

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

1. ALEXANDRA CARRERO V. JOSE CARRERO

24FL0924

On January 2, 2025, the parties appeared before the court for hearing on an RFO filed by Respondent on September 17, 2024. At that time, the parties requested a re-referral to Child Custody Recommending Counseling (CCRC). The referral request was granted, and a review hearing was set for the present date. The court ordered a parenting time schedule pending the return hearing.

The parties attended CCRC on January 13, 2025, and were able to reach several agreements. A report memorializing those agreements was prepared on March 11, 2025 and mailed to the parties on March 12, 2025.

Respondent's Supplemental Declaration was filed and served on March 6, 2025. Respondent's Additional Supplemental Declaration was filed and served on March 11, 2025. Respondent's Reply Declaration to CCRC Report was filed and served on March 18th.

The Reply Declaration of Alexandra Carrero was filed on March 21st, it was served on March 20th.

Respondent is requesting the following orders: (1) Joint legal and physical custody with a 2-2-3 parenting time that matches Respondent's eldest daughter's visitation schedule and holiday schedule; (2) to have Catalina on her birthday this year and for the parties to alternate her birthday moving forward with Petitioner to have even years and Respondent to have odd years; (3) Respondent to have full access to Catalina's school, sports activities, and religious events without interference from Petitioner; (4) All exchanges to be conducted at the El Dorado County Sheriff's Office; (5) Catalina to be confirmed as a resident of El Dorado County and any move from the county to be by agreement of the parties or court order; (6) Petitioner to obtain appropriate mental health support; (7) Petitioner and Respondent to attend co-parenting counseling together; (8) Petitioner to be ordered to cease any further harassment, false allegations, and disruptions to Respondent's ability to parent Catalina; and (9) non-compliance with orders to result in sanctions. He also requests joint legal custody, which the CCRC report is silent to.

Petitioner asks that the court deny all of Respondent's requests and adopt the agreements reached at CCRC with the following modifications: (1) Visits on Fridays, Saturdays and Sundays to be from 9am-6pm, instead of 7pm; (2) Petitioner to have the minor for her birthday this year from 9am-2pm and then Respondent to have her from 2pm-7pm.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

The court has reviewed the filings as outlined above and finds the following to be in the best interests of the minor. The parties shall share joint legal custody. In sharing joint legal custody, neither party may move the minor from her current county of residence or the tri-county area (El Dorado, Placer, Sacramento) without a court order or written agreement of the parties. Additionally, as part of the joint legal custody order Respondent shall have access to the minor's school, sports activities, and religious events without interference from Petitioner.

Respondent shall have parenting time from Friday at 4:00 p.m. until Saturday at 4:00 p.m. and on Mondays from 2:00 p.m. until 7:00 p.m. When the child turns 18 months old, the parties are ordered to commence a 2-2-3 parenting schedule. Exchanges shall take place at the El Dorado County Sheriff's Department unless otherwise agreed upon in writing.

Regarding the minor's birthday, the parties are to split the minor's birthday each year. On odd years Petitioner shall have the minor from 9am-2pm and Respondent shall have the minor from 2pm-7pm. On even years, Respondent shall have the minor from 9am-2pm and Petitioner shall have the minor from 2pm-7pm.

The court is adopting the Respect Guidelines on pg. 4-5 of the March 11, 2025 CCRC report.

The parties are ordered to attend co-parenting counseling. The parties shall meet and confer to agree upon a coparenting counselor. Counseling shall be at a frequency and duration as ordered by the counselor.

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 #1: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE FOLLOWING TO BE IN THE BEST INTERESTS OF THE MINOR. THE PARTIES SHALL SHARE JOINT LEGAL CUSTODY. IN SHARING JOINT LEGAL CUSTODY, NEITHER PARTY MAY MOVE THE MINOR FROM HER CURRENT COUNTY OF RESIDENCE OR THE TRI-COUNTY AREA (EL DORADO, SACRAMENTO, PLACER) WITHOUT A COURT ORDER OR WRITTEN AGREEMENT OF THE PARTIES. ADDITIONALLY, AS PART OF THE JOINT LEGAL CUSTODY ORDER RESPONDENT SHALL HAVE ACCESS TO THE MINOR'S SCHOOL, SPORTS ACTIVITIES, AND RELIGIOUS EVENTS WITHOUT INTERFERENCE FROM PETITIONER.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

RESPONDENT SHALL HAVE PARENTING TIME FROM FRIDAY AT 4:00 P.M. UNTIL SATURDAY AT 4:00 P.M. AND ON MONDAYS FROM 2:00 P.M. UNTIL 7:00 P.M. WHEN THE CHILD TURNS 18 MONTHS OLD, THE PARTIES ARE ORDERED TO COMMENCE A 2-2-3 PARENTING SCHEDULE. EXCHANGES SHALL TAKE PLACE AT THE EL DORADO COUNTY SHERIFF'S DEPARTMENT UNLESS OTHERWISE AGREED UPON IN WRITING.

REGARDING THE MINOR'S BIRTHDAY, THE PARTIES ARE TO SPLIT THE MINOR'S BIRTHDAY EACH YEAR. ON ODD YEARS PETITIONER SHALL HAVE THE MINOR FROM 9AM-2PM AND RESPONDENT SHALL HAVE THE MINOR FROM 2PM-7PM. ON EVEN YEARS, RESPONDENT SHALL HAVE THE MINOR FROM 9AM-2PM AND PETITIONER SHALL HAVE THE MINOR FROM 2PM-7PM.

THE COURT IS ADOPTING THE RESPECT GUIDELINES ON PG. 4-5 OF THE MARCH 11, 2025 CCRC REPORT.

THE PARTIES ARE ORDERED TO ATTEND CO-PARENTING COUNSELING. THE PARTIES SHALL MEET AND CONFER TO AGREE UPON A COPARENTING COUNSELOR. COUNSELING SHALL BE AT A FREQUENCY AND DURATION AS ORDERED BY THE COUNSELOR.

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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

3. DAVID SLAY V. KRYSTAL SLAY

23FL0827

On January 2, 2025, Petitioner filed a Request for Order (RFO) and supporting documents thereto. The RFO and all required documents were mail served on January 13th. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner filed his RFO seeking to compel Respondent to produce her Preliminary Declaration of Disclosure (PDD) along with the Proofs of Service for Form Interrogatory Responses, and Demand for Form Interrogatory – Family Law. He also requests sanctions in the amount of \$2,500 pursuant to Family Code § 271 and 2107.

Respondent filed her Response to the Petition for Dissolution on May 1, 2024, thereby making her PDD due on July 1, 2024. According to Petitioner, as of the date of filing the RFO he had not yet received Respondent's PDD. In September of 2024, Respondent mailed her Response to Form Interrogatories and propounded additional Form Interrogatories on Petitioner. No Proof of Service was attached to either.

Family Code § 2104 mandates the service of each party's preliminary declaration of disclosure, executed under penalty of perjury, and on a form as prescribed by the Judicial Counsel. Fam. Code § 2104(a). Pursuant to the terms of Section 2104, the respondent is to serve the aforementioned PDD "...either concurrently with the response to the petition, or within 60 days of filing the response..." Fam. Code § 2104(b). Where a party fails to timely comply with his or her disclosure obligations "...the court shall...impose money sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and shall include reasonable attorney's fees, costs incurred, or both..." Fam. Code § 2107.

Here, Respondent's Response to the Petition was filed on May 1, 2024. As of the date of this writing, her PDD is well overdue. As such, Petitioner's Motion to Compel the PDD is granted. Respondent is ordered to serve her full and complete PDD no later than April 10, 2025.

Petitioner is requesting sanctions in the amount of \$2,500. While the request for monetary sanctions is being granted, the court is not granting the entire amount requested. According to the declaration of Petitioner's attorney, her hourly fee is \$365 per hour. She makes only the blanket statement that she estimates "at least \$2,500" for work done during the meet and confer process, in preparation of the RFO, and for appearing at the hearing. The court is not inclined to award fees to appear at the hearing if no such hearing

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

is held. Additionally, the court does not find 7 hours to be reasonable given the nature and extent of the RFO and the meet and confer efforts. Instead, Respondent is ordered to pay sanctions in the amount of \$1,155. This accounts for 3 hours of attorney time plus an additional \$60 filing fee. This amount may be subject to increase if appearance at the hearing becomes necessary. Sanctions are to be paid directly to Petitioner's attorney. This amount may be paid in one lump sum or in monthly increments of \$96.25 commencing on April 1, 2025 and continuing until paid in full (approximately 12 months). If any payment is missed or late, the entire amount shall become immediately due and payable.

The court is unaware of any law which would on which to base an order to produce the Proofs of Service, and no such law is cited in Petitioner's moving papers. Petitioner's Motion to Compel the Proofs of Service is denied.

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

TENTATIVE RULING #3: PETITIONER'S MOTION TO COMPEL THE PDD IS GRANTED. RESPONDENT IS ORDERED TO SERVE HER FULL AND COMPLETE PDD NO LATER THAN APRIL 10, 2025. RESPONDENT IS ORDERED TO PAY SANCTIONS IN THE AMOUNT OF \$1,155. THIS AMOUNT MAY BE SUBJECT TO INCREASE IF APPEARANCE AT THE HEARING BECOMES NECESSARY. SANCTIONS ARE TO BE PAID DIRECTLY TO PETITIONER'S ATTORNEY. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$96.25 COMMENCING ON APRIL 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE. PETITIONER'S MOTION TO COMPEL THE PROOFS OF SERVICE 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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

4. DEANNA LEE SUTHERLAND V. STEPHEN MENEZ

24FL0527

On September 16, 2024, Respondent filed a Request for Order (RFO) seeking spousal support and attorney's fees. It was mail served on November 5th though according to the Proof of Service, Respondent did not serve a blank FL-320 or the Notice of Posting Tentative Ruling.

Stephen Menez's Supplemental Declaration Re Income and Temporary Spousal Support was filed and served on December 18, 2024, along with Respondent's Income and Expense Declaration.

Petitioner filed her Responsive Declaration to Request for Order on December 23, 2024. There is no Proof of Service for this document therefore the court has not read or considered it.

Petitioner filed and served her Income and Expense Declaration on March 14, 2025.

Respondent filed and served his updated Income and Expense Declaration on March 18, 2025 along with his Second Supplemental Declaration Re Income and Temporary Spousal Support.

Of note is the fact that Judgement for Legal Separation was entered on December 2, 2013, therefore, service in this matter was required to comply with Family Code § 215. However, because Petitioner did file a Responsive Declaration to Request for Order and because Petitioner filed her Income and Expense Declaration, the court finds good cause to reach the matter on the merits despite the defect in service.

Respondent is requesting spousal support in the amount of \$1,200 per month. He requests attorney's fees in the amount of \$5,500 pursuant to Family Code § 2030. He asks that support orders be made retroactive back to May 23, 2024.

The court has reviewed the filings and because there is a judgment in place which includes support orders, the court must take evidence on, and make findings regarding, the Family Code § 4320 factors. The parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

5. ERIK CHILD V. MICHELLE CHILD

PFL20080093

On January 2, 2025, Petitioner filed a Request for Order (RFO) seeking spousal support orders. He filed his Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents, were mail served on Respondent on February 20, 2025. This is a post-judgment request therefore he filed a Declaration Regarding Address Verification as required by Family Code § 215.

Because this is a post-judgment request to modify permanent support orders, the court must take evidence on, and make findings regarding, the Family Code § 4320 factors. The parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

6. GEORGIA WANLAND V. DONALD WANLAND

PFL20190812

Petitioner filed a Request for Order (RFO) on December 31, 2024 along with her Income and Expense Declaration and several supporting declarations. All of the aforementioned were mail served on January 7, 2025.

Respondent filed his Responsive Declaration to Request for Order on March 17, 2025. There is no Proof of Service for this document, however, on March 24th, Petitioner filed and served an Objection to Respondent's Responsive Declaration. The court finds this to be a waiver of the potential defect in service.

Petitioner filed her RFO requesting the following orders: (1) Determination of spousal support arrears with prejudice from February 15, 2020 to the time of the hearing in an amount according to proof, payable by Respondent; (2) Respondent to provide reasonable security for spousal support payments to Petitioner including, but not limited to, a life insurance policy with a face value of \$250,000 naming Petitioner as beneficiary; and (3) Attorney's fees in the amount of \$100,000 pursuant to Family Code §§ 2030, 2032, and 3557, as well as any further amounts according to proof at the time of the hearing.

Respondent objects to the moving papers on several grounds and he requests an evidentiary hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

7. JACOB CLARK V. NICHOLE ROEMER-CLARK

24FL0798

On December 31, 2024, Petitioner filed a Request for Order (RFO) seeking support orders and attorney's fees. He filed his Income and Expense Declaration concurrently therewith. All required documents were mail served on January 2, 2025.

Respondent filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on January 31, 2025. According to the Proof of Service, these documents were mail served on February 14th; however, the Proof was signed on February 1st therefore the court is concerned with the validity of this document.

On January 31, 2025, Respondent filed an RFO seeking permission for international travel with the child. Again, the Proof of Service indicates that the RFO was served on February 14th, though the Proof was signed on February 1st. Once again, the court is concerned with the validity of this document. Nevertheless, Petitioner filed and served a Responsive Declaration to Request for Order on March 12, 2025, thereby waiving any defect in service.

On March 12th, Petitioner also filed and served a Reply Declaration and Objection to Respondent's Reply Declaration and Request to Strike Pleading.

On March 17th, Respondent filed a Supplemental Declaration. It was served on March 14th.

RFO Filed December 31, 2024

Petitioner filed his RFO seeking guideline child support and spousal support payable by Respondent to Petitioner as well as attorney's fees in the amount of \$10,000 pursuant to Family Code § 2030. He also requests the court order the parties to split uninsured medical care costs and childcare costs incurred while either party is at work or in school. He proposes to follow the reimbursement procedures outlined in Form FL-192.

Respondent opposes the requests for support and attorney's fees. If the court is inclined to grant support, Respondent asks that the court continue the hearing to allow for additional discovery or impute Petitioner with recurring gifts of at least \$2,289 per month and wages of at least \$8,000 per month. She further requests the court modify the right of first refusal by reducing the 8-hour threshold to 4 hours. She asks the court to order Petitioner to fully disclose his income, savings, assets, and financial assistance from his

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

parents. Finally, she is seeking sanctions in the amount of \$1,500 pursuant to Family Code § 271.

Petitioner objects to the Responsive Declaration as a violation of California Rule of Court rule 5.111(a) which mandates a 10-page limit for declarations. Petitioner asks that the document be struck in its entirety. Petitioner's request is granted, in part. Respondent's supporting declaration is only 7 pages and therefore it has been read and considered along with the FL-320, FL-150, and FL-158. That said, the court finds good cause to strike the remaining 71 pages in exhibits many of which are inadmissible, immaterial, and of excessive length for the law and motion calendar.

Likewise, Respondent's request for custody orders is also denied on procedural grounds. The request is affirmative relief which is outside the scope of the original RFO and therefore the court declines to rule on it. If Respondent is seeking to change the custody orders she must file an RFO to do so.

Petitioner's requests for child and spousal support are continued to 7/3/2025 to allow for additional discovery between the parties. The court is in need of additional information regarding Petitioner's income with his prior employer as well as the amount of financial assistance he is receiving from his parents on a monthly basis. Parties are ordered to file Supplemental Declarations and updated Income and Expense Declarations no later than 10 days prior to the next hearing date.

Regarding the request for § 2030 attorney's fees, the request is denied without prejudice. The purpose of Family Code § 2030 is to "...ensure that each party has access to legal representation..." Fam. Code § 2030(a). In ruling on a request for 2030 attorney's fees, the court is to make findings as to "...a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." *Id.* Family Code § 2032 works in tandem with Section 2030 to ensure that such an award is "...just and reasonable under the relative circumstances of the respective parties." Fam. Code § 2032(a). As such, in addition to considering the parties' financial resources, the court may consider the parties' trial tactics. *In re Marriage of Sharples*, 223 Cal. App. 4th 160 (2014).

Here, the court is not awarding the requested fees as Petitioner simply has not provided the court with sufficient, and accurate, information on which to make a finding of a disparity in access to funds. Respondent notes several deficiencies in Petitioner's Income and Expense Declaration, with which the court is in agreement. Especially in regard to Section 11. This lack of information is relevant in the 2030 analysis not only as to

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

disparity in income but also the issue of trial tactics. For these reasons, the request is being denied without prejudice.

Respondent's request for Section 271 sanctions is also denied. Section 271 vests the court with the ability to sanction a party whose conduct "...frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys." Fam. Code § 271. In the matter at hand, it appears that neither party is working particularly well with the other in the interests of settlement. However, the court does not find the filing of the present RFO to be sanctionable therefore the request is denied.

RFO Filed January 31, 2025

Respondent filed her RFO seeking an order which would allow her to travel to Cozumel, Mexico with the minor child from June 7, 2025 through June 14, 2025. Petitioner opposes the request and asks the court to strike the RFO for exceeding the maximum page limit.

The request to strike the RFO is denied. Respondent's declaration is only 7 pages therefore, the court does not find it to be unreasonably long.

The request to travel with the minor is granted. Respondent may travel with the minor to Cozumel, Mexico from June 7, 2025 through June 14, 2025. Respondent is ordered to provide Petitioner with all travel itinerary as soon as it is booked. Travel itinerary includes, but is not limited to, flight dates and times, flight numbers, hotel name, address, and phone number, arrival and departure dates for all hotels if Respondent plans on staying in more than one hotel with the minor. Any change in itinerary is to be communicated to Petitioner as soon as possible after the change and no later than 24 hours after the change. Respondent shall make the minor available to have a nightly phone call with Petitioner. The parties are to meet and confer to choose an agreed upon time for the calls.

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

TENTATIVE RULING #7: PETITIONER'S OBJECTION AND MOTION TO STRIKE IS GRANTED IN PART. THE COURT GRANTS THE MOTION ONLY WITH REGARD TO RESPONDENT'S 71 PAGES OF EXHIBITS AS THE COURT FINDS THEM TO BE LARGELY INADMISSABLE, IMMATERIAL AND OF EXCESSIVE LENGTH FOR THE LAW AND MOTION CALENDAR. RESPONDENT'S REQUEST FOR THE COURT TO MODIFY THE CUSTODY ORDERS IS DENIED AS THE REQUEST IS OUTSIDE THE SCOPE OF THE ORIGINAL RFO.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

PETITIONER'S REQUESTS FOR CHILD AND SPOUSAL SUPPORT ARE CONTINUED TO 7/3/2025 AT 8:30 AM IN DEPARTMENT 5. TO ALLOW FOR ADDITIONAL DISCOVERY BETWEEN THE PARTIES. PARTIES ARE ORDERED TO FILE SUPPLEMENTAL DECLARATIONS AND UPDATED INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE.

PETITIONER'S REQUEST FOR SECTION 2030 ATTORNEY'S FEES IS DENIED WITHOUT PREJUDICE.

RESPONDENT'S REQUEST FOR SECTION 271 SANCTIONS IS DENIED AS THE COURT DOES NOT FIND PETITIONER'S FILING OF THE RFO TO BE SANCTIONABLE.

THE REQUEST TO TRAVEL WITH THE MINOR IS GRANTED. RESPONDENT MAY TRAVEL WITH THE MINOR TO COZUMEL, MEXICO FROM JUNE 7, 2025 THROUGH JUNE 14, 2025. RESPONDENT IS ORDERED TO PROVIDE PETITIONER WITH ALL TRAVEL ITINERARY AS SOON AS IT IS BOOKED. TRAVEL ITINERARY INCLUDES, BUT IS NOT LIMITED TO, FLIGHT DATES AND TIMES, FLIGHT NUMBERS, HOTEL NAME, ADDRESS, AND PHONE NUMBER, ARRIVAL AND DEPARTURE DATES FOR ALL HOTELS IF RESPONDENT PLANS ON STAYING IN MORE THAN ONE HOTEL WITH THE MINOR. ANY CHANGE IN ITINERARY IS TO BE COMMUNICATED TO PETITIONER AS SOON AS POSSIBLE AFTER THE CHANGE AND NO LATER THAN 24 HOURS AFTER THE CHANGE. RESPONDENT SHALL MAKE THE MINOR AVAILABLE TO HAVE A NIGHTLY PHONE CALL WITH PETITIONER. THE PARTIES ARE TO MEET AND CONFER TO CHOOSE AN AGREED UPON TIME FOR THE CALLS.

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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

9. KRISTA KLINGENBERG V. DANIEL KERSEY

PFL20120509

On March 12, 2024, the parties appeared before the court for hearing on a Domestic Violence Restraining Order (DVRO). The DVRO was granted, and the parties were referred to Child Custody Recommending Counseling (CCRC) to establish a parenting plan and custody orders.

The parties have been before the court several times to address whether Respondent had rebutted the Family Code § 3044 presumption. On January 9, 2025, the court once again found that Respondent had not rebutted the presumption, however the court did order unsupervised parenting time between the minors and Respondent. The court adopted provision #1 of the parenting plan as set forth on page 3 of the CCRC report. A review hearing was set for the present date to once again address the § 3044 presumption and determine whether it is warranted to adopt the remainder of the parties' agreements as stated in the November 8, 2024 CCRC report.

On January 29, 2025, Petitioner filed and served a Declaration evidencing her completion of a co-parenting class.

On March 17th Petitioner filed Petitioner's Supplemental Declaration and a Declaration of Melissa Jameson. Both documents were electronically served on March 12th.

Neither Respondent nor Minors' Counsel has filed a Supplemental Declaration.

According to Petitioner, she made the November 2024 agreements with Respondent under the express understanding that they would not be put into place until Respondent had completed his batterer's intervention program. As of the filing of her Supplemental Declaration, she states that Respondent has not done so. She also states that he has not provided proof of completion of a parenting course, and she notes several violations of the restraining order.

After reviewing the filings as outlined above the court finds that Respondent still has not rebutted the Family Code § 3044 presumption. All prior orders remain in full force and effect. Respondent is admonished to comply with all court orders, including the terms of the restraining order. Failure to do so may result in a change to the visitation schedule, monetary sanctions, or an Order to Show Cause.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

The court is not setting a review hearing as this matter has been pending for a year. The parties may file a Request for Order when a change in circumstances warrants a change in custody and visitation orders to align with the best interests of the minors.

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

TENTATIVE RULING #9: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE THE COURT FINDS THAT RESPONDENT STILL HAS NOT REBUTTED THE FAMILY CODE § 3044 PRESUMPTION. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS ADMONISHED TO COMPLY WITH ALL COURT ORDERS, INCLUDING THE TERMS OF THE RESTRAINING ORDER. FAILURE TO DO SO MAY RESULT IN A CHANGE TO THE VISITATION SCHEDULE, MONETARY SANCTIONS, OR AN ORDER TO SHOW CAUSE.

THE COURT IS NOT SETTING A REVIEW HEARING AS THIS MATTER HAS BEEN PENDING FOR A YEAR. THE PARTIES MAY FILE A REQUEST FOR ORDER WHEN A CHANGE IN CIRCUMSTANCES WOULD WARRANT A CHANGE IN CUSTODY AND VISITATION ORDERS TO ALIGN WITH THE BEST INTERESTS OF THE MINORS.

PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

10. MARK DOLPH V. MICHELLE DOLPH

23FL0784

On January 6, 2025, Petitioner filed a Request for Order (RFO) seeking a change in spousal support. The RFO was electronically served on Respondent's attorney on January 7th. Petitioner filed and served his Income and Expense Declaration on January 30th. This is a post judgement request for modification of support orders and therefore it was required to be personally served on the responding party in accordance with Family Code § 215. Nevertheless, Respondent filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on March 4th, thereby waiving any defect in service.

On March 20th, Petitioner filed a Reply Declaration of Mark J. Dolph. It was electronically served the same day.

Because this is a post-judgment request to modify permanent support orders, the court must take evidence on and make findings regarding the Family Code §4320 factors. The parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

12. THERESA NEUSTADTER V. BRANDON NEUSTADTER

24FL0106

Petitioner filed a Request for Order (RFO) on January 3, 2025, requesting the court make child and spousal support orders. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served electronically on January 15, 2025. Petitioner is seeking guideline child support and temporary spousal support. Petitioner is also seeking a division of child support add-ons, and for Respondent to pay for the minor's school costs at the Goddard school.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on March 11, 2025. Petitioner was electronically served on the same day. Respondent does not object to the court making child and temporary spousal support orders, however, he does object to the court utilizing Petitioner's purported income as set forth in her Income and Expense Declaration. Respondent requests the court impute Petitioner with income of \$85,000 per year. Respondent is willing to share expenses for the minor equally. Respondent is opposed to paying for the entirety of the minor's school costs.

The court denies Respondent's request to impute Petitioner with additional income at this time. However, the court finds an overtime/bonus table for both parties, will capture any income received in excess of the baselines established in the calculations set forth below. The court is ordering the imposition of a monthly overtime/bonus table. The parties are to meet and confer to establish that table based on the court's calculations. The table shall be included in the Findings and Orders After Hearing. Should either party's monthly income exceed the figures utilized by the court in the guideline calculation, the parties shall true-up on the 1st of the month following the month in which the addition income was received.

Utilizing the figures provided in the parties' Income and Expense Declarations, with a 50% timeshare and married filing separately tax status, the court finds guideline child support to be, \$810 per month, payable from Respondent to Petitioner. (See attached X-spouse report.) The court orders Respondent to pay Petitioner \$810 per month as and for guideline child support, effective January 15, 2025, and payable on the 15th 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 \$2,430 for January through March inclusive. The court notes Respondent has been voluntarily paying expenses for Petitioner; however, it is unknown to the court what the total monthly payments are.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

Therefore, the parties are to meet and confer on the issue of a credit towards arrears for the amount of expenses voluntarily paid by Petitioner.

Utilizing the same figures, the court finds per the Alameda formula, guideline temporary spousal support is, \$1,113 per month payable from Respondent to Petitioner. (See attached X-spouse report.) The court orders Respondent to pay Petitioner \$1,113 per month as and for guideline temporary spousal support effective January 15, 2025, and payable on the 15th 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 \$3,339 for January through March inclusive. The court notes Respondent has been voluntarily paying expenses for Petitioner; however, it is unknown to the court what the total monthly payments are. Therefore, the parties are to meet and confer on the issue of a credit towards arrears for the amount of expenses voluntarily paid by Petitioner.

The court notes the parties are pending trial which includes the issues of child and spousal support. The court reserves jurisdiction to retroactively modify child and spousal support to January 15, 2025.

Parties are to share in the child support add-ons equally per the terms of the FL-192.

As to school for the minor, the parties are to work together to enroll the minor in public school for the Fall 2025 school year. Parties are to work together to select a daycare/summer school program for the minor. It appears to the court, the 2024-2025 school year at Goddard has been paid in full.

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 #12: UTILIZING THE FIGURES PROVIDED IN THE PARTIES' INCOME AND EXPENSE DECLARATIONS, WITH A 50% TIMESHARE AND MARRIED FILING SEPARATELY TAX STATUS, THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE, \$810 PER MONTH, PAYABLE FROM RESPONDENT TO PETITIONER. (SEE ATTACHED X-SPOUSE.) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$810 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT, EFFECTIVE JANUARY 15, 2025, AND PAYABLE ON THE 15TH OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

ARREARS BALANCE OF \$2,430 FOR JANUARY THROUGH MARCH INCLUSIVE. THE COURT NOTES RESPONDENT HAS BEEN VOLUNTARILY PAYING EXPENSES FOR PETITIONER; HOWEVER, IT IS UNKNOWN TO THE COURT WHAT THE TOTAL MONTHLY PAYMENTS ARE. THE PARTIES ARE TO MEET AND CONFER ON THE ISSUE OF A CREDIT TOWARDS ARREARS FOR THE AMOUNT OF EXPENSES VOLUNTARILY PAID BY PETITIONER. UTILIZING THE SAME FIGURES, THE COURT FINDS PER THE ALAMEDA FORMULA, GUIDELINE TEMPORARY SPOUSAL SUPPORT IS, \$1,113 PER MONTH PAYABLE FROM RESPONDENT TO PETITIONER. (SEE ATTACHED X-SPOUSE.) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,113 PER MONTH AS AND FOR GUIDELINE TEMPORARY SPOUSAL SUPPORT EFFECTIVE JANUARY 15, 2025, AND PAYABLE ON THE 15TH 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 \$3,339 FOR JANUARY THROUGH MARCH INCLUSIVE. THE COURT NOTES RESPONDENT HAS BEEN VOLUNTARILY PAYING EXPENSES FOR PETITIONER; HOWEVER, IT IS UNKNOWN TO THE COURT WHAT THE TOTAL MONTHLY PAYMENTS ARE. THE PARTIES ARE TO MEET AND CONFER ON THE ISSUE OF A CREDIT TOWARDS ARREARS FOR THE AMOUNT OF EXPENSES VOLUNTARILY PAID BY PETITIONER. THE COURT FINDS AN OVERTIME/BONUS TABLE FOR BOTH PARTIES, WILL CAPTURE ANY INCOME RECEIVED IN EXCESS OF THE BASELINES ESTABLISHED IN THE CALCULATIONS SET FORTH BELOW. THE COURT IS ORDERING THE IMPOSITION OF A MONTHLY OVERTIME/BONUS TABLE. THE PARTIES ARE TO MEET AND CONFER TO ESTABLISH THAT TABLE BASED ON THE COURT'S CALCULATIONS. THE TABLE SHALL BE INCLUDED IN THE FINDINGS AND ORDERS AFTER HEARING. SHOULD EITHER PARTY'S MONTHLY INCOME EXCEED THE FIGURES UTILIZED BY THE COURT IN THE GUIDELINE CALCULATION, THE PARTIES SHALL TRUE-UP ON THE 1ST OF THE MONTH FOLLOWING THE MONTH IN WHICH THE ADDITION INCOME WAS RECEIVED. THE COURT RESERVES JURISDICTION TO RETROACTIVELY MODIFY CHILD AND SPOUSAL SUPPORT TO JANUARY 15, 2025. PARTIES ARE TO SHARE IN THE CHILD SUPPORT ADD-ONS EQUALLY PER THE TERMS OF THE FL-192. AS TO SCHOOL FOR THE MINOR, THE PARTIES ARE TO WORK TOGETHER TO ENROLL THE MINOR IN PUBLIC SCHOOL FOR THE FALL 2025 SCHOOL YEAR. PARTIES ARE TO WORK TOGETHER TO SELECT A DAYCARE/SUMMER SCHOOL PROGRAM FOR THE MINOR. IT APPEARS TO THE COURT, THE 2024-2025 SCHOOL YEAR AT GODDARD HAS BEEN PAID IN FULL. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

2025

Guideline Summary

Monthly Figures

Fixed Shares	Father Mother		Monthly Figures		Cash Flow	
			2025		Combined net spendable	12802
Number of children	0	1				
Percent time with NCP	49.99%	0.00%				
Filing status	MFSIN	MFSIN			Father	
Number of exemptions	1	2	Nets (adjusted)		Payment cost/benefit	-1820
Wages and salary	13097	0	Father	8960	Net spendable income	7037
Self employed income	0	4825	Mother	3842	Federal income tax	2279
Other taxable income	0	0	Total	12802	Federal employment tax	1002
TANF CS received	0	0	Support		State income tax	712
Other nontaxable income	0	0	Addons	0	State employment tax	144
New spouse income	0	0	Guideln CS	810	Total taxes	4137
Employee 401-k contribution	0	0	Alameda SS	1113	Federal filing status	MFSIN
Adjustments to income	0	0	Total	1923	State filing status	MFSIN
SS paid prev marriage	0	0			Mother	
CS paid prev marriage	0	0			Payment cost/benefit	1872
Health insurance	0	0			Net spendable income	5765
Other medical expenses	0	0			Federal income tax	203
Property tax expenses	0	0			Federal employment tax	682
Ded interest expense	0	0			State income tax	98
Contribution deduction	0	0			State employment tax	0
Misc tax deductions	0	0			Total taxes	983
Qualified business income deduction	0	0			Federal filing status	MFSIN
Required union dues	0	0			State filing status	MFSIN
Mandatory retirement	0	0				
Hardship deduction	0	0				
Other GDL deductions	0	0				
Child care expenses	0	0				

FC 4055 checking: **ON**

Per Child Information

	DOB	Timeshare	cce(F)	cce(M)	Addons Payor	Basic CS Payor	Pres CS Payor
All children		50 - 50	0	0	0 Father	810 Father	810 Father
	0000-00-00	49 - 51	0	0	0 Father	810 Father	810 Father

Superior Court of California
County of El Dorado

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

13. ANGELA HURLEY V. IVAN RIVERA

PFL20200615

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 13, 2024, alleging Petitioner had violated the parenting plan orders on five occasions. Proof of Service shows Petitioner was personally served on November 22, 2024.

Parties appeared at the hearing on February 13, 2025, and the Public Defender's office was appointed to represent Petitioner.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

14. CASEY VIGIL V. COURTNEY HUGHMANICK

PFL20200818

Petitioner filed an ex parte application for emergency custody orders on January 6, 2025. On January 7, 2025, the court denied the request. Petitioner filed a Request for Order (RFO) requesting sole legal and physical custody of the minors. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 30, 2025, and a review hearing on March 27, 2025. Proof of Service shows Respondent was served personally on January 22, 2025.

Petitioner filed a second ex parte application for emergency orders on January 13, 2025. Respondent filed an opposition to the ex parte on January 14, 2025. Petitioner was served on the same day. The court again denied the request. Petitioner filed a second RFO making the same requests as set forth in in the January 7th RFO.

Respondent filed a Declaration on February 18, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

Respondent filed a Responsive Declaration on March 14, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

Both parties and the minors participated in the January 30th CCRC appointment. The parties were unable to reach any agreements. A report with recommendations was filed with the court on March 14, 2025. Copies were mailed to the parties the same day.

Petitioner filed a Reply Declaration on March 20, 2025. There is no Proof of Service for this document, and therefore, the court cannot consider it.

Respondent filed two declarations on March 21, 2025. These are both late filed, and therefore, cannot be considered. Further, there is no Proof of Service for these documents, and as such, the court cannot consider them.

The parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

15. GERGANA MUDROVA V. PAUL BONDAR

22FL0444

On March 6, 2025, the court appointed the Alternate Public Defender to represent Petitioner in the underlying contempt proceedings. The Alternate Public Defender requested the court set a hearing to verify Respondent qualified for their services. The court ordered Petitioner to file an Income and Expense Declaration within 10 days of the hearing.

Petitioner filed an Income and Expense Declaration on March 11, 2025. Proof of Service shows Respondent was served by mail on March 11, 2025.

There have been no additional filings by the Alternate Public Defender.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

16. JENNIFER COWLES V. BENJAMIN COWLES

PFL20180808

Petitioner filed an ex parte application for custody orders on January 7, 2025. On January 8, 2025, the court denied the request on an ex parte basis but referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on January 23, 2025, and a review hearing on March 27, 2025. Petitioner filed a Request for Order (RFO) on January 8, 2025, making the same requests as set forth in the ex parte application. Respondent was mail served on February 7, 2025.

Both parties attended CCRC on January 23, 2025, and reached an agreement. A report with the parties' agreement was filed with the court on January 24, 2025, and mailed to the parties on February 5, 2025.

The court has read and considered the filings as outlined above. The court finds the parties agreement to be in the best interest of the minor. The court adopts the agreement as its order.

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 #16: THE COURT FINDS THE PARTIES AGREEMENT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE AGREEMENT AS ITS ORDER. 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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

17. PAUL ANDRUS V. CHI ANDRUS

23FL1194

Petitioner filed a Request for Order (RFO) on January 6, 2025, requesting the court modify the parenting plan orders as well as various other orders regarding parenting the minors. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 27, 2025, and a review hearing on March 27th. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Respondent filed a Responsive Declaration on March 7, 2025. Proof of Service shows Petitioner was served on the same day. Respondent does not raise the issue of service of the documents; therefore, the court finds any potential defect in service has been waived.

Petitioner filed a Reply Declaration on March 13, 2025. Respondent was served on March 12, 2025.

Respondent filed a Supplemental Declaration on March 20, 2025. Proof of Service shows it was served on Petitioner the same day. The court finds this document to be late filed, and therefore, has not considered it.

Both parties attended CCRC. A report with recommendations was filed with the court on March 13, 2025. 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 to be in the best interest of the minors. The court adopts the recommendations as its orders. The court clarifies the orders regarding co-parenting counseling. The parties are to participate in co-parenting counseling. The court finds the issues raised in the parties' filings are issues that do not necessitate court involvement but rather are issues the parties should be able to resolve in co-parenting counseling. Petitioner is to select the names of three potential co-parenting counselors who are available and taking on new clients by no later than April 17th. Respondent shall select one of the three by no later than April 22nd and inform Petitioner of the decision. Parties are to engage in the intake with the counselor at the first available appointment, but no later than May 22nd. The court is also ordering the parties to enroll in and complete a co-parenting class by no later than June 25th.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

TENTATIVE RULING #17: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. THE COURT CLARIFIES THE ORDERS REGARDING CO-PARENTING COUNSELING. THE PARTIES ARE TO PARTICIPATE IN CO-PARENTING COUNSELING. THE COURT FINDS THE ISSUES RAISED IN THE PARTIES' FILINGS ARE ISSUES THAT DO NOT NECESSITATE COURT INVOLVEMENT BUT RATHER ARE ISSUES THE PARTIES SHOULD BE ABLE TO RESOLVE IN CO-PARENTING COUNSELING. PETITIONER IS TO SELECT THE NAMES OF THREE POTENTIAL CO-PARENTING COUNSELORS WHO ARE AVAILABLE AND TAKING ON NEW CLIENTS BY NO LATER THAN APRIL 17TH. RESPONDENT SHALL SELECT ONE OF THE THREE BY NO LATER THAN APRIL 22ND AND INFORM PETITIONER OF THE DECISION. PARTIES ARE TO ENGAGE IN THE INTAKE WITH THE COUNSELOR AT THE FIRST AVAILABLE APPOINTMENT, BUT NO LATER THAN MAY 22ND. THE COURT IS ALSO ORDERING THE PARTIES TO ENROLL IN AND COMPLETE A CO-PARENTING CLASS BY NO LATER THAN JUNE 25TH. 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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

18. RYAN MITCHELL V. AMBER ROGERS

24FL1315

Petitioner filed a Petition for Custody and Support on December 31, 2024. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) seeking orders for child custody and parenting time. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 29, 2025, and a review hearing on March 27th. Proof of Service shows Respondent was personally served with all the necessary document on January 10, 2025.

Only Petitioner appeared at the CCRC appointment, due to Respondent being incarcerated.

Respondent has not filed a Responsive Declaration.

Petitioner's request for sole legal and physical custody is granted. Respondent shall have supervised parenting time as arranged and directed by Petitioner. The supervision may be non-professional. Upon Respondent's release from incarceration, Respondent shall have minimum visits of one time per month for two hours.

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

TENTATIVE RULING #18: PETITIONER'S REQUEST FOR SOLE LEGAL AND PHYSICAL CUSTODY IS GRANTED. RESPONDENT SHALL HAVE SUPERVISED PARENTING TIME AS ARRANGED AND DIRECTED BY PETITIONER. THE SUPERVISION MAY BE NON-PROFESSIONAL. UPON RESPONDENT'S RELEASE FROM INCARCERATION, RESPONDENT SHALL HAVE MINIMUM VISITS OF ONE TIME PER MONTH FOR TWO HOURS. 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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

19. STEPHANIE MILHOMME V. ELI BRUNIUS

24FL0593

Respondent filed a Request for Order (RFO) with an application for an Order Shortening Time (OST) on February 26, 2025. The court granted the OST and set the RFO for a hearing on March 27th. The court directed Respondent to serve Petitioner on or before March 5, 2025. Proof of Service shows Petitioner was served by mail on February 27, 2025.

Petitioner filed a Responsive Declaration on March 5, 2025. Proof of Service shows Respondent was served on March 4, 2025, electronically and by mail on March 5, 2025. Petitioner objects to Respondent's request for sole legal and physical custody of the minors.

Petitioner filed a Reply/Supplemental Declaration on March 20, 2025. There is no Proof of Service for this document, and therefore, the court has not considered it.

The court has read and considered the filings as outlined above. The court denies Respondent's requests. All prior orders remain in full force and effect with the following additions. The minors shall only be transported by a driver with a valid driver's license and insurance. The drive shall have no measurable amount of alcohol or any other intoxicating substance in their system. The minors shall be properly restrained at all times when being transported in a vehicle.

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

TENTATIVE RULING #19: THE COURT DENIES RESPONDENT'S REQUESTS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT WITH THE FOLLOWING ADDITIONS. THE MINORS SHALL ONLY BE TRANSPORTED BY A DRIVER WITH A VALID DRIVER'S LICENSE AND INSURANCE. THE DRIVE SHALL HAVE NO MEASURABLE AMOUNT OF ALCOHOL OR ANY OTHER INTOXICATING SUBSTANCE IN THEIR SYSTEM. THE MINORS SHALL BE PROPERLY RESTRAINED AT ALL TIMES WHEN BEING TRANSPORTED IN A VEHICLE. 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 PHONE CALL 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

20. TAMMY EVANS V. CODY EVANS

23FL0016

Petitioner filed a Request for Order (RFO) on January 9, 2025, requesting the court modify child custody and parenting plan orders, modify child and spousal support orders, make property control orders, as well as a request for attorney's fees and costs. Petitioner concurrently filed an Income and Expense Declaration. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had previously attended within the prior six months. Respondent was served by mail on February 24, 2025.

Respondent has not filed a Responsive Declaration. Respondent did, however, file an Income and Expense Declaration on February 5, 2025.

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, due to Respondent's failure to file a Responsive Declaration, despite the fact that the RFO was properly and timely served, the court finds he has acquiesced to these requests.

Custody and Parenting Time

The court finds good cause to refer the parties to CCRC, as it has now been more than six months since they last attended. Parties are to attend CCRC on 5/30/2025 at 9:00 AM with Rebecca Nelson and return for a review hearing on 7/24/2025 at 1:30 PM in Department 5. Pending the review hearing all current orders remain in full force and effect.

Child Support

The court finds the Department of Child Support Services (DCSS) is a party to this matter and they have recently made orders as to child support. As such, the court denies the request to modify child support.

Spousal Support

Temporary support may be ordered in any amount based on the party's need and the payer's ability to pay. Although the factors listed in Family Code section 4320 are mandatory considerations only in determining long-term spousal support, they are at least suggestive of the circumstances court may consider in setting temporary support. In re Marriage of Wittgrove, 120 Cal. App. 4th 1317 (2004). As such, the court has considered Family Code section 4320(i) which provides: "Documented evidence, including a plea of nolo contendere, of any history of domestic violence, as defined in Section 6211, between

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

the parties or perpetuated by either party against either party's child, including, but not limited to, consideration of emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party, and consideration of any history of violence against the supporting party by the supported party.” In this case, this court has made findings that Petitioner perpetrated domestic violence against Respondent. As such, the court finds it would be inappropriate to order Respondent to pay Petitioner temporary guideline spousal support. As such, Petitioner’s request is denied.

Property Control

The court grants Petitioner’s request for Respondent to pay the mortgage, El Dorado Irrigation bill, El Dorado Disposal bill, and Peak Pool Services bill for the time Respondent had exclusive use and control of the home. Respondent is ordered to pay Freedom Mortgage \$13,075.08 on or before April 15, 2025. Respondent is ordered to pay El Dorado Irrigation \$1,106.04 on or before April 15, 2025. Respondent is ordered to pay El Dorado Disposal \$221.31 on or before April 15, 2025. Respondent is ordered to pay Peak Pool Services \$480.00 on or before April 15, 2025. The court reserves jurisdiction over reallocation of this costs to the time of final property division.

Attorney’s Fees

Petitioner has failed to file and serve the requisite forms, FL-319 and FL-158. As such, the court denies the request for attorney’s fees.

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

TENTATIVE RULING #20: THE COURT FINDS GOOD CAUSE TO REFER THE PARTIES TO CCRC, AS IT HAS NOW BEEN MORE THAN SIX MONTHS SINCE THEY LAST ATTENDED. PARTIES ARE TO ATTEND CCRC ON 5/30/2025 AT 9:00 AM WITH REBECCA NELSON AND RETURN FOR A REVIEW HEARING ON 7/24/2025 AT 1:30 PM IN DEPARTMENT 5. PENDING THE REVIEW HEARING ALL CURRENT ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT FINDS THE DEPARTMENT OF CHILD SUPPORT SERVICES (DCSS) IS A PARTY TO THIS MATTER AND THEY HAVE RECENTLY MADE ORDERS AS TO CHILD SUPPORT. AS SUCH, THE COURT DENIES THE REQUEST TO MODIFY CHILD SUPPORT. PETITIONER’S REQUEST FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT IS DENIED FOR THE REASONS SET FORTH ABOVE. THE COURT GRANTS PETITIONER’S REQUEST FOR RESPONDENT TO PAY THE MORTGAGE, EL DORADO IRRIGATION BILL, EL DORADO

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 27, 2025

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

DISPOSAL BILL, AND PEAK POOL SERVICES BILL FOR THE TIME RESPONDENT HAD EXCLUSIVE USE AND CONTROL OF THE HOME. RESPONDENT IS ORDERED TO PAY FREEDOM MORTGAGE \$13,075.08 ON OR BEFORE APRIL 15, 2025. RESPONDENT IS ORDERED TO PAY EL DORADO IRRIGATION \$1,106.04 ON OR BEFORE APRIL 15, 2025. RESPONDENT IS ORDERED TO PAY EL DORADO DISPOSAL \$221.31 ON OR BEFORE APRIL 15, 2025. RESPONDENT IS ORDERED TO PAY PEAK POOL SERVICES \$480.00 ON OR BEFORE APRIL 15, 2025. THE COURT RESERVES JURISDICTION OVER REALLOCATION OF THIS COSTS TO THE TIME OF FINAL PROPERTY DIVISION. PETITIONER HAS FAILED TO FILE AND SERVE THE REQUISITE FORMS, FL-319 AND FL-158. AS SUCH, THE COURT DENIES THE REQUEST FOR ATTORNEY'S FEES.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE 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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
March 27, 2025
8:30 a.m./1:30 p.m.

21. TREVOR GREEN V. TIANNA SAUERS

22FL0923

Claimant filed a request for grandparent joinder on March 4, 2025. There is no Proof of Service showing either Petitioner or Respondent were served.

The court notes Petitioner filed a Petition for Custody and Support on September 29, 2022. A Summons was issued the same day. There is no Proof of Service showing Respondent has ever been properly served. As such, the court has not acquired personal jurisdiction over the parties and is unable to make any orders in this case.

The court drops the matter from calendar due to the lack of jurisdiction as well as the lack of service on the request for joinder. Further, even if the court could have made orders in this matter, Claimant's request would not accomplish granting her custody rights to the minor. Claimant's recourse is through a Probate Guardianship.

TENTATIVE RULING #21: 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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.