

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**1. BECKY SUTTON V. DONALD SUTTON**

**PFL20060639**

On July 20, 2023, Respondent filed a Request for Order (RFO) requesting spousal and child support orders. He filed his Income and Expense Declaration concurrently therewith. Both documents were personally served on August 8<sup>th</sup> and mail served on August 15<sup>th</sup>. Petitioner filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on September 6th, however there is no Proof of Service evidencing the service of these documents on Respondent. As such, the court has not read or considered them.

The parties are ordered to appear for hearing.

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

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

**2. CURTIS CHRISTENSEN V. GINA CHRISTENSEN**

**PFL20170845**

Petitioner filed a Request for Order (RFO) and an Income and Expense Declaration on June 13, 2023. On August 11<sup>th</sup>, Petitioner filed and served an updated Income and Expense Declaration. Respondent filed both her Responsive Declaration to Request for Order and her Income and Expense Declaration on September 14, 2023.

The parties attended Child Custody Recommending Counseling (CCRC) on August 14, 2023. A report was prepared and mailed to the parties on September 18<sup>th</sup>. The Reply Declaration of Petitioner Curtis Christensen and another Income and Expense Declaration were filed and served on September 19<sup>th</sup>.

Petitioner files his RFO requesting sole legal and sole physical custody of the parties' two minor children. He asks that Respondent only be allowed professionally supervised visitation within 60 miles of the children's residence and daily recorded and supervised video calls. He asks that Respondent be restricted from providing the children with cellular or internet devices and to preclude unsupervised communication between Respondent and the children. Petitioner would like authorization to acquire new telephone numbers and cell phones for the children. Petitioner further requests the children be ordered to individual therapy and Donelle Anderson be appointed as the family therapist with both parties to split the costs of therapy equally. He further requests Respondent be ordered to attend co-parenting classes and/or counseling.

In addition to the custody and visitation orders, Petitioner is also requesting attorney's fees and costs in the amount of \$9,000. The requested amount accounts for \$6,000 in costs and fees which he has already paid and an additional \$3,000 which he expects to incur. He also requests an additional \$5,000 as and for sanctions in hopes of deterring Respondent's noncompliance with court orders.

Respondent objects to all of the requested orders. She notes the divide in the relationship between the children and Petitioner and does not feel sole legal and physical custody to Petitioner would be in the children's best interests. She further objects to changing the children's therapists as they have already cultivated a relationship with their current therapist. She states that she has already taken co-parenting classes. Respondent requests she be awarded full legal custody of both children and that visits with Petitioner be at the discretion of the children. The children are 15 and 13 years of age and Respondent feels this is old enough for them to make their own decisions regarding whether or not to attend visits with Petitioner.

As noted above, the parties attended CCRC on September 18<sup>th</sup> but were unable to reach any agreements. The CCRC counselor provided recommendations on all custody and visitation issues.

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Petitioner responded to the CCRC report and requested the court order Respondent to move back to El Dorado County or, in the alternative, give him custody since he lives in El Dorado County. He further notes that Respondent included a copy of the prior CCRC report as Exhibit H to her Responsive Declaration. He requests she be disciplined for doing so.

Respondent is ordered to pay sanctions in the amount of \$250 for her inclusion of the confidential CCRC report as an exhibit to her Responsive Declaration. Payment is to be made to the court either in one lump sum or in monthly increments of \$50 due and payable on the 1<sup>st</sup> of each month commencing on October 1<sup>st</sup> and continuing until paid in full (approximately 5 months). If any payment is missed or late, the entire amount shall become immediately due and payable. The clerk is directed to strike the CCRC report from the Responsive Declaration.

The court has reviewed the filings as stated above and it appears additional information is necessary for the court to determine the best interests of the minors. The parties are re-referred to CCRC with an appointment on 11/20/2023 at 9:00 AM with Norman Labat. The CCRC counselor is directed to interview the minors regarding visitation with Petitioner and their reasons for not attending visits. The matter is set for a review hearing on 1/11/2024 at 8:30am in Department 5.

**TENTATIVE RULING #2: THE PARTIES ARE RE-REFERRED TO CCRC WITH AN APPOINTMENT ON 11/20/2023 AT 9:00 AM WITH NORMAN LABAT. THE CCRC COUNSELOR IS DIRECTED TO INTERVIEW THE MINORS REGARDING VISITATION WITH PETITIONER AND THEIR REASONS FOR NOT ATTENDING VISITS. THE MATTER IS SET FOR A REVIEW HEARING ON 1/11/2024 AT 8:30AM IN DEPARTMENT 5. RESPONDENT IS ORDERED TO PAY SANCTIONS IN THE AMOUNT OF \$250. PAYMENT IS TO BE MADE TO THE COURT EITHER IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$50 DUE AND PAYABLE ON THE 1<sup>ST</sup> OF EACH MONTH COMMENCING ON OCTOBER 1<sup>ST</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 5 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE. THE CLERK IS DIRECTED TO STRIKE THE CCRC REPORT FROM THE RESPONSIVE DECLARATION.**

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

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**3. DEBRA STANLEY V. ROBERT STANLEY**

**PFL20210202**

The parties appeared before the court on August 17<sup>th</sup> for a long cause hearing on the issues of custody, visitation, and sanctions. At that time the court declined to remove the minors from Petitioner's custody, but Petitioner was admonished that failure to ensure visits occurred would result in the minors being removed from her custody. The court authorized Respondent to have unsupervised visits for up to 8 hours per visit, with input from Ms. Wolfe. The court reserved jurisdiction on all requests for Family Code section 271 sanctions.

On September 13<sup>th</sup> Respondent's Supplemental Declaration Re: Child Custody and Visitation as well as various declarations from Kristy Stanley and Stephanie Gregory were filed and served. Minor Counsel's Statement of Issues and Contentions and Request for Orders was filed and served on September 18<sup>th</sup>. Petitioner has not filed a supplemental declaration.

Respondent reiterates his request for sole legal and sole physical custody of the minors. In the alternative, he requests unsupervised overnight visits or, if the court feels supervision is necessary, he requests supervised overnight visits to take place at the paternal grandmother's home. Respondent states the visits with the children have been going well and the length of the visits have been slowly increasing. However, Respondent remains concerned that Petitioner is not fostering the relationship between him and the children.

Minor's Counsel shares in Respondent's concerns. While Petitioner is being less blatant about her alienation of the children, Minor's Counsel has reasons to believe it is still occurring as enumerated in her brief. Minor's Counsel makes the following requests: (1) Respondent's visits to be unsupervised; (2) Tracy Stanley-Sibyan or Kristi Stanley to be given temporary legal and physical custody of the minor children; (3) Respondent to have visitation one week on Sunday from 10 a.m. to 6 p.m. and on the following week from Friday after school until Saturday at 6 p.m. On days when school is in session, Respondent may pick the children up directly from school; (4) A review hearing set in 60-90 days to determine the progress each parent has made and determine whether either parent is ready to take custody.

While the court is extremely concerned that Petitioner continues to alienate the children against their father, there does appear to be significant progress between the children and Respondent. As such, removing the children from Petitioner's custody is not necessary at this time; However, Petitioner is once again admonished regarding her discussion of custody and visitation with Respondent and her failure to support and foster the relationship between the children and Respondent. Petitioner remains on notice that the court is seriously considering removing the children from her custody should she fail to comply with all the court orders. This includes not only complying with the visitation schedule but the respect guidelines that have been ordered as well. This includes not discussing matters of custody or visitation with or around the children and not speaking poorly of Respondent to or around the children.

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In light of the progress made between Respondent and the children, the court does find that progression to unsupervised overnight visits is in the best interest of the children. The children are to continue residing primarily with Petitioner. The parties are to follow an alternating schedule as follows – On week one, Respondent shall have unsupervised visitation on Sunday from 10 a.m. to 6 p.m. and on week two Respondent shall have unsupervised visitation from Friday after school until Saturday at 6 p.m. This schedule is to commence on Sunday October 1<sup>st</sup> with the week one schedule and alternate weekly moving forward. On days when school is in session, Respondent may pick the children up directly from school. A review hearing is set for 12/7/2023 at 8:30 a.m. in Department 5 to determine whether an additional increase in custody is warranted and to address Petitioner's continued compliance with all court orders and whether or not removal from her custody is necessary. The court continues to reserve jurisdiction on both parties' request for Family Code section 271 sanctions.

**TENTATIVE RULING #3: THE PARTIES ARE TO FOLLOW AN ALTERNATING SCHEDULE AS FOLLOWS – ON WEEK ONE, RESPONDENT SHALL HAVE UNSUPERVISED VISITATION ON SUNDAY FROM 10 A.M. TO 6 P.M. AND ON WEEK TWO RESPONDENT SHALL HAVE UNSUPERVISED VISITATION FROM FRIDAY AFTER SCHOOL UNTIL SATURDAY AT 6 P.M. THIS SCHEDULE IS TO COMMENCE ON SUNDAY OCTOBER 1<sup>ST</sup> WITH THE WEEK ONE SCHEDULE AND ALTERNATE WEEKLY MOVING FORWARD. ON DAYS WHEN SCHOOL IS IN SESSION, RESPONDENT MAY PICK THE CHILDREN UP DIRECTLY FROM SCHOOL. A REVIEW HEARING IS SET FOR 12/07/2023 AT 8:30 A.M. IN DEPARTMENT 5 TO DETERMINE WHETHER AN ADDITIONAL INCREASE IN CUSTODY IS WARRANTED AND TO ADDRESS PETITIONER'S CONTINUED COMPLIANCE WITH ALL COURT ORDERS AND WHETHER OR NOT REMOVAL FROM HER CUSTODY IS NECESSARY. THE COURT CONTINUES TO RESERVE JURISDICTION ON BOTH PARTIES' REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**4. GABRIELA PERIRA-NIERI V. EUGENE NIERI**

**PFL20200120**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on February 16, 2023. Petitioner asserts Respondent has violated support and property division orders. Respondent was personally served on March 17, 2023.

Petitioner filed an additional Declaration regarding the OSC on May 5<sup>th</sup>, however, there was no Proof of Service and as such the court did not read or consider it.

The parties appeared for hearing on May 18<sup>th</sup> and Respondent was referred to the Public Defender's Office. The parties again appeared for hearing on July 27<sup>th</sup> at which time Respondent's counsel requested a continuance. The request was granted, and the matter was continued to the present date.

**TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

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

**5. GREGG SIMON V. JILLIAN RUSSELL**

**PFL20210663**

Respondent filed a Request for Order (RFO) on July 10, 2023, requesting the following: (1) Attorney's fees and costs in the amount of \$2,065.65 pursuant to Family Code sections 271 and 2107(c), Code of Civil Procedure § 2023.030, and California Rule of Court rules 3.148 and 3.178. No fees are requested pursuant to Section 2030; (2) Sanctions in the amount of \$500 pursuant to Family Code section 271; and (3) Grant Respondent's request to waive receipt of Petitioner's Preliminary and Final Declarations of Disclosure.

According to Respondent, her Preliminary and Final Disclosures were filed on April 13, 2023 which were served upon Petitioner. Petitioner has failed to produce his disclosures. Petitioner was also served Form Interrogatories seeking the same or similar information that would have been included in his disclosures, though no response has been received. Subsequent requests for Petitioner's Preliminary Disclosures have been unsuccessful. Respondent is under the belief that he will never file his disclosures and is therefore requesting the court waive receipt of his Preliminary and Final Disclosures. A Declaration of Attorney Re: Attorney Fees was attached to the RFO. A Proof of Service by Mail was filed on August 18, 2023.

Respondent filed an Updating Declaration on September 18, 2023 in which she confirmed Petitioner's service address and notified the court still she had not yet received Petitioner's disclosures. Respondent also filed an Income and Expense Declaration and Proof of Electronic Service for both documents on the same date.

Petitioner has not filed a Responsive Declaration nor an Income and Expense Declaration.

Family Code section 2104 imposes on each party the obligation of making preliminary and final disclosure of assets within the timeframe specified. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion requesting the court find good cause to grant the complying party's voluntary waiver of receipt of the disclosures and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). "...[T]he court *shall*...impose monetary sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and *shall* include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c).

Sanctions are also mandatory where one party engages in the misuse of the discovery process. Cal. Code Civ. Pro. § 2023.030. Misuse of the discovery process includes, but is not limited to, failing to respond or submit to an authorized method of discovery, such as form interrogatories. Cal. Civ. Pro. § 2023.010.

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Finally, the court may award attorney's fees and sanctions pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a).

Here, Respondent has more than sufficiently established that attorney's fees and sanctions are warranted under all of the aforementioned statutory mechanisms. Petitioner has failed to provide his disclosures and failed to respond to formal discovery requests, both of which he is also required to do. And in failing to comply with his obligations in the present matter, he has engaged in conduct that is uncooperative and caused Respondent to incur unnecessary costs and fees. Petitioner has provided no explanation for his actions and therefore the court cannot find that he has acted with substantial justification. In light of the foregoing, Petitioner is ordered to pay Respondent's counsel \$2,065.65 as and for attorney's fees. Payment may be made in one lump sum or in monthly increments of \$688.55 due on the 1<sup>st</sup> of each month commencing on October 1, 2023 and continuing until paid in full (approximately 3 months). Should any payment be missed or late the entire amount shall become immediately due and payable. The court reserves on Respondent's request for additional sanctions pursuant to Family Code section 271, though Petitioner is admonished that his continued failure to comply with his legal obligations will likely result in the award of the aforementioned sanctions.

In addition to the foregoing, the court finds good cause to grant Respondent's voluntary waiver of Petitioner's preliminary and final declarations of disclosure. Respondent has timely served her disclosures and provided the court with documentation thereof. She has made an attempt to obtain the same information by way of Form Interrogatories and still has received no response. Given Petitioner's total failure to participate in proceedings in any way, including filing a response to the present RFO, the court finds good cause to allow Respondent to voluntarily waive Petitioner's preliminary and final declarations of disclosure.

**TENTATIVE RULING #5: PETITIONER IS ORDERED TO PAY RESPONDENT'S COUNSEL \$2,065.65 AS AND FOR ATTORNEY'S FEES. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$688.55 DUE ON THE 1<sup>ST</sup> OF EACH MONTH COMMENCING ON OCTOBER 1, 2023 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 3 MONTHS). SHOULD ANY PAYMENT BE MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE. THE COURT RESERVES ON RESPONDENT'S REQUEST FOR ADDITIONAL SANCTIONS PURSUANT TO FAMILY CODE SECTION 271, THOUGH PETITIONER IS ADMONISHED THAT HIS CONTINUED FAILURE TO COMPLY WITH HIS LEGAL OBLIGATIONS WILL LIKELY RESULT IN THE AWARD OF THE AFOREMENTIONED SANCTIONS. THE COURT FINDS GOOD CAUSE TO GRANT RESPONDENT'S VOLUNTARY WAIVER OF**



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**PETITIONER'S PRELIMINARY AND FINAL DECLARATIONS OF DISCLOSURE. 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.**

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**6. JAMES WILLIS V. CHARLOTTE WILLIS**

**PFL20170040**

On July 21, 2023, Respondent filed a Request for Order (RFO) seeking various orders regarding custody and visitation. The RFO was not served until August 24<sup>th</sup>. Respondent then filed an additional declaration on September 14<sup>th</sup>, it was served on the 15<sup>th</sup>. Petitioner filed a series of four declarations on September 15<sup>th</sup>. The Proof of Service indicates they were served on August 15<sup>th</sup>.

Respondent brings her RFO requesting the following orders: (1) Set aside the court's orders from June 2023; (2) Return to a 2/2/3 schedule plus Monday-Friday 7:30am-5:30pm with Respondent which would allow Respondent to have full responsibility of homeschooling the minor; (3) Petitioner to share in the formal homeschooling duties of the minor for the 2023/2024 school year only after both parties have completed the previously ordered co-parent counseling; (4) Parenting time to be calculated based on actual hours the minor spends with each parent; (5) Past childcare and medical costs for the minor not to be taken into consideration, medical and counseling costs beginning June 15, 2023 to be split equally between the parties; and (6) Balance of equalization obligation to be \$5,200 with Petitioner ordered to resume equalization payments of \$600 per month. In Respondent's Reply Declaration she amends this request asking the court to order the equalization payment balance to be adjusted to \$23,800. She further makes an additional request of reimbursement for childcare costs in the amount of \$8,603.

Petitioner objects to the requested orders and asks that Respondent's RFO be denied in its entirety given that Respondent failed to timely file a Responsive Declaration to Request for Order prior to the June 14<sup>th</sup> hearing and she failed to call and request a hearing to oppose the June 14<sup>th</sup> tentative ruling. He also notes that both parties were present at CCRC to discuss custody and visitation and no change of circumstances has occurred since that time which would warrant such a change. He further objects to Respondent's request to be paid for childcare as it was not raised in her moving papers. Finally, Petitioner requests \$3,000 in attorney's fees and sanctions for having to respond to the present motion which he argues is meritless.

Petitioner's objection to the requested childcare costs is well founded. While relief related to the orders requested in the moving papers may be requested in supplemental or responsive declarations "...unrelated relief must be sought by scheduling a separate hearing using *Request for Order* (form FL-300)..." Cal. Rule Ct. § 5.92(g)(2). Here, Respondent's moving papers do not ask that she be paid for her time spent providing care to the minor therefore, making the request in her supplemental declaration is procedurally improper and must be denied.

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Likewise, Respondent's request to set aside the June 14<sup>th</sup> order is also denied. Respondent asks that the court's prior orders be "set aside" therefore it is presumed that her motion is being brought pursuant to Civil Procedure section 473(b) which states, "[t]he court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." Cal. Civ. Pro. § 473(b). In ruling on such matters, a pro per is held to the same standard as a practicing attorney. Goodson v. Bogerts, Inc., 252 Cal. App. 2d 32, 40 (1967) ("One who voluntarily represents himself is not, for that reason, entitled to any more (or less) consideration than a lawyer. Thus, any alleged ignorance of legal matters or failure to properly represent himself can hardly constitute 'mistake, inadvertence, surprise, or excusable neglect' as those terms are used in section 473").

Respondent has not established surprise, mistake, or excusable neglect which would be grounds to set aside the June orders. While Respondent is self-represented, she is held to the same standard as an attorney and is therefore, required to familiarize herself with the state and local rules regarding timely filings and procedures for requesting oral argument. For these reasons, Respondent's RFO is denied. All prior orders remain in full force and effect.

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

The court finds that sanctions against Respondent are not warranted at this time. It does not appear that Respondent filed her RFO solely for the intention of increasing the cost of litigation or to frustrate the policy of the law to promote settlement. As such, Petitioner's request for attorney's fees and sanctions is denied.

**TENTATIVE RULING #: 6: RESPONDENT'S REQUEST TO BE PAID FOR CHILDCARE IN THE AMOUNT OF \$8,603 IS DENIED AS IS HAS NOT BEEN PROPERLY BROUGHT BEFORE THE COURT. THE REMAINING REQUESTS IN RESPONDENT'S RFO ARE DENIED AS RESPONDENT HAS FAILED TO ESTABLISH SURPRISE, MISTAKE OR EXCUSABLE NEGLIGENCE SUFFICIENT TO WARRANT OVERTURNING THE COURT'S PRIOR ORDERS. PETITIONER'S REQUEST FOR ATTORNEY'S FEES**

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**AND SANCTIONS IS DENIED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**7. JOHN THOMPSON V. SUSAN THOMPSON**

**PFL20160743**

On July 14, 2023, Petitioner filed a Request for Order (RFO) seeking to compel Respondent to sign the judgment forms. The RFO was mail served on August 22<sup>nd</sup>. Respondent has not filed a Responsive Declaration to Request for Order.

According to Petitioner, as of November 28, 2022, the court made orders regarding the proceeds from the sale of the marital residence. Respondent's attorney agreed to hold the funds in a trust account until both parties executed the final judgment forms. The forms were drafted, all parties signed, and the funds were dispersed, though Petitioner did not receive copies of the executed judgment forms. Petitioner now requests the court compel either Respondent or Respondent's attorney to provide Petitioner with the executed judgment forms or grant Petitioner leave to file the judgment forms without Respondent's signature.

It appears from the court's file that Respondent did attempt to file the Judgment paperwork, but the documents were returned unfiled because they were labeled as Respondent filing pro per though the court's records indicate that Respondent is still represented by Mr. Moran.

Given that the proceeds of the sale were released to the parties and given that Respondent attempted to file the judgment documents it does appear that the documents have been completed and signed. Respondent is ordered to have her attorney file the subject judgment documents, or, in the alternative, Respondent is ordered to file a substitution of attorney form informing the court that she is now acting pro per. Thereafter, Respondent is ordered to file the executed judgment forms no later than October 26, 2023.

**TENTATIVE RULING #7: RESPONDENT IS ORDERED TO HAVE HER ATTORNEY FILE THE SUBJECT JUDGMENT DOCUMENTS OR, IN THE ALTERNATIVE, RESPONDENT IS ORDERED TO FILE A SUBSTITUTION OF ATTORNEY FORM INFORMING THE COURT THAT SHE IS NOW ACTING PRO PER. THEREAFTER, RESPONDENT IS ORDERED TO FILE THE EXECUTED JUDGMENT FORMS NO LATER THAN OCTOBER 26, 2023. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

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**9. JOSEPH CARLISLE V. GINA CARLISLE**

**PFL20170803**

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 7, 2022, alleging 12 counts of contempt. Petitioner was personally served on November 14, 2022.

Parties were ordered to appear for arraignment on January 26, 2023. At the hearing the court appointed the Public Defender and continued the matter to March 30, 2023 to allow Respondent an opportunity to meet with counsel.

The parties were ordered to appear for arraignment on March 30<sup>th</sup>, however, Petitioner did not appear. Both parties requested a continuance.

**TENTATIVE RULING #9: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

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**10. LUCIO QUINTERO V. MARIAH QUINTERO**

**PFL2021018**

On August 4, 2023, Petitioner filed and served a Request for Order (RFO) seeking custody and visitation orders. On September 5<sup>th</sup> Petitioner filed a Declaration of Lucio and Elizabeth Quintero Re Visitation. The declaration was mail served on September 8<sup>th</sup>.

Petitioner filed his RFO requesting sole legal and physical custody of the parties' two minor children. He requests Respondent have only supervised visits twice per week. He states he is concerned for the safety of the children due to Respondent's alleged mental health issues.

The parties attended Child Custody Recommending Counseling (CCRC) on September 5<sup>th</sup> and were able to reach a full agreement on all custody and visitation matters. A report was prepared the same day codifying the agreements of the parties.

The court has reviewed the filings of the parties as well as the agreements as stated in the CCRC report. The court finds the agreements contained in the CCRC report to be in the best interest of the minors and therefore adopts them as the orders of the court. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #10: THE COURT ADOPTS THE AGREEMENTS CONTAINED IN THE SEPTEMBER 5, 2023 CCRC REPORT AS THE ORDERS OF THE COURT. 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 28, 2023

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

**11. LUKE GADOW V. BRITTANY GADOW**

**23FL0468**

On June 16, 2023, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders as well as various other enumerated orders. The RFO, along with all other required documents were mail served on July 24<sup>th</sup>. Respondent filed and served her Responsive Declaration to Request for Order on September 7<sup>th</sup>.

On July 27<sup>th</sup> Respondent filed an RFO of her own requesting child support, spousal support and attorney's fees. She filed her Income and Expense Declaration (I&E) on August 16<sup>th</sup>. The RFO and I&E were mail served on August 18<sup>th</sup>. Petitioner filed his Responsive Declaration to Request for Order on August 31<sup>st</sup>. He filed his I&E on September 5<sup>th</sup>. Respondent's Reply to Petitioner's Responsive Declaration was filed and served on September 7<sup>th</sup>.

*Custody and Visitation*

Petitioner brings his RFO requesting the following orders: (1) Joint legal custody; (2) Joint physical custody based on either a 2-2-5-5 or a 2-2-3 schedule; (3) A holiday schedule which equally splits major holidays; (4) A vacation schedule; (5) An order directing the parties not to discuss court matters in front of the children; (6) An order directing the parties not to disparage one another in front of the children or to allow others to do so; and (7) An order directing the parties not to argue or discuss the divorce in the presence of the children.

On August 29<sup>th</sup> the parties filed a Stipulation and Order re: Out of State Travel and Other which included a stipulation of the parties to share joint legal and joint physical custody with the parties to agree on a parenting plan at a later date. Prior to filing the stipulation, the parties attended Child Custody Recommending Counseling (CCRC) on August 11<sup>th</sup> and did reach agreements on all custody and visitation issues. The agreements of the parties are codified in the August 11, 2023 CCRC report.

The court has reviewed the agreements reached by parties in CCRC and finds them to be in the best interests of the minors. Therefore, the agreements of the parties as stated in the August 11, 2023 CCRC report are hereby adopted as the orders of the court. The court further orders the following: (1) Neither party shall make disparaging remarks about the other in the children's presence or within their earshot; (2) Parties shall ensure that extended family, relatives, friends or significant others do not make disparaging remarks about the parents in the children's presence or within their earshot; (3) Neither party shall discuss custody issues with the children; and (4) Parties shall ensure that third parties do not discuss custody issues with the children.

*Support*



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Respondent filed her RFO requesting guideline child and spousal support based on a 60%/40% timeshare. She states that Petitioner earns significantly more money than she does and as of the date of filing her RFO, Respondent states that Petitioner has not paid any support.

Petitioner does not object to guideline support although he does request Respondent undergo a vocational evaluation and be ordered to seek work. Petitioner is agreeable to paying for the vocational evaluation.

Petitioner also notes that the parties are residing together, and he asks that support not commence until after the parties are living separately. For the time being, Petitioner states he pays for the mortgage, daycare, car payments, health insurance, groceries, and other daily expenses. He does request that the parties be ordered to split all out-of-pocket expenses equally and share the costs of daycare and the children's agreed-upon extracurricular activities.

Respondent argues she is currently working to the best of her ability given the young ages of the children. Further, she asks that support payments begin immediately, otherwise she will not be able to afford to move out of the marital residence.

According to the agreements reached by the parties in CCRC, Petitioner is to have the children every Friday at 12:30 through Monday at 8:30 a.m. This works out to a timeshare of 43%. Utilizing a timeshare of 43/57, the court finds that child support is \$1,583 per month and spousal support per the Alameda formula is \$898 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$2,481 per month as and for temporary spousal support and child support, payable on the 1st of the month until further order of the court or legal termination.

The court has equitable power to deny enforcement of a support order when equity requires it. Jackson v. Jackson, 51 Cal. App. 3d 363 (1975). In keeping with California's equitable approach to support orders, courts have found that in home support during a period of living together can constitute support sufficient to act as a credit against the amount owed in monetary terms. Helgestad v. Vargas, 231 Cal. App. 4<sup>th</sup> 719, 735 (2014). Under this approach, the payor has the burden to show actual support has occurred. *Id.*

Here, Petitioner maintains, and Respondent has not disputed, the fact that since separation, Petitioner has continued to pay the entirety of the mortgage, daycare, car payments, health insurance, and groceries. The court finds it would be inequitable to make an order of arrears when Petitioner has effectively been paying to support Respondent and the children to date. That said, the court recognizes Respondent's inability to obtain separate housing moving forward without the requested support orders. Therefore, the court orders the temporary spousal support and child support effective October 1, 2023. Commencing that date,

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

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the parties are ordered to split all out-of-pocket expenses equally including the costs of daycare and the children's agreed-upon extracurricular activities.

Family Code section 3900 codifies the general obligation of both parties to support their minor children. However, given the young age of the children and the fact that Respondent is currently working part-time the court is not inclined to issue a seek work order or a vocational rehabilitation assessment at this time. These requests are therefore denied without prejudice.

*Attorney's Fees*

Respondent is requesting attorney's fees in the amount of \$10,000 pursuant to Family Code section 2030. Petitioner objects to the request for attorney's fees and argues the amount of \$10,000 is outrageous given the simplicity of the case.

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. 4<sup>th</sup> 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. 4<sup>th</sup> 238,251(2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Here, there is a significant disparity in monthly income between Petitioner's average income of \$11,841 per month, and Respondent's \$1,587. However, the support orders made herein act to significantly decrease that disparity moving forward. Further, Respondent has not established sufficient grounds for her requested \$10,000 in attorney's fees and costs where there has been no indication that this matter will be particularly difficult or time consuming. As such, the court awards Respondent \$5,000 as and for attorney's fees to be paid directly to Respondent's attorney. This amount may be paid in one lump sum or in monthly increments of \$500 due and payable on the 15<sup>th</sup> of each month commencing on October 15<sup>th</sup> and continuing until paid in full (approximately 10 months). If any payment is missed or late the entire amount shall become immediately due and payable.

**TENTATIVE RULING #11: THE AGREEMENTS OF THE PARTIES AS STATED IN THE AUGUST 11, 2023 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE COURT FURTHER ORDERS THE FOLLOWING: (1) NEITHER PARTY SHALL MAKE DISPARAGING REMARKS ABOUT THE OTHER IN THE CHILDREN'S PRESENCE OR WITHIN THEIR EARSHOT; (2) PARTIES SHALL ENSURE THAT EXTENDED FAMILY, RELATIVES, FRIENDS OR SIGNIFICANT OTHERS DO NOT MAKE DISPARAGING REMARKS ABOUT THE PARENTS IN THE CHILDREN'S PRESENCE OR**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

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**WITHIN THEIR EARSHOT; (3) NEITHER PARTY SHALL DISCUSS CUSTODY ISSUES WITH THE CHILDREN; AND (4) PARTIES SHALL ENSURE THAT THIRD PARTIES DO NOT DISCUSS CUSTODY ISSUES WITH THE CHILDREN.**

**THE COURT FINDS THAT CHILD SUPPORT IS \$1,583 PER MONTH AND SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$898 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$2,481 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT AND CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT AND CHILD SUPPORT EFFECTIVE OCTOBER 1, 2023. COMMENCING THAT DATE, THE PARTIES ARE ORDERED TO SPLIT ALL OUT-OF-POCKET EXPENSES EQUALLY INCLUDING THE COSTS OF DAYCARE AND THE CHILDREN'S AGREED-UPON EXTRACURRICULAR ACTIVITIES.**

**GIVEN THE YOUNG AGE OF THE CHILDREN AND THE FACT THAT RESPONDENT IS CURRENTLY WORKING PART-TIME THE COURT IS NOT INCLINED TO ISSUE A SEEK WORK ORDER OR A VOCATIONAL REHABILITATION ASSESSMENT AT THIS TIME. THESE REQUESTS ARE DENIED WITHOUT PREJUDICE.**

**THE COURT AWARDS RESPONDENT \$5,000 AS AND FOR ATTORNEY'S FEES TO BE PAID DIRECTLY TO RESPONDENT'S ATTORNEY. PETITIONER MAY PAY IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE AND PAYABLE ON THE 15<sup>TH</sup> OF EACH MONTH COMMENCING ON OCTOBER 15<sup>TH</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.**

**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.**

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

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	43%	0%	Father	6,904	Payment (cost)/benefit	(2,397) 2,481
Filing status	MFS->	<-MFS	Mother	1,658	Net spendable income	4,423 4,139
# Federal exemptions	1*	3*	Total	8,562	% combined spendable	51.7% 48.3%
Wages + salary	11,842	1,587	<b>Support (Nondeductible)</b>	Total taxes	3,228	(71)
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	8,562
Self-employment income	0	0	Presumed	1,583	<b>Proposed</b>	
Other taxable income	0	0	Basic CS	1,583	Payment (cost)/benefit	(2,680) 2,767
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	4,553 4,175
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	130 36
Other gains (and losses)	0	0	Child 1	577	% combined spendable	52.2% 47.8%
Ordinary dividends	0	0	Child 2	1,006	% of saving over gdl	78.2% 21.8%
Tax. interest received	0	0	SS Payor	Father	Total taxes	2,803 189
Social Security received	0	0	Alameda	898	Comb. net spendable	8,728
Unemployment compensation	0	0	Total	2,481	Percent change	1.9%
Operating losses	0	0	<b>Proposed, tactic 9</b>		<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	1,736		
Rental income	0	0	Basic CS	1,736		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	674		
SS paid other marriage	0	0	Child 2	1,063		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,040		
Ptr Support Pd. other P'ships	0	0	Total	2,776		
Health insurance	337	0	Savings	166		
Qual. Bus. Inc. Ded.	0	0	Total releases to Father	2		
Itemized deductions	1,071	0				
Other medical expenses	0	0				
Property tax expenses	359	0				
Ded. interest expense	712	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	89	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	1,284	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 28, 2023

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

**12. SHANNON CHANDLER V. STEVEN CHANDLER**

**PFL20200577**

Respondent filed a Request for Order (RFO) and Income and Expense Declaration on June 12, 2023, requesting a change in child support, visitation, and property division. Petitioner filed a Responsive Declaration to Request for Order and Proof of Service by Mail on July 31, 2023. On September 13, 2023, Petitioner filed an Income and Expense Declaration, a Supplemental Declaration, and a Proof of Service by Mail. Respondent filed and served a Reply to Petitioner's Responsive Declaration and an updated Income and Expense Declaration on September 20<sup>th</sup>.

Respondent filed his RFO requesting joint legal and physical custody of the two children. He asks to amend the current week on/week off schedule to allow for exchanges to occur on Friday afternoons which is a change from the current schedule where exchanges occur on Sundays. He proposes the exchanges to occur at the children's school during the school year and at a mutually agreeable time and location when school is not in session. Respondent is requesting guideline child support based on current incomes of the parties. Respondent also requested allocation and division of a Bank of America savings account which he states the court reserved jurisdiction over, as well as a modification and refinement of the provisions related to the participation in extracurricular activities and determination of which high school the children attend. Respondent is requesting the court to characterize the Bank of America savings account as community property, establishing that the date of separation balance in that account was also community in nature, and award him his community interest as of the date of separation (\$37,822). Respondent asserts that Petitioner claims the account is separate property, as it is funded with birthday and holiday gifts given to her and/or the minor children from their relatives.

Petitioner does not consent to Respondent's request to modify the exchange day/location and modify the previous agreement regarding extracurricular activities. She does request the appointment of Minor's Counsel and an order directing the children to attend Ponderosa High School. She does consent to guideline child support including sharing all extracurricular costs as support add-ons. She requests the court order an evidentiary hearing regarding the savings account and other property division. Petitioner contends the balance of the savings account was based on her deposit of large gifts from her family; however, Respondent also received some gifts from her family which he transferred into her separate account, which were often then transferred back to Respondent's account throughout the course of the marriage. Additionally, Petitioner notes the bank account characterization is not the only remaining property division issue, as the parties still need to equalize the division of property as a whole. Petitioner requests the savings account issue not be addressed separately from the valuation and equalization of other assets, as it will be inefficient for the parties and not in the interest of judicial economy.

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September 28, 2023

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

On September 18, 2023, the parties attended Child Custody Recommending Counseling (CCRC) in which no agreements were reached. CCRC made recommendations on the right of first option of childcare, communication between the parties, and respect guidelines. CCRC did not address the issue of exchange days and locations nor high school attendance. Because the CCRC recommendations did not address the requested orders, the court is not adopting the recommendations that were made.

While the parties disagree over what is best for the children, the court does not see the need for the appointment of Minor's Counsel at this time. Petitioner's request for the appointment of Minor's Counsel is therefore denied. After reviewing the aforementioned filings of the parties, it does appear that Respondent's requests regarding the exchange locations and the school attendance are motivated by his own convenience more so than a genuine belief that these orders would be in the best interests of the children. As such, these requests are denied. The children may choose if they would like to attend El Dorado High School, otherwise they shall be enrolled in Ponderosa High School. The parties are further ordered to split equally the cost of agreed upon extracurricular activities.

Utilizing the same figures as outlined above, the court finds that child support is \$674 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$674 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. The court orders the child support order effective October 1, 2023.

The parties are ordered to appear to select trial and Mandatory Settlement Conference dates on the issue of property division.

**TENTATIVE RULING #12: PETITIONER'S REQUEST FOR THE APPOINTMENT OF MINOR'S COUNSEL IS DENIED. RESPONDENT'S REQUEST TO CHANGE THE EXCHANGE LOCATION AND ORDER THE CHILDREN TO ATTEND EL DORADO HIGH SCHOOL ARE DENIED. THE CHILDREN MAY CHOOSE IF THEY WOULD LIKE TO ATTEND EL DORADO HIGH SCHOOL, OTHERWISE THEY SHALL BE ENROLLED IN PONDEROSA HIGH SCHOOL. THE PARTIES ARE TO SPLIT EQUALLY THE COSTS OF AGREED UPON EXTRACURRICULAR ACTIVITIES. UTILIZING THE SAME FIGURES AS OUTLINED ABOVE, THE COURT FINDS THAT CHILD SUPPORT IS \$674 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$674 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE CHILD SUPPORT ORDER EFFECTIVE OCTOBER 1, 2023. THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES ON THE ISSUE OF PROPERTY DIVISION.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

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

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	50%	0%	Father	4,334	Payment (cost)/benefit	674 (674)
Filing status	<-MFJ	HH/MLA	Mother	7,308	Net spendable income	5,008 6,635
# Federal exemptions	2*	3*	Total	11,642	% combined spendable	43% 57%
Wages + salary	5,137	10,263	<b>Support</b>		Total taxes	767 2,162
401(k) employee contrib	0	0	CS Payor	Mother	Comb. net spendable	11,642
Self-employment income	0	0	Presumed	674	<b>Proposed</b>	
Other taxable income	0	0	Basic CS	674	Payment (cost)/benefit	674 (674)
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,008 6,635
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	279	% combined spendable	43% 57%
Ordinary dividends	0	0	Child 2	394	% of saving over gdl	0% 0%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	767 2,162
Social Security received	0	0	Total	674	Comb. net spendable	11,642
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>		Percent change	0.0%
Operating losses	0	0	CS Payor	Mother	<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	Presumed	674		
Roy, partnerships, S corp, trusts	0	0	Basic CS	674		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	279		
New-spouse income	0	0	Child 2	394		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	674		
Adj. to income (ATI)	0	0	Savings	0		
Ptr Support Pd. other P'ships	0	0	No releases			
Health insurance	0	709				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	1,262				
Other medical expenses	0	0				
Property tax expenses	0	374				
Ded. interest expense	0	888				
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	36	84				
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 28, 2023

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

**13. BASSEL KHADRA V. STEPHANIE WU**

**PFL20200697**

On January 5, 2022, Petitioner filed a Request for Order (RFO) requesting a child custody evaluation pursuant to Family Code section 3111 to determine custody and visitation orders as well as a move-away request. Petitioner agreed to pay the costs of the evaluation subject to reallocation. The parties underwent the 3111 Evaluation with Deborah Barnes, and a report was prepared and filed with the court. On April 6th the recommendations as stated in the January 25, 2023 Child Custody Evaluation Report were adopted as the orders of the court. The court set a review hearing for the present date.

In adopting the recommendations of the 3111 Evaluation, the court ordered, among other things, Petitioner to participate in an online parenting course through Love and Logic and both parents to participate in a coparenting course through New Ways for Families. There is a Proof of Service evidencing that Respondent served "Respondent's Certificate of Completion of Parenting Course" on July 10<sup>th</sup>, but the court is not in possession of the certificate. Petitioner has not filed anything with the court evidencing his compliance with the court's orders.

As part of the court's April 6th orders, the parties were to return to Deborah Barnes after three months and a report would be prepared and filed with the court in four months. Ms. Barnes filed a report with the court on August 28, 2023. The parties were served electronically on August 28, 2023.

Petitioner filed a Supplemental Declaration on September 18, 2023. Parties were served on September 18, 2023. Petitioner takes issue with multiple aspects of the 3111 updated report. Petitioner requests the court grant him unrestricted phone/video access to the minor, that he be granted primary physical custody and for Respondent to have reasonable visitation, reasonable visitation with the maternal grandmother at the minor's request, and that the minor be able to speak with the court in chambers, as opposed to testifying on the witness stand.

Neither Respondent nor Minor's Counsel have filed a Supplemental Declaration.

The court has read and considered the updated 3111 report filed on August 28, 2023 and finds the recommendations to be in the best interest of the minor. The court adopts the recommendation as to joint legal custody and parenting time, as well as the other recommendations set forth in subsection IV, pending the trial on November 7-8, 2023. The court reserves on Petitioner's requests pending 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 #13: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE UPDATED 3111 REPORT FILED ON AUGUSTS 28, 2023 TO BE IN THE BEST INTEREST OF THE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**MINOR. THE COURT ADOPTS THE RECOMMENDATION AS TO JOINT LEGAL CUSTODY AND PARENTING TIME, AS WELL AS THE OTHER RECOMMENDATIONS SET FORTH IN SUBSECTION IV, PENDING THE TRIAL ON NOVEMBER 7-8, 2023. THE COURT RESERVES ON PETITIONER'S REQUESTS PENDING TRIAL.**

**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 28, 2023

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

**14. BRIANNA FORTIER V. NICKOLAS TATARAKIS**

**23FL0545**

Petitioner filed a Petition to Establish a Parental Relationship and Request for Order (RFO) on June 13, 2023. Respondent's parentage was established through a voluntary declaration of paternity. Petitioner has attached copies of the minors' birth certificates which name Respondent as the parent. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 9, 2023 and a review hearing on September 28, 2023. Respondent was personally served with the Summons on the Petition to Establish a Parental Relationship as well as the RFO and referral to CCRC on July 9, 2023.

Petitioner is requesting joint legal and physical custody of the minors with Respondent to have parenting time Sunday through Wednesday drop off at school. Petitioner asserts Respondent has relocated to Sacramento County and this schedule will afford the minors stability and continuity of their schedules and routines.

Both parties attended the CCRC appointment on August 8, 2023. It appears the parties were able to reach a full agreement verbally, however, Petitioner was unwilling to sign the agreement when it was reduced to writing. On September 18, 2023 a report with recommendations, which reflect the parties' agreement was filed with the court. Copies were mailed to the parties on September 19, 2023.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds Respondent to be a parent of Lucy and Delilah Tatarakis. Petitioner is to prepare and file the Judgment of Parentage. The court further finds the recommendations as set forth in the September 18, 2023 CCRC report to be in the best interest of the minors. The court adopts the recommendations as set forth.

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

**TENTATIVE RULING #14: THE COURT FINDS RESPONDENT TO BE A PARENT OF LUCY AND DELILAH TATARAKIS. PETITIONER IS TO PREPARE AND FILE THE JUDGMENT OF PARENTAGE. THE COURT FURTHER FINDS THE RECOMMENDATIONS AS SET FORTH IN THE SEPTEMBER 18, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. 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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**15. DCSS V. ERIC HILL (OTHER PARENT: ANAROSE FERRO)**

**PFS20150143**

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 12, 2022. Other Parent was personally served on April 13, 2022. Respondent asserts Other Parent failed to exchange the minor on April 10, 2022 per the court's prior orders which directed exchanges to take place on Sundays.

The parties appeared for hearing on September 21, 2022 and the court found Other Parent did violate the aforementioned court orders. Other Parent was directed to complete 12 hours of community service and provide the court with documentation thereof no later than six months from the date of the hearing. The court set sentencing to occur on March 23, 2023 but stated the contempt charge would be dismissed once proof of completion of the community service was filed with the court. Respondent was ordered to prepare the Findings and Orders After Hearing.

Other Parent filed a Declaration on March 27, 2023. There is no Proof of Service showing Respondent was served with this document, therefore, the court cannot consider it.

Parties were ordered to appear on May 25, 2023. No parties appeared. The court continued the hearing to July 27, 2023 and directed the clerk of the court to provide the parties with a copy of the May 25, 2023 minute order.

A copy of the May 25, 2023 minute order was mailed to the parties at their addresses of record on May 26, 2023.

Neither party appeared for the hearing on July 27, 2023. The court found Other Parent had been properly notice for the proceeding as well as the prior proceedings. The court issued and stayed a bench warrant for Other Parent, as she had failed to appear or submit to the court proof of compliance as previously ordered. The court directed the clerk to mail a copy of the minute order to the parties.

A copy of the July 27, 2023 minute order was mailed to the parties at their address of record on July 28, 2023.

Neither party has filed any additional Declarations.

The parties are ordered to appear for the hearing.

**TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**16. EL DORADO COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES V. KEVIN BAIRD (OTHER PARENT: THERESA JEAN-WILLIAMS) 22FL0933**

Other Parent filed a Request for Order (RFO) on June 13, 2023, requesting modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 10, 2023 and a review hearing on September 28, 2023. Proof of Service with Address Verification shows Respondent was served by mail on June 13, 2023. El Dorado County Department of Child Support Services (DCSS) was not served.

Other Parent is requesting sole legal and physical custody of the minor. Other Parent asserts Respondent has a substance abuse problem which places the minors at substantial risk of abuse and/or neglect while in his care.

Only Other Parent appeared for the CCRC appointment on August 10, 2023. Therefore, a single parent report with no agreements or recommendations was filed with the court on September 13, 2023. Copies were mailed to the parties on the same date.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**17. GINA SIMONDI V. MARK WHEELDON**

**PFL20160795**

Respondent filed a Request for Order (RFO) on June 5, 2023, requesting a modification of the current parenting plan orders as well as for Petitioner to pay the travel expenses of the minors. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 9, 2023 and a review hearing on September 28, 2023. Petitioner was served by mail with address verification on July 31, 2023. El Dorado County Child Support Services, who is a party to the case, were not served with the RFO.

Respondent is requesting additional parenting time with the minors for all of their school breaks. Respondent also requests Petitioner pay for the travel expenses as Respondent asserts Petitioner has additional income that was not previously disclosed in the child support hearing.

Only Respondent appeared for the CCRC appointment on August 9, 2023. Therefore, a single parent report with no agreements or recommendations was filed with the court on August 9, 2023. Copies were mailed to the parties the same day.

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 28, 2023

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

**18. JENNIFER HENRICH V. SHAWN MATTHEWS**

**PFL20190796**

Petitioner filed a Request for Order (RFO) on April 28, 2023, requesting a modification of the parenting plan. Respondent was served by mail on April 28, 2023. Parties were not referred to Child Custody Recommending Counseling (CCRC) as they had been referred within the prior six months. However, upon review of the prior CCRC report, only Petitioner appeared for the prior appointment, as Respondent had not been properly noticed of Petitioner's prior RFO.

Respondent filed a Responsive Declaration on June 7, 2023. Petitioner was served by mail on June 12, 2023. Respondent objects to the requested orders. Respondent requests joint legal custody of the minor. Further, Respondent requests parenting time each summer commencing seven days after the minor ends the school year until seven days prior to the start of the school year. Respondent will be responsible for purchasing the plane tickets to his parenting time and Petitioner will be responsible for the travel back. Respondent requests each party provide at least nine days notice of the travel arrangements.

On June 15, 2023, the court found good cause to refer the parties to CCRC for an appointment on August 10, 2023 and a further review hearing on September 28, 2023, as Respondent was not able to participate in the prior appointment due to not receiving proper notice. The court directed the minor to be made available to the CCRC counselor to interview upon the counselor's request. Parties were provided a copy of the new referral to CCRC by mail on June 16, 2023.

Only Petitioner appeared for the CCRC appointment on August 10, 2023. As such, a single parent report with no agreements or recommendations was filed on September 25, 2023. A copy was not mailed to the parties.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**19. JULIE ROZZI V. MATTHEW ROZZI**

**PFL20200644**

Petitioner filed a Request for Order (RFO) on October 3, 2022, requesting the court modify the current child support order. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served with address verification on October 10, 2022. Petitioner is requesting guideline child support, with a 100% timeshare of the minor.

Respondent filed a Responsive Declaration and Income and Expense Declaration on December 2, 2022. Petitioner was served electronically on December 2, 2022. Respondent objects to the requested guideline support as he has been out of work since May 2022, due to a work injury and currently has no income.

Parties appeared on December 15, 2022 and reached an agreement for interim child support. Respondent agreed to pay Petitioner \$200 per month as and for child support beginning February 1, 2023. Payments due on the first of each month until further order of the court or termination by operation of law. The court set a further review hearing date and ordered parties to file updated Income and Expense Declarations.

Petitioner filed an Income and Expense Declaration on May 3, 2023. Respondent was served by mail on May 3, 2023.

Respondent filed an Income and Expense Declaration as well as a Declaration on May 26, 2023. There is no Proof of Service showing Petitioner was served with either of these documents.

On June 1, 2023, the court noted, Respondent's documents were both filed less than 10 days prior to the hearing and there was no Proof of Service showing they had been properly served and therefore, the court could not consider either document.

Both parties appeared for the hearing on June 1, 2023. The court continued the matter to allow Respondent additional time to serve the Income and Expense Declaration and file the Proof of Service with the court. Parties were directed to file and serve updated Income and Expense Declarations at least 10 days prior to the hearing. The court maintained the current orders for child support.

Petitioner filed and served an updated Income and Expense Declaration on September 1, 2023. Respondent has failed to file a Proof of Service for the May 26, 2023 filed Income and Expense Declaration and Declaration.

The court orders parties to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**20. KAITLYN RAGAN V. DEVON JAMES**

**PFL20210659**

Respondent filed an ex parte request for emergency orders on August 4, 2023. On August 7, 2023, the court denied the request. Respondent filed a Request for Order (RFO) requesting modification of child custody and parenting time orders on August 7, 2023. The parties were referred to an emergency Child Custody Recommending Counseling (CCRC) for an appointment on September 5, 2023 and a review hearing on September 28, 2023. There is no Proof of Service showing Petitioner was served with the RFO or referral to CCRC.

Neither party appeared for the CCRC appointment on September 5, 2023.

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

**TENTATIVE RULING #20: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE 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 28, 2023

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

**21. LAURA BARI V. NATHAN BARI**

**PFL20170248**

Petitioner filed an ex parte motion for emergency custody orders on August 14, 2023. Respondent filed a Responsive Declaration on August 15, 2023, opposing the requested orders. On August 15, 2023, the court denied the request on an ex parte basis. Petitioner filed a Request for Order (RFO) on August 15, 2023, making the same requests as set forth in ex parte application. The parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment on September 5, 2023 and a review hearing on September 28, 2023. There is no Proof of Service showing Petitioner served Respondent with the RFO and referral to CCRC.

Nevertheless, both parties and the minors appeared for the CCRC appointment on September 5, 2023. Parties were unable to reach an agreement. A report with recommendations was filed with the court on September 14, 2023. The CCRC report was not mailed to the parties.

The court finds good cause to proceed with this matter despite the lack of service of the RFO and referral to CCRC, as both parties appeared and Respondent is aware of the requests being made and filed a Responsive Declaration to the ex parte requests, which mirror the August 15, 2023 filed RFO.

The court finds good cause to continue this matter to 10/19/23 at 1:30 pm in Department 5 due to the report not being sent to the parties.

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 #21: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THIS MATTER DESPITE THE LACK OF SERVICE OF THE RFO AND REFERRAL TO CCRC, AS BOTH PARTIES APPEARED AND RESPONDENT IS AWARE OF THE REQUESTS BEING MADE AND FILED A RESPONSIVE DECLARATION TO THE EX PARTE REQUESTS, WHICH MIRROR THE AUGUST 15, 2023 FILED RFO. THE COURT FINDS GOOD CAUSE TO CONTINUE THIS MATTER TO 10/19/2023 AT 1:30 PM IN DEPARTMENT 5 DUE TO THE REPORT NOT BEING SENT TO THE PARTIES. 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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS  
ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
September 28, 2023  
8:30 a.m./1:30 p.m.

**22. ROB GRONEWOLD V. KATHERINE GRONEWOLD**

**PFL20190313**

Petitioner filed an ex parte motion for emergency child custody orders on June 5, 2023. On June 1, 2023, the court denied the request. On June 13, 2023, Petitioner filed a Request for Order (RFO) making the same requests as set forth in the ex parte request. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 9, 2023 and a review hearing on September 28, 2023. Respondent was served with the RFO; however, the Proof of Service does not show Respondent was served with a copy of the referral to CCRC. Further, this is a post-Judgment request for modification, and therefore, Family Code section 215 applies. There has been no address verification filed.

Only Petitioner appeared for the CCRC appointment. Therefore, on September 18, 2023, a single parent report was filed with no agreements or recommendations. Copies were mailed to the parties on the same day.

The court drops this matter from calendar due to lack of proper service, both for the failure to comply with Family Code section 215 and for the failure to serve Respondent with the CCRC referral.

All prior orders remain in full force and effect.

**TENTATIVE RULING #22: THE COURT DROPS THIS MATTER FROM CALENDAR DUE TO LACK OF PROPER SERVICE, BOTH FOR THE FAILURE TO COMPLY WITH FAMILY CODE SECTION 215 AND FOR THE FAILURE TO SERVE RESPONDENT WITH THE CCRC REFERRAL. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 28, 2023

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

**23. ZACHARY PATTERSON V. GABRIELLE MYRICK**

**23FL0591**

Petitioner filed a Petition to Establish a Paternal Relationship (RFO) on June 27, 2023. Petitioner concurrently filed an ex parte request for emergency custody orders. On June 28, 2023, the court denied the request. Petitioner filed a Request for Order (RFO) on June 28, 2023, making the same requests as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 11, 2023 and a review hearing on September 28, 2023. Respondent was personally served with a copy of the summons on the Petition to Establish a Parental Relationship, as well as the RFO, referral to CCRC, and the orders after the ex parte hearing.

On August 11, 2023, only Petitioner appeared for the CCRC appointment. As such, as single parent report with no agreements or recommendations was filed on August 11, 2023. Copies were mailed to the parties on August 14, 2023.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #23: THE COURT ORDERS PARTIES TO APPEAR FOR THE HEARING.**