

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
MARCH 25, 2026
8:30 a.m.

1. ANTHONY ADAMS V. BETH ADAMS

25FL0799

This matter is before the court for hearing of the Request for Order (RFO) filed by the Respondent on February 11, 2026, seeking an award of attorney fees in the amount of \$6,937.50 pursuant to Family Code section 2030 (need based). To date, there is no proof of service for the RFO in the court's file.

Nonetheless, on February 20, 2026, the Petitioner filed a Responsive Declaration and supporting declaration, both of which were electronically served upon the Respondent's attorney that same day according to the proof of service, also filed February 20, 2026. Based on the filing of the Petitioner's response, the court deems the Petitioner to have waived any defect in service of process.

On March 04, 2026, the Respondent filed a reply, which was electronically served upon the Petitioner's attorney that same day according to the proof of service, also filed March 04, 2026. Respondent objects to Petitioner's response on the grounds that it contains confidential settlement negotiations, in violation of Evidence Code section 1152. That section provides in relevant part: "Evidence that a person has, in compromise..., furnished or offered or promised to furnish money... to another who has sustained or will sustain or claims that he or she has sustained or will sustain loss or damage, as well as any conduct or statements made in negotiation thereof, is inadmissible to prove his or her liability for the loss or damage or any part of it." (Evid. Code, § 1152, subd. (a).) The instant request, however, is for a need-based award of attorney fees, as opposed to a substantive request related to dissolution of the marriage. The level of counsel's cooperation and litigiousness is relevant to a consideration of a request for attorney fees, even when the request is based on need, as opposed to a request for fees as a sanction. Therefore, the court overrules the objection.

A trial court must ensure each party has access to legal representation "by ordering, if necessary based on the income and needs assessments, one party ... to pay the other party ... whatever amount is reasonably necessary for attorney's fees." (Fam. Code, § 2030, subd. (a)(1).) If fees are sought, the court must find whether an award "is appropriate, whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." (Id., subd. (a)(2).) "If the findings demonstrate disparity in access and ability to pay, the court shall make an order awarding attorney's fees and costs." (*Ibid.*)

The court finds that an award to Respondent based on need is appropriate in this case. As relevant here, the Petitioner's most recent Income and Expense Declaration (I&E), filed November 18, 2025, shows the Petitioner has \$42,324.00 cash in a deposit account. Therefore, the court will award the Respondent attorney fees payable by the Petitioner in the amount of \$3,500 without prejudice to further request(s) as the matter proceeds.

TENTATIVE RULING #1: THE RFO IS GRANTED IN PART. PURSUANT TO FAMILY CODE SECTION 2030, THE COURT AWARDS THE RESPONDENT ATTORNEY FEES

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PAYABLE BY THE PETITIONER IN THE AMOUNT OF \$3,500 WITHOUT PREJUDICE TO FURTHER REQUEST(S) AS THE MATTER PROCEEDS.

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2. CAROLINA L. CUMPA V. KELVIN MONTEZA

25FL0645

This matter is before the court on the Request for Order (RFO) filed by the Petitioner on January 22, 2026, to modify child support retroactive to the date of filing the RFO. The court, on its own motion, continued the matter from March 04, 2026, to allow the Petitioner additional time to submit a signed Income and Expense Declaration (I&E), and thereafter, allow the Respondent an opportunity to respond. The court ordered the Petitioner to file and serve the signed I&E on or before March 11, 2026; and the Respondent to file and serve his Responsive Declaration and I&E on or before March 20, 2026.

It appears that the court incorrectly determined that the Petitioner did not sign her I&E under the penalty of perjury. The court has reviewed and considered the I&E, which indicates that the Petitioner became unemployed on November 16, 2025.

On March 20, 2026, the Respondent filed his current I&E. The Respondent states he started a new job at Pyramid Investment LLC on January 01, 2026. Attached to Respondent's I&E are paystubs from (1) his previous employer, Lake Tahoe Aleworx LLC (which the court does not consider because the Respondent stopped working for this employer at the end of December 2025); and (2) Pyramid Investment LLC, covering the period of January 01, 2026, through February 15, 2026, and showing gross earnings of \$3,565.78. Therefore, the Respondent's current gross monthly income is approximately \$2,315.00 (rounded down from \$2,315.44).

The current child custody and visitation order is contained in the court's minute order issued September 24, 2025: Petitioner shall have primary custody of the minor children; and Respondent shall have visitation with the minor children every Friday from 5:00 p.m. to Saturday at 2:00 p.m. and on Sundays from 6:30 a.m. to 2:00 p.m. Therefore, for purposes of child support, the Respondent's child custody share is 17 percent, rounded up (28.5 hours / 168 hours in a week = 16.9 percent).

As shown in the attached XSpouse calculation printout, Respondent is ordered to pay Child Support to the Petitioner in the amount of \$590.00 beginning February 01, 2026, and the first of each month thereafter until further order of the court. The court orders the Respondent to pay \$188.80 Child Support for the month of January 2026 (32 percent of the monthly support amount).

TENTATIVE RULING #2: THE RFO IS GRANTED. THE RESPONDENT IS ORDERED TO PAY CHILD SUPPORT TO THE PETITIONER IN THE AMOUNT OF \$590.00 BEGINNING FEBRUARY 01, 2026, AND THE FIRST OF EACH MONTH THEREAFTER UNTIL FURTHER ORDER OF THE COURT. THE COURT ORDERS THE RESPONDENT TO PAY \$188.80 CHILD SUPPORT FOR THE MONTH OF JANUARY 2026 (32 PERCENT OF THE MONTHLY SUPPORT AMOUNT).

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Fixed Shares	Father	Mother	Monthly figures	Cash Flow	Guideline	Proposed
#of children	0	2	2026		2016	2397
% time with NCP	17.00 %	0.00 %				
Filing status	SINGLE	HH/MLA	GUIDELINE	Comb. net spendable	0%	19%
# exemptions	1 *	3 *	Nets(adjusted)	Father		
Wages+salary	2315	0	Father	2016		
Self-employed income	0	0	Mother	0	-1038	-867
Other taxable income	0	0	Total	2016	969	1140
TANF+CS received	0	0	Support		0	171
Other nontaxable income	0	0	Addons	0	48%	48%
New spouse income	0	0	Guideln CS	590	0%	45%
401(k) employee contrib	0	0	Alameda SS	457	Total taxes	299
Adjustments to income	0	0	Total	1047	Dep. exemption value	0
SS paid prev marriage	0	0	CS range: 404-590		# withholding allowances	0
CS paid prev marriage	0	0			Net wage paycheck	1888
Health insurance	0	0			Mother	
Other medical expense	0	0			Payment cost/benefit	1047
Property tax expense	0	0			Net spendable income	1047
Ded interest expense	0	0	Proposed		Change from guideline	0
Charitable contributions	0	0	Tactic 9		% of combined spendable	52%
Misc tax deductions	0	0	CS	722	% of saving over guideline	0%
Qual bus income ded	0	0	SS	534	Total taxes	0
Required union dues	0	0	Total	1256	Dep. exemption value	0
Mandatory retirement	0	0			# withholding allowances	0
Hardship deduction	0 *	0 *	Saving	380	Net wage paycheck	0
Other GDL deductions	0	0	Releases	2		0
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	17 - 83	0	0	0	Father	590	Father	590	Father
	17 - 83	0	0	0	Father	221	Father	221	Father
	17 - 83	0	0	0	Father	369	Father	369	Father

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3. CORA GRAHAM V. GARY GRAHAM

24FL0400

This matter is before the court for a Trial Setting Conference, as requested by the Respondent on February 24, 2026. The issues to be addressed at trial include: child custody and visitation, support, and division of property.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MARCH 25, 2026, IN DEPARTMENT 12 TO SET TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.

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4. DUSTIN NUNNERY V. SUZANA NUNNERY

25FL0486

This matter is before the court for: (1) a Trial Setting Conference, as requested by the Petitioner on January 29, 2026; and (2) hearing on the Request for Order (RFO) filed by the Respondent on February 11, 2026, regarding property control (residence located at 857 Mule Deer Circle, South Lake Tahoe, California).

Trial Setting Conference

The issues to be addressed at trial include: child custody, as well as child and spousal support.

RFO Re: Property Control

Proof of service filed March 17, 2026, shows the RFO (but not the court's Notice of Tentative Ruling) was electronically served upon the Petitioner's attorney on February 13, 2026.

To date, the Petitioner has filed no Responsive Declaration. It is unclear to the court whether the Petitioner does not oppose the RFO or takes the position that the issue should be deferred to the time of trial.

The RFO being properly before the court and good cause appearing, the court's tentative ruling is to grant the RFO.

TENTATIVE RULING #4:

TRIAL SETTING CONFERENCE: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MARCH 25, 2026, IN DEPARTMENT 12 TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.

RFO RE: PROPERTY CONTROL: THE COURT TENTATIVELY GRANTS THE RFO. BECAUSE THERE IS NO PROOF OF SERVICE FOR THE COURT'S NOTICE OF TENTATIVE RULING IN THE COURT'S FILE, THE COURT WILL NOT LIMIT THE PARTIES' ABILITY TO PRESENT ORAL ARGUMENT UNDER LOCAL COURT RULE 8.05.07 (GENERALLY REQUIRING A TIMELY ORAL ARGUMENT REQUEST, AS WELL AS NOTICE UPON THE OTHER PARTY, ON THE DAY THE TENTATIVE RULING IS ISSUED).

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5. JEFFREY O'NEIL V. MELISSA PEREIRA

SFL20170221

This matter is on calendar for review following the hearing on October 15, 2025, related to the Petitioner's Request for Order (filed July 17, 2025) to modify child custody and visitation. The court ordered counsel for the parties' child, JP (age 9) to submit a report on or before March 11, 2026; and ordered the parties to file any supplemental declarations on or before March 18, 2026.¹

On March 10, 2026, Minor's Counsel submitted a minor's counsel report, which was electronically served upon both parties that same day, according to the proofs of service, one filed March 10, 2026, and the other filed March 11, 2026.

Counsel for the Respondent filed two separate supplemental declarations. The first supplemental declaration was timely filed on March 18, 2026; however, there is no proof of service. The second supplemental declaration was untimely filed on March 19, 2026. Due to the noted defects, the court does not consider either of these supplemental declarations.

On March 19, 2026, the Petitioner filed an untimely supplemental declaration. Therefore, the court does not consider it.

The court intends to adopt the recommendation of Minor's Counsel for the reasons set forth in Minor's Counsel's report and leave all existing orders in effect because they are in the best interests of the parties' child.

TENTATIVE RULING #5: THE COURT INTENDS TO ADOPT THE RECOMMENDATION OF MINOR'S COUNSEL FOR THE REASONS SET FORTH IN MINOR'S COUNSEL'S REPORT AND LEAVE ALL EXISTING ORDERS IN EFFECT BECAUSE THEY ARE IN THE BEST INTERESTS OF THE PARTIES' CHILD.

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¹ Although these deadlines are not expressly stated in the court's October 15, 2025, minute order, the court did review the audio recording of the October 15, 2025, hearing and confirms that it adopted "Bullet Points Number 6 and 7" of the tentative ruling. Bullet Point Number 7 states: "A report from Minor's counsel is to be filed no later than March 11, 2025 [sic], and Supplemental Declarations from the parties are to be filed and served no later than March 18, 2025 [sic]." The court made a hand-written correction to the March 18 deadline on the tentative ruling, indicating that supplemental declarations were due March 18, 2026.

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**THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL
RULE 8.05.07.**

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6. PAUL SEMONIAN V. JENNINA CHIAVETTA

25FL0459

This matter is before the court for a Trial Setting Conference, as requested by the Respondent on February 25, 2026. The sole issue to be addressed at trial is property division.

The court notes that a status-only judgment was granted on February 25, 2026; however, the proposed judgment submitted to the court on March 17, 2026, was rejected. Since then, no additional proposed judgment has been submitted to the court.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MARCH 25, 2026, IN DEPARTMENT TO SET TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.

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7. WILFRIDO HERNANDEZ BAUTISTA V. JOANNA T. ROJAS

23FL1226

This matter is before the court on the Request for Order (RFO) filed by the Respondent to modify child custody and visitation. The original RFO was filed on December 11, 2025; and a hearing date was set for February 11, 2026. The filing of the RFO prompted the court to refer the parties to a CCRC session set for December 29, 2025.

Proof of service for the original RFO (and CCRC referral) was not filed until February 03, 2026, and appeared to indicate untimely service on January 30, 2026.

The court received a "One Parent" report dated December 29, 2025, indicating that only the Respondent appeared for the CCRC session, for which reason, the CCRC counsellor was unable to make any recommendations to the court.

At the hearing on February 11, 2026, the court granted the Respondent's request to continue the matter to March 25, 2026, to correct the service issue.

Later on February 11, 2026, the Respondent filed an updated RFO to modify child custody and visitation. Proof of service filed March 11, 2026, shows the updated RFO was personally served upon the Petitioner on March 09, 2026 (12 court days before the March 25, 2026, hearing), which is untimely under Code of Civil Procedure section 1005, subdivision (b), which requires 16 court days' notice. (Code Civ. Proc., § 1005, subd. (b).)

The court intends to drop the matter from the calendar due to the untimely service.

TENTATIVE RULING #7: MATTER IS DROPPED FROM THE CALENDAR DUE TO UNTIMELY SERVICE.

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8. WILLIAM SPICER V. DAJUAN COFIELD

25CV2421

**TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, MARCH 25, 2026, IN DEPARTMENT 12 TO SELECT A NEW HEARING DATE.**