

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
JANUARY 28, 2026
8:30 a.m.

1. NICOLE COOLEY V. IAN COOLEY

23FL0862

This matter is before the court on the Request for Order (RFO) filed by the Petitioner on November 10, 2025, to modify child custody and visitation. At the hearing on January 14, 2026, the court received oral argument from the parties and stated its tentative ruling. The court continued the matter to January 28, 2026, and ordered the parties to submit any supplemental declarations on or before January 23, 2026, regarding the proposed counselor(s) for the child(ren), any agreements or non-agreements between the parties, and the proposed parenting and holiday schedule. Additionally, the court ordered Petitioner to provide Respondent's counsel with the name of the proposed counselor(s) by 5:00 p.m., January 14, 2026.

On January 21, 2026, Respondent submitted a supplemental declaration, which was electronically served upon the Petitioner per the Proof of Service filed the same day. The court has read and considered the Respondent's Supplemental Declaration.

On January 23, 2026, the Petitioner filed a Proof of Electronic Service stating the following documents were electronically served upon the Respondent: (1) "Dear Judge [sic] Friel;" (2) "Parenting Plan and Holiday Schedule;" (3) "Monday to Friday Plan;" (4) "Keeping the Current Schedule;" and (5) "Order 011426." The court notes, however, there are no filings submitted by the Petitioner in the court's file with the aforementioned document titles.

Appearances are required to further discuss the orders for visitation and choice of therapist.

**TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, JANUARY 28, 2026, IN DEPARTMENT 12 TO FURTHER DISCUSS THE
ORDERS FOR VISITATION AND CHOICE OF THERAPIST.**

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
JANUARY 28, 2026
8:30 a.m.

2. SARAH GARDNER V. KARL VOLOSIN, JR.

25FL1164

This matter is before the court on the Request for Order (RFO) filed by the Petitioner on December 02, 2025, to require genetic testing. The Petitioner filed an amended RFO on December 16, 2025.

At the hearing on January 14, 2026, the court tentatively granted the RFO and ordered the Petitioner to submit a supplemental declaration on or before January 23, 2026, containing the specific details regarding the testing facility in order for the court to be able to draft an appropriate order. The court has received no new filings since the last hearing.

TENTATIVE RULING #2: THE PETITIONER'S APPEARANCE IS REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 28, 2026, IN DEPARTMENT 12 TO PROVIDE THE COURT WITH THE REQUIRED LABORATORY INFORMATION TO BE INCLUDED IN THE COURT'S ORDER REGARDING GENETIC TESTING.

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8:30 a.m.

3. TONI MORLEY V. VICTOR GUTIERREZ

25FL1225

This matter is before the court on the Request for Order (RFO) filed by the Petitioner on December 18, 2025, to require child support and spousal support retroactive to the date the petition for dissolution was filed (also December 18, 2025). Petitioner concurrently filed the required Income and Expense Declaration (I&E). Proof of service filed January 14, 2026, shows these documents, as well as the Notice of Tentative Ruling, were personally served upon the Respondent on December 31, 2025.

On January 26, 2026, Respondent filed an untimely Responsive Declaration and I&E, both of which were personally served upon the Petitioner on January 23, 2026, according to the proof of service filed January 26, 2026. The court has not considered Respondent's filings due to their untimeliness.

The only evidence of the Respondent's income (that is properly before the court) is contained in the Petitioner's I&E, which estimates the Respondent's gross monthly income to be \$6,000.00. The court will use this estimate for purposes of calculating Child Support and Spousal Support.

Attached to Petitioner's I&E are Petitioner's paystubs for the period covering September 27, 2025, through December 05, 2025. As of the pay period ending December 05, 2025, Petitioner's year-to-date (YTD) gross income was \$45,313.29. Thus, the court calculates Petitioner's gross monthly income as \$4,060.00 (rounded down) ($\$45,313.29 / 11.16 = \$4,060.33$).

Also, Petitioner's I&E identifies the following monthly deductions: (1) \$69.00 (rounded up) for 401k contributions (the court calculates this amount by using the YTD total of 401k contributions of $\$768.65 / 11.16 = \68.88); (2) \$17.00 (rounded up) for vision (YTD total of $\$188.00 / 11.16 = \16.85); and (3) \$23.00 (rounded up) for dental (YTD total of $\$254.00 / 11.16 = \22.76).

As shown in the attached XSpouse calculation printout, Respondent is ordered to pay Child Support to the Petitioner in the amount of \$1,064.00, and Spousal Support to the Petitioner in the amount of \$242.00 beginning January 01, 2026, and the first of each month thereafter until further order of the court. The court orders the Respondent to pay \$446.88 Child Support and \$101.64 Spousal Support for the month of December 2025 (42 percent of the monthly support amounts).

TENTATIVE RULING #3: THE RFO IS GRANTED IN PART. THE RESPONDENT IS ORDERED TO PAY CHILD SUPPORT TO THE PETITIONER IN THE AMOUNT OF \$1,064.00 AND SPOUSAL SUPPORT TO THE PETITIONER IN THE AMOUNT OF \$242.00 BEGINNING JANUARY 01, 2026, AND THE FIRST OF EACH MONTH THEREAFTER UNTIL FURTHER ORDER OF THE COURT. THE COURT ORDERS THE RESPONDENT TO PAY THE PETITIONER \$446.88 CHILD SUPPORT AND \$101.64 SPOUSAL SUPPORT FOR THE MONTH OF DECEMBER 2025 (42 PERCENT OF THE MONTHLY SUPPORT AMOUNTS).

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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	1	2026			
% time with NCP	14.00 %	0.00 %				
Filing status	SINGLE	HH/MLA	GUIDELINE	Comb. net spendable	8380	8407
# exemptions	1 *	2 *	Nets(adjusted)	Percent change	0%	0%
Wages+salary	6000	4060	Father	Father		
Self-employed income	0	0	Mother	Payment cost/benefit	-1106	-1055
Other taxable income	0	0	Total	Net spendable income	3569	3620
TANF+CS received	0	0	Support	Change from guideline	0	52
Other nontaxable income	0	0	Addons	% of combined spendable	43%	43%
New spouse income	0	0	Guideln CS	% of saving over guideline	0%	190%
401(k) employee contrib	0	69	Alameda SS	Total taxes	1316	1074
Adjustments to income	0	0	Total	Dep. exemption value	0	0
SS paid prev marriage	0	0	-	# withholding allowances	0	0
CS paid prev marriage	0	0		Net wage paycheck	4458	4458
Health insurance	0	40		Mother		
Other medical expense	0	0		Payment cost/benefit	1116	1091
Property tax expense	0	0		Net spendable income	4811	4787
Ded interest expense	0	0	Proposed	Change from guideline	0	-24
Charitable contributions	0	0	Tactic 9	% of combined spendable	57%	57%
Misc tax deductions	0	0	CS	% of saving over guideline	0%	-90%
Qual bus income ded	0	0	SS	Total taxes	324	539
Required union dues	0	0	Total	Dep. exemption value	0	0
Mandatory retirement	0	0		# withholding allowances	0	0
Hardship deduction	0 *	0 *	Saving	Net wage paycheck	3268	3268
Other GDL deductions	0	0	Releases			
Child care expenses	0	0	Released to Father			

Father pays Guideline CS, Guideline SS, Proposed CS, Proposed SS

FC 4055 checking: ON

Per Child Information	Timeshare	cce(F)	cce(M)	Addons	Payor	Basic CS	Payor	Pres CS	Payor
All children	14 - 86	0	0	0	Father	998	Father	998	Father
	14 - 86	0	0	0	Father	998	Father	998	Father