

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
December 18, 2025
8:30 a.m./1:30 p.m.

2. MARY BEAL V. DAVID BEAL

23FL1134

This matter was set to commence trial on September 23, 2025. Having waited until 10:34 am, the court found that both parties and their attorneys failed to appear. The matter was set for hearing on the present date to address the issue of nonappearance sanctions. Alternatively, the parties were informed they could forego appearances by paying a fine of \$50 each.

Petitioner filed and served a Responsive Declaration to Request for Order on December 5, 2025. Respondent has not filed anything in response to the court's Minute Order.

Petitioner states that prior to the trial, she informed the court that the parties had settled and she was told that someone would need to appear anyway. Counsel states that she did appear via Zoom on the date of the trial to inform the court of the settlement. She states the clerk was aware of her appearance and she asks that she not be sanctioned.

After reviewing Petitioner's declaration, the court does not find grounds for sanctions. As such, the court is not ordering either party to pay sanctions.

TENTATIVE RULING #2: THE COURT DOES NOT FIND GROUNDS TO ISSUE SANCTIONS TO EITHER PARTY. AS SUCH, NO SANCTIONS ARE BEING ORDERED.

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3. CIDNEY CUNNINGHAM V. ROBERT HOVLAND

PFL20160019

Petitioner filed a Request for Order (RFO) seeking child support orders on September 30, 2025. She filed her Income and Expense Declaration concurrently therewith. Both documents were served by mail on Respondent and on the Department of Child Support Services (DCSS) on October 1st. None of the other required documents were served until everything was served a second time on October 24th, this time all required documents were served.

DCSS filed and served their Responsive Declaration to Request for Order on October 29th.

Given that DCSS is a party to the action, this matter is continued to 2/09/2026 at 8:30 AM to be heard on the DCSS calendar in Department 10 as required by Family Code § 4251.

TENTATIVE RULING #3: GIVEN THAT DCSS IS A PARTY TO THE ACTION, THIS MATTER IS CONTINUED TO 2/09/2026 AT 8:30 AM TO BE HEARD ON THE DCSS CALENDAR IN DEPARTMENT 10 AS REQUIRED BY FAMILY CODE § 4251.

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4. JEREMY THOMAS DAY V. RAVEN VICTORIA DAY

PFL20200495

On September 29, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders, child and spousal support, and sanctions. The parties were ordered to attend Child Custody Recommending Counseling (CCRC) on October 29th. Petitioner called in to CCRC but he was informed he needed to appear in person. Respondent then filed an ex parte request seeking an emergency re-referral to CCRC prior to the December 18th hearing date on her RFO. The court granted the request in part, by re-referring the parties to CCRC, but the date of the hearing on the RFO was continued to February 5, 2026.

Hearing on the RFO is set for February 5, 2026 at 1:30pm in Department 5. All prior orders remain in full force and effect pending the hearing date. The court reserves jurisdiction to award support back to the date of filing the RFO.

TENTATIVE RULING #4: HEARING ON THE RFO IS SET FOR FEBRUARY 5, 2026 AT 1:30PM IN DEPARTMENT 5. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT PENDING THE HEARING DATE. THE COURT RESERVES JURISDICTION TO AWARD SUPPORT BACK TO THE DATE OF FILING THE RFO.

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6. MICHAEL GABBARD V. VICTORIA ARABEI

25FL0883

October 1st Request for Order

On September 30, 2025, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice. All required documents were served that day. On October 1st, Respondent filed Respondent's Supplemental Opposition to Petitioner's Ex Parte Application. The request was denied on an ex parte basis and Petitioner filed a Request for Order (RFO) reiterating the requests made in the ex parte.

Petitioner is requesting an order for substituted service of the Petition and Summons in El Dorado County. He further requests the minor, Alexandra, be returned to El Dorado County.

There is a Proof of Service indicating Respondent was served with the Summons and Petition on October 30th. As such, it appears Petitioner's request for substituted service is moot and therefore the court declines to rule on it.

Regarding the request for an order to return the minor to El Dorado County, the parties are ordered to appear to update the court on the status of the DVRO trial in San Diego County.

Joinder

On October 29, 2025 the paternal grandparents (Claimants) filed a Petition for Joinder and Memorandum of Law in Support of Joinder. They filed an RFO for custody and visitation orders concurrently therewith.

A person who has or claims visitation rights with respect to any of the minor children subject to the action may apply to the court for an order for joinder. Cal. Rule Ct. 5.24(c)(2). Generally speaking, if the court discovers that the person seeking joinder does have visitation rights with respect to the minor, joinder is mandatory not permissive. Cal. Rule Ct. 5.24(e)(1)(A). However, prior to making such a finding with regard to joinder of a grandparent, "the court must take actions described in [Family Code] section 3104(a).

Under Section 3104(a) the court must make two findings before it can grant a grandparent's request for joinder. First, the court must find there to be "...a preexisting relationship between the grandparent and the grandchild that has engendered a bond such that visitation is in the best interest of the child." Cal. Fam. Code § 3104(a). Second, the

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court must balance “...the interest of the child in having visitation with the grandparent against the right of the parents to exercise their paternal authority.” *Id.* at (a)(2).

Based on the declaration of Mrs. Korsgaden, it is inarguable that Claimants have engendered a bond with the minor throughout their years in helping to raise her. That said, the court does not find that the relationship between Claimants and the minor is enough to outweigh the rights of the parents to exercise their paternal authority. As such, the request for joinder is denied.

Because the request for joinder is denied, so too is the request for visitation.

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

TENTATIVE RULING #6: THERE IS A PROOF OF SERVICE INDICATING RESPONDENT WAS SERVED WITH THE SUMMONS AND PETITION ON OCTOBER 30TH. AS SUCH, IT APPEARS PETITIONER’S REQUEST FOR SUBSTITUTED SERVICE IS MOOT AND THEREFORE THE COURT DECLINES TO RULE ON IT.

REGARDING THE REQUEST FOR AN ORDER TO RETURN THE MINOR TO EL DORADO COUNTY, THE PARTIES ARE ORDERED TO APPEAR TO UPDATE THE COURT ON THE STATUS OF THE DVRO TRIAL IN SAN DIEGO COUNTY.

CLAIMANTS’ REQUESTS FOR JOINDER AND VISITATION ARE DENIED.

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

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7. TASHA HOYT V. MICHAEL HOYT

25FL0460

Petitioner filed a Request for Order (RFO) on June 4, 2025, seeking parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 2, 2025. Respondent was personally served on June 5, 2025.

Petitioner also filed an RFO in case number 25FL0458 seeking child support, spousal support, and attorney's fees.

Both parties had filed Domestic Violence Restraining Order (DVRO) requests which were set to be heard on September 9th. Given the pending DVRO requests, CCRC recommended the parties be re-referred upon resolution of the restraining order issues.

At the September 9th hearing, the court granted Petitioner's DVRO request and denied Respondent's. The parties were re-referred to CCRC and a hearing was set for November 20th on the issues of custody, property control, child/spousal support, and attorney's fees. At the November 20th hearing, the court ordered a civil stand-by for Respondent to retrieve her personal property and the parties stipulated to continue all issues to the present date.

Respondent filed his Income and Expense Declaration on October 21st along with an RFO seeking property control orders and sanctions. The RFO was originally filed ex parte therefore Petitioner filed her Responsive Declaration to Request for Orders the same day the RFO was filed.

The parties attended CCRC on October 1st and were unable to reach any agreements. As such, a report with custody and visitation recommendations was prepared on November 6th and sent to the parties on November 7th.

Petitioner filed and served her Income and Expense Declaration on November 7th.

Respondent's Supplemental Declaration was filed and served on November 10th along with a Memorandum of Points and Authorities Regarding Application of Family Code § 3044.

Petitioner filed and served her Reply Declaration on November 13th.

Petitioner filed and served a Declaration and a Supplemental Declaration Re: Attorney Fees on December 8th. Respondent filed and served a Memorandum of Points and Authorities Regarding Application of Family Code § 3044.

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Petitioner was initially requesting sole legal and physical custody of the children. She now proposes joint legal custody and joint physical custody with a step-up plan to Respondent with Respondent initially having every other weekend from Friday after school to Monday drop off at school. She requests guideline child and spousal support and asks for attorney's fees in the amount of \$17,218.15 pursuant to Family Code §§ 6344, 271, and 2030.

Respondent requests sanctions in the amount of \$3,000 pursuant to Family Code § 271. He further requests a finding that he has overcome the Family Code § 3044 presumption and grant him joint legal and physical custody with a 2/2/3/3 parenting plan. He asks that Petitioner be imputed with full-time minimum wage and issued a *Gavron* Warning. He proposes spousal support to be set to \$0 as Petitioner is cohabitating with her significant other. He is not opposed to guideline child support.

The parties are ordered to appear on all issues.

TENTATIVE RULING #7: THE PARTIES ARE ORDERED TO APPEAR ON ALL ISSUES.

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8. ASHLEY MOORE V. ANDREW MOORE

22FL0676

Respondent filed a Request for Order (RFO) on September 22, 2025. This is a post-judgment request for custody and support orders, however the court granted Respondent's request to complete service by publication. On October 27th Respondent filed an Affidavit of Publication in compliance with the Rules of Civil Procedure. Petitioner has not filed a Responsive Declaration to Request for Order.

Respondent is requesting sole legal and sole physical custody of the child. He proposes visitation with Petitioner once a year for one month during summer vacation and one week during Christmas vacation. Given that he has been exercising full custody of the minor for a year, Respondent also asks that child support be set to \$0.

Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO was properly served per code and Petitioner failed to file an opposition. As such, the court finds good cause to treat her failure to do so as an admission that the claims made in the RFO are meritorious.

Respondent's requests as to custody and visitation are granted. Respondent shall have sole legal and sole physical custody of the minor. Petitioner is to have visitation with the minor for one month during summer break and one week during Christmas vacation. The parties are to mutually agree upon the dates and times for the visitation.

Regarding the request to set support to \$0.00, the request is denied due to Respondent's failure to file a current Income and Expense Declaration. See El Dorado Sup. Ct. Rule 8.03.01 (The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers).

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

TENTATIVE RULING #8: RESPONDENT'S CUSTODY AND VISITATION REQUESTS ARE GRANTED. RESPONDENT SHALL HAVE SOLE LEGAL AND SOLE PHYSICAL CUSTODY OF THE MINOR. PETITIONER IS TO HAVE VISITATION WITH THE MINOR FOR ONE MONTH DURING SUMMER BREAK AND ONE WEEK DURING CHRISTMAS VACATION. THE PARTIES ARE TO MUTUALLY AGREE UPON THE DATES AND TIMES FOR THE VISITATION. REGARDING THE REQUEST TO SET SUPPORT TO \$0.00, THE REQUEST IS DENIED DUE TO RESPONDENT'S FAILURE TO FILE A CURRENT INCOME AND EXPENSE DECLARATION. SEE EL DORADO SUP. CT. RULE 8.03.01 (THE PARTY REQUESTING

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SUPPORT SHALL FILE AND SERVE THEIR INCOME AND EXPENSE DECLARATION WITH THE INITIAL MOVING PAPERS). RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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10. JESSICA ETHLEEN ORMAN V. HARLAND WADE HARMON

PFL20180755

On October 1, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders.

Petitioner also filed an RFO for custody and visitation orders. Hers was filed on October 14th. Because she filed ex parte, Respondent filed his Responsive Declaration to Request for Order on October 13th.

Respondent filed a Declaration on October 29, 2025. It was served on December 1st.

Petitioner filed two Declarations of Diane Vines on October 30th. There is no Proof of Service for these documents therefore the court cannot consider them.

Petitioner then filed and served a Memorandum of Points and Authorities Re: Child Custody Recommending Counseling and DV-140 Other Orders on December 2nd.

On December 3rd Respondent filed a Response to Memorandum of Points and Authorities Re: Child Custody Recommending Counseling and DV-140 Other Orders. There is no Proof of Service for this document therefore the court cannot consider it.

The parties attended Child Custody Recommending Counseling (CCRC) on October 29th. They were unable to reach any agreements therefore a report with recommendations was prepared on December 4th. It was mailed to the parties on December 5th.

Petitioner filed a Responsive Declaration on December 12th, though she failed to use the FL-320 which is a mandatory use form. Cal. Rule Ct. 5.92(a)(1)(C). She filed a Supplemental Memorandum of Points and Authorities concurrently therewith. The court finds these documents to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made December 5th the last day for filing Petitioner’s responsive pleadings, therefore, they are late filed and have not been considered by the court.

Respondent asks the court to make the following orders: (1) Appoint a reunification therapist to conduct reunification therapy per the court’s October 16, 2023 order; (2)

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Guidance from CCRC on how to proceed with reunification therapy; and (3) psychological evaluations of each of the children.

In response to the RFO filed by Respondent, the parties were referred to CCRC. Petitioner then filed her RFO asking the court to cancel the CCRC appointment and “remove DV-140 other orders regarding evaluation for reunification therapy.” The requests were denied ex parte and put on the regularly set calendar.

After reviewing the filings as outlined above, the court finds that its prior orders remain in the best interests of the children. All prior orders remain in full force and effect.

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

**TENTATIVE RULING #10: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.
PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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11. KIMBERLY WITTMERS V. BRIAN J. WHITE

24FL1167

On October 15, 2025, Respondent filed a Request for Order (RFO) seeking child support orders. He filed his Income and Expense Declaration concurrently therewith. There is a Proof of Service filed November 6th which indicates that service was via mail, on Petitioner herself. Respondent filed a Declaration Regarding Address Verification the same day but the declaration is not complete as Section 3 does not include the address which was verified. There is another Proof of Service filed on November 20th, this time indicating that the required documents were served on Petitioner's attorney. The Declaration Regarding Address Verification filed concurrently with the second Proof of Service only establishes that counsel's address was verified. Given that this is a post-judgment request for modification of support orders, service of the RFO and supporting documents must comply with Family Code Section 215. Given that Respondent has failed to properly serve the moving papers, this matter is dropped from calendar.

TENTATIVE RULING #11: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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

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12. CATHERINE YOUNG V. LORAL YOUNG

PFL20180796

This matter is before the court on Petitioner's request for bifurcation. Petitioner filed her Request for Order (RFO) on September 29, 2025. It was served on September 30th and again on November 14th. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner is requesting an order to bifurcate the issue of marital status and to compel Respondent to complete and serve his Preliminary Declaration of Disclosure, his Income and Expense Declaration, and a Schedule of Assets and Debts with retirement account statements. She further requests \$1,600 in attorney's fees pursuant to Family Code § 2107(b) and Family Code § 271.

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

The requests for orders compelling Respondent's Preliminary Declaration of Disclosure, his Income and Expense Declaration and a Schedule of Assets and Debts are granted. 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). "...[T]he court *shall*...impose monetary sanctions against the noncomplying party. 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).

Petitioner has established grounds for relief under Family Code § 2107. She has complied with the disclosure requirements herself and demanded that Respondent do the same yet he has failed to do so. Petitioner's requests are therefore granted. Respondent is ordered to serve full and complete Preliminary Declarations of Disclosure, a completed

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Income and Expense Declaration and a completed Schedule of Assets and Debts no later than January 18, 2025.

Petitioner's request for monetary sanctions is also granted in accordance with Section 2107. Respondent is ordered to pay directly to Petitioner's attorney \$1,600 as and for sanctions. This amount may be paid in one lump sum or in monthly increments of \$100 commencing on January 15, 2026 and continuing until paid in full (approximately 16 months). If any payment is missed or late, the entire amount shall become immediately due and payable.

Finally, the request to bifurcate is also granted. A party may request bifurcation of the issue of marital status, however prior to doing so the party must ensure that "[a]ll pension plans that have not been divided by court order that require joinder ..." have been joined. Cal. Rule Ct. 5.390(d)(1). A party seeking bifurcation is to submit a completed FL-315. Cal. Rule Ct. 5.390(a). Here, Petitioner has filed the requisite documentation and established that the only retirement accounts in existence do not require joinder. As such, the parties are ordered to appear for the hearing.

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

TENTATIVE RULING #12: PETITIONER'S REQUESTS ARE GRANTED. RESPONDENT IS ORDERED TO SERVE FULL AND COMPLETE PRELIMINARY DECLARATIONS OF DISCLOSURE, A COMPLETED INCOME AND EXPENSE DECLARATION AND A COMPLETED SCHEDULE OF ASSETS AND DEBTS NO LATER THAN JANUARY 18, 2025.

PETITIONER'S REQUEST FOR MONETARY SANCTIONS IS ALSO GRANTED IN ACCORDANCE WITH SECTION 2107. RESPONDENT IS ORDERED TO PAY DIRECTLY TO PETITIONER'S ATTORNEY, \$1,600 AS AND FOR SANCTIONS. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$100 COMMENCING ON JANUARY 15, 2026 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 16 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

FINALLY, THE REQUEST TO BIFURCATE IS ALSO GRANTED. THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE BIFURCATION.

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

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13. TIANNA ADAMSON V. ANDREW ADAMSON

25FL0178

Petitioner filed a Request for Order (RFO) on October 13, 2025, seeking an order compelling Respondent's Preliminary Declaration of Disclosure. Respondent was mail served some of the required documents on October 20, 2025. Petitioner asks the court to compel Respondent's completion and service of his Preliminary Declaration of Disclosure. She further requests \$2,700 in sanctions pursuant to Family Code § 2107.

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

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

TENTATIVE RULING #13: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE RESPONDENT.

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DEPARTMENT 5
December 18, 2025
8:30 a.m./1:30 p.m.

14. MYUNG HWA BAE V. GENE BAE

PFL20180352

Respondent filed a Request for Order (RFO) seeking to set aside the judgment and reopen property division, as well as requesting sanctions and attorney's fees. This is a post-judgment request for modification. Petitioner was mail served on October 24, 2025. As a post-judgment request for modification, Family Code section 215 applies. The public policy behind Family Code § 215 is to ensure actual notice to a party where matters such as custody are often ongoing past final judgment in a case. The policy is to treat the new motion as akin to a newly filed complaint.

Petitioner filed a Responsive Declaration and Memorandum of Points and Authorities on November 5, 2025. Respondent was mail served on November 5, 2025. Petitioner does not raise the defect in service in her response, as such, the court deems it to be waived.

Petitioner filed and served a Supplemental Declaration on December 3, 2025. The declaration includes exhibits of letters from Respondent to his daughter, wherein he acknowledges the parties divorce being finalized in November 2018. The documents have been translated from Korean to English by a certified interpreter, who filed a Declaration on December 3, 2025. It was concurrently served on Respondent.

Respondent asserts he was unaware of the divorce and that the judgement should be set aside because of the fraud, deception, and trickery of Petitioner. Respondent requests the court order both parties to file and serve complete and accurate disclosure declarations as well. Respondent further seeks an injunction preventing Petitioner from selling, transferring, encumbering, or otherwise disposing of the real property located in El Dorado Hills, and property located in Texas. Last, Respondent requests sanctions or in the alternative attorney's fees.

Petitioner requests the court deny Respondent's requests. Petitioner asserts Respondent is barred from bringing this action by time limitations as well as Respondent's failure to meet his burden of establishing fraud. Specifically, Petitioner asserts Respondent was aware of the divorce, as it was a default judgement with agreement. Respondent was a signatory of the agreement, which was notarized in June of 2018. Further, Respondent has cooperated with the judgment, in that he has signed the deed transferring the property to Petitioner and has waived his interest in Petitioner's living trust which was established post-judgment. Petitioner further asserts that Respondent has failed to establish any perjury or fraud. Husbands own actions contradict his lack of knowledge of the divorce.

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“The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” Cal. Civ. Pro. § 473(b). Family Code section 2122 also vests the court with the authority to set aside a judgment in matters of actual fraud or perjury. Fam. Code § 2122. In either case, the burden is on the moving party to establish grounds for relief. *Austin v. L.A. Unified School Dist.*, 244 Cal. App. 4th 918 (2016); *See also* Fam. Code § 2121 (“Before granting relief, the court shall find that the facts alleged as the grounds for relief materially affected the original outcome and that the moving party would materially benefit from the granting of the relief.”) The moving party is tasked with not only establishing that grounds for relief exist but also establishing that the error was *excusable* on the part of the moving party. *Austin* at 929; *See also* *Huh v. Wang*, 158 Cal. App. 4th 1406, 1419 (2007).

In addition to establishing grounds for relief, the moving party must make its motion within the legally specified time frames. In matters of actual fraud or perjury, the motion shall be brought within one year of the date the moving party either discovered or should have discovered the fraud or perjury; and in instances of mental incapacity, the motion is to be brought within two years. Fam. Code § 2122 (a), (b) & (d).

In the matter at hand, Respondent fails to meet his burden of establishing grounds for relief or set aside. Respondent’s conclusory statements that Petitioner committed fraud and perjury are not sufficient to establish actual fraud. Additionally, the court finds Respondent has failed to bring the action within the statutory time frame. The court finds Respondent was aware of the divorce proceedings and participated in the default with an agreement, as evidenced by his notarized signatures. This occurred in 2018, and we are well past the two-year limitation.

Respondent’s motion is denied. All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #14: RESPONDENT FAILS TO MEET HIS BURDEN OF ESTABLISHING GROUNDS FOR RELIEF OR SET ASIDE. ADDITIONALLY, THE COURT FINDS RESPONDENT HAS FAILED TO BRING THE ACTION WITHIN THE STATUTORY TIME FRAME. RESPONDENT’S MOTION IS DENIED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 18, 2025

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

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

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December 18, 2025
8:30 a.m./1:30 p.m.

15. CHADRICK RONALD BAKER V. BRIDGET MARIE SOPER

23FL0523

On Augusts 28, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was mail served; however, this is a post-judgment request for modification and therefore service was required to comply with Family Code § 215. Nevertheless, both parties attended Child Custody Recommending Counseling (CCRC) on October 1st and were able to reach agreements therefore the court finds good cause to reach this matter on the merits.

Counsel for both parties appeared on November 20, 2025, requesting the matter be continued to allow the parties to meet and confer in hopes of reaching an agreement. The court granted the request to continue and set the matter for a further review hearing on December 18, 2025 at 1:30 PM in Department 5.

There have been no new filings by either party since the November 20th hearing.

A report containing the agreements of the parties was prepared by CCRC on November 6th. It was mailed to the parties on November 7th. After reviewing the report, the court finds the agreements therein to be in the best interests of the minors and they are therefore adopted as the orders of the court.

Respondent shall prepare the Findings and Orders After Hearing.

TENTATIVE RULING #15: THE AGREEMENTS CONTAINED IN THE NOVEMBER 6, 2025 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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December 18, 2025
8:30 a.m./1:30 p.m.

17. AMBER COOKE V. DAVID WEST

22FL0126

Respondent filed an ex parte request for emergency custody orders on June 30, 2025. On July 1, 2025, Petitioner filed a Responsive Declaration. Respondent filed a Reply Declaration on July 1st as well. The court denied the request on an ex parte basis and referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on July 31, 2025 and a review hearing on September 18, 2025. Respondent filed a Request for Order (RFO) on July 1st seeking the same orders as set forth in the ex parte request. Proof of Service shows Petitioner was served on July 5, 2025.

Both parties attended CCRC and were able to reach some agreements. A report with the parties' agreements as well as additional recommendations was filed with the court on August 13, 2025. Copies were mailed to the parties the same day.

Parties appeared for the hearing on September 18, 2025. The court adopted the parties' agreements as set forth in the August 13th CCRC report but did not adopt the recommendations. The court appointed Minor's Counsel Kelly Bentley and set a further review hearing for December 18, 2025. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the review hearing.

Respondent filed a Supplemental Declaration on November 7, 2025 and again on December 4, 2025. Both were served the same day they were filed.

Minor's Counsel filed a Statement on December 14, 2025. It was served the same day.

Petitioner filed a Supplemental Declaration on December 11, 2025 as well as a Reply Declaration on December 11, 2025. Both were served the same day. The court finds the Supplemental Declaration to be late filed, and therefore, has not considered it.

After reviewing the filings as outlined above the court finds the current orders remain in the best interests of the minor. That said, the court finds the need to continue monitoring this matter to ensure that Petitioner's relationship with alcohol does not adversely affect her parenting of the child. As such, this matter is set for a review hearing on 2/5/2026 at 1:30 PM in department 5 to assess the issues of custody and visitation. The parties are ordered to file Supplemental Declarations no later than 10 days prior to the review hearing. Petitioner is to include information regarding her continued efforts at sobriety and her alcohol testing results. All prior orders remain in full force and effect pending the review hearing.

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

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

TENTATIVE RULING #17: THIS MATTER IS SET FOR A REVIEW HEARING ON 2/5/2026 AT 1:30 PM IN DEPARTMENT 5 TO ASSESS THE ISSUES OF CUSTODY AND VISITATION. THE PARTIES ARE ORDERED TO FILE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE REVIEW HEARING. PETITIONER IS TO INCLUDE INFORMATION REGARDING HER CONTINUED EFFORTS AT SOBRIETY AND HER ALCOHOL TESTING RESULTS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT PENDING THE REVIEW HEARING. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
December 18, 2025
8:30 a.m./1:30 p.m.

18. RYAN CORTEZ V. SHERI CORTEZ

25FL0142

Respondent filed a Request for Order (RFO) on May 15, 2025, seeking temporary guideline spousal support. Respondent concurrently filed an Income and Expense Declaration. Proof of Service shows Petitioner was properly served on May 23, 2025.

Petitioner filed a Responsive Declaration and an Income and Expense Declaration, on July 31, 2025. Neither document was served on Respondent. As such, the court cannot consider them.

The matter came before the court for hearing on July 31st however the court noted at that time that Respondent had failed to complete the portion of her Income and Expense Declaration regarding her monthly expenses. Because the moving party in a support request is required to file a completed Income and Expense Declaration, the court stated that it could not grant Respondent's request with her Income and Expense Declaration as-is. The court continued the matter to October 9, 2025, and ordered both parties to file and serve full and complete Income and Expense Declarations, along with the required supporting documents, no later than 10 days prior to the next hearing date. The court reserved jurisdiction to award support back to the date of filing the RFO.

On October 9, 2025, the court again continued the matter and ordered both parties to file updated and complete Income and Expense Declarations.

Petitioner filed an Income and Expense Declaration on December 9, 2025. Proof of Service shows Respondent was electronically served on December 9, 2025.

Respondent has not filed an updated Income and Expense Declaration as ordered by the court. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); See *also* Cal. Fam. Code §2100. Respondent's Income and Expense Declaration was incomplete at the time of the filing of the RFO. Further, it is more than 90 days old and as such is stale.

The court drops the matter from calendar due to Respondent's failure to comply with the court's prior orders to file and serve an updated complete Income and Expense Declaration. The court has previously continued this matter on two occasions at Respondent's request. Respondent has continued to follow this court's order to file and serve her Income and Expense Declaration. Local Rule 8.02.01 provides that there shall be no more than one continuance at the request of either party, absent good cause. The court

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cannot find good cause to continue the matter, and no further continuances will be granted.

All prior orders remain in full force and effect.

TENTATIVE RULING #18: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO RESPONDENT'S FAILURE TO COMPLY WITH THE COURT'S PRIOR ORDERS TO FILE AND SERVE AN UPDATED COMPLETE INCOME AND EXPENSE DECLARATION. THE COURT HAS PREVIOUSLY CONTINUED THIS MATTER ON TWO OCCASIONS AT RESPONDENT'S REQUEST. RESPONDENT HAS CONTINUED TO FOLLOW THIS COURT'S ORDER TO FILE AND SERVE HER INCOME AND EXPENSE DECLARATION. LOCAL RULE 8.02.01 PROVIDES THAT THERE SHALL BE NO MORE THAN ONE CONTINUANCE AT THE REQUEST OF EITHER PARTY, ABSENT GOOD CAUSE. THE COURT CANNOT FIND GOOD CAUSE TO CONTINUE THE MATTER FOR A THIRD TIME; NO FURTHER CONTINUANCES WILL BE GRANTED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
December 18, 2025
8:30 a.m./1:30 p.m.

19. FRANCESCA GARIBALDI V. ADAM GARIBALDI

25FL0344

Petitioner filed a Request for Order (RFO) on October 9, 2025, seeking orders for temporary guideline spousal support. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was only served the FL-300 electronically on October 10, 2025.

The court finds Respondent has not been properly served. The court drops the matter from calendar.

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

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

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December 18, 2025
8:30 a.m./1:30 p.m.

20. ANTHONY HESTER V. ASHLEY GEHRKE

25FL1014

Petitioner filed a Petition to Establish a Parental Relationship on October 15, 2025. A summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) seeking child custody orders. Respondent was personally served on October 28, 2025.

Respondent filed a Response on November 6, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it. Respondent filed a Responsive Declaration on November 6, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

Parties are ordered to appear for the hearing.

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

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December 18, 2025
8:30 a.m./1:30 p.m.

21. KATE LEWIS V. BRANDON KUZINICH

PFL20190492

Respondent filed an ex parte request for emergency orders on November 14, 2025. Petitioner filed a Responsive Declaration on November 14th. On November 17, 2025, the court denied the request for emergency orders. The parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment on November 25, 2025 and a review hearing was set for December 18, 2025. Respondent filed a Request for Order (RFO) on November 17, 2025, requesting the same orders as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO.

Petitioner filed an RFO on November 17, 2025, seeking modification of the current child custody and parenting plan orders. Proof of Service shows Respondent was served with the FL-300 and FL-311, but not all the necessary documents.

Both parties appeared at the CCRC appointment and were able to reach a full agreement. Parties submitted a stipulation to the court, which the court adopted as its order on December 2, 2025.

The court drops both RFOs from calendar due to each parties' failure to properly serve the other. The court maintains the current orders in full force and effect. All prior orders not in conflict with this order remain in full force and effect.

TENTATIVE RULING #21: THE COURT MAINTAINS THE CURRENT ORDERS IN FULL FORCE AND EFFECT. THE COURT DROPS BOTH PARTIES' RFOS FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE THE OTHER PARTY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

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

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DEPARTMENT 5
December 18, 2025
8:30 a.m./1:30 p.m.

22. SAMANTHA MANN V. ARJUN SINGH MANN

25FL0539

On September 25, 2025, the court granted Petitioner's request for a Domestic Violence Restraining Order. As a part of the orders, the court referred the parties to Child Custody Recommending Counseling (CCRC) and set a further review hearing.

Both parties attended CCRC and were unable to reach any agreements. A report with recommendations was filed with the court on December 4, 2025 and mailed to the parties on December 5th.

Neither party has filed any additional declarations.

The court has read and considered the CCRC report filed December 4th. The court finds the recommendations to be in the best interest of the minor and adopts the recommendations as its order.

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

TENTATIVE RULING #22: THE COURT FINDS THE RECOMMENDATIONS TO BE IN THE BEST INTEREST OF THE MINOR AND ADOPTS THE RECOMMENDATIONS AS ITS ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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DEPARTMENT 5
December 18, 2025
8:30 a.m./1:30 p.m.

23. CATHERYN WADMAN V. MAX WADMAN

21FL0116

On August 21, 2025, the court adopted its tentative ruling, ordering Petitioner shall continue to have sole legal and physical custody. Respondent shall have parenting time every other Saturday for up to eight hours. Visits are to be non-professionally supervised so long as the parties and Minor's Counsel can agree on a non-professional supervisor. If the parties are unable to agree to a non-professional supervisor, Respondent shall have professionally supervised visits, every other Saturday for up to eight hours. Respondent shall be responsible for the cost of supervision. Respondent shall participate in individual counseling to understand the potential psychological and emotional impact on the minor by continuing to involve her in the litigation. The court set a review hearing to assess Respondent's progress in counseling and whether supervised parenting time should be continued. Parties were directed to file Supplemental Declarations at least 10 days prior to the review hearing.

Petitioner filed a Supplemental Declaration on December 3, 2025. Respondent was served on December 3rd. Petitioner served former Minor's Counsel Sarah Kukuza on December 3rd; however, Rebecca Etsy-Burke was appointed as Minor's Counsel on May 1, 2025. Therefore, the court cannot consider this document.

Responded filed a Declaration on December 4, 2025. There is no Proof of Service for this document and it appears to be unrelated to the review hearing.

The court finds the current orders remain in the minor's best interest. The court drops the review hearing from calendar. The court maintains all current orders in full force and effect.

TENTATIVE RULING #23: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINOR'S BEST INTEREST. THE COURT DROPS THE REVIEW HEARING FROM CALENDAR. THE COURT MAINTAINS ALL CURRENT ORDERS IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 18, 2025

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

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