

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
February 29, 2024
8:30 a.m./1:30 p.m.

1 & 6. JOSHUA MILLER V. ALLISON MILLER

23FL0689/23FL0464

On May 22, 2023, Respondent filed for a Domestic Violence Restraining Order (DVRO) under case number 23FL0464. On July 21st, the court granted the restraining order and reserved on the request for spousal support, child support and attorney's fees. These issues were set to be heard on November 30, 2023 and the parties were ordered to file Income and Expense Declarations 10 days prior to the hearing date. Respondent filed her Income and Expense Declaration on September 7th, however Petitioner failed to file his.

At the November 30th hearing the court once again continued the issues of support and attorney's fees, this time they were continued to the present date. Both parties were once again ordered to file updated Income and Expense Declarations no later than 10 days prior to the hearing date. Additionally, Respondent was ordered to file a declaration regarding the amount of attorney's fees she is requesting and provide evidence thereof. The court reserved jurisdiction to modify support back to May 22, 2024.

There have been no filings since the November 30th hearing date therefore, Respondent's requests for spousal support and child support are denied. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); *See also* Cal. Fam. Code §2100. "'Current' means the form has been completed within the past three months providing no facts have changed." Cal. Rule Ct. 5.260(3). Respondent failed to file an Income and Expense Declaration as ordered by the court and the one on file is out of date. For these reasons, the requests for child and spousal support are denied.

Respondent's request for attorney's fees is likewise denied. Family Code § 6344 requires the opposing party to be provided notice of the attorney's fees request. Respondent has not provided the court with the amount of fees she is seeking nor any documentation to support her claim that such fees were actually incurred. As such, the request is denied.

TENTATIVE RULING #1 & 6: RESPONDENT'S REQUESTS FOR SPOUSAL SUPPORT, CHILD SUPPORT, AND ATTORNEY'S FEES ARE DENIED.

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2. AMANDA YOUNG V. CHRISTOPHER YOUNG

PFL20190149

On December 5, 2023, Petitioner filed a Request for Order (RFO) seeking to modify the Wednesday exchange location. The RFO was mail served to Respondent's attorney the same day. This is a post-judgment request for modification and therefore is to comply with the service requirements of Family Code Section 215. Because it was mail served and because it was sent to the opposing party's attorney, instead of being personally served on him directly, service is improper and therefore, the matter is dropped from calendar for lack of proper service.

TENTATIVE RULING #2: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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3. ASHLEY SHENEFIELD V. SEAN AGUILAR

PFL20140027

On December 8, 2023, Petitioner filed an ex parte application for emergency orders, requesting the court order the minors not to be removed from California, joint physical custody, for Respondent's visits to be supervised, contempt, as well as to be referred to Child Custody Recommending Counseling (CCRC). Petitioner concurrently filed an Order to Show Cause and Affidavit for Contempt (OSC).

On December 11, 2023, the court denied Petitioner's ex parte application, except for the orders that the minors not be removed from the state of California. The court ordered the parties to attend CCRC and set a review hearing date of February 29, 2024. The court admonished Respondent that all prior orders remained in full force and effect. Petitioner filed a Request for Order (RFO) on December 11, 2023, making the same requests as set forth in her ex parte application.

Upon review of the court file, there is no Proof of Service for either the December 11, 2023 filed RFO or the December 8, 2023 filed OSC. Therefore, the court drops both matters from calendar.

Respondent filed an ex parte application for emergency custody orders on December 11, 2023. Respondent requested the court order the minors to remain in therapy, the court terminate Petitioner's parenting time, Petitioner to undergo a psychological evaluation, and to reappoint minors' counsel.

On December 12, 2023, the court denied the request to terminate Petitioner's parenting time but granted the request for the minors to remain in therapy, and reappointed Minors' Counsel Sarah Kukuruzza. The court denied all other requests and reaffirmed the prior CCRC and review hearing dates. Respondent filed a RFO on December 12, 2023, making the same requests as set forth in the ex parte application.

Upon review of the court file, there is no Proof of Service showing Petitioner was served with the ex parte orders or the RFO. There is also no indication Minors' Counsel was provided notice of the appointment by the court.

Petitioner filed a second ex parte application on December 18, 2023, requesting temporary sole legal and physical custody of the minors, that Respondent be held in contempt, and that Respondent be deemed a vexatious litigant. Petitioner also filed a Declaration contemporaneously with the ex parte application.

On December 19, 2023, the court denied Petitioner's ex parte requests. The court affirmed the prior set CCRC appointment and review hearing. The court again admonished

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Respondent that all prior orders remain in full force and effect. Petitioner filed a RFO on December 19, 2023, making the same requests as set forth in the ex parte application.

Upon review of the court file, there is no Proof of Service showing Respondent was served with the ex parte orders or the RFO filed on December 19, 2023. Therefore, the court drops Petitioner's December 19, 2023 filed RFO from calendar.

Both parties and the minors participated in the CCRC appointment on January 12, 2024. The parties were able to reach two agreements. A report with the parties' agreements and further recommendations was filed on January 19, 2024. Copies were mailed to the parties the same day.

Respondent filed a Declaration regarding the CCRC report, which the court deems to be a Reply Declaration, on February 22, 2024. Petitioner was served electronically on February 22, 2024. Respondent renews the requests as set forth in his December 12, 2023 RFO. Respondent asserts Petitioner's motivation for custody is to obtain child support. Respondent further asserts Petitioner has misled the court as well as DCSS and the CCRC counselor. Respondent objects to the recommendation that the parties participate in co-parenting counseling.

As of this writing, the court has not received a Reply from Petitioner. Additionally, the court has not received a Statement of Issues and Contentions from Minors' Counsel.

The court finds good cause to proceed with Respondent's December 12, 2023 filed RFO, as both parties and the minors appeared and participated in CCRC. It, therefore, appears, Petitioner is aware of the requested orders. Additionally, Petitioner has been properly served with Respondent's Reply Declaration, which reiterated the requests of the RFO.

The court orders parties to appear for the hearing.

TENTATIVE RULING #3: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON RESPONDENT'S DECEMBER 12, 2023 FILED RFO.

THE COURT DROPS PETITIONER'S DECEMBER 8, 2023 FILED OSC FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

THE COURT DROPS PETITIONER'S DECEMBER 11, 2023 FILED RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

THE COURT DROPS PETITIONER'S DECEMBER 19, 2023 FILED RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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4. ESPERANZA WOOLEVER V. CHRISTOPHER WOOLEVER

PFL20180325

Respondent filed a Request for Order (RFO) on December 1, 2023, requesting the court order guideline child support. Respondent concurrently filed an Income and Expense Declaration. Petitioner was served by mail on December 4, 2023. Respondent is requesting guideline child support and currently has temporary sole legal and physical custody of the parties four minors.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on February 15, 2024. The Responsive Declaration to Request for Order was filed late pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made February 14th the last day for filing the responsive declaration (Monday February 19th was a court holiday). The court can consider Petitioner’s Income and Expense Declaration. Local rule 8.03.01 states, in pertinent part, that the party responding to a request for support must file an Income and Expense Declaration with his or her responsive documents or, if the responsive papers are not filed, no less than 5 days prior to the hearing date. El Dorado Sup. Ct. Rule 8.03.01.

Respondent filed an Income and Expense Declaration on February 16, 2024. Petitioner was served the same day.

Respondent filed a Reply Declaration on February 21, 2024, which address the issues raised in Petitioner’s Responsive Declaration. Petitioner was served the Reply Declaration on February 20, 2024, electronically. Respondent does not raise an objection to the timeliness of Petitioner's filing. Therefore, the court deems the issue to be waived, and has therefore, considered Petitioner’s Responsive Declaration.

Utilizing Petitioner’s February 15, 2024 and Respondent’s February 16, 2024 filed Income and Expense Declarations, the court finds guideline child support to be \$2,763 per month payable from Petitioner to Respondent. (See attached DissoMaster.) The court orders Petitioner to pay Respondent \$2,763 per month as and for guideline child support effective February 1, 2024. The court declines to make the order retroactive o December 1, 2023, as the court finds Petitioner had no income for the month of December or January and started receiving disability benefits in February. Payments are due on the firth of each month, until further order of the court or termination by operation of law. The court reserves jurisdiction to retroactive modify support to February 1, 2024.

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The court finds this order results in an arrears balance of \$2,763 for the month of February. The court orders Petitioner to pay Respondent \$921 per month as and for arrears effective March 15, 2024, and due on the 15th of each month until paid in full (approximately 3 months). If there is any missed or late payment, the full amount is due with legal interest.

The parties are to share in the costs of the agreed upon minors' extracurricular activities equally. The parties are share the costs of uncovered medical expenses equally.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #4: THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$2,763 PER MONTH PAYABLE FROM PETITIONER TO RESPONDENT. (SEE ATTACHED DISSOMASTER.) THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$2,763 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE FEBRUARY 1, 2024. THE COURT DECLINES TO MAKE THE ORDER RETROACTIVE O DECEMBER 1, 2023, AS THE COURT FINDS PETITIONER HAD NO INCOME FOR THE MONTH OF DECEMBER OR JANUARY AND STARTED RECEIVING DISABILITY BENEFITS IN FEBRUARY. PAYMENTS ARE DUE ON THE FIRTH OF EACH MONTH, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT RESERVES JURISDICTION TO RETROACTIVE MODIFY SUPPORT TO FEBRUARY 1, 2024. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$2,763 FOR THE MONTH OF FEBRUARY. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$921 PER MONTH AS AN FOR ARREARS EFFECTIVE MARCH 15, 2024 AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 3 MONTHS). IF THERE IS ANY MISSED OR LATE PAYMENT, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. THE PARTIES ARE TO SHARE IN THE COSTS OF THE AGREED UPON MINORS' EXTRACURRICULAR ACTIVITIES EQUALLY. THE PARTIES ARE SHARE THE COSTS OF UNCOVERED MEDICAL EXPENSES EQUALLY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	4	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	1%	Father	8,035	Payment (cost)/benefit	2,763 (2,763)
Filing status	HH/MLA	<-MFS	Mother	7,020	Net spendable income	10,798 4,257
# Federal exemptions	5*	1*	Total	15,055	% combined spendable	71.7% 28.3%
Wages + salary	4,675	0	Support		Total taxes	(114) 0
401(k) employee contrib	0	0	CS Payor	Mother	Comb. net spendable	15,055
Self-employment income	0	0	Presumed	(2,763)	Proposed	
Other taxable income	0	0	Basic CS	(2,763)	Payment (cost)/benefit	2,763 (2,763)
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	10,798 4,257
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 2	(352)	% combined spendable	71.7% 28.3%
Ordinary dividends	0	0	Child 3	(472)	% of saving over gdl	0% 0%
Tax. interest received	0	0	Child 4	(722)	Total taxes	(114) 0
Social Security received	0	0	Child 5	(1,217)	Comb. net spendable	15,055
Unemployment compensation	0	0	Spousal support	blocked	Percent change	0.0%
Operating losses	0	0	Total	(2,763)	Default Case Settings	
Ca. operating loss adj.	0	0	Proposed, tactic 9			
Roy, partnerships, S corp, trusts	0	0	CS Payor	Mother		
Rental income	0	0	Presumed	(2,763)		
Misc ordinary tax. inc.	0	0	Basic CS	(2,763)		
Other nontaxable income	3,734	7,020	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
SS paid other marriage	0	0	Child 2	(352)		
CS paid other relationship	0	0	Child 3	(472)		
Adj. to income (ATI)	0	0	Child 4	(722)		
Ptr Support Pd. other P'ships	0	0	Child 5	(1,217)		
Health insurance	0	0	Spousal support	blocked		
Qual. Bus. Inc. Ded.	0	0	Total	(2,763)		
Itemized deductions	0	0	Savings	0		
Other medical expenses	0	0	No releases			
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	488	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

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5. JOEY SELBY V. PAUL JUDGE

23FL0851

Respondent filed a Request for Order (RFO) on November 20, 2023, requesting the set aside the parties' August 29, filed Stipulation and Order for property distribution. Respondent concurrently filed a Memorandum of Points and Authorities. Petitioner was served by mail on December 22, 2023. Respondent asserts the court should set aside the parties' stipulation pursuant to Code of Civil Procedure section 473(b) due to being under duress and mistake. Respondent further asserts Petitioner attempted to enter a full Judgment prior to the exchange of financial disclosures. Respondent argues that he, therefore, was operating under a mistake of fact.

Petitioner filed a Responsive Declaration on January 9, 2024. Respondent was mail served on January 9, 2024. Petitioner objects to the parties Stipulation being set aside. Petitioner asserts there was no duress and Respondent was not mistaken. Petitioner states Respondent in fact drafted portions of the Stipulation himself and has attached Exhibit B showing an agreement handwritten by Respondent on the same day the Stipulation was signed. Petitioner further asserts Family Code sections 2120 and 2122 are irrelevant to the enforceability of the stipulation, as the stipulation was entered into prior to the filing of the petition for dissolution in this matter. Further, Petitioner argues that Sections 2120 and 2122 require exchange of final disclosures prior to entry of Judgment only.

The court notes the parties Stipulation was filed concurrently with the Petition for Dissolution on August 29, 2023.

The court has read and considered the filings as outlined above. The court finds Respondent has failed to set forth grounds for which the court can set aside the parties' agreement. Respondent has not established mistake or duress. Further, as the stipulation was executed prior to the filing of the Petition for Dissolution, Preliminary Declarations of Disclosure were not required. The court further finds the stipulation does not constitute a complete Judgment, as there are issues beyond property division that have not been resolved. Therefore, the court denies Respondent's request to set aside the stipulation.

However, the court finds it did not have jurisdiction over the parties at the time the court adopted the parties' stipulation as its order. The stipulation was submitted to the court on August 29, 2023, the same day the Summons was issued. The Summons was not served on Respondent until August 31, 2023. As such, the court was premature in adopting the parties' stipulation. The court on its own motion voids the August 29, 2023 signed stipulation and directs Petitioner to resubmit the stipulation for the court's signature.

Respondent shall prepare and file the Findings and Orders After Hearing.

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TENTATIVE RULING #5: THE COURT FINDS RESPONDENT HAS FAILED TO SET FORTH GROUNDS FOR WHICH THE COURT CAN SET ASIDE THE PARTIES' AGREEMENT. RESPONDENT HAS NOT ESTABLISHED MISTAKE OR DURESS. FURTHER, AS THE STIPULATION WAS EXECUTED PRIOR TO THE FILING OF THE PETITION FOR DISSOLUTION, PRELIMINARY DECLARATIONS OF DISCLOSURE WERE NOT REQUIRED. THE COURT FURTHER FINDS THE STIPULATION DOES NOT CONSTITUTE A COMPLETE JUDGMENT, AS THERE ARE ISSUES BEYOND PROPERTY DIVISION THAT HAVE NOT BEEN RESOLVED. THEREFORE, THE COURT DENIES RESPONDENT'S REQUEST TO SET ASIDE THE STIPULATION. HOWEVER, THE COURT FINDS IT DID NOT HAVE JURISDICTION OVER THE PARTIES AT THE TIME THE COURT ADOPTED THE PARTIES' STIPULATION AS ITS ORDER. THE STIPULATION WAS SUBMITTED TO THE COURT ON AUGUST 29, 2023, THE SAME DAY THE SUMMONS WAS ISSUED. THE SUMMONS WAS NOT SERVED ON RESPONDENT UNTIL AUGUST 31, 2023. AS SUCH, THE COURT WAS PREMATURE IN ADOPTING THE PARTIES' STIPULATION. THE COURT ON ITS OWN MOTION VOIDS THE AUGUST 29, 2023 SIGNED STIPULATION AND DIRECTS PETITIONER TO RESUBMIT THE STIPULATION FOR THE COURT'S SIGNATURE. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. KATHRYN EDITH LINSSEN V. PIETER JAN LINSSEN

23FL1150

Petitioner filed a Request for Order (RFO) on November 22, 2023. It was personally served on December 11, 2023. Respondent has not filed a Responsive Declaration to Request for Order.

The parties share one minor child. Petitioner is requesting they share joint legal custody with sole physical custody to herself.

The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 25, 2024. Despite having been properly served with the CCRC referral, Respondent did not appear at the appointment and the CCRC counselor was unable to make any recommendations in her report. On January 31, 2024, Petitioner's Supplemental Declaration was filed and served explaining that Respondent stated he was too busy to attend CCRC but he consented to any decisions Petitioner makes for the minor child.

Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO and the CCRC referral were both timely and properly served on Respondent. He had notice of the pending request and the CCRC appointment and chose not to appear at CCRC nor file an opposition to the RFO. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious. Petitioner's RFO is granted. The parties shall share joint legal custody of the minor. Petitioner shall have sole physical custody. Any visits between the minor and Respondent will be at the minor's discretion. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #7: PETITIONER'S RFO IS GRANTED. THE PARTIES SHALL SHARE JOINT LEGAL CUSTODY OF THE MINOR. PETITIONER SHALL HAVE SOLE PHYSICAL CUSTODY. ANY VISITS BETWEEN THE MINOR AND RESPONDENT WILL BE AT THE MINOR'S DISCRETION. PETITIONER SHALL PREPARE AND FILE THE FININGS AND ORDERS AFTER HEARING.

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8. MONICA SNEAD V. JAMES DANIEL SNEAD

23FL0256

On November 22, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. It was mail served on November 28th. Petitioner filed and served her Responsive Declaration to Request for Order on February 15, 2024.

The parties hereto share three minor children. Respondent is requesting joint legal and joint physical custody of all three children. He asks for a 2-2-3 schedule to commence immediately. After three months he would like this to evolve to a week on/week off, or a 2-2-5 schedule. Additionally, he would like each party to have the right to 2 weeks of vacation each summer and to split holidays equally. Finally, he requests a 3111 Evaluation.

The parties attended Child Custody Recommending Counseling (CCRC) on January 26, 2024 and were able to come to agreements on all custody issues. A report codifying those agreements was prepared on January 26th.

Petitioner asks the court to adopt the CCRC agreements and deny Respondent's request for a 3111 Evaluation.

The court has reviewed the filings as outlined above and finds the agreements as contained in the January 26, 2024 CCRC report to be in the best interests of the minors. They are hereby adopted as the orders of the court. Respondent's request for a 3111 Evaluation is denied without prejudice. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #8: THE COURT ADOPTS THE AGREEMENTS CONTAINED IN THE JANUARY 26, 2024 CCRC REPORT. RESPONDENT'S REQUEST FOR A 3111 EVALUATION IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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9. NATASHA TRUXLER V. CHRISTOPHER TRUXLER

23FL0639

On October 3, 2023, the parties reached a full agreement regarding the mutual requests for Domestic Violence Restraining Orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 8, 2024 and a review hearing on February 29, 2024.

On January 18, 2024, Petitioner filed a Request for Order (RFO) along with a request for an Order Shortening Time, requesting the court set the RFO for the same date as the CCRC review hearing. Petitioner concurrently filed an Income and Expense Declaration. The court granted the OST and set Petitioner's RFO requesting child and spousal support, attorney's fees, as well as an advance of Moore/Marsden calculation in the former family residence, for February 29, 2024. Respondent was served on January 19, 2024.

On January 30, 2024, Respondent filed an ex parte application for emergency orders to allow him to travel to Hawaii with the minor as well as a request for sanctions. Petitioner filed a Responsive Declaration on January 30, 2024, in which she also requested sanctions. On January 31, 2024, the court granted Respondent's request to travel and reserved jurisdiction on the request for sanctions. Respondent filed the RFO on the issue of sanctions which was set to join the hearing on February 29, 2024. Petitioner was served on February 1, 2024.

Both parties attended the CCRC appointment on January 8, 2024. However, the parties were unable to reach any agreements. A report with recommendations was filed with the court on February 14, 2024. Copies were mailed to the parties the same date.

Respondent filed a Responsive Declaration on February 15, 2024. Petitioner was served electronically on February 15, 2024 and by mail on February 16, 2024. The Responsive Declaration to Request for Order was filed late pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made February 14th the last day for filing the responsive declaration (Monday February 19th was a court holiday). Therefore, the court cannot consider it.

Respondent filed a Reply Declaration to the CCRC report on February 22, 2024. Petitioner was personally served on February 22, 2024. Respondent requests the court disregard the CCRC report because it is incomplete. Respondent asserts the CCRC counselor did not review his CCRC questionnaire nor did the counselor make any collateral contacts. Respondent asserts Petitioner refuses to meet the minor's essential needs. Respondent also

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asserts Petitioner often elects to forego visitation with the minor. Respondent asserts Petitioner is suffering from a mental illness. Respondent also states Petitioner declines to participate in the minor's Individual Education Plan (IEP). Respondent requests the court order the current custody and parenting plan remain in full force and effect pending a formal evaluation of Petitioner's mental health, the parties to comply with the minors' IEP, and Petitioner to provide proof of a valid driver's license.

As of this writing Respondent has not filed an Income and Expense Declaration.

The court denies both parties request for Family Code section 271 sanctions. An award for attorney's fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). Here, the court does not find that either party has acted with the intent to frustrate the policy of the law.

Parties are ordered to appear on the remaining issues of child custody and parenting time, child, and spousal support, as well as attorney's fees. Respondent is ordered to bring a full complete Income and Expense Declaration with him to the hearing and to serve Petition as soon as possible.

TENTATIVE RULING #9: PARTIES ARE ORDERED TO APPEAR ON THE REMAINING ISSUES OF CHILD CUSTODY AND PARENTING TIME, CHILD AND SPOUSAL SUPPORT, AS WELL AS ATTORNEY'S FEES. RESPONDENT IS ORDERED TO BRING A FULL COMPLETE INCOME AND EXPENSE DECLARATION WITH HIM TO THE HEARING AND TO SERVE PETITION AS SOON AS POSSIBLE.

THE COURT DENIES BOTH PARTIES REQUESTS FOR FAMILY CODE SECTION 271 SANCTIONS.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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10. OKSANA KRYLOV V. VICTOR KRYLOV

PFL20210267

Dena Bez, Counsel for Petitioner, filed a Notice of Motion and Motion to be Relieved as Counsel and her supporting declaration on November 30, 2023. The motion was mail served on December 12th. Counsel has shown good cause for her withdrawal as the attorney of record for Petitioner due to the irreparable breakdown of the attorney-client relationship. The motion is granted.

TENTATIVE RULING #10: THE MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER, UPON THE CLIENT.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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11. RYAN WISE V. ALLISON WHITE

PFL20200713

On November 27, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO does not include the entirety of the FL-300 nor is it signed under penalty of perjury as required. Therefore, this matter is dropped from calendar.

TENTATIVE RULING #11: THE MATTER IS DROPPED FROM 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 TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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12. SARAH NAFF V. GREGORY NAFF

PFL20210203

Respondent filed a Request for Order (RFO) on November 30, 2023, requesting the court modify the orders for child and temporary guideline spousal support. Respondent concurrently filed an Income and Expense Declaration. Petitioner was served by mail on December 4, 2023. Respondent is requesting guideline child support and temporary guideline spousal support, with an overtime table.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on February 15, 2024. Respondent was personally and mail served on the same day. The Responsive Declaration to Request for Order was filed late pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made February 14th the last day for filing the responsive declaration (Monday February 19th was a court holiday). The court can consider Petitioner’s Income and Expense Declaration. Local rule 8.03.01 states, in pertinent part, that the party responding to a request for support must file an Income and Expense Declaration with his or her responsive documents or, if the responsive papers are not filed, no less than 5 days prior to the hearing date. El Dorado Sup. Ct. Rule 8.03.01.

Respondent filed a Reply Declaration on February 20, 2024, which address the issues raised in Petitioner’s Responsive Declaration. Petitioner was served the Reply Declaration on February 20, 2024, electronically. Respondent does not raise an objection to the timeliness of Petitioner's filing. Therefore, the court deems the issue to be waived, and will therefore, consider Petitioner’s Responsive Declaration.

Petitioner consents to guideline child support, however, objects to an overtime table. Petitioner asserts she doesn’t routinely earn overtime, and further, that Respondent will use the true up as a means by which to harass her. Petitioner objects to any modification of temporary spousal support. Petitioner asserts Respondent is under employed and is cohabitating with his significant other, thereby greatly reducing his need for support. Petitioner requests the court grant her Family Code section 271 sanctions for failure to meet and confer on these issues prior to filing the RFO and for the failure to timely sign the Marital Settlement Agreement parties had negotiated.

Respondent asserts in his Reply that Petitioner does routinely earn more than her regular salary and the only means by which to capture that income is an overtime table. Respondent also asserts Petitioner has not provided all the necessary documents along with her

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Income and Expense Declaration. Respondent renews his request for an overtime table. Respondent further asserts that because the parties are utilizing a nesting arrangement, both spend their week off with their respective significant others. Both parties have continued to share in the expenses for the home. Respondent requests the court deny Petitioner's request for Family Code section 271 sanctions, as a noticed motion is required, and a Responsive Declaration is not the proper vehicle to bring such a request. Respondent in turn, requests Family Code section 271 sanctions for what he asserts has been Petitioner's delay in finalizing the settlement agreement.

Using the parties November 30, 2023 and February 15, 2024 filed Income and Expense Declarations, the court finds guideline child support to be \$1,765 per month (see attached DissoMaster.) The court orders Petitioner to pay Respondent \$1,765 per month as and for guideline child support effective December 1, 2023 and due on the 1st of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$3,012 for December through February inclusive. The court orders Petitioner to pay respondent \$251 per month as and for arrears. This order is effective March 15, 2024 and payments are due on the 15th of each month until paid in full (approximately 12 months.) If there is any late or missing payment the full amount is due with legal interest.

Utilizing the same figures, the court finds, using the Alameda formula, temporary guideline spousal support to be \$2,079 per month (see attached DissoMaster.) The court orders Petitioner to pay Respondent \$2,09 per month as and for temporary guideline spousal support effective December 1, 2023 and due on the 1st of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$4,332 for December through February inclusive. The court orders Petitioner to pay Respondent \$180.50 per month as and for arrears effective March 15, 2024 and due on the 15th of each month until paid in full (approximately 24 months.) If there is any late or missed payment, the full amount is due with legal interest.

The court finds Petitioner routinely earns income over her base salary, including for the night shift differential, therefore, the court has included an overtime table. Petitioner is to true up any earnings above the guideline as set forth, no later than the 10th of each month.

The court denies both parties request for Family Code section 271 sanctions. An award for attorney's fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law

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to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). Here, the court does not find that either party has acted with the intent to frustrate the policy of the law.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #12: USING THE PARTIES NOVEMBER 30, 2023 AND FEBRUARY 15, 2024 FILED INCOME AND EXPENSE DECLARATIONS, THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$1,765 PER MONTH (SEE ATTACHED DISSOMASTER.) THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$1,765 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE DECEMBER 1, 2023 AND DUE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW.

THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$3,012 FOR DECEMBER THROUGH FEBRUARY INCLUSIVE. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$251 PER MONTH AS AND FOR ARREARS. THIS ORDER IS EFFECTIVE MARCH 15, 2024 AND PAYMENTS ARE DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS.) IF THERE IS ANY LATE OR MISSING PAYMENT THE FULL AMOUNT IS DUE WITH LEGAL INTEREST.

UTILIZING THE SAME FIGURES, THE COURT FINDS, USING THE ALAMEDA FORMULA, TEMPORARY GUIDELINE SPOUSAL SUPPORT TO BE \$2,079 PER MONTH (SEE ATTACHED DISSOMASTER.) THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$2,09 PER MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT EFFECTIVE DECEMBER 1, 2023 AND DUE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW.

THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$4,332 FOR DECEMBER THROUGH FEBRUARY INCLUSIVE. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$180.50 PER MONTH AS AND FOR ARREARS EFFECTIVE MARCH 15, 2024 AND DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS.) IF THERE IS ANY LATE OR MISSED PAYMENT, THE FULL AMOUNT IS DUE WITH LEGAL INTEREST.

AS PETITIONER ROUTINELY EARNS OVER HER BASE SALARY, INCLUDING FOR THE NIGHT SHIFT DIFFERENTIAL, THE COURT HAS INCLUDED AN OVERTIME TABLE. PETITIONER IS TO TRUE UP ANY EARNINGS ABOVE THE GUIDELINE AS SET FORTH, NO LATER THAN THE 10TH OF EACH MONTH.

THE COURT DENIES THE MUTUAL REQUESTS FOR FAMILY CODE SECTION 271 SANCTIONS FOR THE REASONS SET FORTH ABOVE.

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ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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.

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Father	6,745	Payment (cost)/benefit	3,651 (3,651)
Filing status	MFS->	<-MFS	Mother	16,674	Net spendable income	10,589 12,830
# Federal exemptions	1*	3*	Total	23,419	% combined spendable	45.2% 54.8%
Wages + salary	2,876	17,853	Support (Nondeductible)		Total taxes	1,877 8,513
401(k) employee contrib	0	1,551	CS Payor	Mother	Comb. net spendable	23,419
Self-employment income	0	0	Presumed	1,765	Proposed	
Other taxable income	5,364	9,567	Basic CS	1,765	Payment (cost)/benefit	3,436 (3,436)
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	10,794 12,973
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	205 143
Other gains (and losses)	0	0	Child 1	666	% combined spendable	45.4% 54.6%
Ordinary dividends	0	0	Child 2	1,100	% of saving over gdl	59% 41%
Tax. interest received	0	0	SS Payor	Mother	Total taxes	1,445 8,597
Social Security received	0	0	Alameda	2,079	Comb. net spendable	23,767
Unemployment compensation	0	0	Total	3,844	Percent change	1.5%
Operating losses	0	0	Proposed, tactic 9		Default Case Settings	
Ca. operating loss adj.	0	0	CS Payor	Mother		
Roy, partnerships, S corp, trusts	0	0	Presumed	1,669		
Rental income	0	0	Basic CS	1,669		
Misc ordinary tax. inc.	5,364	9,567	Add-ons	0		
Other nontaxable income	732	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	600		
SS paid other marriage	0	0	Child 2	1,069		
CS paid other relationship	0	0	SS Payor	Mother		
Adj. to income (ATI)	0	0	Alameda	1,949		
Ptr Support Pd. other P'ships	0	0	Total	3,618		
Health insurance	350	773	Savings	348		
Qual. Bus. Inc. Ded.	0	0	Total releases to Father	2		
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	1,402				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	58				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

ATTORNEY (NAME AND ADDRESS): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father	MOTHER MONTHLY OVERTIME WAGES REPORT 2024 Monthly	
		CASE NUMBER:

"R" denotes that Mother is a recipient for the corresponding support
"CS%" is the percentage of Overtime paid as additional Child Support
"SS%" is the percentage of Overtime paid as additional Spousal Support

Mother's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	1,765	2,079	3,844
100	8.97	9	13.58	14	1,774	2,093	3,867
200	8.84	18	13.40	27	1,783	2,106	3,889
300	8.80	26	13.33	40	1,792	2,119	3,911
400	8.78	35	13.31	53	1,801	2,132	3,933
500	8.76	44	13.29	66	1,809	2,145	3,955
600	8.75	53	13.28	80	1,818	2,159	3,977
700	8.74	61	13.27	93	1,827	2,172	3,999
800	8.73	70	13.27	106	1,835	2,185	4,020
900	8.73	79	13.27	119	1,844	2,198	4,042
1,000	8.72	87	13.26	133	1,853	2,212	4,064
1,100	8.72	96	13.26	146	1,861	2,225	4,086
1,200	8.71	105	13.26	159	1,870	2,238	4,108
1,300	8.71	113	13.26	172	1,879	2,251	4,130
1,400	8.71	122	13.26	186	1,887	2,265	4,152
1,500	8.71	131	13.27	199	1,896	2,278	4,174
1,600	8.71	139	13.28	212	1,905	2,291	4,196
1,700	8.71	148	13.29	226	1,913	2,305	4,218
1,800	8.71	157	13.29	239	1,922	2,318	4,240
1,900	8.71	165	13.30	253	1,931	2,332	4,263
2,000	8.71	174	13.31	266	1,940	2,345	4,285

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13. SUKHDEEP PUNIA V. ASHWINDER PUNIA

PFL20200482

On August 17, 2023, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) asserting several allegations of contempt against Petitioner. The OSC was personally served on September 6, 2023.

On December 7, 2023, parties appeared for the arraignment. Respondent requested the matter be continued. Petitioner requested the matter be dismissed or a demurrer. The court granted the request to continue and set a further arraignment hearing for February 29, 2024.

Parties are ordered to appear for arraignment.

Petitioner filed a Request for Order (RFO) on December 1, 2023, requesting attorney's fees in costs pursuant to Family Code section 271. Petitioner also filed a Declaration regarding attorney's fees and an Income and Expense Declaration on November 29, 2023. Respondent was served by mail on December 12, 2023. Petitioner is requesting \$6,200 in attorney's fees for Respondent's Order to Show Cause, which Petitioner believes to be meritless. Petitioner asserts this is not the first time Respondent has filed a motion without merit. Petitioner states Respondent previously filed a motion in February of 2023, which was later dropped, due to Respondent's claims not being well founded.

Respondent filed a Responsive Declaration on February 8, 2024 as well as a Declaration in Support, Declaration of Counsel, and an Income and Expense Declaration. Petitioner was served by mail on February 8, 2024. Respondent is requesting attorney's fees for the cost of responding to Petitioner's RFO. Respondent seeks the fees in the form of a sanction, pursuant to Family Code section 271.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR ON THE ARRAIGNMENT AND THE RFO.

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8:30 a.m./1:30 p.m.

14. SUSAN MOSKALETS V. VICTOR MOSKALETS

PFL20210479

Respondent filed a Request for Order (RFO) on November 8, 2023, requesting the court enter a judgment pursuant to Code of Civil Procedure 664.6, Family Code section 271 sanctions, orders for Petitioner to vacate the residence, and for Petitioner to transfer the life insurance policy. Respondent concurrently filed a Memorandum of Points and Authorities. Petitioner was served by mail on November 8, 2023. Respondent asserts the parties reached a full agreement and no Petitioner is refusing to sign the stipulated judgment. Further, Petitioner is refusing to vacate the property per the parties' agreement. Last, Petitioner has continued to maintain a life insurance policy on Respondent, in violation of the parties' agreement.

Petitioner filed a Responsive Declaration on February 16, 2024. There is no Proof of Service for this document. Further, the Responsive Declaration to Request for Order was filed late pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made February 14th the last day for filing the responsive declaration (Monday February 19th was a court holiday).

Respondent filed a Reply Declaration on February 20, 2024, which directly responds to Petitioner's Responsive Declaration and does not raise the issue of the Responsive Declaration being late file. Therefore, while it was late filed and there is no Proof of Service, the court finds Respondent has waived those objections by filing a Reply. Petitioner was served with the Reply on February 20, 2023.

Petitioner requests the court modify the date of marriage to reflect her proposed date of November 15, 1997. Petitioner asserts that is when the parties had their wedding ceremony and therefore, that should be the date used. Petitioner is concerned with the ramifications in her religious community of using the November 15, 2017 date. Petitioner does not address the request she vacate the property, nor does she address the request to transfer the life insurance policy or Family Code section 271 sanctions.

In his Reply Declaration, Respondent asserts Petitioner has failed to set forth any legal ground upon which the court could use the November 15, 1997 marriage date, as there was no marriage licensed executed for that date. Further, Respondent asserts this issue was resolved in the parties' Stipulation. Respondent has included several exhibits to the Reply, including a Will and application for Supplemental Security Income, by Petitioner, which clearly set forth that she was unmarried at the time of execution of the documents.

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8:30 a.m./1:30 p.m.

The court grant Respondent's request to enter the Judgement pursuant to Code of Civil Procedure section 664.6. Petitioner is directed to sign the FL-130 and FL-144 by no later than the close of business March 7, 2024. Should Petitioner fail to do so, the court finds good cause to waive the Final Declarations of Disclosure and the Appearance, Stipulation, and Waiver form.

Petitioner is ordered to vacate the former family residence, if she has not already done so, by no later than March 5, 2024.

Petitioner is ordered to sign over the life insurance policy to Respondent. Petitioner shall complete the necessary paperwork to complete this no later than the close of business March 7, 2024.

An award for attorney's fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). The court finds Petitioner's refusal to sign the Judgment does violate the policy of the code, and has frustrated settlement, and has increased the cost of litigation. The court grants the request for Family Code section 271 sanctions. The court cannot make an award of sanctions that would be unjust, or that a party would be unable to pay. The court finds Respondent made an equalization payment to Petitioner on May 25, 2023 which the court finds provided Petitioner sufficient funds to pay. The court orders Petitioner to pay \$2,500 directly to Respondent's counsel Mr. James Gwinup. Petitioner shall make the payment on or before March 15, 2024.

All prior orders not in conflict with this order remain in full force and effect. Respondent has lodged the Judgment with the court. Respondent shall fil the FL-130 and FL-144 upon Petitioner's signing of the documents.

TENTATIVE RULING #14: THE COURT GRANT RESPONDENT'S REQUEST TO ENTER THE JUDGEMENT PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 664.6. PETITIONER IS DIRECTED TO SIGN THE FL-130 AND FL-144 BY NO LATER THAN THE CLOSE OF BUSINESS MARCH 7, 2024. SHOULD PETITIONER FAIL TO DO SO, THE COURT FINDS GOOD CAUSE TO WAIVE THE FINAL DECLARATIONS OF DISCLOSURE AND THE APPEARANCE, STIPULATION, AND WAIVER FORM. PETITIONER IS ORDERED TO VACATE THE FORMER FAMILY RESIDENCE, IF SHE HAS NOT ALREADY DONE SO, BY NO LATER THAN MARCH 5, 2024. PETITIONER IS ORDERED TO SIGN OVER THE LIFE INSURANCE POLICY TO RESPONDENT. PETITIONER SHALL COMPLETE THE NECESSARY PAPERWORK TO COMPLETE THIS NO LATER THAN THE CLOSE OF BUSINESS MARCH 7, 2024. THE COURT GRANTS THE REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. THE COURT CANNOT MAKE AN AWARD OF SANCTIONS THAT WOULD BE

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UNJUST, OR THAT A PARTY WOULD BE UNABLE TO PAY. THE COURT FINDS RESPONDENT MADE AN EQUALIZATION PAYMENT TO PETITIONER ON MAY 25, 2023 WHICH THE COURT FINDS PROVIDED PETITIONER SUFFICIENT FUNDS TO PAY. THE COURT ORDERS PETITIONER TO PAY \$2,500 DIRECTLY TO RESPONDENT'S COUNSEL MR. JAMES GWINUP. PETITIONER SHALL MAKE THE PAYMENT ON OR BEFORE MARCH 15, 2024.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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15. ANDREA DUNSTAN V. CHANCE DUNSTAN

PFL20190909

Respondent filed an ex parte application for emergency custody orders on December 7, 2023. On December 8, 2023, the court denied the request, as Respondent failed to properly notice Petitioner and had not plead sufficient grounds to warrant a change in custody. On December 8, 2023, Respondent filed a Request for Order (RFO) requesting the same orders as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 11, 2024 and a review hearing on February 29, 2024. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO or referral to CCRC.

Only Respondent appeared for the CCRC appointment. As such a single parent report was filed with the court on January 11, 2024. An Amended report was filed on January 25, 2024. Copies were mailed to the parties on January 11th and 25th, respectively.

The court drops the matter from calendar due to lack of proper service.

TENTATIVE RULING #15: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER 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 TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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8:30 a.m./1:30 p.m.

16. EMILY SILVA V. JARED SILVA

PFL20170157

Petitioner filed a Request for Order (RFO) on December 7, 2023, requesting a modification of the current orders for parenting time. Proof of Service shows Respondent was served by mail. The court notes this is a post-judgment request for modification, and therefore, required compliance with Family Code section 215.

Petitioner filed a Declaration on February 6, 2024, requesting the parties be referred to Child Custody Recommending Counseling (CCRC). Respondent was served by mail on February 13, 2024.

Respondent has not filed a Responsive Declaration.

The court notes it was an error by the clerk's office not to refer the parties to CCRC. The court finds good cause to continue the matter and refer the parties to CCRC. Petitioner is ordered to comply with the noticing requirements of Family Code section 215.

TENTATIVE RULING #16: PARTIES ARE TO ATTEND CCRC ON 3/22/2024 AT 1:00 PM WITH REBECCA NELSON. PARTIES ARE TO RETURN TO DEPARTMENT 5 FOR A REVIEW HEARING ON 5/16/2024 AT 8:30 AM IN DEPARTMENT 5. PENDING THE REVIEW HEARING, ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILED THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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8:30 a.m./1:30 p.m.

17. JAMIE RICCOBUONO V. BRANDON FACKRELL

23FL1174

Petitioner filed a Petition for Custody and Support of Children on December 1, 2023. A Summons was issued the same day. The parties were referred to Child Custody Recommending Counseling for an appointment on January 11, 2024, and a review hearing on February 29, 2024.

Upon review of the court file, there is no Proof of Service showing the Summons or referral to CCRC were served on Respondent.

Neither party appeared for the CCRC appointment.

The court drops the matter from calenda due to lack of proper service.

TENTATIVE RULING #17: THE COURT DROPS THE MATTER FROM CALENDAR DUE LACK OF PROPER 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 TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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8:30 a.m./1:30 p.m.

18. JUSTIN G. REEDY V. KAYLA A. MCKINNEY

PFL20180289

On November 30, 2023, Respondent filed two Request for Order (RFO) forms; one for modification of custody and visitation orders and the other seeking to deem Petitioner a vexatious litigant. Both RFOs were personally served on December 15th. On January 11, 2024, Petitioner filed a Responsive Declaration to Request for Order and an MC-030 Declaration. On January 12 he filed an additional MC-030 Declaration. All responsive documents were mail served on January 12th.

Custody and Visitation

The parties attended Child Custody Recommending Counseling (CCRC) on January 11th but were unable to reach any agreements. A report with recommendations was prepared and mailed to the parties on February 13, 2024. Respondent filed and served a Response to CCRC Report on February 22nd. Petitioner's Reply Declaration to CCRC Report Dated 2/13/2024 and a supporting Memorandum of Points and Authorities were both filed and served on February 23rd. He re-filed his Memorandum of Points and Authorities on February 26th along with Petitioner's Points and Authorities Supporting Motion in Limine and Order to Exclude Prejudicial Hearsay and Unreliable Evidence. The February 26th filings were not only late, but there is no Proof of Service for either of them therefore, these documents cannot be considered by the court.

Respondent filed her RFO requesting the court modify the current 4-3-3-4 schedule to a 2-2-5-5 schedule. She makes this request to allow the parties to alternate weekends with the minor.

Petitioner opposes the request arguing that this is an untimely motion for reconsideration pursuant to Civil Procedure § 1008. He further argues that Respondent has not provided new or different facts or circumstances or law that would justify such reconsideration. He references a motion for reconsideration he had filed regarding use of the minor's nickname but it is unclear if he is making a request with regard to that motion. He does say that he would be agreeable to a 2-2-5-5 if Respondent were to agree to a midway school.

CCRC recommends, among other things, that the parties retain joint legal custody and switch to a temporary 2-2-5-5 schedule pending the completion of a 3111 Evaluation. She also recommends the appointment of Minor's Counsel.

Petitioner further states that many issues were brought up in CCRC that he was not prepared to discuss. Petitioner states that he "would agree to a recommendation that Respondent direct her boyfriend to refrain from acting as another parent..." but he does not request the court make this order. Respondent objects to any such order.

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Respondent supports the recommendation for a 3111 Evaluation but asks that the 2-2-5-5 schedule be implemented permanently instead of pending the evaluation. She asks the court to order the paternal grandmother, her husband, or her boyfriend, to not partake in the 3111 Evaluation. She also requests an order directing the paternal grandmother not to communicate with Respondent on Talking Parents or have any involvement in the messages exchanged.

The court has reviewed the filings of the parties as outlined above and does not find a 2-2-5-5 schedule to be in the best interest of the minor. The 4-3-3-4 was originally put in place to ensure the minor was not spending an excessive amount of time commuting to and from school during the week. That said, it is in the minor's best interest to have at least some weekend time with Respondent to allow for more quality time and bonding. In an effort to achieve both of these goals, the court orders the following: Petitioner shall have parenting time from Friday after school (or 2:00 pm if no school) until Monday drop-off at school (or 8:00 am if no school). Respondent shall have from Monday at drop off (8:00am if no school) until Friday after school (2:00pm if no school). Additionally, Respondent shall have parenting time on the first weekend of each month. The first weekend is defined as the weekend that starts on the first Friday of the month.

The court declines to adopt the CCRC recommendations as stated in the report except for the recommendation for the appointment of Minor's Counsel. It is apparent that the high conflict in this matter is making it difficult for the parties to truly act with the minor's best interests in mind and therefore the appointment of Minor's Counsel is appropriate. The court appoints Kelly Bentley to act as Minor's Counsel. The parties are to equally share in the cost of Minor's Counsel subject to reallocation. The court reserves jurisdiction to order a 3111 Evaluation until Minor's Counsel has had an opportunity to get up to speed and provide the court with a Statement of Issues and Contentions on the issue. This matter is set for a review hearing on the issue of a 3111 Evaluation on June 20, 2024 at 1:30pm in Department 5. Any declarations by the parties are to be filed no later than 10 days prior to the next hearing date. Minor's Counsel is ordered to file a Statement of Issues and Contentions no later than 10 days prior to the hearing date.

All prior orders not in conflict with this order shall remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

Vexatious Litigant

On November 30, 2023, Respondent filed an RFO asking the court to make the following orders: (1) Find Petitioner to be a vexatious litigant pursuant to Civil Procedure § 391(b); (2) Prohibit Petitioner from filing any new litigation or amending any prior RFO without first obtaining leave of the Presiding Judge; and (3) A finding that disobedience of the vexatious litigant requirements is contempt of court.

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Despite the fact that Petitioner was personally served with the RFO on December 15, 2023, Petitioner has not opposed the motion.

The purpose of the vexatious litigant statutes is to curb the misuse of the judicial process by self-represented litigants who repeatedly file unmeritorious litigation, or motions, or who repeatedly attempt to relitigate issues that have already been decided by the court. Shalant v. Girardi, 51 Cal. App. 4th 1164 (2011). To be declared a vexatious litigant the self-represented party must meet at least one of four statutory definitions. These definitions include an individual who “...repeatedly relitigates or attempts to relitigate, in propria persona, either (1) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined;” or one who “repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.” Cal. Civ. Pro. § 391(b)(2) & (b)(3). A finding of as few as three motions on the same issue has been upheld as grounds for a vexatious litigant ruling. Goodrich v. Sierra Vista Reg’l Med. Ctr., 246 Cal. App. 4th 1260 (2016).

According to Respondent, Petitioner has filed twenty RFOs since October of 2019. However, because the determination of a vexatious litigant is an assessment of the filings of the moving party, the court does not consider responsive declarations to be pertinent to the issue. Nonetheless, without considering the requests made by Petitioner in his responsive declarations, Respondent has still filed 19 RFOs, many of which are on the same issues repeatedly.

Respondent filed for the vexatious litigant designation in March of 2023. The request was denied without prejudice, but Petitioner was admonished that “...continued filings of unmeritorious requests for reconsideration, set asides, or repeated requests on the same issues without new or additional facts may result in his being deemed a vexatious litigant.” Since that time Petitioner has filed eight RFOs. Four of which were motions for reconsideration, motion for a new trial, or motion to set aside the court’s Statement of Decision filed July 17, 2023. Five of the RFOs also addressed the minor’s attendance at a school midway between the parties’ respective residences. An issue which had already been addressed by the court in its Statement of Decision.

Given the numerous and repeated unmeritorious filings on issues that have already been decided by the court and given the court’s prior admonishment to Petitioner on this issue, Petitioner’s actions do rise to the level of a vexatious litigant and therefore Respondent’s request to have Petitioner deemed a vexatious litigant is granted. As a vexatious litigant,

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Petitioner shall not file any new litigation in the courts of this state, in propria persona, without first obtaining leave of the Presiding Judge of the court where the litigation is proposed to be filed. Pursuant to Civil Procedure § 391.7, the term litigation includes “...any petition, application, or motion other than a discovery motion, in a proceeding under the Family Code or Probate Code, for any order.” Cal. Civ. Pro. § 391.7(d). This includes the filing of a Request for Order. Disobedience of this order may be punishable as contempt of court. However, the court emphasizes that this order is only applicable to filings made by Petitioner in propria persona and only applies to moving papers. Nothing herein precludes Petitioner from filing a responsive declaration in propria persona without prior leave of court or from an attorney filing moving papers on Petitioner’s behalf.

Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #18: PETITIONER SHALL HAVE PARENTING TIME FROM FRIDAY AFTER SCHOOL (OR 2:00 PM IF NOT SCHOOL) UNTIL MONDAY DROP-OFF AT SCHOOL (OR 8:00 AM IF NO SCHOOL). RESPONDENT SHALL HAVE FROM MONDAY AT DROP OFF (8:00AM IF NO SCHOOL) UNTIL FRIDAY AFTER SCHOOL (2:00PM IF NO SCHOOL). ADDITIONALLY, RESPONDENT SHALL HAVE PARENTING TIME ON THE FIRST WEEKEND OF EACH MONTH. THE FIRST WEEKEND IS DEFINED AS THE WEEKEND THAT STARTS ON THE FIRST FRIDAY OF THE MONTH.

THE COURT APPOINTS KELLY BENTLEY TO ACT AS MINOR’S COUNSEL. THE PARTIES ARE TO EQUALLY SHARE IN THE COST OF MINOR’S COUNSEL SUBJECT TO REALLOCATION. THE COURT RESERVES JURISDICTION TO ORDER A 3111 EVALUATION UNTIL MINOR’S COUNSEL HAS HAD AN OPPORTUNITY TO GET UP TO SPEED AND PROVIDE THE COURT WITH A STATEMENT OF ISSUES AND CONTENTIONS ON THE ISSUE. THIS MATTER IS SET FOR A REVIEW HEARING ON THE ISSUE OF A 3111 EVALUATION ON JUNE 20, 2024 AT 1:30PM IN DEPARTMENT 5. ANY DECLARATIONS BY THE PARTIES ARE TO BE FILED NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE. MINOR’S COUNSEL IS ORDERED TO FILE A STATEMENT OF ISSUES AND CONTENTIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

RESPONDENT’S REQUEST TO HAVE PETITIONER DEEMED A VEXATIOUS LITIGANT IS GRANTED. AS A VEXATIOUS LITIGANT, PETITIONER SHALL NOT FILE ANY NEW LITIGATION IN THE COURTS OF THIS STATE, IN PROPRIA PERSONA, WITHOUT FIRST OBTAINING LEAVE OF THE PRESIDING JUDGE OF THE COURT WHERE THE LITIGATION IS PROPOSED TO BE FILED. PURSUANT TO CIVIL PROCEDURE § 391.7, THE TERM LITIGATION INCLUDES “...ANY PETITION, APPLICATION, OR MOTION OTHER THAN A DISCOVERY MOTION, IN A PROCEEDING UNDER

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THE FAMILY CODE OR PROBATE CODE, FOR ANY ORDER.” CAL. CIV. PRO. § 391.7(D). THIS INCLUDES THE FILING OF A REQUEST FOR ORDER. DISOBEDIENCE OF THIS ORDER MAY BE PUNISHABLE AS CONTEMPT OF COURT. HOWEVER, THE COURT EMPHASIZES THAT THIS ORDER IS ONLY APPLICABLE TO FILINGS MADE BY PETITIONER IN PROPRIA PERSONA AND ONLY APPLIES TO MOVING PAPERS. NOTHING HEREIN PRECLUDES PETITIONER FROM FILING A RESPONSIVE DECLARATION IN PROPRIA PERSONA WITHOUT PRIOR LEAVE OF COURT OR FROM AN ATTORNEY FILING MOVING PAPERS ON PETITIONER’S BEHALF. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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19. KARALEE MORRIS V. DEREK SEMANSKI

PFL20170198

Respondent filed a Request for Order (RFO) on August 1, 2023, requesting modification of the parenting plan. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 9, 2023, and a review hearing on November 30, 2023. Petitioner was served by mail on August 23, 2023. Respondent is requesting the current parenting plan remain in place, with Respondent having parenting time every other weekend. Respondent asserts Petitioner has not followed the parenting plan for six to seven months prior to the filing of the petition.

Both parties appeared for the CCRC appointment on October 9, 2023, however, Petitioner refused to participate. As such a single parent report was filed with the court with no recommendations or agreements. Copies were mailed to the parties on October 9, 2023.

Petitioner filed a Responsive Declaration on September 6, 2023. Respondent was served by mail on September 21, 2023. Petitioner makes vague assertions about alleged criminal activity by Respondent. Petitioner is objecting to Respondent's requested orders.

On November 30, 2023, the parties appeared for the hearing. The court referred the parties to CCRC for an appointment on January 17, 2024 and a further review hearing on February 29, 2024.

Both parties attended CCRC on January 17, 2024, however, were unable to reach any agreements. A report with recommendations was filed on February 16, 2024. Copies were mailed to the parties the same day.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the CCRC report are in the best interest of the minors. The court adopts the recommendations as its orders.

Petitioner is admonished that failure to abide by the court's orders may result in a change in custody and/or contempt of court.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #19: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. PETITIONER IS ADMONISHED THAT FAILURE TO ABIDE BY THE COURT'S ORDERS MAY RESULT IN A CHANGE IN CUSTODY AND/OR CONTEMPT OF COURT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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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 TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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20. LUCY THIETZ V. SCOTT MORRISON

23FL1153

Petitioner filed a Petition for Custody and Support of Children on November 27, 2023. A Summons was issued the same day. Petitioner also filed a Request for Order (RFO) requesting child custody and parenting plan orders on November 27, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 8, 2024 and a review hearing on February 29, 2024. Respondent was personally served with the Summons, RFO, referral to CCRC, and all accompanying documents on January 2, 2024.

Both parties appeared for CCRC on January 8, 2024, and reached numerous agreements. A report with the parties' agreements and further recommendations was filed with the court on January 9, 2024. Copies were mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as set forth above. The court finds the parties' agreements and the recommendations as set forth in the CCRC report to be in the minor's best interest. The court adopts the agreements and recommendations as its order.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #20: THE COURT FINDS THE PARTIES' AGREEMENTS AND THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT TO BE IN THE MINOR'S BEST INTEREST. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS ITS ORDER. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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8:30 a.m./1:30 p.m.

21. MELISSA BAXTER V. PAUL GOSS SR.

PFL20190199

Respondent filed an ex parte application for orders on November 27, 2023, requesting the court order the current orders remain in effect, but that the children not be removed from El Dorado County. On November 29, 2023, the court granted the request and ordered the minors not be relocated from El Dorado County. The court set a Child Custody Recommending Counseling (CCRC) appointment and review hearing date. Respondent filed a Request for Order (RFO) on November 29, 2023 requesting the same orders as set forth in the ex parte application. Proof of Service shows Petitioner was served by mail on December 7, 2023.

Respondent filed a second ex parte application for emergency orders on December 7, 2023. The court denied the ex parte request and ordered all prior orders remain in full force and effect. The court affirmed the prior orders for the parties to attend CCRC and the review hearing as previously set. On December 13, 2023, Respondent filed an RFO making the same requests as set forth in the ex parte application. There is no Proof of Service showing Petitioner was served with the ex parte orders or RFO.

On January 10, 2024, only Respondent appeared for the CCRC appointment.

Respondent filed a third ex parte application for emergency orders on January 22, 2024. The court ordered parties to appear for a hearing on January 26, 2024. On January 26, 2024, parties appeared for the hearing. The court imposed a sanction of \$100 against Petitioner for her failure to appear at CCRC. The court rereferred the parties to CCRC for an emergency appointment on February 6, 2024 and confirmed the previously set review hearing on February 29, 2024. The court authorized the minors to reside with Petitioner out of county on a temporary basis, as it was not interfering with Respondent's parenting time. The court also authorized three Facetime calls per week with the minors and Respondent. The court ordered that the minors were to be enrolled in school and all their medical and dental needs were to be met. The court ordered the parties to communicate about the minors' needs via talkingparnets.com or similar application. The court reiterated the Respect Guidelines to the parties. The parties were also reminded of the prior court order to enroll in and complete a co-parenting class and provide the court with proof of completion.

Respondent filed a third RFO on January 26, 2024 requesting modification of the child custody and parenting plan orders. Upon review of the court's file, there is no Proof of Service for this RFO.

Both parties appeared for the emergency set CCRC on February 6, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on February 26, 2024. Copies were sent to the parties the same day.

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February 29, 2024
8:30 a.m./1:30 p.m.

The court finds good cause to proceed with the January 26, 2024 RFO as superseding the November 29, 2023 RFO. Both parties attended CCRC and Petitioner is aware of the requested orders.

As of the writing of this, Petitioner has not filed a Responsive Declaration.

Apart from Petitioner's relocation to Lake County, the court finds the parties to be in substantially the same position as when the court ruled on Respondent's prior RFO in October. At that time the court noted, Respondent had filed an RFO in February 2023. The parties were referred to CCRC and a report with recommendations was filed with the court. On April 20, 2023, the court adopted its tentative ruling adopting the recommendations from the April 11, 2023 CCRC report. Respondent had failed to state why the requested change would be in the minors' best interests. It appeared to the court the August 30, 2023 request was being made to reduce Respondent's child support obligation. Once again, Respondent appears to be requesting the modification in parenting time to reduce his child support obligation. Once again, Respondent has failed to set forth how the requested modification would be in the minors' best interest. The court further notes that Petitioner's relocation to Lake County was done without court permission. However, the relocation has not interfered with Respondent's parenting time. Neither party has provided the court with proof of enrollment in or completion of a co-parenting class.

The court has read and considered the February 26, 2024 CCRC report. The court finds the recommendations as set forth in the report are in the minors' best interests. The court adopts the recommendations as its orders.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #21: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE REPORT ARE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 29, 2024

8:30 a.m./1:30 p.m.

**MADE BY TELEPHONE 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 5

February 29, 2024

8:30 a.m./1:30 p.m.

23. ROBERT PECK V. STACEY SAMS

23FL1154

Petitioner filed a Petition to Establish a Parental Relationship on November 27, 2023. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting the court make orders as to child custody and parenting time. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 10, 2024, and a review hearing on February 29, 2024.

The Proof of Service of Summons shows Respondent was personally served with the Summons, RFO, and Declaration under the UCCJEA. However, there is no indication Respondent was served with the referral to CCRC and other necessary documents.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report was filed with the court on January 11, 2024. Copies were mailed to the parties the same day. The court notes it received Petitioner's copy back in the mail on January 22, 2024, as undeliverable.

The court orders parties to appear for the hearing.

TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.