

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**1. A. HONOROF V. D. HONOROF**

**SFL20100058**

Petitioner filed a Request for Order (RFO) seeking \$15,423.10 in attorney's fees and costs. The RFO and her Income and Expense Declaration, along with an FL-319 (Requests for Attorney's Fees and Costs Attachment) and an FL-158 (Supporting Declaration for Attorney's Fees and Costs Attachment) were filed and served on February 21, 2023. An updated Income and Expense Declaration was filed on May 3<sup>rd</sup>. On May 4, 2023, Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration. Both were mail served on May 9<sup>th</sup>. Petitioner Aneta Honorof's Reply Brief in Support of Motion for Attorney's Fees and Sanctions; Declaration of Mark Martel was filed on July 26, 2023.

Petitioner requests attorney's fees and costs pursuant to Family Code section 2032. Her initial request could be broken down into \$15,000 in attorney's fees and \$423.10 in costs. She sought an additional \$1,000 in sanctions pursuant to Family Code section 271. According to Petitioner, she has incurred extensive fees and costs due to Respondent's failure to abide by custody orders, failure to engage in discussions to amend the order, and his filing of a request for emergency orders which contained false assertions and made outrageous requests. Petitioner argues that Respondent's insistence that he have his way, despite the facts and direct orders of the court, has caused Petitioner's attorney to expend an extensive amount of time on this matter. In fact, Petitioner states she incurred over \$23,000 in attorney's fees and costs to oppose Respondent's RFO which has caused her extreme hardship. Despite the extensive fees incurred she seeks only \$15,000 in fees, however she later amended her request to include an additional \$3,600 for the preparation of her reply declaration, \$423.10 in costs, and \$2,000 in sanctions. She increased her request by an additional \$1,000 to account for the preparation and filing of her reply declaration. Petitioner maintains that Respondent sold his mother's home in February of 2020 for a total of \$430,000 and an award of costs and sanctions may be paid using that money.

Respondent objects to the request for fees and argues the assertions being made by Petitioner are meritless. Respondent feels that his proposing language regarding the means of counting vacation days was in compliance with the court order and his RFO was warranted. He argues it was Petitioner who failed to meet and confer with him once the RFO was served, not vice versa. Additionally, he claims Petitioner has withheld information and misrepresented facts which has resulted in the subject legal bills. Respondent is of the opinion that the request for attorney's fees is being used in a punitive manner. He states he is impoverished, as evidenced by his fee waiver, and any order requiring him to pay fees would be highly prejudicial and unfairly burdensome to him.

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This matter came before the court for hearing on May 25<sup>th</sup>, at which time the court noted Respondent's Income and Expense Declaration was incomplete. The court continued the matter to August 3<sup>rd</sup> and ordered Respondent to file an updated, and complete, Income and Expense Declaration. At the August 3<sup>rd</sup> hearing the court once again continued the issue of attorney's fees and ordered Respondent to provide opposing counsel with copies of his tax returns dating back to the sale of his mother's home, he was also ordered to file a declaration with the court and serve on opposing counsel details of what happened with the proceeds from the sale of his mother's home, the crypto currency loss, and his efforts to become gainfully employed.

Respondent filed a Declaration on November 1<sup>st</sup>. While there is no Proof of Service for the declaration, Petitioner did file Petitioner Aneta Honorof's Response to Respondent Darin Honorof's Submission of Financial Information. Respondent filed an additional Declaration with financial information on November 22, 2023.

The parties appeared for hearing on November 30, 2023, and Petitioner requested a continuance. The continuance was granted and the matter was continued to the present date.

Respondent filed his Income and Expense Declaration and a Declaration of Darin Honorof on January 5<sup>th</sup>, though there is no Proof of Service on file evidencing Petitioner was served with these documents. Petitioner filed and served her Income and Expense Declaration and Petitioner Aneta Honorof's Response to Respondent Darin Honorof's Submission of Additional Financial Information on January 9<sup>th</sup>. In Petitioner's brief she addresses her late receipt of the January 5<sup>th</sup> documents therefore the court finds good cause to consider them.

Petitioner now requests a total of \$20,423.10 in attorney's fees and costs which can be broken down as follows - \$15,000 in attorney's fees (original motion), \$423.10 in costs (original motion), \$1,000 in sanctions (original motion), \$1,500 in attorney's fees for reply papers, \$2,500 in attorney's fees for October 2023 ex parte application.

The parties are ordered to appear for hearing. Respondent is ordered to bring documentation supporting his alleged injury which would preclude him from working.

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

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**2. AMY E. SMITH V. DAVID G. SMITH**

**22FL0989**

On November 17, 2022, Petitioner filed a Request for Order (RFO) requesting temporary spousal support and attorney's fees. The parties appeared before the court for hearing on the RFO on February 9<sup>th</sup>. The court set spousal support at \$2,486 per month, effective December 1, 2022. This resulted in an arrears balance of \$5,158, to be paid in monthly increments of \$430. Petitioner was ordered to seek work full time. She was given 60 days to complete the following: (1) Participate in low-cost training to improve administrative skills; and (2) Utilize professional assistance to improve resume and interview skills. After 60 days Petitioner was ordered to (1) begin submitting applications for employment, (2) register with job placement and employment agencies, (3) keep a journal of her applications and efforts in seeking employment, and (4) notify Respondent within 48 hours of her date of hire. The court has since set several hearings to review Petitioner's progress in obtaining work. Petitioner was ordered to file a status declaration with the court no later than 10 days prior to the hearing. If she obtained employment, then she was also ordered to file an Income and Expense Declaration.

The parties appeared before the court for hearing on August 10, 2023, at which time Petitioner requested sanctions pursuant to Family Code Section 271 in the amount of \$810. The court reserved on the request and continued the matter to October 12<sup>th</sup>. It was once again continued to the present hearing date.

Respondent filed a request to change spousal support on September 1<sup>st</sup>. Petitioner filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on January 2, 2024. Respondent also filed and served his updated Income and Expense Declaration and an additional Declaration on January 2<sup>nd</sup>. On January 9<sup>th</sup> Petitioner filed and served her Amended Income and Expense Declaration.

Respondent requests guideline spousal support based on a number of circumstances enumerated in his moving papers. He also requests Petitioner be imputed income between \$55,000 and \$60,000 a year which is based on Petitioner's previous highest salary. He asks that any new support orders be retroactively effective back to September 1, 2023. He further requests that his annual income used to calculate support be decreased by 3 weeks to account for FMLA leave he anticipates taking. Finally, he requests more than the standard 15 minutes to argue his case at the hearing.

Petitioner opposes the requests and posits that the alleged changed circumstances are made in bad faith. Petitioner requests repayment terms in the amount of \$100 per month for any arrears owed to Respondent in the event of a reduction in support. Finally, as stated above, Petitioner has requested \$810 as and for Family Code Section 271 sanctions.

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In reviewing Petitioner's most recent Income and Expense Declaration it appears she has finally obtained gainful employment and therefore fulfilled the court's seek work order. The court finds it proper to use Petitioner's actual income to calculate support instead of the requested imputed income as Respondent has failed to establish any reason why Petitioner should be imputed with any income above that of her current earnings.

Respondent's request to decrease his income by 3 weeks' worth of pay to account for FMLA leave is likewise denied. He states only that he will be taking 1 week off in January but has failed to establish when, or if, the other two weeks will be taken. Furthermore, an employer can require, or an employee can choose to use paid vacation time to make up for wages while taking unpaid leave. Given that Respondent has this option, the court does not find grounds for reducing his wages in calculating support.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$992 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$992 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.

The court finds the above order results in arrears in the amount of \$4,960 through and including January 1, 2024. However, Respondent has been paying \$2,486 per month and therefore has earned a credit in the amount of \$12,430. Offsetting the arrears from the credit results in a remaining credit to Respondent in the amount of \$7,470. Commencing February 1, 2024, Respondent may reduce monthly support payments to \$369.50 until his credit has been paid back in full (approximately 12 months). At the end of the 12-month period, when the credit has been repaid in full, monthly support payments shall automatically return to \$992 per month.

The court has considered each party's request for sanctions and does not find there to have been sanctionable conduct on behalf of either party. Both requests are denied.

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

**TENTATIVE RULING #2: THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$992 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$992 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE**

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**MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE SEPTEMBER 1, 2023.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$4,960 THROUGH AND INCLUDING JANUARY 1, 2024. HOWEVER, RESPONDENT HAS BEEN PAYING \$2,486 PER MONTH AND THEREFORE HAS EARNED A CREDIT IN THE AMOUNT OF \$12,430. OFFSETTING THE ARREARS FROM THE CREDIT RESULTS IN A REMAINING CREDIT TO RESPONDENT IN THE AMOUNT OF \$7,470. COMMENCING FEBRUARY 1, 2024, RESPONDENT MAY REDUCE MONTHLY SUPPORT PAYMENTS TO \$369.50 UNTIL HIS CREDIT HAS BEEN PAID BACK IN FULL (APPROXIMATELY 12 MONTHS). AT THE END OF THE 12-MONTH PERIOD, WHEN THE CREDIT HAS BEEN REPAID IN FULL, MONTHLY SUPPORT PAYMENTS SHALL AUTOMATICALLY RETURN TO \$992 PER MONTH.**

**EACH PARTY'S REQUEST FOR SANCTIONS IS DENIED.**

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

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	20%	0%	Father	6,664 Payment (cost)/benefit	(900)	933
Filing status	MFS->	<-MFS	Mother	3,361 Net spendable income	5,672	4,353
# Federal exemptions	1*	2*	Total	10,025 % combined spendable	56.6%	43.4%
Wages + salary	9,865	4,333	<b>Support (Nondeductible)</b>	Total taxes	2,771	597
401(k) employee contrib	0	0	Presumed	blocked Comb. net spendable	10,025	
Self-employment income	0	0	Basic CS	blocked <b>Proposed</b>		
Other taxable income	52	0	Add-ons	blocked Payment (cost)/benefit	(1,085)	1,125
Short-term cap. gains	0	0	SS Payor	Father Net spendable income	5,697	4,335
Long-term cap. gains	0	0	Alameda	992 NSI change from gdl	25	(18)
Other gains (and losses)	0	0	Total	992 % combined spendable	56.8%	43.2%
Ordinary dividends	0	0	<b>Proposed, tactic 9</b>	% of saving over gdl	369.8%	-269.8%
Tax. interest received	0	0	Presumed	blocked Total taxes	2,542	819
Social Security received	0	0	Basic CS	blocked Comb. net spendable	10,032	
Unemployment compensation	0	0	Add-ons	blocked Percent change	0.1%	
Operating losses	0	0	SS Payor	Father <b>Default Case Settings</b>		
Ca. operating loss adj.	0	0	Alameda	1,196		
Roy, partnerships, S corp, trusts	0	0	Total	1,196		
Rental income	0	0	Savings	7		
Misc ordinary tax. inc.	52	0	Total releases to Father	1		
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	482	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	271	0				
Other medical expenses	0	0				
Property tax expenses	271	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	72				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	303				
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				

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**3. DANIELLE MARIE HASAN V. TALIV AL HASAN**

**23FL0370**

On September 29, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was filed concurrently with an ex parte request on the same issues. The court reiterated its prior order regarding a civil standby to allow Respondent to retrieve his personal items, the remaining matters were set on a regular basis.

Petitioner filed a Responsive Declaration to Request for Order on September 29<sup>th</sup>, it was electronically served on September 28<sup>th</sup> and mail served on October 2<sup>nd</sup>.

The parties attended Child Custody Recommending Counseling (CCRC) on November 11, 2023. As they were unable to reach any agreements, a report with recommendations was prepared on January 5, 2024. It was mailed to the parties the same day.

Respondent is requesting an order granting joint legal and joint physical custody of the children Damian and Ariyah. He also requests that either the paternal grandmother or grandfather be allowed to act as non-professional supervisors for visits with the minors. And he asks that the court prohibit the minors from being in the presence of Jaden Lovelace without Petitioner present. He feels a week-on/week-off schedule would be feasible given Petitioner's work schedule.

Petitioner asks the court to maintain the current orders under the Domestic Violence Restraining Order (DVRO) which awards her sole legal and sole physical custody of the children. Respondent has six hours of supervised visits. Visits are to be professionally supervised unless the parties can agree to non-professional supervisors. She asks that the court deny Respondent's request to appoint the paternal grandparents as supervisors.

The CCRC counselor is of the opinion that Family Code § 3044 applies to the present matter. Given that Respondent has not taken any actions to rebut the Section 3044 presumption, CCRC recommends that all current orders remain in full force and effect.

The court has reviewed the filings of the parties as outlined above and while the court disagrees with CCRC's finding that Section 3044 applies, the court does find that the current orders do remain in the best interests of the children, with modification. While the presumption under Section 3044 does not apply as there has been no ruling in the criminal matter nor has there been a ruling on the DVRO, the court remains concerned with the allegations against Respondent. However, after reviewing the supervised visit summaries the court is satisfied with the conduct during the visits and therefore finds it appropriate to move to non-professionally supervised visits with the paternal grandparents acting as supervisors after they have each

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completed and filed their respective FL-324(NP) Declaration of Supervised Visitation Provider (Nonprofessional).

Additionally, there is concern regarding the allegations of abuse by Jaden Lovelace. As such, the children shall not be left alone in the presence of Jaden Lovelace without supervision by Petitioner or another adult.

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 #3: RESPONDENT'S VISITS WITH THE CHILDREN MAY BE SUPERVISED BY THE PATERNAL GRANDPARENTS AFTER THEY HAVE EACH COMPLETED AND FILED THEIR RESPECTIVE FL-324(NP) DECLARATION OF SUPERVISED VISITATION PROVIDER (NONPROFESSIONAL). THE CHILDREN SHALL NOT BE LEFT ALONE IN THE PRESENCE OF JADEN LOVELACE WITHOUT SUPERVISION BY PETITIONER OR ANOTHER ADULT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**4. GARY MISER V. EVA SUSAN DURHAM**

**22FL0593**

Counsel for Petitioner, Lucas Sprengel, filed his Notice of Motion and Motion to be Relieved as Counsel and his supporting declaration on October 13, 2023. The motion was mail served on Diane Anderson and Mr. Miner's estate on October 18<sup>th</sup>. Counsel has shown good cause for his withdrawal as the attorney of record for Petitioner who is now deceased. Petitioner's estate has not opposed the motion. The motion is granted.

**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 ESTATE.**

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**5. JACQUELINE MULLINAX V. BRYAN MULLINAX**

**22FL0920**

Respondent filed a Request for Order (RFO) and his Income and Expense Declaration on September 29, 2023. On October 2<sup>nd</sup>, Respondent filed documents labeled Exhibit A through Y. The exhibits were served with the RFO on October 2<sup>nd</sup>. On November 13<sup>th</sup> Respondent filed a Supplemental Brief Declaration to RFO/OSC. On December 20, 2023, Respondent filed two additional MC-030 Declarations. All three declarations were served on December 21<sup>st</sup>.

Petitioner filed and mail served her Responsive Declaration to Request for Order on January 5, 2024.

Respondent filed his RFO requesting joint legal and joint physical custody of the parties' two minor children. Currently Petitioner has temporary sole custody and Respondent has one supervised visit per month pursuant to the ongoing Domestic Violence Restraining Order (DVRO). Respondent requests the court modify the March 16, 2023 DVRO to remove the children and end the requirement of supervised visits. He asks that the court institute the parenting schedule agreed-upon by the parties in mediation on January 19, 2023. In the event the court is not inclined to grant the RFO, Respondent requests an evidentiary hearing and the court to appoint a child custody evaluator. Finally, while the FL-300 requests orders for property control, Respondent states in his declaration that he is no longer pursuing that request.

Subsequently, Respondent amended his request to seek full physical custody of the children based on allegations of witness tampering by Petitioner and her mother.

Petitioner opposes Respondent's custody requests and his request to remove the children from the DVRO. She argues that Respondent has failed to exercise any professionally supervised visits with the children since the March 16<sup>th</sup> filing of the DV-130, yet he is requesting increased custodial time. She further objects to the contents of Respondent's supplemental declaration on the basis of relevance, hearsay, and lack of probative value pursuant to Evidence Code 352. The only thing Petitioner does agree with is Respondent's request to drop his property control request.

The parties attended Child Custody Recommending Counseling (CCRC) on November 30, 2023, but were unable to reach any agreements. A report was prepared on January 5, 2024 and subsequently sent to the parties. CCRC recommends the current orders remain in full force and effect as Respondent has failed to rebut the Family Code § 3044 presumption. However, on December 20, 2023, Respondent filed a declaration including the results of a Domestic Violence Assessment as well as documentation of his enrollment in a batterer's intervention program.

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Respondent's request for property control is dropped as agreed upon by the parties. The parties are ordered to appear to choose hearing dates for an evidentiary hearing on the issue of whether or not the children should be removed from the DVRO and on the issues of custody and parenting time.

**TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR TO CHOOSE HEARING DATES FOR AN EVIDENTIARY HEARING ON THE ISSUE OF WHETHER OR NOT THE CHILDREN SHOULD BE REMOVED FROM THE DVRO AND ON THE ISSUES OF CUSTODY AND PARENTING TIME.**

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**6. JOSEPH HENRY IBARRA V. ALEXANDRIA ELIZABETH ESPARAZA**

**23FL0842**

On September 29, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. An Amended Request for Order was filed on October 6, 2023. Both RFOs, along with all other required documents, were mail served on October 6<sup>th</sup>. Petitioner filed a Responsive Declaration to Request for Order on January 16<sup>th</sup>. This document is late filed and therefore has not been read or considered by the court.

Respondent is requesting sole legal and sole physical custody of the parties' minor child. Additionally, she makes the following requests: (1) An order directing the parties to use Talking Parents for communications regarding visitation issues; (2) An order directing the parties not to speak during exchanges; (3) An order directing the parties to attend either a joint co-parenting class or co-parenting counseling; (4) An order directing Petitioner to participate in individual therapy to address his anger management skills; (5) and an order directing Petitioner to reinstate medical insurance for Respondent and the minor and that the parties equally split any uncovered healthcare costs and the parties to comply with Family Code section 4063.

The parties attended Child Custody Recommending Counseling (CCRC) on November 29<sup>th</sup>. A report was prepared on January 5<sup>th</sup> and mailed to the parties on January 8<sup>th</sup>. According to the CCRC report the parties were able to reach agreements regarding custody and visitation. The remaining issues are not addressed in the CCRC report.

The court has reviewed the agreements contained in the CCRC report and finds them to be in the best interests of the minor. The agreements as stated in the January 5, 2024 CCRC report are hereby adopted as the orders of the court. The court further orders the parties to use the Talking Parents app for communication regarding the minor. The parties are further ordered to attend a joint co-parenting class and file evidence of completion with the court. While the parties may communicate during exchanges, such communication shall be civil and brief regarding issues related to the minor. Finally, Petitioner is ordered to put Respondent and the minor back on his employer-provided health insurance policy and the parties are ordered to comply with Family Code § 4063. In accordance with Section 4063, the parties shall equally split all healthcare costs for the minor that are not covered by insurance. The parent incurring the uncovered cost shall provide the invoice or proof of payment to the other parent. The other parent shall either pay his or her portion of the bill directly to the healthcare provider, if it has not already been paid or, if the bill has already been paid in full, the reimbursing parent shall make the reimbursement payment no later than 30 days from the date he or she receives the proof of payment. If the reimbursing parent fails to comply with these requirements or, if the reimbursing party disputes a request for payment, either party may seek judicial relief.

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The court declines to order Petitioner into individual therapy at this time. While Respondent asserts that Petitioner is prone to angry outbursts towards her, the court finds that it is more prudent to have the parties first attend a co-parenting class and see if there is improvement in the co-parenting relationship.

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

**TENTATIVE RULING #6: THE AGREEMENTS AS STATED IN THE JANUARY 5, 2024 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE COURT FURTHER ORDERS THE PARTIES TO USE THE TALKING PARENTS APP FOR COMMUNICATION REGARDING THE MINOR. THE PARTIES ARE FURTHER ORDERED TO ATTEND A JOINT CO-PARENTING CLASS AND FILE EVIDENCE OF COMPLETION WITH THE COURT. WHILE THE PARTIES MAY COMMUNICATE DURING EXCHANGES, SUCH COMMUNICATION SHALL BE CIVIL AND BRIEF REGARDING ISSUES RELATED TO THE MINOR. FINALLY, PETITIONER IS ORDERED TO PUT RESPONDENT AND THE MINOR BACK ON HIS EMPLOYER-PROVIDED HEALTH INSURANCE POLICY AND THE PARTIES ARE ORDERED TO COMPLY WITH FAMILY CODE § 4063. IN ACCORDANCE WITH SECTION 4063, THE PARTIES SHALL EQUALLY SPLIT ALL HEALTHCARE COSTS FOR THE MINOR THAT ARE NOT COVERED BY INSURANCE. THE PARENT INCURRING THE UNCOVERED COST SHALL PROVIDE THE INVOICE OR PROOF OF PAYMENT TO THE OTHER PARENT. THE OTHER PARENT SHALL EITHER PAY HIS OR HER PORTION OF THE BILL DIRECTLY TO THE HEALTHCARE PROVIDER, IF THE INVOICE WAS NOT ALREADY PAID OR, IF THE BILL HAS ALREADY BEEN PAID IN FULL, THE REIMBURSING PARENT SHALL MAKE THE REIMBURSEMENT PAYMENT NO LATER THAN 30 DAYS FROM THE DATE HE OR SHE RECEIVES THE PROOF OF PAYMENT. IF THE REIMBURSING PARENT FAILS TO COMPLY WITH THESE REQUIREMENTS OR, IF THE REIMBURSING PARENT DISPUTES A REQUEST FOR PAYMENT, EITHER PARTY MAY SEEK JUDICIAL RELIEF. THE COURT IS DECLINING TO ORDER PETITIONER INTO INDIVIDUAL THERAPY AT THIS TIME.**

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

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**9. SARAH LEAHY V. ALEXANDER LEAHY**

**PFL20190491**

On October 2, 2023, Petitioner filed a Request for Order (RFO) seeking a move away order or, in the alternative, for the issue of the move away to be added to the 3111 evaluation with Dr. Eugene Roeder and joined to the return hearing on February 15, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) and Petitioner later amended her request to simply ask that the court grant the move away pursuant to recommendations made in the CCRC report.

Given that the parties were actively involved in a 3111 evaluation at the time Petitioner filed her RFO, the referral of the parties to CCRC was made in error. Therefore, Petitioner's initial request, to add the move away to the 3111 evaluation is granted. The parties are re-referred to Dr. Eugene Roeder to address the issue of the move away request. All remaining issues in Petitioner's RFO are continued to join with the 3111 review hearing which is currently set for February 15<sup>th</sup>. However, in anticipation of the additional time it may take Dr. Roeder to do his assessment and prepare his report the court, on its own motion, is continuing the February 15<sup>th</sup> hearing to April 6, 2024 at 8:30am in Department 5.

**TENTATIVE RULING #9: PETITIONER'S INITIAL REQUEST, TO ADD THE MOVE AWAY TO THE 3111 EVALUATION IS GRANTED. THE PARTIES ARE RE-REFERRED TO DR. EUGENE ROEDER TO ADDRESS THE ISSUE OF THE MOVE AWAY REQUEST. ALL REMAINING ISSUES IN PETITIONER'S RFO ARE CONTINUED TO JOIN WITH THE 3111 REVIEW HEARING WHICH IS CURRENTLY SET FOR FEBRUARY 15<sup>TH</sup>. HOWEVER, IN ANTICIPATION OF THE ADDITIONAL TIME IT MAY TAKE DR. ROEDER TO DO HIS ASSESSMENT AND PREPARE HIS REPORT THE COURT, ON ITS OWN MOTION, IS CONTINUING THE FEBRUARY 15<sup>TH</sup> HEARING TO APRIL 6, 2024 AT 8:30AM IN DEPARTMENT 5.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 18, 2024

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

**10. TYLER TEBBS V. KELLY MADER**

**23FL1246**

On December 19, 2023 Petitioner filed a Notice of Motion and Declaration for Joinder along with a Petition for Joinder and Memorandum of Law in Support of Joinder Under Cal. Rule of Court 5.24 and Cal. Fam. Code 3103(a). The moving papers were filed concurrently with the Petition for Custody and Support of the Minor Children. All documents, along with the Summons and a blank Responsive Declaration for Motion to Joinder were mail served on Respondent on January 8<sup>th</sup>. Respondent has not filed a Response to the Petition nor has she signed a signed copy of the Notice and Acknowledgment of Receipt.

Where Petitioner is seeking joinder at the commencement of the action, the joinder papers are to be served along with the Summons and Petition in a manner authorized for service of process. Mail service of the Summons and Complaint is only deemed complete upon the return of a written Notice and Acknowledgement of Receipt. Cal. Civ. Pro. § 415.30(c). Where the receiving party fails to return the acknowledgment “...there is no effective service and [said party] merely becomes liable for reasonable expenses of service in a more conventional manner. Thierfeldt v. Marin Hospital Dist., 35 Cal. App. 3d 186 (1973). “Although a proper basis for personal jurisdiction exists and notice is given in a manner which satisfies the constitutional requirements of due process, service of summons is not effective and the court does not acquire jurisdiction of the party unless the statutory requirements for service of summons are met.” Engbreton & Co. v. Harrison, 125 Cal. App. 3d 436, 443 (1981).

Here, while it does appear Respondent has actual knowledge of the pending lawsuit and consequently the pending motion for joinder, there is no signed Notice and Acknowledgement of Receipt on file with the court and therefore service of the Summons and Petition has not been effectively completed. Without proper service, the court has no jurisdiction to rule on this matter. Therefore, the matter is dropped from calendar due to lack of proper service.

**TENTATIVE RULING #10: 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 18, 2024

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

**11. ASHLEY ST. GEORGE V. JOSHUA ST. GEORGE**

**22FL0412**

Respondent filed a Request for Order (RFO) on November 17, 2023, requesting the court modify child custody, child support, property control, and the domestic violence restraining orders. Respondent did not file an Income and Expense Declaration. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had been within the prior six months. Petitioner was personally served on December 5, 2023.

Petitioner has not filed a Responsive Declaration.

Respondent filed Declaration on December 7, 2023 and January 4, 2024. There are no Proofs of Service for these documents, and therefore, the court cannot consider them.

Respondent requests the court grant him sole physical custody of the minors. Respondent asserts Petitioner is not working and has not been paying rent and therefore, should not have physical custody of the minors. The court notes, the parties were before the court on January 4, 2024 for child custody and parenting plan orders based on an RFO filed by Petitioner. The court finds those orders remain in the minors' best interests and those orders remain in full force and effect.

Respondent requests the court modify the current child support orders. As noted above, Respondent failed to file an Income and Expense Declaration as required both by the California Rules of Court and the El Dorado County Local Rules. As such, the court denies Respondent's request to modify child support.

While Respondent has checked the box for property control, Respondent has failed to identify any property in the FL-300. In the attached declaration, Respondent refers to a home that is in his name, however, failed to identify the property in any way. Based on insufficient pleadings, the court denies the request for property control, as there is no identified property.

Likewise, Respondent requests the court end the Domestic Violence Restraining Order without any supporting facts or evidence. Respondent has merely checked the box. In his attached declaration, Respondent denies there was any domestic violence between the parties, and states he was set up by Petitioner. However, Respondent ignores the court's findings of June 17, 2022, where the court found Respondent had committed acts of domestic violence and granted Petitioner's request for a three-year restraining order. Respondent has asserted no change in circumstances which would warrant the court terminating the Domestic Violence Restraining Order. Therefore, the request to end the Domestic Violence Restraining Order is denied.



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

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: THE COURT FINDS THE JANUARY 4, 2023 ORDERS AS TO CHILD CUSTODY AND PARENTING PLAN REMAIN IN THE MINORS' BEST INTERESTS AND THOSE ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT FAILED TO FILE AN INCOME AND EXPENSE DECLARATION AS REQUIRED BOTH BY THE CALIFORNIA RULES OF COURT AND THE EL DORADO COUNTY LOCAL RULES. AS SUCH, THE COURT DENIES RESPONDENT'S REQUEST TO MODIFY CHILD SUPPORT. THE COURT DENIES THE REQUEST FOR PROPERTY CONTROL, AS THERE IS NO IDENTIFIED PROPERTY. RESPONDENT HAS ASSERTED NO CHANGE IN CIRCUMSTANCES WHICH WOULD WARRANT THE COURT TERMINATING THE DOMESTIC VIOLENCE RESTRAINING ORDER. THEREFORE, THE REQUEST TO END THE DOMESTIC VIOLENCE RESTRAINING ORDER IS DENIED. 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 18, 2024

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

**12. BEVERLY TRIBUIANI V. SOPHIE MONTEZ (OTHER PARENT: DANIEL ULRICH) 23FL0897**

Petitioner filed a Petition for Grandparent Visitation and Request for Order (RFO) requesting grandparent visitation on September 11, 2023. Petitioner concurrently filed an application for publication or posting of the Summons for service on Other Parent. That request was denied on September 18, 2023. Petitioner filed a subsequent application for publication or posting on October 2, 2023. On October 11, 2023, the request was granted and the court authorized Petitioner to publish notice to Other Parent.

Proof of Publication was filed with the court on November 22, 2023, showing the summons was published on October 27, November 3, 10, and 17, 2023 in the Brentwood Press in Contra Costa County, California. Respondent was personally served with the Petition for Grandparent Visitation on November 18, 2023. Respondent was personally served with the RFO on October 2, 2023. Upon review of the court file, there is no Proof of Service showing Other Parent was properly served with the RFO.

Respondent filed a Responsive Declaration on October 30, 2023. There is no Proof of Service for this document, therefore, the court cannot consider it.

The court finds service in this matter was not proper. There is no Proof of Service showing Other Parent was ever served with the RFO. The court cannot find any exception in Family Code sections 3103 (c) or 3104 (c) that would allow the court to dispense with notice. Therefore, the matter is dropped from calendar due to the lack of proper notice.

**TENTATIVE RULING #12: 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 18, 2024

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

**13. CAROL CARLISLE V. WILLIAM CARLISLE**

**PFL20150037**

On June 12, 2023, Respondent filed a Request for Order (RFO) asking the court to determine any spousal support overpayments owed by Petitioner to Respondent and requesting to stay the contempt proceedings pending the resolution of that issue. On August 14, 2023, Petitioner filed an RFO requesting \$5,000 in sanctions for Respondent allegedly engaging in bad faith conduct related to his motion to quash and subsequent withdrawal of the motion, which Petitioner contends ultimately was to delay the proceedings and increase litigation costs.

On August 14, 2023, Petitioner also filed a Responsive Declaration, objecting to Respondent's requests. Petitioner argues that pending appeals preclude the court from considering the Respondent's overpayment request.

Respondent filed a Declaration regarding the reimbursement claims on October 30, 2023.

Petitioner filed a Reply on December 14, 2023.

Respondent filed a Sur-Reply on December 28, 2023.

The court finds that it needs an evidentiary hearing on the overpayment issue. The parties are ordered to appear.

**TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**14. DANA ZINK V. JASON LYONS**

**PFL20180912**

Petitioner filed a Request to Set an Uncontested Matter on December 18, 2023 on the issue of parentage and to add Respondent to the minor's birth certificate. A default Judgment of Paternity was entered on January 17, 2023.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**15. DENA DAVISON V. JOSHUA DAVISON**

**22FL0201**

Petitioner filed a Request for Order (RFO) on October 30, 2023, requesting Respondent pay the moneys owed to her. Petitioner does not identify an amount nor the date of the order she is referencing. Respondent was served by mail on October 30, 2023.

Petitioner filed two additional RFOs on December 11, 2023, one requesting medical reimbursement and the other requesting reimbursement of a court fine. Petitioner is requesting to be reimbursed \$60 for medical expenses for the parties' minor son and \$37.50 for the parties' son's traffic infraction. The Proof of Service for these RFOs shows a mailing date of December 9, 2023, prior to the filing of the RFO. Therefore, the court finds service was not proper on the December 11, 2023 filed RFOs, and as such, they are dropped from calendar.

As to Petitioner's request for Respondent to pay the money for back taxes and for past medical bills, the request is deficient. Petitioner has not identified an amount owed nor the order she is seeking enforcement of. Therefore, the court is unable to rule on the matter. As such, Petitioner's request is denied due to the insufficient pleadings.

The court reminds Respondent that all prior orders remain in full force and effect. Failure to comply with the court's orders may result in sanctions and/or contempt charges being brought.

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

**TENTATIVE RULING #15: THE COURT DROPS THE DECEMBER 11, 2023 RFOs FROM CALENDAR DUE TO LACK OF PROPER SERVICE. AS TO THE OCTOBER 30, 2023 RFO, INsofar AS THE COURT IS UNABLE TO MAKE A DETERMINATION BASED ON PETITIONER'S PLEADINGS WHAT IS BEING REQUESTED, THE REQUEST IS DENIED. THE COURT REMINDS RESPONDENT THAT ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. FAILURE TO COMPLY WITH THE COURT'S ORDERS MAY RESULT IN SANCTIONS AND/OR CONTEMPT CHARGES BEING BROUGHT. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 18, 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 18, 2024

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

**16. DEONTE UPCHURCH V. KIMBERLY UPCHURCH**

**22FL0399**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 8, 2023, alleging Respondent has violated the parenting time orders on four occasions. Respondent was personally served on December 7, 2023.

Parties are ordered to appear for arraignment.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**17. DUSTY SIMMONS V. ERIN SIMMONS**

**23FL0201**

Respondent filed a Request for Order (RFO) to modify the current temporary spousal support orders on November 6, 2023. Respondent concurrently filed an Income and Expense Declaration. Petitioner was personally served on November 21, 2023.

Petitioner filed a Responsive Declaration on November 15, 2023. Respondent was served by mail on December 28, 2023. Petitioner objects to the modification being requested.

Petitioner filed an Income and Expense Declaration on November 21, 2023. Respondent was served on November 21, 2023.

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 16, 2023, alleging three counts of contempt for Respondent's failure to pay support. Respondent was personally served on November 28, 2023.

Parties are ordered to appear for the hearing.

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



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**18. EDGARD LOPEZ V. NEREIDA PEREZ**

**21FL0018**

Respondent filed a Request for Order (RFO) on September 7, 2023, requesting the court order Petitioner to sign over title and give to Respondent the 2017 Dodge Journey awarded to Respondent by the July 21, 2022 judgment.

Respondent filed a Request to Continue Hearing on November 13, 2023, as she had been unable to serve Petitioner. The court granted the request and continued the hearing from November 16, 2023 to January 18, 2024.

Upon review of the court file, there is no Proof of Service showing that Petitioner was properly served with the RFO. Therefore, the matter is dropped from calendar due to lack of proper service.

**TENTATIVE RULING #18: 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 18, 2024

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

**19. HILLERI TALAUGON V. GARY TALAUGON**

**23FL0825**

Petitioner filed a Request for Order (RFO) and Order Shortening Time (OST) on October 25, 2023, requesting child and spousal support as well as attorney fees. Petitioner concurrently filed an Income and Expense Declaration. The court granted the OST and set the matter for a hearing on November 9, 2023, and directed Petitioner to serve Respondent on or before October 27, 2023. Proof of Service shows Respondent was personally served on October 25, 2023. Petitioner is requesting guideline child and temporary spousal support as well as Family Code section 2032 attorney fees.

Respondent filed a Responsive Declaration on November 2, 2023, along with an Income and Expense Declaration. Neither document has been served on Petitioner, therefore, the court cannot consider them.

Parties appeared for the hearing on November 9, 2023. The court ordered Respondent to pay Petitioner temporary spousal support in the amount of \$721 per month effective November 15, 2023. The court ordered Respondent to pay child support in the amount of \$1100 per month effective November 15, 2023. The court reserved jurisdiction to retroactively modify the support orders to November 15, 2023. The court continued the matter to January 18, 2024 and ordered the parties to file and serve updated Income and Expense Declarations 10 days prior to the hearing.

Respondent filed an Income and Expense Declaration on January 5, 2024. Petitioner was served by mail on January 3, 2024.

Petitioner has not filed an Income and Expense Declaration.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**20. JEWLIA BOCARANDA V. AUSTIN SOLANO**

**23FL1007**

Petitioner filed a Request for Order (RFO) on October 10, 2023, requesting the court make child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 1, 2023 and a review hearing on January 18, 2024. Respondent was personally served on October 13, 2023.

Only Petitioner appeared for the CCRC appointment on December 1, 2023. As such a single parent report was issued, with no agreements or recommendations. Copies were mailed to the parties on December 4, 2023.

Parties are ordered to appear for the hearing.

**TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**21. KARLY GENTRY V. PAUL GENTRY**

**22FL0745**

On August 31, 2023, the court set a review hearing on the issues of holiday visitation, phone calls, and Respondent's parenting plan. Parties were to file and serve Supplemental Declarations at least 10 days prior to the review hearing.

Petitioner filed a Supplemental Declaration on January 9, 2024. Respondent was served via his former counsel on January 9, 2023. The court notes Respondent's former counsel filed a notice of completion of limited scope representation on December 26, 2023. Therefore, the court finds the service was not proper. As such, the court cannot consider this document.

As of the writing of this tentative ruling, Respondent has not filed a Supplemental Declaration.

The court finds the current orders remain in the minors' best interests. All prior orders remain in full force and effect. Respondent is reminded that failure to comply with court orders may result in sanctions and/or contempt charges being brought.

**TENTATIVE RULING #21: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINORS' BEST INTERESTS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS REMINDED THAT FAILURE TO COMPLY WITH COURT ORDERS MAY RESULT IN SANCTIONS AND/OR CONTEMPT CHARGES BEING BROUGHT.**

**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 18, 2024

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

**22. KIMBERLEE HENDERSON V. GARRETT HENDERSON**

**22FL0174**

Petitioner filed a Request for Order (RFO) on October 3, 2023, requesting the court change the child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on December 1, 2023 and a review hearing on January 18, 2024. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO and referral to CCRC.

Neither party appeared for the CCRC appointment.

The matter is dropped from calendar for the lack of proper service.

**TENTATIVE RULING #22: THE MATTER IS DROPPED FROM CALENDAR FOR THE LACK OF PROPER SERVICE.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

**23. ROB GRONEWOLD V. KATHERINE GRONEWOLD**

**PFL20190313**

Respondent filed an Order to Show Cause and Affidavit Re Contempt (OSC) on September 15, 2023. Petitioner was personally served on September 28, 2023. Respondent asserts Petitioner has violated the courts orders from September 29, 2022. Respondent raises 16 counts of contempt of court.

Respondent appeared for the hearing on November 2, 2023. The matter was originally set to be heard at 1:30, however, the afternoon calendar was advanced to the 8:30 AM calendar. Petitioner did not appear. In an abundance of caution, due to the irregularity of the court's schedule, the court continued the matter to January 18, 2024 for arraignment. Respondent was directed to provide notice to Petitioner. The court authorized notice by first class mail, as Petitioner had been properly noticed for the hearing.

Petitioner was served on November 11, 2023.

Respondent filed a second OSC on November 20, 2023. Respondent raises six additional counts of contempt. Petitioner was personally served on December 28, 2023.

Parties are ordered to appear for arraignment.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 18, 2024

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

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.

The court has read and considered the filings as set forth above. The court finds the recommendations as set forth in the December 29, 2023 CCRC report to be in the best interest of the minor and therefore adopts them as the orders of the court.

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 #23: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE OSC.**

**THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 29, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR AND THEREFORE ADOPTS THEM AS THE ORDERS OF THE COURT. 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 18, 2024

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

**24. WILLIAM ROSE V. MICHELLE ROSE**

**22FL0047**

On October 6, 2023, the court continued the Temporary Domestic Violence Restraining Order and referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on December 6, 2023 and a review hearing on January 18, 2024.

Both parties attended CCRC on December 6, 2023 and were unable to reach any agreements. A report which recommends maintaining the current orders was filed with the court on January 8, 2024. Copies were mailed to the parties on the same day. The report also recommends a rereferral to CCRC upon resolution of the restraining order matter on April 6, 2024.

The court notes Respondent has filed a Request for Order (RFO) requesting permission to relocate with the minors to Tennessee which is currently set for March 28, 2024. On its own motion, the court finds good cause to continue this matter to join with the matter currently set for March 28, 2024 at 1:30 PM in Department 5.

All prior orders remain in full force and effect.

**TENTATIVE RULING #24: ON ITS OWN MOTION, THE COURT FINDS GOOD CAUSE TO CONTINUE THIS MATTER TO JOIN WITH THE MATTER CURRENTLY SET FOR MARCH 28, 2024 AT 1:30 PM IN DEPARTMENT 5. 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.**