

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**1. ANDREW RAY AULT V. SHAINA WHITNEY AULT**

**25FL0137**

Petitioner filed a Request for Order (RFO) on February 11, 2025, along with his Income and Expense Declaration. There is a Proof of Service indicating service of the RFO was done on February 24<sup>th</sup>. The proof does not indicate that the Income and Expense Declaration was served. It does say “see attachment to FL-115,” however there is no such attachment to the document. There is a Proof of Service indicating that an Income and Expense Declaration was served on April 22<sup>nd</sup>, however it is unclear if that is the same Income and Expense Declaration that was filed with the court over two months prior.

Respondent filed a Responsive Declaration to Request for Order and her Income and Expense Declaration on March 25<sup>th</sup>. Both documents were mail served the same day.

The parties attended Child Custody Recommending Counseling (CCRC) on March 3, 2025 but were unable to reach any agreements. A report with recommendations was prepared on April 18<sup>th</sup> and mailed to the parties on April 21<sup>st</sup>.

Petitioner is requesting the parties share joint legal custody of the minor child. He asks that he be awarded sole physical custody until Respondent moves closer to the child. If/when she moves closer, he requests alternating weeks from Thursday at school pick up until the following Thursday at school drop off. He asks that school breaks and holidays alternate yearly with the exception of Mother’s Day which will always be spent with Respondent, and Father’s Day, which will always be spent with Petitioner. He is requesting guideline child support. He also asks that Respondent be awarded exclusive use and possession of the 2014 Honda Odyssey with her to be solely responsible for all loan payments, registration, maintenance, insurance, parking, tolls, etc. associated therewith. He asks that he be awarded exclusive use and possession of the 2017 Toyota Carolla with him to be responsible for the loan payment, registration, maintenance, insurance, parking, tolls, etc. He requests the marital residence be sold and Tiegen Boberg with Coldwell Banker Realty be appointed as the broker. He also requests an order directing Respondent to stay current on the payments toward her student loans.

Respondent opposes the above requests. She requests joint legal and joint physical custody with a week-on/week-off schedule from Wednesday to Wednesday and additional custody and visitation orders as set forth in her declaration. She makes several requests regarding sharing equally costs associated with the adult dependent Caleb. She requests Petitioner sign over ownership of the Toyota truck to Caleb. She asks that child support be set to \$0 and Petitioner to agree to terminate his right to spousal support. While she agrees

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to the sale of the marital residence, she asks that it be listed with an agent agreed upon by both parties and she asks that the sale occur no earlier than June 1, 2025. She asks that each party retain \$25,000 from the proceeds. She asks that the parties alternate years in which they may claim the child and the home ownership tax credit with Respondent to have odd years and Petitioner to have even years. Finally, she requests an order directing the parties to equally split any payment required for their dogs to be registered as emotional support animals for the children.

After reviewing the filings as outlined above, the court finds the recommendations contained in the CCRC report to be in the best interests of the minor with the modification that the week-on/week-off parenting schedule shall be from Wednesday to Wednesday. The week-on/week-off schedule shall continue through summer vacation and school breaks. With the exception of Mother's Day and Father's Day, holidays are to rotate annually. Petitioner shall have the child for holidays on the odd years while Respondent shall have the child on the even years. Respondent shall have the child every Mother's Day and Petitioner shall have the child every Father's Day. The parties are to alternate who may claim the child as a tax credit. Respondent shall have odd years and Petitioner shall have even years.

Turning to the issue of child support, each party submitted pay stubs from 5 pay periods. The court calculated the total gross pay over the 5 periods and then divided it by 5 to get an average income per check. Because both parties appear to be paid twice a month the average was multiplied by 2 to get the average gross monthly income for each. Deductions for taxes and interest on the home are not being included for either party as the home is being sold in accordance with the orders set forth below.

Utilizing the figures as outlined above and in the attached XSpouse report. The court finds that child support is \$0 per month. This order is effective as of February 15, 2025.

The request to order Petitioner to terminate his right to spousal support is denied.

Regarding Respondent's requests for orders regarding the adult dependent Caleb, the court does not have jurisdiction to make such orders as it is apparent that Caleb has reached the age of majority. As such, those requests are denied.

Respondent shall have temporary exclusive use and possession of the 2014 Honda Odyssey. Respondent shall be solely responsible for all costs and expenses associated

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with the vehicle including, but not limited to, the loan payment, registration payments, insurance, maintenance, parking and tolls.

Petitioner shall have temporary exclusive use and possession of 2017 Toyota Corolla. Petitioner shall be solely responsible for all costs and expenses associated with the vehicle including, but not limited to, the loan payment, registration payments, insurance, maintenance, parking and tolls.

The court reserves jurisdiction over the Toyota truck referenced in Respondent's declaration. Her request to transfer title to Caleb is denied at this time.

The order to sell the marital residence is granted. Petitioner shall propose the name of three real estate agents no later than May 8, 2025. Respondent shall select one of the three proposed agents and inform Petitioner of her choice no later than May 15, 2025. The parties are ordered to cooperate fully in preparing and listing the home for sale. Each party shall retain \$25,000 from the net proceeds of the sale of the home. The remainder shall be placed in Petitioner's attorney's trust account until further order of the court or written agreement of the parties.

The parties are ordered to equally share the costs of the student loan payments subject to reallocation at trial.

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

**TENTATIVE RULING #1: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR WITH THE MODIFICATION THAT THE WEEK-ON/WEEK-OFF PARENTING SCHEDULE SHALL BE FROM WEDNESDAY TO WEDNESDAY. THE WEEK-ON/WEEK-OFF SCHEDULE SHALL CONTINUE THROUGH SUMMER VACATION AND SCHOOL BREAKS. WITH THE EXCEPTION OF MOTHER'S DAY AND FATHER'S DAY, HOLIDAYS ARE TO ROTATE ANNUALLY. PETITIONER SHALL HAVE THE CHILD FOR HOLIDAYS ON THE ODD YEARS WHILE RESPONDENT SHALL HAVE THE CHILD ON THE EVEN YEARS. RESPONDENT SHALL HAVE THE CHILD EVERY MOTHER'S DAY AND PETITIONER SHALL HAVE THE CHILD EVERY FATHER'S DAY. THE PARTIES ARE TO ALTERNATE WHO MAY CLAIM THE CHILD AS A TAX CREDIT. RESPONDENT SHALL HAVE ODD YEARS AND PETITIONER SHALL HAVE EVEN YEARS.**

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**UTILIZING THE FIGURES AS OUTLINED ABOVE AND IN THE ATTACHED XSPOUSE REPORT. THE COURT FINDS THAT CHILD SUPPORT IS \$0 PER MONTH. THIS ORDER IS EFFECTIVE AS OF FEBRUARY 15, 2025.**

**THE REQUEST TO ORDER PETITIONER TO TERMINATE HIS RIGHT TO SPOUSAL SUPPORT IS DENIED.**

**REGARDING RESPONDENT'S REQUESTS FOR ORDERS REGARDING THE ADULT DEPENDENT CALEB, THE COURT DOES NOT HAVE JURISDICTION TO MAKE SUCH ORDERS AS IT IS APPARENT THAT CALEB HAS REACHED THE AGE OF MAJORITY. AS SUCH, THOSE REQUESTS ARE DENIED.**

**RESPONDENT SHALL HAVE TEMPORARY EXCLUSIVE USE AND POSSESSION OF THE 2014 HONDA ODYSSEY. RESPONDENT SHALL BE SOLELY RESPONSIBLE FOR ALL COSTS AND EXPENSES ASSOCIATED WITH THE VEHICLE INCLUDING, BUT NOT LIMITED TO, THE LOAN PAYMENT, REGISTRATION PAYMENTS, INSURANCE, MAINTENANCE, PARKING AND TOLLS.**

**PETITIONER SHALL HAVE TEMPORARY EXCLUSIVE USE AND POSSESSION OF 2017 TOYOTA COROLLA. PETITIONER SHALL BE SOLELY RESPONSIBLE FOR ALL COSTS AND EXPENSES ASSOCIATED WITH THE VEHICLE INCLUDING, BUT NOT LIMITED TO, THE LOAN PAYMENT, REGISTRATION PAYMENTS, INSURANCE, MAINTENANCE, PARKING AND TOLLS.**

**THE COURT RESERVES JURISDICTION OVER THE TOYOTA TRUCK REFERENCED IN RESPONDENT'S DECLARATION. HER REQUEST TO TRANSFER TITLE TO CALEB IS DENIED AT THIS TIME.**

**THE ORDER TO SELL THE MARITAL RESIDENCE IS GRANTED. PETITIONER SHALL PROPOSE THE NAME OF THREE REAL ESTATE AGENTS NO LATER THAN MAY 8, 2025. RESPONDENT SHALL SELECT ONE OF THE THREE PROPOSED AGENTS AND INFORM PETITIONER OF HER CHOICE NO LATER THAN MAY 15, 2025. THE PARTIES ARE ORDERED TO COOPERATE FULLY IN PREPARING AND LISTING THE HOME FOR SALE. EACH PARTY SHALL RETAIN \$25,000 FROM THE NET PROCEEDS OF THE SALE OF THE HOME. THE REMAINDER SHALL BE PLACED IN PETITIONER'S ATTORNEY'S TRUST ACCOUNT UNTIL FURTHER ORDER OF THE COURT OR WRITTEN AGREEMENT OF THE PARTIES.**

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**THE PARTIES ARE ORDERED TO EQUALLY SHARE THE COSTS OF THE STUDENT LOAN PAYMENTS SUBJECT TO REALLOCATION AT TRIAL.**

**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.**

Fixed Shares	Father	Mother	Monthly figures	CASH FLOW
#of children	0	1	2025	
% time with NCP	49.99 %	0.00 %		Combined net spendable 7424
Filing status	SINGLE	SINGLE	Nets(adjusted)	
# exemptions	1 *	2 *	Father 3923	Father
Wages+salary	5752	4570	Mother 3501	Payment Cost/Benefit -79
Self-employed income	0	0	Total 7424	Net spendable income 3844
Other taxable income	0	0	Support	Federal income tax 468
TANF+CS received	0	0	Addons 0	Federal employment tax 440
Other nontaxble income	0	0	Guideln CS 79	State income tax 110
New spouse income	0	0	Alameda SS 0	State employment tax 69
401(k) employee contrib	0	0	Total 79	Total taxes 1087
Adjustments to income	0	0	-	Federal filing status SINGLE
SS paid prev marriage	0	0		State filing status SINGLE
CS paid prev marriage	0	0		
Health insurance	243	102		Mother
Other medical expense	0	0		Payment Cost/Benefit 79
Property tax expense	0	0		Net spendable income 3580
Ded interest expense	0	0		Federal income tax 168
Contribution deduction	0	0		Federal employment tax 350
Misc tax deductions	0	0		State income tax 31
Qual bus income ded	0	0		State employment tax 55
Required union dues	50	0		Total taxes 603
Mandatory retirement	449	364		Federal filing status SINGLE
Hardship deduction	0 *	0 *		State filing status SINGLE
Other GDL deductions	0	0		
Child care expenses	0	0		

Father pays child support

FC 4055 checking: ON

Per Child Information	Timeshare	cce(F)	cce(M)	Addons	Payor	Basic CS	Payor	Pres CS	Payor
All children	49 - 51	0	0	0	Father	79	Father	79	Father
	49 - 51	0	0	0	Father	79	Father	79	Father

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**2. CHERYL BENTON V. RANDALL BENTON**

**24FL1158**

On February 25, 2025, Respondent filed a Request for Order (RFO) seeking a variety of orders as stated therein. All required documents were mail served on March 20<sup>th</sup>.

On April 9<sup>th</sup>, Respondent filed an Ex Parte Application and Declaration for Orders. Petitioner opposed the ex parte. It was denied on an ex parte basis, but an Order Shortening Time (OST) was granted. On April 14, 2025, Respondent filed and served an RFO requesting the same orders as those requested in the ex parte.

Petitioner filed and served two Responsive Declaration to Request for Order forms in response to each of the pending RFOs.

Respondent brings his RFOs making the following requests: (1) Immediate sale of the marital residence located at 7142 Sagunto Place in El Dorado Hills; (2) Order a forensic accountant; (3) Consolidate case number 24FL1144 and case number 14FL1158; (4) Order Petitioner to sign a Marital Waiver/Quitclaim Deed to allow Respondent to purchase a home in Missouri; (5) Appoint the clerk as elisor to sign should Petitioner fail to do so; and (6) Order Petitioner to take all necessary steps to regain possession of the community property dog, Mitzi and return Mitzi to Respondent.

Petitioner opposes the request to order her to sign a Marital Waiver and the request for elisor as she argues the funds to purchase the Missouri home have not been deemed separate property. Likewise, she opposes the request to sell the marital residence as there is in no immediate jeopardy of loss, and this is more properly an issue for trial. She also opposes the requests for a forensic accountant and a real estate agent. Finally, she opposes the request regarding Mitzi as there was no agreement for her to keep the dog and she states that Respondent has agreed to drop the issue.

On January 24<sup>th</sup>, the parties filed a Stipulation and Order to Consolidate Cases and Other. As such, the court finds the request to consolidate to be moot. Likewise, it appears that Respondent no longer intends to pursue his request regarding Mitzi, therefore, this issue is dropped.

Regarding the remaining requests, they are denied in their entirety. Because there is no immediate concern regarding the loss or damage to the marital residence, the court does not find grounds to force the sale at this time. Accordingly, there is no need for a real estate agent. The court is not ordering the parties to jointly retain a forensic accountant as Petitioner opposes the request and the home is not being ordered to be sold.

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Likewise, the request to order Petitioner to sign a Marital Waiver is also denied. The court is not inclined to order Petitioner to waive her right to property when the characterization of the money being used to purchase that property is being disputed.

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

**TENTATIVE RULING #2: THE COURT FINDS THE REQUEST TO CONSOLIDATE THE CASES TO BE MOOT PER THE STIPULATION OF THE PARTIES. THE REQUEST REGARDING MITZI IS DROPPED PER RESPONDENT'S INTENTION TO DROP THE REQUEST. REGARDING THE REMAINING REQUESTS, THEY ARE DENIED IN THEIR ENTIRETY. 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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**3. KATHERINE D. DAWSON V. WILLIAM DAWSON**

**24FL0386**

On October 4, 2024, Respondent filed a Request for Order (RFO) seeking a variety of orders regarding the marital residence. The RFO and all other required documents were mail served on October 10<sup>th</sup>.

Petitioner filed an RFO on February 6, 2025, seeking spousal support. She filed her Income and Expense Declaration concurrently therewith. All required documents were electronically served the same date as filing.

Petitioner filed and served a Responsive Declaration to Request for Order on February 20<sup>th</sup>. She filed her updated Income and Expense Declaration on April 8<sup>th</sup>. It was served on April 3<sup>rd</sup>.

Respondent filed and served his Responsive Declaration to Request for Order on April 11<sup>th</sup>.

Respondent is requesting the following orders: (1) List the El Dorado Hills home for sale immediately; (2) Collaborate with a mutually agreed upon realtor to prepare the home for market; (3) Share all the expenses associated with listing the property; (4) Allocate funds to hire an expert for a *Moore/Marsden* analysis of the home; and (5) Hold any remaining funds in Respondent's attorney's trust account until agreement of the parties or court order.

Petitioner is requesting guideline spousal support and attorney's fees in the amount of \$7,500 pursuant to Family Code § 2030. Petitioner opposes the sale of the El Dorado Hills home and asks that the Georgia home be sold instead, or at least that she be bought out of the Georgia home. She does, however, agree with the request to appoint an agreed upon expert to conduct a *Moore/Marsden* analysis of the home.

The request for an expert to conduct a *Moore/Marsden* analysis is granted. The parties are to meet and confer to choose an agreed upon expert. The parties are ordered to evenly share in the costs of the expert however Respondent is ordered to pay the entirety of the cost up front with Petitioner's one-half share to be considered an advance on the global equalization payment.

After reviewing the filings of the parties, the court does not find it proper to order the sale of either home at this time. Family Code § 2108 provides for the sale of community property pendente lite in order to avoid unreasonable risks to the property. See Fam. Code

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§ 2108. Here, the court does not find either home to be in jeopardy of foreclosure or damage therefore, neither home is being ordered to be sold. The court reserves jurisdiction over both homes until the time of trial on the issue of property division.

Regarding support, Respondent did not submit an Income and Expense Declaration of his own therefore the court is left to utilize Petitioner's estimate of Respondent's income.

Utilizing the aforementioned, the court finds that spousal support per the Alameda formula is \$2,069 per month. See attached Xspouse report. The court adopts the attached Xspouse report and orders Respondent to pay Petitioner \$2,297 per month as and for temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. This order is effective as of February 15, 2025.

The court finds the above order results in arrears in the amount of \$6,891 through and including April 15, 2025. The court orders Respondent pay Petitioner \$574.25 on the 1st of each month commencing on June 1, 2025 and continuing until paid in full (approximately 12 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

Finally, regarding attorney's fees, the request is granted. The public policy of Family Code § 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of 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 ensures 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). Here, the court does find there to be a disparity in income. Additionally, given the disparity, the court finds that Respondent does have the ability to pay for attorney's fees for both parties. As such, Respondent is ordered to pay Petitioner's attorney \$7,500. This amount may be paid in one lump sum or in monthly increments of \$500 commencing on June 1, 2025 and continuing until paid in full (approximately 15 months). If any payment is missed or late, the entire amount shall become immediately due and payable.

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

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**TENTATIVE RULING #3: THE REQUEST FOR AN EXPERT TO CONDUCT A *MOORE/MARSDEN* ANALYSIS IS GRANTED. THE PARTIES ARE TO MEET AND CONFER TO CHOOSE AN AGREED UPON EXPERT. THE PARTIES ARE ORDERED TO EVENLY SHARE IN THE COSTS OF THE EXPERT HOWEVER, RESPONDENT IS ORDERED TO PAY THE ENTIRETY OF THE COST UP FRONT WITH PETITIONER'S ONE-HALF SHARE TO BE CONSIDERED AN ADVANCE ON THE GLOBAL EQUALIZATION PAYMENT.**

**AFTER REVIEWING THE FILINGS OF THE PARTIES, THE COURT DOES NOT FIND IT PROPER TO ORDER THE SALE OF EITHER HOME AT THIS TIME. THE COURT RESERVES JURISDICTION OVER BOTH HOMES UNTIL THE TIME OF TRIAL ON THE ISSUE OF PROPERTY DIVISION.**

**THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$2,069 PER MONTH. SEE ATTACHED XSPOUSE REPORT. THE COURT ADOPTS THE ATTACHED XSPOUSE REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,297 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF FEBRUARY 15, 2025.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$6,891 THROUGH AND INCLUDING APRIL 15, 2025. THE COURT ORDERS RESPONDENT PAY PETITIONER \$574.25 ON THE 1ST OF EACH MONTH COMMENCING ON JUNE 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.**

**THE REQUEST FOR ATTORNEY'S FEES IS GRANTED. RESPONDENT IS ORDERED TO PAY PETITIONER'S ATTORNEY \$7,500. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 COMMENCING ON JUNE 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 15 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.**

**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**

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**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.**

Fixed Shares	Husband	Wife	Monthly figures	Cash Flow	Guideline	Proposed
#of children	0	0	2025			
% time with NCP	0.00 %	0.00 %		Comb. net spendable	12499	12499
Filing status	MFJ->	<-MFJ	GUIDELINE	Percent change	0%	0%
# exemptions	1 *	1 *	Nets(adjusted)	Husband		
Wages+salary	0	0	Husband	9496		
Self-employed income	0	0	Wife	3003		
Other taxable income	11500	3636	Total	12499		
TANF+CS received	0	0	Support			
Other nontaxable income	0	0	Addons	0		
New spouse income	0	0	Guideln CS	0		
401(k) employee contrib	0	0	Alameda SS	2297		
Adjustments to income	0	0	Total	2297		
SS paid prev marriage	0	0	-			
CS paid prev marriage	0	0				
Health insurance	0	0		Wife		
Other medical expense	0	0		Payment cost/benefit	2297	2297
Property tax expense	0	0		Net spendable income	5300	5300
Ded interest expense	0	0	Proposed	Change from guideline	0	0
Contribution deduction	0	0	Tactic 9	% of combined spendable	42%	42%
Misc tax deductions	0	0	CS	0		
Qual bus income ded	0	0	SS	2297		
Required union dues	0	0	Total	2297		
Mandatory retirement	0	0		Dep. exemption value	0	0
Hardship deduction	0 *	0 *	Saving	0		
Other GDL deductions	0	0	Releases	0		
Child care expenses	0	0				

Husband pays Guideline SS, Proposed SS

Fixed Shares	Husband	Wife	Monthly figures	CASH FLOW	
#of children	0	0	2025		
% time with NCP	0.00 %	0.00 %		Combined net spendable	12499
Filing status	MFJ->	<-MFJ	Nets(adjusted)		
# exemptions	1 *	1 *	Husband	9496	Husband
Wages+salary	0	0	Wife	3003	Payment Cost/Benefit
Self-employed income	0	0	Total	12499	Net spendable income
Other taxable income	11500	3636			7199
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	2297	State employment tax
Adjustments to income	0	0	Total	2297	Total taxes
SS paid prev marriage	0	0	-		Federal filing status
CS paid prev marriage	0	0			State filing status
Health insurance	0	0			
Other medical expense	0	0		Wife	
Property tax expense	0	0		Payment Cost/Benefit	2297
Ded interest expense	0	0		Net spendable income	5300
Contribution deduction	0	0		Federal income tax	464
Misc tax deductions	0	0		Federal employment tax	0
Qual bus income ded	0	0		State income tax	169
Required union dues	0	0		State employment tax	0
Mandatory retirement	0	0		Total taxes	633
Hardship deduction	0 *	0 *		Federal filing status	MFJIN
Other GDL deductions	0	0		State filing status	MFJIN
Child care expenses	0	0			

Husband pays spousal support

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**4. MEGAN DOYLE V. GRANT DOUGLAS DAKIN**

**25FL0122**

On February 20, 2025, Petitioner filed a Request for Order (RFO) seeking a variety of orders as listed therein. The RFO and all other required documents were personally served on February 23<sup>rd</sup>. Respondent filed a Responsive Declaration to Request for Order on April 17<sup>th</sup>. It was served on the 16<sup>th</sup>.

After reviewing the filings as outlined above, the court finds the following orders to be in the best interests of the minor. The non-custodial parent shall have at least one 10-minute phone call with the minor on Mondays, Wednesdays and Fridays. The call may be longer at the minor's discretion. Additional phone contact may be made between the minor and the non-custodial parent at the minor's discretion. The parties shall meet and confer to set a time for each call that works best for the minor's schedule.

The request for a right of first refusal is granted. Where the custodial parent is absent for a period of time exceeding 24 consecutive hours, the non-custodial parent shall be given the right of first refusal to care for the minor child during the absence.

The request for co-parenting counseling is granted. The parties are to engage in a minimum of 3 co-parenting counseling sessions. Respondent shall propose the names of three counselors to Petitioner no later than May 8<sup>th</sup>. Petitioner shall choose one of the three and notify Respondent of her choice no later than May 15<sup>th</sup>. The parties are ordered to equally share in the cost of co-parenting counseling.

The court denies the request to make orders regarding personal property being sent back and forth with the minor and the request to order the minor to participate in certain extracurricular activities. These are issues more properly dealt with in co-parenting counseling.

The parties are ordered to enroll the minor child in individual therapy. Petitioner shall propose three therapists to Respondent no later than May 8<sup>th</sup>. Respondent shall choose one of the three and inform Petitioner of his choice no later than May 15<sup>th</sup>. The parties are to equally share in the cost of therapy for the minor. The minor is to commence therapy forthwith as soon as a therapist is chosen. The minor shall continue in therapy at a frequency and duration as determined by the therapist. The parties are ordered to comply with the recommendations of the therapist.

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

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

**TENTATIVE RULING #4: THE COURT FINDS THE FOLLOWING ORDERS TO BE IN THE BEST INTERESTS OF THE MINOR. THE NON-CUSTODIAL PARENT SHALL HAVE AT LEAST ONE 10-MINUTE PHONE CALL WITH THE MINOR ON MONDAYS, WEDNESDAYS AND FRIDAYS. THE CALL MAY BE LONGER AT THE MINOR'S DISCRETION. ADDITIONAL PHONE CONTACT MAY BE MADE BETWEEN THE MINOR AND THE NON-CUSTODIAL PARENT AT THE MINOR'S DISCRETION. THE PARTIES SHALL MEET AND CONFER TO SET A TIME FOR EACH CALL THAT WORKS BEST FOR THE MINOR'S SCHEDULE.**

**THE REQUEST FOR A RIGHT OF FIRST REFUSAL IS GRANTED. WHERE THE CUSTODIAL PARENT IS ABSENT FOR A PERIOD OF TIME EXCEEDING 24 CONSECUTIVE HOURS, THE NON-CUSTODIAL PARENT SHALL BE GIVEN THE RIGHT OF FIRST REFUSAL TO CARE FOR THE MINOR CHILD DURING THE ABSENCE.**

**THE REQUEST FOR CO-PARENTING COUNSELING IS GRANTED. THE PARTIES ARE TO ENGAGE IN A MINIMUM OF 3 CO-PARENTING COUNSELING SESSIONS. RESPONDENT SHALL PROPOSE THE NAMES OF THREE COUNSELORS TO PETITIONER NO LATER THAN MAY 8<sup>TH</sup>. PETITIONER SHALL CHOOSE ONE OF THE THREE AND NOTIFY RESPONDENT OF HER CHOICE NO LATER THAN MAY 15<sup>TH</sup>. THE PARTIES ARE ORDERED TO EQUALLY SHARE IN THE COST OF CO-PARENTING COUNSELING.**

**THE COURT DENIES THE REQUEST TO MAKE ORDERS REGARDING PERSONAL PROPERTY BEING SENT BACK AND FORTH WITH THE MINOR AND THE REQUEST TO ORDER THE MINOR TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES. THESE ARE ISSUES MORE PROPERLY DEALT WITH IN CO-PARENTING COUNSELING.**

**THE PARTIES ARE ORDERED TO ENROLL THE MINOR CHILD IN INDIVIDUAL THERAPY. PETITIONER SHALL PROPOSE THREE THERAPISTS TO RESPONDENT NO LATER THAN MAY 8<sup>TH</sup>. RESPONDENT SHALL CHOOSE ONE OF THE THREE AND INFORM PETITIONER OF HIS CHOICE NO LATER THAN MAY 15<sup>TH</sup>. THE PARTIES ARE TO EQUALLY SHARE IN THE COST OF THERAPY FOR THE MINOR. THE MINOR IS TO COMMENCE THERAPY FORTHWITH AS SOON AS A THERAPIST IS CHOSEN. THE MINOR SHALL CONTINUE IN THERAPY AT A FREQUENCY AND DURATION AS DETERMINED BY THE THERAPIST. THE PARTIES ARE ORDERED TO COMPLY WITH THE RECOMMENDATIONS OF THE THERAPIST.**

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



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**5. CANDACE RENEE GARCIA V. FRANK DANIEL GARCIA**

**24FL0172**

On February 19, 2025, Respondent filed a Request for Order (RFO) seeking spousal and child support orders. He filed his Income and Expense Declaration concurrently therewith. There is a Proof of Service filed on February 24<sup>th</sup> indicating that a “Notice of Hearing” was served but there is no mention of any other documents being served. On March 24<sup>th</sup>, Respondent filed another Proof of Service indicating that an FL-300 was served, but the proof does not specify if that is in reference to the February 19<sup>th</sup> FL-300 or a different FL-300 filed by Respondent on March 20<sup>th</sup>. Given this, it is unclear to the court if the pending RFO was properly served. Nevertheless, Petitioner filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on April 1<sup>st</sup>. She filed a Proof of Service stating the FL-320 was served along with a POS-030, however there is no indication that her Income and Expense Declaration was served.

The parties are ordered to appear for the hearing to address the defects in service and whether they are waived by both sides.

**TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO ADDRESS THE DEFECTS IN SERVICE AND WHETHER THEY ARE WAIVED BY BOTH SIDES.**

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

**6. DUSTIN L. HANSEN V. LAUREN N. SPARKS**

**22FL0142**

On February 18, 2025, the parties appeared before the court for a long cause trial on the issues of property division, attorney's fees, support and debt division. The parties reached some agreements however they requested all remaining issues be placed on the law and motion calendar. The request was granted, and a hearing was set for the present date.

There have been no filings since the trial date therefore the parties are ordered to appear for the hearing to update the court on the status of their negotiations.

**TENTATIVE RULING #6: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO UPDATE THE COURT ON THE STATUS OF THEIR NEGOTIATIONS.**

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May 1, 2025

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

**7. PAMELA HARE V. BENJAMIN GOFF**

**PFL20130645**

On February 14, 2025, Minor's Counsel filed a Request for Order (RFO) seeking orders regarding visitation. The RFO was served on February 20<sup>th</sup>. Minor's Counsel filed and served a Statement of Issues and Contentions on April 21<sup>st</sup>.

Neither Petitioner nor Respondent has filed a Responsive Declaration to Request for Order.

Minor's Counsel is requesting all current orders remain in effect, the minor to attend individual therapy, and Respondent to refrain from contacting the minor by any means until counseling has commenced. Once counseling has commenced, Respondent may begin to contact the minor at the direction of the counselor.

The court finds the aforementioned requests to be in the best interests of the minor and they are therefore granted. The minor shall commence individual therapy forthwith. Respondent shall be given the name and contact information for the minor's therapist. Respondent shall immediately cease all contact with the minor. Once the minor's therapist deems it appropriate, Respondent may have contact with the minor via text, email, or phone call, but only at the discretion of the minor's therapist.

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

**TENTATIVE RULING #7: THE COURT FINDS THE AFOREMENTIONED REQUESTS TO BE IN THE BEST INTERESTS OF THE MINOR AND THEY ARE THEREFORE GRANTED. THE MINOR SHALL COMMENCE INDIVIDUAL THERAPY FORTHWITH. RESPONDENT SHALL BE GIVEN THE NAME AND CONTACT INFORMATION FOR THE MINOR'S THERAPIST. RESPONDENT SHALL IMMEDIATELY CEASE ALL CONTACT WITH THE MINOR. ONCE THE MINOR'S THERAPIST DEEMS IT APPROPRIATE, RESPONDENT MAY HAVE CONTACT WITH THE MINOR VIA TEXT, EMAIL, OR PHONE CALL, BUT ONLY AT THE DISCRETION OF THE MINOR'S THERAPIST. MINOR'S COUNSEL 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**

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

**8. TIFFANY JONES V. MATTHEW JONES**

**PFL20190959**

On February 25, 2025, Petitioner filed a Request for Order (RFO) seeking orders regarding the former family residence and sanctions. All required documents were mail served on February 25<sup>th</sup>. This is a post-judgment request and as such, it was required to be personally served. Fam. Code § 215. This matter is dropped from calendar due to lack of proper service.

**TENTATIVE RULING #8: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE PURSUANT TO FAMILY CODE SECTION 215.**

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

**9. YESENIA RAMIREZ MACIAS V. JULIO RAMOS SOLORZANO**

**23FL0285**

On November 26, 2024, Petitioner filed a Request for Order (RFO) seeking a variety of orders as listed therein. She filed an Income and Expense Declaration and a Declaration of Gregory S. Clark concurrently therewith. All required documents were mail served on December 3<sup>rd</sup>.

Respondent has not filed a Responsive Declaration to Request for Order. Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure “as an admission that the motion or other application is meritorious.” El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO was properly served on Respondent. He had notice of the pending requests and chose not to file an opposition to the RFO. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

On February 26<sup>th</sup>, the parties filed a stipulation with the court indicating they had reached a settlement on all issues and were circulating a stipulation. They requested the hearing be continued from February 27<sup>th</sup> to the present date. The request was granted, and the hearing was continued, however, there have been no filings since the parties’ stipulation. As such, the court is issuing the following ruling.

Petitioner requests the court make the following orders: (1) List the property at 4308 Childhood Lane, Shingle Springs for sale immediately; (2) Appoint Shannon Lapeyrade as the realtor and set the listing price unless otherwise agreed upon by both parties; (3) Order Respondent to sign all necessary documents for the listing within 5 days, if he fails to comply then authorize the court clerk to sign as elisor; (4) Direct that the net sale proceeds be placed in Petitioner’s attorney’s IOLTA account deducting \$6,500 and \$3,000 to satisfy prior court orders for attorney’s fees and sanctions respectively; (5) Order an additional \$15,000 in attorney’s fees pursuant to Family Code § 2030; and (6) Family Code § 271 sanctions.

After reviewing the filings as outlined above, the court does find good cause to order the sale of the marital residence. The parties are ordered to list the property located at 4308 Childhood Lane, Shingle Springs for sale immediately. Shannon Lapeyrade shall act as the realtor and set the price for the property, unless otherwise agreed upon by the parties. Respondent is ordered to sign any and all necessary documents for the listing within five days of a request for his signature. Should he fail to do so, the court clerk is authorized to act as elisor and sign on Respondent’s behalf. Respondent is ordered to

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cooperate in taking all necessary and reasonable acts to complete the sale of the home, this includes but is not limited to showing the home and keeping it in good repair. In the event Respondent fails to cooperate in showing or maintaining the home for sale, Petitioner will need to file an additional RFO or an Order to Show Cause.

Petitioner may withhold \$9,500 from the net proceeds of the sale to satisfy the court's prior orders for attorney's fees and sanctions. The remaining amount shall be placed in Petitioner's attorney's IOLTA account pending further court order.

Regarding the request for additional attorney's fees, in ruling on such a request, 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). Here, Petitioner has sufficiently established the disparity in income between the parties. Furthermore, Respondent has failed to make any showing that he has an inability to pay additional costs and fees. As such, Respondent shall pay directly to Petitioner's attorney \$15,000 as and for attorney's fees. This amount may be taken from Respondent's portion of the sale proceeds from the home.

Given the significant attorney's fees being awarded, the court is concerned about awarding additional monetary sanctions at this time. As such, the court is reserving jurisdiction on Petitioner's request for Section 271 sanctions.

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

**TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO LIST THE PROPERTY LOCATED AT 4308 CHILDHOOD LANE, SHINGLE SPRINGS FOR SALE IMMEDIATELY. SHANNON LAPEYRADE SHALL ACT AS THE REALTOR AND SET THE PRICE FOR THE PROPERTY, UNLESS OTHERWISE AGREED UPON BY THE PARTIES. RESPONDENT IS ORDERED TO SIGN ANY AND ALL NECESSARY DOCUMENTS FOR THE LISTING WITHIN FIVE DAYS OF A REQUEST FOR HIS SIGNATURE. SHOULD HE FAIL TO DO SO, THE COURT CLERK IS AUTHORIZED TO ACT AS ELISOR AND SIGN ON RESPONDENT'S BEHALF. RESPONDENT IS ORDERED TO COOPERATE IN TAKING ALL NECESSARY AND REASONABLE ACTS TO COMPLETE THE SALE OF THE HOME, THIS INCLUDES BUT IS NOT LIMITED TO SHOWING THE HOME AND KEEPING IT IN GOOD REPAIR. IN THE EVENT RESPONDENT FAILS TO COOPERATE IN SHOWING OR MAINTAINING THE HOME FOR SALE, PETITIONER WILL NEED TO FILE AN ADDITIONAL RFO OR AN ORDER TO SHOW CAUSE.**



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**PETITIONER MAY WITHHOLD \$9,500 FROM THE NET PROCEEDS OF THE SALE TO SATISFY THE COURT'S PRIOR ORDERS FOR ATTORNEY'S FEES AND SANCTIONS. THE REMAINING AMOUNT SHALL BE PLACED IN PETITIONER'S ATTORNEY'S IOLTA ACCOUNT PENDING FURTHER COURT ORDER.**

**RESPONDENT SHALL PAY DIRECTLY TO PETITIONER'S ATTORNEY \$15,000 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE TAKEN FROM RESPONDENT'S PORTION OF THE SALE PROCEEDS FROM THE HOME.**

**THE COURT IS RESERVING JURISDICTION ON PETITIONER'S REQUEST FOR SECTION 271 SANCTIONS.**

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

**10. SUZANA MALIK V. KHALID MALIK**

**PFL20210508**

Petitioner filed a Request for Order (RFO) on December 9, 2024. It was personally served on December 13<sup>th</sup>. Respondent filed a Responsive Declaration to Request for Order on March 17, 2025.

Petitioner is requesting the following orders: (1) Respondent to sign the QDROs that were sent to the parties by Moon, Shwartz, and Madden on July 19, 2024; and (2) Order Respondent to pay sanctions in the amount of \$2,500 pursuant to Family Code § 271.

Respondent seems to oppose the requests but has not set forth any reason in his filing other than providing a series of attachments.

The court has reviewed the filings as outlined above and the November 9, 2023 Judgment was clear with respect to the preparation of the QDROs by Moon, Schwartz, and Madden. As such, Respondent is ordered to sign the QDROs which were sent to the parties by Moon, Schwartz, and Madden on July 19, 2024. Respondent shall comply with this order no later than May 15, 2025.

Petitioner's request for sanctions is made pursuant to Family Code § 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a).

Here, it does appear that Petitioner has incurred additional attorney's fees as a direct result of Respondent's refusal to comply with the court's prior orders. As such, Section 271 sanctions are warranted. Respondent shall pay Petitioner \$2,500 as and for sanctions. Payment may be made in one lump sum or in monthly increments of \$250 due no later than the 15<sup>th</sup> of each month commencing on May 15, 2025 and continuing until paid in full (approximately 10 months). If any payment is missed or late the entire amount shall become immediately due and payable.

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

**TENTATIVE RULING #10: RESPONDENT IS ORDERED TO SIGN THE QDROS WHICH WERE SENT TO THE PARTIES BY MOON, SCHWARTZ, AND MADDEN ON JULY 19, 2024. RESPONDENT SHALL COMPLY WITH THIS ORDER NO LATER THAN MAY 15, 2025.**

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**RESPONDENT SHALL PAY PETITIONER \$2,500 AS AND FOR SANCTIONS. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$250 DUE NO LATER THAN THE 15<sup>TH</sup> OF EACH MONTH COMMENCING ON MAY 15, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.**

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

**11. CECILIA STEPHINE MEDINA V. AARON CASTANEDA**

**24FL0919**

On February 19, 2025, Petitioner filed a Request for Order (RFO) seeking spousal support, attorney's fees, and division of community property. All required documents were served on February 27<sup>th</sup>.

Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on March 24<sup>th</sup>. All documents were served on March 7<sup>th</sup>.

Petitioner filed and served a Supplemental Declaration in Support of RFO Re: Spousal Support, Attorney Fees, Community Property Division on April 16<sup>th</sup>.

Petitioner is requesting guideline spousal support and attorney's fees in the amount of \$3,251. She requests division of the home located at 1600 American River Trail, Discover savings account in the amount of \$28,000, 1999 Toyota Tacoma, 1991 Toyota Pickup, 2024 Honda Civic, and a 7'12 Black Loading Trailer.

Respondent is requesting an order for Petitioner to find full-time employment and become self-supporting. He opposes the request for attorney's fees. It is unclear if he is opposing the request to separate community property.

Petitioner's request to divide the community property assets is denied as she failed to provide the court with any information regarding how she wanted the assets divided and why. The court reserves jurisdiction over these items until the time of trial on the issue of property division.

The request for attorney's fees is granted. The public policy of Family Code § 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In *Re Marriage of Keech*, 75 Cal. App. 4<sup>th</sup> 860, 866 (1999). This ensures 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. 4<sup>th</sup> 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). Here, there is clearly a disparity in income and due to that disparity, Respondent has greater access to counsel. Additionally, in review of Respondent's paystubs, he has an average monthly income of \$7,806, which is sufficient to pay for the fees of his attorney and those of Petitioner's. As such, Respondent is ordered to pay

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Petitioner's attorney \$3,251 as and for attorney's fees and costs. This amount may be paid in one lump sum or in monthly increments of \$270.92 commencing on May 15, 2025 and continuing on the 15<sup>th</sup> of each month until paid in full (approximately 12 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

Respondent's request for a seek-work order is denied for the time being. According to Petitioner's declaration she is in school and working part-time. Under the circumstances, a seek-work order is premature.

Regarding the request for support, the parties are ordered to appear for the hearing and Respondent is ordered to bring a copy of the Profit and Loss Statement for his self-employment income.

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

**TENTATIVE RULING #11: PETITIONER'S REQUEST TO DIVIDE THE COMMUNITY PROPERTY ASSETS IS DENIED AS SHE FAILED TO PROVIDE THE COURT WITH ANY INFORMATION REGARDING HOW SHE WANTED THE ASSETS DIVIDED AND WHY. THE COURT RESERVES JURISDICTION OVER THESE ITEMS UNTIL THE TIME OF TRIAL ON THE ISSUE OF PROPERTY DIVISION. PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS GRANTED. RESPONDENT IS ORDERED TO PAY PETITIONER'S ATTORNEY \$3,251 AS AND FOR ATTORNEY'S FEES AND COSTS. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$270.92 COMMENCING ON MAY 15, 2025 AND CONTINUING ON THE 15<sup>TH</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. RESPONDENT'S REQUEST FOR A SEEK-WORK ORDER IS DENIED FOR THE TIME BEING. ACCORDING TO PETITIONER'S DECLARATION SHE IS IN SCHOOL AND WORKING PART-TIME. UNDER THE CIRCUMSTANCES, A SEEK-WORK ORDER SEEMS PREMATURE.**

**REGARDING THE REQUEST FOR SUPPORT, THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AND RESPONDENT IS ORDERED TO BRING A COPY OF THE PROFIT AND LOSS STATEMENT FOR HIS SELF-EMPLOYMENT INCOME.**

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

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**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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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8:30 a.m./1:30 p.m.

**12. ROBERT THORNTON V. MELISSA MEANOR**

**PFL20140803**

Minor's Counsel filed a Request for Order (RFO) on February 14, 2025, seeking a modification of the current parenting plan orders. The parties were not referred to Child Custody Recommending Counseling (CCRC). Proof of Service shows both Petitioner and Respondent were mail served on February 20, 2025.

Respondent filed a Responsive Declaration on April 16, 2025. Proof of Service shows Petitioner and Minor's Counsel were electronically served on April 16, 2025.

Minor's Counsel filed a Statement of Issues and Contentions, which the court deems to be a Supplemental Declaration, on April 21, 2025. Parties were mail served the same day.

Petitioner filed a Responsive Declaration on April 21, 2025. There is no Proof of Service for this document. Therefore, it cannot be considered. Additionally, the court finds this to be late filed, as Civil Procedure section 1005(b) 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 18<sup>th</sup> 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 finds good cause to refer the parties to CCRC. Parties, as well as the minor, are to attend CCRC on 6/2/2025 at 1:00 PM with Norman Labat. Parties are to return for a review hearing on 7/24/2025 at 8:30 AM in Department 5. Any Supplemental Declarations are to be filed and served at least 10 days prior to the review hearing.

**TENTATIVE RULING #12: THE COURT FINDS GOOD CAUSE TO REFER THE PARTIES TO CCRC. PARTIES, AS WELL AS THE MINOR, ARE TO ATTEND CCRC ON 6/2/25 AT 1:00 PM WITH NORMAN LABAT. PARTIES ARE TO RETURN FOR A REVIEW HEARING ON 7/24/2025 AT 8:30 AM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE TO BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE REVIEW 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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

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



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**13. CURTIS WILSON V. CINDY WILSON**

**23FL1152**

Respondent filed a Request for Order (RFO) on February 20, 2025, seeking spousal support, Family Code section 2030 attorney's fees, and reimbursements for community expenses. Respondent concurrently filed an Income and Expense Declaration. Proof of Service shows Petitioner was mail served on April 8, 2025. Civil Procedure section 1005(b) states: "Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required 16-day period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California..." This would have made April 4, 2025 the last day for mail service.

Petitioner has not filed a Responsive Declaration or an Income and Expense Declaration.

The matter is dropped from calendar due to the failure to properly serve Petitioner.

**TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE PETITIONER.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**14. ALANA J. BARBIERY V. DANIEL J. BARBIERY**

**23FL0609**

On January 13, 2025, Respondent filed a Request for Order (RFO) seeking a review hearing. There is no Proof of Service for the RFO.

Petitioner filed a Responsive Declaration to Request for Order wherein she indicates that she was not served with the moving papers and all other required documents; she therefore, objects to a hearing on the RFO. The Responsive Declaration was served on March 20<sup>th</sup>.

On April 3, 2025, parties appeared for the hearing on the underlying RFO. Respondent requested the matter be continued to allow him time to perfect service. The court continued the matter to May 1, 2025 and stayed its tentative ruling pending the May date.

Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO. There is a Proof of Service filed on April 24, 2025; however, it does not state who was served. Further, it states service took place on April 11, 2025, which is less than 16 court days prior to the hearing.

Petitioner filed a further Declaration on April 16, 2025. Respondent was served by mail on April 17, 2025. Petitioner asserts she has not been properly served with the RFO and other necessary papers. Petitioner requests the matter be dropped from calendar and the court issues Family Code section 271 sanctions in the amount of \$1,000.

This matter is dropped from calendar due to lack of proper service. The request for sanctions is denied.

**TENTATIVE RULING #14: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. THE REQUEST FOR SANCTIONS IS DENIED.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE  
8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**15. KIYA BESSOM V. JOHN WHITE**

**23FL0609**

Petitioner filed an ex parte application for emergency custody orders on February 3, 2025. The court denied the request on February 4, 2025, and referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on March 5, 2025 and a review hearing on May 1, 2025. Petitioner filed a Request for Order (RFO) on February 4, 2025, making the same requests as set forth in the ex parte application.

Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO and other necessary documents.

Neither party appeared for the CCRC appointment on March 5, 2025.

The matter is dropped from calendar due to the failure to properly serve Respondent.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**16. KELLY GABEL V. DANIEL GABEL**

**22FL1113**

Petitioner filed a Request for Order (RFO) on February 26, 2025, requesting child and spousal support, as well as waiver of Respondent's financial disclosures. Petitioner did not concurrently file an Income and Expense Declaration. Proof of Service shows Respondent was served with the necessary documents, except the FL-150 via personal service on April 8, 2025.

Petitioner filed an Income and Expense Declaration on April 21, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration.

The court denies Petitioner's request for child and spousal support due to her failure to concurrently file an Income and Expense Declaration with the filing of the RFO. Further, the Income and Expense Declaration that has been filed, has not been served, and therefore, cannot be considered. As such, the requests for child and spousal support are denied.

Turning to the issue of disclosures, Family Code section 2104 imposes on each party the obligation of making a preliminary disclosure of assets within the timeframe specified. For the party responding to a Petition for Dissolution, the disclosure is due either concurrently with the response or within 60 days of filing the same. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel or a motion to waive the disclosures. Fam. Code § 2107(b)(1).

After reviewing the court file, the court finds a waiver of Respondent's preliminary and final declarations of disclosure to be proper under the circumstances. The request for a waiver is granted.

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

**TENTATIVE RULING #16: THE REQUESTS FOR CHILD AND SPOUSAL SUPPORT ARE DENIED. THE REQUEST FOR A WAIVER OF RESPONDENT'S PRELIMINARY AND FINAL DECLARATIONS OF DISCLOSURE IS GRANTED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER ORDER.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**17. NICOLE HEMSTALK V. DANIEL ARTZ**

**25FL0167**

On February 25, 2025, Petitioner filed a Petition for Custody and Support. A summons was issued the same day. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Respondent filed a Response on April 25, 2025. Petitioner was served by mail on April 25, 2025. Therefore, the court finds any defect in notice has been waived.

Petitioner filed a Request for Order on February 25, 2025, requesting the court make orders as to child custody, parenting time, and child support. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on April 25, 2025. Proof of Service shows Petitioner was mail served on April 25, 2025. Therefore, the court finds any potential defect in service has been waived. However, the court finds this to be late filed, as 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 18<sup>th</sup> 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 notes that the parties were not referred to Child Custody Recommending Counseling (CCRC) as a copy of the minor’s birth certificate was not included in the Petition. The court finds that Respondent has confirmed parentage in his Response. Therefore, the court finds good cause to refer the parties to CCRC. Parties are to attend CCRC on 6/4/25 at 9:00 AM with Norman Labat and return for a review hearing on 7/17/25 at 1:30 PM in Department 5.

Any Supplemental Declarations are to be filed and served at least 10 days prior to the review hearing. Petitioner is directed to file and serve an updated Income and Expense Declaration. The court reserves jurisdiction to retroactively modify child support to the date of the filing of the RFO.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**TENTATIVE RULING #17: THE COURT FINDS GOOD CAUSE TO REFER THE PARTIES TO CCRC. PARTIES ARE TO ATTEND CCRC ON 6/4/2025 AT 9:00 AM WITH NORMAN LABAT AND RETURN FOR A REVIEW HEARING ON 7/17/25 AT 1:30 PM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE TO BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING. PETITIONER IS DIRECTED TO FILE AND SERVE AN UPDATED INCOME AND EXPENSE DECLARATION. THE COURT RESERVES JURISDICTION TO RETROACTIVELY MODIFY CHILD SUPPORT TO THE DATE OF THE FILING OF THE RFO.**

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



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**18. ANGELA HURLEY V. IVAN RIVERA**

**PFL20200615**

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

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

On March 27, 2025, the public defender's office declared a conflict due to work load. The alternate public defender was appointed and accepted the appointment. The alternate public defender requested the arraignment be continued. The court granted the request to continue and set the matter for further arraignment on May 1, 2025 at 1:30 PM.

Parties are ordered to appear for arraignment.

**TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**19. ALEX KRUMWIEDE V. HANNAH KRUMWIEDE**

**23FL1044**

Respondent filed an ex parte application for emergency orders on April 7, 2025. Petitioner filed a Responsive Declaration on April 11, 2025. On April 14, 2025, the court denied the ex parte request but granted an Order Shortening Time. Respondent filed a Request for Order (RFO) on April 14, 2025, requesting reconsideration of the court's prior orders regarding the sale of the former marital residence. The court directed that Petitioner was to be served on or before April 15, 2025. The court set a filing deadline of April 25, 2025 for Petitioner's Responsive Declaration.

Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO.

The matter is dropped from calendar due to the lack of proper service. All prior orders remain in full force and effect.

**TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**20. ROBERT TEAL V. SYDNEY FAUROT**

**25FL0193**

Petitioner filed a Petition for Custody and Support on February 28, 2025. A summons was issued the same day. Upon review of the court file, there is no Proof of Service of the Petition and summons.

Petitioner concurrently filed a Request for Order (RFO) on February 28<sup>th</sup> seeking orders for child custody. There is no Proof of Service for this document.

The court finds it has not obtained jurisdiction to proceed in this matter as Respondent has not been properly served with the Petition and summons. Therefore, the court drops the matter from calendar. Further, the court finds the RFO was not properly served, and therefore, drops the matter from calendar on those grounds as well.

**TENTATIVE RULING #20: THE COURT FINDS IT HAS NOT OBTAINED JURISDICTION TO PROCEED IN THIS MATTER AS RESPONDENT HAS NOT BEEN PROPERLY SERVED WITH THE PETITION AND SUMMONS. THEREFORE, THE COURT DROPS THE MATTER FROM CALENDAR. FURTHER, THE COURT FINDS THE RFO WAS NOT PROPERLY SERVED, AND THEREFORE, DROPS THE MATTER FROM CALENDAR ON THOSE GROUNDS AS WELL.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**21. JAYCEE THOMAS V. HUNTER MEANS**

**23FL0177**

Respondent filed a Request for Order (RFO) on February 21, 2025, requesting a modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 11, 2025, and a review hearing on May 1, 2025. Respondent is requesting the current orders remain in full force and effect. He further requests the minor continue attending the two daycares, as has been the practice for the prior two months. Respondent is seeking physical custody if Petitioner is incarcerated. Respondent is also seeking an order for the parties to communicate via the Talking Parents application. Respondent is also seeking a no harassment order. Proof of Service shows Petitioner was electronically served on April 25, 2025.

Both parties attended CCRC on March 11, 2025, however, Petitioner refused to participate. As such, a report with no recommendations was filed with the court on March 12, 2025. Copies were mailed to the parties on the same day.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the current orders remain in the minor's best interest with the following additions. The parties are to communicate about the minor via the Talking Parents application. The minor is to remain in the current day cares until further order of the court or further written agreement of the parties. All other requests are denied without prejudice. All other orders remain in full force and effect.

Both parties are admonished that failure to abide by the court's orders may result in a change in custody and parenting plan orders, sanctions, and/or contempt proceedings.

**TENTATIVE RULING #21: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINOR'S BEST INTEREST WITH THE FOLLOWING ADDITIONS. THE PARTIES ARE TO COMMUNICATE ABOUT THE MINOR VIA THE TALKING PARENTS APPLICATION. THE MINOR IS TO REMAIN IN THE CURRENT DAYCARES UNTIL FURTHER ORDER OF THE COURT OR FURTHER WRITTEN AGREEMENT OF THE PARTIES. ALL OTHER REQUESTS ARE DENIED WITHOUT PREJUDICE. ALL OTHER ORDERS REMAIN IN FULL FORCE AND EFFECT. BOTH PARTIES ARE ADMONISHED THAT FAILURE TO ABIDE BY THE COURT'S ORDERS MAY RESULT IN A CHANGE IN CUSTODY AND PARENTING PLAN ORDERS, SANCTIONS, AND/OR CONTEMPT PROCEEDINGS.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

**22. CATHERYN WADMAN V. MAX WADMAN**

**21FL0116**

On October 8, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, child support, and clarification of the court's September 13, 2024 order. She filed an Income and Expense Declaration on October 7<sup>th</sup>. This RFO follows an ex parte request for the same orders which was granted in part by the court on October 8<sup>th</sup>. At that time the court ordered the minor to be immediately returned to Petitioner and warned that if Respondent failed to comply then Petitioner would be granted sole physical custody pending the regularly set RFO hearing. The court also noted that it would consider any motion for sanctions filed by Petitioner. The ex parte orders were served on October 8<sup>th</sup>.

On October 21<sup>st</sup>, Petitioner filed another RFO on an ex parte basis seeking sole legal and sole physical custody of the minor. Respondent filed and served a Responsive Declaration to Request for Order on October 18<sup>th</sup>. The court granted the request for sole physical custody but denied the request for sole legal. Respondent was ordered to have no parenting time pending the hearing on the RFO. The ex parte orders were served on October 22<sup>nd</sup>.

On October 21<sup>st</sup>, Respondent filed and served a declaration from Auburn Tutoring. On January 14, 2025, Petitioner filed a Supplemental Declaration. The court deems this to be a Reply Declaration.

Respondent filed a Declaration on January 17, 2025. Proof of Service shows only Petitioner was served. As such, the court cannot consider this document.

Petitioner filed her first RFO requesting an immediate return of the minor, guideline child support, and clarification of the court's September 13, 2024 order which apparently misstated the existing summer schedule. Additionally, she requests Respondent be ordered to reimburse her for half the cost of the Lindamood-Bell tutoring which totaled \$16,052.00. Therefore, she is seeking \$8,026 in reimbursement.

After the court's initial ex parte orders, Petitioner filed her second RFO seeking full legal and physical custody of the minor.

Respondent asks that the court maintain all prior orders. Respondent attached what he states is a letter from the minor to Minor's Counsel. This is concerning, yet it does not appear that Minor's Counsel was served with the Responsive Declaration to Request for Order so it is unclear if she will be objecting to the letter.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 1, 2025

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

Parties appeared for a hearing on the pending RFOs on January 23, 2025. Minor's Counsel did not appear. The matter was continued due to Minor's Counsel not being present and the court needing input from Minor's Counsel. Additionally, Respondent also requested the matter be continued as he intended to retain counsel. The court continued the matter to March 27, 2025. Additionally, the court ordered professionally supervised parenting time for Respondent to take place in El Dorado County.

Petitioner filed a Supplemental Declaration on March 10, 2025. Proof of Service shows Respondent and Minor's Counsel were served electronically on the same day.

Respondent filed a Request to Reschedule the hearing on March 13, 2025. The court granted the request to Reschedule and set the hearing for May 1, 2025.

Respondent filed a Responsive Declaration and Supplemental Declaration on April 21, 2025. There is no Proof of Service for either document, therefore, the court cannot consider them.

Minor's Counsel has not filed a Statement of Issues and Contentions.

Respondent has not filed an Income and Expense Declaration.

The court is in need of additional information, including information from Minor's Counsel. The parties are ordered to appear for the hearing. Respondent is ordered to bring a completed Income and Expense Declaration with him to the hearing so support orders can be made, otherwise the court will utilize Petitioner's estimate of Respondent's income.

**TENTATIVE RULING #22: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. RESPONDENT IS ORDERED TO BRING A COMPLETED INCOME AND EXPENSE DECLARATION WITH HIM TO THE HEARING SO SUPPORT ORDERS CAN BE MADE, OTHERWISE THE COURT WILL UTILIZE PETITIONER'S ESTIMATE OF RESPONDENT'S INCOME.**