

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

1. ALYSSA HAAG V. NICK HAAG

PFL20200373

On March 12, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO and all other required documents were electronically served on March 14th and mail served on March 15th. Given that this is a post-judgment request for modification of child custody, Respondent filed a Declaration Regarding Address Verification in accordance with Family Code § 215.

Petitioner filed and served her Responsive Declaration to Request for Order on March 25th.

The parties attended Child Custody Recommending Counseling (CCRC) on April 4th. A report with recommendations was prepared and mailed to the parties on May 16th.

On May 20th, Respondent filed and served a Declaration of Janice Pedersen in Support of Respondent's Request for Orders Modifying Child Custody/Parenting Time.

Respondent brings his RFO requesting joint legal and joint physical custody of the parties' two children. Specifically, he is requesting all 3-day weekends during the school year, one half of Christmas break (alternating the first and second weeks each year) and the entirety of spring break. He also is requesting the parties swap their current parenting schedule during the summer which would allow him parenting time from Monday mornings to Friday afternoons.

Petitioner opposes the requested orders. Instead, she asks that the children remain with her Mondays through Fridays during the school year, with alternating visitation on weekends. During summer she would like the schedule to remain the same, however Respondent shall have every weekend from Friday at 4:30pm to Monday at 9:30am. Petitioner further requests that the holiday and birthday schedule remain the same. The parents to split Christmas breaks, alternating weeks, and alternate the entirety of spring break.

After reviewing the filings of the parties as outlined above, the court finds the recommendations as stated in the May 16, 2024 CCRC report to be in the best interests of the minors, they are therefore hereby adopted as the orders of the court.

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

TENTATIVE RULING #1: THE COURT FINDS THE RECOMMENDATIONS AS STATED IN THE MAY 16, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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2. ASHLEY SHENEFIELD V. SEAN AGUILAR

PFL20140027

Respondent filed an ex parte application for emergency custody orders on December 11, 2023. Respondent requested the court order the minors to remain in therapy, the court terminate Petitioner's parenting time, Petitioner to undergo a psychological evaluation, and to reappoint Minors' Counsel.

On December 12, 2023, the court denied the request to terminate Petitioner's parenting time but granted the request for the minors to remain in therapy, and reappointed Minor's Counsel Sarah Kukuza. The court denied all other requests and reaffirmed the prior Child Custody Recommending Counseling (CCRC) appointment and review hearing dates. Respondent filed a Request for Order (RFO) on December 12, 2023, making the same requests as set forth in the ex parte application.

Both parties and the minors participated in the CCRC appointment on January 12, 2024. The parties were able to reach two agreements. A report with the parties' agreements and further recommendations was filed on January 19, 2024, copies were mailed to the parties the same day.

Respondent filed a Declaration regarding the CCRC report, which the court deems to be a Reply Declaration, on February 22, 2024. Petitioner was served electronically on February 22, 2024. Respondent renews the requests as set forth in his December 12, 2023 RFO. Respondent asserts Petitioner's motivation for custody is to obtain child support. Respondent further asserts Petitioner has misled the court as well as DCSS and the CCRC counselor. Respondent objects to the recommendation that the parties participate in co-parenting counseling.

The parties appeared for hearing on the RFO on February 29, 2024, at which time Minor's Counsel requested a continuance to allow time to file a Statement of Issues and Contentions. The matter was continued to April 18th, and then again continued to the present date.

The Declaration of Minor's Counsel was filed on May 15, 2024. It was mail served on May 17th and electronically served on May 20th.

Respondent brings his RFO requesting numerous orders. The orders which remain at issue for the present hearing are as follows: (1) The minors ordered to continue therapy at Cameron Park Counseling Center; (2) The therapist and the minors to determine when/if future therapy sessions will incorporate Petitioner; (3) No ordered parenting time to Petitioner; the minors and their therapist to determine when/if any parenting time is appropriate; (4) Petitioner to undergo a psychological evaluation prior to any future

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visitation. Respondent proposes Dr. Eugene Roeder to conduct the evaluation with Petitioner to pay the costs thereof; and (5) CCRC to consult with Ms. Kerr at Sacramento CPS and the school counselor directly. Respondent requests the custody orders be made permanent *Montenegro* orders.

Petitioner stated at CCRC that she is requesting sole legal and sole physical custody of the minors, though she has not filed a response to the RFO.

Minor's counsel asks that the recommendations of the January 19, 2024 CCRC report be adopted as the orders of the court.

When making orders regarding custody or visitation the court is to consider (1) the state's policy to ensure the children have frequent and continuing contact with both parents after a separation and (2) the health, welfare, and safety of the children. Cal. Fam. Code § 3020. Where these two factors are in conflict, the health, welfare, and safety of the child trumps the policy regarding parental contact. *Id.* at (c).

The court is in agreement with Respondent in his response to the CCRC report that the goal is not necessarily to repair the relationship between the minors and Petitioner, the goal is to determine the best interests of the minors while ensuring their health, welfare, and safety. After reviewing the filings as outlined above, the court is concerned with Petitioner's actions and the safety of the children both physically and mentally while in her home. Therefore, the court is not adopting the step-up plan established in the January 19, 2024 CCRC report. However, the court is adopting the following provisions of the CCRC report as the orders of the court: (1) The Agreements listed on pg. 24-25; (2) Paragraphs 1 and 2 of the Child Counseling/Therapy section listed on pg. 28; (3) Paragraph 1 of the Individual therapy section listed on pg. 28; (4) The Co-Parenting Class section listed on pg. 28; (5) The Anger Management Class section on pg. 29; and (6) The Third-Party Contact section listed on pg. 29.

Petitioner and the children are to commence reunification therapy forthwith at a frequency and duration as recommended by the reunification therapist. Respondent shall provide Petitioner with the names of three reunification therapists no later than June 13th. Petitioner shall choose a therapist and inform Respondent of her choice no later than June 20th. Both parties are ordered to comply with the therapist's treatment recommendations. The parties are to split equally the costs of reunification therapy.

Petitioner shall have professionally supervised visits with the children on the 2nd and 4th Saturday of each month for a period of no less than 2 hours each. Petitioner shall bear the costs of supervised visits. Visitation can be non-professionally supervised if the parties can agree to a non-professional supervisor. The minors may have additional or

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unsupervised visits with Petitioner at their choice. The minors shall have no contact with Joey/William Mangini. The minors shall have unhampered telephone access to Petitioner.

Petitioner is ordered to undergo a 730 psychological evaluation with Dr. Eugene Roeder at Petitioner's expense, subject to reallocation. A review hearing is set for 12/05/2024 at 8:30 AM in department 5 for receipt and review of the report and to address the progress of reunification therapy. Parties are ordered to file updating declarations with the court no later than 10 days prior to the review hearing.

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

TENTATIVE RULING #2: THE COURT IS ADOPTING THE FOLLOWING PROVISIONS OF THE CCRC REPORT AS THE ORDERS OF THE COURT: (1) THE AGREEMENTS LISTED ON PG. 24-25; (2) PARAGRAPHS 1 AND 2 OF THE CHILD COUNSELING/THERAPY SECTION LISTED ON PG. 28; (3) PARAGRAPH 1 OF THE INDIVIDUAL THERAPY SECTION LISTED ON PG. 28; (4) THE CO-PARENTING CLASS SECTION LISTED ON PG. 28; (5) THE ANGER MANAGEMENT CLASS SECTION ON PG. 29; AND (6) THE THIRD-PARTY CONTACT SECTION LISTED ON PG. 29.

PETITIONER AND THE CHILDREN ARE TO COMMENCE REUNIFICATION THERAPY FORTHWITH AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE REUNIFICATION THERAPIST. RESPONDENT SHALL PROVIDE PETITIONER WITH THE NAMES OF THREE REUNIFICATION THERAPISTS NO LATER THAN JUNE 13TH. PETITIONER SHALL CHOOSE A THERAPIST AND INFORM RESPONDENT OF HER CHOICE NO LATER THAN JUNE 20TH. BOTH PARTIES ARE ORDERED TO COMPLY WITH THE THERAPIST'S TREATMENT RECOMMENDATIONS. THE PARTIES ARE TO SPLIT EQUALLY THE COSTS OF REUNIFICATION THERAPY.

PETITIONER SHALL HAVE PROFESSIONALLY SUPERVISED VISITS WITH THE CHILDREN ON THE 2ND AND 4TH SATURDAY OF EACH MONTH FOR A PERIOD OF NO LESS THAN 2 HOURS EACH. PETITIONER SHALL BEAR THE COSTS OF SUPERVISED VISITS. VISITATION CAN BE NON-PROFESSIONALLY SUPERVISED IF THE PARTIES CAN AGREE TO A NON-PROFESSIONAL SUPERVISOR. THE MINORS MAY HAVE ADDITIONAL OR UNSUPERVISED VISITS WITH PETITIONER AT THEIR CHOICE. THE MINORS SHALL HAVE NO CONTACT WITH JOEY/WILLIAM MANGINI. THE MINORS SHALL HAVE UNHAMPERED TELEPHONE ACCESS TO PETITIONER.

PETITIONER IS ORDERED TO UNDERGO A 730 PSYCHOLOGICAL EVALUATION WITH DR. EUGENE ROEDER AT PETITIONER'S EXPENSE, SUBJECT TO REALLOCATION. A REVIEW HEARING IS SET FOR 12/5/2024 AT 8:30 AM IN DEPARTMENT 5 FOR RECEIPT

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AND REVIEW OF THE REPORT AND TO ADDRESS THE PROGRESS OF REUNIFICATION THERAPY. PARTIES ARE ORDERED TO FILE UPDATING DECLARATIONS WITH THE COURT NO LATER THAN 10 DAYS PRIOR TO THE REVIEW HEARING.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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3. BRYAN CHASE V. KYLIE CHASE

22FL0549

On March 8, 2024, Respondent filed a Request for Order (RFO) seeking to compel further responses to Respondent's Request for Production, Inspection and Photocopying of Documents, Records, and Things, Set One. Concurrently therewith she filed a Declaration of Attorney Layla Cordero in Support of Respondent's Motion to Compel and for Attorney's Fees and Sanctions, a Memorandum of Points and Authorities in Support of Motion to Compel, and Respondent's Separate Statement in Support of Motion to Compel. All documents were mail served on March 13th.

Petitioner filed his Responsive Declaration to Request for Order and his Points and Authorities in Opposition to Motion to Compel and Request for Discovery Sanctions on May 15th.

Respondent's Reply Declaration in Support of Motion to Compel was filed and served on May 17, 2024.

On December 18, 2023, Respondent served Petitioner with Request for Production, Inspection, and Photocopying of Documents, Records, and Things, Set One (hereinafter "Requests for Production of Documents"). While responses were received on January 25, 2024, Respondent now maintains that the responses to request numbers 2, 3, 6, and 7 are deficient and Respondent moves to compel further responses to those requests. She also requests discovery sanctions.

Petitioner asks the court to deny the motion to compel and instead award monetary sanctions to him. According to Petitioner, upon producing supplemental documents on February 29th his counsel offered to meet and confer further if anything else was needed. However, despite the offer to continue meet and confer efforts, Respondent filed the present motion.

Generally speaking, "...a party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." Cal. Civ. Pro. § 2017.010. The Civil Discovery Act authorizes all parties to request documents from the opposing party by way of a Request for Production of Documents. "A party to whom a demand for inspection, copying, testing, or sampling has been directed shall respond separately to each item or category of item by any of the following:" (1) a statement that the party will comply, (2) a statement that the party lacks the ability to comply, or (3) an objection to the demand or request made. Cal. Civ. Pro. §2031.210. On receipt of responses to requests for production of documents, the requesting party may

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move for an order compelling further responses. Cal. Civ. Pro. § 2031.310. Such a motion “...shall set forth specific facts showing good cause justifying the discovery sought by the demand.” Cal. Civ. Pro. § 2031.310(b)(1). “To establish good cause, a discovery proponent must identify a disputed fact that is of consequence in the action and explain how the discovery sought will tend in reason to prove or disprove that fact or lead to other evidence that will tend to prove or disprove the fact.” *Williams v. Sup. Ct.*, 236 Cal. App. 4th 1151 (2015) (overturned on other grounds).

The court notes the parties are set to commence trial on June 11, 2024. However, discovery motions are to be heard on or before the 15th day before the date initially set for trial. Cal. Civ. Pro. § 2024.020(a). Petitioner did not make an objection on this basis and the motion was filed far enough out that it could have been heard earlier but for the court’s calendar, therefore, the court finds good cause to proceed on the merits. However, in the future, the filing of an order shortening time to be heard would have been the proper mechanism to ensure that the motion was timely heard under the circumstances.

Motion to Compel

Request Number 2

This request seeks Petitioner’s banking information from January 1, 2017 through the present. Petitioner objects that it is oppressive and burdensome as to the specified timeframe and that production would be expensive. Nonetheless, Petitioner states he produced all responsive documents and any additional bank statements are for accounts that are now in the name of Respondent alone and Petitioner states he does not have access to those account statements. Respondent, on the other hand, provided screenshots showing that the folders allegedly containing the responsive documents are empty.

Respondent’s request for an order compelling a further response to request number 2 is granted. Respondent has sufficiently established good cause justifying the demand in that the records are likely to lead to the discovery of admissible evidence given that one of Petitioner’s main contentions is that Respondent stole \$50,000 from him in the year 2015. The request therefore, is not overbroad or unduly burdensome as it is limited to the relevant timeframe and, in fact, even less than the relevant timeframe as Respondent surmises the banking institutions no longer have records as far back as 2015. For the foregoing reasons, Respondent’s request for an order compelling a further response to request number 2 is granted. Petitioner shall provide a full and complete response that complies with Civil Procedure sections 2031.210 et. seq. no later than June 6, 2024. The amended response shall be verified and complete without asserting new or additional objections.

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Request Number 3

This request seeks any and all records of income and/or cash flow from January 1, 2017 through present. Petitioner once again objects that the request is oppressive and burdensome to the extent compliance would be unreasonably difficult and expensive.

A motion to compel further responses shall, among other things, be accompanied by a meet and confer declaration evidencing the party's attempt to meet and confer on the issues raised in the motion prior to filing. Cal. Civ. Pro. § 2031.310(b)(2).

While Respondent has sufficiently established her meet and confer efforts regarding the other requests, there is no evidence that request number 3 was ever included in those efforts. This request was not mentioned in any of the written meet and confer documentation provided to the court and there is no indication that the parties conferred on this request specifically either in person or telephonically. Without meeting the necessary meet and confer requirement, the motion to compel a further response to request number 3 is denied.

Request Number 6

This request seeks any and all records of credit transactions by Petitioner from January 1, 2017 through present. Petitioner maintains that all responsive documents have been produced. While Respondent concedes that the responsive documents have been produced, she notes that they were only produced as of May 15, 2024, well after the motion to compel was filed.

Given that the parties seem to agree, all responsive documents to this request have been produced as of the date of this writing, the motion to compel a further response to request number 6 is denied.

Request Number 7

Request number 7 seeks any and all documents or records relating to any merchant services for processing accounts from January 2017 through present. Petitioner objects to the request as being oppressive and burdensome to the extent compliance would be unreasonably difficult and expensive. Respondent states that Petitioner provided only two screenshots from his Venmo dashboard, both of which indicate that Petitioner does have the ability to download his invoices. Petitioner states that he provided a log of all PayPal transactions, which is his main merchant services provider. He also provided the Venmo screenshots and a statement of his Venmo transactions for the prior year. Anything additional would require a subpoena as Venmo refused to provide Petitioner with anything

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older than one year. Petitioner also maintains that Respondent has access to Square, the other merchant services provider, though Respondent states that she does not.

Here, Respondent has once again established good cause to compel a further response. The information requested goes directly to a disputed fact that is of consequence in the upcoming trial, namely the assets of the parties at the time of separation and how they should be properly divided. Petitioner objects that the request is overbroad and unduly burdensome however he provides no real argument to justify this objection. To facilitate the court's determination in ruling on an objection of overbroad and unduly burdensome, the objecting party must provide more than conclusory statements as to the claimed burden. See *Coriell v. Sup. Ct.*, 39 Cal. App. 3d 487 (1974).

Petitioner further objects that he believes Respondent has equal access to the Square documents, though Respondent has made it clear that she does not. In conducting discovery, each "party is permitted to use multiple methods of obtaining discovery and the fact that information was [or may be] disclosed under one method is not, standing alone, proper basis for refusing to provide discovery under another method." *Irvington-Moore, Inc. v. Sup. Ct.* 14 Cal. App. 4th 733 (1993). For the aforementioned reasons, Respondent's request for an order compelling further response to request number 7 is granted. Petitioner shall provide a full and complete response that complies with Civil Procedure sections 2031.210 et. seq. no later than June 6, 2024. The amended response shall be verified and complete without asserting new or additional objections.

Sanctions

Respondent asks that Petitioner be sanctioned in the amount of \$3,895, of which \$500 represents sanctions to deter such future conduct and the remainder represents attorney's fees and costs incurred to date.

Petitioner opposes the requested sanctions as he argues no order compelling responses is necessary. Furthermore, if the order to compel is granted, Petitioner asks that monetary sanctions be denied as he acted with substantial justification in making a good faith effort to provide all documents and by offering to continue meet and confer efforts prior to the filing of the motion.

"[T]he court *shall* impose a monetary sanction...against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a response to a demand for inspection, copying, testing, or sampling, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Cal. Civ. Pro. § 2031.320(b) (emphasis added). Additionally, the court may issue monetary sanctions simply on a showing that the

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noncompliant party engaged in an unjustified “misuse of the discovery process,” regardless of whether or not the noncompliant party opposes the motion. Cal. Civ. Pro. § 2023.030(a). “Misuse of the discovery process” includes, but is not limited to, “making, without substantial justification, an unmeritorious objection to discovery” and “making an evasive response to discovery.” Cal. Civ. Pro. § 2023.010(e) & (f) respectively.

“... [I]n addition to any other sanctions imposed ...a court *shall* impose a one-thousand-dollar (\$1,000) sanction, payable to the requesting party...” if the court finds that the noncompliant party did not respond in good faith to a request for production of documents or failed to make a reasonable good faith attempt to informally resolve a discovery dispute. Cal. Civ. Pro. § 2023.050(a).

The court has reviewed the declaration of counsel and the billing printouts from Respondent’s counsel and does find that Respondent has incurred significant costs as a result of Petitioner’s misuse of the discovery process as defined by Civil Procedure § 2023.010. Petitioner was made aware that Respondent did not have access to the Square records and still Respondent refused to provide them. Moreover, Petitioner provided only two screenshots of his Venmo account when it is clear in the screenshots themselves that CSV documents were available for download at the click of a button. Finally, while Petitioner maintains that he offered to continue meeting and conferring he did not agree to extend Respondent’s time to file a Motion to Compel thereby essentially forcing Respondent’s hand in moving forward with the motion. As such, Petitioner is ordered to pay directly to Respondent’s counsel \$4,395 as and for attorney’s fees and sanctions (\$3,395 in attorney’s fees and an additional \$1,000 in § 2023.050 sanctions). This amount may be made in one lump sum or in monthly increments of \$366.25 due and payable on the 15th of each month commencing June 15, 2024 and continuing until paid in full (approximately 12 months).

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

TENTATIVE RULING #3: RESPONDENTS REQUEST FOR AN ORDER COMPELLING FURTHER RESPONSES TO REQUEST NUMBERS 2 AND 7 IS GRANTED. PETITIONER SHALL PROVIDE A FULL AND COMPLETE RESPONSES THAT COMPLY WITH CIVIL PROCEDURE SECTIONS 2031.210 ET. SEQ. NO LATER THAN JUNE 6, 2024. AMENDED RESPONSES SHALL BE VERIFIED AND COMPLETE WITHOUT ASSERTING NEW OR ADDITIONAL OBJECTIONS. THE MOTION TO COMPEL FURTHER RESPONSES TO REQUEST NUMBERS 3 AND 6 IS DENIED. PETITIONER IS ORDERED TO PAY DIRECTLY TO RESPONDENT’S COUNSEL \$4,395 AS AND FOR ATTORNEY’S FEES AND SANCTIONS (\$3,395 IN ATTORNEY’S FEES AND AN ADDITIONAL \$1,000 IN § 2023.050 SANCTIONS). THIS AMOUNT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF

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\$366.25 DUE AND PAYABLE ON THE 15TH OF EACH MONTH COMMENCING JUNE 15, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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5. JARED DENNIS V. AMORE BISHOP

PFL20160085

On March 12, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) and the RFO, the CCRC referral and a blank FL-320 were personally served on March 12th. There is no indication that the notice of tentative ruling was served on Petitioner.

Petitioner filed and served his Responsive Declaration to Request for Order on April 17th. A Declaration of Amore Bishop was filed on May 15, 2024, it was served on May 13th. Petitioner then filed and served a Supplemental Declaration of Jared Dennis on May 16th.

The parties attended CCRC on April 10th. A report with recommendations was prepared and mailed to the parties on May 16th.

On May 20th, Respondent filed another Declaration of Amore Bishop, along with an Objection to Exhibit A of Petitioner's Responsive Declaration and a Declaration of Gloria Coy.

Respondent brings her RFO requesting the assistance of the court in order to facilitate the reunification process between her and the minor. She requests Stephanie Stilley be appointed as the reunification counselor and that reunification counseling take place at a frequency and duration ad determined by Ms. Stilley. She requests the court reiterate its prior orders that only Petitioner and Respondent are to participate in the reunification counseling, not the minor's stepmother. Finally, she requests attorney's fees in the amount of \$3,000 pursuant to Family Code § 2030 and 2031.

Petitioner is opposing the request and asking the court to maintain its order from June 1, 2023. He provides a letter from the minor's current therapist recommending the court terminate Respondent's parental rights and stating that she does not believe that reunification therapy is in the minor's best interests. He also requests sanctions in the amount of \$3,000 pursuant to Family Code §271 and an order directing Respondent to provide new documentation from the minor's therapist in order to show a material change in circumstances before filing any new motion to modify custody or for reunification.

Respondent objects to the court's consideration of the letter from the minor's current therapist as hearsay, lack of foundation and lack of authentication.

After reviewing the filings as outlined above the court is concerned with the breadth and finality of Ms. Brownell's statement that Respondent has "no healthy part in [the minor's] current and future development," and with Petitioner's representation that Ms. Coy was of the opinion that reunification therapy should not take place between the minor and

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Respondent when Ms. Coy has provided a declaration indicating otherwise. On the other hand, the court is familiar with Stephanie Stilley and her extensive experience with reunification counseling. Therefore, the court does find that it would be in the minor's best interests to assign reunification counseling to Ms. Stilley while the minor continues in her individual counseling with her current therapist Ms. Brownell. This ensures her ongoing continuity in individual therapy while affording Ms. Stilley the opportunity to meet with the minor and make a determination regarding her opinions as to reunification therapy. As such, Stephanie Stilley shall be appointed as the reunification counselor and reunification counseling shall take place at a frequency and duration as directed by Ms. Stilley. The parties shall comply with Ms. Stilley's treatment recommendations. The minor shall continue in her individual therapy with Ms. Brownell.

Petitioner's request directing Respondent to obtain documentation from the minor's therapist prior to filing any future custody motions is denied as the court is concerned this would be unworkable given that there does seem to be a lack of communication between Respondent and the minor's treating therapist.

Petitioner's request for sanctions is denied as the court does not find that Respondent acted with the intention to frustrate the policy of the law which is to promote settlement and reduce the cost of litigation.

Regarding Respondent's request for § 2030 attorney's fees, that request was not made in Respondent's RFO, but rather in her May 20th Declaration. Further, the request under § 2030 is not appropriate as the parties were never married. Therefore, the court denies Respondent's request for attorney's fees pursuant to Family Code section 2030.

TENTATIVE RULING #5: STEPHANIE STILLEY SHALL BE APPOINTED AS THE REUNIFICATION COUNSELOR AND REUNIFICATION COUNSELING SHALL TAKE PLACE AT A FREQUENCY AND DURATION AS DIRECTED BY MS. STILLEY. THE PARTIES SHALL COMPLY WITH MS. STILLEY'S TREATMENT RECOMMENDATIONS. THE MINOR SHALL CONTINUE IN HER INDIVIDUAL THERAPY WITH MS. BROWNELL. PETITIONER'S REQUEST DIRECTING RESPONDENT TO OBTAIN DOCUMENTATION FROM THE MINOR'S THERAPIST PRIOR TO FILING ANY FUTURE CUSTODY MOTIONS IS DENIED AS THE COURT IS CONCERNED THIS WOULD BE UNWORKABLE GIVEN THAT THERE DOES SEEM TO BE A LACK OF COMMUNICATION BETWEEN RESPONDENT AND THE MINOR'S TREATING THERAPIST. PETITIONER'S 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 TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE

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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

May 30, 2024

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

6. JASON STEPHENS V. TANYA STEPHENS

24FL0206

On March 6, 2024, Petitioner filed a Request for Order (RFO) concurrently with the Petition for Dissolution of Marriage. Both documents, along with all other required documents, were personally served on March 26th.

The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 8th, however neither party appeared at the appointment. This matter is dropped from calendar due to the parties' failure to appear at CCRC.

TENTATIVE RULING #6: THIS MATTER IS DROPPED FROM CALENDAR DUE TO THE PARTIES' FAILURE TO APPEAR AT CCRC.

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

May 30, 2024

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

7. JULIE ANNE BARRAZA V. NICHOLAS VINCENT BARRAZA

PFL20170408

On December 20, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. He filed his Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents, were personally served on January 8, 2024.

Petitioner filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on February 29th.

Respondent filed and served an Updating Declaration on March 1st. On March 8th, Petitioner filed and served Petitioner's Reply to Respondent's Updating Declaration.

Respondent is requesting primary physical custody of both minor children or, in the alternative, a significant expansion of his parenting time to take place in California and to include all summers, all of winter break on alternating years and half of winter break on the years he does not have the entire break. He is also requesting a Family Code § 3111 child custody evaluation.

In addition to the custody and visitation orders Respondent is requesting the following: (1) The receiving parent to schedule and pay for flights for the minors whether or not Petitioner is available to travel with them and confirmation that they may fly unaccompanied by an adult into specified airports; (2) Non-emergency communications between the parties to be brief, peaceful and to take place using either Talking Parents or Our Family Wizard. He requests an order directing the parties to respond to communications within 24 hours of receipt, even if the response is just an acknowledgment of receipt; (3) The court to issue the standard CCRC respect guidelines; and (4) Confirmation of the child support modification agreed upon by the parties on March 20, 2022 which set support at \$600 per month plus payment of the children's airline flights.

Petitioner is opposing the requested change in visitation as well as the request for a 3111 evaluation. She asks that the parent receiving the children pay for flights and fly out to pick up the children. She agrees with non-emergency communications to take place using Talking Parents as well as the imposition of non-disparagement/respect guidelines. Finally, she also asks the court to confirm the agreed upon modification of the child support orders.

The parties attended Child Custody Recommending Counseling (CCRC) on January 22nd and a report containing agreements and recommendations was prepared on January 25th. The CCRC report was mailed to the parties on January 26th. Respondent requested the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

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parties be re-referred to CCRC with an order directing the CCRC counselor to interview the children.

The matter came before the court for hearing on March 14th at which time the court re-referred the parties to CCRC and directed CCRC to interview the minors. A review hearing was set for the present date.

The re-set CCRC appointment was held on April 5th and the CCRC counselor interviewed the minors as requested by the court. After doing so, CCRC determined that its prior recommendations remained in the best interests of the minors with one modification which was stated in the updated CCRC report dated April 8, 2024.

The court has reviewed the filings as outlined above and finds the agreements and recommendations contained in the January 25, 2024 and April 8, 2024 CCRC reports to be in the best interests of the minors; they are therefore, hereby adopted as the orders of the court. The request for a §3111 evaluation is denied as the court does not find it to be necessary to determine the best interests of the minors.

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

TENTATIVE RULING #7: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE JANUARY 25, 2024 AND APRIL 8, 2024 CCRC REPORTS TO BE IN THE BEST INTERESTS OF THE MINORS; THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE REQUEST FOR A SECTION 3111 EVALUATION IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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DEPARTMENT 5

May 30, 2024

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

8. MICHAEL BIELIK V. AMANDA HARMON

PFL20180288

Respondent filed an ex parte request for emergency custody orders on January 4, 2024. Respondent requested temporary sole legal and physical custody of the minors. The court granted the request on January 5, 2024, and referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on January 23, 2024 and a review hearing on March 14th. Proof of Service shows Petitioner was personally served on January 18, 2024.

Only Respondent appeared for the January 23rd CCRC appointment. As such a single parent report was filed with the court and copies were mailed to the parties the same day.

Petitioner filed and served a Responsive Declaration on February 20, 2024. Petitioner requested the parties be rereferred to CCRC, as he was unable to attend due to his incarceration and needing additional time to make arrangements to appear telephonically. The court granted the request and re-referred the parties to CCRC. A review hearing was set for the present date.

The parties attended the re-set CCRC appointment on April 4th. The parties were able to reach a number of agreements but did not agree on all issues, therefore, a report with agreements and recommendations was prepared and mailed to the parties on April 11th.

After reviewing the filings as outlined above, the court finds the agreements and recommendations as stated in the April 11, 2024 CCRC report to be in the best interests of the minors and they are therefore hereby adopted as the orders of the court.

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

TENTATIVE RULING #8: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS AS STATED IN THE APRIL 11, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

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
May 30, 2024
8:30 a.m./1:30 p.m.

9. 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 appeared for the hearing on April 4, 2024. The parties were ordered to participate in genetic testing to determine the biological parentage of the minor. The court directed the testing be conducted by a licensed laboratory. The court set a further review hearing for May 30, 2024, to receive the results of the genetic testing.

Petitioner filed a Declaration on April 30, 2024, which included the genetic testing results. Respondent was personally served on May 3, 2024.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #9: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

10. ASHLEY ST. GEORGE V. JOSHUA ST. GEORGE

22FL0412

Respondent filed an ex parte application for emergency child custody and parenting plan orders on March 27, 2024. The court denied the request on March 29, 2024. Respondent filed a Request for Order (RFO) on March 29, 2024, making the same requests as set forth in the ex parte application. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had been referred within the prior six months. Upon review of the court file, the Proof of Service shows Petitioner was served with the RFO and Notice of Tentative ruling by mail on May 20, 2024. The is less than 16 court days as required.

Respondent filed a Responsive Declaration to his own motion on May 21, 2024. Proof of Service shows Petitioner was served on May 20, 2024, by mail. The court finds this service to be untimely and the document to be late filed.

Petitioner filed a Responsive Declaration on May 24, 2024. There is no Proof of Service for this document, therefore, the court has not considered it.

The court finds Respondent failed to properly serve Petitioner. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #10: 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
May 30, 2024
8:30 a.m./1:30 p.m.

11. DCSS V. VANESSA PIPER (OTHER PARENT: JOSIAH FISHER) PFS20190186

Other Parent filed an ex parte application for emergency orders on April 11, 2024. On April 12, 2024, the court denied the request on an ex parte basis, but made a referral to an emergency set Child Custody Recommending Counseling (CCRC) appointment on April 30, 2024 and a review hearing on May 30, 2024. Other Parent filed a Request for Order (RFO) on April 12, 2024, 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 Petitioner or Respondent were served with the RFO or referral to CCRC.

Respondent filed a Responsive Declaration on April 12, 2024. There is no Proof of Service for this document, therefore, the court cannot consider it.

Both parties appeared at CCRC on April 30, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on May 15, 2024, and mailed to the parties on May 16th.

Although proper notice was not provided to Petitioner or Respondent, the court finds good cause to proceed with the matter. Respondent appeared at the CCRC appointment and while the court cannot consider it, has filed a Responsive Declaration. There is no request to modify child support orders currently before the court. The court has read and considered the May 15th CCRC report and finds the recommendations to be in the minors' best interests. The court adopts the recommendations as its orders.

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

TENTATIVE RULING #11: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE MATTER. RESPONDENT APPEARED AT THE CCRC APPOINTMENT AND WHILE THE COURT CANNOT CONSIDER IT, HAS FILED A RESPONSIVE DECLARATION. THERE IS NO REQUEST TO MODIFY CHILD SUPPORT ORDERS CURRENTLY BEFORE THE COURT. THE COURT HAS READ AND CONSIDERED THE MAY 15TH CCRC REPORT AND FINDS THE RECOMMENDATIONS TO BE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

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

May 30, 2024

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

12. JUAN LUIS AGUILAR ARGUELLO V. VERONICA RIOS FRANCO AGUILAR 23FL0719

Respondent filed a Request for Order (RFO) on March 27, 2024, requesting the court compel Petitioner to complete his Preliminary Declaration of Disclosure (PDD). Proof of Service shows Petitioner was served on April 4, 2024.

Petitioner filed a Responsive Declaration on May 6, 2024. Respondent was served on May 6, 2024. Petitioner asserts he has completed and now as served Respondent with all the necessary documents. The court notes Petitioner filed the Declaration of Service showing the PDD was served on Respondent on May 6, 2024.

As Petitioner has served his PDD on Respondent on May 6, 2024, the court finds the RFO to be moot. As such, the matter is dropped from the court's calendar.

TENTATIVE RULING #12: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR AS MOOT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

13. MARY RAINES V. TRAVIS JOHN TYUS

PFL20110433

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 4, 2024. Petitioner was personally served on April 7, 2024.

The court, on its own motion, for judicial economy, continues the OSC to June 20, 2024, at 1:30 PM in Department 5 to join with the matter that is currently set to be heard on the issues of custody and parenting time.

TENTATIVE RULING #13: THE COURT, ON ITS OWN MOTION, FOR JUDICIAL ECONOMY, CONTINUES THE OSC TO JUNE 20, 2024, AT 1:30 PM IN DEPARTMENT 5 TO JOIN WITH THE MATTER THAT IS CURRENTLY SET TO BE HEARD ON THE ISSUES OF CUSTODY AND PARENTING TIME.

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

May 30, 2024

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

14. PATRICIA DAVY V. CHARLES DAVY

PFL20200494

On November 30, 2023, the court adopted the recommendations as set forth in the October 17, 2023, CCRC report as its orders with the following exceptions: the court did not adopt the order for joint physical custody. The court found Respondent had not yet overcome the Family Code section 3044 presumption. The court also did not adopt the final step in the step-up plan. The court set forth a schedule to select a reunification therapist. The court set a further review hearing for May 30, 2024, at 1:30 in Department 5 to address the Family Code section 3044 presumptions and determine if Respondent has overcome the presumptions.

Petitioner filed a Declaration on May 13, 2024. Upon review of the court file, there is no Proof of Service for this document, and as such, the court cannot consider it.

Respondent filed a Declaration on May 22, 2024, which is less than 10 days prior to the hearing. Proof of Service shows Petitioner was served on May 22, 2024. The court has not considered this document as it was late filed.

The court orders parties to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

15. 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.

Parties appeared on April 4, 2024, at which time the Public Defender's Office declared a conflict. The court appointed the Alternate Public Defender, Ms. Lua. Ms. Lua requested the matter be continued as she had just been appointed and needed an opportunity to meet with her client. The court granted the request to continue to set the matter for further arraignment on May 30, 2024.

The parties are ordered to appear for arraignment.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

16. RYLEE ANDERSEN V. GREGORY LIDDLE

23FL0066

Respondent filed a Request for Order (RFO) on March 21, 2024, requesting the court change venue and transfer the case to Nevada County where he and the minor currently reside. Petitioner was served by mail on April 25, 2024.

Petitioner has not filed a Responsive Declaration.

Code of Civil Procedure section 397.5 provides: "...where it appears that both petitioner and respondent have moved from the county rendering the order, the court may, when the ends of justice and the convenience of the parties would be promoted by the change, order that the proceedings be transferred to the county of residence of either party." Additionally, with the resolution of the current RFO there are no additional matters pending before the court.

Respondent asserts Nevada County is more convenient for he and the minor to attend court. However, the court notes, Petitioner was served at an address in El Dorado County.

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 timely and properly served on Petitioner. Petitioner chose not to file an opposition to the RFO. As such, the court finds good cause to treat this failure to do so as an admission that the claims made in the RFO are meritorious. Respondent's RFO is granted. For the convenience of the parties and in the interest of justice, the case is transferred to Nevada County. Respondent is ordered to pay the fees or obtain a fee waiver to effectuate the transfer to Nevada County.

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 #16: FOR THE REASONS SET FORTH ABOVE, RESPONDENT'S RFO IS GRANTED. FOR THE CONVENIENCE OF THE PARTIES AND IN THE INTEREST OF JUSTICE, THE CASE IS TRANSFERRED TO NEVADA COUNTY. RESPONDENT IS ORDERED TO PAY THE FEES OR OBTAIN A FEE WAIVER TO EFFECTUATE THE TRANSFER TO NEVADA COUNTY. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

17. STEVEN WILLIAMS V. CALLIE WILLIAMS

23FL0918

Respondent filed an ex parte application for emergency custody and parenting plan orders on April 11, 2024. Petitioner was properly served. Petitioner did not file a Responsive Declaration. On April 12, 2024, the court granted Respondent's request for temporary sole physical custody of the minors. The court ordered Petitioner to have professionally supervised visitation two times per week at Respondent's expense. The court appointed Ms., Kelly Bentley as Minor's Counsel. The parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment set for April 30, 2024, and a review hearing set for May 30, 2024. Respondent filed a Request for Order (RFO) on April 12, 2024, making the same requests as set forth in the ex parte application. Proof of Service shows Petitioner was personally served all the necessary documents, including the ex parte orders, on April 17, 2024.

Respondent filed a Declaration on April 29, 2024, for which there is no Proof of Service and therefore, has not been considered.

Respondent filed a Supplemental Declaration on May 20, 2024. There is no Proof of Service for this document, and therefore, the court has not considered it.

Parties attended CCRC and were unable to reach any agreements. A report with recommendations was filed with the court on May 24, 2024, and mailed to the parties the same day.

The court finds it needs further input from Minors' Counsel. Therefore, the parties are ordered to appear for the hearing.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

18. TRAVIS KENNEDY V. JESSI ANNE CONNERS

22FL1174

Petitioner filed a Request for Order (RFO) on March 26, 2024, requesting “Dissolution of Marriage”. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO.

Respondent has not filed a Responsive Declaration.

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

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM THE COURT’S CALENDAR DUE TO LACK OF PROPER SERVICE.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

19. YOLANDA SALAZAR V. WILLIAM QUIRANTE

24FL0179

Petitioner filed a Request for Order (RFO) on March 21, 2024, requesting spousal support. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO or the Income and Expense Declaration.

Petitioner filed a subsequent RFO and Income and Expense Declaration on April 29, 2024. Petitioner is requesting attorney's fees in the amount of \$5,000. Proof of Service shows Respondent was served on April 29, 2024.

Petitioner filed a Declaration on May 1, 2024. There is no Proof of Service for this Document, therefore, the court has not considered it. The court notes, however, the document contains 33 pages of attachments which have not been redacted. These attachments include personal identifying information, as well as full account numbers for various accounts. Petitioner is reminded that the court file is a public record and any member of the public may access it. Due to the sensitive nature of the attachments, and the potential for fraud and identity theft, the court has placed this document in the confidential portion of the file. Petitioner is admonished to use caution when filing such records in the future.

Petitioner filed a Supplemental Declaration on May 15, 2024. Proof of Service shows Respondent was served on May 15, 2024. This Declaration contains 111 pages of materials which are not relevant to Petitioner's RFOs. Further, once again, there are unredacted attachments that contain personal identifying information, as well as medical records of the parties' children. These records are highly sensitive in nature. Petitioner is once again admonished that the Family Law case file is a public record. The court has placed these documents into the confidential portion of the file due to their sensitive nature.

Respondent has not filed a Responsive Declaration nor an Income and Expense Declaration.

Petitioner's March 21, 2024 RFO is dropped from calendar due to the lack of proper service.

Parties are ordered to appear on the April 29, 2024 RFO requesting attorney's fees.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR ON PETITIONER'S APRIL 29, 2024 RFO FOR ATTORNEY'S FEES.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 30, 2024

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

PETITIONER IS ADMONISHED TO REFRAIN FROM FILING UNREDACTED ATTACHMENTS WHICH CONTAIN SENSITIVE INFORMATION.

PETITIONER'S MARCH 21, 2024 RFO FOR SPOUSAL SUPPORT IS DROPPED FROM THE COURT'S CALENDAR DUE TO THE FAILURE 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.