

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
April 24, 2025
8:30 a.m./1:30 p.m.

1. DCSS V. CHAD MCCracken (OTHER PARTY: YULIYA PALSSON) PFS20200179

Respondent filed a Request for Order (RFO) on August 13, 2024, seeking custody and visitation orders. The parties appeared before the court on October 31st for hearing on the RFO at which time the court made orders as to custody and visitation which included an order for Other Party to undergo an AOD assessment. A review hearing was set for February 6, 2025, for receipt of the AOD assessment and to address the status of visits.

The parties appeared before the court for the review hearing as scheduled. At that time, it was requested that the matter be continued. The court granted the request and set a review hearing for the present date.

The Supplemental Declaration of Respondent was filed and served on March 28th along with an additional Declaration. Respondent's Reply Declaration to Other Parent's Declaration was filed on April 7th. It was served on April 8th. Other Party's Response to Respondent's Reply Declaration was filed and served on April 10th.

Respondent is requesting enforcement of the court's prior order that communication between the parties be strictly related to the minor. He also requests permanent sole physical and legal custody. He proposes Other Party have only professionally supervised visits with the current schedule and breathalyzer tests two hours and ten minutes prior to each visit. Finally, he asks that Other Party undergo a full psychiatric evaluation.

Other Party opposes the requests and asks that the court order non-supervised visit with a step-up plan. She is agreeable to continued Soberlink testing for the time being.

The court is not awarding Respondent permanent sole physical and legal custody at this time. After reviewing the filings, the court finds the current custody and visitation orders to remain in the best interests of the minor.

The court's prior orders regarding alcohol testing remain in full force and effect. Tests shall be completed no later than 2 hours and 10 minutes prior to the scheduled visit.

Respondent's request for an Evidence Code section 730 evaluation is granted. Respondent shall bear the cost of the evaluation subject to reallocation.

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

TENTATIVE RULING #1: THE COURT IS NOT AWARDING RESPONDENT PERMANENT SOLE PHYSICAL AND LEGAL CUSTODY AT THIS TIME. AFTER REVIEWING THE FILINGS,

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THE COURT FINDS THE CURRENT CUSTODY AND VISITATION ORDERS TO REMAIN IN THE BEST INTERESTS OF THE MINOR.

THE COURT'S PRIOR ORDERS REGARDING ALCOHOL TESTING REMAIN IN FULL FORCE AND EFFECT. TESTS SHALL BE COMPLETED NO LATER THAN 2 HOURS AND 10 MINUTES PRIOR TO THE SCHEDULED VISIT.

RESPONDENT'S REQUEST FOR AN EVIDENCE CODE SECTION 730 EVALUATION IS GRANTED. RESPONDENT SHALL BEAR THE COST OF THE EVALUATION SUBJECT TO REALLOCATION.

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

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2. JOSH ANDERSON V. YU CHEN CHANG

25FL0020

On January 22, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders, support orders, property control orders, and attorney's fees. He filed his Income and Expense Declaration concurrently therewith. All documents were mail served on January 23, 2025.

Petitioner also filed an RFO on January 22nd seeking custody and visitation orders and property control orders. The RFO and all other required documents were served on January 23rd. He filed and served his Income and Expense Declaration on March 3rd.

Petitioner filed and served a Responsive Declaration to Request for Order on April 3rd.

The parties attended Child Custody Recommending Counseling (CCRC) on February 19th. A report with recommendations was prepared on April 4th and mailed to the parties on April 7th.

Respondent's Reply to Petitioner's Responsive Declaration was filed on April 10th. It was served on April 9th.

Petitioner filed and served a Reply Declaration of Attorney on April 11th.

Respondent is requesting primary physical custody and joint legal custody of the minor children. She is requesting spousal support in the amount of \$15,000 a month and guideline child support. She also requests exclusive temporary use, possession, and control over the property located at 3421 Greenview Drive, El Dorado Hills, and of the 2024 Tesla Model X. She asks that Petitioner be ordered to pay the monthly mortgage on the home, the car payment and insurance on the Tesla, and healthcare. She is also requesting \$10,000 in attorney's fees pursuant to Family Code § 2030. Finally, she would like a determination on the custodian of the children's passports.

Petitioner is requesting primary physical custody and joint legal custody of the minor children, and he asks for a move away order allowing him to move the children to Texas. Additionally, he asks that he be allowed to continue nesting in the family home while in CA to visit with the children. He agrees to provide 2 weeks advance written notice and while here he will ensure that the children are transported to school, and all appointments and activities. He is requesting guideline child support with an equal division of child support add-ons and asks that Respondent be ordered to undergo a vocational evaluation assessment with David Ritz MA, CRC. He also asks for a seek-work order and a review

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hearing on the issue of support. Finally, he requests that the marital residence be sold immediately.

Respondent is objecting to the Responsive Declaration of Petitioner as it exceeds the 10-page page limit. Respondent requests leave of court to file a reply in excess of the 10-page page limit and asks that the hearing be continued to allow for him to do so.

The parties are ordered to appear for the hearing.

Regarding the move away request, move away cases involve “the most serious decisions a family law court is required to make and should not be made in haste.” In re Marriage of Seagondollar, 139 Cal. App. 4th 1116 (2006). Thus, the court finds a full adversarial hearing must precede such a decision. The parties are ordered to appear to select dates for an evidentiary hearing on this issue.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON ALL ISSUES. THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING ON THE MOVE AWAY REQUEST.

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3. DONNA COCKRELL V. MICHAEL COCKRELL

25FL0085

On January 29, 2025, Petitioner filed a Request for Order (RFO) seeking spousal support and attorney's fees. She filed an Income and Expense Declaration concurrently therewith. All required documents were electronically served on January 29th.

Respondent filed and served his Responsive Declaration to Request for Order, Respondent's Declaration in Opposition of Petitioner's Request for an Order for Spousal Support and Attorney's Fees, and his Income and Expense Declaration on March 26th.

Petitioner's Reply to Respondent's Declaration was filed and served on April 7th.

Petitioner is requesting guideline spousal support retroactive to the date of filing the Petition for Dissolution. She also requests \$8,000 as and for attorney's fees pursuant to Family Code § 2030.

Respondent is not opposed to guideline support but asks that Petitioner be imputed with a monthly income of \$7,500 which accounts for a full-time workweek of 32 to 40 hours. According to Respondent, the parties continued residing in the marital home and commingling income since separation therefore, he asks that support not be retroactive. Respondent opposes the request for attorney's fees as the marital residence has been sold and the parties will receive approximately \$503,812.49. They will each receive \$10,000 with the remainder to be deposited into a client trust account.

Utilizing the same figures as outlined in the attached Xspouse report, the court finds that spousal support per the Alameda formula is \$1,156 per month. (See attached Xspouse report.) The court adopts the attached Xspouse report and orders Respondent to pay Petitioner \$1,156 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. This order is effective as of February 1, 2025.

The court finds the above order results in arrears in the amount of \$3,468 through and including April 1, 2025. The court orders Respondent pay Petitioner \$289 on the 15th of each month commencing on May 15, 2025, and continuing until paid in full (approximately 12 months). If any payment is late or missed the remaining balance shall become immediately due and payable with legal interest. The court reserves jurisdiction over the issue of credits Respondent earned against support.

Regarding the request for attorney's fees, the public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of

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the parties, parity between spouses in their ability to obtain effective legal representation.” In *Re Marriage of Keech*, 75 Cal. App. 4th 860, 866 (1999). This assures each party has access to legal representation to preserve each party’s rights. It “is not the redistribution of money from the greater income party to the lesser income party,” but rather “parity.” *Alan S. v. Sup. Ct.*, 172 Cal. App. 4th 238, 251(2009). In the face of a request for attorney’s fees and costs, the court is to make findings on “whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties.” Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. “In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party’s case adequately.” *Id.* at (b).

Here, while there is a slight disparity in monthly income, the court does not find that an award of attorney’s fees would be just and reasonable at this time. This decision is made in light of the fact that the disparity in income is quelled by the support order. As well as the fact that Petitioner has a much higher amount of liquid assets than Respondent. Additionally, both parties are being given \$10,000 from the proceeds from the sale of the house which may be used for attorney’s fees. As such, the request is denied without prejudice.

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

TENTATIVE RULING #3: UTILIZING THE SAME FIGURES AS OUTLINED IN THE ATTACHED XSPOUSE REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,156 PER MONTH. SEE ATTACHED XSPOUSE REPORT. THE COURT ADOPTS THE ATTACHED XSPOUSE REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,156 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1st OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF FEBRUARY 1, 2025.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$3,468 THROUGH AND INCLUDING APRIL 1, 2025. THE COURT ORDERS RESPONDENT PAY PETITIONER \$289 ON THE 15TH OF EACH MONTH COMMENCING ON MAY 15, 2025, AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL

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BECOME IMMEDIATELY DUE AND PAYABLE. THE COURT RESERVES JURISDICTION OVER THE ISSUE OF CREDITS RESPONDENT EARNED AGAINST SUPPORT.

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

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

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Fixed Shares	Husband	Wife	Monthly figures	CASH FLOW	
#of children	0	0	2025		
% time with NCP	0.00 %	0.00 %		Combined net spendable	9965
Filing status	SINGLE	HH/MLA	Nets(adjusted)		
# exemptions	1 *	1 *	Husband	6815	Husband
Wages+salary	10023	3707	Wife	3150	Payment Cost/Benefit
Self-employed income	0	0	Total	9965	Net spendable income
Other taxable income	60	0			5659
TANF+CS received	0	0	Support		Federal income tax
Other nontaxble income	0	0	Addons	0	Federal employment tax
New spouse income	0	0	Guideln CS	0	State income tax
401(k) employee contrib	0	0	Alameda SS	1156	State employment tax
Adjustments to income	0	0	Total	1156	Total taxes
SS paid prev marriage	0	0	-		Federal filing status
CS paid prev marriage	0	0	Settings changed		State filing status
Health insurance	378	0			
Other medical expense	0	0			Wife
Property tax expense	0	0			Payment Cost/Benefit
Ded interest expense	0	0			Net spendable income
Contribution deduction	0	0			Federal income tax
Misc tax deductions	0	0			Federal employment tax
Qual bus income ded	0	0			State income tax
Required union dues	0	0			State employment tax
Mandatory retirement	0	0			Total taxes
Hardship deduction	0 *	0 *			Federal filing status
Other GDL deductions	0	0			State filing status
Child care expenses	0	0			

Husband pays spousal support

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4. JOSEPHINE CONNELLY V. DAVID KRELL

24FL0134

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on September 17, 2024, alleging nine counts of contempt. Proof of Service shows Petitioner was personally served on October 2, 2024.

Respondent filed a second OSC on December 23, 2024. Petitioner was personally served on January 9, 2025.

Respondent filed a third OSC on January 27, 2025. Petitioner was personally served on February 18, 2025.

Parties are ordered to appear for the arraignment.

TENTATIVE RULING #4: PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT.

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5. CANDACE SHUI CHING HU V. QINGYU HU

24FL0383

On October 3, 2024, Petitioner filed a Request for Order (RFO) seeking, among other things, a Family Code § 3111 evaluation. The matter came before the court for hearing on January 23, 2025, at which time the court made orders on all issues and granted the request for an evaluation. A review hearing was set for the present date.

The Supplemental Declaration of Qingyu Hu was filed and served on April 7th. Petitioner's Declaration Re Status of Parenting was filed and served the same day.

Respondent filed and served a Certificate of Completion for a co-parenting course on April 11th.

Respondent is requesting an order increasing his parenting time with both children to include overnights on Fridays. He also requests an order for conjoint therapy with the minor Brandon. He agrees to propose the names of three therapists and Petitioner to choose one from the list.

Petitioner asks that the court reduce Respondent's parenting time down to Step 2 of their January 23rd agreement. If the court is not inclined to reduce visitation, then she asks that the court not increase Respondent's visitation.

After reviewing the filings of the parties, the court finds the current schedule remains in the best interests of the minor Brandon. Respondent and Brandon shall commence conjoint counseling forthwith. Respondent shall propose the names of three counselors and Petitioner is ordered to choose one of the three. The parties are to equally share in any uninsured costs of the conjoint counseling.

Regarding the visitation schedule for Emma, the court finds that increasing her visitation with Respondent would be in her best interest. As such, in addition to the current parenting time that Respondent has with Emma, he shall have Friday visits from 2:00 pm to Saturday at 5:00 pm.

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

TENTATIVE RULING #5: AFTER REVIEWING THE FILINGS OF THE PARTIES, THE COURT FINDS THE CURRENT SCHEDULE REMAINS IN THE BEST INTERESTS OF THE MINOR BRANDON. RESPONDENT AND BRANDON SHALL COMMENCE CONJOINT COUNSELING FORTHWITH. RESPONDENT SHALL PROPOSE THE NAMES OF THREE COUNSELORS AND PETITIONER IS ORDERED TO CHOOSE ONE OF THE THREE. THE

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PARTIES ARE TO EQUALLY SHARE IN ANY UNINSURED COSTS OF THE CONJOINT COUNSELING.

REGARDING THE VISITATION SCHEDULE FOR EMMA, THE COURT FINDS THAT INCREASING HER VISITATION WITH RESPONDENT WOULD BE IN HER BEST INTEREST. AS SUCH, IN ADDITION TO THE CURRENT PARENTING TIME THAT RESPONDENT HAS WITH EMMA, HE SHALL HAVE FRIDAY VISITS FROM 2:00 PM TO SATURDAY AT 5:00 PM.

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

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6. DAVID STEVEN MERCADO V. APRIL LOCKHART

PFL20180104

On February 5, 2025, Petitioner filed a Request for Order (RFO) seeking to enforce the court's prior orders. The RFO and the Notice of Tentative Ruling were both served on March 3rd. Respondent has not filed a Responsive Declaration to Request for Order.

On August 26, 2021, Petitioner was awarded \$3,009.00 in attorney's fees. Respondent was ordered to make payments of \$100 per month. Petitioner now requests the court enforce its August 26th ruling and order \$968.16 in interest.

Petitioner's requests are granted. Respondent is ordered to pay directly to Petitioner's attorney \$3,777.16 as and for attorney's fees and interest. Payment may be made in one lump sum or in monthly increments of \$125.90 commencing on May 1, 2025, and continuing until paid in full (approximately 30 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest. Respondent is admonished that continued failure to comply with the court's order may result in an order of contempt.

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

TENTATIVE RULING #6: PETITIONER'S REQUESTS ARE GRANTED. RESPONDENT IS ORDERED TO PAY DIRECTLY TO PETITIONER'S ATTORNEY \$3,777.16 AS AND FOR ATTORNEY'S FEES AND INTEREST. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$125.90 COMMENCING ON MAY 1, 2025, AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 30 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. RESPONDENT IS ADMONISHED THAT CONTINUED FAILURE TO COMPLY WITH THE COURT'S ORDER MAY RESULT IN AN ORDER OF CONTEMPT.

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

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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.

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7. AMBUR MORRISON V. THOMAS PULVINO

24FL0771

On January 21, 2025, the parties appeared before the court for hearing on Petitioner's request for a Domestic Violence Restraining Order (DVRO). The request was granted, and the parties were referred to Child Custody Recommending Counseling (CCRC). A review hearing was set for the present date to address custody and visitation orders and support. The court notes the Department of Child Support Services (DCSS) is a party to this case therefore the issue of support is continued to be heard on the DCSS calendar on 5/12/2025 at 8:30 AM in Department 10.

On February 18th the court received a response to Welfare and Institutions Code 329 from the Department of Health and Human Services.

The parties attended Child Custody Recommending Counseling (CCRC) on February 19th. A report with recommendations was prepared on April 3rd and mailed to the parties on April 7th.

Petitioner filed a Declaration regarding uninsured medical expenses and support on April 10th. She filed an Income and Expense Declaration and a Declaration regarding custody concurrently therewith. The court does not have a Proof of Service for any of these documents therefore they cannot be considered.

After reviewing the CCRC report, the court finds the recommendations contained therein to be in the best interests of the minors. Therefore, they are hereby adopted as the orders of the court.

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

TENTATIVE RULING #7: THE RECOMMENDATIONS CONTAINED IN THE APRIL 10, 2025 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINORS AND ARE THEREFORE ADOPTED AS THE ORDERS OF THE COURT. THE ISSUE OF SUPPORT IS CONTINUED TO BE HEARD ON THE DCSS CALENDAR ON 5/12/2025 AT 8:30 AM IN DEPARTMENT 10. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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8. JANELL RODRIGUEZ V. EMIGDIO RODRIGUEZ

PFL20120979

On February 7, 2025, Minor's Counsel filed a Request for Order (RFO) seeking custody and visitation orders. The RFO and all other required documents were electronically served on February 10th.

Respondent filed his Responsive Declaration to Request for Order on February 21st. It was served on the 20th.

The parties attended Child Custody Recommending Counseling (CCRC) on February 20th. A report with recommendations was prepared and mailed to the parties on April 9th.

Minor's Counsel's Statement of Issues and Contentions and Request for Orders was filed and served on March 28th.

Minor's Counsel is requesting Respondent's time with the minor be limited to every other weekend. She asks that the minor have the option not to go to the visit. She also asks that the minor and Respondent be ordered to participate in joint counseling with the minor's stepmother to be involved at the discretion of the counselor.

Respondent asks that the current orders remain in place with a week on/week off schedule. Alternatively, if Petitioner interferes with Respondent's relationship with the minor then he asks that he have primary physical custody of the minor and Petitioner to have every other Saturday and Sunday.

The court has reviewed the filings as outlined above and finds the recommendations contained in the April 9, 2025 CCRC report to be in the best interests of the minor. They are hereby adopted as the orders of the court.

Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #8: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE APRIL 9, 2025 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR. THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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9. TERESA SANCHEZ V. ERNEST SANCHEZ

22FL0180

Karie Boyd, counsel for Petitioner, filed a Notice of Motion and Motion to be Relieved as Counsel and a supporting declaration on January 31, 2025. The motion was mail served the same date as filing. Counsel has shown good cause for her withdrawal as the attorney of record for Petitioner due to the irreparable breakdown of the attorney-client relationship. The motion is granted, and the court will sign the proposed order.

TENTATIVE RULING #9: THE MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER, UPON THE CLIENT.

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10. DEBRA STANLEY V. ROBERT STANLEY

PFL20210202

On February 6, 2025, Petitioner filed a Request for Order (RFO) seeking to have her counsel dismissed as attorney of record. She filed an amended RFO on March 5th. She filed a declaration entitled Address Verification on March 5th indicating that she confirmed the address of her attorney within the past 30 days. All required documents were served on March 5th.

The Department of Child Support Services (DCSS) filed its Responsive Declaration to Request for Order on March 14th.

On March 17th a signed Substitution of Attorney was filed with the court. However, the court did not receive a request to vacate the RFO, therefore the court is required to prepare this tentative ruling.

The court declines to rule on this matter as it is found to be moot.

TENTATIVE RULING #10: THE COURT DECLINES TO RULE ON THIS MATTER AS IT IS FOUND TO BE 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 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.

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11. DANIEL ADAMS V. KATHLEEN ADAMS

23FL1232

Petitioner filed a Request for Order (RFO) on February 19, 2025, seeking property control orders and an order striking Respondent's Response filed on December 18, 2024, as it has never been served on him. Respondent was mail served on March 17, 2025.

Petitioner asserts the home is his sole and separate property, and Respondent has a 1% interest based on the parties' prenuptial agreement. Petitioner further asserts there is domestic violence occurring in the home and that Respondent is the aggressor. Petitioner seeks exclusive use and control of the home. Petitioner additionally seeks to have the court strike Respondent's Response filed on December 18, 2024, as it has never been served.

Respondent filed a Responsive Declaration on April 7, 2025. Petitioner was mail served on the same day. The court finds this to be late filed. Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made April 4th the last day for filing a response to the RFO. Therefore, the declaration is late filed and has not been considered by the court.

The court has read and considered the filings as outlined above. The court notes that while Petitioner references a prenuptial agreement in his moving papers, no such document was included as an exhibit. The court further notes Petitioner has filed a second RFO requesting the court determine the validity of the prenuptial agreement. That request is set for a hearing on May 22, 2025, at 1:30 PM in Department 5. The court finds good cause to continue the property control request to join with that hearing, as the court finds the issues to be inextricably linked.

As to the request to strike the Response, "The court may, upon a motion made pursuant to Section 435, or at any time in its discretion, and upon terms it deems proper: ¶ (b) Strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court." Cal. Civ. Pro. § 436. "Where the defect raised by a motion to strike...is reasonably capable of cure, "leave to amend is routinely and liberally granted to give the plaintiff a chance to cure the defect in question." [Citations omitted]. A pleading may be stricken only upon terms the court deems proper (§ 436, subd. (b)), that is, terms that are just. [Citations omitted]. It is generally an abuse of discretion to

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deny leave to amend, because the drastic step of denial of the opportunity to correct the curable defect effectively terminates the pleader's action. [Citations omitted]." CLD Const., Inc. v. City of San Ramon, 120 Cal.App.4th 1141, 1146-1147(2004).

The court finds there is no Proof of Service showing Petitioner was served with the Response. A Response should be filed and served within 30 days after the Respondent is served with a copy of the summons and petition. Fam. Code § 2020. A copy of the Response, including any attachments, must be served on Petitioner (or counsel if represented) either personally or by mail. Cal. Civ. Pro § 465; Cal. Rules of Ct., Rule 5.2(d). Because Respondent has failed to file a Proof of Service as required by law, the motion to strike is granted. However, Respondent is granted fourteen days leave to amend. Respondent has until May 1, 2025, to properly serve the Response.

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 #11: THE COURT FINDS GOOD CAUSE TO CONTINUE THE PROPERTY CONTROL REQUEST TO JOIN WITH THE HEARING ON MAY 22, 2025, AT 1:30 PM IN DEPARTMENT 5, AS THE ISSUES BEFORE THE COURT ARE INEXTRICABLY LINKED.

THE MOTION TO STRIKE IS GRANTED. HOWEVER, RESPONDENT IS GRANTED FOURTEEN DAYS LEAVE TO AMEND. RESPONDENT HAS UNTIL MAY 1, 2025, TO PROPERLY SERVE THE RESPONSE.

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.

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12. BRIAN BURKS V. MELISSA BURKS

PFL20180047

Respondent filed a Request for Order (RFO) on February 10, 2025, seeking reimbursement for medical expenses for the minor. Respondent concurrently filed an Income and Expense Declaration. Petitioner was served by mail on February 14, 2025. There is no Proof of Service showing service on the Department of Child Support Services (DCSS), which is a party to the case.

DCSS filed a Responsive Declaration on February 25, 2025. Proof of Service shows parties were served on February 25th. DCSS requests the matter be continued to be heard on the Child Support Calendar with the Child Support Commissioner, pursuant to Family Code section 4251.

Petitioner filed an Income and Expense Declaration on March 25, 2025. There is no Proof of Service for this document.

The court finds good cause to continue this matter to 5/12/2025 at 8:30 AM in Department 10. The court reserves jurisdiction on the request for reimbursement.

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

TENTATIVE RULING #12: THE COURT FINDS GOOD CAUSE TO CONTINUE THIS MATTER TO 5/12/2025 AT 8:30 AM IN DEPARTMENT 10. THE COURT RESERVES JURISDICTION ON THE REQUEST FOR REIMBURSEMENT. 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.

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14. KENNETH CROMPTON V. DAYNA CROMPTON

23FL0077

Petitioner filed an ex parte application for emergency custody orders on November 25, 2024. On November 26, 2024, the court denied the request and referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on December 10, 2024. A review hearing was set for January 16, 2025. Petitioner filed a Request for Order (RFO) on November 26, 2024, making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was personally served on November 26, 2024.

Only Respondent appeared at the CCRC appointment on December 10, 2024. As such a single parent report was filed on December 16, 2024. Copies were mailed to the parties the same day.

Petitioner filed two Declarations on January 6, 2024. Proof of Service shows they were mailed to Respondent on January 3, 2025. Petitioner asserts he missed the CCRC appointment because he was too emotionally distraught to attend due to being served with a restraining order. Petitioner states he was served on December 4, 2024. In his Supplemental Declaration, Petitioner requests the court appoint minors' counsel, order Respondent to have supervised parenting time and to be responsible for the entire costs, as well as various other orders.

On January 16, 2025, the court ordered the following: The court appointed Minors Counsel, Sarah Kukuza to represent the minors. Parties were ordered to share the costs of Minors Counsel equally, subject to reallocation. Respondent's parenting time was ordered to be professionally supervised one time per week for two hours. The court further ordered that no other individuals present during Respondent's parenting time. Respondent was ordered to be solely responsible for the costs of professionally supervised visitation. Respondent was ordered not to bring gifts, under any circumstances, including holidays and birthdays for the minors. If Respondent appears to be under the influence of any intoxicating substance, the court authorized the visit to be cancelled. The court rereferred the parties to CCRC. The minors were ordered to be made available to the CCRC Counselor for interview upon the Counselor's request. The court set a further review hearing on the present date. Any Supplemental Declarations were ordered to be filed and served at least 10 days prior to the hearing. Petitioner was ordered to pay sanctions in the amount of \$50 for the failure to attend CCRC on December 10th. Payment was to be made on or before January 30, 2025.

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Respondent has not filed a Responsive Declaration.

Petitioner filed a Supplemental Declaration on April 2, 2025. Respondent and Minor's Counsel were served the same day. Petitioner requests the current orders remain in full force and effect.

Both parties and the minors participated in the CCRC appointment. The parties were unable to reach any agreements. A report with recommendations was filed with the court on April 4, 2025. Copies were mailed to the parties and Minors' Counsel the same day.

Petitioner filed an Objection to the CCRC report on April 11, 2025. Parties were served with the Objection the same day.

Minors' Counsel filed a Declaration on April 16, 2025. There is no Proof of Service for this document. Minors' Counsel is requesting the matter be continued to allow additional time to meet and confer with the parties as well as their counsel. Additionally, Minors' Counsel needs additional time to meet with the minors again.

Parties are ordered to appear for the hearing.

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

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16. JENNIFER HAMILTON V. JESSE HAMILTON

22FL0124

Petitioner filed a Request for Order (RFO) on February 19, 2025, requesting property control orders as well as an order regarding timeshare fees. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO and other necessary documents.

The matter is dropped from calendar due to the lack of proper service.

TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE 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 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.

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17. TERRY MEDINA V. RAYMOND MEDINA

PFL20150870

Respondent filed a Request for Order (RFO) on February 20, 2025, seeking exclusive use and control of the property located at 6740 Grizzly Flat Road in Somerset, California. Petitioner was personally served on February 26th in accordance with Family Code section 215.

Petitioner has not filed a Responsive Declaration.

The court grants Respondent's request. Respondent shall have exclusive use and control of the property at 6740 Grizzly Flat Road in Somerset, California. Petitioner is to vacate the residence by no later than June 1, 2025.

All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #17: THE COURT GRANTS RESPONDENT'S REQUEST. RESPONDENT SHALL HAVE EXCLUSIVE USE AND CONTROL OF THE PROPERTY AT 6740 GRIZZLY FLAT ROAD IN SOMERSET, CALIFORNIA. PETITIONER IS TO VACATE THE RESIDENCE BY NO LATER THAN JUNE 1, 2025. ALL PRIOR ORDERS 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.

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18. RUSSELL TABAYOYON V. ROBYN TABAYOYON

23FL0903

Respondent filed a Request for Order (RFO) seeing spousal support on February 19, 2025. Respondent did not concurrently file an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

The matter is dropped from calendar due to the failure to properly serve Petitioner and the failure to concurrently file an Income and Expense Declaration.

All prior orders remain in full force and effect.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE PETITIONER AND THE FAILURE TO CONCURRENTLY FILE AN INCOME AND EXPENSE DECLARATION. 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 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.

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19. SARAH VALDEZ V. DEVIN HECTOR

PFL20130850

Petitioner filed a Request for Order (RFO), on January 23, 2025, seeking a modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 20, 2025, and a review hearing on April 17, 2025. Proof of Service shows Respondent was mail served on January 23, 2025.

Only Respondent appeared at the CCRC appointment on February 20th. As such, a single parent report was filed with the court on February 24, 2025. Copies were mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

The court denies Petitioner's request for modification due to her failure to appear at CCRC.

All prior orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #19: THE COURT DENIES PETITIONER'S REQUEST FOR MODIFICATION DUE TO HER FAILURE TO APPEAR AT CCRC. 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 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.