

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
MAY 28, 2025
8:30 a.m.

1. BRIAN SEAHOLM V. VANESSA SEAHOLM

25FL0271

This matter is before the court on the Petitioner's Request for Order (RFO) filed March 17, 2025, seeking custody and visitation orders for the parties' two children SS (age 11) and CS (age 8). The Petitioner also requests exclusive possession and control of the marital residence. The request for custody and visitation orders prompted the court to refer the parties to CCRC with the session set for April 10, 2025.

Proof of Service of Summons filed April 02, 2025, shows personal service of the RFO on the Respondent on April 02, 2025.

The parties attended CCRC as scheduled and reached a full agreement. The CCRC report was submitted to the court on April 10, 2025, and copies of the report were mailed to the parties that day per the Clerk's Certificate of Mailing also filed on April 10, 2025.

The Respondent filed a Responsive Declaration on April 30, 2025, but there is no Proof of Service showing a copy was served on the Petitioner.

The court notes that each party has filed a DVRO request on the other and that the hearing on the competing DV actions is set for May 29, 2025. Respondent's DV request is in this case. Petitioner's DV request is in case number 25FL0253. Each party was granted a TRO pending hearing. Petitioner's TRO contains custody/visitation orders.

The court continues the hearing in this matter to May 29, 2025, at 8:30 am in Dept. 12 to coincide with the pending hearing on the competing DV matters to determine whether the presumption of FC 3044(a) will apply to either party and to make further findings and orders as necessary.

The Petitioner's request for exclusive possession of the home is also a subject of the DV requests of the parties.

TENTATIVE RULING #1: THIS MATTER IS CONTINUED TO MAY 29, 2025, AT 8:30 A.M. IN DEPT. 12 TO COINCIDE WITH THE HEARING ON THE PARTIES' COMPETING DVRO REQUESTS.

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. JODI MCLEAN V. KEVIN MCLEAN

25FL0323

On April 07, 2025, the Petitioner filed a petition for nullity of marriage based on fraud. Proof of service filed April 08, 2025, shows personal service on Respondent the same day.

Petitioner's affidavit attached to the petition states in relevant part, "At the time of our marriage, [Respondent] did not fully disclose his true feelings or his lack of desire to marry. He suppressed his doubts and proceeded with the marriage due to a pattern of people-pleasing behaviors and external pressures. [¶] [Later, Respondent] admitted ... that he had never truly wanted to marry and had concealed his doubts to avoid conflict, hoping his feelings would change over time.... [¶] Additionally, [Respondent] engaged in deceptive behaviors that demonstrated his lack of intent to uphold the marriage. He attempted to be unfaithful, repeatedly lied, and concealed important information from [Petitioner]." Respondent signed Petitioner's affidavit, acknowledging that he failed to disclose his true feelings and intent to marry at the time of the marriage, which led to a fundamental misunderstanding between the parties.

On May 02, 2025, Respondent filed a response to the petition stating he agrees that annulment is appropriate. Proof of service filed May 05, 2025, shows the response was personally served on Petitioner on May 04, 2025.

Family Code section 2210 governs actions for nullity of marriage. As relevant here, the statute provides "[a] marriage is voidable and may be adjudged a nullity" where the "consent of either party was obtained by fraud." (Fam. Code, § 2210, subd. (d).)

"[A]nnulments on the basis of fraud are generally granted only in cases where the fraud related in some way to the sexual or procreative aspects of marriage." (*In re Marriage of Meagher & Maleki* (2005) 131 Cal.App.4th 1, 7.) The " '[f]raudulent intent not to perform a duty vital to the marriage ... must exist in the offending spouse's mind at the moment the marriage contract is made.' " (*In re Marriage of Goodwin-Mitchell & Mitchell* (2019) 40 Cal.App.5th 232, 238 (*Marriage of Mitchell*); *In re Marriage of Liu* (1987) 197 Cal.App.3d 143, 156 [wife married to obtain a green card and harbored a "secret intention" not to consummate the marriage].) "Because public policy strongly favors marriage, the fraud must be shown by clear and convincing evidence." (*Marriage of Mitchell*, at p. 238.)

In this case, the facts are not disputed. However, the court finds that the allegations do not rise to the level of fraud under Family Code section 2210, subdivision (d). At most, the evidence shows that, at the time the marriage contract was made, Respondent had doubts about marrying Petitioner, but hoped his feelings would change over time.

Based on the above, the petition is denied. However, the court notes that Petitioner may want to amend her petition or either party may wish to file a petition for dissolution of marriage.

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TENTATIVE RULING #2: THE PETITION FOR NULLITY OF MARRIAGE BASED ON FRAUD 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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3. MATTHEW VANHORN V. KYLIE VANHORN (KNAB)

SFL20180216

This matter is before the court on the Respondent's Request for Order (RFO) filed March 17, 2025, to modify child custody and visitation. That same day, the court referred the parties to a CCRC session set for April 10, 2025. Proof of service filed May 07, 2025, shows these documents were personally served on Petitioner on April 28, 2025.

Petitioner filed no responsive declaration.

On April 09, 2025, Respondent filed a separate RFO requesting a new CCRC date. However, on May 07, 2025, the court dropped the matter from the calendar due to lack of proper service.

In a memorandum to the court dated April 10, 2025, the CCRC counsellor indicated that neither party appeared for the CCRC session.

**TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, MAY 28, 2025, IN DEPARTMENT 12.**

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4. TOMAS PULIDO V. ARACELI VIVAS SANDOVAL

22FL0418

This matter is before the court on the Respondent's Request for Order (RFO) to modify child custody and visitation, including a request for temporary emergency orders, filed on January 23, 2025. That same day, the court issued a temporary emergency order granting temporary sole legal and physical custody of the parties' son (EP, currently age 5) to Respondent and at least two visits per week with the Petitioner from 4:30 p.m. to 9:00 p.m. The court also referred the parties to a CCRC session set for February 14, 2025.

There is no proof of service for the RFO in the file. However, Petitioner filed a responsive declaration on February 04, 2025, that was served upon Respondent by mail the same day.

The court received a report from the CCRC counsellor dated February 14, 2025, which states that only the Respondent 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 each party on February 19, 2025.

On April 02, 2025, the court re-referred the parties to a CCRC session set for April 11, 2025, and continued the hearing on the RFO to May 28, 2025. The court received a report from the CCRC counsellor dated April 11, 2025, which states that only the Petitioner attended this CCRC session (Respondent was reportedly 53 minutes late for the appointment and thus deemed a no-show), for which reason the CCRC counsellor could not make a recommendation to the court. A copy of this CCRC report was sent to each party on April 16, 2025.

**TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, MAY 28, 2025, IN DEPARTMENT 12.**