

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 09, 2026
8:30 a.m.

1. ANDREW EAMES V. KATIE ROGERS

SFL20210104

This matter is before the court for a five-year dismissal hearing pursuant to Code of Civil Procedure section 583.310, which provides, “[a]n action shall be brought to trial within five years after the action is commenced against the defendant.” (Code Civ. Proc., § 583.310.) The action was filed on July 22, 2021.

On August 05, 2026, the court mailed notice of this hearing to Petitioner at his address on file with the court. However, the notice was returned undeliverable.

The court intends to dismiss the action pursuant to Code of Civil Procedure section 583.310.

TENTATIVE RULING #1: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 583.310, THE COURT DISMISSES THE ACTION 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.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 09, 2026
8:30 a.m.

2. COLLEEN SIDEY V. BRYAN YERIAN

22FL0437

This matter is before the court for hearing of two separate Requests for Order (RFO). The first RFO was filed by the Respondent on July 28, 2026, to modify child support. The second RFO was filed by the Petitioner on August 24, 2026, to require Respondent to provide necessary documents to prepare the Qualified Domestic Relations Order (QDRO).

Respondent's RFO Filed July 28, 2026

Respondent concurrently filed with his RFO a current Income and Expense Declaration (I&E). Proof of service filed September 02, 2026, shows the RFO and I&E were electronically served upon Petitioner on July 28, 2026.

On August 24, 2026, Petitioner filed a Responsive Declaration and I&E, copies of which were electronically served upon Respondent that same day per the proof of service, also filed August 24, 2026.

Respondent has a zero percent custody timeshare of the minor child. As of December 31, 2025, he has been unemployed. However, as Petitioner points out in her Responsive Declaration, Respondent received a \$95,000 severance payment. Respondent's I&E does not indicate how much he earned at his most recent job. Without additional information, the court finds that Respondent's current gross monthly income is \$7,917 ($\$95,000 / 12 \text{ months} = \$7,916.66$, the court rounds up to the nearest dollar).

Petitioner declares her current gross monthly income is \$4,100. As shown in the attachment to her I&E submitted August 24, 2026, she earned \$4,293.75 the previous month. Petitioner also declares she has a monthly expense of \$51.00 (rounded up to the nearest dollar from \$50.49) for health insurance.

As shown in the attached XSpouse calculation printout, Respondent is ordered to pay Child Support to the Petitioner in the amount of \$1,458.00 beginning August 01, 2026, and the first of each month thereafter until further order of the court.

Petitioner's RFO Filed August 24, 2026

Petitioner's RFO included a request for order shortening time. On August 24, 2026, the court granted the request, ordering Petitioner to serve the RFO on or before August 28, 2026, and ordering Respondent to file and serve a Responsive Declaration on or before September 02, 2026. To date, there is no proof of service of the RFO in the court's file. Due to the lack of service, the matter is dropped from the calendar.

TENTATIVE RULING #2:

RESPONDENT'S RFO FILED JULY 28, 2026: THE RFO IS GRANTED. RESPONDENT IS ORDERED TO PAY CHILD SUPPORT TO THE PETITIONER IN THE AMOUNT OF

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 09, 2026
8:30 a.m.

\$1,458.00 BEGINNING AUGUST 01, 2026, AND THE FIRST OF EACH MONTH THEREAFTER UNTIL FURTHER ORDER OF THE COURT.

PETITIONER'S RFO FILED AUGUST 24, 2026: DUE TO THE LACK OF SERVICE, MATTER IS DROPPED FROM THE CALENDAR.

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	0.00 %	0.00 %				
Filing status	SINGLE	HH/MLA	GUIDELINE	Comb. net spendable	9507	9528
# exemptions	1 *	2 *	Nets(adjusted)	Percent change	0%	0%
Wages+salary	7917	4100	Father	Father		
Self-employed income	0	0	Mother	Payment cost/benefit	-1886	-1838
Other taxable income	0	0	Total	Net spendable income	3946	3994
TANF+CS received	0	0	Support	Change from guideline	0	48
Other nontaxable income	0	0	Addons	% of combined spendable	42%	42%
New spouse income	0	0	Guideln CS	% of saving over guideline	0%	233%
401(k) employee contrib	0	0	Alameda SS	Total taxes	2086	1862
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	5610	5610
Health insurance	0	51		Mother		
Other medical expense	0	0		Payment cost/benefit	1886	1858
Property tax expense	0	0		Net spendable income	5562	5534
Ded interest expense	0	0	Proposed	Change from guideline	0	-28
Charitable contributions	0	0	Tactic 9	% of combined spendable	58%	58%
Misc tax deductions	0	0	CS	% of saving over guideline	0%	-133%
Qual bus income ded	0	0	SS	Total taxes	373	577
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	3377	3377
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	0 - 100	0	0	0	Father	1458	Father	1458	Father
	0 - 100	0	0	0	Father	1458	Father	1458	Father

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 09, 2026
8:30 a.m.

3. DAVID SMITH V. CYNTHIA SMITH

22FL0136

This matter is before the court for hearing of the Request for Order (RFO) filed by the Petitioner on July 29, 2026, to compel Respondent's required disclosures under Family Code sections 2104 and 2105.

To date, there is no proof of service of the RFO in the court's file. Respondent filed no Responsive Declaration.

TENTATIVE RULING #3: MATTER IS DROPPED FROM THE CALENDAR DUE TO THE LACK OF SERVICE.

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.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 09, 2026
8:30 a.m.

4. JENNIFER MARGARET GOLDSTEIN V. MARK ALAN GOLDSTEIN 24FL0900

This action was filed on August 29, 2024. To date, there is no proof of service of summons on Respondent in the court's file. 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).)

On March 06, 2026, the court mailed the Petitioner notice of this two-year dismissal hearing.

Pursuant to Code of Civil Procedure section 583.420, the court dismisses the action without prejudice.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 09, 2026
8:30 a.m.

5. MATTHEW MCGARRY V. ALLY HOFFMAN

25FL1256

This matter is before the court for hearing of two separate Requests for Orders (RFO), one filed by the Petitioner on July 29, 2026, and the other filed by the Respondent on September 04, 2026.

Petitioner's RFO Filed July 29, 2026

On July 29, 2026, Petitioner filed an RFO to modify child custody and visitation, as well as child support, for the parties' minor child, MH (age 11 months).¹ The court did not refer the parties to CCRC because the previous CCRC report was issued within the past six months on April 17, 2026. (Local Ct. R. 8.10.01.) Petitioner concurrently filed with his RFO a current Income and Expense Declaration (I&E).

Proof of service filed August 26, 2026, shows the RFO and I&E were both personally served upon Respondent that same day. This is untimely service because it provides only nine court days' notice. Code of Civil Procedure section 1005 requires 16 court days' notice.

Nonetheless, both Respondent and the Department of Child Support Services (DCSS) filed responsive pleadings. Based on these filings, the court deems the parties to have waived any defect in service of the RFO.

On August 28, 2026, DCSS filed two separate Responsive Declarations, both indicating that DCSS is providing child support enforcement services in this case, and both requesting that the issue of child support be continued to the court's DCSS calendar (third Monday of each month) following resolution of the child custody and visitation issues. Proof of service filed September 03, 2026, shows the Responsive Declaration was served upon both parties via mail on September 02, 2026.

On September 01, 2026, Respondent filed a Responsive Declaration and current I&E, copies of which were personally served upon Respondent that same day per the proof of service, also filed September 01, 2026.

On September 03, 2026, Respondent filed an ex parte application for temporary emergency orders, which the court granted on September 04, 2026, as follows: Respondent shall have sole temporary physical custody and Petitioner's visitation is suspended until further order of the court.

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¹ Petitioner filed his RFO shortly after the court issued custody and visitation orders on July 22, 2026, at which time, the court also set a review hearing for October 14, 2026, which remains on calendar.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
SEPTEMBER 09, 2026
8:30 a.m.

Respondent's RFO Filed September 04, 2026

On September 04, 2026, Respondent filed an RFO seeking to permanently suspend Petitioner's visitation. The RFO included a request for order shortening time, which the court granted, so that the issue may be heard concurrently with Petitioner's RFO filed July 29, 2026. The court ordered Respondent to serve the RFO no later than September 08, 2026. The court also ordered that the Temporary Emergency Orders issued September 04, 2026 (discussed above in the previous section herein) apply to this proceeding and must be served with Respondent's RFO.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, SEPTEMBER 09, 2026, IN DEPARTMENT 12 FOR ORAL ARGUMENT REGARDING TEMPORARY VISITATION FOR PETITIONER PENDING THE REVIEW HEARING SET FOR 8:30 A.M., WEDNESDAY, OCTOBER 14, 2026, IN DEPARTMENT 12 AND FOR POSSIBLE RE-REFERRAL TO CCRC.