

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 12  
FEBRUARY 11, 2026  
8:30 a.m.

**1. ANNAYELLI TORRES HERRERA V. FRANCISCO VEGA ROMERO 23FL1215**

This action was filed on December 13, 2023. To date, there is no proof of service of summons on the Respondent in the court's file. Code of Civil Procedure section 583.420 authorizes the court to 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).)

On July 02, 2025, the court served the Petitioner notice of the two-year dismissal hearing (set for December 10, 2025) by mail. On December 08, 2025, the court issued an ex parte minute order continuing the December 10, 2025, hearing date to February 11, 2026. The ex parte minute order was served on the Petitioner that same day via mail.

Due to the lack of service of the summons, the court intends to dismiss the action without prejudice at the hearing.

**TENTATIVE RULING #1: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 583.420, THE COURT DISMISSES THE ACTION.**

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**2. ANTHONY ADAMS V. BETH ADAMS**

**25FL0799**

On January 15, 2026, the Respondent filed a motion for attorney fees and costs. Respondent concurrently submitted her Income and Expense Declaration (I&E). The court notes, however, that Respondent did not use the required Judicial Council form FL-300. (Cal. Rules Ct., Rules 5.427, subd. (b)(1)(A).)

On January 28, 2026, the Petitioner filed a Responsive Declaration objecting, in part, based on the Respondent's failure to use the required Judicial Council form FL-300. Proof of service, also filed January 28, 2026, shows the Responsive Declaration was electronically served upon Respondent's counsel that same day.

On January 29, 2026, the Respondent filed a reply, electronically served upon Petitioner's counsel that same day, according to the attached proof of service.

The RFO is denied without prejudice to being properly re-filed.

**TENTATIVE RULING #2: THE RFO IS DENIED 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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**3. JEFFREY STEVEN VANHEE V. ASHLEY NICHOLE VANHEE**

**25FL0526**

This matter is on calendar for hearing on two separate Requests for Order (RFO), both filed by the Respondent. The first RFO was filed on November 26, 2025, requesting spousal support and child support, specifically, that the court start the process of liquidating assets to ensure Petitioner's compliance with the court's support orders.

The second RFO was filed on January 12, 2026, wherein Respondent requests an order requiring Petitioner to use a car seat for the parties' child, HV (age 3). The RFO also includes a request for attorney's fees and costs, as well as Temporary Emergency Orders.

**A. RFO Filed November 26, 2025**

Proof of service filed December 04, 2025, shows the RFO and supporting documents were served upon Petitioner's counsel electronically that same day. Proof of Electronic service filed January 13, 2026, shows Respondent electronically served the court's Notice of Tentative Ruling. On January 13, 2026, the parties filed a stipulation to continue the January 14, 2026, hearing to February 04, 2026, due to injuries Petitioner's counsel sustained in a serious ski accident. The court granted the continuance.

On January 14, 2026, Respondent filed an updated Income and Expense Declaration (I&E), which was served upon the Petitioner by mail, according to the Proof of Service filed that day.

On January 29, 2026, Respondent's attorney filed a declaration regarding disputed service (the court notes that said declaration includes an unrelated case name in the caption of the pleading).

On February 04, 2026, the court, on its own motion and in the interest of judicial economy, continued the hearing once more to February 11, 2026, to be heard concurrently with Respondent's RFO filed January 12, 2026.

The court grants the Respondent's RFO filed November 26, 2025. The following assets shall be sold and the proceeds applied first to the Petitioner's child support arrears and thereafter to Petitioner's Spousal Support arrears:

- 1) 2011 Harley Davidson motorcycle;
- 2) Snowmobiles; and
- 3) Boat: 1988 SeaRay Sundowner.

Petitioner shall get prior approval from Respondent before agreeing to any purchase and shall provide documentation of advertisements, offers, and sale to counsel for the Respondent. Proceeds of sale shall be provided to counsel for Respondent.

The court reserves jurisdiction to time of trial to account for community funds being applied to Petitioner's separate child and spousal support obligations.

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The court denies without prejudice the portion of the RFO requesting that the Petitioner serve financial records alleged to have been due on July 02, 2025. The request does not make clear if what was due is Petitioner's Preliminary Disclosure or Responses to discovery Propounded by the Respondent. If the latter, there are no copies of discovery propounded or meet and confer letters attached as Exhibits to the motion as required for a motion to compel per rules of Discovery. If the former, there is no proof of Respondent's compliance with Preliminary Disclosure attached to the RFO as required.

B. RFO Filed January 12, 2026

On January 12, 2026, the court granted the request for Temporary Emergency Orders as follows: the court ordered that the Petitioner not drive the children or permit any other person(s) to drive the children unless the children are in an appropriate car seat for their age, weight, and height. Proof of service filed January 13, 2026, shows the RFO, supporting declaration, as well as the Temporary Emergency Orders, were electronically served upon Petitioner's counsel that same day.

On January 14, 2026, Respondent filed an updated Income and Expense Declaration (I&E), which was served upon the Petitioner by mail, according to the Proof of Service filed that day.

On January 29, 2026, Respondent's attorney filed a declaration regarding disputed service (the court notes that said declaration includes an unrelated case name in the caption of the pleading).

To date, Petitioner has filed no Responsive Declaration.

The court grants the order that the Petitioner not transport the parties' children (or allow others to do so) unless the children are in child safety seats appropriate for the children's age, weight, and height. The request for Attorney's fees is continued to time of trial.

**TENTATIVE RULING #3:**

**RFO FILED NOVEMBER 26, 2025: THE RFO IS GRANTED IN PART. THE FOLLOWING ASSETS SHALL BE SOLD AND THE PROCEEDS APPLIED FIRST TO THE PETITIONER'S CHILD SUPPORT ARREARS AND THEREAFTER TO PETITIONER'S SPOUSAL SUPPORT ARREARS: (1) 2011 HARLEY DAVIDSON MOTORCYCLE; (2) SNOWMOBILES; AND (3) BOAT: 1988 SEARAY SUNDOWNER. PETITIONER SHALL GET PRIOR APPROVAL FROM RESPONDENT BEFORE AGREEING TO ANY PURCHASE AND SHALL PROVIDE DOCUMENTATION OF ADVERTISEMENTS, OFFERS, AND SALE TO COUNSEL FOR THE RESPONDENT. PROCEEDS OF SALE SHALL BE PROVIDED TO COUNSEL FOR RESPONDENT. THE COURT RESERVES JURISDICTION TO TIME OF TRIAL TO ACCOUNT FOR COMMUNITY FUNDS BEING APPLIED TO PETITIONER'S SEPARATE CHILD AND SPOUSAL SUPPORT OBLIGATIONS. THE COURT DENIES WITHOUT**

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**PREJUDICE THE PORTION OF THE RFO REQUESTING THAT THE PETITIONER SERVE FINANCIAL RECORDS ALLEGED TO HAVE BEEN DUE ON JULY 02, 2025. THE COURT RESERVES JURISDICTION TO TIME OF TRIAL TO ACCOUNT FOR COMMUNITY FUNDS BEING APPLIED TO PETITIONER'S SEPARATE CHILD AND SPOUSAL SUPPORT OBLIGATIONS.**

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**RFO FILED JANUARY 12, 2026: THE COURT GRANTS THE ORDER THAT THE PETITIONER NOT TRANSPORT THE PARTIES' CHILDREN (OR ALLOW OTHERS TO DO SO) UNLESS THE CHILDREN ARE IN CHILD SAFETY SEATS APPROPRIATE FOR THE CHILDREN'S AGE, WEIGHT, AND HEIGHT. THE REQUEST FOR ATTORNEY'S FEES IS CONTINUED TO TIME OF TRIAL.**

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**4. 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. on 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.

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.

On January 27, 2026, Petitioner submitted an untimely Supplemental Declaration. That same day, Petitioner submitted Proof of Electronic Service, showing electronic service of her supplemental declaration on Respondent's counsel.

At the hearing on January 28, 2026, the court received oral argument from both parties. The court continued the matter to February 04, 2026, and ordered Petitioner to re-submit the declaration she filed on January 27, 2026, to Respondent's counsel. The court also ordered the parties to submit any additional supplemental declarations on or before the close of business on February 02, 2026.

On February 02, 2026, Petitioner and Respondent each filed an additional supplemental declaration, with proofs of service showing electronic service on the other party that same day.

The court has read the above referenced documents and reread the CCRC report submitted December 09, 2025. The court is rapidly reaching the conclusion (also reached by the CCRC counsellor) that the Respondent is interfering with the Petitioner's custody time and, while claiming to want the children to be in therapy, continues to disregard court orders regarding the process for selection of a therapist.

The court disbelieves the assertions of the Respondent that he played soccer with the boys for six hours on one day and 4.5 hours on another day while attempting to coax them to go to the Petitioner. The court also finds that the Respondent agrees to a therapist or a procedure for selection and then finds a basis to subsequently reject the agreed upon therapist. The court finds that the apparent change of heart of Kid's First Family's willingness to provide services as staff's reaction to the evident unwillingness of the

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Respondent to cooperate with them. This give and take is all the more frustrating because the CCRC report, in anticipation of MC's special needs, states: "It should be left at the discretion of [MC's] therapist to refer the family to a specialist who has experience and knowledge in working with Down syndrome." The intervention of the Respondent has only delayed the start of therapy, which is decidedly not in the children's best interests.

The court is enticed by Petitioner's request to start a week-on, week-off schedule, but continues to want the input of therapists to ensure that such a change will be in the best interest of the boys.

The court has reached the conclusion that, for the Petitioner to be able to exercise her parenting time, the exchanges need to take place, whenever possible, through the school. Therefore, the court changes the recommendation for the school year schedule of the Parenting Plan portion of the CCRC report to have Petitioner's parenting time begin on Friday pick-up from school (or 3:00 p.m. if there is no school) and run through Tuesday return to school (or 8:00 a.m. if there is no school). Respondent, therefore, has the boys from Tuesday pick-up from school until Friday morning drop-off at school.

The court has adopted the holiday schedule of the CCRC report though removing Memorial Day weekend (as not having been requested by either parent), removing each parent's birthday from the set schedule, and modifying the Spring Break to account for a two-week break.

The court orders that the parties begin the children's therapy with Kid's First Family and cooperate with the directives of the therapist. However, the court notes that the above quoted language of the CCRC report is adopted as an order of the court.

The court orders that the parents begin coparent counselling with Beverly Paschal.

The court finds that the above changes are in the best interests of the children as are the balance of the Agreements and Recommendations of the CCRC Report. For which reason, the court orders that the amended CCRC Report is adopted as the orders of the court.

The court sets a review hearing for a progress report and possible shift to a week-on/week-off schedule. The review is set for June 24, 2026, at 8:30 a.m. in Department 12. If a week-on/week-off schedule is reported by the children's therapist as a suitable choice, the court will want to implement it over Summer, so it has been in place for a suitable period prior to the start of the next school year. Supplemental declarations are ordered to be filed and served by June 14, 2026. The court will issue a Tentative Ruling on June 23, 2026.

**TENTATIVE RULING #4: THE COURT ORDERS THAT THE CCRC REPORT, AS AMENDED HEREIN, IS ADOPTED AS THE ORDERS OF THE COURT. THE PARTIES ARE ORDERED TO BEGIN COPARENT COUNSELLING WITH BEVERLY PASCHAL. THE COURT SETS A REVIEW HEARING FOR 8:30 A.M., WEDNESDAY, JUNE 24, 2026, IN DEPARTMENT 12 AT WHICH TIME, THE COURT WILL CONSIDER A POSSIBLE SHIFT TO A WEEK-ON,**

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**WEEK-OFF SCHEDULE. SUPPLEMENTAL DECLARATIONS SHALL BE FILED AND SERVED BY JUNE 14, 2026.**

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**5. WILFRIDO HERNANDEZ BAUTISTA V. JOANNA T. ROJAS**

**23FL1226**

This matter is before the court on the Request for Order (RFO) filed by the Respondent on December 11, 2025, to modify child custody and visitation. The filing of the RFO prompted the court to refer the parties to a CCRC session set for December 29, 2025.

Proof of service filed February 03, 2026, states the RFO was personally served upon Petitioner on “1/30/25.” It appears that the proof of service inadvertently stated service was made in 2025, instead of 2026. Assuming that the RFO was personally served on January 30, 2026, this would be untimely service, as notice must be served at least 16 court days before the hearing. (Code Civ. Proc., § 1005, subd. (b).) Additionally, it would not have provided Petitioner prior notice of the December 29, 2025, CCRC session.

The court is in receipt of a “One Parent” report from the CCRC counsellor dated December 29, 2025, stating that only the Respondent appeared for the CCRC session. For this reason, the CCRC counsellor could not make any recommendation. Copies of the report were mailed to both parties that same day, per the Clerk’s Certificate of Mailing.

**TENTATIVE RULING #5: RESPONDENT’S APPEARANCE IS REQUIRED AT 8:30 A.M., WEDNESDAY, FEBRUARY 11, 2026, IN DEPARTMENT 12 FOR POTENTIAL RE-REFERRAL TO CCRC.**