

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

1, 10, 11. JOHN CRISAFULLI V. ANITA CRISAFULLI

22FL1102, 22FL1094, 22FL1192

The parties appeared before the court on October 10, 2023 and presented a written Memorandum of Understanding (MOU) which was adopted by the court as its orders. The MOU directed Petitioner's counsel to prepare the Domestic Relations Order (DRO) for the division of the Military Retired Pay Benefit. The court set a review hearing for the present date to address this issue.

On December 29, 2023 Respondent filed a Supplemental Declaration of Petitioner [sic] for Review Hearing. Petitioner has not filed a supplemental declaration.

Respondent requests the court order Petitioner to authorize the release of the AAFMAA Mutual Fund. Respondent agrees to pay the Land Rover debt and liens in accordance with the MOU and provide Petitioner with proof of payment and proof of any remaining debt or liens to be paid. She further asks the court to affirm its prior order that spousal support will not reduce to \$1,500 per month if the military pension is not divided prior to May 1, 2024. She asks that the court set a deadline for Petitioner's counsel prepare the Domestic Relations Order for the division of the Military Retired Pay Benefits. Finally, she requests sanctions in the amount of \$5,000 for Petitioner's failure to notify Respondent that there would be no hearing on his ex parte motion. As a result, Respondent incurred costs associated with her counsel appearing for the hearing on December 22nd when he was supposed to be out for the holiday.

The parties are ordered to appear for hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

2. ANN MARIE AZVEDO V. RANDY AZVEDO

PFL20200337

On December 13, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date.

This RFO comes on the heels of an ex parte request filed by Respondent on December 13th which resulted in an order suspending Petitioner's visitation rights until CPS completes its investigation into child abuse allegations.

There is a Proof of Service indicating service of the ex parte moving papers, however there is no Proof of Service indicating service of the ex parte order, the RFO, or the referral to CCRC. Nonetheless, both parties appeared at CCRC and a report was issued dated January 1, 2024. The CCRC report was mailed to the parties on January 2nd. Given the nature of the allegations, and given Petitioner's appearance at, and participation in, CCRC as well as her receipt of the ex parte documents and the CCRC report the court finds Petitioner has actual knowledge of the allegations and the hearing date and therefore there is good cause to reach the matter on the merits.

According to Respondent, there is an ongoing investigation into allegations of abuse by Petitioner on the parties' minor child. Respondent requests sole legal and sole physical custody, with no visitation to Petitioner, until CPS has completed its investigation. Petitioner has not filed a responsive declaration to Respondent's requests.

While both parties attended CCRC, they were only able to reach agreements on one issue. The CCRC report sets forth the agreements as well as recommendations of the CCRC counselor.

The court has reviewed the agreements and recommendations contained in the January 1, 2024 CCRC report and finds them to be in the best interests of the minor; they are therefore adopted as the orders of the court. A review hearing is set for February 22, 2024 at 8:30 a.m. in Department 5 to update the court on the status of the CPS investigation. Parties are to file and serve supplemental declarations no later than 10 days prior to the hearing date.

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

TENTATIVE RULING #2: THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE JANUARY 1, 2024 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. A REVIEW HEARING IS SET FOR February 22, 2024 AT 8:30 A.M. IN DEPARTMENT 5 TO UPDATE THE COURT ON THE STATUS OF THE CPS INVESTIGATION. PARTIES ARE TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

3. ANN TRUXTON V. STEPHEN TRUXTON

PFL20120345

Petitioner filed a Request for Order (RFO) on June 2, 2023 seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was originally set for hearing in September of 2023, though it was continued by stipulation of the parties. Respondent filed and served a Responsive Declaration to Request for Order on August 2, 2023.

Petitioner brings her RFO requesting sole legal custody of the minor Maria Truxton for education and healthcare decisions, and authority to enroll Maria in the Blue Fire Wilderness Therapy summer program for summer 2023.

Respondent objects to Petitioner's request for sole legal custody of the minor Maria. Respondent requests the family be ordered to participate in a Family Code section 3111 or Evidence Code section 730 evaluation.

The parties attended CCRC on July 27, 2023 and a report was prepared on August 30, 2023. A copy of the report was mailed to parties on August 31, 2023.

On January 2, 2024, Respondent filed and served his Supplemental Declaration of Respondent Stephen Edward Truxton. This is less than 10 days prior to the hearing, and therefore, the court will not consider it.

Petitioner has not filed a Supplemental Declaration.

The court has read and considered the filings as set forth above. The court finds the recommendations as set forth in the August 30, 2023 CCRC report to be in the best interest of the minor. The court adopts the recommendations as its order.

The court denies the request for a Family Code section 3111 or Evidence Code section 730 evaluation at this time. The court finds that Respondent has not established that such an evaluation is necessary.

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

TENTATIVE RULING #3: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE AUGUST 30, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDER. THE COURT DENIES THE REQUEST FOR A FAMILY CODE SECTION 3111 OR EVIDENCE CODE SECTION 730 EVALUATION AT THIS TIME. THE COURT FINDS THAT RESPONDENT HAS NOT ESTABLISHED THAT SUCH AN EVALUATION IS NECESSARY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

4. CASSI POREIDER V. ANDREW POREIDER, JR.

PFL20200082

Counsel for Petitioner, Nicholas Musgrove, filed his Notice of Motion and Motion to be Relieved as Counsel and his supporting declaration on October 2, 2023. The motion was mail served on October 16th. Counsel states he is unable to divulge his grounds for withdrawal citing confidential reasons.

The motion is granted pursuant to *Aceves v. Sup. Ct.*, 51 Cal. App. 4th 584 (1996). However, the court notes that the declaration filed is only minimally sufficient and future declarations in this regard must state some grounds for the withdrawal to the extent that such a statement can be made without violating the attorney-client privilege. For example, in *Aceves* Counsel did represent to the court that there was a conflict of interest and that conflict of interest had led to a breakdown in the attorney-client relationship. Such statements do not violate confidentiality yet they do establish good cause to grant the withdrawal. 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. Here, Counsel submits in his declaration only the foregone conclusion that "there is good cause" but does not provide any explanation as to why he claims good cause exists. Future declarations in this regard will likely result in the parties being called in for an in-camera hearing.

TENTATIVE RULING #4: 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 TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

5. CHAD SUNDSTROM V. JENNIFER SUNDSTROM

23FL0164

On August 30, 2023, Respondent filed a Request for Order (RFO) seeking spousal support and attorney's fees. Concurrently therewith she filed her Income and Expense Declaration and a Declaration of Heather Tattershall in Support of Request for Attorney Fees. All documents were electronically served on September 6th.

Petitioner filed his Responsive Declaration to Request for Order on December 29th. He also filed his Declaration of Christopher F. Whitaker CPA, ABV, CFF, MBA, MST. Both documents, including an Income and Expense Declaration were electronically served on December 29th. The court finds these documents 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 December 28th the last day for filing. However, Respondent has filed a reply declaration and has not raised an objection based on timeliness, therefore the court finds good cause to consider the aforementioned documents on their merits.

Petitioner's Income and Expense Declaration and 2022 tax return were filed and served on January 2, 2024. Thereafter, on January 4th Respondent filed and electronically served Respondent's Reply Declaration, Respondent's Income and Expense Declaration, a Declaration of Jeff Stegner CPA – ABV, CFE: Income Available for Support, a Declaration of William Mulcahy and a Declaration of Heather Tattershall. On January 9th Respondent filed and served an Objection to Respondent's Income and Expense Declaration, Respondent's Objection to Portions of the Declarations of Christopher Whittaker Dated December 28, 2023 and December 29, 2023 and Associated Exhibits, and Respondent's Proposed Support Calculation.

Respondent brings her RFO requesting spousal support and \$55,000 in attorney's fees and costs pursuant to Family Code Section 2030. As of the date of filing Respondent had paid her attorney \$7,500 and her retained CPA \$5,000. According to Respondent's CPA, Petitioner has a monthly income of \$26,233 available for support while Respondent's monthly income is \$3,486.

Petitioner opposes both requests stating that he does not have the financial ability to pay support or attorney's fees. According to the declaration of Mr. Whitaker, the income available to Petitioner is \$18,300 per month while the income available to Respondent is \$11,000 per month. Petitioner requests Respondent undergo a vocational evaluation.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

Respondent objects to the conclusions stated in Mr. Whitaker's declaration as well as the first paragraph of the discussion portion of the declaration. Her objections are based on a lack of foundation as Mr. Whitaker fails to reference which documents were used in reaching his conclusions and statements.

Respondent's objection to the conclusions portion of Mr. Whitaker's declaration is sustained. The declaration fails to lay the foundation for Mr. Whitaker's conclusions by establishing the foundational facts on which they are based. In other words, the declaration does not reference any documents reviewed by Mr. Whitaker. Without this, the opposing party is unable to address the veracity of the facts on which the conclusions are based and ultimately the reliability of the conclusions themselves. Therefore, lines 5-7 of pg. 2 of the Declaration of Christopher F. Whittaker CPA, ABV, CFF, MBA, MST are struck from the record and are not being considered in the court's ruling.

Respondent's objection to lines 9-13 on pg. 2 of Mr. Whitaker's declaration is overruled. The referenced portion of the declaration gives only a description of Appendix B with a broad overview of the adjustments made by Mr. Whittaker. Mr. Whittaker has sufficient personal knowledge to include such information in his declaration given that he prepared Appendix B and he is speaking to his own actions in describing his analysis. Therefore, there is sufficient foundation for the aforementioned.

Respondent also objects to Petitioner's Income and Expense Declaration noting several deficiencies which include his failure to provide paystubs for the past two months, proof of other income and profit and loss statements for the past two years. He further fails to identify the business entity Sundstrom Chiropractic which he appears to be actively running. Respondent requests Petitioner's Income and Expense Declaration be disregarded for the purposes of calculating support.

Given the incompleteness of Petitioner's Income and Expense Declaration, the issue of spousal support is continued to March 14, 2024 at 1:30 pm in Department 5. Parties are ordered to file updated Income and Expense Declarations no later than 10 days prior to the hearing date. Petitioner is admonished for his failure to file a full and complete Income and Expense Declaration, with information regarding Sundstrom Chiropractic and with all required documents. Continued failure to do so may result in monetary sanctions.

For the time being, the court is making the following interim support orders. However, the court reserves jurisdiction to amend its support award back to the date of filing the RFO.

According to the Declaration of Mr. Stegner, Petitioner had a total income of \$216,681 for the first 9 months of 2023, plus an additional average of \$18,784 per month for the year 2022. Using these numbers, the court calculates Petitioner's 12-month average income available

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

for support to be \$22,743 $((\$216,681 + \$56,352)/12)$. Using a similar calculation, the court finds Respondent's average monthly income for the last three months of 2022 and the first nine months of 2023 to be \$4,151 $((\$41,830 + \$7,989)/12)$.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$4,004 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$4,004 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective September 1, 2023. However, as previously stated, the court reserves jurisdiction to amend this support award back to the date of filing the RFO.

The court finds the above order results in arrears in the amount of \$20,020 through and including January 1, 2024. The court orders Respondent pay Petitioner \$1,538.46 on the 15th of each month until paid in full (approximately 13 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

Regarding Respondent's request for attorney's fees and costs pursuant to Family Code Section 3023, the public policy of Section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In Re Marriage of Keech, 75 Cal. App. 4th 860, 866 (1999). This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." Alan S. v. Sup. Ct., 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).

Here, it is inarguable that a disparity in income exists between the parties and therefore a disparity in each party's relative access to counsel. To ensure that there is parity between the parties an award for costs and fees is necessary, though the requested amount of \$55,000 is unreasonable at this stage in the litigation. To date, Respondent has incurred \$12,500 in retainer

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

payments to her counsel and her CPA. Accordingly, Respondent is awarded attorney's fees and costs in the amount of \$12,500. Petitioner may pay this amount in one lump sum or in monthly increments of \$2,083.33 due and payable on the 1st of each month commencing February 1st and continuing until paid in full (approximately 6 months).

TENTATIVE RULING #5: RESPONDENT'S OBJECTION TO THE CONCLUSIONS PORTION OF MR. WHITAKER'S DECLARATION IS SUSTAINED. RESPONDENT'S OBJECTION TO LINES 9-13 ON PG. 2 OF MR. WHITAKER'S DECLARATION IS OVERRULED. GIVEN THE INCOMPLETENESS OF PETITIONER'S INCOME AND EXPENSE DECLARATION, THE ISSUE OF SPOUSAL SUPPORT IS CONTINUED TO March 14, 2024 1:30 PM IN DEPARTMENT 5. PARTIES ARE ORDERED TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. PETITIONER IS ADMONISHED FOR HIS FAILURE TO FILE A FULL AND COMPLETE INCOME AND EXPENSE DECLARATION, WITH INFORMATION REGARDING SUNDSTROM CHIROPRACTIC AND WITH ALL REQUIRED DOCUMENTS. CONTINUED FAILURE TO DO SO MAY RESULT IN MONETARY SANCTIONS.

FOR THE TIME BEING, THE COURT IS MAKING THE FOLLOWING INTERIM SUPPORT ORDERS. HOWEVER, THE COURT RESERVES JURISDICTION TO AMEND ITS SUPPORT AWARD BACK TO THE DATE OF FILING THE RFO.

THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$4,004 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$4,004 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE SEPTEMBER 1, 2023. HOWEVER, AS PREVIOUSLY STATED, THE COURT RESERVES JURISDICTION TO AMEND THIS SUPPORT AWARD BACK TO THE DATE OF FILING THE RFO.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$20,020 THROUGH AND INCLUDING JANUARY 1, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$1,538.46 ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 13 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

RESPONDENT IS AWARDED ATTORNEY'S FEES AND COSTS IN THE AMOUNT OF \$12,500. PETITIONER MAY PAY THIS AMOUNT IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$2,083.33 DUE AND PAYABLE ON THE 1ST OF EACH MONTH COMMENCING FEBRUARY 1ST AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS).

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

6. CURTIS CHRISTENSEN V. GINA CHRISTENSEN

PFL20170845

Petitioner filed a Request for Order (RFO) and an Income and Expense Declaration on June 13, 2023 wherein he requested custody and visitation orders as well as attorney's fees and costs. The matter came before the court for hearing on September 28, 2023. At that time the court made rulings on Petitioner's requests, re-referred to parties to Child Custody Recommending Counseling (CCRC) so the minor could be interviewed, and set a review hearing for the present date.

The parties attended CCRC on November 20th and a report was prepared on December 28, 2023 which provides the court with recommendations regarding counseling for the minors. The CCRC report was mailed to the parties on January 2, 2024. On January 5th, Petitioner filed and electronically served Petitioner's Reply Declaration to CCRC Report and Supplemental Declaration. On January 9, 2024, Respondent filed and electronically served Respondent's Reply Declaration to CCRC Report and to Petitioner's Reply and Supplemental Declaration. While the court notes this filing was late, the CCRC report was not timely mailed and therefore the court finds good cause to consider Respondent's untimely filings.

Petitioner notes that he did not receive a copy of the CCRC report until January 4th when he requested it from the court. It's mailing date of January 2nd is untimely. He further refutes statements made by the minor during CCRC and he reiterates all of the requests made in his initial RFO including sole legal and sole physical custody with Respondent to have professionally supervised visits. He also requests that the CCRC report be amended to strike the portion of recommendation #4 stating "when deemed therapeutically indicated," instead he asks that he and the children participate in reunification counseling with Jessica Wolff, LMFT. He further requests sole legal custody regarding therapy for the children. He is requesting an order allowing him to choose a new therapist for the children and that the children attend therapy at a frequency and duration recommended by the therapist but no less than 2 times per month, in-person. He asks the court not to adopt CCRC's recommendation that he attend individual therapy as he has already done so, though he does request Respondent be ordered to attend individual therapy. Petitioner would like Dr. Craig Childress to be appointed to conduct a clinical psychological evaluation of Respondent and the children's attachment to her. Petitioner agrees to pay for the cost thereof. He also requests the appointment of minor's counsel. Finally, Petitioner asks that exchanges be supervised and take place at Family Time Visitation Center in Cameron Park or , alternatively, Parenting Time in Loomis. He would like Respondent to bear the cost of supervision.

Respondent states that there has been a long history of Petitioner's absenteeism in the children's lives and his failure to communicate regarding visits. She requests the court adopt the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

CCRC recommendations. She objects to the requests for a psychological evaluation, for minor's counsel and for supervised exchanges as these requests were not raised in the initial RFO.

The court has reviewed the filings of the parties as well as the CCRC report and does not find the recommendations of the December 28, 2023 CCRC report to be in the best interests of the minors as written. Therefore, the court declines to adopt them. Instead, it is hereby ordered that Petitioner and the children commence with reunification counseling with Jessica Wolff, LMFT forthwith. Petitioner's request for sole legal custody on the issue of therapy is denied, however Respondent is ordered to timely and completely fill out all documentation as requested by Ms. Wolff to facilitate the commencement, and ongoing continuance, of reunification counseling and to timely transport the children to all counseling sessions. Reunification therapy shall be at a frequency and duration as determined by Ms. Wolff and shall take place in-person. Ms. Wolff shall commence therapy with the children only and it is in her discretion when Petitioner is to join the sessions. The parties shall equally split the cost of reunification therapy.

Petitioner's request to change the current therapist of the minors is denied without prejudice. Given the anticipated commencement of reunification therapy, the court finds it is in the best interests of the minors to continue individual therapy with a counselor with whom they are already familiar and comfortable.

Petitioner's request for a psychological evaluation to be conducted by Dr. Craig Childress is denied as it is outside the scope of the original RFO. However, both parties are ordered to participate in individual therapy to address their respective issues with the co-parenting with one another and to address issues surrounding Petitioner's relationship with the children.

Petitioner's request for minor's counsel is granted. While this request was not raised specifically in the RFO, it is well within the scope of the initial RFO which requested the court make custody and support orders. Therefore, the court appoints Kelly Bentley. The cost of minor's counsel is to be split equally between the parties, subject to reallocation.

Finally, Petitioner's request that the exchanges be professionally supervised is granted. Again, this request falls well within the purview of custody and visitation orders and therefore falls within the scope of the original RFO. Exchanges shall occur at Family Time Visitation Center in Cameron Park. Or, if the parties mutually agree, at Parenting Time in Loomis. If the parties cannot agree then exchanges shall occur at Family Time Visitation in Cameron Part. The parties are to split equally the costs of the supervised exchanges.

A review hearing is set for May 9, 2024 at 8:30am in Department 5 to assess the progress made in reunification therapy and Respondent's compliance with the court's orders.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

Parties, and Minor's Counsel, are ordered to file and serve supplemental declarations no later than 10 days prior to the hearing date.

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

TENTATIVE RULING #6: IT IS HEREBY ORDERED THAT PETITIONER AND THE CHILDREN COMMENCE WITH REUNIFICATION COUNSELING WITH JESSICA WOLFF, LMFT FORTHWITH. PETITIONER'S REQUEST FOR SOLE LEGAL CUSTODY ON THE ISSUE OF THERAPY IS DENIED, HOWEVER RESPONDENT IS ORDERED TO TIMELY AND COMPLETELY FILL OUT ALL DOCUMENTATION AS REQUESTED BY MS. WOLFF TO FACILITATE THE COMMENCEMENT, AND ONGOING CONTINUANCE, OF REUNIFICATION COUNSELING AND TO TIMELY TRANSPORT THE CHILDREN TO ALL COUNSELING SESSIONS. REUNIFICATION THERAPY SHALL BE AT A FREQUENCY AND DURATION AS DETERMINED BY MS. WOLFF AND SHALL TAKE PLACE IN-PERSON. MS. WOLFF SHALL COMMENCE THERAPY WITH THE CHILDREN ONLY AND IT IS IN HER DISCRETION WHEN PETITIONER IS TO JOIN THE SESSIONS. THE PARTIES SHALL EQUALLY SPLIT THE COST OF REUNIFICATION THERAPY.

PETITIONER'S REQUEST TO CHANGE THE CURRENT THERAPIST OF THE MINORS IS DENIED WITHOUT PREJUDICE.

PETITIONER'S REQUEST FOR A PSYCHOLOGICAL EVALUATION TO BE CONDUCTED BY DR. CRAIG CHILDRESS IS DENIED AS IT IS OUTSIDE THE SCOPE OF THE ORIGINAL RFO. HOWEVER, BOTH PARTIES ARE ORDERED TO PARTICIPATE IN INDIVIDUAL THERAPY TO ADDRESS THEIR RESPECTIVE ISSUES WITH THE CO-PARENTING WITH ONE ANOTHER AND TO ADDRESS ISSUES SURROUNDING PETITIONER'S RELATIONSHIP WITH THE CHILDREN.

PETITIONER'S REQUEST FOR MINOR'S COUNSEL IS GRANTED. THE COURT APPOINTS Kelly Bentley. THE COST OF MINOR'S COUNSEL IS TO BE SPLIT EQUALLY BETWEEN THE PARTIES.

FINALLY, PETITIONER'S REQUEST THAT THE EXCHANGES BE PROFESSIONALLY SUPERVISED IS GRANTED. EXCHANGES SHALL OCCUR AT FAMILY TIME VISITATION CENTER IN CAMERON PARK. OR, IF THE PARTIES MUTUALLY AGREE, AT PARENTING TIME IN LOOMIS. IF THE PARTIES CANNOT AGREE THEN EXCHANGES SHALL OCCUR AT FAMILY TIME VISITATION IN CAMERON PART. THE PARTIES ARE TO SPLIT EQUALLY THE COSTS OF THE SUPERVISED EXCHANGES.

A REVIEW HEARING IS SET FOR May 9, 2024 AT 8:30AM IN DEPARTMENT 5 TO REVIEW DR. CRAIG'S REPORT AND ASSESS THE PROGRESS MADE IN REUNIFICATION THERAPY AND RESPONDENT'S COMPLIANCE WITH THE COURT'S ORDERS. PARTIES, AND MINOR'S COUNSEL,

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

ARE ORDERED TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

9. JENNIFER IOTA MARCOUX BARRY V. MARK DAVID BARRY

22FL0585

On October 6, 2023, Respondent filed a Request for Order (RFO) seeking support orders as well as additional orders as specified therein. Concurrently therewith he filed a Memorandum of Points and Authorities in Support of Respondent's Request for Order and his Income and Expense Declaration. All of the aforementioned documents were mail served on October 16, 2023.

Petitioner filed her Responsive Declaration to Request for Order on December 28, 2023 along with her Income and Expense Declaration. There is no Proof of Service on file for these documents and therefore the court cannot consider them.

Respondent filed and electronically served an updated Income and Expense Declaration on January 2, 2024.

Respondent is requesting modification to child and spousal support since his parenting time has increased. He also requests the court order Petitioner to seek work by applying to a minimum of five jobs per week and maintaining a list thereof which shall be provided to Respondent monthly, he also requests she secure the assistance of One-Stop Career Center in her job search efforts. He further asks the court to issue a Gavron warning and impute full-time minimum wage income to Petitioner. Finally, Respondent requests the court deviate from guideline support in the amount of \$700 due to Respondent's additional travel expenses and community property student loan payments.

Respondent notes that his income has recently increased from \$9,738 to \$10,367 per month. He requests the current income only be used for calculating child support, not spousal support. He argues the increase is not commensurate with the marital standard of living and is a result of his post-marital efforts. Respondent has provided the court with proposed calculations for child and spousal support from October 1, 2023 through December 1, 2023, and December 1, 2023 forward.

Family Code section 3900 codifies the general obligation of both parties to support their minor children. Moreover, it is a well-established goal of the State of California that both parties shall become and remain self-supporting to the best of their ability. Therefore, Respondent's request for a Gavron warning is granted. Petitioner is advised that, at some future date, should she fail to become self-supporting, Respondent may argue that her failure to become self-supporting is a factor which may be considered by the court to modify a spousal support order or terminate the court's jurisdiction to order spousal support. Petitioner is further advised that if she voluntarily terminates employment, the court can impute income to her without application of the ability and opportunity requirement and the court can deny a modification of support. In re Marriage of Gavron, 203 Cal.App.3d 705 (1988).

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

In addition to the Gavron warning, the court grants Respondent's request for a seek work order. In furtherance of the state's goal that both parties become self-supporting, the legislature adopted Family Code § 3558 which states, in pertinent part, "a court may require either parent to attend job training, job placement and vocational rehabilitation, and work programs, as designated by the court, at regular intervals and times and for durations specified by the court and provide documentation of participation in the programs." Therefore, Petitioner is ordered to make a diligent job search effort for jobs for which she is qualified. Petitioner is ordered to apply for a minimum of 5 jobs per week and provide a list of the jobs applied to, business names, and contact information for any individuals with whom Petitioner communicates regarding the job. Petitioner is further ordered to contact One-Stop Career Center to obtain their assistance in her job-search efforts.

Regarding the imputation of income, the court maintains broad discretion in determining the amount of child support based on each party's earning capacity. See Fam. Code § 4050. In doing so, the court has the ability to impute an unemployed, or under employed party with income commensurate with his or her earning capacity. State of Oregon v. Vargas, 70 Cal. App. 4th 1123 (1999). Such imputation is warranted where the parent has the ability and opportunity to work but simply lacks the willingness to do so. In re Marriage of Regnery, 214 Cal. App. 3d 1367 (1989). Imputation may also be imposed in the context of spousal support. It is not an abuse of discretion for the court to decrease an award for support, or deny it altogether, based on the requesting spouse's unreasonable delay or refusal to seek employment consistent with existing marketable skills and ability. In re Marriage of Dennis, 35 Cal. App. 3d 279, 283 (1973); See also Marriage of Mason, 93 Cal. App. 3d 215, 221 (1979). That said, a decision to impute income must be made in light of the best interests of the minors.

Here, Respondent has sufficiently established Petitioner's ability and opportunity to work. She is in good health and does not need special training or education to obtain a minimum wage position. Further, he has shown the opportunity to work as the children are old enough to be enrolled in public school and pre-K programs. However, the court does recognize their young age and their need for care when they are not in school which may preclude Petitioner from working full-time for the time being. Accordingly, Respondent's request for the imputation of, minimum wage income is granted but on a part-time basis. Support will be calculated using a minimum wage of \$15.50 per hour for 20 hours per week, or \$1,343 per month.

Respondent's request for deviation from guideline support is denied. While the court understands Respondent's position that he moved to Fresno for financial reasons, the court does not find it to be in the best interests of the children to decrease support simply because of the cost of travel for Respondent when Respondent made the move-away decision. Respondent

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

requests a credit for his student loan payments since, as he argues, the loans are community property. However, as there is no pending Petition for Dissolution therefore, the court is not ruling on any division of property matters.

Finally, Respondent's request to use the lower income amount for calculating spousal support is granted. It appears Respondent obtained his position with his employer just months before the parties separated and therefore there is little in the way of argument that substantial effort was put into the job during marriage which would have ultimately led to the post-marital wage increase.

While Respondent has requested the court make its support orders effective October 1st and then issue additional orders for the period of time commencing December 1st, the court is declining to do so. The court declines to amend support back to October 1st given that that date is before the filing of the RFO. However, the court calculates the following support orders for November 2023 using a 7% timeshare, and December of 2023 using a 15% timeshare. Commencing January 1, 2024, support is calculated utilizing a 20% timeshare based on the court's January 4th order, wherein Respondent is to have the children from Friday at 5pm to Sunday at 5pm the 1st, 2nd, 4th, and 5th weekends of the month. This works out to approximately 6 days per month or a 20% timeshare.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$1,425 per month for the month of November 2023, \$1,364 per month for the month of December 2023 and \$1,325 per month commencing January 1, 2024. See attached DissoMaster reports. The court adopts the attached DissoMaster reports and orders Respondent to pay Petitioner \$1,062 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination.

The court finds that child support is \$2,709 per month for the month of November 2023, \$2,625 per month for the month of December 2023 and \$2,552 per month commencing January 1, 2024. See attached DissoMaster reports. The court adopts the attached DissoMaster reports and orders Respondent to pay Petitioner \$2,552 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination.

The court finds the above order results in arrears in the amount of \$12,000 through and including January 1, 2024. Respondent shall receive a credit for support paid in November, December, and January, if any. The court orders Respondent to pay Petitioner the remaining arrears amount. The parties are to meet and confer on an agreeable payment plan for arrears.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

TENTATIVE RULING #9: RESPONDENT'S REQUEST FOR A GAVRON WARNING IS GRANTED. PETITIONER IS ADVISED THAT, AT SOME FUTURE DATE, SHOULD SHE FAIL TO BECOME SELF-SUPPORTING, RESPONDENT MAY ARGUE THAT HER FAILURE TO BECOME SELF-SUPPORTING IS A FACTOR WHICH MAY BE CONSIDERED BY THE COURT TO MODIFY A SPOUSAL SUPPORT ORDER OR TERMINATE THE COURT'S JURISDICTION TO ORDER SPOUSAL SUPPORT. PETITIONER IS FURTHER ADVISED THAT IF SHE VOLUNTARILY TERMINATES EMPLOYMENT, THE COURT CAN IMPUTE INCOME TO HER WITHOUT APPLICATION OF THE ABILITY AND OPPORTUNITY REQUIREMENT AND THE COURT CAN DENY A MODIFICATION OF SUPPORT. IN RE MARRIAGE OF GAVRON, 203 CAL.APP.3D 705 (1988).

RESPONDENT'S REQUEST FOR A SEEK WORK ORDER IS GRANTED. PETITIONER IS ORDERED TO MAKE A DILIGENT JOB SEARCH EFFORT FOR JOBS FOR WHICH SHE IS QUALIFIED. PETITIONER IS ORDERED TO APPLY FOR A MINIMUM OF 5 JOBS PER WEEK AND PROVIDE A LIST OF THE JOBS APPLIED TO, BUSINESS NAMES, AND CONTACT INFORMATION FOR ANY INDIVIDUALS WITH WHOM PETITIONER COMMUNICATES REGARDING THE JOB. PETITIONER IS FURTHER ORDERED TO CONTACT ONE-STOP CAREER CENTER TO OBTAIN THEIR ASSISTANCE IN HER JOB-SEARCH EFFORTS.

RESPONDENT'S REQUEST FOR THE IMPUTATION OF, MINIMUM WAGE INCOME IS GRANTED BUT ON A PART-TIME BASIS. SUPPORT WILL BE CALCULATED USING A MINIMUM WAGE OF \$15.50 PER HOUR FOR 20 HOURS PER WEEK, OR \$1,343 PER MONTH.

RESPONDENT'S REQUEST FOR DEVIATION FROM GUIDELINE SUPPORT FOR TRAVEL EXPENSES IS DENIED. THE COURT RESERVES ON RESPONDENT'S REQUEST FOR A CREDIT OF HALF OF THE STUDENT LOAN PAYMENTS.

THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,425 PER MONTH FOR THE MONTH OF NOVEMBER 2023, \$1,364 PER MONTH FOR THE MONTH OF DECEMBER 2023 AND \$1,325 PER MONTH COMMENCING JANUARY 1, 2024. SEE ATTACHED DISSOMASTER REPORTS. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORTS AND ORDERS RESPONDENT TO PAY PETITIONER \$1,062 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION.

THE COURT FINDS THAT CHILD SUPPORT IS \$2,709 PER MONTH FOR THE MONTH OF NOVEMBER 2023, \$2,625 PER MONTH FOR THE MONTH OF DECEMBER 2023 AND \$2,552 PER MONTH COMMENCING JANUARY 1, 2024. SEE ATTACHED DISSOMASTER REPORTS. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORTS AND ORDERS RESPONDENT TO PAY PETITIONER \$2,552 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$12,000 THROUGH AND INCLUDING JANUARY 1, 2024. RESPONDENT SHALL RECEIVE A CREDIT FOR SUPPORT PAID IN NOVEMBER, DECEMBER, AND JANUARY, IF ANY. THE COURT ORDERS RESPONDENT TO PAY PETITIONER THE REMAINING ARREARS AMOUNT. THE PARTIES ARE TO MEET AND CONFER ON AN AGREEABLE PAYMENT PLAN FOR ARREARS.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO: Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly	CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	15%	0%	Father	8,353 Payment (cost)/benefit	(4,167)	4,167
Filing status	MFJ->	<-MFJ	Mother	1,106 Net spendable income	4,186	5,273
# Federal exemptions	1*	3*	Total	9,459 % combined spendable	44.3%	55.7%
Wages + salary	10,368	1,343	Support (Nondeductible)	Total taxes	1,811	237
401(k) employee contrib	204	0	CS Payor	Father Comb. net spendable	9,459	
Self-employment income	0	0	Presumed	2,625 Proposed		
Other taxable income	0	0	Basic CS	2,625 Payment (cost)/benefit	(4,167)	4,167
Short-term cap. gains	0	0	Add-ons	0 Net spendable income	4,186	5,273
Long-term cap. gains	0	0	Presumed Per Kid	NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	1,002 % combined spendable	44.3%	55.7%
Ordinary dividends	0	0	Child 2	1,623 % of saving over gdl	0%	0%
Tax. interest received	0	0	SS Payor	Father Total taxes	1,811	237
Social Security received	0	0	Alameda	1,542 Comb. net spendable	9,459	
Unemployment compensation	0	0	Total	4,167 Percent change	0.0%	
Operating losses	0	0	Proposed, tactic 9	Default Case Settings		
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,625		
Rental income	0	0	Basic CS	2,625		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	1,002		
SS paid other marriage	0	0	Child 2	1,623		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,542		
Ptr Support Pd. other P'ships	0	0	Total	4,167		
Health insurance	204	0	Savings	0		
Qual. Bus. Inc. Ded.	0	0	No releases			
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	20%	0%	Father	7,702	Payment (cost)/benefit	(3,756) 3,756
Filing status	MFJ->	<-MFJ	Mother	1,129	Net spendable income	3,947 4,885
# Federal exemptions	1*	3*	Total	8,831	% combined spendable	44.7% 55.3%
Wages + salary	9,387	1,343	Support (Nondeductible)		Total taxes	1,481 214
401(k) employee contrib	204	0	CS Payor	Father	Comb. net spendable	8,831
Self-employment income	0	0	Presumed	2,430	Proposed	
Other taxable income	0	0	Basic CS	2,430	Payment (cost)/benefit	(3,756) 3,756
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	3,947 4,885
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	928	% combined spendable	44.7% 55.3%
Ordinary dividends	0	0	Child 2	1,502	% of saving over gdl	0% 0%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,481 214
Social Security received	0	0	Alameda	1,325	Comb. net spendable	8,831
Unemployment compensation	0	0	Total	3,755	Percent change	0.0%
Operating losses	0	0	Proposed, tactic 9		Default Case Settings	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,430		
Rental income	0	0	Basic CS	2,430		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	928		
SS paid other marriage	0	0	Child 2	1,502		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,325		
Ptr Support Pd. other P'ships	0	0	Total	3,755		
Health insurance	204	0	Savings	0		
Qual. Bus. Inc. Ded.	0	0	No releases			
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother	
Number of children	0	2	Nets (adjusted)				
% time with Second Parent	7%	0%	Father	8,353	Payment (cost)/benefit	(4,316)	4,316
Filing status	MFJ->	<-MFJ	Mother	1,106	Net spendable income	4,037	5,422
# Federal exemptions	1*	3*	Total	9,459	% combined spendable	42.7%	57.3%
Wages + salary	10,368	1,343	Support (Nondeductible)		Total taxes	1,811	237
401(k) employee contrib	204	0	CS Payor	Father	Comb. net spendable	9,459	
Self-employment income	0	0	Presumed	2,709	Proposed		
Other taxable income	0	0	Basic CS	2,709	Payment (cost)/benefit	(4,316)	4,316
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	4,037	5,422
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	1,034	% combined spendable	42.7%	57.3%
Ordinary dividends	0	0	Child 2	1,675	% of saving over gdl	0%	0%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,811	237
Social Security received	0	0	Alameda	1,607	Comb. net spendable	9,459	
Unemployment compensation	0	0	Total	4,316	Percent change	0.0%	
Operating losses	0	0	Proposed, tactic 9		Default Case Settings		
Ca. operating loss adj.	0	0	CS Payor	Father			
Roy, partnerships, S corp, trusts	0	0	Presumed	2,709			
Rental income	0	0	Basic CS	2,709			
Misc ordinary tax. inc.	0	0	Add-ons	0			
Other nontaxable income	0	0	Presumed Per Kid				
New-spouse income	0	0	Child 1	1,034			
SS paid other marriage	0	0	Child 2	1,675			
CS paid other relationship	0	0	SS Payor	Father			
Adj. to income (ATI)	0	0	Alameda	1,607			
Ptr Support Pd. other P'ships	0	0	Total	4,316			
Health insurance	204	0	Savings	0			
Qual. Bus. Inc. Ded.	0	0	No releases				
Itemized deductions	0	0					
Other medical expenses	0	0					
Property tax expenses	0	0					
Ded. interest expense	0	0					
Charitable contribution	0	0					
Miscellaneous itemized	0	0					
State sales tax paid	0	0					
Required union dues	0	0					
Cr. for Pd. Sick and Fam. L.	0	0					
Mandatory retirement	0	0					
Hardship deduction	0*	0*					
Other gdl. adjustments	0	0					
AMT info (IRS Form 6251)	0	0					
Child support add-ons	0	0					
TANF, SSI and CS received	0	0					

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	15%	0%	Father	7,702	Payment (cost)/benefit	(3,866) 3,866
Filing status	MFJ->	<-MFJ	Mother	1,129	Net spendable income	3,836 4,995
# Federal exemptions	1*	3*	Total	8,831	% combined spendable	43.4% 56.6%
Wages + salary	9,387	1,343	Support (Nondeductible)		Total taxes	1,481 214
401(k) employee contrib	204	0	CS Payor	Father	Comb. net spendable	8,831
Self-employment income	0	0	Presumed	2,502	Proposed	
Other taxable income	0	0	Basic CS	2,502	Payment (cost)/benefit	(3,866) 3,866
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	3,836 4,995
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	956	% combined spendable	43.4% 56.6%
Ordinary dividends	0	0	Child 2	1,546	% of saving over gdl	0% 0%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,481 214
Social Security received	0	0	Alameda	1,364	Comb. net spendable	8,831
Unemployment compensation	0	0	Total	3,866	Percent change	0.0%
Operating losses	0	0	Proposed, tactic 9		Default Case Settings	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,502		
Rental income	0	0	Basic CS	2,502		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	956		
SS paid other marriage	0	0	Child 2	1,546		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,364		
Ptr Support Pd. other P'ships	0	0	Total	3,866		
Health insurance	204	0	Savings	0		
Qual. Bus. Inc. Ded.	0	0	No releases			
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother	
Number of children	0	2	Nets (adjusted)	Guideline			
% time with Second Parent	20%	0%	Father	7,487	Payment (cost)/benefit	(3,228)	3,228
Filing status	MFJ->	<-MFJ	Mother	2,196	Net spendable income	4,258	5,424
# Federal exemptions	1*	3*	Total	9,683	% combined spendable	44%	56%
Wages + salary	9,387	2,687	Support (Nondeductible)		Total taxes	1,696	491
401(k) employee contrib	204	0	CS Payor	Father	Comb. net spendable	9,682	
Self-employment income	0	0	Presumed	2,166	Proposed		
Other taxable income	0	0	Basic CS	2,166	Payment (cost)/benefit	(3,228)	3,228
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	4,258	5,424
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	827	% combined spendable	44%	56%
Ordinary dividends	0	0	Child 2	1,339	% of saving over gdl	0%	0%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,696	491
Social Security received	0	0	Alameda	1,062	Comb. net spendable	9,682	
Unemployment compensation	0	0	Total	3,228	Percent change	0.0%	
Operating losses	0	0	Proposed, tactic 9		Default Case Settings		
Ca. operating loss adj.	0	0	CS Payor	Father			
Roy, partnerships, S corp, trusts	0	0	Presumed	2,166			
Rental income	0	0	Basic CS	2,166			
Misc ordinary tax. inc.	0	0	Add-ons	0			
Other nontaxable income	0	0	Presumed Per Kid				
New-spouse income	0	0	Child 1	827			
SS paid other marriage	0	0	Child 2	1,339			
CS paid other relationship	0	0	SS Payor	Father			
Adj. to income (ATI)	0	0	Alameda	1,062			
Ptr Support Pd. other P'ships	0	0	Total	3,228			
Health insurance	204	0	Savings	0			
Qual. Bus. Inc. Ded.	0	0	No releases				
Itemized deductions	0	0					
Other medical expenses	0	0					
Property tax expenses	0	0					
Ded. interest expense	0	0					
Charitable contribution	0	0					
Miscellaneous itemized	0	0					
State sales tax paid	0	0					
Required union dues	0	0					
Cr. for Pd. Sick and Fam. L.	0	0					
Mandatory retirement	0	0					
Hardship deduction	0*	0*					
Other gdl. adjustments	0	0					
AMT info (IRS Form 6251)	0	0					
Child support add-ons	0	0					
TANF, SSI and CS received	0	0					

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO: Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly	CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	7%	0%	Father	7,702	Payment (cost)/benefit	(4,011) 4,011
Filing status	MFJ->	<-MFJ	Mother	1,129	Net spendable income	3,691 5,140
# Federal exemptions	1*	3*	Total	8,831	% combined spendable	41.8% 58.2%
Wages + salary	9,387	1,343	Support (Nondeductible)		Total taxes	1,481 214
401(k) employee contrib	204	0	CS Payor	Father	Comb. net spendable	8,831
Self-employment income	0	0	Presumed	2,586	Proposed	
Other taxable income	0	0	Basic CS	2,586	Payment (cost)/benefit	(4,011) 4,011
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	3,691 5,140
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	988	% combined spendable	41.8% 58.2%
Ordinary dividends	0	0	Child 2	1,598	% of saving over gdl	0% 0%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,481 214
Social Security received	0	0	Alameda	1,425	Comb. net spendable	8,831
Unemployment compensation	0	0	Total	4,011	Percent change	0.0%
Operating losses	0	0	Proposed, tactic 9		Default Case Settings	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,586		
Rental income	0	0	Basic CS	2,586		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	988		
SS paid other marriage	0	0	Child 2	1,598		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,425		
Ptr Support Pd. other P'ships	0	0	Total	4,011		
Health insurance	204	0	Savings	0		
Qual. Bus. Inc. Ded.	0	0	No releases			
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

12. KRISTI WHITE V. ERIK WHITE

PFL20130876

On August 11, 2023, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) alleging violations of custody and visitation orders. The OSC was personally served on August 17th.

The parties are ordered to appear for arraignment.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

13. MICHAEL K. MCFARLAND V. HOLLY A. MCFARLAND

23FL0342

On July 13, 2023 the parties appeared before the court for hearing on a Request for Order (RFO) filed by Petitioner. The parties presented the court with a stipulation which was adopted by the court as its order. A review hearing was set for the present date to address compliance with the court order. Parties were to file and serve supplemental declarations no later than 10 days prior to the review hearing. No such declarations have been received therefore the court is of the impression that all orders are being complied with and there are no issues to be presented to the court. The matter is dropped from calendar.

TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

14. SAMANTHA OCHOA V. AARON OCHOA

22FL0761

Respondent filed a Request for Order (RFO) on September 25, 2023 seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC). The CCRC referral and the RFO were mail served on September 28th. Only Respondent appeared at CCRC.

Judgement in this matter was entered on June 22, 2023, therefore this is a post-judgment request for modification. As such, it was required to be personally served or, if served by mail, Petitioner was required to complete and file a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, which she has not done. *See* Fam. Code § 215. Given that Respondent failed to comply with Section 215 and given Petitioner's failure to file a response or appear at CCRC the court drops this matter from calendar due to lack of proper service.

TENTATIVE RULING #14: 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 TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

16. BAYLEIGH MARK V. NOAH BINGAMAN (JOINED PARTY: CINDER BINGAMAN)

22FL0514

Joined Party filed a Notice of Motion and Declaration for Joinder and a Request for Order for grandparent visitation on September 25, 2023. Upon review of the court file, there is no Proof of Service showing either Petitioner or Respondent have been properly served. As such, the matter is dropped from calendar.

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

18. CHRISTINA BOOTH V. POPPY BOOTH

PFL20160594

Petitioner filed a Request for Order (RFO) on October 11, 2023, requesting Petitioner be awarded the dependency exception for tax purposes. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO. Therefore, the matter is dropped from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR DUE TO 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 TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

19. DCSS V. CODI SALAS CHRISTMAN (OTHER PARENT: NICOLE LOPEZ)

23FL0251

Other Parent filed a Request for Order (RFO) requesting the court make child custody and child support orders on October 12, 2023. The parties were not referred to Child Custody Recommending Counseling (CCRC). Proof of Service shows Petitioner and Respondent were properly served on October 27, 2023, and October 16, 2023 respectively.

Respondent filed a Response on November 30, 2023, acknowledging he is the parent of the minors.

The court notes there is currently a hearing set for a Judgement of Parentage as well as child support in Department 8 on January 22, 2024, at 10:00 am. The court, therefore, continues the request for child support to be heard on January 22, 2024, at 10:00 am in Department 8.

As to the request for child custody orders, the court finds Respondent has acknowledged paternity. Further, Other Parent submitted a Declaration on October 25, 2023, which was served October 27, 2023, which shows Respondent on the birth certificate for the youngest minor. Therefore, the court finds it appropriate to refer the parties to CCRC.

The parties are referred to CCRC for an appointment on February 1, 2024 at 1:00pm with Rebecca Nelson. The court sets a further review hearing for March 14, 2024 at 1:30 pm for review of the CCRC appointment.

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

TENTATIVE RULING #19: THE COURT CONTINUES THE REQUEST FOR CHILD SUPPORT TO BE HEARD ON JANUARY 22, 2024 AT 10:00 AM IN DEPARTMENT 8. THE PARTIES ARE REFERRED TO CCRC FOR AN APPOINTMENT ON FEBRUARY 1, 2024 AT 1:00PM WITH REBECCA NELSON. THE COURT SETS A FURTHER REVIEW HEARING FOR MARCH 14, 2024 AT 1:30 PM FOR REVIEW OF THE CCRC APPOINTMENT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

20. JEFFREY JONES V. LACEY MARR-JONES

PFL20200249

On August 7, 2023, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC). The OSC was personally served on August 9th. The OSC asserts two allegations of contempt.

On October 5, 2023, the parties appeared for arraignment. The court appointed the Public Defender's Office on behalf of Petitioner and continued the arraignment to January 11, 2024. Petitioner was ordered to file and serve an Income and Expense Declaration within 10 days of the hearing.

Petitioner filed an Income and Expense Declaration on October 10, 2023.

Respondent filed a Declaration on December 27, 2023. Petitioner was served by mail on December 27, 2023.

Petitioner filed a Declaration on December 29, 2023. The Proof of Service is deficient, as it does not state when the document was mailed. Therefore, the court cannot consider this document.

The parties are ordered to appear for arraignment.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

21. NICOLE FERGUSON V. DALE DAVIDSON

PFL20180246

Petitioner filed an ex parte request for emergency custody orders on November 28, 2023. On November 29, 2023, the court denied the request, and referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment for December 19, 2023 and a review hearing on January 11, 2024. Petitioner filed a Request for Order (RFO) on November 29, 2023, requesting the same orders as set forth in the ex parte request. Proof of Service shows Respondent was personally served on November 29, 2023.

Petitioner filed a second ex parte request for emergency custody orders, setting forth the same facts and allegations as the request filed November 28, 2023, on November 30, 2023. Respondent filed a Responsive Declaration on November 30, 2023. On December 1, 2023, the court again denied the request and reiterated that all prior orders remain in full force and effect.

Respondent filed a Declaration on December 6, 2023. It was served by mail on Petitioner on December 6, 2023. Respondent requests the court grant him sole legal and physical custody, order Petitioner to participate in a psychological evaluation, and order Family Code section 271 sanctions in the amount of \$5,000.

Petitioner filed a Reply Declaration on December 29, 2023. Proof of Service shows Respondent, rather than his counsel, was electronically served on December 29, 2023. The court finds this service to be deficient, and therefore, will not consider this document.

Respondent filed an additional Supplemental Declaration on January 4, 2023. Petitioner was served electronically on January 4, 2023. The court finds this Declaration to be untimely, as it was filed less than 10 days prior to the hearing.

Both parties and the minors attended the CCRC appointment. The parties were able to reach several agreements. A report with agreements and recommendations was filed on December 22, 2023. The report was mailed to the parties on December 29, 2023.

The court has read and considered the filings as outlined above. The court finds the agreements and recommendations as set forth in the December 22, 2023 CCRC report are in the best interest of the minors. The court adopts the agreements and recommendations as its orders.

The court denies Respondent's request for sole legal and physical custody of the minors. The court denies Respondent's request for Petitioner to participate in a psychological evaluation. The court finds neither party has submitted an Income and Expense Declaration, and therefore, the court is able to grant an award of sanctions in this matter.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

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 #22: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 22, 2023 CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS ITS ORDERS. THE COURT DENIES RESPONDENT'S REQUEST FOR SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINORS. THE COURT DENIES RESPONDENT'S REQUEST FOR PETITIONER TO PARTICIPATE IN A PSYCHOLOGICAL EVALUATION. THE COURT FINDS NEITHER PARTY HAS SUBMITTED AN INCOME AND EXPENSE DECLARATION, AND THEREFORE, THE COURT IS ABLE TO GRANT AN AWARD OF SANCTIONS IN THIS MATTER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

23. ROB GRONEWOLD V. KATHERINE GRONEWOLD

PFL20190313

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

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

On September 28, 2023, the parties appeared for the hearing. The parties agreed to be rereferred to CCRC. The court referred the parties to CCRC for an appointment on November 27, 2023. The court directed Petitioner to ensure Respondent was properly served with the RFO. The court reserved jurisdiction to modify the child support orders to the date of the filing of the RFO, June 13, 2023. The court set a further review hearing for January 11, 2024.

Both parties and the minor attended CCRC on November 27, 2023. A CCRC report was filed with the court on December 29, 2023. Copies were mailed to the parties on January 2, 2024, less than 10 days prior to the hearing.

The court notes the parties currently have two additional matters pending a hearing on January 18, 2024. The court on its on motion, for judicial economy and for the late service of the CCRC report, continues this matter to join with the matters currently set for January 18, 2024 at 1:30 pm in Department 5. The court continues to reserve jurisdiction to modify child support retroactively to June 13, 2023.

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

TENTATIVE RULING #23: THE COURT ON ITS ON MOTION, FOR JUDICIAL ECONOMY AND FOR THE LATE SERVICE OF THE CCRC REPORT, CONTINUES THIS MATTER TO JOIN WITH THE MATTERS CURRENTLY SET FOR JANUARY 18, 2024 AT 1:30 PM IN DEPARTMENT 5. THE COURT CONTINUES TO RESERVE JURISDICTION TO MODIFY CHILD SUPPORT RETROACTIVELY TO JUNE 13, 2023. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO* LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

24. VINCENT FOSS V. SHANNON FOSS

PFL20210247

Respondent filed an ex parte request for emergency custody orders on September 25, 2023. Petitioner filed a Responsive Declaration on September 26, 2023. The court denied the ex parte request on September 26, 2023 and referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on November 15, 2023 and a review hearing on January 11, 2024. Respondent filed a Request for Order (RFO) on September 26, 2023, requesting the same orders as set forth in the ex parte application. Proof of Service shows Petitioner was served on October 9, 2023.

Both parties attended CCRC on November 15, 2023. A report with recommendations was filed with the court on December 28, 2023. Copies were mailed to the parties on January 2, 2024.

The court has read and considered the filings as outlined above and makes the following findings and orders. The court finds the recommendations as set forth in the December 28, 2023 CCRC report to be in the best interest of the minors. The court adopts the recommendations as set forth in the December 28th 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 #24: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 28, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 28TH 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 TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 11, 2024

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

25. WILLIAM FORREST V. MAILE FORREST

PFL20170101

Petitioner filed a Request for Order (RFO) on October 23, 2023, requesting a modification of custody orders. Proof of Service shows Respondent was served by mail on November 30, 2023. That mail was returned to the court as undeliverable on December 19, 2023. The court notes this is a post-judgment request for modification of custody orders. As such, Family Code section 215 applies. Family Code section 215 requires either personal service, or if service is by mail, that there be a Declaration of Address Verification. Petitioner has not filed the Address Verification Declaration.

The court finds service on respondent has not been effective. Therefore, the court drops the matter from calendar due to the lack of proper service.

TENTATIVE RULING #25: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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