

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

**1. BRANDON BERUMEN V. ZSANENN WARD-THOMAS**

**PFL20200128**

This matter is before the court on an Order to Show Cause and Affidavit for Contempt (OSC) filed by Respondent on June 8, 2023. Petitioner was mail served with the OSC on June 7<sup>th</sup>.

Service of contempt papers must be done by personal service to the accused. Albrecht v. Sup. Ct., 132 Cal. App. 3d 612, 618-619 (1982); *See also* Cal. Civ. Pro. §§ 1015 & 1016. Service on the accused's attorney is not sufficient. *Id.*

Here, Petitioner was mail served, not personally served. As such, the matter is dropped from calendar due to lack of proper service.

**TENTATIVE RULING #1: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

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

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

**2. DENEEN BECERRIL V. JEFF BECERRIL**

**PFL20210290**

This matter is before the court on an Order to Show Cause and Affidavit for Contempt (OSC) filed by Petitioner on June 2, 2023. Respondent was personally served with the OSC on July 14<sup>th</sup>.

The OSC alleges Respondent failed to comply with the court's order of October 2022 by refusing to move out of the marital residence. The parties are ordered to appear for arraignment.

**TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

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August 24, 2023

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

**3. JONATHAN J. CHURAN V. KRISTI L.G. CHURAN**

**22FL1093**

Respondent filed a Request for Order (RFO) on January 27, 2023, seeking support and property control orders as well as attorney's fees. The parties appeared for hearing on the RFO on April 13<sup>th</sup> at which time the court declined to make temporary orders but instead set the matter for an evidentiary hearing to be held on May 26<sup>th</sup>. At the May 26<sup>th</sup> hearing the parties presented the court with a stipulation on the issues of reunification therapy, attorney's fees, the sale of the marital residence and temporary child and spousal support orders. The court adopted the stipulation as the order of the court and, per its terms, set a review hearing for the present date.

In the interim, the parties appeared before the court for trial setting on July 18<sup>th</sup> at which time the court set the matter for trial commencing December 19, 2023. Trial is to address the issues of child custody, visitation, child support, spousal support, property division and attorney's fees.

Respondent filed and served her Income and Expense Declaration on August 16. Petitioner filed and served his Income and Expense Declaration on August 18<sup>th</sup>. Respondent filed a Declaration on August 21<sup>st</sup> however the court finds this to be late filed and therefore has not read or considered it.

Since this matter is set for trial on the same issues, it is in the interest of judicial economy to continue this hearing to join with the December 19<sup>th</sup> trial date. The court continues to reserve jurisdiction on the request for attorney's fees, child support, spousal support, and mortgage payments back to June 1, 2023.

**TENTATIVE RULING #3: THIS MATTER IS CONTINUED TO JOIN WITH THE TRIAL SET TO BEGIN ON DECEMBER 19, 2023. THE COURT RESERVES JURISDICTION ON THE REQUEST FOR ATTORNEY'S FEES, CHILD SUPPORT, SPOUSAL SUPPORT AND MORTGAGE PAYMENTS BACK TO THE DATE OF FILING THE RFO.**

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

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August 24, 2023

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

**4. LISA TOMASON V. LOUIS MOLAKIDES**

**PFL20210494**

On May 17, 2022, Respondent filed a Request for Order (RFO) requesting the court order the parties to participate in a Family Code section 3111 evaluation, with Respondent to cover the expense subject to reallocation. Petitioner was served with the RFO electronically on May 18, 2022. Respondent requested the court modify the standing parenting plan pending return of the 3111 Evaluation. The matter was set to be heard on July 14, 2022.

At the July 14, 2022, hearing the court granted Respondent's request for a Family Code section 3111 evaluation. Respondent was ordered to pay the expense of the evaluation subject to reallocation. Parties were later ordered to utilize Jack Love as the evaluator.

After several scheduled review hearings, this matter is once again before the court for a review hearing of the 3111 Report. As of the last review hearing on February 23<sup>rd</sup>, Respondent informed the court that the 3111 Evaluation was in progress with Mr. Jack Love and the report was expected to be completed by early June. The court continued the review hearing and made custody and visitation orders as follows: (1) The no contact order with Mr. Whitaker remains in full force and effect; (2) Petitioner to have parenting time from 3:45 on Friday to 6pm on Sunday every other weekend.

On August 11<sup>th</sup> Petitioner filed and served a Responsive Declaration to Request for Order updating the court on the status of the 3111 report and requesting several orders as stated therein. Respondent has not filed a status update with the court or a response to Petitioner's requested orders.

According to Petitioner, as of the date of her declaration she had yet to receive the 3111 Report. As such, she requests the court reinstate the previous custodial schedule as set forth in the orders of December 9, 2021. She also requests that the no contact order with Mr. Whitaker be set aside but she agrees to an order precluding the children from being left alone with Mr. Whitaker without another adult present and an order precluding Mr. Whitaker from disciplining the children. Petitioner points to the fact that Mr. Whitaker's guilty verdict has been set aside and the conviction for domestic violence has since been dismissed. She argues that regardless of the set aside, the Family Code section 3044 factors do not apply since she is the one seeking custody orders, not Mr. Whitaker. Petitioner goes on to provide several examples in which she feels Respondent has been untruthful with the court and has deliberately failed to comply with custody orders.

The 3111 Evaluation was filed with the court on August 16. This is less than 10 days prior to the hearing date and neither party has filed a declaration in response. To ensure the parties have sufficient time to review and respond to the report, this matter is continued to 10/26/2023 at 8:30 a.m. in Department 5.

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**TENTATIVE RULING #4: TO ENSURE THE PARTIES HAVE SUFFICIENT TIME TO REVIEW AND RESPOND TO THE REPORT, THIS MATTER IS CONTINUED TO 10/26/2023 AT 8:30 A.M. IN DEPARTMENT 5.**

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

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**6 & 7. NICHOLAS MOOD V. NICOLE KATHRIN MOOD**

**23FL0287 & 23FL0306**

This matter is before the court on a Motion for Joinder filed by Bridgett & Paul Hartshorn (hereinafter "Claimants"). The Motion and Declaration for Joinder was filed on June 14, 2023. Petitioner and Respondent were mail served on June 22<sup>nd</sup>. Neither party has opposed the motion.

Claimants request to join the case in hopes of eventually seeking grandparent visitation with the minor children. Generally, a petition for grandparent visitation must be served via certified mail, return receipt requested, postage prepaid. Cal. Fam. Code §3103(c). However, here the Claimants have filed only a Motion for Joinder requesting only to be joined as parties to the matter, not asking for the court to make visitation orders. As such, the court finds the motion to be properly served under Civil Procedure Section 1005(a).

Given that service was proper and given that neither party has opposed the requested joinder, the motion is granted, and Claimants are joined as parties to the ongoing matter.

**TENTATIVE RULING #6 & 7: THE MOTION FOR JOINDER IS GRANTED AND CLAIMANTS ARE JOINED AS PARTIES TO THE ONGOING MATTER. CLAIMANTS ARE TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

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**8. OKSANA KRYLOV V. VICTOR KRYLOV**

**PFL20210267**

This matter is before the court to be heard on a Request for Order (RFO) filed by Respondent on June 2, 2023, and one filed by Petitioner on June 6, 2023. There is no Proof of Service of the June 2<sup>nd</sup> RFO, therefore that matter is dropped from calendar for lack of proper service.

Concurrently with the filing of the June 6<sup>th</sup> RFO, Petitioner also filed her Income and Expense Declaration. Both documents, along with all other required documents, were mail served on June 13<sup>th</sup>. After realizing that Exhibit A had been inadvertently left off her initial filing, Petitioner subsequently filed and served Exhibit A on June 27<sup>th</sup>. Respondent filed his Income and Expense Declaration along with his Responsive Declaration to Request for Order on August 14<sup>th</sup>. There is no Proof of Service indicating that Petitioner was served with either of these documents, therefore the court has not read or considered them.

Petitioner filed her RFO requesting orders for child support, spousal support, and attorney's fees in the amount of \$2,500. Currently child support is set to \$578 per month and spousal support is \$0 per month. These orders were made on January 25, 2023; however Petitioner is now asking that each of these be adjusted to guideline support based on a change in income for both parties. She states that the current orders were made based on her monthly income of \$2,100 and Respondent's monthly income of \$2,773. She states that Respondent now has a second job, and he receives an additional \$2,000 per month. Also, according to her Income and Expense Declaration, Petitioner's current monthly income is \$0. It is on this basis that she also makes her request for attorney's fees pursuant to Family Code section 2030.

According to Petitioner's Income and Expense Declaration she is "seeking disability" and currently has no income. Additionally, it appears the minor's date of birth is August 22, 2005, which would make her 18 at the time of the hearing which could potentially cut off child support unless the minor is still in high school. Petitioner makes no mention of this one way or another. Overall, the court needs additional information prior to making support orders. The parties are ordered to appear on Petitioner's June 6, 2023, RFO.

**TENTATIVE RULING #8: RESPONDENT'S JUNE 2, 2023, RFO IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. THE PARTIES ARE ORDERED TO APPEAR ON PETITIONER'S JUNE 6, 2023, RFO.**

**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**

LAW & MOTION TENTATIVE RULINGS

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

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



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**9. ROBERT H. FENTON V. TERESA M. FENTON**

**PFL20200193**

On May 24, 2023, the parties stipulated to, among other things, a step-down payment schedule for spousal support which is to be secured by a term life insurance policy for the life of Petitioner with Respondent as the beneficiary. The parties disagree over the terms and ownership of the policy which is the issue now before the court. Respondent's Brief Regarding the Issue of Security for the Payment of Spousal Support was filed and served on August 14<sup>th</sup>. Petitioner's Memorandum of Points and Authorities Regarding Security for Spousal Support was filed on August 17<sup>th</sup>.

"...Where it is just and reasonable in view of the circumstances of the parties, the court, in determining the needs of a supported spouse, may include an amount sufficient to purchase an annuity for the supported spouse or to maintain insurance for the benefit of the supported spouse on the life of the spouse required to make the payment of support, or may require the spouse required to make the payment of support to establish a trust to provide for the support of the supported spouse, so that the supported spouse will not be left without means of support in the event that the spousal support is terminated by the death of the party required to make the payment of support." Cal. Fam. Code §4360(a).

Here it appears the dispute is not over whether to obtain a life insurance policy but who will hold the policy and how to ensure that Respondent is not awarded a windfall in the event Petitioner dies before support is terminated and the policy is paid out in full. Such a windfall would not be just and reasonable and therefore, would not be in accordance with Family Code Section 4360. It appears that the best way to avoid a windfall would be to order Petitioner to obtain a policy in the amount of \$250,000, establish a trust and name the trust as the sole beneficiary of the insurance policy. Respondent shall be named as a beneficiary of the trust and Petitioner is to designate an individual of his choosing as the second beneficiary. The trust agreement shall instruct the trustee to pay out the proceeds of the life insurance policy as follows:

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## DEPARTMENT 5

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Year #	Respondent		Secondary Beneficiary	
1	93%	\$232,500	7%	\$17,500
2	76%	\$190,000	24%	60,000
3	61%	\$152,500	39%	\$97,500
4	48%	\$120,000	52%	\$130,000
5	36%	\$90,000	64%	\$160,000
6	26%	\$65,000	74%	\$185,000
7	17%	\$42,500	83%	\$207,500
8	11%	\$27,500	89%	\$222,500
9	6%	\$15,000	94%	\$235,000
10	2%	\$5,000	98%	245,000

Petitioner is ordered to provide Respondent with copies of the trust agreement, which include the aforementioned payment instructions, no later than ten days from the date Petitioner signs the trust agreement.

To assuage Respondent's concerns regarding confirmation of the status of the premiums, and to ensure that the policy remains in force, Petitioner is ordered to provide the court and Respondent with proof of the policy, the trust as the sole beneficiary of the policy, and the limits of the policy. Such proof is to be provided to Respondent and filed with the court immediately after the policy is obtained and annually every year thereafter.

**TENTATIVE RULING #9: PETITIONER IS ORDERED TO OBTAIN A POLICY IN THE AMOUNT OF \$250,000. PETITIONER IS FURTHER ORDERED TO ESTABLISH A TRUST AND NAME THE TRUST AS THE SOLE BENEFICIARY OF THE INSURANCE POLICY. RESPONDENT SHALL BE NAMED AS A BENEFICIARY OF THE TRUST AND PETITIONER IS TO DESIGNATE AN INDIVIDUAL OF HIS CHOOSING AS THE SECOND BENEFICIARY. THE TRUST AGREEMENT SHALL INSTRUCT THE TRUSTEE TO PAY OUT THE PROCEEDS OF THE LIFE INSURANCE POLICY AS FOLLOWS:**

YEAR #	RESPONDENT		SECONDARY BENEFICIARY	
1	93%	\$232,500	7%	\$17,500
2	76%	\$190,000	24%	60,000
3	61%	\$152,500	39%	\$97,500
4	48%	\$120,000	52%	\$130,000
5	36%	\$90,000	64%	\$160,000
6	26%	\$65,000	74%	\$185,000
7	17%	\$42,500	83%	\$207,500
8	11%	\$27,500	89%	\$222,500
9	6%	\$15,000	94%	\$235,000
10	2%	\$5,000	98%	245,000

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**PETITIONER IS ORDERED TO PROVIDE RESPONDENT WITH COPIES OF THE TRUST AGREEMENT, WHICH INCLUDE THE AFOREMENTIONED PAYMENT INSTRUCTIONS, NO LATER THAN TEN DAYS FROM THE DATE PETITIONER SIGNS THE TRUST AGREEMENT. ADDITIONALLY, PETITIONER IS ORDERED TO PROVIDE THE COURT AND RESPONDENT WITH PROOF OF THE POLICY, THE TRUST AS THE SOLE BENEFICIARY OF THE POLICY, AND THE LIMITS OF THE POLICY IMMEDIATELY AFTER HE OBTAINS THE POLICY AND ANNUALLY EVERY YEAR THEREAFTER.**

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

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

**10. SANDRA GRANADE V. TIMOTHY GRANADE**

**PFL20190133**

This matter is before the court on an Amended Order to Show Cause and Affidavit for Contempt (OSC) filed by Petitioner on May 2, 2023. Respondent was mail served with the Amended OSC on May 4, 2023. The parties appeared for hearing on the matter on June 8, 2023, and the court continued the arraignment to the present date.

The OSC alleges Respondent failed to comply with the court's ordered child support and spousal support payments as well as an order to pay \$15,000 in attorney's fees. The parties are ordered to appear for arraignment.

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

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

**11. SHANE COLE V. SUZETTE COLE**

**22FL1203**

On May 10, 2023, Petitioner filed his Request for Order (RFO) seeking various property orders as well as attorney's fees and sanctions. Concurrently therewith Petitioner filed a Memorandum of Points and Authorities in support of his RFO. Both documents were served on June 20<sup>th</sup>. Respondent filed and served her Responsive Declaration to Request for Order on August 3<sup>rd</sup>. Petitioner has not filed a reply.

Petitioner brings his RFO requesting the following orders: (1) Family Code §271 sanctions in the amount of \$5,438; (2) Items damaged by Respondent, including Petitioner's helmet and truck, to be awarded solely to Petitioner; (3) The value of the items destroyed by Respondent to be awarded to Petitioner at the final asset division; (4) All remaining wine bottles to be awarded solely to Petitioner; (5) The value of wine bottles consumed by Respondent to be awarded to Petitioner; (6) Access to the marital residence to obtain his property; and (7) Any additional remedies as the court deems just and equitable.

Respondent argues the requests made in the RFO are moot and were moot prior to the filing of the motion. She states Petitioner has been allowed access to the residence to video the property and has since provided a list of the items he is requesting. Respondent requests Section 271 sanctions against Petitioner for the filing of the RFO which Respondent argues is frivolous and unnecessary.

Prior to making any of the property orders requested the court needs additional information regarding the current status of all issues. The parties are ordered to appear.

**TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR.**

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

**12. ANGELES SOBREPENA V. ORBEN SOBREPENA**

**22FL1101**

Petitioner filed a Request for Order (RFO) on June 8, 2023, requesting temporary guideline spousal support as well as for Respondent to be responsible for the mortgage payments. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was served on June 14, 2023.

Respondent filed a Responsive Declaration and Income and Expense Declaration on August 7, 2023. Petitioner was served by mail on August 4, 2023. Respondent does not object to temporary guideline spousal support, but requests Petitioner be imputed with full time income. Respondent further requests that Petitioner be provided a Gavron warning. Respondent also requests the court offset any mortgage or utility payments from his support obligation. Last, Respondent requests he be reimbursed for any Epstein credits for payments he has made as well as Watts charges for Petitioner's exclusive possession of the former family residence.

Respondent states in his declaration "[o]nce I vacate the house I am requesting that Petitioner be 100 percent responsible for all the expenses and/or that I be reimbursed for any contributions I make on her behalf." Based on this statement, the court finds it is unclear whether Petitioner and Respondent continue to reside together in the home. The court finds it needs to take testimony on this issue prior to ruling on the request for temporary spousal support. As such, the parties are ordered to appear for the hearing.

**TENTATIVE RULING #12: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**13. JASON STEVENS V. ANGELA STEVENS**

**21FL0076**

Petitioner filed a Request for Order (RFO) on June 7, 2023, requesting a change in child and spousal support. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was served with the necessary documents.

Respondent has not filed a Responsive Declaration.

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

**TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

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

**15. JUSTIN REEDY V. KAYLA MCKINNY**

**PFL20180289**

Petitioner filed a Request for Order (RFO) on June 12, 2023, requesting a post-trial reconsideration of orders. Respondent was served by mail on June 17, 2023.

The court notes Petitioner has since filed three successive RFOs requesting the same or similar orders as set forth in the June 12, 2023 RFO. These RFOs include a July 28, 2023 RFO requesting the minor attend the “midway school” Cameron Ranch Elementary, an August 7, 2023 RFO requesting the court set aside the Statement of Decision filed on July 17, 2023, and an August 9, 2023 RFO requesting the court set aside the Statement of Decision filed on July 17, 2023. The latter filed RFOs are currently set for a hearing on October 5, 2023 and November 2, 2023 respectively. The court finds these issues are substantially intertwined and therefore, for judicial economy continues the June 12, 2023 RFO to October 5, 2023 and advances the August 9, 2023 RFO from November 2, 2023 to October 5, 2023.

All prior orders continue to remain in full force and effect pending the next hearing.

**TENTATIVE RULING #15: FOR JUDICIAL ECONOMY CONTINUES THE JUNE 12, 2023 RFO TO OCTOBER 5, 2023 AND ADVANCES THE AUGUST 9, 2023 RFO FROM NOVEMBER 2, 2023 TO OCTOBER 5, 2023. ALL PRIOR ORDERS CONTINUE TO REMAIN IN FULL FORCE AND EFFECT PENDING THE NEXT HEARING.**

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



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**16. JUSTINE DIESEL V. ADAM DIESEL**

**23FL0571**

On June 21, 2023, Petitioner filed a Request for Order (RFO) requesting the court order child support and the sale of the home. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

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

**TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

**17. KERIANNE CAVIN V. EDWARD CAVIN**

**PFL20180477**

Petitioner filed a Request for Order (RFO) on June 23, 2023, requesting enrollment in school. The RFO was set for a hearing on August 24, 2023.

Petitioner filed an ex parte request for emergency orders on June 29, 2023. The court denied the request on June 30, 2023. Petitioner filed a further RFO making the same request as the June 23, 2023 RFO and the requests as set forth in the ex parte application. Proof of Service shows Respondent was served on June 23, 2023; however, the Proof of Service also indicates Petitioner was the individual that completed service. It appears to the court only the June 23, 2023 filed RFO was served on Respondent. The court further finds there to be a defect in the service as service is required to be completed by someone other than the party. (Code of Civ. Pro. Sec. 1011) The court finds, Respondent was not properly noticed.

Respondent filed a Responsive Declaration on August 11, 2023. Petitioner was served by mail on August 16, 2023. The court finds both the filing and service of this document to be untimely, and therefore, has not considered it.

Petitioner filed a Supplemental Declaration on August 11, 2023. Proof of Service shows Respondent was served by mail on August 11, 2023.

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

**TENTATIVE RULING #16: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

**18. MALIA GREEN V. BRYCE DANIELS, SR.**

**22FL0712**

On May 19, 2023, at the conclusion of the Domestic Violence Restraining order trial, the court set a hearing for July 20, 2023 regarding spousal support. Parties were directed to prepare and file Income and Expense Declarations at least 10 days prior to the hearing. On July 12, 2023, the court granted Petitioner's request to continue the July 20, 2023 hearing due to the unavailability of her counsel. The matter was set for a hearing on August 24, 2023. The court reserved jurisdiction to retroactive modify support to the date of the request.

Respondent filed an Income and Expense Declaration on July 20, 2023. There is no Proof of Service showing Petitioner was served with this document.

Petitioner has not filed an Income and Expense Declaration.

Petitioner's request for spousal support is denied without prejudice due to Petitioner's failure to file a current Income and Expense Declaration. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); *See also* Cal. Fam. Code §2100. Given Petitioner's failure to file the requisite documents, this request is denied without prejudice.

**TENTATIVE RULING #18: PETITIONER'S REQUEST FOR SPOUSAL SUPPORT, IS DENIED WITHOUT PREJUDICE DUE TO PETITIONER'S FAILURE TO FILE A CURRENT INCOME AND EXPENSE DECLARATION.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

**19. MALINDA STAMM V. NATHAN STAMM**

**PFL20210358**

Petitioner filed an ex parte request for emergency custody orders on June 27, 2023. The court granted the request on June 28, 2023, granting Petitioner temporary sole physical custody of the minors. The court further ordered Respondent to have professionally supervised parenting time twice a week for two hours each visit. The court authorized the parties to agree to a non-professional supervisor in writing. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on July 18, 2023, and a review hearing on August 24, 2023. Petitioner filed a Request for Order (RFO) on June 28, 2023, making the same requests as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the ex parte orders, the RFO, or the referral to CCRC.

Nevertheless, Respondent appeared for the CCRC appointment on July 18, 2023. However, Petitioner failed to appear. As such, a single parent report was filed with the court on August 9, 2023. A copy of the report was mailed to the parties on August 10, 2023.

The court drops the matter from calendar due to the lack of proper service. The previously issued ex parte orders are hereby vacated. All prior orders remain in full force and effect.

**TENTATIVE RULING #19: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. THE PREVIOUSLY ISSUED EX PARTE ORDERS ARE HEREBY VACATED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

**21. NATALIE WITHEY V. SHANE SULLIVAN**

**22FL1015**

Petitioner filed an Order to Show Cause and Affidavit for Contempt on June 15, 2023. Petitioner alleges 23 violations of the Temporary Domestic Violence Restraining Order by Respondent.

On June 29, 2023, Petitioner filed a Declaration of non-service.

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

**TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

**22. NICOLE VILT V. FRANKLIN VILT**

**22FL1087**

Petitioner filed a Request for Order (RFO) on May 19, 2023, requesting child custody and parenting plan orders, as well as child and spousal support orders, and attorney's fees. Petitioner filed an Income and Expense Declaration on May 18, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 3, 2023, and a review hearing on August 24, 2023. Proof of Service shows Respondent was properly served by mail on May 30, 2023.

Both parties attended CCRC on July 3, 2023, and informed the counselor they had resolved the issues on child custody and the parenting plan. The parties are requesting no orders or recommendations regarding custody, or a parenting plan be made at this time. The parties intend to appear in court regarding the matters unrelated to custody.

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

The court finds Petitioner's May 18, 2023 filed Income and Expense Declaration to be out of date. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); *See also* Cal. Fam. Code §2100.

The court finds it needs additional information from the parties regarding the current custody arrangement prior to being able to calculate child support. As such, the court orders parties to appear for the hearing.

**TENTATIVE RULING #22: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

**23. NIKOLAS PAECH V. CAROLINE GIROUX**

**PFL20210276**

On July 20, 2023, the parties appeared for a review hearing to provide the court with an update on the family's progress in family therapy and the Transitioning Families program. At the conclusion of the hearing, the court kept in place the order for the minors to participate in individual counseling, Petitioner and Respondent were each to submit three proposed individual therapists to minors' counsel and three proposed family therapists to minors' counsel for consideration. Minors' Counsel was to follow up with the current family therapist, Ms. Giordano. Updated Statements of Issues and Contentions were to be filed with the court no later than August 17, 2023.

Petitioner filed a Status Brief on August 17, 2023. Proof of Services shows Respondent and Minors' Counsel were served electronically on August 17, 2023. Petitioner provides a summary of the case to this point and requests the court temporarily suspend custody litigation for at least six months, order continuation of family therapy with the current family therapist, order the minors attend individual therapy with Miles Montgomery, under the family therapist's direction, order Respondent not to interfere or direct either the minors' individual therapy or family therapy, and vacate the order for the family to participate in the Transitioning Families program.

Respondent filed a Declaration on August 17, 2023. Parties were served electronically on August 17, 2023. Respondent provides her recitation of the circumstances and posture of the case. Respondent requests the court order individual counseling for Petitioner, a new family therapist, an individual therapist for the minors, a professional supervisor or coach who is a neutral third party to pick up the minors and deliver them to Petitioner on her parenting time, an order limiting the Our Family Wizard application for brief and essential communications only, and sanctions should Petitioner not cooperate or comply with orders.

Minors' Counsel filed a Statement of Issues and Contentions on August 18, 2023. Parties were served both electronically and by mail on August 18, 2023. Although this document was filed after August 17, 2023, the court finds good cause to consider it. Minors' Counsel has met with the minors as well as the family therapist. The minors' position remains unchanged. The family therapist affirms that she believes that she is able to provide therapeutic services for the family. The family therapist confirmed the minors should be in individual therapy and recommended a therapist. Minors' Counsel recommends the family continue to work with the current family therapist, the minors to enroll and engage in individual therapy with Miles Montgomery, and if Mr. Montgomery is unable to provide therapeutic services, then each party to submit the names of three potential therapists and Minors' Counsel will select one, and there be an order for the minors' individual therapist to speak with the family therapist about

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 24, 2023

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

treatment goals, progress, the minors' needs, and any other topic they feel will assist reunification.

Parties are ordered to appear for the hearing.

**TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**