

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
DECEMBER 10, 2025
8:30 a.m.

1. ASHLEY HERNANDEZ V. JOSE JACQUEZ

22FL0152

This matter is on calendar for a six-month review hearing following the court's entry of order on June 04, 2025. The court ordered both parties to file, at least 10 days prior to this review hearing, a declaration regarding the status of child custody and visitation, as well as proof of completion of counseling (or progress reports if counseling is not completed). Neither party submitted the required declaration to update the court. As such, the court assumes that the current orders are satisfactory to both sides. The court hereby drops the matter from the calendar without prejudice.

TENTATIVE RULING #1: MATTER IS DROPPED FROM THE CALENDAR WITHOUT PREJUDICE. 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. CHRIS BRACKETT V. JENNIFER BRACKETT

SFL20170168

This matter is before the court for hearing of the Request for Orders (RFO) filed by the Petitioner on October 20, 2025, in which he requests that Respondent's visits with the parties' sons be supervised. The Petitioner also requested a Temporary Emergency Order pending the hearing. The court denied the Temporary Emergency Order and set the matter for hearing. The initial hearing of November 05, 2025, was continued to this date as the Petitioner had not served minors' counsel with his RFO.

Respondent filed a Responsive Declaration on October 29, 2025, which was served on the Petitioner and minors' counsel by email on the same date it was filed per the Proof of Electronic Service which was also filed on October 29, 2025.

Petitioner also filed a Responsive Declaration on November 04, 2025. There is no Proof of Service to show it was served on the Respondent or minors' counsel.

Minors' counsel filed a Minors Counsel Statement on November 20, 2025, which was emailed to both parties on the date it was filed per the Proof of Electronic Service which was also filed on November 20, 2025.

On December 02, 2025, Respondent filed a Declaration in Response to Minors Counsel's Report. The Proof of Electronic Service filed December 02, 2025, shows that Respondent's Declaration was served by email on Petitioner and Minors' Counsel on that same date.

Petitioner filed a Responsive Declaration on December 05, 2025, and emailed a copy to the Respondent and Minors' Counsel that same date per the Proof of Electronic Service filed on December 05, 2025.

The Court has read and considered each of the above-referenced filings except the unserved Declaration of the Petitioner filed on November 04, 2025.

The current RFO is the latest filing in a long-running fight between the parties. The basis for the request is predominantly that the Respondent failed to seek medical care for one of parties' children after he fell and injured his head during time with the Respondent.

The Respondent asserted that she attended to the injury and that it was not serious enough to justify immediate attention by a doctor. In her Reply declaration – following receipt of the Report from Minors' counsel, the Respondent further argues that the children have only told their attorney what they have been coached to say by the Petitioner.

The Report of Minors' Counsel includes the content of counsel's interview with her clients and reveals that the injured child was bleeding from the head injury he sustained and requested to be returned to the Petitioner so that medical attention could be sought.

In February the boys will turn 15 and 13. They do not have a good relationship with the Respondent. It appears that the Respondent is aware of that but continues to blame the Petitioner as the cause for that fact. It does not appear to the court that the relationships will improve until the Respondent begins listening to her children and believing what she is being told by them.

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Because the most recent incident jeopardized the health of the children, the court agrees that intervention by the court is required. Therefore, the court finds that the recommendations of Minors' counsel are in the best interests of the children and adopts them as the orders of the court.

TENTATIVE RULING #2: THE COURT FINDS THAT THE RECCOMENDATIONS OF MINORS' COUNSEL SET FORTH IN THE REPORT FILED ON NOVEMBER 20, 2025, ARE IN THE CHILDREN'S BEST INTERESTS AND SO ADOPTS THEM AS THE ORDERS OF THE COURT. A REVIEW HEARING IS SET FOR 8:30 A.M., WEDNESDAY, MARCH 25, 2026, IN DEPARTMENT 12 FOR REVIEW OF VISITATION. PARTIES AND MINORS' COUNSEL SHALL FILE AND SERVE SUPPLEMENTAL DECLARATIONS ON OR BEFORE MARCH 15, 2026. MINORS' COUNSEL IS DIRECTED TO PREPARE, CIRCULATE, AND SUBMIT FINDINGS AND ORDER AFTER HEARING BASED ON THIS RULING.

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3. KERRY BROWN V. MARC BROWN

22FL0838

This matter is on calendar for a review hearing following the court's entry of order on October 22, 2025. Neither party submitted a supplemental declaration to update the court (however, the court notes it did not expressly order the parties to file any supplemental declaration).

**TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, DECEMBER 10, 2025, IN DEPARTMENT 12.**

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4. RYAN C. SMITH V. ALYSSA McMARTIN

23FL1045

This action was filed on October 19, 2023. Under Code of Civil Procedure section 583.420, the court may dismiss an action for delay in prosecution where service is not made within two years after the action is commenced. (Code Civ. Proc., § 583.420, subd. (a)(1).) To date, there is no proof of service of summons on the Respondent in the court's file.

TENTATIVE RULING #4: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 583.420, THE COURT DISMISSES THE ACTION.

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5. SHELBI SPICER V. DAJUAN COFIELD

SFL20200131

This matter is back before the court on the Petitioner's DVRO request filed with the court on September 08, 2025. The court issued Temporary Restraining Orders, including orders for custody/visitation of the parties' son DC (age 7). The original hearing was September 24, 2025, at which time the hearing was continued to October 01, 2025.

At the hearing on October 01, 2025 (at which time both parties had counsel), the parties were referred to CCRC with the appointment set for October 16, 2025, and Review hearing set for this date. Interim visits were ordered.

The parties attended the CCRC session as scheduled and the CCRC counsellor issued a Report and Recommendation which was submitted to the court on October 17, 2025. Copies of the CCRC Report were mailed to the parties on October 22, 2025, per the Clerk's Certificate of Mailing filed that same date.

The parties submitted a Stipulation and Order for Interim Visitation which the court signed on October 29, 2025.

Each party filed a Supplemental Declaration with the Court on December 03, 2025, and each provided a Proof of Service that their respective Supplemental Declarations had been served on the other party by email on December 03, 2025.

The court has read and considered each of the above-mentioned documents.

The CCRC report sets forth two alternative Recommendations which are conditioned on whether the underlying DV request is granted (and the presumptions of Family Code Section 3044(a) are triggered) or if the DV request is denied. If the DV request is denied, then the CCRC Report recommends that the orders that were in place before the TRO be restored – essentially Joint Legal/Joint Physical. If the DV request is granted then a detailed step-up plan, beginning with supervised visits, and remedial programs per Family Code Section 3044(b) are recommended.

The Respondent requests that the court implement the step-up plan even though the court has not made any finding pursuant to Family Code Section 3044. The request is made on the expectation that the DV hearing may be continued on Fifth Amendment grounds due to a pending criminal case (25CR2440), which is currently set for a Pre-Trial Conference on December 12, 2025.

The court finds that it is in the best interests of DC that the DV hearing be conducted as soon as possible. In as much as it is represented that the hearing will require multiple witnesses, the matter is not suitable for a Wednesday calendar. The first available date for an Evidentiary hearing of more than a half-hour is a half-day on Monday January 05, 2026, at 1:30 pm in Department 12.

Pending the hearing, the Interim Orders entered October 19, 2025, will remain in full force and effect, as will the TRO.

TENTATIVE RULING #5: THE COURT SETS THIS MATTER FOR HEARING ON THE PETITIONER'S REQUEST FOR A DOMESTIC VIOLENCE RESTRAINING ORDER AGAINST

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THE RESPONDENT ON MONDAY, JANUARY 05, 2026, AT 1:30 P.M. IN DEPARTMENT 12 OF THE COURT. PENDING THE HEARING THE TEMPORARY RESTRAINING ORDER FIRST ISSUED ON SEPTEMBER 09, 2025, SHALL REMAIN IN EFFECT AND THE STIPULATION AND ORDER FOR INTERIM VISITATION SHALL REMAIN IN EFFECT.

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6. YVETTE GREY V. SCOTT LABAR

SFL20200150

This action was filed on October 22, 2020. Code of Civil Procedure section 583.310 provides, “An action shall be brought to trial within five years after the action is commenced against the defendant.” (Code Civ. Proc., § 583.310.) Because the case has not been brought to trial within five years as required under Code of Civil Procedure section 583.310, the court intends to dismiss the action, unless the Petitioner appears and provides sufficient evidence of why it was impossible, impracticable, or futile to bring the action to trial during this time. (Code Civ. Proc., § 583.340, subd. (c).)

TENTATIVE RULING #6: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 583.310, THE COURT DISMISSES THE ACTION.

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.