

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

12. AMY DIAZ V. WILLIAM MORSE

SFL20130165

Petitioner filed an Order Shortening Time (OST) and a Request for Order (RFO) on August 25, 2022, requesting modification of child custody and parenting time orders, as well as, a request for move away orders and an order to change the minor's school. On August 25, 2022, the court granted the OST setting the matter for a hearing on September 8, 2022. Petitioner was ordered to serve Respondent with the RFO on or before August 29, 2022 and Respondent was directed to file a Responsive Declaration on or before September 6, 2022.

Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO. Additionally, no Responsive Declaration has been filed by Respondent.

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

TENTATIVE RULING #12: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO LACK OF SERVICE.

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13. ANTONIO OLAEZ V. TANYA SARAIVIA

PFL20150664

Respondent filed a Request for Order (RFO) on June 24, 2022, requesting the court modify the child custody and parenting time orders and the court relieve Minors' Counsel and appoint new Minors' Counsel. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 22, 2022. Upon review of the court file, there is no Proof of Service showing either Petitioner or Minors' Counsel were served with the RFO.

On July 22, 2022, Petitioner appeared for the CCRC appointment. As such, a single parent report without agreements or recommendations was filed. A copy of the report was mailed to the parties on July 22, 2022.

Respondent was the moving party in this RFO and failed to appear at the CCRC appointment set at her request. No further CCRC appointments will be set in this matter for a minimum of six months. Further, should Respondent fail to appear at a future CCRC appointment for which she received proper notice, the court will consider imposing sanctions.

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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14. CAMERON BOWERS V. JESLYN BOWERS

PFL20130618

Petitioner filed a Request for Order (RFO) on June 23, 2022, requesting the court change the current orders for child custody and parenting time, as well as make orders finalizing the divorce. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 21, 2022. A Proof of Service was filed on July 19, 2022, stating Respondent was personally served a “CCRC form/Packet/Child Custody/Visitation/Divorce Papers/CCRC appointment date and time/Custody date and time/response page” on July 9, 2022 at her home in Sutter Creek, California.

On July 21, 2022, only Petitioner appeared for the CCRC appointment. As such, a single parent report with no agreements or recommendations was filed. A copy of the report was mailed to the parties on July 22, 2022.

Respondent filed a Responsive Declaration on August 17, 2022. Upon review of the court file, it is unclear whether Petitioner was served with the Responsive Declaration. A Proof of Service of Summons was filed on August 25, 2022, stating Petitioner was served with a Request for Order (FL-300_ and an attached declaration and exhibits A-E. This appears to the court to be the Responsive Declaration however, it remains unclear.

The court orders parties to appear for the hearing.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR.

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15. CARISSA MASTEN V. NICHOLAS WHITE

22FL0574

On July 19, 2022, Petitioner filed an Order to Show Cause (OSC) and Affidavit for Contempt alleging Respondent has violated the temporary domestic violence restraining order on multiple occasions. Respondent was personally served with the OSC on July 22, 2022.

Parties are ordered to appear for arraignment.

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

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16. COUNTY OF EL DORADO V. CODY HUIHUI (OTHER PARENT: YANALE COOK) PFS20190033

Respondent filed a Request for Order on June 24, 2022, requesting the court modify child custody and parenting time orders, and requesting court approval to relocate out of state. Parties were referred to Child custody Recommending Counseling (CCRC) for an appointment on July 22, 2022 and a review hearing on September 8, 2022. Upon review of the court file, there is no Proof of Service showing Other Parent or Petitioner were served with the RFO and the referral to CCRC.

Neither party appeared at the appointment for CCRC on July 22, 2022.

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

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

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17. JAMES WILLIAMS V. CHERYL LARSON-WILLIAMS

PFL20180828

On August 19, 2022, Petitioner filed an Order Shortening Time (OST) with a Request for Order (RFO) requesting the court appoint the clerk of the court to act as Elisor to sign the Judgement of Dissolution. On August 19, 2022 the court granted the OST and set the RFO for a hearing on September 8, 2022. Petitioner was ordered to serve Respondent on or before August 31, 2022. Respondent was directed to file a Responsive Declaration on or before September 6, 2022.

Respondent was served by mail on August 23, 2022.

Petitioner asserts Respondent has failed to sign the Judgement of Dissolution despite reaching a global settlement on June 14, 2021. A judgement packet was prepared along with an Amended Stipulation and filed with the court in December 2021. The court was unable to accept the judgment packet for processing as it needed the prior stipulation to have original or facsimile signatures of the parties. Petitioner's former counsel attempted to obtain Respondent's signature to no avail.

Respondent has not filed a Responsive Declaration.

The court grants Petitioner's request to appoint the clerk of the court as Elisor to sign the Judgement of Dissolution.

TENTATIVE RULING #17: THE COURT GRANTS PETITIONER'S REQUEST TO APPOINT THE CLERK OF THE COURT AS ELISOR TO SIGN THE JUDGEMENT OF DISSOLUTION.

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18. MARIA VARGAS COOK V. REILLY COOK

PFL20180521

Petitioner filed a Request for Order (RFO) on June 17, 2022 requesting the court modify child custody, parenting time, and order the family therapist write an opinion letter to be submitted on behalf of the Petitioner. Upon review of the court file there is no Proof of Service showing the RFO was served on Respondent or Minors' Counsel. Therefore, the court drops the matter from the calendar.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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19. SANDRA ECCLES V. ROBERT ECCLES

PFL20180341

Petitioner filed a Request for Order (RFO) on July 19, 2022 requesting the court make temporary spousal support orders. Petitioner concurrently filed her Income and Expense Declaration. Respondent was served by mail on August 10, 2022. Petitioner simultaneously requests the court order guideline and \$1,000 per month as spousal support. Petitioner asserts the parties had an agreement for Respondent to pay Petitioner \$1,000 per month for spousal support, however, Respondent has failed to do so. Petitioner requests the court make the payments effective January 1, 2019. Petitioner also requests the court award her one half of "New Century [sic] Air Systems" and Redline Heating and Air or \$100,000.

On August 19, 2022, Respondent filed a Responsive Declaration and Income and Expense Declaration. Petitioner was served by mail on August 22, 2022. Respondent requests the court deny Petitioner's request as she is currently cohabitating. Respondent further asserts the \$1,000 support agreement was when the parties' daughter was still a minor and in high school. Respondent requests the court's jurisdiction to award spousal support be terminated as to both parties. Respondent also requests the court consider Petitioner's partner's income.

Based on the July 19, 2022 filed Income and Expense Declaration, Petitioner has an average monthly income of \$5,407. She has deductions of \$356 per month for medical insurance.

Respondent has an average monthly income of \$5000, as well as a bonus. Respondent has a deduction of \$207 per month for property taxes.

Utilizing the above figures results in a guideline spousal support payment of \$0. See attached DissoMaster. Therefore, the court sets temporary spousal support at \$0.

The court notes the matter is currently set for trial on all issues, including spousal support on December 13, 2022. The court reserves jurisdiction to retroactively modify spousal support to the date of the filing of the RFO. Additionally, Petitioner's request for one half the businesses or \$100,000 is most appropriately handled at trial.

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

TENTATIVE RULING #19: THE COURT SETS TEMPORARY SPOUSAL SUPPORT AT \$0. THE COURT RESERVES JURISDICTION TO RETROACTIVE MODIFY SPOUSAL SUPPORT TO THE DATE OF THE FILING OF THE RFO. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO.:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR	DISSOMASTER REPORT 2022, Monthly	CASE NUMBER: PFL20180341

Input Data	Resp.	Pet.	Guideline (2022)	Cash Flow Analysis	Resp.	Pet.
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Resp.	4,119	Payment (cost)/benefit	0
Filing status	HH/MLA	<-MFS	Pet.	3,796	Net spendable income	4,119
# Federal exemptions	1*	1*	Total	7,915	% combined spendable	52%
Wages + salary	5,000	5,407	Support	Total taxes	881	1,255
401(k) employee contrib	0	0	El Dorado	# WHA	3	0
Self-employment income	0	0	Total	0	Net wage paycheck/mo	4,079
Other taxable income	0	0	Proposed, tactic 9	0	Comb. net spendable	7,915
Short-term cap. gains	0	0	El Dorado	0	Proposed	
Long-term cap. gains	0	0	Total	0	Payment (cost)/benefit	0
Other gains (and losses)	0	0	Savings	0	Net spendable income	4,119
Ordinary dividends	0	0	No releases	0	NSI change from gdl	0
Tax. interest received	0	0		0	% combined spendable	52%
Social Security received	0	0		0	% of saving over gdl	0%
Unemployment compensation	0	0		0	Total taxes	881
Operating losses	0	0		0	# WHA	3
Ca. operating loss adj.	0	0		0	Net wage paycheck/mo	4,079
Roy, partnerships, S corp, trusts	0	0		0	Comb. net spendable	7,915
Rental income	0	0		0	Percent change	0.0%
Misc ordinary tax. inc.	0	0		0	Default Case Settings	
Other nontaxable income	0	0				
New-spouse income	0	0				
Adj. to income (ATI)	0	0				
SS paid other marriage	0	0				
Ptr Support Pd. other P'ships	0	0				
CS paid other relationship	0	0				
Health ins(Pd by party)	0	356				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	207	0				
Other medical expenses	0	0				
Property tax expenses	207	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF,SSI and CS received	0	0				



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20. S. A. V. D. A.

22FL0105

Petitioner filed a Petition to Establish a Paternal Relationship on February 4, 2022. Respondent was served by mail on February 4, 2022, and again by Personal Service on July 11, 2022.

Petitioner filed a Request for Order (RFO) on June 22, 2022, requesting the court make child custody, parenting time, and child support orders. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 21, 2022. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO, referral to CCRC, or Income and Expense Declaration.

On July 21, 2022, only Petitioner appeared at the CCRC appointment. As such, a single parent CCRC report with no agreements or recommendations was filed. A copy of the report was mailed to the parties on July 22, 2022.

Respondent has not filed any responsive pleadings.

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

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.