

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

1. MICHAEL HAMMEL V. MICHELLE HAMMEL

25FL1040

Respondent filed a Request for Order (RFO) on September 3, 2026, seeking spousal support and attorney's fees. Respondent concurrently filed two declarations in support of the RFO. Respondent did not concurrently file an Income and Expense Declaration. Proof of Service shows Petitioner was served with some, but not all the required documents.

Respondent filed a further Declaration as well as an Income and Expense Declaration on September 16, 2026. Both were served on September 16, 2026.

Petitioner filed and served a Responsive Declaration and Income and Expense Declaration on September 22, 2026. Respondent objects to the requested orders and asserts he was not timely served with the amended declaration or Income and Expense Declaration. Petitioner seeks additional orders, which are beyond the scope of the RFO.

The court has considered the filings as outlined above. The court denies Respondent's requests. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); See *also* Cal. Fam. Code §2100. The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers. El Dorado Sup. Ct. Rule 8.03.01. Respondent failed to comply with the Rule of Court and the Local Rule when filing the RFO, as the Income and Expense Declaration was not filed concurrently with the RFO. Further, when it was filed and served it was less than 16 court days prior to the hearing. Therefore, the requests are denied.

All prior orders remain in full force and effect. Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #1: THE COURT DENIES RESPONDENT'S REQUESTS FOR FAILURE TO TIMELY FILE THE REQUIRED INCOME AND EXPENSE DECLARATION.

ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION

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DEPARTMENT 5
October 8, 2026
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OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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2. JOSH ANDERSON V. YU CHEN CHANG

25FL0020

On April 7, 2026, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. This matter was originally filed and denied on an ex parte basis. All required documents were served by mail on April 23rd, because this is a post-judgment request, Petitioner also filed a Declaration Regarding Address Verification.

On April 14, 2026, Respondent also filed an RFO seeking custody and visitation orders. The requests were originally filed ex parte and the court ordered the minors to be immediately returned to the state of California. All other requests were denied on an ex parte basis. There is no Proof of Service for the RFO therefore, this matter is dropped from calendar.

A Child Custody Recommending Counseling (CCRC) appointment was scheduled to take place on May 4, 2026, however neither party appeared at the appointment. As such, a memorandum of no appearance was prepared and filed with the court. The court does not have a Certificate of Mailing for this document so it does not appear that it was sent to the parties.

Petitioner filed and served updating declaration on June 22nd.

Parties appeared at the hearing on July 2, 2026. The court made additional orders, and referred the parties to CCRC, and set a further review hearing for October 8, 2026.

Both parties appeared at the CCRC appointment and reached a full agreement. A report with the parties' agreement was prepared on August 25, 2026. Copies were mailed to the parties on August 26.

Respondent filed a Supplemental Declaration on August 31, 2026. It was served the same day. It contains the information regarding Respondent's travel the court requested at the July 2nd hearing.

Petitioner filed a Memorandum of Points and Authorities and an Income and Expense Declaration on September 9, 2026. Proof of Service shows the Income and Expense Declaration was served on September 11, 2026. The court has been unable to locate a Proof of Service for the Memorandum; therefore, it has not been considered.

Petitioner filed an Amended RFO on September 10, 2026.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

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Respondent filed a Responsive Declaration on September 24, 2026. It was served the same day. Respondent objects to the timeliness of service and sufficiency of service. Respondent also raises other objections to the requested orders.

Petitioner filed a Notice of Error on October 1st, it was served on September 30th. He also filed and served a reply declaration and a Memorandum of Points and Authorities on October 1st.

This matter is continued to Thursday, January 7th at 8:30 AM in Department 5. The court reserves jurisdiction over the issue of support back to the date of filing. Supplemental declarations, if any, are to be filed and served no later than 10 days prior to the next hearing date. The parties are ordered to file updated Income and Expense Declarations and proposed Xspouse reports no later than 10 days prior to the hearing date.

TENTATIVE RULING #2: THIS MATTER IS CONTINUED TO THURSDAY, JANUARY 7TH AT 8:30 AM IN DEPARTMENT 5. THE COURT RESERVES JURISDICTION OVER THE ISSUE OF SUPPORT BACK TO THE DATE OF FILING. SUPPLEMENTAL DECLARATIONS, IF ANY, ARE TO BE FILED AND SERVED NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE. THE PARTIES ARE ORDERED TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS AND PROPOSED XSPOUSE REPORTS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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3. JENNIFER DANIELS V. JOSE CARRERO

PFL2010812

Respondent filed a Request for Order (RFO) on June 1, 2026, requesting clarification of the current orders regarding communication with the minor and appointment of Minor's Counsel. The request was served concurrently with a request for an Order Shortening Time (OST). Petitioner filed a Responsive Declaration on June 1, 2026. The court denied the request for an OST and set the matter in the regular course. Petitioner was served on June 2, 2026.

Respondent filed a second RFO on June 11, 2026, requesting to change the trial dates. Petitioner was served on June 16, 2026.

Petitioner filed a Responsive Declaration on July 1, 2026. It was served the same day. Petitioner is not opposed to continuing the trial dates.

Parties appeared for the arraignment on July 16, 2026. Respondent requested a continuance to secure counsel. The court granted the request and set the matter on October 8, 2026, for further arraignment.

The court also vacated the settlement conference and trial dates and set a trial setting conference for October 8, 2026, to select new trial dates.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #3: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON OCTOBER 15, 2026, AT 8:30 AM IN DEPARTMENT 5.

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LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
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4. MERCEDES DAVIS V. SHATIZ MELONSON

24FL0236

Respondent filed a Request for Order (RFO) on June 15, 2026, requesting authorization for a move away. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 24, 2026, and a review hearing on September 3, 2026. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Neither party appeared at the CCRC appointment on July 24th.

Respondent has not filed a Responsive Declaration.

Only Respondent appeared at the hearing on September 9, 2026. Respondent requested the matter be continued to allow additional time to serve Petitioner. The court granted the request to continue and set the matter for a further hearing on October 8, 2026.

Respondent filed a Proof of Service showing service on Petitioner's counsel on September 15, 2026.

Upon further review of the court file, the court finds that this case was initiated through the filing of petitions for Domestic Violence Restraining Orders (DVRO). Both DVRO petitions were denied. The court in the DVRO matters left the child custody and parenting plan orders in place. The court believes those orders were in error, as the DVRO petitions had been denied. As such, the court is vacating those orders. Likewise, the court is vacating the temporary orders issued on June 15, 2026. This court does not have jurisdiction over the parties to make orders, as the DVRO petitions were denied and there are no other pending petitions. As such, the matter is dropped from calendar.

TENTATIVE RULING #4: THIS COURT DOES NOT HAVE JURISDICTION OVER THE PARTIES TO MAKE ORDERS, AS THE DVRO PETITIONS WERE DENIED AND THERE ARE NO OTHER PENDING PETITIONS. AS SUCH, THE MATTER IS DROPPED FROM CALENDAR.

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LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
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DEPARTMENT 5
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5. SARA DIGGS V. BRIAN WARD

26FL0625

Petitioner filed a Request for Order (RFO) on June 29, 2026, seeking child custody and parenting plan orders, child and temporary spousal support orders, as well as attorney's fees. Petitioner concurrently filed an Income and Expense Declaration as well as a declaration of counsel in support of the attorney's fees request. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 26, 2026 and a review hearing on October 8, 2026. Proof of Service shows Respondent was personally served with all the required documents on July 7, 2026.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report was prepared on August 26, 2026. Copies were mailed to the parties the same day.

Respondent filed a Responsive Declaration, Memorandum of Points and Authorities, and an Income and Expense Declaration on September 21, 2026. All were served on Petitioner on September 21, 2026. Respondent is seeking an equal timeshare with the minor. Respondent consents to guideline child support, but objects to temporary spousal support. Respondent also objects to an award of attorney's fees.

Respondent filed an additional declaration with a proposed guideline child support and temporary spousal support calculation on September 22, 2026. It was served the same day.

Petitioner filed and served a supplemental declaration and her Income and Expense Declaration on October 1st. The court finds Petitioner's Income and Expense Declaration to be late filed, therefore the court cannot consider it.

The court finds good cause to rerefer the parties to CCRC. Parties are to attend CCRC on Thursday, December 17th at 1:00 pm and return for a review hearing on Thursday, February 18th at 8:30 AM in Department 5. Any Supplemental Declarations are due at least 10 days prior to the review hearing.

The court notes the parties currently continue to reside together. As such, it is premature to order child and temporary spousal support. The court reserves jurisdiction to retroactively award support to the date of the filing of the RFO.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

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Regarding the request for attorney's fees, the public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In re Marriage of Keech, 75 Cal. App. 4th 860, 866 (1999). This ensures each party has access to legal representation to preserve each party's rights. 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).

While there is a disparity in the party's income, the court finds that it is not so significant that Respondent can pay for both his counsel as well as Petitioner's counsel. The court, therefore, denies the request for attorney's fees.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #5: THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC. PARTIES ARE TO ATTEND CCRC ON THURSDAY, DECEMBER 17TH AT 1:00 PM AND RETURN FOR A REVIEW HEARING ON THURSDAY, FEBRUARY 18TH AT 8:30 AM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING.

THE COURT NOTES THE PARTIES CURRENTLY CONTINUE TO RESIDE TOGETHER. AS SUCH, IT IS PREMATURE TO ORDER CHILD AND TEMPORARY SPOUSAL SUPPORT. THE COURT RESERVES JURISDICTION TO RETROACTIVELY AWARD SUPPORT TO THE DATE OF THE FILING OF THE RFO.

WHILE THERE IS A DISPARITY IN THE PARTY'S INCOME, THE COURT FINDS THAT IT IS NOT SO SIGNIFICANT THAT RESPONDENT CAN PAY FOR BOTH HIS COUNSEL AS WELL AS PETITIONER'S COUNSEL. THE COURT THEREFORE, DENIES THE REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY'S FEES.

PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
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COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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DEPARTMENT 5
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8:30 AM/1:30 PM

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6. CHERYL FISCHIETTO V. FREDRICK FISCHIETTO

22FL0286

Petitioner filed a Request for Order (RFO) on July 16, 2026, seeking orders for the court to act as elisor to sign the necessary QDROs, Respondent to provide all necessary documents required to prepare the QDROs, and \$1,100 in sanctions under Family Code section 271. Petitioner concurrently filed a declaration of counsel. Petitioner did not file an Income and Expense Declaration. Respondent was mail and electronically served. The court notes this is a post-judgement request, and therefore, the service requirements of Family Code section 215 apply.

Parties filed stipulations as to the QDROs, which the court signed, on September 18, 2026.

Respondent filed a Responsive Declaration on September 18, 2026. There is no Proof of Service for this document, therefore, the court cannot consider it.

The court drops the matter from calendar due to the lack of proper service as well as the request being moot, as parties have signed the QDROs.

All prior orders remain in full force and effect.

TENTATIVE RULING #6: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE AS WELL AS THE REQUEST BEING MOOT, AS PARTIES HAVE SIGNED THE QDROS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

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8. MICHAEL SOUDERS V. DONNA SOUDERS

25FL0270

Respondent filed a Request for Order (RFO) on August 19, 2026, seeking an order compelling further responses and discovery sanctions. Respondent concurrently filed a separate statement in support of the motion, a declaration of counsel, and a Memorandum of Points and Authorities in support of the motion to compel. Petitioner was electronically served on August 24, 2026.

Petitioner filed a Responsive Declaration and an Amended Responsive Declaration on September 24, 2026. Proof of Service shows the “Responsive Declaration” with attachments was served electronically on September 24, 2026. It is unclear to the court which Responsive Declaration was served. Regardless, both Responsive Declarations assert that counsel met and conferred on September 24, 2026, and Petitioner agreed to provide the closing escrow documents in his possession, and if they are not in his possession, make a diligent and good faith attempt to obtain them; Petitioner will provide the requested bank statements from the years 2023 and 2024; and Petitioner will provide the tax documents for the years 2023 and 2024. Upon delivery of these documents, Respondent agrees to vacate the Motion to Compel Further Responses.

Respondent filed a reply declaration on September 29th and served it on September 30th.

The parties are ordered to appear for the hearing to update the court on the status of the discovery dispute.

TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON OCTOBER 15, 2026 AT 8:30AM IN DEPARTMENT 5 TO UPDATE THE COURT ON THE STATUS OF THE DISCOVERY DISPUTE.

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LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
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9. AARON STEINER V. TARA STEINER

25FL0646

Parties appeared on July 2, 2026, for hearing on Petitioner's April 1, 2026, filed Request for Order (RFO). The parties were able to reach agreements which the court adopted as its orders. The parties requested the court set a review hearing to assess compliance with the agreements. The court set a review hearing for October 8, 2026, and directed the parties to file and serve Supplemental Declarations at least 10 days prior to the review hearing.

Petitioner filed and served a Supplemental Declaration on September 24, 2026. Petitioner asserts there has been partial compliance with the court's orders. Petitioner notes that one of the deadlines is still pending and therefore, it is too early to determine compliance with that particular order. Petitioner requests the court confirm the July 2nd orders and order Respondent to comply with the order to provide a complete Peak Nutrition accounting from May 1, 2025 to present within 10 calendar days. Petitioner also requests Respondent provide verification from AMEX that he has been removed as an authorized user, signer, co-obligor, or otherwise liable party within five calendar days. Petitioner seeks a further compliance review hearing. Last, Petitioner seeks Family Code section 271 sanctions.

Respondent filed a Responsive Declaration to Request for Order and an updated Income and Expense Declaration on October 5th. The court deems this to be a supplemental declaration, not a responsive declaration, therefore it has been considered timely and has been read and considered. She states that she has been working in good faith to comply with all court orders and asks that the court deny the request for sanctions.

To the extent she has not already done so, Respondent is to provide a full accounting, as set forth in Petitioner's supplemental declaration at page 4, section 19 (c), for Peak Nutrition from May 1, 2025 through September 30, 2026, by no later than October 22, 2026. Additionally, all prior orders remain in full force and effect.

The court sets a further compliance review hearing for Thursday, January 7th at 8:30 AM in Department 5. supplemental declarations are due at least 10 days prior to the hearing. Failure to file a supplemental declaration may result in the matter being dropped from calendar.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

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The court reserves on the Family Code section 271 sanctions until the next compliance review hearing. Respondent is reminded of the public policy of Family Code section 271. “Section 271 provides that a family court may impose an award of attorney fees and costs ‘in the nature of a sanction’ where the conduct of a party or attorney ‘frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys.’ (§ 271, subd. (a).)” (*In re Marriage of Tharp* (2010) 188 Cal.App.4th 1295, 1316.) “Expressed another way, section 271 vests family law courts with an additional means with which to enforce this state’s public policy of promoting settlement of family law litigation, while reducing its costs through mutual cooperation of clients and their counsel.” (*Id.* at 1318.) The court orders both parties to file and serve updated Income and Expense Declarations at least 10 days prior to the review hearing.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court’s adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #9: TO THE EXTENT SHE HAS NOT ALREADY DONE SO, RESPONDENT IS TO PROVIDE A FULL ACCOUNTING, AS SET FORTH IN PETITIONER’S SUPPLEMENTAL DECLARATION AT PAGE 4, SECTION 19 (C), FOR PEAK NUTRITION FROM MAY 1, 2025 THROUGH SEPTEMBER 30, 2026, BY NO LATER THAN OCTOBER 22, 2026. ADDITIONALLY, ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

THE COURT SETS A FURTHER COMPLIANCE REVIEW HEARING FOR THURSDAY JANUARY 7TH AT 8:30 AM IN DEPARTMENT 5. SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE HEARING. FAILURE TO FILE A SUPPLEMENTAL DECLARATION MAY RESULT IN THE MATTER BEING DROPPED FROM CALENDAR.

THE COURT RESERVES ON THE FAMILY CODE SECTION 271 SANCTIONS UNTIL THE NEXT COMPLIANCE REVIEW HEARING.

PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT’S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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10. ANTHONY TATUM V. PATRINA TATUM

23FL1230

Parties appeared for the hearing on Respondent's Request for Order (RFO) on June 11, 2026. The court adopted its tentative ruling with modifications. The court reserved on Petitioner's request for Family Code section 2032 attorney's fees until the present date. Parties were directed to file updated Income and Expense Declarations at least 10 days prior to the hearing. Minor's Counsel's appearance was waived for the hearing on October 8th.

Petitioner filed and served his supplemental declaration and his updated Income and Expense Declaration on September 30th. Respondent has filed an updated Income and Expense Declaration.

Petitioner is requesting \$3,000 in attorney's fees pursuant to Family Code § 2030. The public policy of Family Code section 2030 is to provide "parity between spouses in their ability to obtain effective legal representation." In Re Marriage of Keech, 75 Cal. App. 4th 860, 866 (1999). This ensures each party has access to legal representation to preserve each party's rights. Alan S. v Superior Court, 172 Cal. App. 4th 238,251(2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

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

Trial tactics of a party are also to be considered in ruling on a request for sanctions pursuant to Family Code § 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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

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.*

Here, the court has reviewed Petitioner's Income and Expense Declaration, Petitioner's estimate of Respondent's monthly income and Respondent's most recently filed Income and Expense Declaration dated January 16, 2025. While there is a significant disparity in income, the court is concerned with Respondent's ability to pay the entirety of the requested \$3,000 given her significant monthly debt payments amounting to over \$8,000 per month. Additionally, the court ordered \$2,500 in Family Code section 271 sanctions payable from Respondent to Petitioner's counsel on June 11, 2026. For these reasons, an award of attorney's fees pursuant to Family Code § 2032 is denied.

All prior orders remain in full force and effect. Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #10: THE COURT FINDS THAT WHILE THERE IS A DISPARITY IN INCOME BETWEEN THE PARTIES, RESPONDENT DOES NOT HAVE THE ABILITY TO PAY PETITIONER'S ATTORNEY'S FEES AND THEREFORE THE REQUEST IS DENIED.

ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

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11. JENNIFER WYMAN RUSH V. SETH WYMAN RUSH

22FL0106

Parties and their counsel appeared for the hearing on Respondent's Request for Order (RFO) on July 9, 2026. The parties were able to reach a full agreement. Part of the agreement included the court setting a compliance review hearing on the present date. Parties were directed to file and serve updated Income and Expense Declarations as well as supplemental declarations at least 10 days prior to the review hearing.

On September 28th, Respondent filed and served his supplemental declaration and his updated Income and Expense Declaration.

On September 30th, Petitioner filed and served her supplemental declaration and her Income and Expense Declaration.

The parties are ordered to appear for the hearing on October 15, 2026 at 8:30am in Department 5.

TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON OCTOBER 15, 2026 AT 8:30AM IN DEPARTMENT 5.

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

12. DCSS V. KRISTY ARROYO (OTHER PARENT: ANTHONY HESTER) PFS20180026

Respondent filed a Request for Order (RFO) on July 7, 2026, requesting modification of the child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 26, 2026, and a review hearing on October 8, 2026. Proof of Service shows Petitioner was served with some, but not all of the required documents on July 21, 2026. Other Parent was served on July 13th.

Neither party appeared for the CCRC appointment.

The court drops the matter from calendar due to Respondent's failure to appear at CCRC which was set at her request. Further, the matter is dropped from calendar due to the failure to properly serve Petitioner.

All prior orders remain in full force and effect.

TENTATIVE RULING #12: THE MATTER IS DROPPED FROM CALENDAR DUE TO RESPONDENT'S FAILURE TO APPEAR AT CCRC WHICH WAS SET AT HER REQUEST. FURTHER, THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE PETITIONER. 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 PHONE CALL 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 PHONE CALL 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.

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

13. ALEX DENEAU-BOYD V. SHANE SEDERSTEN-TURNER

PFL20100896

Respondent filed a Request for Order (RFO) on July 1, 2026, seeking a modification of child custody orders as well as a change in venue. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 21, 2026, and a review hearing on October 8, 2026. Upon review of the court filed, there is no Proof of Service showing Petitioner was properly served.

Only Respondent appeared at CCRC. As such, a single parent report was prepared on August 21, 2026. Copies were mailed to the parties on August 24th.

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

All prior orders remain in full force and effect.

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

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

14. JOHN FONSECA, JR. V. RHIANNON FONSECA

25FL0220

Petitioner filed a Request for Order (RFO) on August 3, 2026, seeking an order waiving Respondent's preliminary and final declarations of disclosure. Proof of Service shows Respondent was mail served on August 13, 2026.

Respondent has not filed a Responsive Declaration to Request for Order, therefore, the court deems the failure to do so as an admission that Petitioner's moving papers have merit. See El Dorado County, Local Rule 7.10.02(C).

Family Code sections 2104 and 2105 impose on each party the obligation of making preliminary and final disclosures of assets within the specified timeframes. Here, Petitioner has complied with the law and served both his preliminary and final declarations of disclosure, however Respondent has not. As such, Petitioner's request to waive the preliminary and final declarations of disclosure is granted.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #14: THE COURT WAIVES RESPONDENT'S PRELIMINARY AND FINAL DECLARATIONS OF DISCLOSURE. PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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

October 8, 2026

8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

15. DANIEL FREIER V. NANCEY NIEMAN

25FL1234

On August 6, 2026, the court adopted its tentative ruling, ordering Respondent to serve her complete preliminary declarations of disclosure, as well as sanctions in the amount of \$90. The court reserved on Petitioner's request for further evidentiary and monetary sanctions and set a review hearing for October 8, 2026. Parties were directed to file and serve updated Income and Expense Declarations as well as Supplemental Declarations at least 10 days prior to the review hearing.

Petitioner filed and served a supplemental declaration on September 30th. The court finds this to be late filed and therefore it cannot be considered.

The parties are ordered to appear for the hearing on October 15, 2026 at 1:30pm in Department 5.

TENTATIVE RULING #15: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON OCTOBER 15, 2026 AT 1:30PM IN DEPARTMENT 5.

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

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

16. CANDANCE GARCIA V. FRANK GARCIA

24FL0172

Respondent filed a Request for Order (RFO) on July 31, 2026, seeking finalization of the divorce. Proof of Service shows Petitioner was mail served on August 12, 2026.

Petitioner filed a Responsive Declaration on August 27, 2026. There is no Proof of Service for this document, and as such, the court cannot consider it.

It is unclear what Respondent is seeking. It appears to the court that Respondent may be seeking bifurcation of status. Family Code section 2337 provides that “[i]n a proceeding for dissolution of marriage, the court, upon noticed motion, may sever and grant an early and separate trial on the issue of the dissolution of the status of the marriage apart from other issues.” Fam. Code, § 2337(a). The trial court may separately try the issue of termination of marriage if doing so “is likely to simplify the determination of the other issues.” Cal. Rules of Court, rule 5.390(b)(7).

The parties are ordered to appear for the hearing on October 15, 2026 at 1:30 in Department 5.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON OCTOBER 15, 2026, AT 1:30 PM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

17. KELLI JEANCOQ V. RAYMOND LONERGAN

PFL20190708

Respondent filed a Request for Order (RFO) on July 7, 2026, seeking modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 28, 2026, and a review hearing on October 8, 2026. Proof of Service shows Petitioner was mail served on July 17, 2026.

Only Respondent appeared at the CCRC appointment on August 28, 2026. As such, a single parent report was prepared on August 28, 2026. Copies were mailed to the parties on the same day.

The court denies Respondent's request to modify the current orders. The court notes there is a Domestic Violence Restraining Order in place, which protects the minor. The court has previously found the presumption pursuant to Family Code section 3044 apply. Respondent has failed to set forth how the Family Code section 3044 presumption has been overcome. Further, Respondent has failed to set forth how the requested modifications would be in the minor's best interest.

All prior orders remain in full force and effect. Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #17: THE COURT DENIES RESPONDENT'S REQUEST TO MODIFY THE CURRENT ORDERS.

ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

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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 PHONE CALL 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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LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

18. PETER KASHUBA V. ALLISON KASHUBA

PFL20200214

Respondent filed an ex parte application for emergency orders on August 18, 2026. On August 19, 2026, the court granted the ex parte in part. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) session and set a review hearing for October 8, 2026. Proof of Service shows Petitioner was electronically served on August 21, 2026.

Both parties and the minor participated in the CCRC appointment. A report with recommendations was prepared on September 24, 2026. Copies were mailed to the parties the same day.

Respondent filed a declaration on September 8, 2026. It was served the same day. The court finds this declaration to not be relevant to the matter at hand and therefore, has not considered it.

Petitioner filed a supplemental declaration on September 30th, it was served on September 29th.

The court finds it is in need of additional information regarding the Domestic Violence Restraining Order out of Sacramento County prior to making orders on this matter. Therefore, the parties are ordered to appear for the hearing.

TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON OCTOBER 15, 2026, AT 1:30 PM IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

19. SYDNEY LEOS V. LAWRENCE PORCHIA

PFL20210592

Respondent filed a Request for Order (RFO) on July 24, 2026, seeking modification of the current child custody and parenting plan orders as well as child support orders. Respondent filed an Income and Expense Declaration on July 23, 2026. The parties were not referred to CCRC as they had attended within the prior six months. Proof of Service shows Petitioner was served by mail on August 4, 2026, however, was not served with a blank FL-320.

Respondent filed an amended RFO on August 7, 2026. Proof of Service shows Petitioner was mail served on August 7th. Once again Petitioner was not served with a blank FL-320.

Petitioner filed a Responsive Declaration to Request for Order on September 30, 2026. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made September 24th the last day for filing the responsive declaration, therefore, it is late filed and has not been considered by the court.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #19: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

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THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

20. SAGE MALDONADO V. JOSEPH MALDONADO

PFL20200784

Petitioner filed a Request for Order (RFO) seeking leave to amend the Petition. Upon review of the court file, there is no Proof of Service showing the RFO was properly served.

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

TENTATIVE RULING #20: THE MATTER IS DROPPED 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 PHONE CALL 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 PHONE CALL 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.

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
October 8, 2026
8:30 AM/1:30 PM

All matters where parties are ordered to appear or request oral argument will be heard on October 15, 2026, at the time the hearing was originally set.

21. CAROL NIELSEN V. KYLE NIELSEN

23FL1156

Petitioner filed a Request for Order (RFO) on July 31, 2026, seeking leave to amend the Petition. Proof of Service shows Respondent was personally served on August 26, 2026. Petitioner is seeking to amend the Petition from legal separation to dissolution.

Respondent has not filed a Responsive Declaration; therefore, the court deems his failure to do so as an admission that Petitioner's moving papers have merit. See El Dorado County, Local Rule 7.10.02(c).

The court grants Petitioner's request to amend the Petition. Petitioner is to file the Amended Petition no later than October 22, 2026.

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: PETITIONER'S REQUEST TO AMEND THE PETITION IS GRANTED. PETITIONER IS TO FILE THE AMENDED PETITION NO LATER THAN OCTOBER 22, 2026. 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 PHONE CALL 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 PHONE CALL 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.

ALL MATTERS WHERE PARTIES ARE ORDERED TO APPEAR OR REQUEST ORAL ARGUMENT WILL BE HEARD ON OCTOBER 15, 2026, AT THE TIME THE HEARING WAS ORIGINALLY SET.