

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
AUGUST 27, 2025
8:30 a.m.

1. CHRIS BRACKETT V. JENNIFER BRACKETT

SFL20170168

This matter is before the court on two issues: Arraignment of the Petitioner on a Contempt citation filed by the Respondent on November 06, 2024, and review of visitation orders entered pursuant to a stipulation and order filed on April 17, 2025.

On June 25, 2025, the Petitioner appeared with his appointed attorney for arraignment on a Contempt citation which alleges failure to pay attorney's fees previously ordered by the court. Petitioner's counsel requested a continuance on the representation that the Petitioner needed additional time to pay the attorney's fees ordered and thereby purge the contempt citation. The Petitioner was ordered to file and serve an updated Income and Expense Declaration.

No discharge of the Contempt citation has been filed. The parties are ordered to appear for arraignment of the Petitioner and setting of a trial date.

The Custody orders entered April 17, 2025, expanded the Respondent's visitations with the parties two minor sons Jack and Justin (ages 14 and 12) to include weekend visits, but no overnight visits. The court set the current review date at the April 17, 2025 hearing.

Counsel for the minors filed a report on August 15, 2025. Copies were served on the parties by email on August 15, 2025 according to the Proof of Electronic Service filed that same date.

Respondent filed a Supplemental Declaration and Exhibits on August 15, 2025 which were served by email on the Petitioner on August 15, 2025, as well, per the Proof of Electronic Service filed that same date. There is no Proof of Service to show a copy was served on minors' counsel.

The court has read and considered the above filings. The court has also re-read the most recent CCRC report (submitted 02/24/25).

No Supplemental Declaration was submitted by the Petitioner.

The report of minors' counsel and the declaration of the Respondent both report increasing tension and confrontation during visits, though they reach different conclusions as to the cause.

The underlying conflict between the parties and their respective new partners, if not the cause of the boys' stress, is not helpful. Until the adults learn to get along and not display their dislike of the other in the presence of the boys there is no chance that co-parenting will ever be an option.

The court agrees with the recommendations of minors' counsel to step back the frequency of Respondent's visits until the boys' therapists deem it appropriate to expand on visits.

The court finds that the Request for Disposition set forth by minors' counsel is in the boys' best interests and, therefore, adopts those terms as the orders of the court. The court reaffirms the order that Wesley Bennion shall not be present during Respondent's visits nor have any contact with the boys.

TENTATIVE RULING #1: THE COURT ORDERS THE PARTIES TO APPEAR FOR ARRAIGNMENT OF THE PETITIONER ON THE CONTEMPT CITATION. THE COURT FINDS THAT THE TERMS FOR VISITATION REQUESTED BY COUNSEL FOR THE MINORS ARE IN THEIR BEST INTERESTS AND SO ADOPTS THEM AS THE ORDERS OF THE COURT. THE COURT REITERATES THAT WESLEY BENNION, RESPONDENT'S PARTNER, IS NOT TO BE PRESENT AT RESPONDENT'S VISITS OR TO HAVE CONTACT WITH THE BOYS.

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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DEPARTMENT 12
AUGUST 27, 2025
8:30 a.m.

2. FORREST BROWN V. TIFFANY SMITH

SFL20130092

This matter is before the court for hearing of the Respondent's Request for Order (RFO) filed June 23, 2025, seeking permission to relocate the parties' two children, KB (age 13) and RB (age 17) to Ada, Oklahoma.

A copy of the RFO was served on the Petitioner by mail on June 28, 2025, according to the Proof of Service by Mail filed on July 08, 2025 (the Proof of Service oddly indicates it is a document filed by the Petitioner).

As Custody/Visitation is the issue raised by the RFO, the parties were referred to a CCRC appointment on July 28, 2025.

No Responsive Declaration (form FL-320) has been filed by the Petitioner.

Both parties appeared for the CCRC appointment, and the CCRC counsellor submitted a Report and Recommendation to the court on July 31, 2025. Copies of the CCRC Report were mailed to each of the parties on August 06, 2025 according to the Clerk's Certificate of mailing filed on that same day.

The Report of the CCRC counsellor reports several agreements reached by the parties and contains a *LaMusga*¹ analysis for the proposed Move Away. The CCRC counsellor concludes that the proposed move is not in the children's best interests.

On August 20, 2025, the Petitioner filed a Declaration (Form MC-030) in which he stated his opposition to the proposed "Move Away." A copy of the Petitioner's Declaration was mailed to the Respondent on August 20, 2025, according to the Proof of Service by Mail filed that same date.

There is a long history of litigation over Custody and numerous Findings and Orders After Hearing (FOAH). Consistently the court has awarded Joint Legal Custody and Joint Physical Custody to the parties, though the primary parent has changed from Petitioner in the early stages of the case to Respondent for the past several years. However, what is stated as a "*Montenegro Order*"² as part of the FOAH entered June 21, 2018, grants the parties Joint Legal and Joint Physical Custody.

The court finds that the presumption of Family Code Sec. 7501(b) does not apply.

The parties are ordered to appear for setting of an evidentiary hearing on the proposed Move Away.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR SETTING OF AN EVIDENTIARY 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) 573-3042 BY 4:00 P.M. ON THE DAY THE

¹ *In re Marriage of LaMusga* (2004) 32 Cal.4th 1072.

² *Montenegro v. Diaz* (2001) 26 Cal.4th 249.

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.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
AUGUST 27, 2025
8:30 a.m.

3. GUSTAVO HERNANDEZ V. NICHOLE CARTER

SFL20210044

This matter is on calendar for a review hearing. On February 26, 2025, the court adopted the CCRC report dated February 04, 2025, as the orders of the court; and the court ordered the parties to file and serve a declaration to update the court and attach proof of compliance with counseling. To date, neither party has submitted a declaration as ordered. The court drops the instant review hearing from the calendar. The court's February 26, 2025, orders shall remain in full force and effect.

TENTATIVE RULING #3: MATTER IS DROPPED FROM THE CALENDAR. THE COURT'S FEBRUARY 26, 2025, ORDERS SHALL REMAIN IN FULL FORCE AND EFFECT.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
AUGUST 20, 2025
10:00 a.m.

1. YESSALIN MONDRAGON V. RICARDO ORBEGOSO

25FL0474

The parties were previously before the court on June 18, 2025, at which time the court entered an interim order for Child Support, referred the parties to a CCRC appointment to be held on July 17, 2025, and ordered the parties to file and serve updated Income & Expense Declarations (I&E form FL-150).

The Respondent filed an I&E on August 15, 2025. A copy of his I&E was served by mail on the Petitioner on August 15, 2025, according to the Proof of Service by Mail filed that same date. No new I&E was filed by the Petitioner, but her I&E filed June 10, 2025, is less than 3 months old as of the date of the hearing.

The parties attended CCRC as scheduled and reached several agreements which are set forth in the CCRC report submitted on July 23, 2025. Copies of the CCRC report were mailed to the parties on July 30, 2025, according to the Clerk's Certificate of Mailing filed on that same date.

In the Report to the court, the CCRC counsellor provided Recommendations to the court on the limited issue (Right of first refusal) on which the parties could not agree.

The court has read and considered the CCRC report and finds that the agreements of the parties and the recommendation of the CCRC counsellor are in the best interests of the parties' children and so adopts them as the orders of the court.

The court finds that the Respondent's timeshare with the children, based on the terms set forth in the CCRC report, is 25%.

Pay stubs attached to the Respondent's I&E show gross monthly income from two jobs of \$7,573 per month. They also show that the Respondent is working at least 60 hours per week. Respondent continues to contribute \$120 per month to a 401K.

Petitioner's income was previously discussed in the Tentative Ruling in advance of the June 18, 2025 hearing and remains \$2,912 per month.

The above factors yield a guideline child support amount of \$1,698 per month as shown in the attached XSpouse calculation. The court orders that amount of child support paid by the Respondent to the Petitioner beginning 09/01/2025 and the 1st day of each month thereafter according to law.

TENTATIVE RULING #1: THE COURT FINDS THAT THE AGREEMENTS AND RECOMMENDATIONS OF THE CCRC REPORT SUBMITTED JULY 23, 2025, TO BE IN THE CHILD'S BEST INTERESTS AND SO ADOPTS THEM AT THE ORDERS OF THE COURT. THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$1,698 PER MONTH AND ORDERS THAT AMOUNT PAYABLE BY THE RESPONDENT TO THE PETITIONER BEGINNING SEPTEMBER 01, 2025 AND THE 1ST DAY OF EACH MONTH THEREAFTER ACCORDING TO LAW.

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.

Fixed Shares	Father	Mother	Monthly figures		Cash Flow	Guideline	Proposed
#of children	0	2	2025				
% time with NCP	25.00 %	0.00 %	GUIDELINE		Comb. net spendable	8897	8976
Filing status	SINGLE	HH/MLA	Nets(adjusted)		Percent change	0%	1%
# exemptions	1 *	3 *	Support		Father		
Wages+salary	7573	2912	Father	5620	Payment cost/benefit	-1698	-1482
Self-employed income	0	0	Mother	3277	Net spendable income	3922	4138
Other taxable income	0	0	Total	8897	Change from guideline	0	216
TANF+CS received	0	0	Support		% of combined spendable	44%	46%
Other nontaxable income	0	0	Addons	0	% of saving over guideline	0%	275%
New spouse income	0	0	Guideln CS	1698	Total taxes	1953	1541
401(k) employee contrib	120	0	User SS	0	Dep. exemption value	0	0
Adjustments to income	0	0	Total	1698	# withholding allowances	0	0
SS paid prev marriage	0	0	Settings changed		Net wage paycheck	5247	5247
CS paid prev marriage	0	0			Mother		
Health insurance	0	0			Payment cost/benefit	1698	1561
Other medical expense	0	0			Net spendable income	4975	4838
Property tax expense	0	0			Change from guideline	0	-137
Ded interest expense	0	0	Proposed		% of combined spendable	56%	54%
Contribution deduction	0	0	Tactic 9		% of saving over guideline	0%	-175%
Misc tax deductions	0	0	CS	1894	Total taxes	-365	-31
Qual bus income ded	0	0	SS	0	Dep. exemption value	0	0
Required union dues	0	0	Total	1894	# withholding allowances	0	0
Mandatory retirement	0	0			Net wage paycheck	2472	2472
Hardship deduction	0 *	0 *	Saving	79			
Other GDL deductions	0	0	Releases	2			
Child care expenses	0	0	Released to Father				

Father pays Guideline CS, Proposed CS

FC 4055 checking: ON

Per Child Information									
	Timeshare	cce(F)	cce(M)	Addons	Payor	Basic CS	Payor	Pres CS	Payor
All children	25 - 75	0	0	0	Father	1698	Father	1698	Father
	25 - 75	0	0	0	Father	609	Father	609	Father
	25 - 75	0	0	0	Father	1089	Father	1089	Father