

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**1. ALEX KRUMWIEDE V. HANNAH KRUMWIEDE**

**23FL1044**

On December 28, 2023, the parties attended a hearing on Petitioner's request for a Domestic Violence Restraining Order (DVRO). The hearing was continued to January 24, 2024. In response to a request by Respondent, the court ordered the children be removed from the temporary restraining order and the parties were referred to Child Custody Recommending Counseling (CCRC). A CCRC review hearing was set for the present date.

The DVRO hearing was held as scheduled on January 24<sup>th</sup> and the requested DVRO was denied. The temporary restraining order expired on that date.

As ordered, the parties attended CCRC on January 25, 2024. While they were unable to reach any agreements, a report with recommendations was prepared and mailed to the parties on March 8<sup>th</sup>. The court has reviewed the recommendations contained in the CCRC report and finds them to be in the best interests of the minors. They are therefore adopted as the orders of the court.

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

**TENTATIVE RULING #1: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE MARCH 8, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND ADOPTS THEM AS THE ORDERS OF THE COURT. 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.

**2. ANN MARIE AZVEDO V. RANDY AZVEDO**

**PFL20200337**

On December 29, 2023, Respondent filed a Request for Order (RFO) seeking to modify child and spousal support. He filed his Income and Expense Declaration concurrently therewith. Both documents were served on January 3, 2024. Petitioner has not filed a Responsive Declaration to Request for Order, though she did file and serve her Income and Expense Declaration on March 14, 2024.

This is a post-judgment request for modification of support orders. As such, it was required to be personally served or, if served by mail, Respondent was required to complete and file a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, which he has not done. *See* Fam. Code § 215. While Petitioner did file her Income and Expense Declaration, there is no indication on the declaration that she has actual knowledge of either the pending date and time for the hearing or any of the matters raised by the RFO. As such, the court is unable to find that Petitioner has waived proper service by filing her Income and Expense Declaration. This matter is dropped from calendar due to lack of proper service.

**TENTATIVE RULING #2: THIS 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.

**3. ANTONINA MYSHYAKOVA V. IVO DACHEV**

**23FL1255**

Petitioner filed a Petition to Establish a Parental Relationship on December 26, 2023. A Summons was issued the same day. Proof of Service shows the Summons was served on Respondent on January 8, 2024.

Respondent filed a Response on February 1, 2024. Proof of Service shows Petitioner was served with the Response on February 7, 2024. Respondent concurs he is the parent on the minor as he signed a Voluntary Declaration of Paternity at the time of the minor's birth and has attached the minor's birth certificate to the Response.

The court finds Respondent to be the parent of the minor Leo Dachev.

On December 29, 2023, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. It was personally served on January 8, 2024. Respondent filed his Responsive Declaration to Request for Order on February 2, 2024. It was mail served on February 7<sup>th</sup>.

As Petitioner failed to include the minor's birth certificate with the Petition to Establish a Parental Relationship, the parties were not referred to Child Custody Recommending Counseling (CCRC). As such, the parties are referred to CCRC with an appointment on 04/11/2024 at 1:00 pm with Micaela Murphy. This matter is continued to 6/13/2024 at 8:30am in Department 5.

**TENTATIVE RULING #3: THE COURT FINDS RESPONDENT TO BE THE PARENT OF THE MINOR LEO DACHEV. THE PARTIES ARE REFERRED TO CCRC WITH AN APPOINTMENT ON 4/11/2024 WITH MICHAELA MURPHY. THIS MATTER IS CONTINUED TO 6/20/2024 AT 8:30AM IN DEPARTMENT 5.**

**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.

**4. DARBARA SIDHU V. FATEMEH SIDHU**

**22FL0406**

On December 5, 2023, Respondent filed a Request for Order (RFO) seeking an order for the sale of the marital residence. It was served on December 8<sup>th</sup>. Petitioner filed his Responsive Declaration to Request for Order on January 8, 2024. It was served on January 5<sup>th</sup>. He filed his Income and Expense Declaration and his Supplemental Declaration of Dabara Sidhu on March 8<sup>th</sup>. Both were served on March 7<sup>th</sup>.

According to Respondent, Petitioner has had sole use and possession of the marital residence since July 31, 2023. He lost his job effective April 1, 2023 and has been living off his retirement income ever since. While she acknowledges that Petitioner owned the home prior to marriage, Respondent states that her name is currently on the deed. Respondent requests an order directing the home be listed for sale.

Petitioner opposes the request. He states that the mortgage is current and he has been using separate property retirement money to pay for it. He also notes that trial on the issue of property division is currently set to commence in May.

It is a longstanding tenant of the law that the court shall divide the community estate of the parties equally. Cal. Fam. Code 2550. Inherent in the court's authority to ensure that community assets are divided equally, the court holds broad discretion to "...make any orders [it] considers necessary.." Fam. Code § 2553. This includes ordering the sale and division of proceeds of the marital residence. Marriage of Holmgren, 60 Cal. App. 3d 869 (1976); *See also In re Marriage of Horowitz*, 159 Cal. App. 3d 368 (1984).

Here, however, the court cannot not find that ordering the sale of the residence would be in furtherance of ensuring the estate is divided equally. This is especially in light of the fact that the asset is not in danger of foreclosure and Petitioner has established that he may have a significant separate property interest in the home. As such, Respondent's request to sell the marital residence pendent lite is denied.

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

**TENTATIVE RULING #4: RESPONDENTS REQUEST TO SELL THE MARITAL RESIDENCE IS DENIED. 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**

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**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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**5. HEATHER L. ANZELC V. DANIEL M. ANZELC**

**PFL20180631**

Petitioner filed a Request for Order (RFO) on August 28, 2023. This is a post-judgment request for modification of custody orders therefore, it was personally served on October 27<sup>th</sup> in accordance with Family Code § 215. Petitioner filed and served her Income and Expense Declaration concurrently with the RFO. The parties were referred to Child Custody recommending counseling and a hearing on the RFO was set for November 30, 2023.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on November 21<sup>st</sup>.

The matter came before the court for hearing on November 30<sup>th</sup>, as scheduled. At that time the court noted that only Petitioner had appeared at CCRC. The parties were therefore re-referred to CCRC and the hearing was continued to the present date.

On December 1, 2023, the parties submitted a Stipulation and Order Re: Child Custody and Support. Therein it was agreed that the stipulation resolved all issues raised in Petitioner's RFO.

The parties attended CCRC on January 25, 2024 at which time they reached agreements regarding custody and visitation but did not agree on all issues. A CCRC report with agreements and recommendations was prepared and sent to the parties on February 1<sup>st</sup>.

The Reply Declaration of Petitioner Heather Anzelc and Petitioner's updated Income and Expense Declaration were filed and served on March 8<sup>th</sup>. On March 12<sup>th</sup> Respondent filed and served his updated Income and Expense Declaration along with the Supplemental Declaration of Daniel Anzel in Support of Requests Regarding Custody, Visitation, Mediation Report, and Child Support.

Petitioner brings her RFO requesting custody and visitation orders as well as child support. She asks the court to adopt the agreements and recommendations as stated in the CCRC report with modifications. Petitioner has attached the proposed modifications as Exhibit C to her March 8<sup>th</sup> declaration. She also notes that shortly after the December 1<sup>st</sup> declaration was signed she was informed that Respondent had lost his job. She asks the court to order Respondent to make a good faith effort to seek full time employment which is commensurate with his skills and abilities, provide documentary proof of those efforts and proof of any unemployment benefits he is receiving. Once, he secures employment, Petitioner asks that Respondent provide her with documentation of the same. Finally, she asks that her bonus income not be included in calculating base support as it varies widely.

Respondent is seeking an order for joint legal and physical custody with a step-up plan that would culminate in an equal timeshare using a 2-2-3 or a week-on/week-off schedule. He

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agrees to most of the recommendations in the CCRC report but asks that the step-up plan be expedited. He provides the court with his recommended step-up plan. Additionally, he asks the court to order guideline child support taking into consideration the fact that he is unemployed. He agrees to a seek-work order with bi-weekly reporting of his job search efforts.

On March 20, 2024, the parties submitted a Stipulation and Order to the court which resolves the issues raised in the RFO. However, the Stipulation and Order did not include a request to vacate the current hearing. The court has signed and adopted the parties' Stipulation and Order as its order. As such, the court finds the RFO to be moot, and therefore, drops the matter from calendar.

All prior orders not in conflict with this order remain in full force and effect.

**TENTATIVE RULING #5: DUE TO THE PARTIES' STIPULATION AND ORDER, THE MATTER IS DROPPED FROM CALENDAR AS MOOT.**

**ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.**

**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.

**6. JAMES WHITE V. KIMBERLY WHITE**

**PFL20180249**

On December 26, 2023, Petitioner filed a Request for Order (RFO) seeking a protective order for a deposition subpoena submitted by Respondent. The RFO was filed concurrently with Petitioner's Separate Statement. Both documents were mail served on December 28<sup>th</sup>. Respondent has not filed a Responsive Declaration to Request for Order.

According to Petitioner, Respondent sent a Subpoena for Production of Business Records to Cigna Health and Life Insurance Company. The subpoena seeks not only information regarding benefits paid but all information regarding Cigna's "claim file" on Petitioner including "medical records, evaluations, medical billing, adjuster notes and records, email and correspondence..." Petitioner requests a protective order on the basis that the request is not reasonably calculated to lead to the discovery of admissible evidence and, as phrased, it seeks information that is privileged and protected by the California Constitution. Pursuant to the terms of the subpoena, documents were to be served on December 29, 2023.

Respondent has not opposed the RFO, nor has she provided any rationale as to why the requested information may potentially lead to the discovery of admissible evidence.

Attached to the moving papers is a copy of the subpoena that contains Petitioner's social security number in full. The clerk of the court is directed to file this document under seal to ensure the confidentiality of this information.

Given that the time for compliance under the subpoena has long since passed and given Respondent's failure to provide any response to the RFO, it is unclear to the court whether or not this issue is now moot. The parties are ordered to appear.

**TENTATIVE RULING #6: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**7. JASON HARDOUIN V. JENAE NORELL**

**22FL0118**

Petitioner filed a Request for Order (RFO) on December 20, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) and a hearing was set for the present date. There was no Proof of Service filed with the RFO and only Petitioner appeared at CCRC.

On February 2, 2024, Petitioner filed another Request for Order (RFO). Again, there was no Proof of Service filed with the RFO.

Respondent filed a Responsive Declaration to Request for Order on March 8<sup>th</sup>. It was served on March 7<sup>th</sup>. In her responsive declaration, Respondent indicates that she is unclear as to what matters are actually pending given improper service of the RFOs.

It was not until March 11<sup>th</sup>, after Respondent filed her responsive declaration, that Petitioner filed Proofs of Service for the December and the February RFOs. He also filed a Memorandum of Points and Authorities in Support of Petitioner's Request for Attorney's Fees on March 11<sup>th</sup>, though the Proof of Service states that this document was served on February 28<sup>th</sup>. The Proof of Service for the December 20<sup>th</sup> RFO states it was served on January 8<sup>th</sup>, but the proof was not signed until March 11<sup>th</sup>. Likewise, the Proof of Service for the February 2<sup>nd</sup> RFO states that it was served on February 18<sup>th</sup> but the proof is signed March 11<sup>th</sup>.

Given the delay in executing and filing the Proofs of Service until after Respondent indicated that she was not properly served, the court is concerned with whether or not Respondent was properly served. The parties are ordered to appear for the hearing.

**TENTATIVE RULING #7: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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March 21, 2024

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

**8. JENNIFER WIDAU V. TOM SANDOVAL**

**PFL20210301**

On August 23, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. He filed a Notice of Lodgment and Lodgment and Exhibit List concurrently therewith. He filed a Declaration Regarding Address Verification but then served the moving papers electronically on Petitioner's counsel on August 31<sup>st</sup>. Generally, this would not constitute proper service. However, Petitioner filed and served a Responsive Declaration to Request for Order on October 30<sup>th</sup>, therefore the court finds good cause to reach the matter on its merits.

Respondent filed a Supplemental Declaration on December 11<sup>th</sup> but there is no Proof of Service for this document and therefore the court cannot consider it. On March 7<sup>th</sup> the declaration was refiled, along with a Proof of Service establishing that it was properly served.

The parties attended Child Custody Recommending Counseling (CCRC) on November 1<sup>st</sup>. A report was prepared dated December 7, 2023. It was mailed to the parties on December 8<sup>th</sup>.

Respondent filed his RFO requesting joint legal and joint physical custody of the parties' minor child. He requests visitation every first, second, and fourth weekend from Friday after school (3:00 pm when there is no school) to the following Sunday at 7:00 pm. He also requests every Thursday after school (3:00 pm when there is no school) to the following Friday at the start of school (3:00 pm when there is no school). He requests a holiday schedule in accordance with the schedule submitted on his FL-341(c).

Petitioner opposes the requested visitation. Instead, she proposes reunification therapy for Respondent and the minor with a review hearing set 90 days out. She asks that the court stay the current step-up plan until the reunification therapy has commenced. She asks the court to modify the order regarding alcohol testing from random 72-hour etg/eth testing with Comprehensive Medical to testing via BACtrack monitoring app at least three times a day to show proof of consistent sobriety. She also requests the parties be ordered to participate in co-parenting counseling in lieu of private mediation with Respondent to incur all out-of-pocket costs for counseling. Finally, Petitioner is seeking sanctions in the amount of \$5,000 pursuant to Family Code § 271 for Respondent's failure to comply with court orders and failing to meet and confer.

The court has reviewed the filings as outlined above. The court finds the recommendations contained in the December 7, 2023 CCRC report to be in the best interests of the minor and therefore, adopts them as the orders of the court. The court further orders that the parties shall sign any and all necessary releases to allow contact and communication between the conjoint therapist and the minor's therapist. The court sets a review hearing for 6/20/2024 at 8:30 am in Department 5 to address the status of reunification therapy. Parties are to file and serve supplemental declarations no later than 10 days prior to the hearing date. Until

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then, Respondent shall have phone or video calls with the minor no less than twice per week unless the minor's therapist provides written documentation that such contact is not in the minor's best interest for the time being. Calls shall take place on dates and times mutually agreeable by both parties. Petitioner shall not unreasonably withhold her consent to a requested call which is made in accordance with this order.

Respondent is ordered to participate in daily alcohol testing via BACtrack at least twice per day and provide Petitioner with copies of the results. The parties shall split equally the cost of BACtrack. If Respondent has any positive tests, then Respondent shall pay the entire BACtrack cost for the following month. Refusal to test shall constitute a positive test.

The court denies Petitioner's request to order co-parenting counseling at this time as it has not necessarily been shown that the parties are unable to work together to parent the minor but instead the larger issue is the strained relationship between the minor and Respondent.

The court reserves on Petitioner's request for Section 271 sanctions.

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

**TENTATIVE RULING #8: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE DECEMBER 7, 2023 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND THEREFORE ADOPTS THEM AS THE ORDERS OF THE COURT. THE COURT FURTHER ORDERS THAT THE PARTIES SHALL SIGN ANY AND ALL NECESSARY RELEASES TO ALLOW CONTACT AND COMMUNICATION BETWEEN THE CONJOINT THERAPIST AND THE MINOR'S THERAPIST. THE COURT SETS A REVIEW HEARING FOR 6/20/2024 AT 8:30 AM IN DEPARTMENT 5 TO ADDRESS THE STATUS OF REUNIFICATION THERAPY. PARTIES ARE TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. UNTIL THEN, RESPONDENT SHALL HAVE PHONE OR VIDEO CALLS WITH THE MINOR NO LESS THAN TWICE PER WEEK UNLESS THE MINOR'S THERAPIST PROVIDES WRITTEN DOCUMENTATION THAT SUCH CONTACT IS NOT IN THE MINOR'S BEST INTEREST FOR THE TIME BEING. CALLS SHALL TAKE PLACE ON DATES AND TIMES MUTUALLY AGREEABLE BY BOTH PARTIES. PETITIONER SHALL NOT UNREASONABLY WITHHOLD HER CONSENT TO A REQUESTED CALL IN ACCORDANCE WITH THIS ORDER.**

**RESPONDENT IS ORDERED TO PARTICIPATE IN DAILY ALCOHOL TESTING VIA BACTRACK AT LEAST TWICE PER DAY AND PROVIDE PETITIONER WITH COPIES OF THE RESULTS. THE PARTIES SHALL SPLIT EQUALLY THE COST OF BACTRACK. IF RESPONDENT HAS ANY POSITIVE TESTS, THEN RESPONDENT SHALL PAY THE ENTIRE BACTRACK COST FOR THE FOLLOWING MONTH. REFUSAL TO TEST SHALL BE DEEMED A POSITIVE TEST RESULT.**

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**PETITIONER'S REQUEST FOR CO-PARENTING COUNSELING IS DENIED.**

**THE COURT RESERVES ON PETITIONER'S REQUEST FOR SECTION 271 SANCTIONS.**

**ALL ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE 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.

**9. LAVERNE ANDERSON V. THOMAS STIEBER**

**PFL20180729**

On December 26, 2023, Petitioner filed a Request for Order (RFO) seeking nunc pro tunc entry of the judgment. The RFO was served the next day on December 27<sup>th</sup>. Respondent has not filed a Responsive Declaration to Request for Order. On February 6<sup>th</sup> Petitioner filed a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration.

While Petitioner did include a copy of a letter from the Family Law Facilitator indicating that Respondent was contacted and asked to sign the Judgment, she did not include a copy of the proposed Judgment with her moving papers. Additionally, while there is a declaration indicating that Petitioner has served her Declarations of Disclosure, there is no indication that Respondent has done the same.

While Civil Procedure § 664.6 allows a party to move for entry of the judgment pursuant to the terms of a written settlement agreement, "...judgment shall not be entered with respect to the parties' property rights without each party, or the attorney for that party in this matter, having executed and served a copy of the final declaration of disclosure and current income and expense declaration." Family Code § 2106.

Here, there is no indication that Respondent has served his Final Declarations of Disclosure or that there has been a waiver of the same. Even assuming both parties have served their declarations, Petitioner has failed to attach her proposed judgment as part of her moving papers. The request is therefore denied.

**TENTATIVE RULING #9: PETITIONER'S REQUEST FOR ENTRY OF THE JUDGMENT IS DENIED.**

**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.

**10. SCOTT RONNINGEN V. ANGELINA RONNINGEN**

**23FL0127**

On January 2, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. It was mail served on January 3<sup>rd</sup>. Petitioner filed his Responsive Declaration to Request for Order on March 8<sup>th</sup>, however, there is no Proof of Service for this document therefore the court cannot consider it.

The parties attended Child Custody Recommending Counseling (CCRC) on January 29<sup>th</sup> and were able to reach agreements on all issues. A report codifying those agreements was prepared and mailed to the parties the same day.

After reviewing the filings of the parties as outlined above the court finds the agreements as stated in the January 29, 2024 CCRC report to be in the best interests of the minors, they are therefore adopted as the orders of the court.

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

**TENTATIVE RULING #10: THE AGREEMENTS CONTAINED IN THE JANUARY 29, 2024 CCRC REPORT ARE IN THE BEST INTERESTS OF THE MINOR AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. 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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**11. STACEY VALIENTE-KEATES V. SELAH VALIENTE-KEATES**

**22FL0868**

On January 4, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was served on January 4<sup>th</sup> along with all other required documents.

The parties attended Child Custody Recommending Counseling (CCRC) on January 31, 2024 and were able to reach agreements on all issues. A report codifying the agreements was prepared and mailed to the parties on March 7<sup>th</sup>.

The court has reviewed the filings of the parties as outlined above and finds their agreements to be in the best interests of the child. Therefore, the agreements of the parties as stated in the March 7, 2024 CCRC report are adopted as the orders of the 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 #11: THE AGREEMENTS OF THE PARTIES AS STATED IN THE MARCH 7, 2024 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE 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.**

**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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**12. CLAIRE OVERBY V. ZOLO POOLE**

**23FL0492**

Petitioner filed a Petition for Custody and Support on May 31, 2023. Additionally, Petitioner filed a Request for Order (RFO) on May 31, 2023, requesting the court make orders as to custody, parenting time, and child support. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 21, 2023 and a review hearing on August 31, 2023; though the August hearing was continued to October 12, 2023.

At the October hearing the court made orders regarding child support and attorney's fees. The court found that the presumption established by Family Code § 3044 applied and the parties were re-referred to CCRC. A review hearing was set for the present date. The parties were ordered to file supplemental declarations no later than 10 days prior to the hearing date.

Petitioner filed and served her Updating Declaration on January 31, 2024. Respondent has not filed an updating or supplemental declaration.

The parties attended CCRC on January 9 and a report was prepared on January 18th and sent to the parties on January 19th. The report sets forth recommendations of the CCRC counselor as well as an agreed upon 2-2-3 parenting schedule.

Petitioner requests the court make the following orders: (1) A finding that the § 3044 presumption has not been rebutted; (2) A finding that changes to the current custody schedule would not be in the minor's best interests; (3) No further hearings on the issue of custody until such time as either party files a new RFO; and (4) The parties be ordered to inform one another of any third-parties who are providing childcare for the minor and for an order which requires and permits each party to introduce the other to any significant other who is going to be spending time with the minor.

Parties appeared for the hearing on February 15, 2024. Petitioner requested the matter be continued to retrain new counsel. The court granted the continuance request and set the matter for a further hearing on March 21, 2024.

Neither party has filed any new documents since the last hearing.

The court has read and considered the filings as outlined above. The court finds that there has been a finding that Respondent engaged in domestic violence within the last five years. Therefore, the presumptions of Family Code section 3044 apply. The court has received no evidence that Respondent has taken any actions to overcome the presumptions. As such, the prior orders remain in the minor's best interest. The court maintains the current orders as to custody and the parenting plan.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

All prior orders remain in full force and effect. Petitioner shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #12: THE COURT FINDS THAT THERE HAS BEEN A FINDING THAT RESPONDENT ENGAGED IN DOMESTIC VIOLENCE WITHIN THE LAST FIVE YEARS. THEREFORE, THE PRESUMPTIONS OF FAMILY CODE SECTION 3044 APPLY. THE COURT HAS RECEIVED NO EVIDENCE THAT RESPONDENT HAS TAKEN ANY ACTIONS TO OVERCOME THE PRESUMPTIONS. AS SUCH, THE PRIOR ORDERS REMAIN IN THE MINOR'S BEST INTEREST. THE COURT MAINTAINS THE CURRENT ORDERS AS TO CUSTODY AND THE PARENTING PLAN. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**13. JAIME LUPER V. RICHARD LIMING**

**PFL20180266**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 2, 2024. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the OSC. Therefore, the matter is dropped from calendar.

**TENTATIVE RULING #13: THE MATTER IS DROPPED FROM THE COURT'S 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**14. JESSICA LOZANO V. SEAN BURNETT**

**24FL0027**

Petitioner filed a Petition for Custody and Support on January 9, 2024 as well as a Request for Order (RFO) requesting the court make orders as to child custody and child support. A Summons was issued the same day. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 1, 2024 and a review hearing on March 21, 2024. Petitioner did not file an Income and Expense Declaration. Proof of Service shows Respondent was personally served on January 29, 2023.

Only Petitioner appeared at the CCRC appointment on February 1, 2024. As such, a single parent report was filed with the court on March 15, 2024. Copies were mailed to the parties on March 15, 2024. The court notes this is less than the 10 days required for service of the CCRC report.

Respondent has not filed a Responsive Declaration.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**15. JESSICA RUBALCAVA V. ISIAH RUBALCAVA**

**24FL0018**

Petitioner filed a Request for Order (RFO) on January 5, 2024, requesting the court make orders as to child custody, parenting time, child and spousal support, property control, as well as attorney's fees. Petitioner did not concurrently file an Income and Expense Declaration. Despite having attended Child Custody Recommending Counseling (CCRC) within the last six months, parties were referred to CCRC with an appointment on February 2, 2024 and a review hearing on March 21, 2024. Proof of Service shows Respondent was personally served on January 22, 2024.

Petitioner is requesting sole legal and physical custody of the minors. Petitioner is also requesting guideline child support and spousal support in the amount of \$3,500 per month. Petitioner requests she be given exclusive use and control of the property located at 6883 Ridgeway Drive in Pollock Pines, California. Petitioner requests the Respondent be responsible for the mortgage payment and all utility payments. Petitioner is requesting \$10,000 in Family Code section 2030 attorney's fees.

Only Respondent appeared for the CCRC appointment on February 2, 2024. As such, a single parent report was filed with the court on February 2, 2024. Copies were mailed to the parties the same day.

Respondent filed Declarations A-G on January 25, 2024. Proof of Service shows Petitioner was served by mail on January 26, 2024.

Respondent filed a Responsive Declaration on February 28, 2023. Proof of Service shows Petitioner was served on March 5, 2024. Respondent requests the current orders from case number 23FL0670 remain in full force and effect. There is a current Domestic Violence Restraining Order (DVRO) in place protecting Respondent and both minors. Respondent has sole legal and physical custody of the minors. Therefore, Respondent objects to the request for child and spousal support due in part to the DVRO. As to property control, Respondent asserts he was given property control of 6883 Ridgeway Drive in Pollock Pines. Respondent objects to Petitioner having exclusive use and control of the property but does consent to a pendent lite order to sell the residence and divide the proceeds equally between the parties after all community debt has been satisfied.

The court notes Respondent has attached a confidential CCRC report to his Responsive Declaration as Exhibit A. The court is directing that Exhibit A be removed from Respondent's Responsive Declaration and placed in the confidential portion of the file. Respondent is admonished that if he discloses confidential information in the future, the court will issue sanctions.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

Respondent has not filed an Income and Expense Declaration.

*Child Custody and Parenting Time*

First and foremost, there is a current DVRO in place which protects the minors and Respondent. The court has previously found in case number 23FL670, that Family Code section 3044 applies. In fact, the court made findings and orders as to child custody and parenting time on March 14, 2024. Petitioner requested oral argument in that matter and then withdrew her request. There has been no change in circumstances since the court made its orders on March 14, 2024 that would warrant as change in custody. Further, Petitioner failed to appear at the CCRC appointment which was set at her request. The court denies Petitioner's request for sole legal and sole physical custody of the minors.

*Child and Spousal Support*

As to Petitioner's request for child support, that request is denied. First, Petitioner failed to file an Income and Expense Declaration as required. "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). Therefore, the court denies the request on those grounds. Even if Petitioner had properly filed an Income and Expense Declaration, the request for child support would have been denied. Petitioner currently has a zero percent timeshare. As such, an award of child support would not be proper.

Likewise, Petitioner's request for spousal support, is denied for her failure to properly file and serve an Income and Expense Declaration. Even if Petitioner had properly filed an Income and Expense Declaration, the request would be denied. Petitioner is the restrained party in a current DVRO. Respondent is the protected party. Pursuant to Family Code section 4320(i) the court must take into consideration a documented history of domestic violence between the parties. Not only has the court found Petitioner perpetrated domestic violence against Respondent, but Respondent has also clearly demonstrated through his filings that Petitioner continues to violate the DVRO. As such, an award of spousal support to Petitioner would not be appropriate under these circumstances.

*Attorney's Fees*

A request for attorney's fees pursuant to Family Code section 2030, must be accompanied by an Income and Expense Declaration. As set forth above, Petitioner has failed to file an Income and Expense Declaration. Therefore, the request for attorney's fees is denied.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

*Property Control*

Respondent was not granted exclusive use and control of the former marital residence in the DVRO. Rather, Respondent was granted a move out order, wherein Petitioner was required to move out of the residence. It does not appear Respondent has enforced that order, as Petitioner asserts in her declaration that she continues to reside in the home. Respondent states the home and mortgage are in his name alone. Based on Respondent's declaration, he consents to the sale of the home pendente lite, with the proceeds going to pay community debt, and the remainder, if any, to be divided between the parties equally.

The court grants the request to sell the former martial residence pendente lite. Respondent shall provide the names of three real estate agents to Petitioner on or before April 4, 2024. Petitioner will then have until April 18, 2024 to select one and provide Respondent the name of the agent selected. Both parties are to fully cooperate with the selected agent to list the home for sale and in the sale of the home. Should Petitioner fail to select a real estate agent by April 18, 2024, Respondent shall make the selection. Should either party fail to cooperate in the sale of the home, including signing all necessary documents, the court authorizes the clerk of the court to serve as elisor to sign any necessary documents. Upon the sale of the home, the proceeds of the sale are to pay any outstanding community debt. The remainder of the proceeds, if any, are to be divided equally between the parties.

The order for Petitioner to move out of the residence remains in full force and effect.

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

**TENTATIVE RULING #15: THE COURT DENIES PETITIONER'S REQUEST FOR SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINORS FOR THE REASONS SET FORTH ABOVE. THE COURT DENIES PETITIONER'S REQUEST FOR CHILD AND SPOUSAL SUPPORT FOR THE REASONS SET FORTH ABOVE. THE COURT DENIES PETITIONER'S REQUEST FOR ATTORNEY'S FEES FOR THE REASONS SET FORTH ABOVE.**

**THE COURT GRANTS THE REQUEST TO SELL THE FORMER MARTIAL RESIDENCE PENDENTE LITE. RESPONDENT SHALL PROVIDE THE NAMES OF THREE REAL ESTATE AGENTS TO PETITIONER ON OR BEFORE APRIL 4, 2024. PETITIONER WILL THEN HAVE UNTIL APRIL 18, 2024 TO SELECT ONE AND PROVIDE RESPONDENT THE NAME OF THE AGENT SELECTED. BOTH PARTIES ARE TO FULLY COOPERATE WITH THE SELECTED AGENT TO LIST THE HOME FOR SALE AND IN THE SALE OF THE HOME. SHOULD PETITIONER FAIL TO SELECT A REAL ESTATE AGENT BY APRIL 18, 2024, RESPONDENT SHALL MAKE THE SELECTION. SHOULD EITHER PARTY FAIL TO COOPERATE IN THE SALE OF THE HOME, INCLUDING SIGNING ANY AND ALL NECESSARY DOCUMENTS, THE COURT AUTHORIZES THE CLERK OF THE COURT TO SERVE AS ELISOR TO**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**SIGN ANY NECESSARY DOCUMENTS. UPON THE SALE OF THE HOME, THE PROCEEDS OF THE SALE ARE TO PAY ANY OUTSTANDING COMMUNITY DEBT. THE REMAINDER OF THE PROCEEDS, IF ANY, ARE TO BE DIVIDED EQUALLY BETWEEN THE PARTIES.**

**ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**16. JOHN CRISAFULLI V. ANITA CRISAFULLI**

**22FL1192**

On March 7, 2024, the court set an evidentiary hearing on the issues of child custody and parenting plan. At the request of Minors' Counsel, the court set an interim hearing on the issues of custody and the parenting plan for March 21, 2024 as she had been unable to reach collateral contacts to prepare a Statement of Issues and Contentions.

As of the writing of the tentative ruling, there have been no new filings by any party.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #16: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**17. MARIA CRUZ DIAZ V. DANIEL DIAZ**

**22FL0480**

Petitioner filed a Request for Order (RFO) on January 4, 2024, requesting the court make child custody and parenting plan orders as well as property division orders, which were reserved issues in the parties' judgment. Petitioner concurrently filed a Property Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 29, 2024 and a review hearing on March 21, 2024. Proof of Service shows Respondent was personally served on January 22, 2024.

Petitioner is requesting joint legal custody with sole physical custody of the minors, and for Respondent to have parenting time. Petitioner is also requesting the court divide the remaining community property between the parties. In doing so, she asks that she be awarded the home in Placerville and Respondent be awarded the home in Mexico. Further Petitioner is requesting the parties' joint bank account and joint tax debt be divided equally between them.

Both parties attended CCRC and reached a full agreement. A CCRC report memorializing the parties' agreement was filed with the court on March 7, 2024. Copies were mailed to the parties on March 11, 2024.

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 to be in the best interest of the minors. The court therefore adopts the agreements of the parties as its orders.

As to the request for property division, the court finds that it needs additional information from the parties, including how the proposed values of the homes were determined as well as bank and tax statements. Therefore, the parties are ordered to appear for the hearing to select Mandatory Settlement Conference and Trial dates.

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

**TENTATIVE RULING: PARTIES ARE ORDERED TO APPEAR ON THE PROPERTY DIVISION ISSUE TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.**

**THE COURT FINDS THE PARTIES' AGREEMENTS TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS OF THE PARTIES AS STATED IN THE MARCH 7, 2024 CCRC REPORT AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**18. MEGHAN BLAIR V. WILLIAM BLAIR**

**PFL20180031**

On January 3, 2024, Petitioner filed a Request for Order (RFO) asking for the court to modify the parenting plan as well as for Respondent's wife, Ashley Blair, to not use the Talking Parents account jointly, but rather set up her own account. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 1, 2024 and a review hearing on March 21, 2024.

Proof of Service shows Respondent was served by mail on January 4, 2024. The court notes this is a post judgment request for modification and as such Family Code section 215 applies. Petitioner did not file an address verification form. Further, the Proof of Service does not include the referral to CCRC or the notice of tentative ruling.

Respondent filed a Responsive Declaration to Request for Order on January 22, 2023. Petitioner was served electronically on January 22, 2024. Respondent requests the current parenting plan remain in effect. Respondent objects to the request that his wife create her own Talking Parents account.

Only Respondent appeared at the CCRC appointment on February 1, 2024. As such a single parent report was filed with the court on February 1, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Declaration regarding her failure to appear at CCRC on February 20, 2024. Proof of Service shows Respondent was served electronically on February 20, 2024.

Petitioner filed another Declaration on March 14, 2024. Respondent was served on March 14, 2024. The court deems this to be a Reply Declaration, and therefore, finds it to be timely.

The court has read and considered the filings as outlined above. The court finds that Petitioner has not complied with Family Code section 215, nor did she properly notice Respondent. Nevertheless, Respondent appeared for the CCRC report and has filed a responsive declaration. The court finds good cause to proceed with Petitioner's RFO, despite the deficiencies. The court also finds good cause to rerefer the parties to CCRC, as it appears Petitioner did not receive the referral to CCRC timely. That being said, should Petitioner fail to appear at the next CCRC appointment, the court will impose sanctions. The court finds good cause to continue the review hearing.

The parties are to attend CCRC with Rebecca Nelson on 4/18/2024 at 9:00 am and return for a review hearing on 6/6/2024 at 1:30 in Department 5.

All prior orders remain in full force and effect pending the next court date.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**TENTATIVE RULING #18: THE COURT FINDS THAT PETITIONER HAS NOT COMPLIED WITH FAMILY CODE SECTION 215, NOR DID SHE PROPERLY NOTICE RESPONDENT. NEVERTHELESS, RESPONDENT APPEARED FOR THE CCRC REPORT AND HAS FILED A RESPONSIVE DECLARATION. THE COURT FINDS GOOD CAUSE TO PROCEED WITH PETITIONER'S RFO, DESPITE THE DEFICIENCIES. THE COURT ALSO FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC, AS IT APPEARS PETITIONER DID NOT RECEIVE THE REFERRAL TO CCRC TIMELY. THAT BEING SAID, SHOULD PETITIONER FAIL TO APPEAR AT THE NEXT CCRC APPOINTMENT, THE COURT WILL IMPOSE SANCTIONS. THE COURT FINDS GOOD CAUSE TO CONTINUE THE REVIEW HEARING. THE PARTIES ARE TO ATTEND CCRC WITH REBECCA NELSON ON 4/18/2024 AT 9:00 AM AND RETURN FOR A REVIEW HEARING ON 6/6/2024 AT 1:30 IN DEPARTMENT 5. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT PENDING THE NEXT COURT DATE.**

**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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**19. NICOLE GARDEA V. PHILLIP DUNKIN**

**PFL20180623**

Petitioner filed a Request for Order (RFO), on January 3, 2024, requesting a modification of child custody and parenting plan orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had attended within the prior six months.

Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO. Therefore, the court drops the matter from calendar.

Respondent filed an ex parte request for emergency custody orders on January 29, 2024. On January 30, 2024, the court denied the ex parte request. Once again, the court did not refer the parties to CCRC as they had attended in the last 90 days. Respondent filed an RFO on January 30, 2024, requesting the same orders as requested in the ex parte application.

Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO. Therefore, the court drops the matter from calendar.

All prior orders remain in full force and effect.

**TENTATIVE RULING #19: THE COURT DROPS PETITIONER'S JANUARY 3, 2024 FILED RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE. THE COURT DROPS RESPONDENT'S JANUARY 30, 2024 RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**20. NICOLE HOPKINS V. MATTHEW TIMMONS**

**PFL20010418**

Petitioner filed a Request for Order (RFO) on January 2, 2024, requesting the court relieve Corinne Isberner as counsel. Upon review of the court file, there is no Proof of Service for this RFO.

Petitioner filed a Substitution of Attorney on January 5, 2024, with Corinne Isberner substituting out of the case. Therefore, the court finds the RFO to be moot.

**TENTATIVE RULING #20: THE COURT DROPS THE MATTER FROM CALENDAR AS MOOT.**

**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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**21. RONALD PEASON V. VERONICA PEASON**

**PFL20170707**

Respondent filed a Request for Order (RFO), on January 2, 2024, seeking an order to secure unpaid support, tax reimbursements, and costs for brining the motion. Respondent concurrently filed an Income and Expense Declaration. Petitioner was personally served, in accordance with Family Code section 215, on January 22, 2024.

Respondent is requesting the court order Petitioner to reimburse her the amounts owed for child and spousal support as well as for the taxes that were withheld from her returns as a result of Petitioner's failure to pay the outstanding tax bills and failure to indemnify Respondent. Respondent also seeks fees and costs for having to file the present motion.

Petitioner has not filed a Responsive Declaration.

The court finds it must take testimony on issues. Therefore, the court orders the parties to appear to select Mandatory Settlement and Trial dates.

**TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT AND TRIAL DATES.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 21, 2024

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

**22. RYLEE ANDERSON V. GREGORY LIDDLE**

**23FL0066**

Respondent filed an ex parte application for emergency custody orders, including a move away request on February 8, 2024. On January 9, 2024, the court granted the ex parte request in part, ordering Respondent to have temporary sole physical custody of the minors, and for Petitioner to have professionally supervised visitation. The remainder of the request was denied. The parties were referred to Child Custody Recommending Counseling (CCRC) with an emergency set appointment on February 20, 2024 and a review hearing on March 21, 2024.

Proof of Service shows Petitioner was electronically served on February 15, 2024. The court notes Respondent signed the Proof of service.

Only Respondent appeared for the CCRC appointment on February 20, 2024. As such a single parent report was filed with the court on February 21, 2024 and mailed to the parties the same day.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #22: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**