

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
APRIL 23, 2025
8:30 a.m.

1. BROOKS PETERS V. CASEY COSTA

SFL20190231

This matter is before the court on the Respondent's Request for Order (RFO) filed March 06, 2025, requesting an award of Attorney's fees incurred in an extended Child Support hearing. The declaration attached to the RFO advances the fees request under Family Code Sec. 3652 which allows the court to make an award of fees to the prevailing party in an action to modify support. Though not specifically cited, the RFO also appears to make the request on the basis of need pursuant to Family Code Sec. 2030. The Respondent filed a current Income and Expense Declaration (I&E) on the same date as her RFO.

The hearing was previously continued to the current date at the request of the Petitioner who was not timely served for the initial hearing date. The Petitioner filed a Responsive Declaration and I&E on April 09, 2025, which were both served on the Respondent by mail on April 10, 2025. In addition to opposing the Respondent's request for an award of fees, the Petitioner makes an affirmative request that the Respondent pay his fees incurred for the same hearing in which he deems himself the prevailing party.

No reply declaration was filed by the Respondent.

The court has read and considered the filings noted above.

As pointed out by the Petitioner in his Responsive Declaration (pg. 3, l. 4), the court awarded the Respondent previous attorney's fees of \$4,000. The Respondent on her FL-158 had answered "no" to the question if support had already been ordered. However, in her attached declaration she acknowledged the prior order. The Petitioner's I&E shows income of \$2,860 (rounded up) from her job at Advanced Dermatology as a Medical Assistant. She no longer presents self-employment income as an influencer. She lists expenses of \$4,383 per month without explanation as to how she makes up the shortfall (though the court awarded child support of \$1,279 beginning 09/01/24 and arrears of \$221/month beginning 02/01/25). Additionally, the \$4,383 figure does not include the installment payments in category 14 of her I&E which total another \$1,629.21 per month, payment of which is not explained.

Petitioner lists outstanding attorney's fees of \$12,000 which she claims to be paying at the rate of \$500/mo. (I&E p. 3, item 15). She attaches billings from a previous attorney, Ms. Van Etten, who did not represent her in the Child Support hearing. She also attaches billings from attorney Fraas who did represent her in the Child Support hearing. Those billings show payments made by the Respondent through a \$1,000 payment on November 25, 2024. Thereafter, no payments have been made and the final bill provided shows a balance owed of \$5,076.70, which is less than half the amount contended on Petitioner's I&E.

Petitioner argues that the Respondent was not the prevailing party as she asked for Child Support based on an assertion that the Petitioner earns over \$60,000 per month and the court found his income to be \$17,881. The Petitioner had been asserting that his

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income was only \$8,321 per month. That same amount is stated for Petitioner's I&E filed for this hearing on April 09, 2025. Petitioner states that he still owes his attorney (Ms. Bachman) \$4,000.

Additionally, petitioner attaches exhibits to his declaration to show that the Respondent is appealing to the public to help raise funds for fees through social media appeals (Exhibit 1) and is still engaged in her work as an influencer and internet model (Exhibits 2 and 3), which were not reported by the Respondent and which the Respondent has stated is no longer providing income for at least a year. However, there is nothing on the exhibits to show the date of the various internet posts, except for one panel on Exhibit 2 which refers to "Rise Up 2024 collection".

The Court imputed income at \$20 per hour for 24 hours per week to the Respondent (she works 16 hours a week for Advanced Dermatology). It appears that the Respondent has not obtained another job or more hours at her current job and she may be, as alleged by the Petitioner, still doing her on-line work.

The court does not find either party to be a prevailing party in the Child Support hearing. Neither party's claims about the other were accepted by the court and the court clearly told the parties that the court believed both were misrepresenting their incomes. For that reason, each party's request for an award of fees per Family Code Sec. 3652 is denied.

The court finds that the Petitioner earns over twice what the Respondent earns, given that, the Petitioner's request for an award of fees per Family Code Sec. 2030 is denied and the court awards \$2,500 in fees to the Respondent, which is to be paid by June 30, 2025.

TENTATIVE RULING #1: THE PETITIONER IS ORDERED TO PAY \$2,500 TO THE RESPONDENT FOR ATTORNEY FEES PER FAMILY CODE SECTION 2030. PAYMENT IS TO BE MADE BY JUNE 30, 2025.

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) 573-3042 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 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07.

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2. CRYSTAL SCOTT V. JOSEPH COBB

24FL0570

This matter is before the court on the Petitioner's Request for Order regarding Contempt filed on June 06, 2024, in case number SFL20180038. That case was subsequently consolidated with this Dissolution action which has been deemed the lead case. This matter was last before the court on March 19, 2025, to confirm readiness for trial, which was set for the following day. The Respondent stated his intention to obtain private counsel for his defense, for which reason the matter was continued to this date for appearance of counsel and resetting of trial. Appointed counsel was not relieved. No substitution of attorney has been filed.

The parties and counsel are ordered to appear for selection of a new trial date.

TENTATIVE RULING #2: PARTIES AND COUNSEL FOR THE RESPONDENT ARE ORDERED TO APPEAR FOR SETTING OF A NEW TRIAL DATE.

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3. DILLON MCLAUGHLIN V. LINDSEY HALLIDAY

SFL20180037

This matter is before the court on the Respondent's Request for Order (RFO) filed February 24, 2025. In addition to the RFO, the Respondent requested Temporary Emergency Orders. The Petitioner filed an opposition to the requested Temporary Orders on February 24, 2025. The court granted the Temporary Order request and set the current hearing and referred the parties to CCRC with a session set for March 13, 2025.

There is no Proof of Service of the underlying RFO and no Responsive Declaration to the RFO (form FL-320) filed by the Petitioner. Nonetheless, the Respondent filed a Reply to the Petitioner's opposition on March 05, 2025.

The parties attended the scheduled CCRC and reached an agreement on nearly all issues. Their agreements are set forth in the CCRC report submitted on March 13, 2025. The parties were sent copies of the CCRC report on March 25, 2025 per the Clerk's Certificate of Mailing filed that same date. The only issue which is not agreed to is the CCRC counsellor's recommendation that the Respondent engage in individual therapy with a therapist of her choice. The court has read and considered the CCRC report as well as the filings of the parties. The court finds that the agreements and recommendations of the CCRC report are in the parties' son's best interests and so adopts them as the orders of the court.

The RFO also requested an award of Attorney fees to the Respondent. However, the Respondent did not file an Income and Expense declaration with the RFO as required by CRC 5.92(a)(5) and Local Rule 8.16.14. For that reason, the request for an award of fees is denied. As the parties reached an agreement, it is unlikely that the court would award fees even had the Respondent complied with the rules requiring filing of an I & E.

TENTATIVE RULING #3: THE AGREEMENTS AND RECOMMENDATIONS OF THE CCRC REPORT SUBMITTED ON MARCH 13, 2025, ARE ADOPTED AS THE COURT'S ORDERS. THE RESPONDENT'S REQUEST FOR AN AWARD OF ATTORNEY'S FEES IS DENIED.

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) 573-3042 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 (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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4. HOLLY A. AVILA V. DONALD F. HOPKINS, III

23FL0439

This matter is before the court on Petitioner's Request for Order (RFO) filed March 21, 2025. Petitioner moves for reconsideration of the court's ruling issued March 12, 2025, regarding child custody and visitation. On April 17, 2025, Petitioner filed a current Income and Expense Declaration (I&E), as well as a letter update to the court.

Also on April 17, 2025, Petitioner filed proofs of service indicating the RFO was personally served on Respondent on April 12, 2025; and the I&E and letter update to the court were personally served on Respondent on April 17, 2025. However, the deadline to personally serve the RFO was April 01, 2025. (Cal. Rules Ct., R. 5.92, subd. (b)(5); Code Civ. Proc., § 1005, subd. (b).)

On April 18, 2025, Petitioner filed two months of paystubs and three months of business income. The proof of service filed April 18, 2025, indicates Petitioner personally served these documents on Respondent the same day.

Respondent did not file a responsive declaration.

Even if Petitioner had timely served the RFO, the court notes the RFO cites no new facts, law, or circumstances warranting reconsideration under Code of Civil Procedure section 1008, subdivision (a).

TENTATIVE RULING #4: MATTER IS DROPPED FROM THE CALENDAR DUE TO LACK OF PROPER SERVICE.

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5. JEFFERY TILLMAN V. DOLLY TILLMAN

24FL0109

This matter is before the court on the Respondent's Request for Order (RFO) filed March 24, 2025, regarding spousal support, attorney fees, and disbursement of funds to pay debts. Respondent filed an Income and Expense Declaration (I&E) on March 24, 2025, however, there is no proof of service for either the RFO or the I&E.

Petitioner did not file a responsive declaration.

TENTATIVE RULING #5: MATTER IS DROPPED FROM THE CALENDAR DUE TO LACK OF SERVICE.

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6. JOSEPH GIANQUENTO V. DYANI GIANQUENTO

24FL1257

This matter was continued from April 09, 2025, to provide time for the parties to review and respond, if necessary, to the CCRC report dated February 27, 2025 (the report was sent to both parties on April 02, 2025).

There are no supplemental declarations in the court's file.

The court finds that the agreements and recommendations of the CCRC report are in the children's best interests and therefore adopts the CCRC report as its orders.

**TENTATIVE RULING #6: THE COURT ADOPTS THE AGREEMENTS AND
RECOMMENDATIONS OF THE CCRC REPORT DATED FEBRUARY 27, 2025.**

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) 573-3042 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 (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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7. NICOLE COOLEY V. IAN COOLEY

23FL0862

This matter is before the court on Petitioner's Request for Order (RFO) filed February 25, 2025, to modify the visitation order entered on December 06, 2023, as both parties are planning to move to Reno, Nevada. Petitioner also seeks enforcement of the parties' agreement to enroll the children in counseling. On February 25, 2025, the court referred the parties to a CCRC session scheduled for March 14, 2025.

Proof of service shows Petitioner served the RFO upon Respondent by mail on February 24, 2025.

The court received a report from the CCRC counsellor dated March 14, 2025, which states that only the Petitioner attended the CCRC session, for which reason the CCRC counsellor could not make a recommendation to the court. A copy of the CCRC report was sent to both parties on March 25, 2025.

On April 04, 2025, Respondent filed a timely responsive declaration, which he served upon Petitioner by mail the same day. Respondent requests a re-referral to CCRC, explaining he was unable to attend the March 14, 2025, session due to a winter storm.

On April 16, 2025, Petitioner filed a supplemental declaration, which she electronically served upon Respondent the same day.

The court re-refers the parties to a CCRC session scheduled for May 09, 2025, at 9:00 a.m. The parties are directed to submit the required CCRC Questionnaire (Local Form F-17a, which can be downloaded from the court's website or obtained from the clerk's office) at least five days prior to the new CCRC session.

The court notes a trial date is currently set for May 01, 2025, on the underlying petition for dissolution. The parties may wish to request a trial continuance to a date following the continued hearing on the instant RFO. The court further notes that, assuming both parties relocate to Nevada, the court is of the opinion that it would no longer have jurisdiction over child custody and visitation at that time.

TENTATIVE RULING #7: THE COURT RE-REFERS THE PARTIES TO A CCRC SESSION SCHEDULED FOR MAY 09, 2025, AT 9:00 A.M. THE PARTIES ARE DIRECTED TO SUBMIT THE REQUIRED CCRC QUESTIONNAIRE (LOCAL FORM F-17a, WHICH CAN BE DOWNLOADED FROM THE COURT'S WEBSITE OR OBTAINED FROM THE CLERK'S OFFICE) AT LEAST FIVE DAYS PRIOR TO THE NEW CCRC SESSION. THE HEARING ON THE INSTANT REQUEST FOR ORDER IS CONTINUED TO 8:30 A.M., WEDNESDAY, JUNE 25, 2025, IN DEPARTMENT 12.

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8. PHILLIP CARTER BRADY V. CHRISTEN NOEL WILSON

22FL0708

This matter is before the court on the Respondent's Request for Order (RFO) filed February 14, 2025, seeking modification of terms of visitation of the parties' son (DB age 6). The Respondent filed a Proof of Service by Mail February 20, 2025, showing mailing of the RFO to the Petitioner on February 19, 2025. There was no Declaration Regarding Address Verification filed.

The Respondent has twice requested the hearing be continued. Each time the court has granted the request.

No Responsive pleading has been filed by the Petitioner.

Judgment of parentage was entered herein on September 28, 2022.

As the Respondent's RFO is a post-judgment request, a Declaration Regarding Address Verification must be filed for service by mail to be valid.

TENTATIVE RULING #8: THE RESPONDENT'S REQUEST FOR ORDER IS DENIED DUE TO IMPROPER 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) 573-3042 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 (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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9. RODNEY DEGISCHER V. PATRICIA DEGISCHER

PFL20130925

This matter is before the court on the Respondent's Request for Order (RFO) filed December 05, 2024, seeking post-judgment orders regarding division of a 401K and reimbursement for Student Loans. The matter is continued from March 12, 2025, at which time counsel for the parties discussed further exchange of documents in expectation that the matter could be informally resolved.

In addition to continuing the matter to the current hearing date, the court ordered that any additional declarations or evidence must be filed and served at least 10 days prior to the new hearing date. No additional declarations or evidence have been filed.

The parties are ordered to appear for argument and submission or for setting of a short cause evidentiary hearing on the matter.

TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO APPEAR.