

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**1. MARY CROWDER V. JEFFREY CROWDER**

**PFL20120584**

Respondent filed a Request for Order (RFO), on August 25, 2025, seeking reimbursement of spousal support overpayments and to cease paying for the parties' adult daughter's health insurance. Respondent is also seeking attorney's fees and costs. Respondent did not file an Income and Expense Declaration. Proof of Service shows Petitioner was mail served on August 26, 2025. The court notes this is a post-judgment request for modification, which requires compliance with Family Code section 215. Mail service is not compliant.

Petitioner filed a Responsive Declaration on October 2, 2025, opposing the request for reimbursement, as well as seeking Family Code section 2030 attorney's fees, and Family Code section 271 sanctions. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service for this document, and therefore, the court cannot consider it.

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on October 7, 2025. Petitioner asserts five counts of contempt due to Respondent's failure to pay spousal support. This matter is set to be heard on December 4, 2025. Proof of Service shows Respondent was personally served on October 22, 2025.

Petitioner filed an application for an Order Shortening Time (OST) and RFO requesting sanctions under the Code of Civil Procedure on October 24, 2025. The court granted the request on October 24<sup>th</sup>, setting the RFO to join with Respondent's RFO. Petitioner was directed to serve Respondent by no later than October 24<sup>th</sup>. The court directed Respondent to file a Responsive Declaration by no later than October 28<sup>th</sup>. Respondent was served electronically on October 24<sup>th</sup>.

Respondent has not filed a Responsive Declaration to Petitioner's RFO.

The court drops Respondent's RFO from calendar due to the lack of proper service.

The court reserves on Petitioner's request for sanctions until the December 4<sup>th</sup> hearing.

All prior orders remain in full force and effect.

**TENTATIVE RULING #1: THE COURT DROPS RESPONDENT'S RFO FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. THE COURT RESERVES ON PETITIONER'S**

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**REQUEST FOR SANCTIONS UNTIL THE DECEMBER 4<sup>TH</sup> HEARING. 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.**

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**2. HOPE KINSMAN V. JEREMY KINSMAN**

**25FL0256**

On August 22, 2025, Respondent filed a Request for Order (RFO) seeking to set aside his default. The RFO was served the same date as filing, however none of the other required documents were served with the RFO.

Petitioner filed a Responsive Declaration to Request for Order on October 13<sup>th</sup>. It was served on October 10<sup>th</sup>.

Respondent asks the court to set aside his default on the basis of fraud, misrepresentation, and perjury. He also notes that Petitioner failed to list any assets on her FL-100 which makes it so the parties are unable to resolve the case. He does include a copy of his proposed Response with the RFO.

Petitioner opposes the request arguing that Respondent was aware of his obligation to file a Response and he failed to do so.

“The 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). To obtain relief under Section 473(b), the moving party must do so within a reasonable time and must provide a copy of the pleading proposed to be filed. *Id.* Section 473(b) allows for a set aside in instances of the attorney’s fault, which gives rise to mandatory relief from a default judgment, in all other cases, relief is discretionary. See Garciae v. Hejmadi, 58 Cal. App. 4<sup>th</sup> 674 (1997).

Here, Respondent is pro per, therefore the mandatory provisions of Section 473(b) do not apply. Instead, the court must determine whether or not Respondent has met his burden under Section 473(b). In making such a determination, 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”). While the court is not to give deference to a party simply because that party was acting in pro per, the court is to resolve any doubts as to a showing of mistake, inadvertence, surprise, or excusable neglect in favor of the moving party. Elston v. City of Turlock, 38 Cal. 3d 227, 233 (1985) (overruled on other

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grounds). This is especially so when there has been no showing of substantial prejudice to the opposing party should the motion be granted. *Id.* at 235.

Respondent fails to provide any explanation for his failure to timely file his Response to the Petition. In fact, he does not address any of the requirements for a set aside as set forth by Section 473(b). Instead, he cites what he argues is actual fraud by noting deficiencies in Petitioner's FL-150, however he does not explain how those deficiencies relate to his failure to timely file his Response. For the foregoing reasons, the court finds that Respondent has not met his burden under Section 473(b) and therefore the request to set aside is denied.

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

**TENTATIVE RULING #2: THE COURT FINDS THAT RESPONDENT HAS NOT MET HIS BURDEN UNDER SECTION 473(b) AND THEREFORE THE REQUEST TO SET ASIDE IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**3. KRISTA KLINGENBERG V. DANIEL KERSEY**

**PFL20120509**

On September 11, 2025, the parties appeared in Department 8 for hearing on Respondent's Request to Change or End Restraining Order. The request was denied, and the parties were referred to Child Custody Recommending Counseling (CCRC). A review hearing was set for the present date.

The parties attended CCRC on September 24<sup>th</sup> and were able to reach agreements as to custody and visitation. A report codifying the agreements was prepared the same day, it was mailed to the parties on September 25<sup>th</sup>.

After reviewing the agreements of the parties, the court is concerned that the parties agree to joint legal and physical custody when there is an ongoing Domestic Violence Restraining Order (DVRO). The DVRO gives rise to the Family Code § 3044 presumption against legal or physical custody with the restrained party. The court is unaware if there has been a finding that the presumption has been rebutted. The parties are ordered to appear for the hearing.

Additionally, the parties had a Mandatory Settlement Conference (MSC) set to be heard on October 27, 2025. Unfortunately, Minors' Counsel was unavailable due to being in court in another county. The court continued the MSC to join with the review hearing scheduled for October 30<sup>th</sup> for the parties to select new dates. Parties are ordered to appear for the MSC as well.

**TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO ADDRESS REBUTTAL OF THE § 3044 PRESUMPTION. PARTIES ARE ORDERED TO APPEAR FOR THE MSC AS WELL.**

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**4. SARA KLINKENBORG V. CHRISTOPHER NELSON**

**24FL1262**

On August 18, 2025, Respondent filed an ex parte application for emergency orders, requesting a stay of the court's May 8, 2025 orders. Petitioner filed a Responsive Declaration opposing the ex parte request on August 20, 2025. The request was denied on an ex parte basis.

Respondent filed a Request for Order (RFO) on August 20, 2025, seeking the same orders as requested in the ex parte application. Respondent concurrently filed a Memorandum of Points and Authorities. Respondent has not filed an Income and Expense Declaration. There is no Proof of Service for these documents.

Petitioner has not filed a Responsive Declaration to Request for Order.

The court drops the matter from calendar due to the failure to properly serve Petitioner.

All prior orders remain in full force and effect.

**TENTATIVE RULING #4: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE PETITIONER. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

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**5. PATRICIA KOWALSKI V. BRAD KOWALSKI**

**24FL0773**

On August 15, 2025, Petitioner filed a Request for Order (RFO) seeking spousal support, property orders, and a vocational evaluation of Respondent. She filed her Income and Expense Declaration on August 19<sup>th</sup>. All documents, with the exception of the Notice of Tentative Ruling, were served on August 20<sup>th</sup>.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on October 10<sup>th</sup>.

Petitioner's Reply Declaration was filed and served on October 21<sup>st</sup>.

Petitioner is requesting guideline spousal support along with possession and control of the Lexus and Ford Escape. She proposes Respondent have possession and control of the Ford F-150. She agrees to continue payments on all of the aforementioned automobiles but asks that she be allowed to deduct the \$767.41 payment on the F-150 from her support obligation. She requests Respondent have exclusive use and possession of the home and that he be assigned the obligation to pay the mortgage. She requests a finding that the mortgage of \$2,336 is less than fair market value but asks that the court reserve jurisdiction on *Watts/Epstein* charges and credits until the time of trial. She further requests an order to sell the marital residence, and a seek work order for Respondent as well as an order for Respondent to undergo a vocational evaluation.

Respondent asks the court to order guideline spousal support without offsets. He proposes the parties split the monthly payments for the FL-150 and the mortgage and asks for reimbursement for healthcare out-of-pocket premium expenses. He agrees to sell the home but asks that it be done after repairs and updates have been completed. He further agrees to a reservation of jurisdiction over *Watts/Epstein* charges and credits. Finally, he asks the court to deny the request for a vocational evaluation.

The court holds broad discretion to "...make any orders [it] considers necessary..." Fam. Code § 2553. In keeping with that discretion, the court makes the following orders regarding the vehicles: Petitioner shall have temporary exclusive use and possession of the Lexus and the Ford Escape. Petitioner shall bear the sole costs of these vehicles including loan payments, if any, upkeep, and insurance. Respondent shall have exclusive use and possession of the Ford F-150. Respondent to pay the sole cost of this vehicle including the loan payments, upkeep, and insurance.

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Regarding the marital residence, it is a longstanding tenant of the law that the court shall divide the community estate of the parties equally. Cal. Fam. Code § 2550. Inherent in the court's authority to ensure that community assets are divided equally, the court holds broad discretion to "[a]t any time during the proceeding...order the liquidation of community or quasi-community assets so as to avoid unreasonable market or investment risks..." Cal. Fam. Code § 2108.

Here, the parties appear to be in agreement over the liquidation of the marital residence; their dispute is generally with regard to timing and the completion of repairs and upgrades on the home prior to placing it on the market. As such, the parties are ordered to place the house up for sale with an agreed upon real estate agent or broker no later than December 1, 2025. The parties are ordered to take no action which would delay, hinder, or otherwise prevent the sale, including actions which would prevent cleaning, repairs, and maintenance or showing of the home in furtherance of its sale. The parties are ordered to cooperate with the real estate professional to make the home available for showings and to communicate with the real estate professional as needed. The parties are ordered to accept any reasonable offer for the purchase of the home if one is received. The parties are to sign all documents related to the sale of the home in a timely manner. Net proceeds of the sale are to be placed in the Attorney Trust Account of Petitioner's counsel until written agreement of the parties or until court order to release the proceeds. The court reserves jurisdiction over all aspects of the sale and distribution of the net proceeds of the sale, including, but not limited to, the court's authority to direct the clerk to act as elisor for either party's signature if necessary.

The parties are ordered to equally split the mortgage payments until the home is sold, subject to *Watts/Epstein* credits and charges which shall be determined at trial. Respondent shall provide Petitioner with an accounting of the work done on the home and the proceeds of the \$15,000 loan.

The court reserves jurisdiction over all *Watts/Epstein* credits and charges until the time of trial. This includes for payments made and work done on the home, as well as payments made on the vehicles. The court is also reserving jurisdiction over the issue of Respondent's healthcare premiums as it is unclear to the court if Petitioner did put Respondent on her new plan. If so, then it was unnecessary for Respondent to obtain additional health insurance. The court is in need of additional information on this issue and thus the court is reserving jurisdiction until the time of trial.

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The request for an accounting of Respondent's business is denied as it is a new request raised in the Reply Declaration. Requests unrelated to those raised in the original RFO must be brought by filing a new RFO. Cal. Rule Ct. § 5.92(g)(2).

Turning to the issue of support, the requests for a vocational evaluation and a seek work order are denied as the court finds that Respondent retired at an appropriate age and in good faith.

Utilizing the same figures as outlined in each party's Income and Expense Declaration, the court finds that spousal support per the Alameda formula is \$1,528 per month. See attached Xspouse report. The court adopts the attached Xspouse report and orders Petitioner to pay Respondent \$1,528 per month as and for temporary spousal support, payable on the 15<sup>th</sup> of the month until further order of the court or legal termination. This order is effective as of August 15, 2025.

The court finds the above order results in arrears in the amount of \$4,584 through and including October 15, 2025. The court orders Petitioner to pay Respondent \$191 on the 1<sup>st</sup> of each month commencing on November 1, 2025 and continuing until paid in full (approximately 24 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

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

**TENTATIVE FULING #5: PETITIONER SHALL HAVE TEMPORARY EXCLUSIVE USE AND POSSESSION OF THE LEXUS AND THE FORD ESCAPE. PETITIONER SHALL BEAR THE SOLE COSTS OF THESE VEHICLES INCLUDING LOAN PAYMENTS, IF ANY, UPKEEP, AND INSURANCE. RESPONDENT SHALL HAVE EXCLUSIVE USE AND POSSESSION OF THE FORD F-150. RESPONDENT TO PAY THE SOLE COST OF THIS VEHICLE INCLUDING THE LOAN PAYMENTS, UPKEEP AND INSURANCE.**

**THE PARTIES ARE ORDERED TO PLACE THE HOUSE UP FOR SALE WITH AN AGREED UPON REAL ESTATE AGENT OR BROKER NO LATER THAN DECEMBER 1, 2025. THE PARTIES ARE ORDERED TO TAKE NO ACTION WHICH WOULD DELAY, HINDER, OR OTHERWISE PREVENT THE SALE, INCLUDING ACTIONS WHICH WOULD PREVENT CLEANING, REPAIRS, AND MAINTENANCE OR SHOWING OF THE HOME IN FURTHERANCE OF ITS SALE. THE PARTIES ARE ORDERED TO COOPERATE WITH THE REAL ESTATE PROFESSIONAL TO MAKE THE HOME AVAILABLE FOR SHOWINGS AND TO COMMUNICATE WITH THE REAL ESTATE PROFESSIONAL AS NEEDED. THE PARTIES ARE**

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ORDERED TO ACCEPT ANY REASONABLE OFFER FOR THE PURCHASE OF THE HOME IF ONE IS RECEIVED. THE PARTIES ARE TO SIGN ALL DOCUMENTS RELATED TO THE SALE OF THE HOME IN A TIMELY MANNER. NET PROCEEDS OF THE SALE ARE TO BE PLACED IN THE ATTORNEY TRUST ACCOUNT OF PETITIONER'S COUNSEL UNTIL WRITTEN AGREEMENT OF THE PARTIES OR UNTIL COURT ORDER TO RELEASE THE PROCEEDS. THE COURT RESERVES JURISDICTION OVER ALL ASPECTS OF THE SALE AND DISTRIBUTION OF THE NET PROCEEDS OF THE SALE, INCLUDING, BUT NOT LIMITED TO, THE COURT'S AUTHORITY TO DIRECT THE CLERK TO ACT AS ELISOR FOR EITHER PARTY'S SIGNATURE IF NECESSARY.

THE PARTIES ARE ORDERED TO EQUALLY SPLIT THE MORTGAGE PAYMENTS UNTIL THE HOME IS SOLD SUBJECT TO *WATTS/EPSTEIN* CREDITS AND CHARGES WHICH SHALL BE DETERMINED AT TRIAL. RESPONDENT SHALL PROVIDE PETITIONER WITH AN ACCOUNTING OF THE WORK DONE ON THE HOME AND THE PROCEEDS OF THE \$15,000 LOAN.

THE COURT RESERVES JURISDICTION OVER ALL *WATTS/EPSTEIN* CREDITS AND CHARGES UNTIL THE TIME OF TRIAL. THIS INCLUDES FOR PAYMENTS MADE AND WORK DONE ON THE HOME, AS WELL AS PAYMENTS MADE ON THE VEHICLES. THE COURT IS ALSO RESERVING JURISDICTION OVER THE ISSUE OF RESPONDENT'S HEALTHCARE PREMIUMS AS IT IS UNCLEAR TO THE COURT IF PETITIONER DID PUT RESPONDENT ON HER NEW PLAN. IF SO, THEN IT WAS UNNECESSARY FOR RESPONDENT TO OBTAIN ADDITIONAL HEALTH INSURANCE. THE COURT IS IN NEED OF ADDITIONAL INFORMATION ON THIS ISSUE AND THUS THE COURT IS RESERVING JURISDICTION UNTIL THE TIME OF TRIAL.

THE REQUEST FOR AN ACCOUNTING OF RESPONDENT'S BUSINESS IS DENIED AS IT IS A NEW REQUEST RAISED IN THE REPLY DECLARATION. REQUESTS UNRELATED TO THOSE RAISED IN THE ORIGINAL RFO MUST BE BROUGHT BY FILING A NEW RFO. CAL. RULE CT. § 5.92(G)(2).

TURNING TO THE ISSUE OF SUPPORT, THE REQUESTS FOR A VOCATIONAL EVALUATION AND A SEEK WORK ORDER ARE DENIED AS THE COURT FINDS THAT RESPONDENT RETIRED AT AN APPROPRIATE AGE AND IN GOOD FAITH.

UTILIZING THE SAME FIGURES AS OUTLINED IN EACH PARTY'S INCOME AND EXPENSE DECLARATION, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,528 PER MONTH. SEE ATTACHED XSPOUSE REPORT. THE

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**COURT ADOPTS THE ATTACHED XSPOUSE REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$1,528 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15<sup>TH</sup> OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF AUGUST 15, 2025.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$4,584 THROUGH AND INCLUDING OCTOBER 15, 2025. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$191 ON THE 1<sup>ST</sup> OF EACH MONTH COMMENCING ON NOVEMBER 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.**

**PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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| Fixed Shares            | Father  | Mother | Monthly figures  |       | Cash Flow                  |           |          |
|-------------------------|---------|--------|------------------|-------|----------------------------|-----------|----------|
| #of children            | 0       | 1      | 2025             |       |                            | Guideline | Proposed |
| % time with NCP         | 20.00 % | 0.00 % | GUIDELINE        |       | Comb. net spendable        | 13281     | 13281    |
| Filing status           | SINGLE  | HH/MLA | Nets(adjusted)   |       | Percent change             | 0%        | 0%       |
| # exemptions            | 1 *     | 2 *    | Support          |       | Father                     |           |          |
| Wages+salary            | 0       | 15827  | Father           | 3552  | Payment cost/benefit       | 1425      | 1425     |
| Self-employed income    | 0       | 0      | Mother           | 9729  | Net spendable income       | 5081      | 5081     |
| Other taxable income    | 4047    | 0      | Total            | 13281 | Change from guideline      | 0         | 0        |
| TANF+CS received        | 0       | 0      | Support          |       | % of combined spendable    | 38%       | 38%      |
| Other nontaxble income  | 0       | 0      | Addons           | 0     | % of saving over guideline | 0%        | 0%       |
| New spouse income       | 0       | 0      | Guideln CS       | 0     | Total taxes                | 495       | 495      |
| 401(k) employee contrib | 0       | 0      | Alameda SS       | 1528  | Dep. exemption value       | 0         | 0        |
| Adjustments to income   | 0       | 0      | Total            | 1528  | # withholding allowances   | 0w        | 0w       |
| SS paid prev marriage   | 0       | 0      | -                |       | Net wage paycheck          | 0         | 0        |
| CS paid prev marriage   | 0       | 0      | Settings changed |       | Mother                     |           |          |
| Health insurance        | 0       | 862    |                  |       | Payment cost/benefit       | -1386     | -1386    |
| Other medical expense   | 0       | 0      |                  |       | Net spendable income       | 8200      | 8200     |
| Property tax expense    | 0       | 0      |                  |       | Change from guideline      | 0         | 0        |
| Ded interest expense    | 0       | 0      | Proposed         |       | % of combined spendable    | 62%       | 62%      |
| Contribution deduction  | 0       | 0      | Tactic 9         |       | % of saving over guideline | 0%        | 0%       |
| Misc tax deductions     | 0       | 0      | CS               | 0     | Total taxes                | 4128      | 4128     |
| Qual bus income ded     | 0       | 0      | SS               | 1528  | Dep. exemption value       | 0         | 0        |
| Required union dues     | 0       | 0      | Total            | 1528  | # withholding allowances   | 0         | 0        |
| Mandatory retirement    | 0       | 1108   |                  |       | Net wage paycheck          | 10691     | 10691    |
| Hardship deduction      | 0 *     | 0 *    | Saving           | 0     |                            |           |          |
| Other GDL deductions    | 0       | 0      | Releases         | 0     |                            |           |          |
| Child care expenses     | 0       | 0      |                  |       |                            |           |          |

Mother pays Guideline SS, Proposed SS

FC 4055 checking: ON

| Per Child Information |           |        |        |        |        |          |        |         |        |
|-----------------------|-----------|--------|--------|--------|--------|----------|--------|---------|--------|
|                       | Timeshare | cce(F) | cce(M) | Addons | Payor  | Basic CS | Payor  | Pres CS | Payor  |
| All children          | 20 - 80   | 0      | 0      | 0      | Father | 0        | Father | 0       | Father |
|                       | 20 - 80   | 0      | 0      | 0      | Father | 0        | Father | 0       | Father |

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**6. DONNA PESTONI V. JOSEPH PESTONI**

**PFL20200165**

On August 19, 2025, Respondent filed a Request for Order (RFO) seeking an order compelling discovery responses and monetary sanctions. The RFO and all required documents were mail served on August 21<sup>st</sup>. Petitioner has not filed a Responsive Declaration to Request for Order.

Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure “as an admission that the motion or other application is meritorious.” El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO was timely and properly served on Petitioner. She had notice of the pending requests and chose not to file an opposition. As such, the court finds good cause to treat her failure to do so as an admission that the claims made in the RFO are meritorious.

According to Respondent, he served Requests for Production of Documents on Petitioner on June 10, 2025 thereby making responses due on or before July 14, 2025. An extension of time was offered though Petitioner did not respond to the offer or the attempt to meet and confer on the missing responses. Respondent now requests an order compelling Petitioner’s responses to Requests for Production of Documents without objections. He further requests \$2,500 in monetary sanctions pursuant to Civil Procedure § 2023.010.

The party to whom requests for production of documents have been propounded shall respond within 30 days of the date of service. Cal. Civ. Pro. § 2031.300. Where a party fails to provide timely responses the party to whom the discovery was directed waives “any objection...including one based on privilege or on the protection of work product...” and “[t]he party making the demand may move for an order compelling response[s]...” Cal Civ. Pro. §2031.300(a).

Here, Respondent has sufficiently established Petitioner’s failure to comply with her discovery obligations. As such, Respondent’s motion to compel is granted. Petitioner shall provide full and complete verified responses, without objections, to Requests for Production of Documents no later than November 26, 2025.

Under the circumstances it appears monetary sanctions are also warranted. Where a party engages in the misuse of the discovery process, the court “shall” impose monetary sanctions “unless it finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” Cal.

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Civ. Pro. 2023.030(a)(emphasis added) & 2023.020. Misuse of the discovery process includes, but is not limited to, failing to respond or submit to an authorized method of discovery, or failing to confer in a reasonable, good faith attempt to informally resolve any discovery dispute. Cal. Civ. Pro. § 2023.010. A party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must already be liable for those expenses before the court can award the costs as sanctions. See *Tucker v. Pacific Bell Mobile Servs.*, 186 Cal. App. 4<sup>th</sup> 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

“... [I]n addition to any other sanctions imposed ...a court *shall* impose a one-thousand-dollar (\$1,000) sanction, payable to the requesting party...” if the court finds that the noncompliant party did not respond in good faith to a request for production of documents, or failed to make a reasonable, good faith attempt to informally resolve a discovery dispute. Cal. Civ. Pro. § 2023.050(a).

By failing to provide full and complete, verified responses within the allotted timeframe, Petitioner has engaged in misuse of the discovery process. Moreover, she failed to meaningfully engage in Respondent’s attempt to resolve the matter prior to the filing of the RFO. That said, Respondent has not provided the court with billing records or any explanation as to why he feels he incurred \$2,500 as a result of the discovery abuse. Additionally, the court feels it is unlikely Respondent incurred \$2,500 in the preparation of the pending RFO given that it is hardly a complex motion to research and prepare. As such, the court is of the opinion that \$500 is a more reasonable amount.

Respondent is awarded \$500 in attorney’s fees, though this amount is subject to increase in the event a hearing is requested, and Respondent incurs additional costs associated with his counsel’s appearance at the hearing. Petitioner is sanctioned an additional \$1,000 for failure to respond to requests for production of documents which results in a total of \$1,500 in sanctions. Sanctions may be paid in one lump sum or in monthly increments of \$100 due and payable on the 15<sup>th</sup> of each month commencing on November 15, 2025 and continuing until paid in full (approximately 15 months). Payments are to be made to Respondent’s counsel. 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.

**TENTATIVE RULING #6: RESPONDENT’S MOTION TO COMPEL IS GRANTED. PETITIONER SHALL PROVIDE FULL AND COMPLETE VERIFIED RESPONSES, WITHOUT OBJECTIONS,**

LAW & MOTION TENTATIVE RULINGS

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October 30, 2025

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

**TO REQUESTS FOR PRODUCTION OF DOCUMENTS NO LATER THAN NOVEMBER 26, 2025. PETITIONER IS SANCTIONED \$1,500. SANCTIONS MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$100 DUE AND PAYABLE ON THE 15<sup>TH</sup> OF EACH MONTH COMMENCING ON NOVEMBER 15, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 15 MONTHS). PAYMENTS ARE TO BE MADE TO RESPONDENT'S COUNSEL. 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 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.**

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DEPARTMENT 5

October 30, 2025

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

**7. STUART J. REMINGTON V. BRITTANY J. REMINGTON**

**24FL0061**

On August 26, 2025, Respondent filed a Request for Order (RFO) seeking an order directing Petitioner to disclose the supporting documents to his FL-150 and FL-142. The RFO was served on August 27<sup>th</sup> however none of the other required documents were served.

Petitioner filed and served his Responsive Declaration to Request for Order on October 17<sup>th</sup>.

According to Respondent, she was served with an FL-150 and an FL-142 but neither had the requisite supporting documents. She states she did receive three documents which she states are attached to her RFO, though there were no such documents attached.

Petitioner objects to Respondent's request as it is neither code compliant nor procedurally proper. Additionally, he states that all of the requested documents have been produced.

Given that all of the requested documents have been produced, the court finds this RFO to be moot and therefore declines to rule on it.

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

**TENTATIVE RULING #7: THE COURT DECLINES TO RULE ON THE RFO AS IT IS MOOT. 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 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.**

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DEPARTMENT 5

October 30, 2025

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

**8. FAITH ROBLES V. ARMANDO ROBLES**

**24FL0048**

On August 19, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. All required documents were electronically served on August 21<sup>st</sup>. Given that this is a post-judgment request, Respondent filed a Declaration Regarding Address Verification as required by Family Code § 215.

The Supplemental Declaration of Respondent Regarding a Post-Judgment Modification of Visitation was filed and served on September 5<sup>th</sup>. On September 19<sup>th</sup> a Supplemental Declaration Re Respondent's Work Flexibility was also filed and served.

Petitioner filed and served a Responsive Declaration to Request for Order and a Declaration of Eden Starrett on October 7<sup>th</sup>.

The parties attended Child Custody Recommending Counseling (CCRC) on September 17<sup>th</sup>. They reached some agreements but could not agree on all issues therefore a report with agreements and recommendations was prepared on October 17, 2025. It was mailed to the parties on October 21<sup>st</sup>.

Petitioner's Reply Declaration to CCRC Report Dated 10-17-25 was filed and served on October 22<sup>nd</sup>.

Respondent is requesting a post-judgment hearing on modification of the visitation schedule. Specifically, he is requesting the court modify his parenting schedule to the first, second, fourth, and fifth weekends of each month from Friday at 5:00pm until drop-off at school on Tuesday mornings or 8:00am if no school; Additionally, he asks for a mid-week visit on Wednesday from 5:00pm to 7:00pm on the week that he does not have the weekend visit with the children. He further requests an order directing Petitioner to comply with the terms of the joint legal custody order and notify him of all doctor and dentist appointments.

Petitioner asks that the court maintain the current recommendations as outlined in the CCRC report dated July 7, 2024. She asks that Respondent's request to modify visitation be denied as there has been no major change in circumstances. Alternatively, if the schedule is modified, she asks that Respondent have the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> weekends of the month from Friday at 5:00pm to Sunday at 5:00pm and, on those weekends where the following Monday is a holiday then Respondent's visitation to be extended to 5:00pm on Monday. She proposes Respondent have a mid-week visit the 3<sup>rd</sup> week of the month on Wednesday from 4:00pm to 6:00pm, with no third-party exchanges for this visit.

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

After reviewing the filings, the court does not find there to be a significant change in circumstances that would warrant a change to the current custody orders. That said, the parties do seem to agree on a mid-week visit, the third week of the month when Respondent does not have the children over the weekend. As such, the only modification the court is making to the visitation schedule is the addition of the following: Respondent shall have a mid-week visit during the third week of each month, on Wednesday from 4:00pm to 6:00pm.

The parties are ordered to comply with all prior orders including the prior order for co-parenting counseling. Additionally, given Adrian's difficulty adjusting on Mondays after exchanges, the court is adopting the Counseling section of the CCRC report.

All prior orders not in conflict with this order remain in full force and effect.

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

**TENTATIVE RULING #8: THE ONLY MODIFICATION THE COURT IS MAKING TO THE VISITATION SCHEDULE IS THE ADDITION OF THE FOLLOWING: RESPONDENT SHALL HAVE A MID-WEEK VISIT DURING THE THIRD WEEK OF EACH MONTH, ON WEDNESDAY FROM 4:00PM TO 6:00PM.**

**THE PARTIES ARE ORDERED TO COMPLY WITH ALL PRIOR ORDERS INCLUDING THE PRIOR ORDER FOR CO-PARENTING COUNSELING. ADDITIONALLY, GIVEN ADRIAN'S DIFFICULTY ADJUSTING ON MONDAYS AFTER EXCHANGES, THE COURT IS ADOPTING THE COUNSELING SECTION OF THE CCRC REPORT.**

**ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.**

**RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

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

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October 30, 2025

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

**9. JEFFREY SHASKY V. KATHARINE SHASKY**

**PFL20210259**

On May 1, 2024, Respondent filed an RFO requesting primary physical custody of both children. She asks that the children have visits with Petitioner at their discretion or, in the alternative, Wednesday dinner visits and visits every other Saturday from 10:00 am to 5:00 pm. She asks that child support be updated based on the new timeshare.

Petitioner opposed the RFO asking that the parties maintain joint legal and physical custody consistent with their marital settlement agreement. He asks that the court order either a 2-2-5-5 or a 2-2-3 parenting schedule. If a 2-2-5-5 schedule is implemented, then he requests Monday and Tuesday as his parenting time. He requests parenting time immediately as he has not seen the minors since April 16, 2024. Finally, he is requesting the parties be ordered to participate in family therapy to address the concerns of the minors.

The Parties appeared for the hearing on July 25, 2024. The court found good cause to continue the custody and parenting plan portion of the hearing, due to the Sacramento County Restraining order request pending trial. The court made child support orders and set the matter for a review hearing on January 16, 2025. The parties submitted an Agreement and Order to continue the review hearing from January 16, 2025 to August 14, 2025. At the August 14<sup>th</sup> hearing, the court re-referred the parties to CCRC and set a review hearing for the present date. The court continued to reserve jurisdiction to retroactively modify child support to May 1, 2024.

Respondent filed and served her Income and Expense Declaration on September 23<sup>rd</sup>. Petitioner filed and served his Income and Expense Declaration on October 8<sup>th</sup>. Neither party has filed a Supplemental Declaration since the August 14<sup>th</sup> hearing.

The parties attended Child Custody Recommending Counseling (CCRC) on September 11, 2025. They reached some agreements but could not agree on all issues therefore a report with agreements and recommendations was prepared and mailed to the parties on October 1<sup>st</sup>.

After reviewing the filings as outlined above the court finds the agreements and recommendations contained in the October 1, 2025 CCRC report to be in the best interests of the minors. They are hereby adopted as the orders of the court. All prior orders which are not in conflict with this order shall remain in full force and effect.

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

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October 30, 2025

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

**TENTATIVE RULING #9: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE OCTOBER 1, 2025 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ALL PRIOR ORDERS WHICH ARE NOT IN CONFLICT WITH THIS ORDER SHALL 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.**

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October 30, 2025

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

**10. NATHAN SPEARS V. ASHLEY SPEARS**

**PFL20190707**

On August 25, 2025, Respondent filed a Request for Order (RFO) seeking permission to claim the child on taxes and requesting child support. It was served on Petitioner and Minor's Counsel on August 29<sup>th</sup>, however there is no Proof of Service for the Department of Child Support Services (DCSS).

Petitioner filed a Responsive Declaration to Request for Order and a Financial Statement (Simplified) on October 17<sup>th</sup>. The Proof of Service is faulty in that it does not specify the date on which these documents were served.

Respondent filed a Reply Declaration on October 22<sup>nd</sup>. It was electronically served on Minor's Counsel and on Petitioner on October 22<sup>nd</sup>, but there is no Proof of Service evidencing service on DCSS.

Petitioner filed and served another Declaration on October 23<sup>rd</sup>.

This matter is dropped from calendar due to lack of prop service. Respondent is requesting child support and DCSS is a party to the action therefore their notice was required.

**TENTATIVE RULING #10: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

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

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

**11. N. TRUXLER V. C. TRUXLER**

**23FL0639**

On August 26, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders and orders regarding the minor's school attendance. All required documents were served on August 27<sup>th</sup>.

Respondent's Supplemental Declaration was filed and served on October 10<sup>th</sup>.

The parties attended Child Custody Recommending Counseling (CCRC) on September 22, 2025, but they were unable to reach any agreements. A report with recommendations was prepared and mailed to the parties on October 17<sup>th</sup>.

Petitioner filed a Responsive Declaration to Request for Order on October 20<sup>th</sup>. Respondent objects to the declaration as untimely and asks the court to strike it. The court does find Petitioner's responsive declaration 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 October 17<sup>th</sup> the last day for filing Petitioner's Responsive Declaration to Request for Order; therefore, it is late filed and has not been considered by the court. Respondent's objection is sustained and the request to strike is granted.

Respondent's Reply Declaration to CCRC Report was filed on October 20<sup>th</sup>.

Respondent requests the following orders: (1) The minor to remain enrolled at Sierra Hills Elementary for the current (2025-2026) school year and beyond; (2) Respondent to have primary physical custody of the minor with Petitioner having parenting time on alternate weekends from after school, or 3pm if no school, to Sunday evening at 6pm; (3) Both parties ordered to ensure the minor's attendance at school during their parenting time; (4) The parties to be ordered to use Mr. Neil Forester to attempt to agree on a holiday and vacation schedule, and discuss the school issue. Respondent to bear the full cost of Mr. Forester's services; (5) Petitioner to abide by the May 7, 2024 order for co-parenting counseling and the parties to either return to counseling with Angie Platt or the parties to agree to a new counselor. Fees for co-parenting counseling to be split equally; and (6) The

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parties to complete the Judgment prepared in 2024 which is to be submitted within 2 weeks after the holiday, vacation, and school orders are confirmed.

After reviewing the filings as outlined above, the court is concerned with the child's attendance at school, or lack thereof, during Petitioner's parenting time. The attendance notes attached to Respondent's October 10<sup>th</sup> Supplemental Declaration show a clear pattern of tardiness due to "custody exchange offsite," picking the minor up early "because it's Mom's custody time" and absences "due to mom's custody time until the court date per mom." With the minor's educational needs not being made a priority, the court does not find that the current custody schedule is in the best interests of the minor. As such, Respondent shall have primary physical custody of the minor. Petitioner shall have parenting time on alternating weekends from Friday after school, or 3pm if no school, to Sunday evening at 6pm. Both parties are ordered to ensure the minor's attendance at school events during their parenting time. The minor shall remain enrolled at Sierra Hills Elementary for the current school year and beyond until written agreement of the parties or court order otherwise.

The remaining recommendations in the October 17, 2025 CCRC report are hereby adopted as the orders of the court with the following modifications. The section titled Co-Parenting Counseling is modified to read: "The parties shall abide by the May 7, 2024 order for co-parenting counseling. The parties are ordered to return to Angie Platt for counseling. If Ms. Platt is unavailable or unable to conduct the co-parenting counseling services, then Petitioner shall propose the names of three counselors which are in-network for her insurance. Respondent shall select one and notify Petitioner of his selection within 5 days of receiving Petitioner's proposed names. The parties are ordered to conduct the intake process and commence counseling as soon as possible after the therapist is chosen. All co-parenting counseling out of pocket costs shall be split equally between the parties."

The CCRC report section entitled Notification of Proposed Move of Child shall be amended to read as follows: "Each parent must notify the other, 30 days before any planned change in residence of the children. The notification must state the planned address of the child, including the county and state of the new residence, confirmation the child will have his own bedroom, and a list of all those living in the home with the child including first and last names. The notification must be sent by certified mail, return receipt requested."

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It appears the CCRC report does not address a holiday or vacation schedule. As such, the parties are ordered to utilize the services of Mr. Neil Forester to attempt to agree on a holiday and vacation schedule. Respondent shall bear the full cost of Mr. Forester's services. The parties are ordered to contact Mr. Forester no later than November 7, 2025 to select a date to meet with him.

Once the parties have an agreed upon holiday and vacation schedule, the parties are ordered to cooperate in completing and submitting the 2024 Judgment within 2 weeks of agreeing upon a holiday and vacation schedule.

All prior orders not in conflict with this order remain in full force and effect.

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

**TENTATIVE RULING #11: RESPONDENT SHALL HAVE PRIMARY PHYSICAL CUSTODY OF THE MINOR. PETITIONER SHALL HAVE PARENTING TIME ON ALTERNATING WEEKENDS FROM FRIDAY AFTER SCHOOL, OR 3PM IF NO SCHOOL, TO SUNDAY EVENING AT 6PM. BOTH PARTIES ARE ORDERED TO ENSURE THE MINOR'S ATTENDANCE AT SCHOOL EVENTS DURING THEIR PARENTING TIME. THE MINOR SHALL REMAIN ENROLLED AT SIERRA HILLS ELEMENTARY FOR THE CURRENT SCHOOL YEAR AND BEYOND UNTIL WRITTEN AGREEMENT OF THE PARTIES OR COURT ORDER OTHERWISE.**

**THE REMAINING RECOMMENDATIONS IN THE OCTOBER 17, 2025 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. THE SECTION TITLED CO-PARENTING COUNSELING IS MODIFIED TO READ: "THE PARTIES SHALL ABIDE BY THE MAY 7, 2024 ORDER FOR CO-PARENTING COUNSELING. THE PARTIES ARE ORDERED TO RETURN TO ANGIE PLATT FOR COUNSELING. IF MS. PLATT IS UNAVAILABLE OR UNABLE TO CONDUCT THE CO-PARENTING COUNSELING SERVICES THEN PETITIONER SHALL PROPOSE THE NAMES OF THREE COUNSELORS WHICH ARE IN-NETWORK FOR HER INSURANCE. RESPONDENT SHALL SELECT ONE AND NOTIFY PETITIONER OF HIS SELECTION WITHIN 5 DAYS OF RECEIVING PETITIONER'S PROPOSED NAMES. THE PARTIES ARE ORDERED TO CONDUCT THE INTAKE PROCESS AND COMMENCE COUNSELING AS SOON AS POSSIBLE AFTER THE THERAPIST IS CHOSEN. ALL CO-PARENTING COUNSELING OUT OF POCKET COSTS SHALL BE SPLIT EQUALLY BETWEEN THE PARTIES."**

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

THE CCRC REPORT SECTION ENTITLED NOTIFICATION OF PROPOSED MOVE OF CHILD SHALL BE AMENDED TO READ AS FOLLOWS: “EACH PARENT MUST NOTIFY THE OTHER, 30 DAYS BEFORE ANY PLANNED CHANGE IN RESIDENCE OF THE CHILDREN. THE NOTIFICATION MUST STATE THE PLANNED ADDRESS OF THE CHILD, INCLUDING THE COUNTY AND STATE OF THE NEW RESIDENCE, CONFIRMATION THE CHILD WILL HAVE HIS OWN BEDROOM, AND A LIST OF ALL THOSE LIVING IN THE HOME WITH THE CHILD INCLUDING FIRST AND LAST NAMES. THE NOTIFICATION MUST BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.”

IT APPEARS THE CCRC REPORT DOES NOT ADDRESS A HOLIDAY OR VACATION SCHEDULE. AS SUCH, THE PARTIES ARE ORDERED TO UTILIZE THE SERVICES OF MR. NEIL FORESTER TO ATTEMPT TO AGREE ON A HOLIDAY AND VACATION SCHEDULE. RESPONDENT SHALL BEAR THE FULL COST OF MR. FORESTER’S SERVICES. THE PARTIES ARE ORDERED TO CONTACT MR. FORESTER NO LATER THAN NOVEMBER 7, 2025 TO SELECT A DATE TO MEET WITH HIM.

ONCE THE PARTIES HAVE AN AGREED UPON HOLIDAY AND VACATION SCHEDULE, THE PARTIES ARE ORDERED TO COOPERATE IN COMPLETING AND SUBMITTING THE 2024 JUDGMENT WITHIN 2 WEEKS OF AGREEING UPON A HOLIDAY AND VACATION SCHEDULE.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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

**12. KRISTINE WALLEMAN V. MERLE WALLEMAN**

**PFL20040449**

On September 16, 2025, Counsel for Respondent filed a Notice of Motion and Motion to be Relieved as Counsel. The motion was served on Respondent and on Petitioner's counsel on September 8<sup>th</sup>.

Counsel states that there has been an irreparable breakdown of the attorney-client relationship due to irreconcilable differences. The motion is granted pursuant to *Aceves v. Sup. Ct.*, 51 Cal. App. 4<sup>th</sup> 584 (1996) which states that the court may rely on Counsel's representation that there is a conflict, or that the attorney-client relationship has suffered an unrepairable breakdown, without knowing the underlying facts behind those statements. Withdrawal will be effective as of the date of filing the Proof of Service of the formal, signed order upon the client.

**TENTATIVE RULING #12: THE MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER UPON THE CLIENT.**

**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.**

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

**13. PAVEL YEFANOV V. KAYLEY PEACOCK**

**22FL0116**

On September 24, 2025, Petitioner filed a Request for Order (RFO) seeking child support and an order regarding the minor's passport. He filed his Income and Expense Declaration concurrently therewith. Both documents were personally served on October 1<sup>st</sup>, however none of the other required documents were served.

Respondent filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on October 8<sup>th</sup>. Both documents were served on October 7<sup>th</sup>.

Petitioner filed a declaration on October 23<sup>rd</sup>, however there is no Proof of Service for this document therefore the court cannot consider it.

Petitioner asks the court to amend child support based on the fact that he injured himself and is currently unable to work therefore his income has decreased. Additionally, he requests permission to get a passport for the minor.

Respondent asks the court to maintain its current support order and deny Petitioner's request for a passport due to safety concerns for the minor.

The request to modify child support is denied. Respondent has established only that he has not worked for VTS Transport Inc. since April of 2025, not that he cannot work. The doctor's note he provided to support his position does not take him off work completely but instead lists restrictions on his physical activity. Family Code section 3900 codifies the general obligation of both parties to support their minor children. Moreover, the court maintains broad discretion in determining the amount of child support based on each party's earning capacity. See Fam. Code § 4050. Here, the court does find that Respondent has the ability to work even if it means obtaining a job that can accommodate his physical restrictions. As such, the request to modify child support is denied.

Regarding the request for a passport, the request is denied as Petitioner has failed to establish how having a passport is in the best interest of the child.

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

**TENTATIVE RULING #13: THE REQUEST TO MODIFY CHILD SUPPORT IS DENIED AND THE REQUEST TO OBTAIN A PASSPORT FOR THE MINOR IS DENIED. RESPONDENT SHALL PREARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 30, 2025

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

**14. ELIZA ZORN V. JOSEPH ZORN**

**23FL1114**

On November 14, 2023, Petitioner filed a Request for Order (RFO) seeking support and custody orders. The parties stipulated to continue those issues until after the DVRO hearing. They were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for February 27, 2025.

At the February hearing, the court adopted the agreements of the parties and set a review hearing on July 10<sup>th</sup> to assess Respondent's progress in rebutting the § 3044 presumption.

On July 10<sup>th</sup> the court deemed an evidentiary hearing was necessary to address the §3044 presumption. Trial on that issue was set to commence on September 24<sup>th</sup> and the parties were referred back to CCRC. A review hearing was set to be held concurrently with trial.

On August 28<sup>th</sup>, the parties filed a stipulation agree that, upon completion of all 52 weeks of his batterers' intervention program and subject to his abstention from further acts of domestic violence until the January hearing date, the court may make a finding that Respondent has successfully rebutted the 3044 presumption. They intend for the finding of rebuttal to be made at the law and motion hearing on January 29<sup>th</sup>, 2026.

The parties attended CCRC on July 31<sup>st</sup> but they were unable to reach any agreements therefore a report with recommendations was prepared on October 10, 2025. It was mailed to the parties on October 13<sup>th</sup>.

Petitioner's Reply Declaration to CCRC Report Dated 10/10/2025 was filed and served on October 21<sup>st</sup>.

The Supplemental Declaration of Joseph Zorn was filed and served on October 23<sup>rd</sup>. A Reply Declaration of Joseph Zorn was filed on October 24<sup>th</sup>, it was personally served on October 23<sup>rd</sup>.

Petitioner filed an Objection to the "Reply" Declaration of Joseph Zorn on October 24<sup>th</sup>. She also filed an Objection to Respondent's Supplemental Declaration the same day. The objections were served on October 24<sup>th</sup> and 23<sup>rd</sup> respectively.

The parties are ordered to appear for the hearing.

**TENTATIVE RULING #14: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**15. & 16. KARA BLAKENSHIP V. ADAM BLANKENSHIP**

**25FL0210/25FL0233**

On March 5, 2025, Petitioner filed a Request for Domestic Violence Restraining Order (DVRO). A Temporary DVRO was granted on July 1, 2025 naming Petitioner and the children as protected parties. The parties were ordered to attend Child Custody Recommending Counseling (CCRC) which they did on August 7, 2025. They were unable to reach agreements therefore a report with recommendations was prepared on September 8<sup>th</sup>, it was mailed to the parties on September 9<sup>th</sup>.

Respondent filed and served a Declaration of Adam Blankenship Regarding Child Custody and Visitation on August 6<sup>th</sup>.

Petitioner filed and served a Supplemental Declaration of Petitioner Regarding Child Custody and an Income and Expense Declaration on September 8<sup>th</sup>.

Respondent requests joint legal and joint physical custody with unsupervised parenting time during his off days from work for at least 2-3 days. Eventually he would like to move to a 50/50 parenting plan.

Petitioner is requesting the court make orders regarding the marital residence consistent with her proposed settlement agreement dated August 29, 2025.

On June 30, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was originally set to be heard on September 11<sup>th</sup>, however, given that a CCRC review hearing was already set for the present date under the DVRO matter, the parties stipulated to continue the hearing on the RFO to join with the CCRC review.

The parties appeared for the hearing on September 18, 2025. The court continued the custody and parenting time issues to allow Minors' Counsel additional time to complete her investigation. The court also continued the issues of child and spousal support and continued to reserve jurisdiction to retroactive modify support to the date of the request.

On October 2, 2025, Minors' Counsel filed an ex parte application for emergency visitation orders, seeking a suspension in Respondent's parenting time. Both Petitioner and Respondent filed Responsive Declarations. The court granted Minors' Counsel's request on an ex parte basis, temporarily suspending Respondent's parenting time, pending the hearing on October 30<sup>th</sup>. Minors' Counsel filed an RFO on October 6, 2025, making the same requests as set forth in the ex parte application.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

Minors' Counsel filed a Declaration on October 9, 2025. Parties were served the same day.

Parties are ordered to appear for the hearing.

**TENTATIVE RULING #15 AND 16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**17. JAMIE LEONARD V. GREGORY LEONARD**

**25FL0496**

Respondent filed a Request for Order (RFO) on September 24, 2025, seeking to set aside or vacate the default. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

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

**TENTATIVE RULING #17: 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**18. CHRISTIAN MEJIA V. KYLIE BROOKS**

**25FL0788**

Petitioner filed a Petition for Custody and Support on August 15, 2025. A summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 12, 2025 and a review hearing on October 30, 2025.

Proof of Service shows Respondent was served some, but not all, of the required documents on August 17, 2025.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report with no recommendations was filed with the court on September 12, 2025. Copies were mailed to the parties the same day.

The court drops the matter from calendar. The court finds Respondent was not properly served with the Petition and all necessary documents. Further Respondent was not served with all the necessary documents for the RFO.

**TENTATIVE RULING #18: THE COURT DROPS THE MATTER FROM CALENDAR. THE COURT FINDS RESPONDENT WAS NOT PROPERLY SERVED WITH THE PETITION AND ALL NECESSARY DOCUMENTS. FURTHER RESPONDENT WAS NOT SERVED WITH ALL THE NECESSARY DOCUMENTS FOR THE RFO.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 30, 2025

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

**19. LORENA RODRIGUEZ V. FRANCISCO RODRIGUES, JR.**

**25FL0560**

Petitioner filed a Request for Order (RFO) on June 17, 2025, seeking spousal support. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was served via posting at the El Dorado Superior Court between July 2, 2025 and July 31, 2025. Proof of Service by mail, shows Respondent was mail served on August 28, 2025.

Parties appeared on September 4, 2025. The court found good cause to continue the matter. The court directed parties to file and serve any Supplemental Declarations at least 10 days prior to the new hearing. Parties were also directed to file and serve Income and Expense Declarations at least 10 days prior to the hearing.

Petitioner filed a Supplemental Declaration and Income and Expense Declaration on October 16, 2025. Respondent was served on October 16, 2025. Petitioner requests the court utilize her estimate of Respondent's income for purposes of calculating support. Petitioner has provided a proposed X-spouse calculation as well.

Respondent filed a Responsive Declaration on October 20, 2025. Proof of Service shows Petitioner was served on October 17, 2025. Respondent has not filed an Income and Expense Declaration. The court finds Respondent's Responsive Declaration to be untimely. Civil Procedure section 1005(b) 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 October 17<sup>th</sup> the last day for filing a response to the RFO. Therefore, the declaration is late filed and has not been considered by the court.

The court grants Petitioner's request for temporary guideline spousal support. The court adopts the proposed X-spouse calculation attached to Petitioner's Supplemental Declaration. Respondent shall pay Petitioner \$3,091 per month as and for temporary guideline spousal support effective November 1, 2025, and payable on the first of each month until further order of the court or termination by operation of law.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**TENTATIVE RULING #19: THE COURT GRANTS PETITIONER’S REQUEST FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT. THE COURT ADOPTS THE PROPOSED X-SPOUSE CALCULATION ATTACHED TO PETITIONER'S SUPPLEMENTAL DECLARATION. RESPONDENT SHALL PAY PETITIONER \$3,091 PER MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT EFFECTIVE NOVEMBER 1, 2025, AND PAYABLE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**20. DCSS V. CHRISTOPHER SOULE**

**22FL1219**

On May 30, 2025, Respondent filed a Request for Order (RFO) seeking child custody and child support orders. He did not file an Income and Expense Declaration.

Parties appeared for the hearing on August 21, 2025. Other Parent testified about her relationship with Mr. Hill. The court did not find Other Parent's testimony credible. The court adopted the CCRC recommendations. Additionally, the court appointed Minor's Counsel, as the contempt allegations involve the minors as witnesses. A review hearing was set for September 11<sup>th</sup>.

At the September review hearing, the court set a further review hearing for October 30, 2025 and directed that any Supplemental Declarations to be filed and served at least 10 days prior to the hearing.

Minors' Counsel filed and served a Declaration on October 7, 2025. Minors' Counsel recommends the parties continue to share joint legal custody and that Respondent continue to have primary physical custody. Minors' Counsel recommends Other Parent have parenting time from after school or Friday or 3:00 PM if no school until Sunday evening at 7:00 PM the 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> weekends, as well as every Wednesday from after school or 3:00 pm until 7:00 PM. Additionally, that the parties follow all doctor's recommendations for treating Barrett's ADHD, including administration of medication. The parties to cooperate in having Barrett evaluated at school for special education services for his ADHD. Minors' Counsel recommends the court order the parties to cease any discussion of the court case or matters related to court with the minors. The parties shall not tell the minors to withhold information from the other parent and not interrogate the minors about what occurs in either parent's home. Respondent to take a parenting class with at least one section which focuses on positive discipline techniques. No one to use or allow a 3<sup>rd</sup> party to use corporal punishment on either minor. Parties to each take a coparenting class. Last, the parties to address each other, in person and through Talking Parents, with respect and civility.

Neither party has filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in Minors' Counsel's report to be in the best interest of the minors. The court adopts the recommendations as its orders.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

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

**TENTATIVE RULING #20: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN MINORS' COUNSEL'S REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINORS' COUNSEL 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**21. DCSS V. NATHAN SPROULE (OTHER PARENT: JAYCEE BERGESON) 24FL0279**

Respondent filed a Request for Order (RFO) on September 10, 2025, seeking a modification of child custody orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had been referred in the prior six months. Upon review of the court file there is no Proof of Service showing Petitioner or Other Parent have been properly served.

Other Parent filed a Responsive Declaration on September 10, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

Respondent filed a Declaration on October 23, 2025. 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 failure to properly serve the RFO. All prior orders remain in full force and effect. Parties are admonished that failure to follow court orders may result in a change in custody, sanctions, and/or contempt.

**TENTATIVE RULING #21: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE THE RFO. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PARTIES ARE ADMONISHED THAT FAILURE TO FOLLOW COURT ORDERS MAY RESULT IN A CHANGE IN CUSTODY, SANCTIONS, AND/OR CONTEMPT.**

**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 30, 2025

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

**22. KAYLA STABILE V. CAMERYN PESTERFIELD**

**25FL0603**

Petitioner filed a Petition to Establish a Parental Relationship on June 27, 2025. A Summons was issued the same day. Petitioner concurrently filed a request to set an uncontested matter, and a declaration.

Petitioner appeared for the hearing on August 28, 2025, and requested additional time to properly serve Respondent's estate and/or next of kin. The court granted the request to continue and set a further hearing for October 30, 2025.

Upon review of the court file, there is a Proof of Service showing Darci Pesterfield was served, however, the Proof of Service was not completed correctly. Additionally, the Proof of Service does not show that notice of the continued hearing date, time, and location, as well as the Notice of Tentative Ruling was served.

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

**TENTATIVE RULING #22: 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 30, 2025

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

**23. MALINDA STAMM V. NATHAN STAMM**

**PFL20210358**

Petitioner filed a Request for Order (RFO) on August 1, 2025, seeking a modification of the current child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 10, 2025 and a review hearing on October 30, 2025. Upon review of the Proof of Service, the court finds Respondent was not served with all the necessary documents.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report with no recommendations was filed with the court on October 17, 2025. Copies were mailed to the parties on October 21, 2025.

Respondent has not filed a Responsive Declaration.

The court drops the matter from calendar due to the failure to properly serve Respondent.

All prior orders remain in full force and effect.

**TENTATIVE RULING #23: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE RESPONDENT. 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.**