

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

1. ALLISON MURBACH V. DENNY MURBACH

22FL0815

On January 19, 2023, Petitioner filed an RFO seeking to compel Respondent's Preliminary Declaration of Disclosure (PDD). The motion was granted, and Respondent was ordered to serve his PDD, along with a completed Income and Expense Declaration no later than April 10th. He was further ordered to pay sanctions in the amount of \$2,560 no later than April 1st. Having not received either, Petitioner sent a meet and confer letter on the issue. On April 14th he did receive an amended PDD, Schedule of Assets and Debts and an Income and Expense Declaration but there were only slight changes. As of April 1st, Petitioner had yet to receive the sanction payment. Given the ages of the parties, Petitioner argues this matter should be treated with urgency. On May 16, 2023 she filed a Request for Order (RFO) requesting the following: (1) The court strike Respondent's Response form and enter his default on every issue except the dissolution of marriage; (2) Grant Petitioner a voluntary waiver of the Respondent's Preliminary Declaration of Disclosure in accordance with Family Code § 2107(b)(3); (3) Set the matter for default trial and assign it prior setting in accordance with Civil Procedure Section 36; and (4) Order Respondent to pay \$7,500 in attorney's fees and/or sanctions within ten days of the date of the hearing in accordance with Family Code sections 2107 and 271.

The RFO came before the court for hearing on July 27th and both parties presented argument. The court ordered Respondent to provide Petitioner usernames and passwords to all community financial accounts, all financial statements for community accounts in Respondent's control, a list of all community accounts, and a statement under penalty of perjury that all information has been provided and nothing has been left out. Respondent was ordered to comply with the foregoing no later than August 28th and the hearing on the RFO was continued to the present date. The court reserved jurisdiction on the request for sanctions and the parties were ordered to file updated Income and Expense Declarations and Supplemental Declarations no later than 10 days prior to the hearing date.

Petitioner's Brief Regarding Respondent's Noncompliance with Prior Court Orders was filed and served on September 11th. Respondent has not filed a supplemental declaration and neither party has filed an updated Income and Expense Declaration.

According to Petitioner, Respondent has once again failed to comply with the court's orders. He has provided only piecemeal information as required by the court, but his responses remain woefully inadequate. Petitioner renews her request for the court to strike Respondent's response to the petition and enter his default, grant a voluntary waiver of his Preliminary Declaration of Disclosure, set the matter for default trial and order attorney's fees and sanctions in the amount of at least \$7,500.

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“The court may, upon a motion made pursuant to Section 435, or at any time in its discretion, and upon terms it deems proper: ¶ (a) Strike out any irrelevant, false, or improper matter inserted in any pleading. ¶ (b) Strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court.” Cal. Civ. Pro. § 436. “The grounds for a motion to strike shall appear on the face of the challenged pleading or from any matter of which the court is required to take judicial notice.” Cal. Civ. Pro. § 437(a). “A motion to strike, like a demurrer, challenges the legal sufficiency of the complaint's allegations, which are assumed to be true. [Citation].” Blakemore v. Sup. Ct., 129 Cal.App.4th 36, 53 (2005). Here, Petitioner has not established the requisite standard that the pleading itself fails to comply with the laws of the state or a court order or that it alleges any irrelevant, false or improper matter. As such, the request to strike is denied. With the request to strike denied, Petitioner’s request to set the matter for default trial is also denied. However, the court does find grounds to grant an evidentiary sanction pursuant to Family Code section 2107(b)(2).

Family Code section 2107(b)(2) states that where one party fails to comply with that party’s disclosure requirements, the complying party may “[f]ile a motion for an order preventing the noncomplying party from presenting evidence on issues that should have been covered in the declaration of disclosure.” Fam. Code § 2107(b)(2). The requesting party may also request an order granting that party’s voluntary waiver of receipt of the noncomplying party’s declarations of disclosure. Fam. Code § 2107(b)(3). Pursuant to Section 2107(c), where one party moves for compliance of the other party, “...the court *shall*...impose monetary sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and *shall* include reasonable attorney’s fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” Fam. Code § 2107(c).

As stated above, Respondent has repeatedly failed to comply with his duty to provide a full and accurate disclosure of all assets and liabilities. His actions fly in the face of not only Sections 2104 and 2105 which require such disclosures, but also his general fiduciary duty owed to Petitioner pursuant to Family Code section 2102. The court previously granted Petitioner’s Motion to Compel and Respondent still did not comply. Under these circumstances the court finds it appropriate to issue evidentiary sanctions against Respondent. Moving forward, Respondent is precluded from presenting evidence of any kind on the issues that should have been covered in his declarations of disclosure. The court further finds good cause to grant Petitioner’s voluntary waiver of Respondent’s Preliminary Declaration of Disclosure. Finally, in accordance with Section 2107(c), the court hereby awards Petitioner monetary sanctions. The court’s prior order for sanctions was clearly insufficient to deter such conduct moving forward, therefore Petitioner is awarded sanctions in the amount of \$5,120. This amount is to be paid in

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one lump sum no later than October 4th. Respondent is ordered to provide Petitioner with a declaration made under oath under penalty of perjury, as to the source of the money used to pay the sanctions.

The court reserves on Petitioner's request for sanctions pursuant to Family Code section 271.

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 #1: THE REQUEST TO STRIKE IS DENIED. WITH THE REQUEST TO STRIKE DENIED, PETITIONER'S REQUEST TO SET THE MATTER FOR DEFAULT TRIAL IS ALSO DENIED. PETITIONER'S REQUEST FOR EVIDENTIARY SANCTIONS IS GRANTED. RESPONDENT IS PRECLUDED FROM EVIDENCE OF ANY KIND ON THE ISSUES THAT SHOULD HAVE BEEN COVERED IN HIS DECLARATIONS OF DISCLOSURE. THE COURT FURTHER FINDS GOOD CAUSE TO GRANT PETITIONER'S VOLUNTARY WAIVER OF RESPONDENT'S PRELIMINARY DECLARATION OF DISCLOSURE. FINALLY, IN ACCORDANCE WITH SECTION 2107(C), THE COURT HEREBY AWARDS PETITIONER MONETARY SANCTIONS. THE COURT'S PRIOR ORDER FOR SANCTIONS WAS CLEARLY INSUFFICIENT TO DETER SUCH CONDUCT MOVING FORWARD, THEREFORE PETITIONER IS AWARDED SANCTIONS IN THE AMOUNT OF \$5,120. THIS AMOUNT IS TO BE PAID IN ONE LUMP SUM NO LATER THAN OCTOBER 4TH. RESPONDENT IS ORDERED TO PROVIDE PETITIONER WITH A DECLARATION MADE UNDER OATH UNDER PENALTY OF PERJURY, AS TO THE SOURCE OF THE MONEY USED TO PAY THE SANCTIONS. THE COURT RESERVES ON PETITIONER'S REQUEST FOR SANCTIONS PURSUANT TO FAMILY CODE SECTION 271.

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

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2. CHADRICK BAKER V. BRIDGET SOPER

23FL0523

Petitioner filed an ex parte application for emergency custody orders on June 9, 2023. On June 12, 2023, the court denied the ex parte request, but referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on August 3, 2023 and a review hearing on September 21, 2023. Petitioner filed a Request for Order (RFO) on June 12, 2023, making the same requests as set forth in the ex parte. Respondent was personally served with the RFO, as a part of the ex parte request on June 9, 2023. However, the court is unable to locate a Proof of Service showing Respondent was served with the ex parte orders after hearing and the referral to CCRC.

Respondent filed and was granted a Temporary Domestic Violence Restraining Order on June 9, 2023. That matter is currently pending trial on October 6 and 13, 2023.

Both parties appeared for CCRC on August 3, 2023. They were unable to reach any agreements. A report with recommendations was filed with the court on September 11, 2023. Copies were mailed to the parties on September 12, 2023.

Petitioner filed a request for a Domestic Violence Restraining Order. That request is set to be heard concurrently with Respondent's matter on October 6, 2023.

The court has read and considered the CCRC report. The court finds the recommendation to keep the current orders regarding child custody and parenting time in place pending the court's determination of the competing restraining orders to be in the minor's best interest. The court adopts that portion of the CCRC report. The court continues the request for child custody and parenting plan orders to join with the restraining order hearing set for October 6, 2023 at 1:30 in Department 5.

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

TENTATIVE RULING #2: THE COURT FINDS THE RECOMMENDATION TO KEEP THE CURRENT ORDERS REGARDING CHILD CUSTODY AND PARENTING TIME IN PLACE PENDING THE COURT'S DETERMINATION OF THE COMPETING RESTRAINING ORDERS TO BE IN THE MINOR'S BEST INTEREST. THE COURT ADOPTS THAT PORTION OF THE CCRC REPORT. THE COURT CONTINUES THE REQUEST FOR CHILD CUSTODY AND PARENTING PLAN ORDERS TO JOIN WITH THE RESTRAINING ORDER HEARING SET FOR OCTOBER 6, 2023 AT 1:30 IN DEPARTMENT 5. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY

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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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3. CLAIRE NIELSEN V. RICHARD PARADIS, JR.

22FL0711

Petitioner filed a Request for Order (RFO) on June 28, 2023, requesting child and spousal support, as well as attorney's fees, and bifurcation of marital status. Petitioner concurrently filed an Income and Expense Declaration (I&E). Respondent was served by mail on August 17, 2023.

Petitioner is requesting guideline child support based on the current time share of 50/50 and guideline temporary spousal support. She has attached a proposed and asks that these orders be effective the date of the filing of the Petition, pursuant to In re Marriage of Dick, 15 Cal. App. 4th 144 (1993). Petitioner is also requesting Respondent reinstate health care coverage for herself and the parties' minor daughter pending entry of Judgment. She asks for attorney's fees pursuant to Family Code section 2030, in the amount of \$5,495. Finally, Petitioner is requesting bifurcation of marital status.

Respondent has not filed a Responsive Declaration or an I&E.

As Respondent has failed to file a Responsive Declaration, the court finds Respondent to be in a position of default as to Petitioner's requests. The court, therefore, grants Petitioner's requests for guideline child and temporary spousal support per the proposed DissoMaster. The court denies Petitioner's request to make the order retroactive to the filing of the Petition for Dissolution but the orders will be retroactive to the filing of the RFO.

Utilizing Petitioner's June 28, 2023 filed I&E as well as the proposed DissoMaster, the court finds guideline child support to be \$1,953 per month. The court orders Respondent to pay Petitioner \$1,953 per month as and for child support effective July 1, 2023 and payable on the first of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$5,859 for the months of July through September inclusive. The court orders Respondent to pay Petitioner \$976.50 per month as and for child support arrears effective October 15, 2023 and due on the 15th of each month until paid in full. If there is any missed payment, the full amount is due with legal interest.

Utilizing the same figures and proposed DissoMaster, the court finds temporary guideline spousal support to be \$4,221 per month. The court orders Respondent to pay Petitioner \$4,221 per month as and for temporary guideline spousal support effective July 1, 2023 and due on the 1st of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$12,663 for the months of July through September inclusive. The court orders Respondent to pay Petitioner \$1,55.25 per

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month as and for spousal support arrears effective October 15, 2023 and due on the 15th of each month until paid in full. If there is any missed payment, the full amount is due with legal interest.

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). The award must be just and reasonable; in determining what is just and reasonable, the court can 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. 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). The court must consider the impact of the fee award on the payor taking into account any orders for support. In Re Marriage of Keech, *supra*, at 860.

First, the court must consider whether a disparity exists in ability to pay for, and access to funds to retain counsel. This requirement has been met. Respondent’s net spendable income exceeds that of Petitioner’s by over \$5,000 after the payment of support.

The court next turns to the issue of whether the fees and costs of maintaining or defending the proceeding are reasonably necessary. Here, Petitioner is requesting \$5,495 in fees and costs. Petitioner has obtained a default, and there have been no other hearings in this matter. The court finds this to have been a marriage of long duration. The court must also take into consideration the support orders made herein. When considering the award of support, Respondent’s ability to pay attorney’s fees is lessened, even more so when taking into consideration the court order for arrears.

For the foregoing reasons, the court grants Petitioner’s request for attorney’s fees. The court finds \$2,750 to be reasonable, and grants Petitioner’s request for attorney’s fees and costs in that amount. This amount is to be paid directly to counsel and may be paid in one lump sum or in monthly increments of \$275 due and payable on the 15th of each month until paid in full (approximately 10 months). If any payment is missed or late, the entire amount becomes immediately due and payable with legal interest.

Respondent is ordered to reinstate Petitioner and the parties’ minor daughter on his health insurance plan if he has not already done so, pending entry of Judgment.

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As to the bifurcation of marital status, the court finds that a default was entered as requested on March 14, 2023. Therefore, the court finds a bifurcation hearing to not be necessary. Petitioner is directed to file the Judgment accordingly.

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 #3: THE COURT GRANTS PETITIONER'S REQUESTS FOR GUIDELINE CHILD AND TEMPORARY SPOUSAL SUPPORT PER THE PROPOSED DISSOMASTER. THE COURT DENIES PETITIONER'S REQUEST TO MAKE THE ORDER RETROACTIVE TO THE FILING OF THE PETITION FOR DISSOLUTION BUT WILL MAKE THE ORDERS RETROACTIVE TO THE FILING OF THE RFO. THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$1,953 PER MONTH. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,953 PER MONTH AS AND FOR CHILD SUPPORT EFFECTIVE JULY 1, 2023 AND PAYABLE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$5,859 FOR THE MONTHS OF JULY THROUGH SEPTEMBER INCLUSIVE. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$976.50 PER MONTH AS AND FOR CHILD SUPPORT ARREARS EFFECTIVE OCTOBER 15, 2023 AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL. IF THERE IS ANY MISSED PAYMENT, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. THE COURT FINDS TEMPORARY GUIDELINE SPOUSAL SUPPORT TO BE \$4,221 PER MONTH. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$4,221 PER MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT EFFECTIVE JULY 1, 2023 AND DUE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$12,663 FOR THE MONTHS OF JULY THROUGH SEPTEMBER INCLUSIVE. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,55.25 PER MONTH AS AND FOR SPOUSAL SUPPORT ARREARS EFFECTIVE OCTOBER 15, 2023 AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL. IF THERE IS ANY MISSED PAYMENT, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. THE COURT GRANTS PETITIONER'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY FEES AND COSTS AND FINDS \$2,750 TO BE REASONABLE. THIS AMOUNT IS TO BE PAID DIRECTLY TO COUNSEL AND MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$275 DUE AND PAYABLE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT BECOMES IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. RESPONDENT IS ORDERED TO REINSTATE PETITIONER AND THE PARTIES' MINOR DAUGHTER ON HIS HEALTH INSURANCE PLAN IF HE HAS NOT ALREADY DONE SO, PENDING ENTRY OF JUDGMENT. AS TO THE BIFURCATION OF MARITAL STATUS, THE COURT FINDS THAT A DEFAULT WAS ENTERED AS REQUESTED ON MARCH 14, 2023. PETITIONER IS DIRECTED TO FILE HER JUDGMENT ACCORDINGLY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER

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REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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4. JENNIFER IOTA MARCOUX BARRY V. MARK DAVID BARRY

22FL0585

On January 12, 2023, the parties were referred to Child Custody Recommending Counseling (CCRC). A CCRC appointment was scheduled for March 9th and a review hearing was set for May 11th. At the May 11th hearing the parties presented the court with an agreed upon step up plan for Respondent's parenting time. The court adopted the step-up plan and set a review hearing for the present date.

On September 1st Respondent filed and served a series of three declarations regarding his attendance at AA meetings and Man Alive meetings. He then filed and served Respondent's Supplemental Declaration on September 7th. Petitioner's Supplemental Declaration was filed and served on September 12th.

According to Respondent, the court was incorrect in its May 11th tentative ruling which indicated that Petitioner has sole legal custody. He states that the Temporary Restraining Order filed on June 24, 2022 awarded the parties joint legal custody. Respondent asks that the court confirm joint legal custody.

In addition to his request regarding joint legal custody, Respondent requests the following orders: (1) Respondent's parenting time to be from Friday 5pm to Sunday 5pm on the first, second, fourth, and fifth weekend of every month; (2) Exchanges to occur in Modesto at a public location to which the parties agree; (3) Adopt the holiday schedule as previously recommended by CCRC; (4) Discontinue the order requiring Respondent to Soberlink test or, in the alternative, order Petitioner to pay the entire cost of testing and set a date certain end date within the next six months; (5) Phone calls Tuesday at 5pm, Thursday at 7pm and Friday at 6:30pm shall be conducted through Zoom or Signal; (6) Petitioner shall not end phone calls; and (7) Respondent to video call the minor C.B. at an agreed upon time for one hour to teach her math or C.B. to begin attending in person school.

Petitioner notes that since they last attended CCRC, Respondent has moved to Fresno. She requests a return to CCRC given the change in circumstances. Additionally, Petitioner makes the following requests: (1) Respondent's visitation to take place from 10am to 6pm on Saturday and on Sunday without overnight visits until he has 90 consecutive days of compliant Soberlink testing; (2) Visits to continue taking place in the greater El Dorado County area; (3) Exchanges to continue taking place at the El Dorado County Sheriff's Department; (4) Continued Soberlink testing; (5) If Respondent tests positive during a visit, the visit shall end and Petitioner shall pick up the children; (6) Phone contact shall continue to take place on Tuesday, Thursday and Friday at 7pm through Talking Parents; and (7) When overnight visits do commence, Petitioner to have phone contact with the children prior to going to bed on Friday night and at 7pm on Saturday night.

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The court has reviewed the filings of the parties as outlined above and recognizes that Respondent's move to Fresno does substantially change the circumstances for visitation. As such, the parties are referred to CCRC with an appointment on 11/15/2023 at 9:00 with Rebecca Nelson. A review hearing is set for 01/04/2024 at 8:30am in Department 5. Any supplemental declarations the parties wish to file shall be filed no later than 10 days prior to the hearing date.

TENTATIVE RULING #4: THE PARTIES ARE REFERRED TO CCRC WITH AN APPOINTMENT ON 11/15/2024 AT 9:00 AM WITH REBECCA NELSON. A REVIEW HEARING IS SET FOR 1/4/2024 AT 8:30AM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS THE PARTIES WISH TO FILE SHALL BE FILED NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

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5. MATTHEW TOOCH V. JENNIFER HOLLY

PFL20140486

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on February 14, 2023. It was personally served on Respondent on June 15th. The parties appeared for arraignment on July 13th and the court continued the matter to the present date for further arraignment.

On September 6th, Petitioner filed an Amended Order to Show Cause and Affidavit for Contempt (Amended OSC). However, the Amended OSC was served by mail and electronically; it was not personally served as required by Code of Civil Procedure sections 1015 and 1016 therefore the Amended OSC is dropped from calendar. The original OSC is still pending, and the parties are ordered to appear for further arraignment.

TENTATIVE RULING #5: THE AMENDED OSC IS DROPPED FROM CALENDAR. THE ORIGINAL OSC IS STILL PENDING AND THE PARTIES ARE ORDERED TO APPEAR FOR FURTHER ARRAIGNMENT.

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6. MICHAEL MARQUEZ V. TONYA MARQUEZ

23FL0679

Petitioner filed an ex parte application for emergency orders on July 27, 2023, requesting case consolidation, advancement of the August 18, 2023 hearing to August 11, 2023, a referral to Child Custody Recommending Counseling (CCRC), Petitioner to be granted access to the former marital home to collect belongings, as well as Respondent to provide Petitioner's birth certificate, passport, and social security card. On July 28, 2023, the court continued the August 11, 2023 hearing to August 18, 2023 and referred the parties to emergency set CCRC for an appointment on August 22, 2023. A review hearing was set for September 21, 2023. All other requests were denied on an ex parte basis. On July 28, 2023, Petitioner filed a Request for Order (RFO) making the same requests as set forth in the ex parte request. Respondent was served by mail on July 28, 2023.

On August 18, 2023, the court granted the request to consolidate case 23FL0658 and 23FL0679, with 23FL0679 being the lead case. The court also accepted the parties' stipulation regarding modification of the mutual restraining orders. The court set the mutual requests for Domestic Violence Restraining Orders for trial on October 31, 2023 and November 1, 2023.

Respondent filed a Responsive Declaration on September 7, 2023. Petitioner was served electronically on the same day. Respondent contends most of Petitioner's requests are now moot as the parties have met and conferred and have agreed to many of the requests. Petitioner makes additional requests in her declaration. Petitioner also raises the issue of a missing firearm.

Petitioner filed a Reply Declaration and Declaration of counsel on September 14, 2023. Respondent was served by mail on September 14, 2023. Petitioner disputes Respondent's assertion that unsupervised visits have taken place. Petitioner requests reimbursement for the professionally supervised visits that have taken place post negative alcohol test on August 28, 2023. Petitioner is also requesting attorney's fees as sanctions in the amount of \$1,062.50 for Respondent's failure to abide by the unsupervised visitation order. Petitioner states he is not in possession of the alleged missing firearm. Petitioner raises various other issues that have taken place since the August 18, 2023 hearing.

In Petitioner's counsel's Declaration, Counsel raises the various issues that have occurred with Respondent and her counsel since the August 18, 2023 hearing and the attempts to initiate the unsupervised visitation order.

Both parties attended CCRC on August 22, 2023. They were unable to reach any agreements. A report with recommendations was filed with the court on September 12, 2023. Copies were mailed to the parties on September 15, 2023.

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The court orders parties to appear for the hearing.

TENTATIVE RULING #6: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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7. SANDRA GRANADE V. TIMOTHY GRANADE

PFL20190133

On August 24, 2023, the parties appeared before the court to be heard on an Amended Order to Show Cause and Affidavit for Contempt (OSC) which was filed by Petitioner on May 2, 2023. The matter was continued to the present date at the request of Respondent's counsel. The parties are ordered to appear on the OSC.

In addition to the OSC, this matter is on calendar for review of Child Custody Recommending Counseling (CCRC). The parties were initially referred to CCRC in response to a Request for Order (RFO) filed by Petitioner on May 10th. The hearing on that RFO was held on June 8th and Petitioner's request for a CCRC appointment was granted. The parties were assigned an August 3rd CCRC appointment, and a review hearing was set for the present date.

The parties attended CCRC on August 3rd as scheduled and were able to reach a full agreement. A report codifying the agreement was prepared that day. However, after receiving the report, Petitioner filed and served Petitioner's Declaration Re: Child Custody Recommending Counseling Report and Supplemental Declaration on September 5th. On September 11th the Reply of Respondent Timothy Granade to Sandra Granade's Declaration Re CCRC was filed and served.

The CCRC report sets forth an agreed upon 2-2-3 parenting schedule. Petitioner maintains she only agreed to that schedule on the basis that Respondent would refrain from drinking alcohol during his parenting time. The intent behind the 2-2-3 was to shorten the duration of the visits from the week on/week off schedule because it would be easier for Respondent to abstain from drinking for the shorter duration. However, the night after the CCRC appointment was held both children report that Respondent was drinking and drove with one of the minors in the vehicle. Given Respondent's immediate failure to abide by the CCRC agreement, Petitioner no longer agrees to the 2-2-3 schedule. She makes the following requests: (1) Respondent to have alternating weekends with both minors; (2) Respondent ordered not to consume any alcohol during his parenting time and to test immediately after his parenting time. If he tests positive, Petitioner asks that Respondent not be allowed to exercise his next parenting time.

Respondent asks the court to adopt the agreements from CCRC without modification. He asserts Petitioner is lying and he requests sanctions against Petitioner pursuant to an evidentiary hearing.

The parties are ordered to appear to select trial dates on the issues of custody and sanctions.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

**TENTATIVE RULING #7: THE PARTIES ARE ORDERED TO APPEAR FOR HEARING ON THE OSC.
THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL DATES ON THE ISSUES OF CUSTODY
AND SANCTIONS.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

8. SARAH CRAIG V. RYAN CRAIG

PFL20170099

The parties came before the court for hearing on Petitioner's Temporary Restraining Order on July 14, 2021. At that time the court ordered, among other things, Respondent to have professionally supervised visitation once a week for 2 hours at a time. A review hearing was set for the present date to address the status of the visits.

Petitioner's Supplemental Declaration Regarding Updates as To Orders Related to Child Custody/Visitation was filed and served on September 5th. On September 8th Respondent filed a Declaration with an additional declaration attached which had been previously filed on June 13, 2023. There is no Proof of Service for these documents. However, Petitioner filed her Objection and Reply Declaration in Response to Respondent's Declaration thereby waiving any defect in service.

According to Petitioner, as of August 15th Respondent has only exercised a total of two visits each of which lasted only one hour. This is despite the fact that the court order would have allowed him 7 two-hour visits since the prior hearing. Petitioner states the visits that have caused the children stress and anxiety and she does not feel an increase in visitation would be in their best interest at this time. Additionally, she strongly opposes family therapy between Respondent and the children as she does not feel any of the children feel comfortable enough with Respondent to be honest with him in the room.

Respondent requests a "more normalized arrangement" for visitation given the financial and transportation difficulties he is having with the current order. He states his driver's license has been limited which makes it difficult to attend appointments. He requests non-supervised visitation with his proposed supervisors.

Petitioner objects to any affirmative requests made by Respondent as a violation of his status as a Vexatious Litigant. In that capacity, Petitioner argues, any requests made by Respondent must first be approved by the presiding judge. Additionally, according to Petitioner, the reason for Respondent's transportation difficulties is due to the Department of Child Support Services removing his license for non-payment of child support. Petitioner opposes the request for non-professionally supervised visits.

First, to address Petitioner's objection, the objection is overruled. Respondent's status as a Vexatious Litigant precludes him from filing any *new* "petition, application, or motion..." Cal. Civ. Pro. § 391.7. Here, Respondent is not initiating a new motion but instead making requests with regard to a matter that is already pending before the court. Precluding him from doing so would not be in keeping with the purpose of the Vexatious Litigant statutes which are intended to protect defendants from self-represented litigants who repeatedly *initiate* baseless lawsuits

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

and motions or attempt to relitigate issues that have already been decided against them. See Shalant v. Girardi, 51 Cal. 4th 1164 (2011).

While the objection is overruled, the court is in agreement with Petitioner that changing the orders at this time would not be in the best interest of the minors. The children still have had very little contact with Respondent and any significant change to the orders would likely be detrimental to them emotionally. That said, given the financial difficulty that Respondent claims to be having with supervised visits, Respondent may have the visits therapeutically supervised in hopes that insurance may assist with the payment.

In light of the foregoing, the court orders the current visitation schedule to remain in place. Visits are to be either professionally supervised or therapeutically supervised. Reunification therapy is not being ordered at this time. The court will review the issue at the trial currently set for November 15, 2023 at 8:30 in Department 5. If the parties wish to file supplemental declarations they are to do so at least 10 days prior to the hearing date.

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

TENTATIVE RULING #8: THE VISITATION SCHEDULE SHALL REMAIN AS IS. VISITS ARE TO BE EITHER PROFESSIONALLY SUPERVISED OR THERAPEUTICALLY SUPERVISED. REUNIFICATION THERAPY IS NOT BEING ORDERED AT THIS TIME. THE COURT WILL REVIEW THE ISSUE AT THE TRIAL CURRENTLY SET FOR NOVEMBER 15, 2023 AT 8:30 IN DEPARTMENT 5. IF THE PARTIES WISH TO FILE SUPPLEMENTAL DECLARATIONS THEY ARE TO DO SO AT LEAST 10 DAYS PRIOR TO THE HEARING DATE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

9. SNEHA ASIF ALI V. MIR MOHAMMED SHAHJAHAN ASIF ALI

22FL0956

This matter is on calendar for a review of Child Custody Recommending Counseling (CCRC); however, the parties filed a Stipulation and Order for Custody and/or Visitation of Children on August 4th. The court adopted the stipulation the same day. Given that the issues of custody and visitation have been resolved, this matter is dropped from calendar.

TENTATIVE RULING #9: THE MATTER IS DROPPED FROM CALENDAR.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

10. SVETLANA PROTSYUK V. OLEG PROTSYUK

23FL0358

Respondent filed a Request for Order (RFO) on May 15, 2023, requesting the court make orders as to custody, parenting time, the sale of the family residence located at 4818 Crestline Drive, Placerville, CA, and for Respondent to have access to the residence to retrieve personal property, maintain the home, remove vehicles, as well as complete other tasks. Respondent is also requesting Petitioner provide keys for all vehicles, equipment, and the residence to Respondent. The parties were referred to Child Custody Recommending Counseling (CCRC) on July 13, 2023 and a review hearing was set for August 31, 2023. Petitioner was served by mail on May 30, 2023.

Petitioner filed an RFO on June 23, 2023, requesting the court make orders as to child and spousal support as well as a request for property control of the Crestline Drive property, with Respondent to continue to pay the mortgage and home equity line of credit payment. Petitioner concurrently filed an Income and Expense Declaration (I&E). Respondent was served electronically on July 14, 2023. The RFO was set to be heard on September 21, 2023.

On July 21, 2023, Petitioner filed a Request to Continue Respondent's RFO to be heard concurrently with Petitioner's RFO on September 21, 2023 due to her counsel's unavailability and in the interest of judicial economy. The court granted the request and continued Respondent's RFO to join with Petitioner's RFO set on September 21, 2023.

Only Petitioner appeared for the CCRC appointment on July 31, 2023. As such a single parent report was filed with the court on August 10, 2023. Copies were mailed to the parties on August 14, 2023.

Petitioner filed a Responsive Declaration on August 22, 2023. Respondent was electronically served on August 22, 2023. Petitioner objects to an equal custody schedule, as Respondent resides in South Carolina, and a shared schedule would be impossible. Petitioner agrees to reasonable parenting time in California as well as, the minors traveling to South Carolina if they are willing to do so. Petitioner objects to the sale of the residence. Petitioner asserts there are other homes the parties own which could be sold first, rather than disrupting the minors' home. Petitioner asserts she has been maintaining the mortgage and equity line payments. Petitioner also asserts she has provided Respondent all of the requested items and all of his personal items. Petitioner requests attorney's fees, however, does not state upon which basis she is making the request or in what amount.

Respondent filed and served a Declaration on September 14, 2023. Respondent asserts Petitioner has not allowed him reasonable visitation while in California. Respondent also asserts Petitioner has failed to report all income.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

Respondent has not filed a Responsive Declaration or an I&E.

The court grants Respondent's request for joint legal custody. The court denies Respondent's request for joint physical custody. The court finds it would be impracticable to share physical custody with Respondent residing in South Carolina. Petitioner shall have primary physical custody. Respondent shall have reasonable visitation with the minors when he is in California. The court notes Respondent failed to appear for the CCRC appointment that was set at his behest. The court is not inclined to rerefer the parties at this time.

Respondent's request to sell the former marital residence is denied without prejudice. The parties have not yet reached a final division of their marital property and Respondent has not provided a sufficient justification to sell the residence pendente lite.

Parties are to meet and confer regarding any additional personal property items Respondent has yet to retrieve from the former marital residence.

The court grants Petitioner's request for exclusive use and control of the Crestline Drive property.

As to Petitioner's request for child and spousal support, the court finds Respondent has failed to file an I&E. Therefore, the court is utilizing Petitioner's estimated past income for purposes of calculating child and temporary guideline support.

Utilizing Petitioner's June 23, 2023 filed I&E, the court finds guideline child support to be \$3,225 per month. (See attached DissoMaster) The court orders Respondent to pay Petitioner \$3,225 per month as and for child support effective July 1, 2023 and payable on the first of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$9,675 for the months of July through September inclusive. The court orders Respondent to pay Petitioner \$1,612.50 per month as and for child support arrears effective October 15, 2023 and due on the 15th of each month until paid in full. If any payment is missed or late, the full amount is due with legal interest.

Utilizing the same figures, the court finds temporary guideline spousal support to be \$2,145 per month. (See attached DissoMaster) The court orders Respondent to pay Petitioner \$2,145 a month as and for temporary guideline spousal support effective July 1, 2023 and due on the 1st of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$6,435 for the months of July through September inclusive. The court orders Respondent to pay Petitioner \$1,072.50 per month as and for spousal support arrears effective October 15, 2023 and due on the 15th of

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

each month until paid in full. If any payment is missed or late, the full amount is due with legal interest.

The court orders Petitioner to be responsible for the mortgage payment on the Crestline Drive property, subject to reallocation. Respondent shall be responsible for any payment due on the equity line of credit for post-separation withdrawal.

The court infers Petitioner's request for attorney's fees is made pursuant to Family Code section 271 and therefore the court reserves jurisdiction on this request to the time of 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 #10: THE COURT GRANTS RESPONDENT'S REQUEST FOR JOINT LEGAL CUSTODY. THE COURT DENIES RESPONDENT'S REQUEST FOR JOINT PHYSICAL CUSTODY. THE COURT FINDS IT WOULD BE IMPRACTICABLE TO SHARE PHYSICAL CUSTODY WITH RESPONDENT RESIDING IN SOUTH CAROLINA. PETITIONER SHALL HAVE PRIMARY PHYSICAL CUSTODY. RESPONDENT SHALL HAVE REASONABLE VISITATION WITH THE MINORS WHEN HE IS IN CALIFORNIA. THE COURT NOTES RESPONDENT FAILED TO APPEAR FOR THE CCRC APPOINTMENT THAT WAS SET AT HIS BEHEST. THE COURT IS NOT INCLINED TO REREFER THE PARTIES AT THIS TIME. RESPONDENT'S REQUEST TO SELL THE FORMER MARITAL RESIDENCE IS DENIED WITHOUT PREJUDICE. THE PARTIES HAVE NOT YET REACHED A FINAL DIVISION OF THEIR MARITAL PROPERTY AND RESPONDENT HAS NOT PROVIDED A SUFFICIENT JUSTIFICATION TO SELL THE RESIDENCE PENDENTE LITE. PARTIES ARE TO MEET AND CONFER REGARDING ANY ADDITIONAL PERSONAL PROPERTY ITEMS RESPONDENT HAS YET TO RETRIEVE FROM THE FORMER MARITAL RESIDENCE. THE COURT GRANTS PETITIONER'S REQUEST FOR EXCLUSIVE USE AND CONTROL OF THE CRESTLINE DRIVE PROPERTY. UTILIZING PETITIONERS JUNE 23, 2023 FILED I&E, THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$3,225 PER MONTH. (SEE ATTACHED DISSOMASTER) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$3,225 PER MONTH AS AND FOR CHILD SUPPORT EFFECTIVE JULY 1, 2023 AND PAYABLE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$9,675 FOR THE MONTHS OF JULY THROUGH SEPTEMBER INCLUSIVE. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,612.50 PER MONTH AS AND FOR CHILD SUPPORT ARREARS EFFECTIVE OCTOBER 15, 2023 AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL. IF AY PAYMENT IS MISSED OR LATE, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. UTILIZING THE SAME FIGURES, THE COURT FINDS TEMPORARY GUIDELINE SPOUSAL SUPPORT TO BE \$2,145 PER MONTH. (SEE ATTACHED DISSOMASTER) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$2, 145 A MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT EFFECTIVE JULY 1, 2023 AND DUE ON THE 1ST OF

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$6,435 FOR THE MONTHS OF JULY THROUGH SEPTEMBER INCLUSIVE. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,072.50 PER MONTH AS AND FOR SPOUSAL SUPPORT ARREARS EFFECTIVE OCTOBER 15, 2023 AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL. IF ANY PAYMENT IS MISSED OR LATE, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. THE COURT ORDERS PETITIONER SHALL BE RESPONSIBLE FOR THE MORTGAGE PAYMENT ON THE CRESTLINE DRIVE PROPERTY, SUBJECT TO REALLOCATION. RESPONDENT SHALL BE RESPONSIBLE FOR ANY PAYMENT DUE ON THE EQUITY LINE OF CREDIT FOR POST SEPARATION WITHDRAWAL. THE COURT RESERVES ON PETITIONER'S REQUEST FOR ATTORNEY'S FEES TO THE TIME OF 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.

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

Input Data	Responden	Petitioner	Guideline (2023)	Cash Flow Analysis	Responden	Petitioner
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Respondent	11,284	Payment (cost)/benefit	(5,369) 5,369
Filing status	MFJ->	<-MFJ	Petitioner	2,367	Net spendable income	5,915 7,736
# Federal exemptions	1*	3*	Total	13,651	% combined spendable	43.3% 56.7%
Wages + salary	15,000	3,158	Support (Nondeductible)	Total taxes	3,716	791
401(k) employee contrib	0	100	CS Payor	Responden	Comb. net spendable	13,651
Self-employment income	0	0		t	Proposed	
Other taxable income	0	0	Presumed	3,225	Payment (cost)/benefit	(5,369) 5,369
Short-term cap. gains	0	0	Basic CS	3,225	Net spendable income	5,915 7,736
Long-term cap. gains	0	0	Add-ons	0	NSI change from gdl	0 0
Other gains (and losses)	0	0	Presumed Per Kid		% combined spendable	43.3% 56.7%
Ordinary dividends	0	0	Child 1	1,230	% of saving over gdl	0% 0%
Tax. interest received	0	0	Child 2	1,995	Total taxes	3,716 791
Social Security received	0	0	SS Payor	Responden	Comb. net spendable	13,651
Unemployment compensation	0	0		t	Percent change	0.0%
Operating losses	0	0	Alameda	2,145		
Ca. operating loss adj.	0	0	Total	5,370	Default Case Settings	
Roy, partnerships, S corp, trusts	0	0	Proposed, tactic 9			
Rental income	0	0	CS Payor	Responden		
Misc ordinary tax. inc.	0	0		t		
Other nontaxable income	0	0	Presumed	3,225		
New-spouse income	0	0	Basic CS	3,225		
SS paid other marriage	0	0	Add-ons	0		
CS paid other relationship	0	0	Presumed Per Kid			
Adj. to income (ATI)	0	0	Child 1	1,230		
Ptr Support Pd. other P'ships	0	0	Child 2	1,995		
Health insurance	0	0	SS Payor	Responden		
Qual. Bus. Inc. Ded.	0	0		t		
Itemized deductions	0	2,768	Alameda	2,145		
Other medical expenses	0	0	Total	5,370		
Property tax expenses	0	2,768	Savings	0		
Ded. interest expense	0	0	No releases			
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

11. TRAVIS KENNEDY V. JESSI ANNE CONNORS

22FL1174

On March 15, 2023, Petitioner filed a Request for Order (RFO) seeking various orders regarding the parties' minor children. Petitioner's Declaration in Support of Petitioner's Request for Order for Child Custody and Visitation and Petitioner's Income and Expense Declaration were filed concurrently therewith. All documents were mail served on March 24th. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 13th, and a hearing on the RFO was set for the present date.

Respondent has not filed a Responsive Declaration to Request for Order. Nonetheless, Petitioner filed and served his Supplemental Declaration in Support of Petitioner's Request for Order for Child Custody and Visitation on May 31, 2023.

Petitioner brings this RFO requesting the following orders: (1) Joint legal custody of the three minor children; (2) Joint physical custody of the three minor children, with custody to be shared on an alternating week basis; (3) Exchanges to occur each Sunday morning at 9:00 a.m. at Arcade Church located at 3927 Marconi Ave., Sacramento, CA 095821; (4) Shared holiday schedule as proposed in Petitioner's FL-341 and two weeks of vacation time per year; and (5) Modification of child support orders based upon the increased timeshare and full-time wages imputed to Respondent. According to Petitioner, there are no child custody orders in place at this time. Informally, Petitioner has seen the children every other weekend.

The parties attended CCRC as scheduled and were able to reach agreements on custody, visitation, holidays, phone calls, vacations, respect guidelines, co-parenting counseling and individual counseling, as well as additional agreements regarding religious and extracurricular activities. The agreements have been memorialized in the CCRC report dated April 13, 2023.

Petitioner asks the court to adopt the agreements as stated in the CCRC report with the following exceptions: (1) Petitioner to have parenting time every Tuesday and Thursday from after school until 7:30. The court presumes this request is being made in addition to the weekend visits established in the CCRC report; (2) Petitioner to have phone calls with the children every Monday and Wednesday; (3) The parties alternate custody on a week on, week off schedule during the children's summer break from school with exchanges every Friday at 5:00 pm; (4) Respondent also be ordered to attend individual therapy; (5) The parties mutually select a co-parenting counselor. Petitioner to provide a list of three to five names to Respondent within two weeks, after which Respondent shall select one name from the list within two weeks; (6) The parties share equally in the cost of co-parenting counseling; (7) Any extracurricular activities that the children are enrolled in shall be mutually agreed upon if they interfere with the other parent's custody time.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

On June 8, 2023, the parties appeared for the hearing on the RFO. The court ordered the parties to use a week on/week off timeshare starting July 3, 2023 and concluding when the minors returned to school. The court rereferred the parties to CCRC and authorized the CCRC counselor to interview the minors should it be deemed necessary. The court set a further review hearing for September 21, 2023, to address the return from CCRC and the child support request. The court ordered parties to file updated Income and Expense Declarations at least 10 days prior to the hearing and reserved jurisdiction to retroactively modify support to the date of the filing of the RFO.

Parties attended CCRC on August 3, 2023 and reached a full agreement. A report was filed with the court on August 3, 2023 and mailed to the parties on August 4, 2023.

The court has read and considered the agreements of the parties and finds them to be in the best interests of the minors. The court adopts the agreements of the parties as its orders.

Petitioner filed an updated Income and Expense Declaration on September 11, 2023. Respondent was served by mail on September 11, 2023.

Respondent has again failed to file an Income and Expense Declaration.

The court finds there is a Department of Child Support case involving these parties, case number 22FL1174. The court further finds Petitioner has failed to serve the Department of Child Support Services. Further, any requests for modification of child support should be filed in the child support case. Therefore, the court drops the request to modify child support as it was not filed in the proper case and the Department of Child Support services was not properly noticed.

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 #11: THE COURT FINDS THE AGREEMENTS OF THE PARTIES AS SET FORTH IN THE AUGUST 3, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS OF THE PARTIES AS ITS ORDERS. THE COURT FINDS THERE IS A DEPARTMENT OF CHILD SUPPORT CASE INVOLVING THESE PARTIES, CASE NUMBER 22FL1174. THE COURT FURTHER FINDS PETITIONER HAS FAILED TO SERVE THE DEPARTMENT OF CHILD SUPPORT SERVICES. FURTHER, ANY REQUESTS FOR MODIFICATION OF CHILD SUPPORT SHOULD BE FILED IN THE CHILD SUPPORT CASE. THEREFORE, THE COURT DROPS THE REQUEST TO MODIFY CHILD SUPPORT AS IT WAS NOT FILED IN THE PROPER CASE AND THE DEPARTMENT OF CHILD SUPPORT SERVICES WAS NOT PROPERLY NOTICED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

12. BEAU GRIFFIN V. HANNAH GRIFFIN

PFL20200103

On June 29, 2023, the court adopted its tentative ruling. Respondent subsequently filed a Request for Order (RFO) on July 14, 2023. Proof of Service shows Petitioner was served by mail with address verification on the same day as filing. The court notes this is Respondent's second RFO filed since the court's ruling on March 30, 2023 and this request is nearly identical to the prior two requests. As this request was filed within 30 days of the court's prior ruling, the court deems it to be a motion for reconsideration.

Respondent asserts she has maintained her sobriety, and that upon completion of an Alcohol and Other Drug Assessment (AOD), she was deemed to not require inpatient treatment. Respondent has provided proof of her enrollment and participation in individual counseling. Respondent is requesting the court order a step-up plan.

On September 6, 2023. Respondent filed a Declaration with a Proof of Completion of Outpatient Treatment services on August 22, 2023 as well as additional drug test results. Petitioner was served by mail on September 5, 2023.

Petitioner filed and served a Responsive Declaration on September 8, 2023. Petitioner objects to the requested modification. Petitioner requests the current orders remain in full force and effect.

Respondent filed and served an additional Declaration with attachments on September 14, 2023.

The court has read and considered the filings as outlined above. The court finds Respondent has presented new and different information, which was not available on June 29, 2023, namely that she has completed Outpatient treatment services. The court further finds, Respondent has completed an AOD which has determined outpatient treatment is the appropriate level of care required. Respondent has provided proof of a signed release for Petitioner to receive copies of her drug test results. Respondent has also provided proof of enrollment and participation in individual counseling. The court therefore grants Respondent's request in part. The court modifies its prior order for Respondent to participate in a 90-120 day residential treatment program. The court finds Respondent has completed the outpatient treatment program as recommended by the May 25, 2023 AOD. The remaining orders remain in full force and effect. Respondent shall continue to participate in individual counseling as recommended by the therapist and shall continue to participate in after care as recommended by Recovery in Action. The step-up plan shall continue as previously ordered.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

TENTATIVE RULING #12: THE COURT FINDS RESPONDENT HAS PRESENTED NEW AND DIFFERENT INFORMATION, WHICH WAS NOT AVAILABLE ON JUNE 29, 2023, NAMELY THAT SHE HAS COMPLETED OUTPATIENT TREATMENT SERVICES. THE COURT FURTHER FINDS, RESPONDENT HAS COMPLETED AN AOD WHICH HAS DETERMINED OUTPATIENT TREATMENT IS THE APPROPRIATE LEVEL OF CARE REQUIRED. RESPONDENT HAS PROVIDED PROOF OF A SIGNED RELEASE FOR PETITIONER TO RECEIVE COPIES OF HER DRUG TEST RESULTS. RESPONDENT HAS ALSO PROVIDED PROOF OF ENROLLMENT AND PARTICIPATION IN INDIVIDUAL COUNSELING. THE COURT THEREFORE GRANTS RESPONDENT'S REQUEST IN PART. THE COURT MODIFIES ITS PRIOR ORDER FOR RESPONDENT TO PARTICIPATE IN A 90–120-DAY RESIDENTIAL TREATMENT PROGRAM. THE COURT FINDS RESPONDENT HAS COMPLETED THE OUTPATIENT TREATMENT PROGRAM AS RECOMMENDED BY THE MAY 25, 2023 AOD. THE REMAINING ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL CONTINUE TO PARTICIPATE IN INDIVIDUAL COUNSELING AS RECOMMENDED BY THE THERAPIST AND SHALL CONTINUE TO PARTICIPATE IN AFTER CARE AS RECOMMENDED BY RECOVERY IN ACTION. THE STEP-UP PLAN SHALL CONTINUE AS PREVIOUSLY ORDERED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

13. BRANDI CLARK V. DANIEL CLARK

PFL20170895

Respondent filed a Request for Order (RFO) on July 31, 2023, following the court's denial of his requested ex parte emergency orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 29, 2023 and a review hearing on September 21, 2023. Upon review of the court file, there is no Proof of Service showing Petitioner was served with a copy of the RFO or referral to CCRC.

Nevertheless, both parties appeared at the CCRC appointment on August 29, 2023. The parties were unable to reach any agreements. A report with recommendations was filed with the court on September 15, 2023. Copies were mailed to the parties on September 18, 2023.

Petitioner filed a Responsive Declaration to the ex parte request for order on July 31, 2023. There is no Proof of Service for this document and therefore the court cannot consider it.

It does appear Petitioner was served with the ex parte request for order, which the court notes is identical to the RFO filed on July 31, 2023. Therefore, the court finds good cause to proceed with the matter, as it appears Petitioner does have notice of Respondent's requests and Petitioner appeared at the CCRC appointment.

The court has read and considered the CCRC report and finds the recommendation to be in the best interest of the minors. The court adopts the recommendation to maintain all current orders in full force and effect. The court denies the request for an Evidence Code section 730 evaluation. The court further finds Respondent's request to modify child support was not properly served on the Department of Child Support Services, which is a party to this case. Therefore, the court drops that portion of the RFO from calendar. The court notes there was a hearing on July 24, 2023 regarding child support. The court maintains those orders.

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

**TENTATIVE RULING #13: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.
RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

14. DAVID CARDINALLI V. KATHLEEN CARDINALLI

23FL0528

Respondent filed a Request for Order (RFO) on August 3, 2023, requesting to quash the Petition and Summons filed by Petitioner on June 9, 2023. Petitioner was served by mail on August 7, 2023. Respondent asserts Petitioner should not have been permitted to file a Petition for Dissolution as the parties are already involved in a dissolution proceeding in case number PFL20080541. The Petition for Dissolution in that matter was filed on August 12, 2008. It was served and the court acquired jurisdiction on August 16, 2008. The court has entered child support and spousal support orders in this matter on October 2, 2008. Default was entered on October 2, 2008. Respondent requests the court, therefore, quash the Petition for Dissolution filed on June 9, 2023.

Petitioner filed a Responsive Declaration on September 13, 2023. Respondent was served by mail on September 12, 2023. Petitioner states case PFL20080541 should have been dismissed previously pursuant to Code of Civil Procedure section 583.310, failure to bring the matter to trial within five years. Petitioner asserts he wants to resolve the dissolution which has gone on too long.

The court has read and considered the filings as outlined above. The court grants Respondent's request to quash the Petition for Dissolution filed on June 9, 2023. Case 23FL0528 is dismissed. The matter will proceed in the original case PFL20080541. Respondent is admonished to resolve the outstanding issues in the original case in a timely manner.

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

TENTATIVE RULING #14: THE COURT GRANTS RESPONDENT'S REQUEST TO QUASH THE PETITION FOR DISSOLUTION FILED ON JUNE 9, 2023. CASE 23FL0528 IS DISMISSED. THE MATTER WILL PROCEED IN THE ORIGINAL CASE PFL20080541. RESPONDENT IS ADMONISHED TO RESOLVE THE OUTSTANDING ISSUES IN THE ORIGINAL CASE IN A TIMELY MANNER. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

15. DUSTY SIMMONS V. ERIN SIMMONDS

23FL0201

Petitioner filed a Request for Order (RFO) on July 20, 2023, requesting spousal support as well as an order compelling Respondent to provide her Preliminary Declaration of Disclosure. Petitioner filed an Income and Expense Declaration (I&E) on July 21, 2023. Respondent was served on August 2, 2023. Petitioner requests \$1,000 per month as temporary spousal support. Petitioner asserts he moved out of the former marital home on May 5, 2023. Petitioner also asserts Respondent has failed to file the Preliminary Declaration of Disclosure as required.

Respondent filed a Responsive Declaration and I&E on August 31, 2023. Petitioner was served by mail on September 6, 2023. Respondent objects to the requested temporary support and proposes a lesser amount. Respondent asserts Petitioner has not declared all available income. Respondent also asserts her intention to file the Preliminary Declaration of Disclosure prior to the hearing.

The court notes Respondent filed a Declaration of service of the Preliminary Declaration of Disclosure on August 31, 2023. The Proof of Service indicates Petitioner was served on August 30, 2023. The court, therefore, finds Petitioner's motion to compel to be moot.

Utilizing each party's respective I&E as noted above, the court finds guideline temporary spousal support to be \$324 per month payable from Respondent to Petitioner. (See attached DissoMaster) The court orders Respondent to pay Petitioner \$324 per month effective August 1, 2023 and payable on the first of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$648 for the months of August and September inclusive. The court orders Respondent to pay Petitioner \$81 per month as and for arrears effective October 15, 2023 and payable on the 15th of each month until paid in full (approximately eight months). If any payment is missed or late, the full amount is due with legal interest.

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

TENTATIVE RULING #15: THE COURT FINDS PETITIONER'S MOTION TO COMPEL TO BE MOOT. THE COURT FINDS GUIDELINE TEMPORARY SPOUSAL SUPPORT TO BE \$324 PER MONTH PAYABLE FROM RESPONDENT TO PETITIONER. (SEE ATTACHED DISSOMASTER) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$324 PER MONTH EFFECTIVE AUGUST 1, 2023 AND PAYABLE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$81 PER MONTH AS AND FOR ARREARS EFFECTIVE OCTOBER 15, 2023 AND PAYABLE ON THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY EIGHT MONTHS). IF THERE IS ANY MISSED OR LATE PAYMENT, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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

Input Data	Husband	Wife	Guideline (2023)	Cash Flow Analysis	Husband	Wife
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Husband	361 Payment (cost)/benefit	324	(324)
Filing status	MFJ->	<-MFJ	Wife	1,262 Net spendable income	685	938
# Federal exemptions	1*	1*	Total	1,623 % combined spendable	42.2%	57.8%
Wages + salary	0	0	Support (Nondeductible)	Total taxes	54	188
401(k) employee contrib	0	0	SS Payor	Wife Comb. net spendable	1,623	
Self-employment income	415	1,450	El Dorado	324 Proposed		
Other taxable income	0	0	Total	324 Payment (cost)/benefit	324	(324)
Short-term cap. gains	0	0	Proposed, tactic 9	Net spendable income	685	938
Long-term cap. gains	0	0	SS Payor	Wife NSI change from gdl	0	0
Other gains (and losses)	0	0	El Dorado	324 % combined spendable	42.2%	57.8%
Ordinary dividends	0	0	Total	324 % of saving over gdl	0%	0%
Tax. interest received	0	0	Savings	0 Total taxes	54	188
Social Security received	0	0	No releases	Comb. net spendable	1,623	
Unemployment compensation	0	0		Percent change	0.0%	
Operating losses	0	0		Default Case Settings		
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	0				
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	0	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

16. KATHLEEN CARDINALLI V. DAVID CARDINALLI

PFL20080541

On August 3, 2023, Petitioner filed a Request for Order (RFO) requesting the court relieve Brad Clark as her attorney of record. Respondent was served by mail on August 7, 2023. Petitioner asserts she has been trying to enter Judgment in this case since 2014, however, she was formerly represented by attorney Brad Clark. Petitioner asserts Mr. Clark relocated to Tennessee and did not substitute out of the case. Petitioner has worked with the Family Law Facilitator to obtain a substitution of attorney from Mr. Clark, who indicated a willingness to sign. However, to date, Petitioner has not received the document from Mr. Clark. Therefore, Petitioner requests Mr. Clark be relieved of his position by order of the court.

Respondent has not filed a Responsive Declaration.

The court finds good cause to proceed with the matter, although Petitioner did not serve Mr. Clark. The court finds Mr. Clark has abandoned this case and has frustrated Petitioner's ability to enter the Judgment in this matter. The court grants Petitioner's request. Mr. Clark is hereby relieved.

All prior orders not in conflict with this order remain in full force and effect. Petitioner is encouraged to continue to work with the Family Law Facilitator to enter the Judgment in a timely fashion. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #16: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE MATTER, ALTHOUGH PETITIONER DID NOT SERVE MR. CLARK. THE COURT FINDS MR. CLARK HAS ABANDONED THIS CASE AND HAS FRUSTRATED PETITIONER'S ABILITY TO ENTER THE JUDGMENT IN THIS MATTER. THE COURT GRANTS PETITIONER'S REQUEST. MR. CLARK IS HEREBY RELIEVED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS ENCOURAGED TO CONTINUE TO WORK WITH THE FAMILY LAW FACILITATOR TO ENTER THE JUDGMENT IN A TIMELY FASHION. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

17. KAYLIE WOLFORD V. MATTHEW WOLFORD

23FL0832

Petitioner filed an ex parte motion for emergency orders on August 29, 2023, requesting the court order temporary spousal support in the amount of \$1,500 per month. Petitioner included an Income and Expense Declaration (I&E) as a part of her ex parte documents. On August 30, 2023, the court denied the ex parte request, but granted an Order Shortening Time and set the matter for a hearing on September 21, 2023. The court ordered Petitioner to serve Respondent on or before August 31, 2023. The court granted Respondent until September 14th to file a Responsive Declaration. Respondent was served by mail on August 31, 2023.

Respondent filed an I&E on September 13, 2023. There is no Proof of Service for this Document, therefore, the court cannot consider it.

The court orders parties to appear for the hearing.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

18. KIRK BARTH V. CANDACE BARTH

PFL20180841

Petitioner filed a Request for Order (RFO) on July 13, 2023, requesting modification of child custody. Petitioner filed a Proof of Service on July 18, 2023, stating Hillary Johnson was personally served with the FL-300 on July 14, 2023. The court notes the Proof of Service is signed by Hillary Johnson.

The court drops the matter from calendar due to lack of proper service. The court cannot find Respondent was properly served with the RFO and other necessary documents.

TENTATIVE RULING #18: 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

September 21, 2023

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

19. LAUREN BERG V. JUSTIN APPLGARTH

23FL0119

Petitioner filed a request for an Order Shortening Time (OST) and Request for Order (RFO) on August 4, 2023, requesting child custody and parenting plan orders. The court granted the OST and set a hearing for September 21, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 29, 2023. Respondent was personally served on August 4, 2023. Petitioner requests the court grant her sole legal and physical custody with reasonable parenting time to Respondent. Petitioner asserts Respondent has unreasonably withheld the minor from her.

Both parties attended the CCRC appointment and were able to reach some agreements. A report with agreements and recommendations was filed with the court on September 14, 2023. A copy was mailed to the parties on September 15, 2023.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations and agreements as set forth in the September 14, 2023 CCRC report to be in the best interest of the minor. The court adopts the recommendations and agreements as its order.

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 FINDS THE RECOMMENDATIONS AND AGREEMENTS AS SET FORTH IN THE SEPTEMBER 14, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AND AGREEMENTS AS ITS ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 21, 2023

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

20. RONNIE WEIDT V. CHRISTINA VONESSACOS

PFL20200637

Respondent filed a Request for Order (RFO) on June 5, 2023, requesting a modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 31, 2023 and a review hearing on September 21, 2023. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO and referral to CCRC.

Neither party appeared at the CCRC appointment.

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.

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

September 21, 2023

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

21. ADAM MINOR V. MELINA SCHIFF

23FL0434

On May 12, 2023, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was personally served on May 18th. An amended RFO was filed and served on July 13th. Respondent filed and served her Responsive Declaration to Request for Order on August 29th. Petitioner's Reply Declaration was filed and served on September 6th.

Petitioner brings his RFO requesting the following: (1) He be granted sole physical custody of the minor child with professionally supervised visitation to Respondent; (2) He be granted sole legal custody; (3) All visitation to occur in El Dorado County; and (4) Petitioner to enroll in drug abuse counseling.

The parties attended Child Custody Recommending Counseling (CCRC) on July 26th. A report was prepared the same day enumerating several agreements reached by the parties.

Respondent states she did not understand the terms of the agreement reached by the parties in CCRC. Instead, she requests the following: (1) Deny Petitioner's request for sole legal and sole physical custody; (2) Award sole legal and sole physical custody to Respondent; (3) Order parenting time to Petitioner on the 1st, 3rd, and 5th weekends of the month from Friday at 9:00 p.m. until Sunday at 5:00 p.m.; (4) Prohibit Petitioner from taking the minor to his home; (5) Order exchange location to be at the midway point between the parties' homes at north side of the Davis Police Department located at 2600 Fifth Street in Davis; (5) Order each party to complete Forensic Substance Abuse Evaluations with Colleen Moore DeVere with each party to bear their own costs; (6) Order each party to follow the recommendations of Ms. Moore DeVere; and (7) Set a review hearing.

On September 14, 2023, the parties and counsel appeared on Respondent's request for oral argument. Respondent's counsel requested the matter be continued due to her illness. The court granted the request to continue and set the matter for a further hearing on September 21, 2023 at 1:30 pm.

The court orders parties to appear for the hearing.

TENTATIVE RULING #21: THE COURT ORDERS PARTIES TO APPEAR FOR THE HEARING.