

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**1. CLARISSA CRISTALES V. WALTER CRISTALES**

**22FL0187**

On September 21, 2023, Petitioner filed a Request to Order (RFO) seeking to compel Respondent's discovery responses. It was mail served on September 26<sup>th</sup>. Petitioner filed an additional RFO on October 5<sup>th</sup> requesting a continuance of the trial date. This RFO was mail served on October 11<sup>th</sup>. Respondent has not opposed either RFO. A Supplemental Declaration of John R. Hughes was filed and served on November 27<sup>th</sup>.

*Motion to Compel*

Petitioner brings her September RFO requesting an order compelling Respondent to respond to Family Law Form Interrogatories and to provide his Preliminary Declaration of Disclosure. She requests sanctions in the amount of \$1,500, though this amount is subject to increase should actual costs associated with the motion increase. Her sanction request is brought pursuant to the Civil Discovery Act, Family Code § 271, and Family Code § 2107.

On July 6, 2023, Petitioner served a Demand for Respondent's Preliminary Declaration of Disclosure. Thereafter Petitioner served Family Law Form Interrogatories on July 11<sup>th</sup> thereby making responses due on or before August 15<sup>th</sup>. As of the date of filing, Petitioner had not received either the discovery responses or the preliminary disclosure.

Family Code section 2104 imposes on each party the obligation of making a preliminary disclosure of assets within the timeframe specified. For the party responding to a Petition for Dissolution, the disclosure is due either concurrently with the response or within 60 days of filing the same. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1).

In addition to each party's disclosure obligations under the Family Code, parties are also under the duty to comply with the Civil Discovery Act which allows for the propounding of discovery in the form of interrogatories. "The party to whom interrogatories have been propounded shall respond in writing under oath separately to each interrogatory ..." Cal. Civ. Pro. § 2030.210(a). Generally speaking, responses to interrogatories are due within 30 days of the date of service. Cal. Civ. Pro. § 2030.260. If a party fails to provide timely responses, that party waives any right to object to the interrogatories and waives the right to produce writings in response. Cal. Civ. Pro. §2030.290 (a). All responses to interrogatories, with the exception of objections only, are required to be made under oath signed by the party responding. Cal. Civ. Pro. § 2030.250.

Here, Petitioner has sufficiently established Respondent's failure to comply with his discovery obligations and his preliminary disclosure obligations. Petitioner has provided the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

court with copies of the discovery and the disclosure demand, as well as the proofs of service thereof. As such, Petitioner's Motion to Compel is granted. Respondent shall provide full and complete verified responses, without objections, to Family Law Form Interrogatories, and produce his full and complete Preliminary Declaration of Disclosure no later than December 22, 2023.

Under the circumstances it appears monetary sanctions are also warranted under both the Family Code and the Code of Civil Procedure. The court "shall" impose monetary sanctions against any party failing to serve its preliminary declaration of disclosure. Fam. Code § 2107(c). Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and shall include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c).

Likewise, the court "shall" impose sanctions against a party who engages in misuse of the discovery process including failure to respond to an authorized method of discovery. Cal. Civ. Pro. 2023.030(a)(emphasis added) & 2023.020; Cal. Civ. Pro. § 2023.010. A party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must already be liable for those expenses before the court can award the costs as sanctions. See Tucker v. Pacific Bell Mobile Servs., 186 Cal. App. 4<sup>th</sup> 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

Respondent has not only failed to serve his declarations of disclosure, but he has also failed to comply with an authorized form of discovery thereby making him subject to sanction under the aforementioned code sections. Respondent has not provided substantial justification for his actions, or any justification at all for that matter. As such, Petitioner is awarded \$1,500 in sanctions. Respondent may pay this amount in one lump sum or in monthly increments of \$250 due and payable on the 15<sup>th</sup> of each month commencing December 15, 2023 and continuing until paid in full (approximately 6 months). If any payment is missed or late the entire amount shall become immediately due with legal interest.

*Motion to Continue Trial*

In addition to the Motion to Compel, Petitioner requests the court continue the two-day trial which is currently scheduled to commence on December 12<sup>th</sup> and she asks the court to set a Mandatory Settlement Conference Date. She requests sanctions in the amount of \$1,800.

Petitioner's request to continue the trial is granted. The trial dates set for December 12<sup>th</sup> and 13<sup>th</sup> are hereby vacated. The parties are ordered to appear on the issue of sanctions and to choose a Mandatory Settlement Conference date.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**TENTATIVE RULING #1: PETITIONER'S MOTION TO COMPEL IS GRANTED. RESPONDENT SHALL PROVIDE FULL AND COMPLETE VERIFIED RESPONSES, WITHOUT OBJECTIONS, TO FAMILY LAW FORM INTERROGATORIES, SET ONE, AND PRODUCE HIS FULL AND COMPLETE PRELIMINARY DECLARATION OF DISCLOSURE NO LATER THAN DECEMBER 22, 2023. PETITIONER IS AWARDED \$1,500 IN SANCTIONS. RESPONDENT MAY PAY THIS AMOUNT IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$250 DUE AND PAYABLE ON THE 15<sup>TH</sup> OF EACH MONTH COMMENCING DECEMBER 15, 2023 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE WITH LEGAL INTEREST.**

**PETITIONER'S REQUEST TO CONTINUE THE TRIAL IS GRANTED. THE TRIAL DATES SET FOR DECEMBER 12<sup>TH</sup> AND 13<sup>TH</sup> ARE HEREBY VACATED. THE PARTIES ARE ORDERED TO APPEAR ON THE ISSUE OF SECTION 271 SANCTIONS AND TO CHOOSE A MANDATORY SETTLEMENT CONFERENCE DATE.**

**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

December 7, 2023

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

**2. DAVID KRELL V. JOSEPHINE CONNELLY**

**23FL0335**

The parties appeared before the court on August 2, 2023 for hearing on Respondent's request for a permanent restraining order. The court denied the request but made several custody and visitation orders. A review hearing was set for November 2<sup>nd</sup>.

At the review hearing the court found it was in the best interests of the minors to proceed to the second step of the parenting plan and award Petitioner parenting time from Friday after school (3:00 pm) to Sunday at 6:00 pm on the first, third, and fourth weekends of each month. Petitioner was ordered to continue participating in his treatment programs and testing. Respondent was ordered to pay for all negative tests and Petitioner to pay for all positive tests. The court declined to make any orders regarding who could pick up the children but did state that it must be a licensed driver with valid insurance and appropriate safety restraints for the children. The court allowed Petitioner to bring someone with him to the pickups but did not authorize either party to record the pickups. A review hearing was set for the present date and Petitioner was ordered to prepare and file the Findings and Orders After Hearing.

Petitioner has not filed the Findings and Orders After Hearing and neither party has filed an updating declaration with the court. The parties are ordered to appear for hearing to update the court on the status of the visits.

**TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**3. DAVID RITCHIE V. MARIANNE LANSPA**

**PFL20180627**

On July 12, 2023 Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC). The OSC was personally served on August 9<sup>th</sup>. The OSC asserts ten allegations of contempt and seeks attorney's fees pursuant to Family Code section 271.

The parties appeared before the court on September 14<sup>th</sup> and Petitioner was appointed a public defender. The court continued the matter to the present date.

The parties are ordered to appear for arraignment.

**TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**4. FELICITAS GUESS V. MICHAEL GUESS**

**PFL20120012**

Respondent filed a Request for Order (RFO) on August 29, 2022. The RFO and supporting declarations were mail served on September 20, 2022. The RFO was originally set to be heard in December of 2022 but the parties stipulated to continue the hearing several times. Most recently, the parties stipulated to continue the hearing to allow the CPA additional time to prepare his report.

On December 4, 2023, Respondent filed a Declaration of Michael B. Guess Supporting Request That Properties Secured by Joint Debt be Sold. This document was electronically served on December 1<sup>st</sup>.

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

Respondent filed his RFO requesting the following orders: (1) spousal support per the stipulation of the parties dated February 5, 2014, (2) property control over the "crystal bowls" and a "Tag Heurer watch," (3) attorney's fees and costs in the amount of \$10,000, (4) an accounting and a writ of execution for unpaid equalizer and interest of \$74,897.60, (5) entry of judgment on reserved issues, (6) reimbursement of \$109,906 for Petitioner's half of the IRS debt, and (7) Petitioner to file her Final Declarations of Disclosure within 30 days.

The parties are ordered to appear for hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**5. JESSICA ELLIOTT V. JACOB ELLIOTT**

**PFL20180328**

Petitioner filed a Request for Order (RFO) on August 3, 2023 seeking orders regarding custody and visitation. The RFO was electronically served on August 10<sup>th</sup>. Respondent filed his Responsive Declaration to Request for Order on November 22<sup>nd</sup> it was mail served and electronically served the same day. Petitioner filed and served her Reply Declaration on November 27<sup>th</sup>.

Petitioner brings her RFO requesting sole legal and sole physical custody. She asks that Respondent only have visitation while in the presence of another adult, though not supervised by that individual, and she asks for an order prohibiting Respondent from consuming alcohol 8 hours prior to, or during, his parenting time. She proposes alternating weekend visits for Respondent from Friday at 6:00 pm to Sunday at 4:00 pm so long as Respondent can arrange for an adult to be present during that time. She also asks the court to institute a holiday schedule.

Respondent requests joint legal custody and joint physical custody with parenting time every other weekend from Friday after school to Sunday at 7:00 pm and on weeks where he does not have a weekend visit, he requests two weekday visits, one on Wednesday and one on Thursday from 3:00 pm to 7:00 pm.

The parties attended Child Custody Recommending Counseling (CCRC) on October 16<sup>th</sup>. A report was prepared on November 27<sup>th</sup> and mailed to the parties on November 28<sup>th</sup>. The parties were unable to reach any agreements at CCRC but the report does contain several recommendations by the mediator.

After reviewing the filings of the parties as well as the recommendations contained in the CCRC report, the court finds the recommendations of the CCRC mediator to be in the best interests of the minors. The court hereby adopts the recommendations as contained in the November 27, 2023 CCRC report as the orders of the court.

While Petitioner requested a holiday schedule in her moving papers it does not appear that the issue was addressed at mediation and neither party provides a proposed schedule. As such, the children are to be with Petitioner on Mother's Day and on Petitioner's birthday. The children are to have visitation with Respondent on Father's Day and on Respondent's birthday from 8:00 am to 5:00 pm. The parties are to meet and confer on establishing a mutually agreed upon schedule for all other holidays.

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

**TENTATIVE RULING #5: THE COURT HEREBY ADOPTS THE RECOMMENDATIONS AS CONTAINED IN THE NOVEMBER 27, 2023 CCRC REPORT AS THE ORDERS OF THE COURT. THE CHILDREN ARE TO BE WITH PETITIONER ON MOTHER'S DAY AND ON PETITIONER'S BIRTHDAY. THE CHILDREN**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**ARE TO HAVE VISITATION WITH RESPONDENT ON FATHER'S DAY AND ON RESPONDENT'S BIRTHDAY FROM 8:00 AM TO 5:00 PM. THE PARTIES ARE TO MEET AND CONFER ON ESTABLISHING A MUTUALLY AGREED UPON SCHEDULE FOR ALL OTHER HOLIDAYS. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**6. JOHN CRISAFULLI V. ANITA CRISAFULLI**

**22FL1192**

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on September 12, 2023. The OSC was personally served on September 17<sup>th</sup>.

The parties are ordered to appear for arraignment.

**TENTATIVE RULING #6: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**7. JOSEPH CARLISLE V. GINA CARLISLE**

**PFL20170803**

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 7, 2022. Petitioner was personally served on November 14, 2022. The matter has come before the court on several occasions, each of which resulted in a continuance. Most recently the matter was continued from its September 28<sup>th</sup> hearing to allow Petitioner the opportunity to file a demurrer.

Petitioner filed his demurrer on November 22, 2023. Respondent has not filed an opposition to the demurrer.

A demurrer raises only issues of law, not fact, regarding the form and content of the pleadings of the opposing party. Cal. Civ. Pro. §§ 422.10 & 589. It is not the function of the demurrer to challenge the truthfulness of the complaint, instead, for the purposes of testing the sufficiency of the cause of action, the demurrer admits the truth of all material facts in the pleading but not contentions, deductions or conclusions of fact or law. Aubry v. Tri-City Hosp. Dist., 2 Cal. 4<sup>th</sup> 962, 966-967 (1992); Serrano v. Priest, 5 Cal. 3d 584 (1971); Adelman v. Associated Int'l Ins. Co., 90 Cal. App. 4<sup>th</sup> 352, 359 (2001).

*Statute of Limitations*

Petitioner demurrers to counts 1-8, and 33-47 on the basis that these causes of action are barred by the statute of limitations pursuant to Civil Procedure § 1218.5(b). Section 1218.5 states, in pertinent part, if the action for contempt is based on any order other than one for child, family or spousal support, "...the period for commencing a contempt action is two years from the time that the alleged contempt occurred." Cal. Civ. Pro. § 1218.5(b) (emphasis added). "A demurrer on the ground of the bar of the statute of limitations will not lie where the action may be, but is not necessarily, barred." Moseley v. Abrams (1985) 170 Cal.App.3d 355, 359; Liptak v. Diane Apartments, Inc. (1980) 109 Cal.App.3d 762, 775. It must appear clearly and affirmatively that, upon the face of the complaint, the right of action is necessarily barred. Valvo v. University of Southern California (1977) 67 Cal.App.3d 887, 895; Mangini v. Aerojet-General Corp. (1991) 230 Cal.App.3d 1125, 1155.

Petitioner is correct that there are multiple counts which required compliance with the court order more than two years prior to the filing of the OSC. The OSC was filed on November 7, 2022; counts 1-8 all required performance more than two years prior to that date and are therefore, barred by the statute of limitations. Counts 33, 35-47 all required performance on April 10, 2020 therefore an action for contempt was to be filed on or before April 10, 2022. The demurrer is sustained as to counts 1-8, 33, and 35-47 based on the statute of limitations.

When a demurrer is sustained but "...the defect raised by ...[the] demurrer is reasonably capable of cure, 'leave to amend is routinely and liberally granted to give the plaintiff a chance to cure the defect in question.'" Price v. Dames & Moore, 92 Cal.App.4th 355,

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

360 (2001); Grieves v. Superior Court, 157 Cal.App.3d 159, 168 (1984). Here, Respondent's failure to timely file the OSC is not capable of cure and therefore the court does not grant leave to amend on counts 1-8, 33, and 35-47.

*Failure to State Facts Sufficient to Constitute a Cause of Action.*

Failure to plead the ultimate facts supporting a cause of action subjects the complaint to a demurrer. Cal. Civ. Pro. § 430.10(e); Berger v. Cal. Ins. Guar. Ass'n, 128 Cal. App. 4<sup>th</sup> 989, 1006 (2005). However, "[t]o determine whether a cause of action is stated, the appropriate question is whether, upon a consideration of all the facts alleged, it appears that the plaintiff is entitled to any judicial relief against the defendant, notwithstanding that the facts may not be clearly stated, or may be intermingled with a statement of other facts irrelevant to the cause of action shown, or although the plaintiff may demand relief to which he is not entitled under the facts alleged." Elliot v. City of Pacific Grove, 54 Cal. App. 3d 53, 56. Otherwise stated, the demurrer is to be overruled if the allegations of the complaint are sufficient to state a cause of action under any legal theory. Brousseau v. Jarrett, 73 Cal. App. 3d 864 (1977); *see also* Nguyen v. Scott, 206 Cal. App. 3d 725 (1988).

Here, Petitioner demurs to counts 1-8, 33-47, 59-60, and 64-69 on the basis that these counts fail to state facts sufficient to constitute a cause of action for contempt. "The elements of proof necessary to support punishment for contempt are: (1) a valid court order, (2) the alleged contemnor's knowledge of the order, and (3) noncompliance. [Citations]." Inland Counties Regional Center, Inc. v. Sup. Ct., 10 Cal. App. 5<sup>th</sup> 820, 827 (2017).

As addressed above, the demurrer has been sustained without leave to amend as to counts 1-8, 33, and 35-47 and therefore the court does not re-address them here. Regarding count 34, this count alleges there was a court order filed on May 5, 2022, it sets forth the act required by the order (return of the subject property) and that Petitioner failed to comply. Page 1, section 5 of the OSC states that Petitioner was present in court at the time the order was made and therefore, had knowledge of its contents. For these reasons, count 34 does state facts sufficient to constitute a cause of action for contempt and therefore the demurrer is denied as to this count.

It is unclear exactly which allegations are referred to as counts 59-60 and 64-69 but given the argument in Petitioner's response the court surmises these numbers are meant to refer to the allegations listed on page 4 of Respondent's filing wherein, she asserts several claimed violations of the restraining order. The demurrer as to these counts is sustained with leave to amend.

The pleading states only that there is a Domestic Violence Restraining Order in place and that Petitioner "violated the order." While the demurrer admits the truth of all material facts in the pleading, it does not admit conclusions of fact or law, such as the legal conclusion that Petitioner "violated the order." The pleading does not specify what actions are prohibited by the restraining order and how Petitioner violated those specified provisions. Instead, the OSC simply

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

lists actions taken by Petitioner and assumes that those actions “violated the order.” Without stating what provisions in the restraining order were violated, the OSC is not sufficient to constitute a cause of action for contempt and therefore the demurrer is sustained as to counts 59-60 and 64-69.

As stated above, where “...the defect raised by ...[the] demurrer is reasonably capable of cure, ‘leave to amend is routinely and liberally granted to give the plaintiff a chance to cure the defect in question.’” Price v. Dames & Moore, 92 Cal.App.4th 355, 360 (2001); Grieves v. Sup. Ct., 157 Cal.App.3d 159, 168 (1984). A pleading may be stricken only upon terms the court deems proper (§ 436, subd. (b)), that is, terms that are just. § 472a(c); Vaccaro v. Kaiman, 63 Cal.App.4th 761, 768 (1998). It is generally an abuse of discretion to deny leave to amend, because the drastic step of denial of the opportunity to correct the curable defect effectively terminates the pleader’s action. Vaccaro v. Kaiman, supra, at p. 768.” CLD Const., Inc. v. City of San Ramon, 120 Cal.App.4th 1141, 1146-1147 (2004). Leave to amend may be granted “even though no request to amend [the] pleading was made.” Cal. Civ. Pro. § 472(a); Eghtesad v. State Farm Gen. Ins. Co., 51 Cal. App. 5<sup>th</sup> 406 (2020).

Here, the court grants Respondent leave to amend her filing even though she made no such request. Respondent may amend her pleading to cure the defect in counts 59-60 and 64-69. The amended pleading must be filed no later than December 21, 2023.

*Remaining Counts*

The court notes the pending trial on Respondent’s request for an annulment. Therefore, in the interest of judicial economy, hearing on the remaining counts is continued to March 28, 2023 at 8:30am in Department 5.

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

**TENTATIVE RULING #7: THE DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND AS TO COUNTS 1-8, 33, AND 35-47 BASED ON THE STATUTE OF LIMITATIONS. THE DEMURRER IS DENIED AS TO COUNT 34. THE DEMURRER IS SUSTAINED WITH LEAVE TO AMEND AS TO COUNTS 59-60 AND 64-69. RESPONDENT MAY FILE AN AMENDED PLEADING AS TO THESE COUNTS NO LATER THAN DECEMBER 21, 2023. HEARING ON THE REMAINING COUNTS IS CONTINUED TO MARCH 28, 2023 AT 8:30AM IN DEPARTMENT 5. PETITIONER SHALL PREPARE AND FILE THE FININGS 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

December 7, 2023

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**8. LUCIO QUINTERO V. MARIAH QUINTERO**

**PFL20210418**

This matter is before the court on a Request for Order (RFO) filed by Respondent on September 13, 2023. Concurrently therewith she filed her Income and Expense Declaration. Both documents were served on September 27<sup>th</sup>. Petitioner filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on November 20<sup>th</sup>. They were served on November 21<sup>st</sup>.

Respondent requests guideline child support for the parties' two children. She also requests attorney's fees and costs in the amount of \$10,000 and an additional \$10,000 in the form of sanctions pursuant to Family Code section 271. She argues Respondent's filing of a frivolous Request for Temporary Restraining Order constitutes sanctionable conduct under Section 271.

Petitioner opposes the requested orders for attorney fees and sanctions, and objects to the request for support on the basis that Respondent failed to serve him with her Income and Expense Declaration concurrently with the RFO as required by California Rule of Court rule 5.92. The RFO was filed on September 13<sup>th</sup> but the Income and Expense Declaration was not served until November 7<sup>th</sup>. In the event the court does issue support orders, Petitioner asks the court to adopt an Ostler/Smith overtime table as part of the support order. He also notes that the parties have reached an agreement regarding custody and visitation and the competing DV hearings have been continued. He is hopeful the DV issues will be resolved prior to trial.

The court reserves jurisdiction on Respondent's request for Family Code section 271 sanctions.

Regarding the support request, the court finds that child support is \$2 per month. See attached DissoMaster report. The court has utilized \$3,120 as Petitioner's monthly income given the statement in his declaration and his proposed DissoMaster report. Though this is in contrast to his Income and Expense Declaration which only shows an average monthly income of \$1,689. That said, the court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$2 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. The court orders the child support order effective October 1, 2023.

The court finds the above order results in arrears in the amount of \$6 through and including December 1, 2023. The court orders Respondent pay Petitioner \$6 due and payable no later than December 15, 2023.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

The court further finds Petitioner routinely earns overtime pay and therefore, has included an overtime table with the DissoMaster. The parties are to make a true up of any overtime earned no later than fourteen days from the date the overtime payment is received.

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). The court finds no such disparity exists here. Respondent's request for attorney's fees and costs pursuant to Family Code section 2030 is therefore denied.

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

**TENTATIVE RULING #8: THE COURT RESERVES JURISDICTION ON RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. RESPONDENT'S REQUEST FOR ATTORNEY'S FEES AND COSTS PURSUANT TO FAMILY CODE SECTION 2030 IS DENIED AS NO DISPARITY IN INCOME EXISTS. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE CHILD SUPPORT ORDER EFFECTIVE OCTOBER 1, 2023.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$6 THROUGH AND INCLUDING DECEMBER 1, 2023. THE COURT ORDERS RESPONDENT PAY PETITIONER \$6 DUE AND PAYABLE NO LATER THAN DECEMBER 15, 2023.**

**THE COURT FURTHER FINDS PETITIONER ROUTINELY EARNS OVERTIME PAY AND THEREFORE, HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER. THE PARTIES ARE TO MAKE A TRUE UP OF ANY OVERTIME EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE OVERTIME PAYMENT IS RECEIVED.**

**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.**

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California,County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	DISSOMASTER REPORT 2023, Monthly	
		CASE NUMBER:

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	45%	0%	Father	2,801	Payment (cost)/benefit	(160) 160
Filing status	MFJ->	<-MFJ	Mother	2,809	Net spendable income	2,641 2,970
# Federal exemptions	1*	3*	Total	5,610	% combined spendable	47.1% 52.9%
Wages + salary	3,120	3,416	<b>Support</b>		Total taxes	319 349
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	5,611
Self-employment income	0	0	Presumed	(160)	<b>Proposed</b>	
Other taxable income	0	0	Basic CS	(160)	Payment (cost)/benefit	(160) 160
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	2,641 2,970
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	(62)	% combined spendable	47.1% 52.9%
Ordinary dividends	0	0	Child 2	(98)	% of saving over gdl	0% 0%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	319 349
Social Security received	0	0	Total	(160)	Comb. net spendable	5,611
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>		Percent change	0.0%
Operating losses	0	0	CS Payor	Father	<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	Presumed	(160)		
Roy, partnerships, S corp, trusts	0	0	Basic CS	(160)		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	(62)		
New-spouse income	0	0	Child 2	(98)		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	(160)		
Adj. to income (ATI)	0	0	Savings	0		
Ptr Support Pd. other P'ships	0	0	No releases			
Health insurance	0	17				
Qual. Bus. Inc. Ded.	0	0				
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	241				
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):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	Father Monthly Overtime Wages Report 2023 Monthly	
		CASE NUMBER:

"R" denotes that Father is a recipient for the corresponding support  
"CS%" is the percentage of Overtime paid as additional Child Support  
"SS%" is the percentage of Overtime paid as additional Spousal Support

Father's Gross Overtime	Basic CS%	Basic CS	Santa Clara SS%	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	160	0	160
100	28.43	28	0.00	0	189	0	189
200	28.36	57	0.00	0	217	0	217
300	28.28	85	0.00	0	245	0	245
400	28.21	113	0.00	0	273	0	273
500	28.15	141	0.00	0	301	0	301
600	28.09	169	0.00	0	329	0	329
700	28.03	196	0.00	0	357	0	357
800	27.98	224	0.00	0	384	0	384
900	27.92	251	0.00	0	412	0	412
1,000	27.87	279	0.00	0	439	0	439
1,100	27.82	306	0.00	0	466	0	466
1,200	27.77	333	0.00	0	494	0	494
1,300	27.72	360	0.00	0	521	0	521
1,400	27.66	387	0.00	0	548	0	548
1,500	27.35	410	0.00	0	571	0	571
1,600	27.07	433	0.00	0	594	0	594
1,700	26.79	455	0.00	0	616	0	616
1,800	26.53	478	0.00	0	638	0	638
1,900	26.28	499	0.00	0	660	0	660
2,000	26.04	521	0.00	0	681	0	681
2,100	25.81	542	0.00	0	702	0	702
2,200	25.59	563	0.00	0	723	0	723
2,300	25.37	584	0.00	0	744	0	744
2,400	25.16	604	0.00	0	764	0	764
2,500	24.96	624	0.00	0	784	0	784
2,600	24.76	644	0.00	0	804	0	804
2,700	24.56	663	0.00	0	824	0	824
2,800	24.38	683	0.00	0	843	0	843
2,900	24.20	702	0.00	0	862	0	862
3,000	24.02	721	0.00	0	881	0	881
3,100	23.85	739	0.00	0	900	0	900
3,200	23.69	758	0.00	0	919	0	919
3,300	23.53	776	0.00	0	937	0	937
3,400	23.37	795	0.00	0	955	0	955
3,500	23.21	812	0.00	0	973	0	973



PETITIONER:	CASE NUMBER:
RESPONDENT:	

### Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Santa Clara SS%	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
3,600	23.05	830	0.00	0	990	0	990
3,700	22.89	847	0.00	0	1,008	0	1,008
3,800	22.74	864	0.00	0	1,025	0	1,025
3,900	22.59	881	0.00	0	1,041	0	1,041
4,000	22.44	898	0.00	0	1,058	0	1,058
4,100	22.30	914	0.00	0	1,075	0	1,075
4,200	22.15	930	0.00	0	1,091	0	1,091
4,300	22.01	947	0.00	0	1,107	0	1,107
4,400	21.88	963	0.00	0	1,123	0	1,123
4,500	21.74	978	0.00	0	1,139	0	1,139
4,600	21.61	994	0.00	0	1,154	0	1,154
4,700	21.48	1,009	0.00	0	1,170	0	1,170
4,800	21.35	1,025	0.00	0	1,185	0	1,185
4,900	21.23	1,040	0.00	0	1,201	0	1,201
5,000	21.10	1,055	0.00	0	1,216	0	1,216



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**9. N. TRUXLER V. C. TRUXLER**

**23FL0639**

On September 29, 2023, Petitioner filed and served a Request for Order seeking attorney's fees and costs. She filed her Income and Expense Declaration and a Declaration by Gregory S. Clark in Support of Attorney's Fees and Costs concurrently therewith.

Respondent filed his Responsive Declaration to Request for Order on November 22<sup>nd</sup>. It was served the day prior. Petitioner filed and served her Reply Declaration in Response to Respondent's Responsive Declaration on November 30<sup>th</sup>.

Petitioner brings her RFO requesting \$20,000 in attorney's fees and costs pursuant to Family Code section 2030. She notes the complexity of the matter and the extensive amount of discovery being conducted by Respondent which has caused her to incur approximately \$36,000 in attorney's fees to date.

Respondent opposes the request for attorney's fees as he and Petitioner have reconciled. He states the parties are residing together and he is once again financially supporting Petitioner therefore there is no need for an award of attorney's fees.

Petitioner states the parties have not reconciled. She argues Respondent has presented the court with half-truths regarding the nature of their relationship.

The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In Re Marriage of Keech, 75 Cal. App. 4<sup>th</sup> 860, 866 (1999). To rule on a request for Section 2030 fees, the court is in need of current Income and Expense Declarations from both parties to determine if a disparity in income exists and an attorney fee award would be warranted. While Petitioner filed her current declaration on September 29<sup>th</sup>, Respondent has not done the same.

In addition to considering the financial resources of each party, the court is to make an award for attorney's fees only to the extent that the amount of the award is just and reasonable. Fam. Code § 2032. Given the large amount requested by Petitioner the court would like to review copies Petitioner's Counsel's billing statements, with confidential information redacted.

This matter is continued to 02/15/2024 at 8:30 am in Department 5. Respondent is ordered to file and serve his full and completed Income and Expense Declaration no later than 10 days prior to the hearing date. Petitioner is ordered to file and serve billing statements with confidential information redacted no later than 10 days prior to the hearing date.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**TENTATIVE RULING #9: THIS MATTER IS CONTINUED TO 02/15/2024 AT 8:30 AM IN DEPARTMENT 5. RESPONDENT IS ORDERED TO FILE AND SERVE HIS FULL AND COMPLETED INCOME AND EXPENSE DECLARATION NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. PETITIONER IS ORDERED TO FILE AND SERVE BILLING STATEMENTS WITH CONFIDENTIAL INFORMATION REDACTED NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.**

**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

December 7, 2023

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

**10. SUKHDEEP PUNIA V. ASHWINDER PUNIA**

**PFL20200482**

On August 17, 2023, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) asserting several allegations of contempt against Petitioner. The OSC was personally served on September 6, 2023.

The parties are ordered to appear for arraignment.

**TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**11. ZACHARY MOODY V. SAMANTHA ESCOBAR**

**22FL0805**

On September 28, 2023, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) asserting several contempt allegations against Respondent. The OSC was personally served on October 5, 2023.

The parties are ordered to appear for arraignment.

**TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**12. AMANDA FLYNN V. MARTY MARTINEZ**

**23FL0749**

Petitioner filed a Petition to Establish a Parental Relationship and Request for Order (RFO) on August 4, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 18, 2023 and a review hearing on December 7, 2023.

Upon review of the court file, there is no Proof of Service of the Summons, the RFO, or the referral to CCRC.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report without recommendations or agreements was filed on November 27, 2023. A copy of the report was mailed to the parties on November 28, 2023.

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

**TENTATIVE RULING #12: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.**

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

December 7, 2023

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

**13. ANGELA HURLEY V. IVAN RIVERA**

**PFL20200615**

Minor's Counsel filed a Request for Order (RFO) on April 14, 2023, following the court's denial of Minor's Counsel's request for ex parte emergency orders, requesting modification of parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 10, 2023 and a review hearing on June 29, 2023. Upon review of the court file, parties were served on April 14, 2023.

Respondent filed a RFO on April 14, 2023, requesting the court remove Minor's Counsel. Upon review of the court file, there is no Proof of Service showing either Petitioner or Minor's Counsel were served with the RFO.

Respondent filed an RFO on May 11, 2023, requesting modification of parenting time. Upon review of the court file, there is no Proof of Service showing either Petitioner or Minor's Counsel were served with the RFO.

Only Petitioner appeared at CCRC on May 10, 2023. As such, a single parent report with no agreements or recommendations was filed with the court on June 16, 2023. A copy of the report was mailed to the parties on June 16, 2023.

Minor's Counsel filed a Statement of Issues and Contentions on June 9, 2023. Proof of Service shows Parties were served by mail and electronically on June 8, 2023. Minor's Counsel requests the parties be rereferred to CCRC to allow Respondent an opportunity to participate in the process. Minor's Counsel also requests the court deny Respondent's request to remove her as the minor's attorney.

Parties appeared for the hearing on June 29, 2023 and reached an agreement to be referred back to CCRC and set a further review hearing. The court adopted the parties' agreement and referred the parties to CCRC and set a further review hearing for October 26, 2023.

Petitioner filed a request to reschedule the hearing on October 19, 2023. The court granted the request and rescheduled the hearing for December 7, 2023.

Minor's Counsel Filed a Statement of Issues and Contentions on October 12, 2023. Parties were served the same day.

The CCRC report was filed on October 16, 2023. Parties were unable to reach any agreements. Copies of the report were mailed to the parties on October 17, 2023.

Petitioner filed a Responsive Declaration on November 22, 2023. Proof of Service shows Respondent and Minor's Counsel does not state when the parties were served.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the October 16, 2023 CCRC report to be in the best interest of the minor. The court adopts the recommendations as set forth.

Respondent's RFOs filed on April 14, 2023 and May 11, 2023 are dropped from calendar due to lack of proper service.

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

**TENTATIVE RULING #13: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE OCTOBER 16, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. RESPONDENT'S RFOS FILED ON APRIL 14, 2023 AND MAY 11, 2023 ARE DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

December 7, 2023

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

**14. CHAELA GRAVES V. MATTHEW GRAVES**

**22FL0522**

Respondent filed a Request for Order (RFO) requesting the court modify the current custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 28, 2023 and a review hearing on November 16, 2023. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO or referral to CCRC.

Nevertheless, both parties appeared for the CCRC appointment and were able to reach several agreements. A report with agreements and recommendations was filed with the court on October 9, 2023 and mailed to the parties on the same day.

Petitioner filed a Responsive Declaration on November 1, 2023. Respondent was served by mail on November 6, 2023. Petitioner requests the court keep the current orders for custody and parenting time in place.

The court finds good cause to proceed with the matter despite the lack of Proof of Service to Petitioner. The court finds Petitioner fully participated in the CCRC appointment and filed a Responsive Declaration, and as such is aware of the requested orders and has had the opportunity to respond.

Parties appeared for the hearing on November 16, 2023. Petitioner requested the matter be continued because she had not been properly served with the CCRC report. The court granted the request and continued the matter to December 7, 2023.

Petitioner filed a Reply Declaration to the CCRC report on November 29, 2023. Respondent was served by overnight mail on November 28, 2023. Petitioner continues to agree with the agreements made at CCRC. Petitioner is requesting the court not adopt the parenting plan. Rather, Petitioner requests Respondent have the minors every weekend, except the third weekend of the month from after school on Fridays until Sunday at 7:00 pm. Petitioner is requesting the court set phone calls for the non-custodial parent for 7:00 pm daily. Finally, Petitioner requests the minors only be transported by a licensed and insured driver who is at least 21 years old.

The court has read and considered the filings as outlined above. The court finds the recommendations and agreements as set forth in the October 9, 2023 CCRC report to be in the best interests of the minors. The court adopts the agreements and recommendations as set forth as its orders. Phone calls for the non-custodial parent shall be at 7:00 PM daily.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 7, 2023

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

**TENTATIVE RULING #14: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE MATTER DESPITE THE LACK OF PROOF OF SERVICE TO PETITIONER. THE COURT FINDS PETITIONER FULLY PARTICIPATED IN THE CCRC APPOINTMENT AND FILED A RESPONSIVE DECLARATION, AND AS SUCH IS AWARE OF THE REQUESTED ORDERS AND HAS HAD THE OPPORTUNITY TO RESPOND TO THEM. THE COURT HAS READ AND CONSIDERED THE FILINGS AS OUTLINED ABOVE. THE COURT FINDS THE AGREEMENTS OF THE PARTIES AND RECOMMENDATIONS AS SET FORTH IN THE OCTOBER 9, 2023 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH AS ITS ORDERS. PHONE CALLS FOR THE NON-CUSTODIAL PARENT SHALL BE AT 7:00 PM DAILY. 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

December 7, 2023

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

**15. DAVID HUIBREGTSE V. ANA HUIBREGTSE**

**23FL0895**

Petitioner filed a Request for Order (RFO) on September 11, 2023, requesting attorney fees and property control orders. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the documents.

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

**TENTATIVE RULING #15: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.**

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

December 7, 2023

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

**16. JAIME LUPER V. RICHARD LIMING (CLAIMANT: JAN HART)**

**PFL20180266**

Claimant filed a Petitioner for Grandparent Visitation and Request for Order (RFO) for grandparent visitation on September 15, 2023. Proof of Service shows Respondent was personally served on November 2, 2023. There is no Proof of Service showing Petitioner was served.

The court finds service in this matter was not proper. Although Petitioner signed the Petition for Joinder and Grandparent Visitation, on September 12, 2023, there is no Proof of Service showing she 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 #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

December 7, 2023

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

**17. JENNA GIBSON V. JEREMY EASTMAN**

**23FL0521**

On August 11, 2023, the court granted Petitioner's request for a Domestic Violence Restraining Order (DVRO). Petitioner was also granted sole physical custody, with the parties sharing legal custody. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 27, 2023 and a review hearing on December 7, 2023.

Both parties appeared for the CCRC appointment and reached a full agreement. The report with the parties' agreement was filed with the court on October 31, 2023. A copy has not been mailed to the parties.

The court on its own motion continues the matter due to the CCRC report not being provided to the parties. The matter is continued to February 1, 2024 at 1:30 PM in Department 5.

**TENTATIVE RULING #17: THE COURT ON ITS OWN MOTION CONTINUES THE MATTER DUE TO THE CCRC REPORT NOT BEING PROVIDED TO THE PARTIES. THE MATTER IS CONTINUED TO FEBRUARY 1, 2024 AT 1:30 PM 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

December 7, 2023

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

**18. JORDAN HARDT V. AARON WORTHEN**

**23FL0850**

On August 29, 2023, Petitioner filed a Petition to Establish a Parental Relationship and Request for Order (RFO) requesting the court make child custody, parenting plan, and child support orders. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 9, 2023 and a review hearing on December 7, 2023. Proof of Service shows substitute personal service on Respondent's brother of the summons, RFO, referral to CCRC and Income and Expense declaration, along with all other necessary documents on September 23, 2023.

Only Petitioner appeared for the CCRC appointment on October 9, 2023. As such a single parent report was filed with the court on October 10, 2023. Copies were mailed to the parties the same day. The court notes Respondent's copy of the CCRC report was returned to the court as undeliverable-"not at this address". The address is not the same address where Respondent was served.

Petitioner filed a Declaration on November 29, 2023. There is no Proof of Service for this document, and therefore, the court has not considered it.

Respondent has not filed a Response, Responsive Declaration, or an Income and Expense Declaration.

The court finds the service on Respondent was not effective. Petitioner failed to complete the additional steps required for substituted service. Therefore, the court drops the matter from calendar.

**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

December 7, 2023

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

**19. KATELYN CLUCAS V. RONALD EVANS**

**22FL0005**

Petitioner filed an ex parte request for emergency orders on October 23, 2023. On October 24, 2023, the court denied the request, but referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment set for November 7, 2023 and a review hearing set for December 7, 2023. Petitioner filed a Request for Order (RFO) making the same requests as set forth in her ex parte application on October 24, 2023. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Nevertheless, both parties appeared for the CCRC appointment and reached a full agreement. The parties submitted a stipulation which the court signed and adopted as its order on November 20, 2023.

The court drops this matter from calendar as moot. The parties' stipulation and all prior orders not in conflict remain in full force and effect.

**TENTATIVE RULING #19: THE COURT DROPS THIS MATTER FROM CALENDAR AS MOOT. THE PARTIES' STIPULATION AND ALL PRIOR ORDERS NOT IN CONFLICT 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

December 7, 2023

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

**20. RAQUEL MONTGOMERY V. ANDREW MONTGOMERY**

**23FL0750**

Petitioner filed a Request for Order (RFO) on August 4, 2023, requesting the court make orders as to child custody, parenting time, as well as child and spousal support. Petitioner did not file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 18, 2023. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Neither party appeared for the CCRC appointment on October 18, 2023.

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

**TENTATIVE RULING #20: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.**

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

December 7, 2023

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

**21. SHYLO BELL V. CHRISTOPHER LOVELESS**

**22FL0232**

Petitioner filed a Request for Order (RFO) on August 4, 2023, requesting the court modify child custody and parenting time orders as well as order child support. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 19, 2023 and a review hearing on December 7, 2023.

Upon review of the file, it appears Petitioner attempted to notice Respondent via mail. The Family Law Facilitator's Office prepared the Proof of Service. The mail was sent to Respondent on September 20, 2023. However, the mail was returned to the court on October 10, 2023, as undeliverable. The court notes that Respondent has never filed a Response or Responsive Declaration in this matter. Therefore, Respondent does not have an address on file with the court. The court further notes, Respondent was previously personally served with the prior RFO and summons in Sacramento, CA. The mail service for the current RFO was sent to an address in Nebraska.

Only Petitioner appeared for the CCRC appointment on October 19, 2023. As such, a single parent report was filed with the court on October 19, 2023. Copies were mailed to the parties on October 20, 2023. The court notes Respondent's address where the CCRC report was mailed differs from the address on the Proof of Service. The address is a physical address only, rather than a combination of a physical address and Post Office Box, as appears on the Proof of Service. The CCRC report has not been returned to the court as undeliverable.

The court cannot find Respondent has been properly served. Therefore, the court drops the matter from calendar,

**TENTATIVE RULING #21: 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.**