

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

1. ALEX DELACY V. NICOLE FITZPATRICK

21FL0183

On January 30, 2024, this matter came before the court for hearing on Respondent's request for sanctions and Order to Show Cause and Affidavit for Contempt (OSC) which was filed on August 10, 2023. The court appointed a Public Defender and continued the matter to the present date. The issue of sanctions was set to trail the contempt action.

The parties are ordered to appear for arraignment.

TENTATIVE RULING #1: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

2. APRIL LOCKHART V. DAVID MERCADO

PFL20200534

Respondent filed a Request for Order (RFO) on January 18, 2024. It was electronically served on January 25, 2024. Petitioner has not filed a Responsive Declaration to Request for Order.

Respondent brings his RFO requesting sole legal custody of the parties' minor child. He also requests an order directing Petitioner to undergo alcohol and drug screening prior to her parenting time and at her expense. He asks that Petitioner be ordered not to post inappropriate photos of the minor or post anything dealing with abuse or use the hashtag #custodybattle. He further requests Petitioner be ordered to refrain from discussing the court case with the minor and not to take him to her workplace at Tiny Heart Heroes. Finally, he asks the court to affirm its prior order dated October 5, 2023 regarding co-parenting counseling.

The parties attended Child Custody Recommending Counseling (CCRC) on February 8, 2024 and were able to reach a full agreement. A report with the agreement was prepared and mailed to the parties on February 9th. As part of their agreement the parties stipulated to vacate the present hearing date.

This matter is dropped from calendar by stipulation of the parties.

TENTATIVE RULING #2: THIS MATTER IS DROPPED FROM CALENDAR BY STIPULATION OF THE PARTIES.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

3. CHRISTINA BASS V. DAVID BASS

PFL20120626

On January 16, 2024, Respondent filed and served a Request for Order (RFO) seeking custody and visitation orders. On March 18th and 19th, Respondent filed and then served a series of letters from his mental health providers. Petitioner filed and served her Responsive Declaration to Request for Order on March 21st. On March 22nd she filed and served Petitioner's Supplemental Declaration for the April 4, 2024 Review Hearing and Hearing on Respondent's Request for Order.

Respondent brings his RFO requesting joint legal and joint physical custody of the parties' three minor children. Specifically, he is asking to set aside the court's orders from June 23, 2023. He further requests a 50/50 timeshare with the children to reside with Petitioner on the weekdays during the schoolyear and then return to the prior custody arrangement as of the start of summer break.

The parties attended Child Custody Recommending Counseling (CCRC) on March 7, 2024 and were able to reach some agreements but they could not agree on all issues. A report with the agreements and recommendations was prepared and mailed to the parties on March 18th.

Petitioner is asking the court to maintain the current custody orders. She opposes the request to set aside the June 2023 orders as the motion is untimely. Petitioner is asking the court to adopt the recommendations in the CCRC report with certain modifications that she enumerates in her supplemental declaration.

Respondent's motion to set aside the June 2023 ruling is denied. "The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." Cal. Civ. Pro. § 473(b). To obtain relief under Section 473(b), the moving party must do so within a reasonable time, but in no case exceeding 6 months after the date of the judgment and must provide a copy of the pleading proposed to be filed. *Id.* Respondent's motion is not only untimely but he has failed to make the requisite showing of mistake, inadvertence, surprise, or excusable neglect. Therefore, the motion to set aside is denied.

Regarding the remainder of Respondent's requests, after reviewing the filings of the parties as well as the CCRC report, the court finds the agreements and recommendations contained in the March 7, 2024 report to be in the best interests of the minors, with some modifications. The exchanges section is modified to state that exchanges are to occur at the paternal grandparents' home until Petitioner secures transportation. Petitioner shall notify Respondent as soon as she has transportation. Once that has occurred, the exchanges are to occur at a mutually agreed upon midway point. If the parties cannot agree, then exchanges are

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

to occur at the Target located at 6507 4th Ave., Sacramento, CA 95817. The court is not adopting the recommended holiday schedule at this time as it appears the parties have an agreed upon schedule. The individual counseling section of the CCRC report is not being adopted for the time being. The parties are to comply with the co-parenting counseling section of the CCRC report in full. If, in the future and upon a further RFO, it appears individual counseling is necessary the court may order it at that time however to do so now seems premature. The co-parenting counseling section of the CCRC report is to be amended to add the provisions that counseling may occur remotely and the parties are to equally split the costs of counseling.

The step-up plan shall be modified to state the following: (1) Step 1: Respondent shall have one unsupervised four-hour visit with the children on Saturdays, and one mid-week visit with the children on Wednesdays. The parties are to mutually agree upon a start time however visits shall end no later than 8:00 pm. After 60 days, the parties are to move to Step 2. (2) Step 2: Respondent's parenting time shall increase to one unsupervised eight-hour visit on Saturdays, and one mid-week visit on Wednesdays. The parties are to mutually agree upon a start time for the visits, however visits shall conclude no later than 8:00 pm. After 60 days at Step 2, the parties are to move to Step 3. (3) Step 3: Respondent's parenting time shall increase to one overnight visit with the children from Fridays after school until Saturdays at 8:00 pm and one mid-week visit on Wednesdays. Parties are to mutually agree on the start time for the Wednesday visit however the visit shall end no later than 8:00 pm. After 60 days on Step 3, the parties are to move to Step 4. (4) Step 4: Respondent shall have the children on alternating weekends from Fridays after school until Sundays at 8:00 pm.

In addition to adopting the modified CCRC agreements and recommendations, the court is ordering the following. The children are to finish the school year at their respective current schools, either Union Mine High School or Herbert Green Middle School. After the completion of the current school year, the parties are to discuss and mutually agree upon future school attendance for the children. When speaking with the children, the parties are to refer to one another as "mom" and "dad."

Petitioner's request for final decision-making authority is denied. There has been no showing that Respondent lacks the capacity to participate in making decisions of legal custody nor any other reason why Petitioner would need to have final decision-making authority at this time.

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

TENTATIVE RULING #3: THE MOTION TO SET ASIDE THE COURT'S JUNE 23, 2023 RULING IS DENIED. THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE MARCH 7, 2024 REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINORS AND ARE THEREFORE ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

EXCHANGES SECTION IS MODIFIED TO STATE THAT EXCHANGES ARE TO OCCUR AT THE PATERNAL GRANDPARENTS' HOME UNTIL PETITIONER SECURES TRANSPORTATION. PETITIONER SHALL NOTIFY RESPONDENT AS SOON AS SHE HAS TRANSPORTATION. ONCE THAT HAS OCCURRED, THE EXCHANGES ARE TO OCCUR AT A MUTUALLY AGREED UPON MIDWAY POINT. IF THE PARTIES CANNOT AGREE THEN EXCHANGES ARE TO OCCUR AT THE TARGET LOCATED AT 6507 4TH AVE., SACRAMENTO, CA 95817. THE COURT IS NOT ADOPTING THE RECOMMENDED HOLIDAY SCHEDULE. THE INDIVIDUAL COUNSELING SECTION OF THE CCRC REPORT IS NOT BEING ADOPTED FOR THE TIME BEING. THE PARTIES ARE TO COMPLY WITH THE CO-PARENTING COUNSELING SECTION OF THE CCRC REPORT THE CO-PARENTING COUNSELING SECTION OF THE CCRC REPORT IS TO BE AMENDED TO ADD THE PROVISIONS THAT COUNSELING MAY OCCUR REMOTELY AND THE PARTIES ARE TO EQUALLY SPLIT THE COSTS OF COUNSELING.

THE STEP-UP PLAN SHALL BE MODIFIED TO STATE THE FOLLOWING: (1) STEP 1: RESPONDENT SHALL HAVE ONE UNSUPERVISED FOUR-HOUR VISIT WITH THE CHILDREN ON SATURDAYS, AND ONE MID-WEEK VISIT WITH THE CHILDREN ON WEDNESDAYS. THE PARTIES ARE TO MUTUALLY AGREE UPON A START TIME, HOWEVER VISITS SHALL END NO LATER THAN 8:00 PM. AFTER 60 DAYS, THE PARTIES ARE TO MOVE TO STEP 2. (2) STEP 2: RESPONDENT'S PARENTING TIME SHALL INCREASE TO ONE UNSUPERVISED EIGHT-HOUR VISIT ON SATURDAYS, AND ONE MID-WEEK VISIT ON WEDNESDAYS. THE PARTIES ARE TO MUTUALLY AGREE UPON A START TIME FOR THE VISITS, HOWEVER VISITS SHALL CONCLUDE NO LATER THAN 8:00 PM. AFTER 60 DAYS AT STEP 2, THE PARTIES ARE TO MOVE TO STEP 3. (3) STEP 3: RESPONDENT'S PARENTING TIME SHALL INCREASE TO ONE OVERNIGHT VISIT WITH THE CHILDREN FROM FRIDAYS AFTER SCHOOL UNTIL SATURDAYS AT 8:00 PM AND ONE MID-WEEK VISIT ON WEDNESDAYS. PARTIES ARE TO MUTUALLY AGREE ON THE START TIME FOR THE WEDNESDAY VISIT HOWEVER THE VISIT SHALL END NO LATER THAN 8:00 PM. AFTER 60 DAYS ON STEP 3, THE PARTIES ARE TO MOVE TO STEP 4. (4) STEP 4: RESPONDENT SHALL HAVE THE CHILDREN ON ALTERNATING WEEKENDS FROM FRIDAYS AFTER SCHOOL UNTIL SUNDAYS AT 8:00 PM.

IN ADDITION TO ADOPTING THE MODIFIED CCRC AGREEMENTS AND RECOMMENDATIONS, THE COURT IS ORDERING THE FOLLOWING. THE CHILDREN ARE TO FINISH THE SCHOOL YEAR AT THEIR RESPECTIVE CURRENT SCHOOLS, EITHER UNION MINE HIGH SCHOOL OR HERBERT GREEN MIDDLE SCHOOL. AFTER THE COMPLETION OF THE CURRENT SCHOOL YEAR, THE PARTIES ARE TO DISCUSS AND MUTUALLY AGREE UPON FUTURE SCHOOL ATTENDANCE FOR THE CHILDREN. WHEN SPEAKING WITH THE CHILDREN, THE PARTIES ARE TO REFER TO ONE ANOTHER AS "MOM" AND "DAD."

PETITIONER'S REQUEST FOR FINAL DECISION-MAKING AUTHORITY IS DENIED.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

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

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO* LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

5. JOSEPH HENRY IBARRA V. ALEXANDRIA ELIZABETH ESPARAZA

23FL0842

On September 29, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. An Amended Request for Order was filed on October 6, 2023. Both RFOs, along with all other required documents, were mail served on October 6th. The parties appeared before the court for hearing on January 18, 2024 at which time they presented the court with a stipulation. As part of that stipulation, they agreed to set a review hearing for the present date. Supplemental declarations were due to be served no later than 10 days prior to the hearing date. The court advised the parties that if nothing was filed then the hearing would be dropped.

There have been no filings since the January 18th hearing therefore this matter is dropped from calendar.

TENTATIVE RULING #5: THE MATTER IS DROPPED FROM CALENDAR.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

6. JUSTIN REEDY V. KAYLA MCKINNEY

PFL20180289

Petitioner filed a Request for Order (RFO) on January 11, 2024. It was mail served on January 12th. On March 21, 2024, Respondent filed and served a Responsive Declaration to Request for Order and a Response to Vacation and Parenting time. Petitioner has not filed a Reply Declaration.

Petitioner filed his RFO requesting various orders regarding vacation time for each parent during the summer as well as orders regarding the child's participation in religious activities. Respondent provided her response outlining the orders that she does and does not agree with.

After reviewing the filings of the parties, the court finds the following to be in the best interests of the minor. Each parent shall have two non-consecutive weeks of vacation with the minor during summer break. In even years, Respondent shall choose her two weeks no later than January 15th. After Respondent chooses her vacation dates, Petitioner shall choose his dates no later than February 1st. In odd years, Petitioner shall choose his two weeks no later than January 15th. After Petitioner chooses his vacation dates, Respondent shall choose the dates for her two weeks no later than February 1st. Neither party shall travel out of the country or out of the state with the minor without first providing the other party with all travel itinerary, including flight numbers, departure dates/times, arrival dates/times, and the address(es) and phone number(s) where the minor will be staying while on vacation. This includes campgrounds. Itinerary information shall be provided to the non-traveling parent no later than seven days prior to the departure date. The traveling parent shall ensure the minor calls the non-traveling when the minor arrives at the vacation destination and when the minor returns home. If there is no phone service at the travel destination, the traveling parent shall ensure that the phone call is made just before service is lost. If the minor requests to call the other parent while on vacation, the traveling parent shall allow the minor to do so.

The parties are to exercise a week on/week off visitation schedule during summer break. The court reaffirms its prior orders regarding either parent scheduling activities for the minor during that party's parenting time. The parties are not to enroll the minor in activities that would impede on the other party's parenting time without the prior consent of the other party given in writing via Talking Parents. The court reaffirms its prior orders that the parties shall provide one another with the name and address of any person providing childcare. This includes single day and overnight summer camps.

The court declines to vacate its prior orders regarding the child's participation in religious activities.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

TENTATIVE RULING #6: EACH PARENT SHALL HAVE TWO NON-CONSECUTIVE WEEKS OF VACATION WITH THE MINOR DURING SUMMER BREAK. IN EVEN YEARS, RESPONDENT SHALL CHOOSE HER TWO WEEKS NO LATER THAN JANUARY 15TH. AFTER RESPONDENT CHOOSES HER VACATION DATES, PETITIONER SHALL CHOOSE HIS DATES NO LATER THAN FEBRUARY 1ST. IN ODD YEARS, PETITIONER SHALL CHOOSE HIS TWO WEEKS NO LATER THAN JANUARY 15TH. AFTER PETITIONER CHOOSES HIS VACATION DATES, RESPONDENT SHALL CHOOSE THE DATES FOR HER TWO WEEKS NO LATER THAN FEBRUARY 1ST. NEITHER PARTY SHALL TRAVEL OUT OF THE COUNTRY OR OUT OF THE STATE WITH THE MINOR WITHOUT FIRST PROVIDING THE OTHER PARTY WITH ALL TRAVEL ITINERARY INCLUDING FLIGHT NUMBERS, DEPARTURE DATES/TIMES, ARRIVAL DATES/TIMES, AND THE ADDRESS(ES) AND PHONE NUMBER(S) WHERE THE MINOR WILL BE STAYING WHILE ON VACATION. THIS INCLUDES CAMPGROUNDS. ITINERARY INFORMATION SHALL BE PROVIDED TO THE NON-TRAVELING PARENT NO LATER THAN SEVEN DAYS PRIOR TO THE DEPARTURE DATE. THE TRAVELING PARENT SHALL ENSURE THE MINOR CALLS THE NON-TRAVELING WHEN THE MINOR ARRIVES AT THE VACATION DESTINATION AND WHEN THE MINOR RETURNS HOME. IF THERE IS NO PHONE SERVICE AT THE TRAVEL DESTINATION, THE TRAVELING PARENT SHALL ENSURE THAT THE PHONE CALL IS MADE JUST BEFORE SERVICE IS LOST. IF THE MINOR REQUESTS TO CALL THE OTHER PARENT WHILE ON VACATION, THE TRAVELING PARENT SHALL ALLOW THE MINOR TO DO SO.

THE PARTIES ARE TO EXERCISE A WEEK ON/WEEK OFF VISITATION SCHEDULE DURING SUMMER BREAK. THE COURT REAFFIRMS ITS PRIOR ORDERS REGARDING EITHER PARENT SCHEDULING ACTIVITIES FOR THE MINOR DURING THAT PARTY'S PARENTING TIME. THE PARTIES ARE NOT TO ENROLL THE MINOR IN ACTIVITIES THAT WOULD IMPEDE ON THE OTHER PARTY'S PARENTING TIME WITHOUT THE PRIOR CONSENT OF THE OTHER PARTY GIVEN IN WRITING VIA TALKING PARENTS. THE COURT REAFFIRMS ITS PRIOR ORDERS THAT THE PARTIES SHALL PROVIDE ONE ANOTHER WITH THE NAME AND ADDRESS OF ANY PERSON PROVING CHILDCARE. THIS INCLUDES SINGLE DAY AND OVERNIGHT SUMMER CAMPS.

THE COURT DECLINES TO VACATE ITS PRIOR ORDERS REGARDING THE CHILD'S PARTICIPATION IN RELIGIOUS ACTIVITIES.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

7. MARY FONSECA V. JOHN FONSECA SR.

23FL0809

Petitioner filed a Request for Order (RFO) on December 18, 2023, it was served by mail the next day. Respondent filed and served his Responsive Declaration to Request for Order on February 23, 2024.

Petitioner brings her RFO requesting prevailing party attorney fees pursuant to Family Code § 6344. She states she incurred \$7,035 in attorney's fees and costs in furtherance of her obtaining a Domestic Violence Restraining Order (DVRO) against Respondent. She expects to incur an additional \$900 by appearing for and arguing the present RFO. She is requesting a total of \$7,935 to be paid in monthly increments of \$1,322.50 sent directly to Petitioner's attorneys.

Respondent opposes the request on the basis that he cannot afford to pay Petitioner's attorney's fees due to the amount of spousal support awarded to Petitioner. He notes that he is unable to pay even his own attorney's fees.

Family Code section 6344 is the mechanism by which a prevailing party on a DVRO request may recover their attorney's fees and costs. If the prevailing party was the party that filed for the DVRO then, "[a]fter notice and a hearing, a court, upon request shall issue and order for the payment of attorney's fees and costs." Cal. Fam. Code § 6344 (a). However, "[b]efore a court awards attorney's fees and costs pursuant to this section, the court shall first determine pursuant to Section 270 that the party ordered to pay has, or is reasonably likely to have, the ability to pay." *Id.* at (c).

The court has reviewed the filings of the parties and does find that Respondent has established an inability to pay. He states that his monthly support payments, plus arrears, amount to \$6,758. However, he has not provided the court with his monthly income and if there has been any change in income since the DVRO hearing when the court found Respondent's income to be approximately \$15,000 per month. This leaves plenty of income for at least small monthly payments.

While the court is finding an ability to pay, the court does not find an award of \$900 for appearing at, and arguing for, the RFO is proper unless that amount is actually incurred. As of this writing Petitioner has only incurred \$7,035 in fees and costs and therefore that is the amount awarded.

Petitioner is awarded \$7,035 as and for attorney's fees pursuant to Family Code § 6344. Respondent shall pay monthly increments of \$390.83 no later than the 15th of each month commencing April 15, 2024 and continuing until paid in full (approximately 18 months). Payments are to be made to Herrig, Vogt & Hensley, LLP located at 4210 Douglas Blvd., Suite 100, Granite Bay, CA 95746. If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

TENTATIVE RULING #9: PETITIONER IS AWARDED \$7,035 AS AND FOR ATTORNEY'S FEES PURSUANT TO FAMILY CODE § 6344. RESPONDENT SHALL PAY MONTHLY INCREMENTS OF \$390.83 NO LATER THAN THE 15TH OF EACH MONTH COMMENCING APRIL 15, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 18 MONTHS). PAYMENTS ARE TO BE MADE TO HERRIG, VOGT & HENSLEY, LLP LOCATED AT 4210 DOUGLAS BLVD., SUITE 100, GRANITE BAY, CA 95746. IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

8. ROB GRONEWOLD V. KATHERINE GRONEWOLD

PFL20190313

Respondent filed an Order to Show Cause and Affidavit Re Contempt (OSC) on September 15, 2023. Petitioner was personally served on September 28, 2023. Respondent asserts Petitioner has violated the court's orders from September 29, 2022. Respondent raises 16 counts of contempt of court.

Respondent appeared for the hearing on November 2, 2023. The matter was originally set to be heard at 1:30, however, the afternoon calendar was advanced to the 8:30 AM calendar. Petitioner did not appear. In an abundance of caution, due to the irregularity of the court's schedule, the court continued the matter to January 18, 2024 for arraignment. Respondent was directed to provide notice to Petitioner. The court authorized notice by first class mail, as Petitioner had been properly noticed for the hearing.

Petitioner was served on November 11, 2023.

Respondent filed a second OSC on November 20, 2023. Respondent raises six additional counts of contempt. Petitioner was personally served on December 28, 2023.

Parties were ordered to appear for arraignment on January 18, 2024, at which time the court appointed a Public Defender to Petitioner and continued the matter to the present date for further arraignment.

The parties are ordered to appear for arraignment.

TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

9. ROBERT ALDRICH V. TERESA BALLATORE

PFL20110520

On January 18, 2024, Petitioner filed a Request for Order (RFO) seeking to terminate spousal support. The RFO and his Income and Expense Declaration were served on February 10, 2024. Respondent filed and served her Responsive Declaration to Request for Order, a Declaration of Teresa Ballatore in Support of Reply to Robert Aldrich's Request for Order to Discontinue Alimony and her Income and Expense Declaration, on March 12th.

This is a post judgment request for modification of spousal support and therefore the court must take evidence to address the Family Code § 4320 factors. The parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

10. SCOTT COLLINSON V. ASHLEY COLLINSON

PFL20200475

On October 9, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was set to be heard on January 18, 2024, however in the interim the parties stipulated to private mediation and a continuance of the hearing date. On March 26th Respondent's Supplemental Declaration was filed and served.

Petitioner filed and electronically served his Responsive Declaration to Request for Order on March 29th. Respondent objected to the request as untimely. Respondent's objection is sustained. The court finds Petitioner's responsive declaration to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made March 20th the last day for filing. Therefore, the responsive declaration is late filed and has not been considered by the court.

Respondent filed her RFO requesting to be the parent with primary responsibility for the children during the week with alternating weekends. This is a change from the current 2-2-3 parenting plan the parties are following. In her supplemental declaration, Respondent states that she agrees to adopt the report of Wendy Campbell, though the court is not in receipt of Ms. Campbell's report.

The parties are ordered to appear for the hearing and bring a copy of Ms. Campbell's report.

TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APEAR FOR THE HEARING AND BRING A COPY OF MS. CAMPBELL'S REPORT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

11. SHAUNA COX V. MICHAEL BRYANT II

22FL0270

On January 23, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, child and spousal support, property control, and attorney's fees. The RFO, along with all other required documents were served on January 29th. On February 8th Petitioner filed and served her Income and Expense Declaration.

On February 14th Respondent filed an MC-030 Declaration. There is no Proof of Service for this document and therefore it cannot be considered by the court.

Petitioner brings her RFO requesting joint legal and joint physical custody of the parties' three minor children. She proposes a week on/week off, or a schedule of Saturday to Wednesday for one parent and then Wednesday to Saturday for the other. She requests guideline child support and spousal support based on Respondent's actual income, which she estimates to be approximately \$20,000 per month. This is in lieu of the minimum wage income that he was imputed with in October of last year. She asks that support orders be effective as of March 1, 2023, which is in keeping with the court's prior orders where it reserved jurisdiction to amend support back to that date.

Petitioner is also requesting to be removed from the lease and relieved of any and all liability related to the lease for 1000 Emerald Hills Court in El Dorado Hills as she has not resided there since February of 2023. Additionally, she is asking for exclusive use and possession of the property located at 105 D'Oro Court commencing immediately, however, she asks that Respondent continue to be solely responsible for any fines accumulated for a period of 90 days after she takes over the property. She also asks that Respondent be ordered to pay any and all costs associated with bringing the property up to code.

Finally, Petitioner is requesting \$5,000 in attorney's fees and sanctions pursuant to both Family Code § 2030 and § 271. She states that Respondent was previously ordered to pay \$1,250 in attorney's fees pursuant to a payment plan. However, he failed to abide by that plan and thus the full remaining amount of \$1,010 is due. She asks the court to order Respondent to pay this amount forthwith.

The parties attended Child Custody Recommending Counseling (CCRC) on February 15, 2024. They reached custody and visitation agreements as well as other agreements which are codified in the CCRC report dated February 15, 2024. The report was mailed to the parties on February 16th and neither party has objected, or responded, to its contents.

The court has reviewed the filings as outlined above and finds the agreements contained in the February 15, 2024 CCRC report to be in the best interests of the children. Those agreements are hereby adopted as the orders of the court.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

Pursuant to the parenting plan agreed upon by the parties, the parents will be operating under a 50/50 timeshare. Thus, this is the amount that will be used to calculate support. Petitioner has provided her Income and Expense Declaration which establishes her average monthly income as \$1,500. Respondent, on the other hand, has not provided the court with an Income and Expense Declaration or any evidence of his average monthly income therefore the court is left to rely on the documents provided by Petitioner. Petitioner provides the court with a rental application from 2022 wherein Respondent listed his monthly income as \$9,000 per month. She has provided documentation showing that one of his three income streams, in 2021, amounted to \$4,415. Finally, she has provided documentation that Respondent spends anywhere from approximately \$3,000 to \$4,000 bi-monthly to rent a vehicle despite Petitioner's assertion that he has others he could choose to drive. According to Petitioner, Respondent earns a monthly income of \$20,000 and he pays approximately \$2,725 per month in rent. While the court does not find that Petitioner has established Respondent's income to be \$20,000 per month, she has certainly established that his income is well in excess of the \$2,600 per month that he was previously imputed with. Given monthly rent of \$2,725, plus an additional \$2,000 a month in rental vehicles, Respondent is earning a minimum of \$4,725 to cover these expenses alone. Given that he was earning \$9,000 per month in 2022 by his own admission, and there has been nothing submitted to show a decrease in that amount, the court is using this figure for the purposes of calculating support. The court has reserved jurisdiction to award support back to March 1, 2023, and given that Respondent has been less than forthright with the court regarding his income, and in light of the fact that it appears the court's prior imputation of income was rather low, Petitioner's request to award support back to March 1, 2023 is granted.

Utilizing the same figures as outlined above, the court finds that child support is \$1,935 per month and spousal support per the Alameda formula is \$719 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$2,654 per month as and for child support and temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. These support orders are effective as of March 1, 2023.

The court finds the above order results in arrears in the amount of \$37,156 through and including April 1, 2024. Support was previously set at \$36 per month commencing March 1, 2023. Respondent shall receive a credit for any support paid during that time. The remaining arrears amount shall be paid in equal monthly installment payments over a period of 24 months. Each payment shall be due on the 15th of each month commencing on April 15th. If any payment is missed or late, the entire outstanding amount shall become immediately due and payable with interest.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

Because these support orders are once again made without Respondent's completion of an Income and Expense Declaration, as he is required to do, the court once again reserves jurisdiction to amend support back to March 1, 2023.

Turning now to the property control requests, Petitioner's requests are granted. Respondent is ordered to remove Petitioner from the Emerald Hills lease no later than May 3, 2024. The court reserves jurisdiction over any financial liabilities associated with the Emerald Hills lease, if any, until the time of trial on the issue of property division.

Regarding the property located at 105 D'Oro Court, it is a longstanding tenant of the law that the court shall divide the community estate of the parties equally. Cal. Fam. Code 2550. Inherent in the court's authority to ensure that community assets are divided equally, the court holds broad discretion to "...make any orders [it] considers necessary.." Fam. Code § 2553. This includes ordering exclusive use and possession of an asset, such as real property, to ensure the preservation of the community's interest in the property until the time of trial. As such, Petitioner is granted exclusive use and possession of the property located at 105 D'Oro Court. The court reserves jurisdiction over the division of any and all fines assessed on the property.

Finally, regarding fees and sanctions, the court finds Petitioner has not properly plead the request for attorney's fees pursuant to Family Code section 2030. Petitioner failed to file the FL-319 or a separate declaration from counsel. Therefore, the court denies the request for attorney's fees pursuant to Family Code section 2030.

An award for attorney's fees and sanctions may also be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). While the purpose of Section 271 is to impose a punitive sanction, the court is not to impose a sanction that would create an "unreasonable financial burden on the party against whom the sanction is imposed." *Id.* Respondent's failure to provide the court with a completed Income and Expense Declaration along with his repeated failure to comply with court orders, sanctions under Family Code § 271 are also warranted. Petitioner is currently representing herself, as counsel substituted out on February 22, 2024. However, Petitioner incurred the costs of retaining counsel to bring this motion. Therefore, the court orders attorney's fees in the amount of \$1,000 pursuant to Family Code section 271 This amount shall be paid directly to Petitioner's attorney, Lisa Kindel at Kindel Law. Payment may be made in one lump sum or in monthly increments of \$500 due and payable on the 15th of each month commencing April 15th and

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

continuing until paid in full. If any payment is missed or late, the total outstanding amount shall become immediately due and payable with legal interest.

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

TENTATIVE RULING #11: THE AGREEMENTS CONTAINED IN THE FEBRUARY 15, 2024 CCRC REPORT ARE IN THE BEST INTERESTS OF THE CHILDREN AND ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.

THE COURT FINDS THAT CHILD SUPPORT IS \$1,935 PER MONTH AND SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$719 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,654 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THESE SUPPORT ORDERS ARE EFFECTIVE AS OF MARCH 1, 2023.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$37,156 THROUGH AND INCLUDING APRIL 1, 2024. SUPPORT WAS PREVIOUSLY SET AT \$36 PER MONTH COMMENCING MARCH 1, 2023. RESPONDENT SHALL RECEIVE A CREDIT FOR ANY SUPPORT PAID DURING THAT TIME. THE REMAINING ARREARS AMOUNT SHALL BE PAID IN EQUAL MONTHLY INSTALLMENT PAYMENTS OVER A PERIOD OF 24 MONTHS. EACH PAYMENT SHALL BE DUE ON THE 15TH OF EACH MONTH COMMENCING ON APRIL 15TH. IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE OUTSTANDING AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH INTEREST.

THE COURT RESERVES JURISDICTION TO AMEND CHILD AND SPOUSAL SUPPORT BACK TO MARCH 1, 2023.

RESPONDENT IS ORDERED TO REMOVE PETITIONER FROM THE EMERALD HILLS LEASE NO LATER THAN MAY 3, 2024. THE COURT RESERVES JURISDICTION OVER ANY FINANCIAL LIABILITIES ASSOCIATED WITH THE EMERALD HILLS LEASE, IF ANY, UNTIL THE TIME OF TRIAL ON THE ISSUE OF PROPERTY DIVISION. PETITIONER IS GRANTED EXCLUSIVE USE AND POSSESSION OF THE PROPERTY LOCATED AT 105 D'ORO COURT. THE COURT RESERVES JURISDICTION OVER THE DIVISION OF ANY AND ALL FINES ASSESSED ON THE PROPERTY.

PETITIONER IS AWARDED \$1,000 AS SANCTIONS UNDER SECTION 271. THIS AMOUNT SHALL BE PAID DIRECTLY TO PETITIONER'S ATTORNEY, LISA KINDEL AT KINDEL LAW. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE AND PAYABLE ON THE 15TH OF EACH MONTH COMMENCING APRIL 15TH AND CONTINUING UNTIL PAID IN FULL. IF ANY PAYMENT IS MISSED OR LATE, THE TOTAL OUTSTANDING AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

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

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO* LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	3	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Father	6,608	Payment (cost)/benefit	(2,239) 2,293
Filing status	MFS->	<-MFS	Mother	1,466	Net spendable income	4,315 3,759
# Federal exemptions	1*	4*	Total	8,074	% combined spendable	53.4% 46.6%
Wages + salary	9,000	0	Support (Nondeductible)		Total taxes	2,392 34
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	8,074
Self-employment income	0	1,500	Presumed	1,715	Proposed	
Other taxable income	0	0	Basic CS	1,715	Payment (cost)/benefit	(2,587) 2,653
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	4,598 3,927
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	283 168
Other gains (and losses)	0	0	Child 1	343	% combined spendable	53.9% 46.1%
Ordinary dividends	0	0	Child 2	506	% of saving over gdl	62.7% 37.3%
Tax. interest received	0	0	Child 3	866	Total taxes	1,748 227
Social Security received	0	0	SS Payor	Father	Comb. net spendable	8,525
Unemployment compensation	0	0	Alameda	578	Percent change	5.6%
Operating losses	0	0	Total	2,293	Default Case Settings	
Ca. operating loss adj.	0	0	Proposed, tactic 9			
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father		
Rental income	0	0	Presumed	1,935		
Misc ordinary tax. inc.	0	0	Basic CS	1,935		
Other nontaxable income	0	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
SS paid other marriage	0	0	Child 1	421		
CS paid other relationship	0	0	Child 2	589		
Adj. to income (ATI)	0	0	Child 3	924		
Ptr Support Pd. other P'ships	0	0	SS Payor	Father		
Health insurance	0	0	Alameda	719		
Qual. Bus. Inc. Ded.	0	0	Total	2,654		
Itemized deductions	0	0	Savings	451		
Other medical expenses	0	0	Total releases to Father	3		
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF,SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

12. VADIM ZANKO V. KRISTINA ZANKO

23FL0706

The parties are before the court for a return hearing on a Request for Order (RFO) filed by Petitioner on August 2, 2023 and an ex parte request filed by Respondent on October 9, 2023. A hearing on these matters was held on November 30th at which time the court made temporary custody orders, granted Respondent's request for a 3111 evaluation, and made orders regarding the evaluation. The court set a review hearing for February 1, 2024 to review the progress of the 3111 evaluation and to discuss the possibility of instituting a 2-2-3 schedule. Parties appeared and requested a continuance, which was granted and the matter was continued to the present date.

On January 23, 2024, Petitioner filed an Updating Declaration. It was mail served the same day. Respondent filed and served a Declaration of Kristina Zanko on March 26, 2024.

According to Respondent the parties were meeting and conferring in an effort to resolve their remaining issues. Unable to do so, they have since stipulated to move forward with the 3111 evaluation with Deborah Barnes. A letter was sent to Ms. Barnes to begin the process on March 26, 2024. Given the late date she does not believe the process will be completed by the hearing and she therefore requests the matter be continued.

This matter is continued to 6/20/2024 at 8:30 am in Department 5. Any supplemental declarations are to be filed and served no later than 10 days prior to the hearing date.

TENTATIVE RULING #12: THIS MATTER IS CONTINUED TO 6/20/2024 AT 8:30 AM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE TO BE FILED AND SERVED NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

13. ALEXANDER CRAVER V. FREYA HOUSTON

24FL0087

Petitioner filed a Petition to Establish a Parental Relationship on January 30, 2024. Proof of service shows Respondent was personally served on February 2, 2024. Petitioner is seeking to be named as the parent of the minor as well as a name change. The court notes, Petitioner included genetic testing results in the Petition.

Respondent filed a Response on February 16, 2024. There is no Proof of Service for this document. Therefore, the court cannot consider it.

Petitioner also filed a Request for Order on January 30, 2024, requesting child custody and parenting plan orders. There is no Proof of Service for this document.

Despite the lack of Proof of Service, Respondent filed a Responsive Declaration to the RFO on February 16, 2024. Petitioner was served on February 21, 2024.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

14. AMBER DOBBS V. ZACH MILLER

PFL20140872

Respondent filed a Request for Order (RFO) on January 16, 2024, requesting modification of parenting time and child support. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 14, 2024, and a review hearing on April 4, 2024. Petitioner was served by mail on January 23, 2024. Respondent is requesting an increase in parenting time and guideline child support. Respondent has not filed an Income and Expense Declaration.

Both parties attended CCRC and reached agreements. A report memorializing the parties' agreement was filed with the court on March 21, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on March 21, 2024. The court finds this to be untimely, and therefore, cannot consider it.

The court adopts the agreement of the parties as set forth in the March 21, 2024 CCRC report as they are in the best interest of the minor.

The court denies the request to modify the current child support orders as Respondent failed to file an Income and Expense Declaration, which is required.

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 #14: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS SET FORTH IN THE MARCH 21, 2024 CCRC REPORT AS THEY ARE IN THE BEST INTEREST OF THE MINOR. THE COURT DENIES THE REQUEST TO MODIFY THE CURRENT CHILD SUPPORT ORDERS AS RESPONDENT FAILED TO FILE AN INCOME AND EXPENSE DECLARATION, WHICH IS REQUIRED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

15. ANSELMMO AMARAL DE ARAUJO V. WHITNEY DE ARAUJO

PFL20200803

Petitioner filed an ex parte request for emergency custody and parenting plan orders on January 8, 2024. On January 9, 2024, the court denied the request on an ex parte basis. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on January 31, 2024 and a review hearing on March 21, 2024. On January 9, 2024, Petitioner filed a Request for Order (RFO) making the same requests as set forth in the ex parte application.

On January 30, 2024, Petitioner filed a Request to continue and rerefer the parties to CCRC. The court granted the request and set a new CCRC appointment for February 15, 2024, and reset the review hearing date to April 4, 2024. There is no Proof of Service showing Respondent was properly served with the order to continue and reset CCRC.

Only Petitioner appeared at the CCRC appointment. As such a single parent report was filed with the court on February 16, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Proof of Service with the court on April 3, 2024, which the court finds to be late filed and therefore, cannot consider. Even if the court could consider the Proof of Service, the court notes Respondent was not served until March 31, 2024, which is untimely.

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

TENTATIVE RULING #15: THE MATTER IS DROPPED FROM THE COURT'S 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 TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

16. DCSS V. JOSE RODRIGUEZCHOA (OTHER PARENT: TRACEY PEREZ)

PFS20170309

Other Parent filed a Request for Order (RFO) on January 19, 2024, requesting a change in child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 14, 2024, and a review hearing on April 4, 2024. There is no Proof of Service showing Respondent or Petitioner were properly served with the RFO and referral to CCRC.

Only Other Parent appeared for the CCRC appointment on February 14, 2024. As such, a single parent report was filed with the court on March 21, 2024. Copies were mailed to the parties on March 25, 2024.

The court drops the matter 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 TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

17. DENA DAVIDSON V. JOSHUA DAVIDSON

22FL0201

Petitioner filed a Request for Order (RFO) on January 23, 2024, requesting enforcement of the parties' judgement, including payment for one-half the 2021 tax return as well as reimbursement for one-half out of pocket medical expenses and ticket for the minor. Respondent was personally served on January 25, 2024.

Petitioner is seeking enforcement of the August 4, 2022 order for Respondent to pay \$1,534 for one-half the 2021 tax return. Petitioner is also seeking reimbursement for out-of-pocket medical expenses for the minor. The one-half total is \$272.50. Last, Petitioner is seeking \$37.50 for one-half of the payment on a ticket received by the minor.

Respondent filed a Responsive Declaration on March 19, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

The court notes Petitioner filed a similar RFO last year. In its ruling the court admonished Respondent to comply with all current orders, including the order to pay Petitioner for the one-half of the 2021 tax return and to pay for one-half of the out-of-pocket medical expenses. Those orders remain in full force and effect. Respondent is ordered to pay petitioner \$1,534 for the tax return, \$272.50 for the medical expenses, and \$37.50 for the minor's ticket. The court finds the total amount owed to Petitioner is \$1,844. Respondent is ordered to pay Petitioner \$1,844 in one lump sum on or before April 15, 2024, or in the alternative the court authorizes a payment plan. Respondent is ordered to pay Petitioner \$461 on or before April 15, 2024 and on the 15th of each month until paid in full (approximately four months). Payment is late if not received within five days. Payment will be considered missed if not paid prior to the end of the month. If there is any missed or late payment the full amount is due with legal interest (10%).

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 #17: RESPONDENT IS ORDERED TO PAY PETITIONER \$1,534 FOR THE TAX RETURN, \$272.50 FOR THE MEDICAL EXPENSES, AND \$37.50 FOR THE MINOR'S TICKET. THE COURT FINDS THE TOTAL AMOUNT OWED TO PETITIONER IS \$1,844. THE COURT IS AUTHORIZING A PAYMENT PLAN, RESPONDENT IS ORDERED TO PAY PETITIONER \$461 ON OR BEFORE APRIL 15, 2024 AND ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY FOUR MONTHS). PAYMENT IS LATE IF NOT RECEIVED WITHIN FIVE DAYS. PAYMENT WILL BE CONSIDERED MISSED IF NOT PAID PRIOR TO THE END OF THE MONTH. IF THERE IS ANY MISSED OR LATE PAYMENT THE FULL AMOUNT IS DUE WITH LEGAL INTEREST (10%). 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

April 4, 2024

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

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO* LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

18. DCSS V. KEVIN BAIRD (OTHER PARENT: TERESA-JEAN WILLIAMS)

22FL0933

On January 4, 2024, the court adopted its tentative ruling, granting Other Parent sole legal and physical custody of the minor. The court ordered Respondent to have supervised parenting time, with the paternal grandmother acting as supervisor. The court ordered Respondent to participate in random substance abuse testing for 90 days and for the results to be provided to Other Parent. The court also ordered Respondent to complete a parenting class and provide the court and Other Parent with proof of completion within 30 days. The court set a review hearing for April 4, 2024, to determine if there should be a step-up in parenting time for Respondent. The court directed the parties to file and serve Supplemental Declarations addressing Respondent's compliance with the order and that failure to file a Supplemental Declaration may result in the matter being dropped from the court's calendar.

Upon review of the court file, neither party has filed a Supplemental Declaration. As such, the court finds the current orders remain in the best interest of the minor. All prior orders remain in full force and effect. The matter is dropped from calendar.

TENTATIVE RULING #18: DUE TO THE FAILURE OF EITHER PARTY TO FILE A SUPPLEMENTAL DECLARATION, THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE BEST INTEREST OF THE MINOR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE MATTER IS DROPPED FROM CALENDAR.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

19. KELLI JEANCOQ V. RAYMOND LONERGAN

PFL20190708

Respondent filed a Request for Order (RFO) on January 16, 2024, requesting a modification of the current child custody, parenting plan, and domestic violence restraining orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 15, 2024 and a review hearing on April 4, 2024. Petitioner was served by mail on January 25, 2024. Respondent is requesting joint legal and physical custody and that the court vacate the existing Domestic Violence Restraining Order (DVRO). While Respondent did not check the box to modify child support on the caption of the FL-300, in the body of the FL-300 he is requesting the court order child support at \$125 per month. Respondent did not file an Income and Expense Declaration concurrently with the RFO.

On March 14, 2024, Respondent filed the FL-155, Financial Statement Simplified. There is no Proof of Service for this document, therefore, the court cannot consider it.

Respondent filed a Declaration regarding parenting classes on March 15, 2024. Petitioner was served on March 11, 2024.

Both parties attended CCRC and were able to reach some agreements. A report with the parties' agreements and further recommendations was filed with the court on March 19, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Responsive Declaration on March 20, 2024. Respondent was served March 20, 2024.

Petitioner filed a Petition to Terminate Parental Rights on March 22, 2024. That matter is currently set to be heard on May 17, 2024, at 8:30 in Department 5.

Family Code section 7807(b) requires all proceedings be stayed until the court issues a final ruling on the petitioner to terminate parental rights. Therefore, the court stays these proceedings and continues this hearing until June 27, 2024, at 8:30 in Department 5. Pending the next hearing all prior orders remain in full force and effect.

Petitioner shall prepare the Findings and Orders After Hearing.

TENTATIVE RULING #18: THE COURT STAYS THESE PROCEEDINGS AND CONTINUES THIS HEARING UNTIL JUNE 27, 2024, AT 8:30 IN DEPARTMENT 5. PENDING THE NEXT HEARING ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 4, 2024

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

20. KYLE HARBUCK V. VALERIE HUMPHREY

PFL20190897

Petitioner filed a Request for Order (RFO) on January 16, 2024, requesting a modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 15, 2024, and a review hearing on April 4, 2024. Respondent was served with the RFO and a blank CCRC referral, however, the Proof of Service does not reflect that Respondent was served with the referral to CCRC or other necessary documents.

Only Petitioner appeared for the CCRC appointment on February 15, 2024. As such, a single parent report was filed with the court on February 16, 2024. Copers were mailed to the parties the same day.

Petitioner filed a request to reset CCRC and continue the hearing on February 23, 2024. The court denied the request as Respondent had not been properly served.

Respondent has not filed a Responsive Declaration.

The court finds Respondent was not properly served. Petitioner failed to serve Respondent with a blank FL-320, the Notice of Tentative Ruling, as well as the referral to CCRC. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR DUE TO PETITIONER'S FAILURE TO PROPERLY SERVE RESPONDENT.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.