner argues that Respondent's insistence that he have his way, despite the facts and direct orders of the court, has caused Petitioner's attorney to expend an extensive amount of time on this matter. In fact, Petitioner states she incurred over \$23,000 in attorney's fees and costs to oppose Respondent's RFO which has caused her extreme hardship. Despite the extensive fees incurred she seeks only \$15,000 in fees, plus an additional \$3,600 for the preparation of her reply declaration, \$423.10 in costs, and \$2,000 in sanctions. She increased her request by an additional \$1,000 to account for her preparation and filing of her reply declaration. Petitioner maintains that Respondent sold his mother's home in February of 2020 for a total of \$430,000 and an award of costs and sanctions may be paid using that money.

Respondent objects to the request for fees and argues the assertions being made by Petitioner are meritless. Respondent feels that his proposing language regarding the means of counting vacation days was in compliance with the court order and his RFO was warranted. He argues it was Petitioner who failed to meet and confer with him once the RFO was served, not vice versa. Additionally, he claims Petitioner has withheld information and misrepresented facts which has resulted in the subject legal bills. Respondent is of the opinion that the request for attorney's fees is being used in a punitive manner. He states he is impoverished, as evidenced by his fee waiver, and any order requiring him to pay fees would be highly prejudicial and unfairly burden him.

This matter came before the court for hearing on May 25th, at which time the court noted Respondent's Income and Expense Declaration was incomplete. The court continued the

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

matter to the present date and ordered Respondent to file an updated, and complete, Income and Expense Declaration.

Petitioner's primary request for costs and fees is made pursuant to Family Code sections 2030 and 2032. The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." *In Re Marriage of Keech*, 75 Cal. App. 4th 860, 866(1999). This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." *Alan S. v Superior Court*, 172 Cal. App. 4th 238,251(2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. "In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately." *Id.* at (b). Financial resources are only one factor to be considered though. *Id.* In addition to the parties' financial resources, the court may consider the parties' trial tactics. *In Re Marriage Of Falcone & Fyke*, 203 Cal. App. 4th 964; 975 (2012).

An award for attorney's fees and sanctions may also be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). While the purpose of Section 271 is to impose a punitive sanction, the court is not to impose a sanction that would create an "unreasonable financial burden on the party" being sanctioned. *Id.*

To begin with, the court is gravely concerned with Respondent's seeming inability to be truthful and forthcoming in these proceedings, and the contentious nature of his actions even in the face of court orders to the contrary. Respondent has already once been admonished that such activities may lead to sanctions, and yet it appears he has made no effort to cooperate with opposing counsel in furtherance of reaching an amicable settlement and reducing the cost of litigation. Generally, the court would find a sanction under Section 271 to be warranted under these circumstances. However, there is concern over Respondent's ability to pay. Petitioner maintains that Respondent sold his mother's home in 2020 for approximately \$430,000. Respondent did not address this allegation in his responsive declaration nor does his

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

Income and Expense Declaration reveal the existence of such funds. The parties are ordered to appear for the hearing.

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

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

2. ALEAH MCNABB V. TYLER SWINNEY

22FL0507

On November 2, 2022, Petitioner filed a Request for Order (RFO) requesting the court rule on her request for private Child Custody Recommending Counseling (CCRC) or set aside the orders from October 13, 2022. Parties appeared for a hearing on October 13, 2022, and were able to reach a partial stipulation. The matter was continued for the parties to meet and confer and agree on a holiday schedule. The remainder of the tentative ruling was adopted as the court's order and hearing on the RFO was continued to January 26, 2023.

On January 26th the parties presented the court with a stipulation to private CCRC on the issues of the school for the minor, the holiday schedule, and the parenting plan. The parties were ordered to select a mediator on or before February 16th and Petitioner was to pay for private CCRC, subject to reallocation. A review hearing was set for May 25th but was later continued to the present date.

On April 3rd the parties stipulated to appointing Carla Friend as the CCRC counselor. As stipulated, the parties attended mediation with Ms. Friend and a report was prepared dated June 8, 2023. The parties were able to reach a number of agreements as listed in the CCRC report. On those issues where the parties could not agree, the counselor has made several recommendations. The court has reviewed the filings of the parties along with the private CCRC report and finds that the agreements and recommendations contained in the CCRC report are in the best interests of the minor. The agreements and recommendations as stated in the June 8, 2023 CCRC report are hereby adopted as the orders of the court.

TENTATIVE RULING#2: THE AGREEMENTS AND RECOMMENDATIONS AS STATED IN THE JUNE 8, 2023 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

3. AMANDA RENFROE V. ANDREW RENFROE

PFL20160677

On January 30, 2023, the parties submitted a stipulation and order, which the court signed and adopted as its order. The stipulation included a provision for a rereferral to Child Custody Recommending Counseling (CCRC) and a review hearing on April 27, 2023.

The parties attended CCRC on March 6, 2023 and were unable to reach any agreements. A report with recommendations was filed on April 12, 2023. Copies were mailed to the parties the same day.

On April 27th the court adopted the recommendations contained in the CCRC report as the orders of the court with the following modifications. The court did not adopt the provision for drug testing as set forth on page ten beginning at line four. Rather the court maintained the prior orders for drug testing as set forth in the parties' stipulation of January 30, 2023 but added that Respondent shall pay in advance for requested drug testing with a 24-hour advance notice for the testing. The court then added the following provision: If Respondent has complied with the email notice provision to Petitioner's counsel which includes the reason for the requested test, and Petitioner fails to test, the test will be considered a positive test. The court adopted the abstention orders as set forth beginning on page ten line eight. The court further modified the parenting plan to allow Petitioner an overnight visit on the 2nd and 4th weekend of each month beginning Saturday at 10:00 a.m. until Sunday at 6:00 p.m. During the summer, Petitioner would have parenting time with the children each Wednesday from 10:00 a.m. To 2:00 p.m. If visits went well then on June 26th, visitation was to step up to alternate weekends from Friday after school (3:00 p.m. if no school) until Monday drop off at school (8:00 a.m. if no school). The court set a review hearing for the present date.

In preparation for the review hearing, Petitioner filed her Supplemental Declaration of Amanda Ellington on July 19, 2023. It was mail served the same day. Respondent has not filed a supplemental declaration.

According to Petitioner, she has attended every visit with the children, and they have all gone well. Petitioner requests the following orders: (1) A 2/2/5 schedule or a week on/week off schedule; (2) An order terminating random testing; (3) Allow the eldest daughter to address the court regarding the issue of custody and visitation. The Witness List provided by Petitioner indicates that the minor would like to testify at the August 8, 2023 hearing, though the court does not have an August 8th hearing on calendar. It is unclear if the minor is requesting to speak at the August 3rd hearing.

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. The court is optimistic that the visits between Petitioner and the minors have been going well and at it

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

appears there are no imminent concerns regarding the health or safety of the children with Petitioner. CCRC had previously cited concerns regarding Petitioner's ability to parent all three children overnight. Though according to Petitioner, the overnight weekend visits have been going well. The court is still concerned with the drastic change from the current schedule to a week on/week off schedule. Given that the children are already spending three nights with Petitioner on alternating weeks, it seems a 2/2/5/5 would be the next logical step. As such, Petitioner shall have parenting time on Mondays and Tuesdays, Respondent shall have Wednesdays and Thursdays, and the parties shall alternate Fridays, Saturdays, and Sundays. Given that Petitioner's request for a 2/2/5/5 schedule has been granted, there is no need for the minor to address the court. Additionally, since there have been no tests and no stated issues with drugs or alcohol, the court is vacating its prior orders regarding drug and alcohol testing for Petitioner.

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

TENTATIVE RULING #3: THE COURT ORDERS A 2/2/5/5 PARENTING TIME SCHEDULE. PETITIONER SHALL HAVE PARENTING TIME ON MONDAYS AND TUESDAYS, RESPONDENT SHALL HAVE WEDNESDAYS AND THURSDAYS, AND THE PARTIES SHALL ALTERNATE FRIDAYS, SATURDAYS AND SUNDAYS. THE COURT IS VACATING ITS PRIOR ORDERS REGARDING DRUG AND ALCOHOL TESTING FOR PETITIONER. GIVEN THAT PETITIONER'S REQUEST FOR A 2/2/5/5 SCHEDULE HAS BEEN GRANTED, THERE IS NO NEED FOR THE MINOR TO ADDRESS THE COURT. 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.

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LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

4. ANDREW SELLEN V. REBECCA SELLEN

22FL0615

Parties reached a stipulation on March 24, 2023, and they were referred to Child Custody Recommending Counseling (CCRC). A review hearing was held on May 25th at which time the court set a step-up plan for visitation and set an additional review hearing to review Petitioner's progress in anger management and a parenting class, as well as to assess his house and determine whether advancement to step 3 is appropriate. The court also continued the issue of a holiday schedule to the date of the review hearing. The parties filed an additional stipulation on June 28th modifying the visitation schedule and affirming the date for the review hearing.

In preparation for the review hearing Respondent filed and served Respondent's Supplemental Declaration on July 20th. On March 24th Petitioner stipulated to completing a 12-week anger management class. The court then ordered the same on May 25th and ordered Petitioner to provide proof of completion of the class. As of the date of Respondent's supplemental declaration she had not received any such documentation.

Likewise, Petitioner was ordered to complete 8-hours of parenting classes and provide proof thereof to the court and to Respondent. It was stipulated that classes taken prior to the stipulation and order did not count towards completion. While Petitioner has provided proof of completion, that document indicates that the class was taken on January 26th and therefore is not compliant with the court order.

Petitioner was ordered to complete a 52-week batterers intervention program on the same terms as stated above. As of the date of Respondent's supplemental declaration, she had not received proof that he had actually completed the program. The same goes for the recommendations made by Ms. Colleen Moore regarding participation in Alcoholics Anonymous.

The one requirement Petitioner has complied with is his enrollment in SoberLink and his testing prior to and after visits. Although he has not provided documentation that he has obtained adequate housing for all six of the children to stay overnight.

Prior to proceeding to step 3 of the step-up plan, Respondent requests the following: (1) Petitioner to complete a 12-week anger management course and provide proof thereof to Respondent and the court; (2) Petitioner to complete an 8-hour parenting course and provide proof thereof to Respondent and the court; (3) Petitioner to complete a 52-week batterers intervention program and provide the court and Respondent proof thereof; (4) Petitioner to complete, and provide proof of compliance with the ordered Alcoholics Anonymous meetings, working with an AA sponsor, and the suggested 12-steps; and (5) Petitioner to provide proof of housing suitable for all six children to have overnight visits. She also requests the orders for SoberLink to remain in place.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

The court has reviewed the filings of the parties as outlined above, and it does not appear that Petitioner has fully complied with the court's orders. Further, a number of the children have voluntarily chosen to decrease or discontinue visits with Petitioner. As such, progression to step 3 is not appropriate under the circumstances. All prior orders remain in full force and effect. The court sets another review hearing for 11/2/2023 at 8:30 a.m. in department 5. Parties are to file supplemental declarations no later than 10 days prior to the hearing date. If, at the time of the review hearing Petitioner still has not complied with the court's orders, all orders will remain in effect and the court will not set a further review hearing.

TENTATIVE RULING #4: THE COURT DOES NOT FIND IT APPROPRIATE TO PROCEED TO STEP 3. VISITATION SHALL REMAIN AT STEP 2. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT SETS ANOTHER REVIEW HEARING FOR 11/2/2023 AT 8:30 A.M. IN DEPARTMENT 5. PARTIES ARE TO FILE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. IF, AT THE TIME OF THE REVIEW HEARING PETITIONER STILL HAS NOT COMPLIED WITH THE COURT'S ORDERS, ALL ORDERS WILL REMAIN IN EFFECT AND THE COURT WILL NOT SET A FURTHER REVIEW HEARING. RESPONDENT IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

6. JASON HARDOUIN V. JENAE NORELL

22FL0118

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) alleging Respondent has violated the parties' Stipulation and Order of March 12, 2019, and the court's orders of October 1, 2021. Respondent was personally served on December 12, 2022.

The parties appeared for arraignment on February 2, 2023, at which time the court appointed Respondent a Public Defender and continued the matter to March 30th in order to afford Respondent the opportunity to speak with counsel.

The parties appeared for the arraignment on March 30, 2023. Respondent entered a Not Guilty plea and requested a continuance. The court continued the matter to April 20, 2023.

Parties appeared on April 20, 2023. Respondent requested a continuance to file a motion to withdraw the plea and file a demur. The court denied the request. The court found the citation is sufficient to have put Respondent on notice as to the allegations. Petitioner requested a continuance, which the court granted, and the matter was continued to May 25th.

As ordered, the Parties appeared for further proceedings on the contempt allegations on May 25th at which time the court ordered, among other things, to set a further arraignment hearing and ordered Petitioner to file amended pleadings forthwith.

TENTATIVE RULING #6: PARTIES ARE ORDERED TO APPEAR FOR FURTHER PROCEEDINGS ON THE CONTEMPT ALLEGATIONS.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

7. JOEL KRAMASZ V. ROSEMARIE DEVORA

PFL20210059

Respondent filed a Request for Order (RFO) on May 11, 2023. Concurrently therewith she filed her Income and Expense Declaration. Both documents, along with all other required documents, were mail served on June 27, 2023. She filed and served an updated Income and Expense Declaration on July 20, 2023. Petitioner also filed his Income and Expense Declaration as well as his Responsive Declaration to Request for Order on July 30, 2023. Both documents were served on July 19th.

By filing this RFO, Respondent seeks an order for reimbursement of expenses which she paid in order to comply with the parties' settlement agreement to sell the marital residence. She also seeks \$5,000 in attorney's fees and costs. According to Respondent, the parties agreed to sell the marital residence in December of 2021. Upon selling the house, Petitioner was to receive \$17,500 as reimbursement for a loan taken out by Respondent. The remainder of the proceeds were to be divided equally. Just as the sale was about to close, Petitioner refused to contribute to the payment of fees due to the mortgage company. In an effort to avoid litigation with the purchasers of the home, Respondent states she paid the entirety of the fees on her own. This is in addition to costs and fees associated with repairing the home which was necessary before it could be sold. Respondent is now seeking an order directing Petitioner to reimburse her for the expenses paid after the December 2021 agreement to prepare the home for sale (which amounts to \$23,913.99) and to ask the court to enforce the previous agreement that the proceeds of the house be divided equally (except for the \$17,500).

Petitioner denies that there was an agreement to sell the home made in December of 2021. Instead, Petitioner argues Respondent obtained a real estate agent and started showing the home prior to any involvement by him. He states that he has declined to pay the alleged fees because Respondent has not provided any documentation of actual payment. Instead, all of the documents are merely estimates. Moreover, he argues that any of the payments she actually did make prior to 2022 should be denied as they were done at Respondent's sole discretion long before the sale. He cites Marriage of McNeil which stands for the proposition that California law does not provide for reimbursement when a party unilaterally uses separate property to improve community property after separation unless the improvements actually increase the value of the home. Respondent has not provided any evidence that the value of the home was increased as a result of improvements paid for by Respondent. He states that the painting and cleaning the home were due to the use of the home by Respondent and her dogs. Finally, Petitioner argues the court no longer has jurisdiction over this issue as the judgment entered on April 27, 2023 includes a waiver of all reimbursement rights. Finally, Petitioner objects to any award of attorney's fees and he requests sanctions in the amount of \$3,500 pursuant to Family Code section 271.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

Regarding Petitioner's argument that Respondent has not provided proof that the work was actually done and expenses incurred, the court disagrees. The documents provided in support of the RFO are all labeled as either invoices or receipts. Similarly, the amounts requested are all from 2022 within three months of closing. Thus, there appears to be no need to address Petitioner's argument regarding payments made in 2021.

More convincing is Petitioner's argument that Respondent waived her right to reimbursement for any Family Code section 2640 expenses. Section 2640 states, in pertinent part, "[i]n the division of the community estate under this division, *unless a party has made a written waiver of the right to reimbursement* or has signed a writing that has the effect of a waiver, the party shall be reimbursed for the party's contributions to the acquisition of property of the community property estate to the extent the party traces the contributions to a separate property source." Fam. Code § 2640(b)(emphasis added). "Contributions to the acquisition of property" as used in Section 2640, includes payments for improvements of the property. Fam. Code § 2640(a). Given that the judgment signed by the parties contains an express waiver of any right to reimbursement for improvements, Respondent's request for reimbursement of the outlet repair, pest and termite payments, water controller, house cleaning, and painting are denied.

What does not appear to be included in the waiver are the \$18,418.05 in closing fees paid by Respondent. Petitioner wholly fails to address these fees in his responsive declaration. These fees are inarguably related to the sale of the home which the parties expressly agreed to. As such, Petitioner ordered to pay Respondent \$18,418.05 as and for reimbursement of the closing fees. This amount is to be paid no later than August 17, 2023.

In reviewing the parties' respective Income and Expense Declarations, it appears that Respondent's monthly income is considerably higher than that of Petitioner and therefore it would generally appear that Section 2030 attorney's fees are not warranted. However, Petitioner does have a large sum of money in his cash and checking accounts while Respondent does not. It is unclear if this is the money from the sale of the residence. If that is the case, Petitioner is admonished to comply with the terms of the Judgment which was entered on April 27, 2023, and to distribute the funds as stated therein. While the court is not inclined to award attorney's fees at this time should Petitioner fail to comply with the terms of the judgment and another motion is filed, the court may be inclined to award fees and/or sanctions at that time. Respondent's request for attorney's fees is denied.

Finally, Petitioner's request for sanctions is denied. Respondent's request for closing costs and request to have the money paid out in accordance with the Marital Settlement Agreement do not appear to have been made with the intention of frustrating the court's policies to promote settlement and reduce litigation.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

TENTATIVE RULING #7: RESPONDENT'S REQUEST FOR REIMBURSEMENT OF THE OUTLET REPAIR, PEST AND TERMITE PAYMENTS, WATER CONTROLLER, HOUSE CLEANING, AND PAINTING ARE DENIED. PETITIONER IS TO PAY RESPONDENT \$18,418.05 AS AND FOR REIMBURSEMENT OF THE CLOSING FEES. THIS AMOUNT IS TO BE PAID NO LATER THAN AUGUST 17, 2023. RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED. PETITIONER'S REQUEST FOR SECTION 271 SANCTIONS IS DENIED. RESPONDENT IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

8. JOHN CRISAFULLI V. ANITA CRISAFULLI

22FL1192

On May 18, 2023, Petitioner filed his Motion to Compel Further Responses. The Request for Order (RFO) and all supporting documents were electronically served on the 24th. Respondent mailed his Responsive Declaration to Request for Order on July 19th, he filed it with the court the following day. Petitioner has not filed a Reply.

On February 15th Petitioner served Form Interrogatories – General (Set One), Request for Production of Documents (Set One), Special Interrogatories (Set One), and Requests for Admission (Set One). Responses were served by Respondent on April 3rd. Feeling the responses were insufficient, Petitioner attempted to meet and confer on the issue but states that counsel was “brushed aside” and instead accused of attempting to use discovery to increase attorney’s fees. Petitioner now makes the following requests: (1) The court to find Respondent’s response to Form Interrogatory No. 17.1 is non-compliant with the Civil Discovery Act; (2) Order Respondent to provide further responses to Form Interrogatory 17.1 as it relates to Request for Admission No(s). 1-8, 12-14, 22-24, 27, 29, 33-44 within 15 days of the hearing date; and (3) Award monetary sanctions against Respondent in the amount of \$3,800 to be paid to Gillett Law, APC within 15 days of the hearing date.

Respondent opposes the requested orders and argues that the discovery requests were served only with the intention of harassing and financially burdening him. He states the matter is not complex and does not warrant multiple forms of discovery. He further states that he simply cannot provide additional information regarding a request he denies or that is vague, ambiguous and unintelligible.

Generally speaking, “...a party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence.” Cal. Civ. Pro. § 2017.010. Given the breadth of allowable discovery, each “party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, proper basis for refusing to provide discovery under another method.” Irvington-Moore, Inc. v. Sup. Ct. 14 Cal. App. 4th 733 (1993).

Responses to all discovery must be as “complete and straightforward” as possible. Cal. Civ. Pro. § 2030.220. Additionally, any objections to discovery must be preserved by timely asserting them within the time limits established by the Civil Discovery Act. Where a party serves timely responses, that party waives any objections he or she may have had if the objections are not raised in the initial responses. Scottsdale Ins. Co. v. Sup. Ct., 59 Cal. App. 4th 263 (1997).

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

Respondent argument that the sheer number of requests is burdensome and unnecessary. This argument is well taken, however, Respondent failed to make this objection in her responses and therefore the objection was waived. Further, she did not object to the questions enumerated above the 35 allowable and then file for a protective order. By responding to the requests Respondent forfeited any objection she may have had on the basis of scope or number of the requests as well as their alleged burdensome or harassing nature. Likewise, Respondent failed to object to Form Interrogatory 17.1 as it relates to the Requests for Admission and therefore any objection to that the request has been waived as well. For the foregoing reasons Respondent is ordered to provide a full and complete response to Form Interrogatory 17.1 no later than August 24, 2023.

Sanctions

Sanctions are mandatory for one who “...unsuccessfully makes or opposes a motion to compel an answer or production...or who “engages in conduct that is a misuse of the discovery process” (Cal. Civ. Pro. § 2023.030) unless, however, the court finds that the party “...subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” Cal. Civ. Pro. § 2025.480(j); *See also* Cal. Civ. Pro. 2023.030(a). For purposes of discovery sanctions misuse of the discovery process includes, but is not limited to, making an evasive response to discovery, or failing to confer in a reasonable good faith attempt to informally resolve any discovery dispute. Cal. Civ. Pro. § 2023.010.

Where sanctions are imposed, the amount of sanctions awarded centers on two main principles: causation, and reasonableness. *See Cornerstone Realty Advisors, LLC. V. Summit Healthcare Reit, Inc.*, 56 Cal. App. 5th 771 (2020). First, monetary sanctions may only be imposed based on attorney’s fees and costs incurred “as a result” of the misuse of the discovery process. Cal. Civ. Pro. § 2023.030(a). Second, “[t]he amount of monetary sanctions is limited to the ‘reasonable expenses, including attorney’s fees’ that a party incurred as a result of the discovery abuse.” *Cornerstone Realty Advisors, LLC*, 56 Cal. App. 5th at 791 *citing* Cal. Civ. Pro. § 2023.030(a).

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). The requesting party must also provide “...a declaration setting forth facts supporting the amount of any monetary sanction sought.” Cal. Civ. Pro. § 2023.040.

Here, Petitioner’s counsel has provided the requisite declaration setting forth the amounts incurred and anticipated to be incurred as a result of the present motion. That said, 13 hours (1 by Mr. Hosford and 12 by his paralegal) spent reviewing responses and drafting the

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

relatively simple meet and confer letter and motion is unreasonable in the court's opinion. 8 hours of paralegal time with an additional hour for Mr. Hosford's time is more in keeping with the court's experience with motions of like kind. As such, the court awards Petitioner \$1,825 as and for attorney's fees and costs. The court notes Petitioner did not file a reply and therefore no fees were incurred in that regard. Further, it has yet to be determined whether or not a hearing will be called for and any additional costs or fees actually incurred. Accordingly, no anticipated future costs or fees are being awarded however, sanctions may be subject to increase in the event such fees are incurred.

Respondent is to pay Gillett Law, APC the sum of \$1,825 in one lump sum or in monthly increments of \$152.02 due and payable on the 1st of each month until paid in full (approximately 12 months). If any payment is missed or late, the entire amount shall become immediately due and payable.

TENTATIVE RULING #8: RESPONDENT IS ORDERED TO PROVIDE A FULL AND COMPLETE RESPONSE TO FORM INTERROGATORY 17.1 NO LATER THAN AUGUST 24, 2023. RESPONDENT IS TO PAY GILLETT LAW, APC THE SUM OF \$1,825 AS AND FOR SANCTIONS. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$152.02 DUE AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE. THIS AMOUNT MAY BE SUBJECT TO INCREASE IF PETITIONER INCURS ADDITIONAL COSTS AND FEES ASSOCIATED WITH THE PREPARATION FOR, AND APPEARANCE AT, HEARING ON THIS MATTER. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

9. JON GRGICH V. KIMBERLY GRGICH

PFL20190950

Respondent filed a Request for Order (RFO) on March 10, 2023, requesting, among other things, that the minor's school of origin be modified. The RFO came before the court for hearing on May 11th, at which time the court re-referred the parties to Child Custody Recommending Counseling (CCRC) and set a review hearing for August 3rd. The CCRC appointment and review hearing were later continued but the issue of the minor's school remained on calendar for the present date due to the upcoming beginning of the school year.

Petitioner filed a Responsive Declaration on April 20, 2023 objecting to any change in the minor's school. Respondent filed her Reply on April 27, 2023.

Respondent is requesting to change the minor's school from Sutter's Mill Elementary to Rising Sun Montessori or, in the alternative, that the children attend a school within the Buckeye Union School District which is the district in the boundaries of her residence. According to Respondent, the minor can no longer attend Sutter's Mill due to Petitioner having moved out of the district. Prior to his attending Sutter's Mill, the minor was enrolled in the Montessori program at Rising Sun School and excelled in that program. Respondent would like to enroll the minor in that program once again and, when the younger minor is eligible, enroll her as well. If the elder minor needs to be placed on the waitlist for the Montessori school, Respondent would like to homeschool him until he is admitted.

Petitioner disagrees with Respondent on the school issue. He states there are no problems when he drops the minor off at his current school and he is excelling there. Petitioner is concerned that Respondent is negatively influencing the minor due to her disagreement with the court's prior order that the minor attend Sutter's Mill. Petitioner claims that the minor will be granted an interdistrict transfer from Gold Trail Union School District however he does not provide any documentation to support this assertion. Petitioner currently resides in the Placerville Union School District.

Given that neither parent resides on the Sutter's Mill district, it does not appear that attendance in that district would continue to be in the minor's best interests. Especially where the minor is at an age where he is beginning to form bonds and make friends in the area. After reviewing the information regarding the Placerville Union School District and Buckeye Union School District, the court finds it to be in the minor's best interest to attend Buckeye Union School District. Respondent is to enroll the elder minor in Buckeye Union. When the younger minor is eligible, she too shall be enrolled in the Buckeye Union School District system.

TENTATIVE RULING #9: RESPONDENT IS TO ENROLL THE ELDER MINOR IN BUCKEYE UNION. WHEN THE YOUNGER MINOR IS ELIGIBLE, SHE TOO SHALL BE ENROLLED IN THE BUCKEYE UNION SCHOOL DISTRICT SYSTEM. RESPONDENT SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

10. JORDAN NICHOLE KIDD V. ANDREW CHRISTAIN KIDD

22FL1141

Petitioner filed a Request for Order (RFO) seeking orders for child support, spousal support, and attorney's fees. She also requests an order for the sale of the marital residence. The RFO and Petitioner's Income and Expense Declaration were filed on May 19, 2023, and mail served on May 22nd. Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on July 17th. Petitioner's Responsive Declaration to Respondent's Responsive Declaration to Request for Order was filed on July 20th. Respondent then filed Respondent's Reply Declaration Pursuant to CCP 1005 on July 25th. This was followed by an Attorney Declaration of Lisa Kindel, Esq. which was filed on July 26th.

Child and Spousal Support

Petitioner is requesting guideline child support pursuant to the stipulation signed by the parties and made the orders of the court on April 3, 2023. There are two minor children, and Respondent has a 42% timeshare. She also requests guideline spousal support. Petitioner asks that her current income and Respondent's 2022 income be used for the calculation. She does not feel that she should be imputed with minimum wage as she is currently enrolled in school and was unable to further her career during the marriage.

According to Respondent he has been paying voluntary support since separation. Initially he was making payments of \$2800 a month. Starting April 1, 2023, the payments dropped to \$2,000 per month. Due to forced overtime his income fluctuates significantly and as such, he asks that the court use his average income over the last three years. He also asks that Petitioner be imputed with minimum wage for the purposes of calculating support. He points out that Petitioner does not include his support payments or the additional \$12,000 she received from their joint bank account on her Income and Expense Declaration. Nor does she declare any income from her online store or any educational loans she has received. Respondent has provided proposed support calculations and he asks the court to issue a Gavron Warning.

Petitioner argues the voluntary support did not commence until December of 2022. Further, she states the disparity in income over the last three years is due to Respondent receiving a promotion and a raise, and then being injured for a portion of 2021. 2022 was the first full year receiving his new salary. She also argues that while the parties stipulated to a 42% timeshare, in actuality Respondent is exercising significantly less than the custodial time stipulated to. She states that she did receive an educational loan after filing her I&E, but the loan is paid directly to the school.

An award of temporary spousal support lies solely within the trial court's discretion regarding each party's respective need and ability to pay. See Marriage of Tong & Smsen, 197 Cal. App. 4th 23, 29 (2011). While the factors listed in Family Code section 4320 may be

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

considered by the court, an award for temporary support is generally unrestricted by any statutory authority. *Id.* Support is appropriate where it is necessary to enable a spouse to advance their earning capacity and obtain marketable skills sufficient to become self-supporting. Marriage of Watt, 24 Cal. App. 3d 340, 347-348 (1989). However, it is not an abuse of discretion for the court to decrease an award for support, or deny it altogether, based on the requesting spouse's unreasonable delay or refusal to seek employment consistent with *existing* marketable skills and ability. In re Marriage of Dennis, 35 Cal. App. 3d 279, 283 (1973); *See also Marriage of Mason*, 93 Cal. App. 3d 215, 221 (1979).

Likewise, in making an award for child support, the court may consider a variety of factors including one parent's marketable skills. This is in furtherance Family Code section 3900 which codifies the general obligation of both parties to support their minor children.

While Respondent has established that Petitioner is able bodied and has the ability to work, little attention has been paid to her current marketable skills. Respondent has not addressed Petitioner's employment history or any skills that she currently has that would call for the imputation of minimum wage at this point. Further, while the children are of school age, they are not so young that they are able to be left home unsupervised. Finally, while it has been a year since the date of separation, Petitioner is enrolled in school and taking steps to obtain marketable skills with which she may become self-supporting in the future. For the foregoing reasons, the court does not feel it is proper to impute Respondent with full time minimum wage. However, the court is in agreement that Petitioner does have the ability to be working more than just 9 hours per week. As such, for purposes of calculating support, Petitioner will be imputed with part time minimum wage which would account for 20 hours per week. Further, the court does find a Gavron Warning to be appropriate as stated herein.

Regarding Respondent's salary, while there are instances where it is appropriate to average past income, this does not appear to be one of those instances. Respondent's promotion in 2020, coupled with his injury in 2021, render those years unreliable in establishing a base income for the purpose of calculating support. As such, the court will be utilizing Respondent's average monthly income from 2022 coupled with an overtime table.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$1,623 per month. See attached DissoMaster report. The court finds that child support is \$2,263 per month. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$3,886 per month as and for temporary spousal support and child support, payable on the 1st of the month until further order of the court or legal termination. These support orders are effective as of June 1, 2023.

The court finds the above order results in arrears in the amount of \$11,658 through and including August 1, 2023. Respondent is credited for voluntary support payments in the amount

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

of \$19,200 (payments of \$2,800 a month from December 2022 through March of 2023, plus payments of \$2,000 per month from April of 2023 through July of 2023). This amount offsets the arrears and leaves Respondent with a credit of \$7,542. As such, Respondent may reduce his monthly support payments by \$628.50 until the credit is paid in full. This results in a monthly payment of \$3,257.50 for approximately 12 months. Once paid in full, support payments will automatically return to the full \$3,886 per month.

The court further finds Respondent routinely earns overtime pay and therefore, has included an overtime table with the DissoMaster. Respondent is to pay Petitioner a true up of any overtime earned no later than fourteen days from the date the overtime payment is received.

Petitioner is advised that it is the goal of the State of California that both parties shall become and remain self-supporting to the best of their ability. Petitioner is further advised that, at some future date, should you fail to become self-supporting Respondent may argue that your failure to become self-supporting is a factor which may be considered by the court to modify a spousal support order or terminate the court's jurisdiction to order spousal support. Petitioner is further advised that if you voluntarily terminate employment, the court can impute income to you without application of the ability and opportunity requirement and the court can deny a modification of support. *In re Marriage of Gavron*, 203 Cal.App.3d 705 (1988).

Marital Residence

Petitioner is requesting the following orders regarding the sale of the marital residence which is located on Mystic Mine Rd. in Somerset: (1) The property to be placed for sale immediately; (2) The property to be listed on the market within 15 days of the court order; (3) The house is to be listed for at least 14 days and parties to accept the highest and best offer; (4) Parties are to equally split the appraisal cost; (5) Respondent to choose one of the three proposed listing agents – Annalee Huber, Robin King or Racheal Greene; (6) Parties to agree to a listing price with input from the selected listing agent; (7) Once the listing agent has been chosen, all communication with the realtor to be done in group text including both Respondent and Petitioner. Individual phone calls to or by Respondent or Petitioner to the realtor are to be summarized by the realtor in the group text and to be provided to the parties; and (8) The house to be readily available for viewing and there should be no conflicting showings due to Respondent's work or custody schedule.

Respondent opposes Petitioner's request to order the home sold immediately. Respondent hopes to buy Petitioner out of her share, but formal support orders are required prior to being able to refinance. Respondent argues there is no financial distress associated with the residence and he should be afforded the opportunity to remain in it.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

Petitioner is not opposed to giving Respondent a second chance at refinancing the home; however, she asks that he produce a new approval letter within 15 days of the court's support orders. Failure to do so would result in him being in contempt of court.

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 ordering the sale and division of proceeds of the marital residence. Marriage of Holmgren, 60 Cal. App. 3d 869 (1976); *See also In re Marriage of Horowitz*, 159 Cal. App. 3d 368 (1984). However, when minor children are involved, the court is to make orders which are deemed to be in the best interests of the children and, where possible, minimize the adverse impact of the dissolution on the children. *See* Cal. Fam. Code § 3020; *See also* Fam. Code § 3802.

It is undeniable that ongoing divorce proceedings create a tumultuous time for the minor children. For that reason, where it is feasible to minimize the adverse impact to the children, the court is inclined to do so. Here, there does not appear to be any concern that the home is in danger of foreclosure or that Respondent is unable, or unwilling, to maintain the residence to ensure the value to the community is not diminished. Therefore, orders to sell the home are premature and unwarranted at this time. Respondent has indicated his desire to remain in the residence and he should be afforded the opportunity to do so as long as there is no adverse effect on the community. In light of the foregoing, Petitioner's request for an order directing the parties to sell the Mystic Mine Road residence is denied without prejudice.

Attorney's Fees

Petitioner requests \$5,000 in attorney's fees pursuant to Family Code section 2030. She feels fees are warranted because Respondent is frustrating the policy of the court to promote settlement, and he has a far greater income than Petitioner which affords him better access to counsel.

Respondent opposes Petitioner's request for attorney's fees. He states that the parties have engaged in settlement negotiations and have stipulated to some issues. Simply because he does not agree on other issues does not mean he is frustrating the policy of the law. He states that he too has incurred substantial fees. After support and household bills he simply does not have enough money to pay for Petitioner's attorney's fees.

The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In Re Marriage Of Keech, 75 Cal. App. 4th 860, 866(1999). This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

income party,” but rather “parity.” Alan S. v Superior Court, 172 Cal. App. 4th 238,251(2009). In the face of a request for attorney’s fees and costs, the court is to make findings on “whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties.” Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. “In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party’s case adequately.” *Id.* at (b). Financial resources are only one factor to be considered though. *Id.* In addition to the parties’ financial resources, the court may consider the party’s trial tactics. In Re Marriage Of Falcone & Fyke, 203 Cal. App. 4th 964; 975 (2012).

Here, the parties do appear to have been negotiating in good faith. Simply disagreeing is alone not sufficient to warrant attorney’s fees. However, looking to the financial factors, there is a clear disparity in income which does lead to a disparity in each party’s respective ability to access counsel. That said, taking into consideration the support orders, the net disposable income of the parties is reduced significantly. As such, the court feels an award of \$2,500 is appropriate at this time. Respondent is to pay Petitioner \$2,500 as and for attorney’s fees. This may be paid in one lump sum or in monthly increments of \$500 due and payable on the 1st of each month. If any payment is late or missing the entire amount is to become immediately due.

TENTATIVE RULING #10: PETITIONER’S REQUEST FOR AN ORDER DIRECTING THE PARTIES TO SELL THE MYSTIC MINE ROAD RESIDENCE IS DENIED WITHOUT PREJUDICE.

THE COURT FINDS THAT CHILD SUPPORT IS \$2,263 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$3,886 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT AND CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THESE SUPPORT ORDERS ARE EFFECTIVE JUNE 1, 2023.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$11,658 THROUGH AND INCLUDING AUGUST 1, 2023. RESPONDENT IS CREDITED FOR VOLUNTARY SUPPORT PAYMENTS IN THE AMOUNT OF \$19,200 (PAYMENTS OF \$2,800 A MONTH FROM DECEMBER 2022 THROUGH MARCH OF 2023, PLUS PAYMENTS OF \$2,000 PER MONTH FROM APRIL OF 2023 THROUGH JULY OF 2023). THIS OFFSETS THE ENTIRETY OF THE ARREARS AND RESULTS IN A REMAINING CREDIT TO RESPONDENT OF \$7,542. AS SUCH, RESPONDENT MAY REDUCE HIS MONTHLY SUPPORT PAYMENTS BY \$628.50 UNTIL THE CREDIT IS PAID IN FULL. IN OTHER WORDS, RESPONDENT MAY MAKE MONTHLY PAYMENTS OF \$3,257.50 FOR APPROXIMATELY 12 MONTHS. ONCE THE CREDIT IS PAID BACK IN FULL, SUPPORT PAYMENTS WILL AUTOMATICALLY RETURN TO THE FULL \$3,886 PER MONTH.

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	42%	0%	Father	9,546	Payment (cost)/benefit	(3,886) 3,886
Filing status	MFJ->	<-MFJ	Mother	1,052	Net spendable income	5,660 4,938
# Federal exemptions	1*	3*	Total	10,598	% combined spendable	53.4% 46.6%
Wages + salary	9,866	1,343	Support (Nondeductible)	Total taxes	2,621	291
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	10,598
Self-employment income	0	0	Presumed	2,263	Proposed	
Other taxable income	3,685	0	Basic CS	2,263	Payment (cost)/benefit	(3,886) 3,886
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,660 4,938
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	866	% combined spendable	53.4% 46.6%
Ordinary dividends	0	0	Child 2	1,397	% of saving over gdl	0% 0%
Tax. interest received	0	0	SS Payor	Father	Total taxes	2,621 291
Social Security received	0	0	Alameda	1,623	Comb. net spendable	10,598
Unemployment compensation	0	0	Total	3,886	Percent change	0.0%
Operating losses	0	0	Proposed, tactic 9		Default Case Settings	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,263		
Rental income	0	0	Basic CS	2,263		
Misc ordinary tax. inc.	3,685	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	866		
SS paid other marriage	0	0	Child 2	1,397		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,623		
Ptr Support Pd. other P'ships	0	0	Total	3,886		
Health insurance	331	0	Savings	0		
Qual. Bus. Inc. Ded.	0	0	No releases			
Itemized deductions	1,180	0				
Other medical expenses	0	0				
Property tax expenses	388	0				
Ded. interest expense	792	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	158	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	895	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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS OVERTIME PAY AND THEREFORE, HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER. RESPONDENT IS TO PAY PETITIONER A TRUE UP OF ANY OVERTIME EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE OVERTIME PAYMENT IS RECEIVED.

PETITIONER IS ADVISED THAT IT IS THE GOAL OF THE STATE OF CALIFORNIA THAT BOTH PARTIES SHALL BECOME AND REMAIN SELF-SUPPORTING TO THE BEST OF THEIR ABILITY. PETITIONER IS FURTHER ADVISED THAT, AT SOME FUTURE DATE, SHOULD YOU FAIL TO BECOME SELF-SUPPORTING RESPONDENT MAY ARGUE THAT YOUR FAILURE TO BECOME SELF-SUPPORTING IS A FACTOR WHICH MAY BE CONSIDERED BY THE COURT TO MODIFY A SPOUSAL SUPPORT ORDER OR TERMINATE THE COURT'S JURISDICTION TO ORDER SPOUSAL SUPPORT. PETITIONER IS FURTHER ADVISED THAT IF YOU VOLUNTARILY TERMINATE EMPLOYMENT, THE COURT CAN IMPUTE INCOME TO YOU WITHOUT APPLICATION OF THE ABILITY AND OPPORTUNITY REQUIREMENT AND THE COURT CAN DENY A MODIFICATION OF SUPPORT. IN RE MARRIAGE OF GAVRON, 203 CAL.APP.3D 705 (1988).

RESPONDENT IS TO PAY PETITIONER \$2,500 AS AND FOR ATTORNEY'S FEES. THIS MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE AND PAYABLE ON THE 1ST OF EACH MONTH. IF ANY PAYMENT IS LATE OR MISSING THE ENTIRE AMOUNT IS TO BECOME IMMEDIATELY DUE.

PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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

"R" denotes that Father is a recipient for the corresponding support
 "CS%" is the percentage of Overtime paid as additional Child Support
 "SS%" is the percentage of Overtime paid as additional Spousal Support

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
500	11.20	56	15.23	76	2,319	1,699	4,018
750	11.18	84	15.23	114	2,347	1,737	4,084
1,000	11.15	111	15.24	152	2,374	1,776	4,150
1,250	11.12	139	15.24	190	2,402	1,814	4,216
1,500	11.10	166	15.24	229	2,429	1,852	4,281
1,750	11.07	194	15.24	267	2,457	1,890	4,347
2,000	11.05	221	15.24	305	2,484	1,928	4,412
2,250	11.02	248	15.25	343	2,511	1,966	4,477
2,500	11.00	275	15.25	381	2,538	2,004	4,542
2,750	10.98	302	15.25	419	2,565	2,043	4,607
3,000	10.96	329	15.26	458	2,592	2,081	4,673
3,250	10.95	356	15.28	496	2,619	2,120	4,739
3,500	10.95	383	15.30	535	2,646	2,159	4,805
3,750	11.01	413	15.41	578	2,676	2,201	4,877
4,000	11.06	442	15.51	621	2,705	2,244	4,949
4,250	11.09	472	15.60	663	2,734	2,286	5,020
4,500	11.11	500	15.66	704	2,763	2,328	5,091
4,750	11.13	529	15.71	746	2,791	2,369	5,161
5,000	11.14	557	15.75	788	2,820	2,411	5,231
5,250	11.15	585	15.79	829	2,848	2,452	5,301
5,500	11.16	614	15.83	871	2,877	2,494	5,370
5,750	11.17	642	15.86	912	2,905	2,535	5,440
6,000	11.17	670	15.89	954	2,933	2,577	5,510

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

11. TISHA HOLY V. MARCO FARGEE

PFL20210529

On May 19, 2023 Petitioner filed a Request for Order (RFO) seeking to bifurcate the issue of marital status. The RFO was mail served the same day. Respondent has not opposed the request.

“The court may separately try one or more issues before the trial of the other issues if resolution of the bifurcated issue is likely to simplify the determination of the other issues.” Cal. Rules of Ct. Rule 5.390(c). In dissolution proceedings, the court may bifurcate the issue of the dissolution of the marriage and enter a status only judgment. *Id.* at (c)(7); Fam. Code § 2337. Prior to bifurcation, however the moving party must ensure that “[a]ll pension plans that have not been divided by court order that require joinder ...” have been joined. Cal. Rule Ct. 5.390(d)(1). A party seeking bifurcation is to submit a completed FL-315 evidencing such. Cal. Rule Ct. 5.390(a).

Here, Petitioner filed the requisite FL-315 and has indicated that both parties have made their preliminary declarations of disclosure and there are no community property retirement and/or pension plans. Further, there are no medical plans that would provide insurance for the opposing party. For these reasons the court finds good cause to bifurcate the case and grant a separate trial on the issue of marital status only. The court orders parties to appear for the hearing.

TENTATIVE RULING #11: THE COURT FINDS GOOD CAUSE TO BIFURCATE THE CASE AND GRANT A SEPARATE TRIAL ON THE ISSUE OF MARITAL STATUS ONLY. THE COURT ORDERS PARTIES TO APPEAR FOR THE HEARING.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

12. CARA WHITNEY V. DANIEL JOHN WILLIAM NICOLA

23FL0309

At the April 28, 2023 restraining order hearing, the court set a Child Custody Recommending Counseling (CCRC) session of June 5, 2023 with a CCRC review hearing on August 3, 2323.

Only Petitioner participated in CCRC, so the CCRC report contains no recommendations. The CCRC report notes Petitioner's concerns about Respondent's alleged drug use.

The current orders grant Petitioner sole legal and physical custody with supervised visits to Respondent once per week for up to two hours. The court reaffirms these orders pending further order of the court. Petitioner is ordered to prepare the Findings and Order After Hearing.

TENTATIVE RULING #12: THE COURT MAINTAINS THE CURRENT CUSTODY AND VISITATION ORDERS. PETITIONER SHALL PREPARE THE FINDINGS AND ORDER 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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

13. DUNIA LANDAVERDE V. ANGEL LANDAVERDE

23FL0394

On May 3, 2023, Petitioner filed a Request for Order (RFO) to establish custody, child support, spousal support, and property control orders. Petitioner filed an Income and Expense Declaration concurrently with the RFO. A CCRC session was scheduled on June 12, 2023 with a hearing set on August 3, 2023. Upon review of the file, there is no proof of service indicating service of the RFO and referral to CCRC on Petitioner.

Neither party participated in CCRC, so no recommendations were made. Due to the lack of appearance at CCRC and the lack of service, the court drops the matter from calendar.

TENTATIVE RULING #13: MATTER 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.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

14. JENNIFER HARTWICK V. TITUS HARTWICK

PFL20120877

On May 5, 2023, Petitioner filed an ex parte application for a modification of custody orders. Respondent filed a Request for Order to (RFO) modify custody. The court ordered Respondent to not transport the minor with any measurable amount of alcohol or other intoxicating substance in his system, to not transport the minor unless he has a valid driver's license and insurance, and to not consume alcohol within 24 hours prior to or during his parenting time. All prior orders were maintained.

A CCRC session was scheduled on June 15, 2023 with a hearing set on August 3, 2023. Upon review of the file, there is no proof of service indicating service of the RFO and referral to CCRC on Petitioner.

Neither party participated in CCRC, so no recommendations were made. As the court cannot find that Respondent had notice of the hearing, CCRC, or the temporary orders, the court vacates its temporary orders. All prior orders remain in full force and effect.

Nonetheless, the court notes that it is already a violation of the law to drive under the influence of drugs or alcohol and to drive without a valid license or insurance. Respondent should be aware of these legal prohibitions.

TENTATIVE RULING #14: THE COURT THE COURT VACATES ITS TEMPORARY ORDERS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDER 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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

15. JORDAN CLIFTON V. GARRETT BENDER

PFL20210352

On May 5, 2023, Respondent filed a Request for Order to (RFO) modify custody. A CCRC session was scheduled on June 14, 2023 with a hearing set on August 3, 2023. The RFO and referral to CCRC were served personally on Petitioner on May 6, 2023.

On June 14, 2023, Respondent filed a declaration. However, upon review of the file, there is no proof of service indicating service of this filing on Petitioner. As such, the court has not reviewed nor considered it.

Only Respondent appeared at the CCRC session, so no recommendations were made in the report. The CCRC report was mailed to both parties on July 24, 2023.

Respondent requests sole legal and physical custody with visits to Petitioner twice per week for 2 hours per visit with Respondent present. Respondent alleges that law enforcement responded to Petitioner's apartment due to issues with Petitioner's other child and that drugs were found in the apartment. As Petitioner has not responded to the RFO, the court does not have any information from Petitioner to contradict this allegation.

Given the information presented, the court finds it is in the best interest of the child to adopt the requests made by Petitioner in part. The court awards the parties joint legal custody with sole physical custody to Respondent. Petitioner shall have non-professionally monitored visits up to twice per week for up to 2 hours per visit. The visits shall be monitored by Respondent or any other person by mutual agreement of the parties.

Respondent shall prepare the Findings and Order After Hearing.

TENTATIVE RULING #15: THE COURT AWARDS THE PARTIES JOINT LEGAL CUSTODY WITH SOLE PHYSICAL CUSTODY TO RESPONDENT. PETITIONER SHALL HAVE NO-PROFESSIONAL MONITORED VISITS UP TO TWICE PER WEEK FOR UP TO 2 HOURS PER VISIT. THE VISITS SHALL BE MONITORED BY RESPONDENT OR ANY OTHER PERSON BY MUTUAL AGREEMENT OF THE PARTIES. RESPONDENT SHALL PREPARE THE FINDINGS AND ORDER 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

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

**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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

16. KATELYN BOLLINGER V. RYAN BOLLINGER

23FL0365

On May 1, 2023, Petitioner filed a Request for Order (RFO) to make custody, child and spousal support, attorney's fees, and property control orders. An Income and Expense Declaration was filed concurrently with the RFO. A CCRC session was scheduled on June 5, 2023 with a hearing set on August 3, 2023. On May 8, 2023, Petitioner filed a proof of service indicating service of all the above filings on Respondent on May 5, 2023.

On May 12, 2023, Petitioner filed a Request for Domestic Violence Restraining Order. The court granted a restraining order after hearing on June 2, 2023, granting Petitioner sole legal and physical custody of the minors with professionally supervised visits to Respondent twice per week for two hours per visit.

On June 13, 2023, Respondent filed proof of enrollment in a batterer intervention program, and on July 26, 2023, he filed a progress report from the program, indicating completion of four classes as of July 20, 2023, with positive notes from the program facilitator. The progress report was served by mail on Petitioner on July 20, 2023.

On July 3, 2023, Respondent filed an RFO asking the court to strike and seal the request for a domestic violence protective order, filed by Petitioner on May 12, 2023. Respondent's basis for the motion is the privacy of the information contained in the request.

Additionally, on July 17, 2023, Respondent filed a Memorandum of Points and Authorities and a separate declaration in support of rebutting the Family Code 3044 presumption and in the alternate in support of alternate significant visitation. The July 17, 2023 filings and Respondent's RFO were served by mail on Petitioner on July 12, 2023.

On July 21, 2023, Petitioner filed two declarations, a Responsive Declaration to the RFO, and an updated Income and Expense Declaration, all served on Respondent by mail the following day.

Both parties participated in the CCRC session, but no agreements were reached. The CCRC report was issued and mailed to the parties on July 24, 2023. The report recommends that the current custody arrangement remain in place. The report also recommended that both parties participate in a co-parenting class and that Respondent enroll in individual counseling.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

The court finds that the recommendations contained within the CCRC report are in the best interest of the child, and the court adopts them as the orders of the court. While it is commendable that Respondent has been actively engaged in the anger management classes, the court finds it premature to remove the requirement that the visits be supervised. Similarly, the court finds it premature to rebut the Family Code 3044 presumption. However, based on Respondent's progress in supervised visits thus far, the parties may agree on a nonprofessional supervisor and have visits for up to 4 hours twice per week. If there is no agreement, the visits shall remain professionally supervised pending further order of the court.

The court continues the matter to 10/5/2023 at 8:30 a.m. in Department 5 to consider liberalizing Respondent's visitation. The parties are ordered to file declarations updating the court on the status of visits and for Respondent to update the court on the status of his anger management classes and individual counseling. Declarations are to be filed no later than 10 days prior to the hearing date.

Regarding child and spousal support, as Respondent did not file an Income and Expense Declaration, the court relies on the information provided in Petitioner's Income and Expense Declaration filed on July 21, 2023. Per this filing, Petitioner has no earnings as a stay-at-home mom with two small children. Petitioner estimates Respondent's income to be between \$7,000 and \$9,000. The court uses the midpoint of \$8,000. With Respondent's 4 hours of parenting time per week, the court finds his parenting time is 2.3%. With these figures, the court finds that guideline child support is \$2,322 and temporary spousal support per the Alameda formula is \$1,242. See attached DissoMaster Report. The court orders these amounts commencing on May 1, 2023, payable on the 1st of the month, until further order of the court.

These orders results in an arrears balance of \$9,288 in child support arrears and \$4,968 in spousal support arrears through August 2023, totaling \$14,256 in overall arrears. The court orders Respondent to pay \$200 per month, commencing on August 15, 2023, until the arrears balance is paid in full. Respondent may make payments towards current and past due support on the 1st of the month, following the August 15, 2023 payment, if he so wishes.

The court continues the issue of child support to the next hearings, reserving jurisdiction to modify child and spousal support retroactive to the date of filing, so that the court can consider Respondent's actual income back to that date. Both parties are ordered to file updated Income and Expense Declarations at least 10 days in advance of the next hearing.

Regarding attorney's fees, after support, the court finds that Petitioner's net disposal income (not including the child support designated for the children) is \$1,242 and Respondent's net disposal income is \$2,360. See DissoMaster Report. The court finds there is a disparity in the parties' access to funds to hire legal counsel, but after the support payments this disparity is minimized significantly. The

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

court finds good cause to make an attorney's fees order but reduces the amount from what Petitioner has requested and gives Respondent additional time to pay the fees. The court orders Respondent to pay Petitioner \$2,500 in attorney's fees under Family Code 2023, payable by October 15, 2023, directly to Petitioner's attorney, if and when she hires one, upon a letter from Petitioner's attorney confirming that they are representing Petitioner. The court may augment or modify this order as appropriate.

Regarding the property control order, the court declines to make any such orders, finding no urgency, and therefore defers this issue to the time of trial.

Regarding Respondent's request to strike or seal the military records contained in Petitioner's pleadings and all references to them, the court finds that the code section cited by Respondent, 5 U.S.C. 552a(b)(5), does not appear to prohibit an individual from disclosure of these records; rather, this section prohibits an *agency* from disclosing these records without following proper procedures. In considering Petitioner's Responsive Declaration, the court cannot find that the documents are irrelevant, as custody, including legal custody, is still at issue and past acts of violence could have a bearing on the court's determination, or that the documents are false, based on the court's own review of the documents and Petitioner's pleadings.

As such, the court denies the request to strike. However, the court finds good cause to order that the military records and any references to them be sealed. Under Cal. Rules of Court, rule 2.550(d), the court finds that there is an overriding interest that overcomes the right of the public to access to the records, consistent with the spirit of the privacy protections contained within the code cited by Respondent. Further, the court finds this overriding interest supports sealing the record, that a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed due to the potential for third parties without all the information to misconstrue the records for employment or other purposes, that the proposed sealing is narrowly tailored, and that no less restrictive means exist to achieve the overriding interest.

The court directs the clerk to maintain the military records and unredacted versions of the pleadings which make reference to the military records in a confidential portion of the court file. Any future filings which reference the military records must be filed with a redacted and unredacted version.

Petitioner shall prepare the Findings and Order After Hearing.

TENTATIVE RULING #16: THE COURT FINDS THAT THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE IN THE BEST INTEREST OF THE CHILD, AND THE COURT

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

ADOPTS THEM AS THE ORDERS OF THE COURT. BASED ON RESPONDENT'S PROGRESS IN SUPERVISED VISITS THUS FAR, THE PARTIES MAY AGREE ON A NONPROFESSIONAL SUPERVISOR AND HAVE VISITS FOR UP TO 4 HOURS TWICE PER WEEK. IF THERE IS NO AGREEMENT, THE VISITS SHALL REMAIN PROFESSIONALLY SUPERVISED PENDING FURTHER ORDER OF THE COURT.

THE COURT CONTINUES THE MATTER TO 10/5/2023 AT 8:30 A.M. IN DEPARTMENT 5 TO CONSIDER LIBERALIZING RESPONDENT'S VISITATION. THE PARTIES ARE ORDERED TO FILE DECLARATIONS UPDATING THE COURT ON THE STATUS OF VISITS AND FOR RESPONDENT TO UPDATE THE COURT ON THE STATUS OF HIS ANGER MANAGEMENT CLASSES AND INDIVIDUAL COUNSELING. DECLARATIONS ARE TO BE FILED NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

THE COURT FINDS THAT GUIDELINE CHILD SUPPORT IS \$2,322 AND TEMPORARY SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,242. SEE ATTACHED DISSOMASTER REPORT. THE COURT ORDERS THESE AMOUNTS COMMENCING ON MAY 1, 2023, PAYABLE ON THE 1ST OF THE MONTH, UNTIL FURTHER ORDER OF THE COURT. THESE ORDERS RESULTS IN AN ARREARS BALANCE OF \$9,288 IN CHILD SUPPORT ARREARS AND \$4,968 IN SPOUSAL SUPPORT ARREARS THROUGH AUGUST 2023, TOTALING \$14,256 IN OVERALL ARREARS. THE COURT ORDERS RESPONDENT TO PAY \$200 PER MONTH, COMMENCING ON AUGUST 15, 2023, UNTIL THE ARREARS BALANCE IS PAID IN FULL. RESPONDENT MAY MAKE PAYMENTS TOWARDS CURRENT AND PAST DUE SUPPORT ON THE 1ST OF THE MONTH, FOLLOWING THE AUGUST 15, 2023 PAYMENT, IF HE SO WISHES.

THE COURT CONTINUES THE ISSUE OF CHILD SUPPORT TO THE NEXT HEARINGS, RESERVING JURISDICTION TO MODIFY CHILD AND SPOUSAL SUPPORT RETROACTIVE TO THE DATE OF FILING, SO THAT THE COURT CAN CONSIDER RESPONDENT'S ACTUAL INCOME BACK TO THAT DATE. BOTH PARTIES ARE ORDERED TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING.

THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$2,500 IN ATTORNEY'S FEES UNDER FAMILY CODE 2023, PAYABLE BY OCTOBER 15, 2023, DIRECTLY TO PETITIONER'S ATTORNEY, IF AND WHEN SHE HIRES ONE, UPON A LETTER FROM PETITIONER'S ATTORNEY CONFIRMING THAT THEY ARE REPRESENTING PETITIONER. THE COURT MAY AUGMENT OR MODIFY THIS ORDER AS APPROPRIATE.

AS SUCH, THE COURT DENIES THE REQUEST TO STRIKE. HOWEVER, THE COURT DIRECTS THE CLERK TO MAINTAIN THE MILITARY RECORDS AND UNREDACTED VERSIONS OF THE PLEADINGS WHICH MAKE REFERENCE TO THE MILITARY RECORDS IN A CONFIDENTIAL PORTION OF THE COURT FILE. ANY FUTURE FILINGS WHICH REFERENCE THE MILITARY RECORDS MUST BE FILED WITH A REDACTED AND UNREDACTED VERSION.

PETITIONER SHALL PREPARE THE FINDINGS AND ORDER AFTER HEARING.

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	2.3%	0%	Father	5,924	Payment (cost)/benefit	(3,448) 3,564
Filing status	MFS->	HH/MLA	Mother	0	Net spendable income	2,360 3,564
# Federal exemptions	1*	3*	Total	5,924	% combined spendable	39.8% 60.2%
Wages + salary	8,000	0	Support (Nondeductible)	Total taxes	2,076	0
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	5,924
Self-employment income	0	0	Presumed	2,322	Proposed	
Other taxable income	0	0	Basic CS	2,322	Payment (cost)/benefit	(3,693) 3,817
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	2,528 3,817
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	168 253
Other gains (and losses)	0	0	Child 1	871	% combined spendable	39.8% 60.2%
Ordinary dividends	0	0	Child 2	1,451	% of saving over gdl	39.8% 60.2%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,655 0
Social Security received	0	0	Alameda	1,242	Comb. net spendable	6,345
Unemployment compensation	0	0	Total	3,564	Percent change	7.1%
Operating losses	0	0	Proposed, tactic 9		Default Case Settings	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,487		
Rental income	0	0	Basic CS	2,487		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	984		
SS paid other marriage	0	0	Child 2	1,503		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,330		
Ptr Support Pd. other P'ships	0	0	Total	3,817		
Health insurance	0	0	Savings	420		
Qual. Bus. Inc. Ded.	0	0	Total releases to Father	2		
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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

17. KENNETH CROMPTON V. DANA CROMPTON

23FL0077

This matter was before the court for a Child Custody Recommending Counseling (CCRC) review on May 4, 2023, at which the parties agreed to adopt the CCRC report with modifications. The court set a review hearing on August 3, 2023 and referred the parties back to a CCRC session on June 21, 2023.

On June 27, 2023, Respondent filed a declaration. Then, on July 17, 2023 and again on July 24, 2023, Respondent filed a Responsive Declarations. However, upon review of the file, the court finds that there is no proof of service indicating service of any of these filings on Petitioner.

On July 20, 2023, Petitioner filed a declaration, which was served on Respondent by mail that same day.

However, on July 27, 2023, Petitioner filed a Memorandum of Points and Authorities objecting to the court's consideration of these filings, claiming that they were improperly served, making statements outside of Petitioner's personal knowledge (i.e., they lack foundation), the requests are improper, and they improperly make argument rather than make factual allegations as is proper with a declaration. This Memorandum was served by mail on Respondent on July 27, 2023.

Both parties participated in the CCRC session, and a CCRC report was issued with recommendations that was mailed to the parties on July 20, 2023. The report incorporates agreements made by the parties on June 21, 2023, but states that Respondent declined to sign a stipulation to put these agreements into effect. The recommendations include therapeutic visits at Sierra Child and Family Services and a step-up plan for Respondent assuming clean drug tests.

The court finds that the recommendations contained within the CCRC report are in the best interest of the children and adopts them as the orders of the court with the following modification. The court sets a review hearing on 11/2/2023 at 1:30 p.m. in Department 5 to determine whether to proceed to unsupervised visits. The parties are ordered to file declarations updating the court as to the status of the therapeutic visits and any other issues relevant to custody at least 10 days in advance of the next hearing.

Petitioner is ordered to prepare and file the Findings and Order After Hearing.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

TENTATIVE RULING #17: THE COURT FINDS THAT THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE IN THE BEST INTEREST OF THE CHILDREN AND ADOPTS THEM AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATION. THE COURT SETS A REVIEW HEARING ON 11/2/2023 AT 1:30 P.M. IN DEPARTMENT 5 TO DETERMINE WHETHER TO PROCEED TO UNSUPERVISED VISITS. THE PARTIES ARE ORDERED TO FILE DECLARATIONS UPDATING THE COURT AS TO THE STATUS OF THE THERAPEUTIC VISITS AND ANY OTHER ISSUES RELEVANT TO CUSTODY AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER 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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

18. LAWRENCE CHARLES WOOD V. JENNIFER LEE WOOD

22FL0792

This matter is before the court for a review hearing regarding parenting time. On July 12, 2023, Minor's Counsel filed a Statement of Issues and Contentions, which was served on the other parties by mail the day prior. In the filing, Minor's Counsel reports that the minor is happy with the status quo – that is, sole custody with father. While Minor's Counsel states he is upset about the lack of contact with mother since February, he does not want to change the current orders. Minor's Counsel indicated that she reached out to mother for input and mother declined to provide any.

Minor's Counsel requested that the current orders remain in place, which the court finds to be in the best interest of the minor.

TENTATIVE RULING #18: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT DECLINES TO SET A FURTHER REVIEW HEARING AND WILL DEFER TO THE PARTIES TO REQUEST A HEARING TO MODIFY THE PARENTING ARRANGEMENT IF AND WHEN APPROPRIATE. MINOR'S COUNSEL SHALL PREPARE THE FINDINGS AND ORDER 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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

19. MARIAH SMITH V. GRANT BAKER

PFL20140742

On May 3, 2023, Respondent filed a Request for Order (RFO) to modify custody. A Child Custody Recommending Counseling (CCRC) session was scheduled on June 16, 2023 with a hearing set on August 3, 2023. Upon review of the file, there is no proof of service indicating service of the RFO and referral to CCRC on Petitioner. However, both parties participated in CCRC.

The parties were unable to reach any agreements at CCRC, but the CCRC report contains recommendations. The CCRC report also notes that Petitioner acknowledged being served with the court documents (in front of the minor). The court finds Petitioner therefore has received the RFO and finds good cause to resolve the case on its merits despite the service defect.

The CCRC report recommends that the parties share legal custody with a step-up plan for Respondent's parenting time with the minor. The court awards Petitioner sole physical custody and orders the step-up plan. The court modifies the recommendations to order the parties to enroll in co-parenting counseling. To clarify, co-parenting counseling requires both parties to be in joint sessions with the therapist at the therapist's direction.

The court finds that CCRC report recommendations are in the best interest of the child and adopts them as the orders of the court with the above addition. Respondent shall prepare the Findings and Order After Hearing.

TENTATIVE RULING #19: THE COURT AWARDS PETITIONER SOLE PHYSICAL CUSTODY. THE COURT FINDS THAT CCRC REPORT RECOMMENDATIONS ARE IN THE BEST INTEREST OF THE CHILD AND ADOPTS THEM AS THE ORDERS OF THE COURT WITH THE ADDITION THAT THE PARTIES ARE ORDERED TO ENROLL IN CO-PARENTING COUNSELING. RESPONDENT SHALL PREPARE THE FINDINGS AND ORDER 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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

20. RISHA SHANKAR V. SEAN KRIDER

23FL0390

On May 2, 2023, Petitioner filed a Request for Order (RFO) to make custody, child support, and property control orders. An Income and Expense Declaration was filed concurrently with the RFO. A Child Custody Recommending Counseling (CCRC) session was scheduled on June 8, 2023 with a hearing set on August 3, 2023. On May 31, 2023, Petitioner filed a proof of service indicating service of all the above filings on Respondent.

Both parties participated in CCRC. They reached no agreements, but the CCRC report contains recommendations, which include a recommendation for the parties to share joint custody on a 2-2-3 parenting schedule. The report notes that the parties currently cohabitate, but Petitioner wants Respondent to move out of the home, which she owns. She also wants Respondent to find a new home in same area as where the parties currently live. Respondent states that finding a home in the same area is challenging for financial reasons.

The court finds that the recommendations contained within the CCRC report are in the best interest of the child, and the court adopts them as the orders of the court effective upon Respondent moving out of the parties' current home.

Petitioner also requests child support. The court notes that Petitioner filed an updated Income and Expense Declaration on July 27, 2023. Upon review of the file, there is no proof of service in the file indicating service of this filing on Respondent. As such, the court cannot review nor consider this filing. The court further notes that Respondent failed to file an Income and Expense Declaration.

As parties are currently cohabitating and presumably sharing expenses for the minor, the court continues the child support issue to 11/30/2023 at 1:30 p.m. in Department 5 to allow Respondent an opportunity to file an Income and Expense Declaration and to wait until Respondent moves out of the home before making a child support order. Both parties are ordered to file updated Income and Expense Declarations at least 10 days in advance of the next hearing. If Respondent fails to file an Income and Expense Declaration, the court will consider issuing sanctions for the failure to follow a court order. The court reserves jurisdiction to make child support orders retroactive the date of filing of the RFO, May 2, 2023.

Regarding Petitioner's request for a property control order to establish her control of the home in which the parties live. Per the CCRC report, Respondent does not dispute that Petitioner owns the home, despite his claim that he contributed financially to it. Nonetheless, as the parties were never married, the property control issue cannot be addressed in this case; rather, if necessary, it would have to be addressed in a separate civil action. The court

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

therefore denies the request for a property control order, as the court has no jurisdiction in this case to make such an order.

Petitioner shall prepare the Findings and Order After Hearing.

TENTATIVE RULING #20: THE COURT ADOPTS THE RECOMMENDATIONS IN THE CCRC REPORT AS THE ORDERS OF THE COURT EFFECTIVE UPON RESPONDENT MOVING OUT OF THE PARTIES' CURRENT HOME. THE COURT CONTINUES THE CHILD SUPPORT ISSUE 11/30/2023 AT 1:30 P.M. IN DEPARTMENT 5. BOTH PARTIES ARE ORDERED TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING. IF RESPONDENT FAILS TO FILE AN INCOME AND EXPENSE DECLARATION, THE COURT WILL CONSIDER ISSUING SANCTIONS FOR THE FAILURE TO FOLLOW A COURT ORDER. THE COURT RESERVES JURISDICTION TO MAKE CHILD SUPPORT ORDERS RETROACTIVE THE DATE OF FILING OF THE RFO, MAY 2, 2023. THE COURT DENIES THE REQUEST FOR A PROPERTY CONTROL ORDER, AS THE COURT HAS NO JURISDICTION IN THIS CASE TO MAKE SUCH AN ORDER. PETITIONER SHALL PREPARE THE FINDINGS AND ORDER 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 AND MOTION TENTATIVE RULINGS

Department 5

August 3, 2023

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

21. STEPHENIE D. VOLK V. WILLIAM E. MORALES II

PFL20090195

On May 4, 2023, Petitioner filed a Request for Order (RFO) requesting a modification of the custody and visitation orders. A Child Custody Recommending Counseling (CCRC) session was scheduled on June 16, 2023 with a hearing set on August 3, 2023. Upon review of the file, there is no proof of service indicating service of the RFO and referral to CCRC on Petitioner.

However, on May 25, 2023, Respondent filed a Responsive Declaration, served by mail on Petitioner on May 23, 2023, which makes no objection as to defective service. As such, the court considers Petitioner's RFO on its merits.

Both parties participated in CCRC and informed the mediator that they reached a full agreement. They were referred to the Family Law Facilitator to draft an agreement, which was approved by the court on June 22, 2023.

On June 30, 2023, Petitioner filed a declaration. However, upon review of the file, there is no proof of service indicating service of this declaration on Respondent. As such, the court has not reviewed nor considered it.

On July 10, 2023, Petitioner filed an ex parte application to modify custody, to grant Petitioner authority to enroll the child in El Dorado High, and to order the mediator to speak to the minor. On July 13, 2023, Respondent filed a Responsive Declaration, objecting to Petitioner's requests. On July 14, 2023, the court granted Petitioner temporary physical custody pending the August 3, 2023 hearing. These temporary orders and the RFO were served personally on Respondent.

As the mediator did not make any recommendations, the court refers the parties back to a CCRC session on 10/12/2023 at 1:00 p.m. with Rebecca Nelson and orders the mediator to arrange a time to speak to the minor. The court continues the CCRC review to 11/30/2023 at 1:30 p.m. in Department 5.

Petitioner is ordered to prepare the Findings and Order After Hearing.

TENTATIVE RULING #21: THE COURT REFERS THE PARTIES BACK TO A CCRC SESSION ON 10/12/2023 AT 1:00 PM WITH REBECCA NELSON AND ORDERS THE MEDIATOR TO ARRANGE A TIME TO SPEAK TO THE MINOR. THE COURT CONTINUES THE CCRC REVIEW TO 11/30/2023 AT 1:30 P.M. IN DEPARTMENT 5. PETITIONER IS ORDERED TO PREPARE THE FINDINGS AND ORDER AFTER HEARING.

LAW AND MOTION TENTATIVE RULINGS

Department 5

August 3, 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.