

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**1. CORY VAUGHN V. BROOKE MARTINEZ**

**PFL20210525**

Petitioner filed a Request for Order (RFO) on February 23, 2024 seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was set for hearing on the present date. The RFO, CCRC referral, and all other required documents were mail served on February 26<sup>th</sup>.

Only Petitioner appeared at the scheduled CCRC appointment therefore a single parent report was prepared without recommendations. The report was mailed to the parties on March 11<sup>th</sup>.

Respondent's Responsive Declaration to Request for Order was filed on April 24<sup>th</sup>. It was electronically served the same day; however, the Proof of Service is signed by Respondent herself and is therefore defective. The court cannot consider this document due to improper service.

Petitioner brings his RFO requesting temporary sole legal and sole physical custody of the parties' minor child with supervised visitation time to Respondent for up to 4 hours per week.

The parties are re-referred to CCRC with an appointment on 6/7/2024 at 9:00 AM with Michaela Murphy. A review hearing is set for 7/25/2024 at 8:30 AM in department 5. The CCRC counselor is directed to inquire into the charges against Respondent for alleged domestic violence and to address whether or not Family Code § 3044 is applicable. Respondent is advised that failure to appear at the CCRC appointment may result in monetary sanctions.

Pending the next review hearing Petitioner shall have temporary sole physical custody of the minor child. Respondent shall have non-professionally supervised visitation time on Sundays from 9am-3pm with a non-professional supervisor who is agreed upon by the parties. Tucker Sproull is not permitted to attend the visits and Respondent shall ensure the minor has no contact with Mr. Sproull. The parties are further ordered to ensure that the minor is transported only by licensed and insured drivers.

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

**TENTATIVE RULING #1: THE PARTIES ARE RE-REFERRED TO CCRC WITH AN APPOINTMENT ON 6/7/2024 AT 9:00 AM WITH MICHAEL MURPHY. A REVIEW HEARING IS SET FOR 7/25/2024 AT 8:30 AM IN DEPARTMENT 5. THE CCRC COUNSELOR IS DIRECTED TO INQUIRE INTO THE CHARGES AGAINST RESPONDENT FOR ALLEGED DOMESTIC VIOLENCE AND TO ADDRESS WHETHER OR NOT FAMILY CODE § 3044 IS APPLICABLE. RESPONDENT IS ADVISED THAT FAILURE TO APPEAR AT THE CCRC APPOINTMENT MAY RESULT IN MONETARY SANCTIONS.**

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**PENDING THE NEXT REVIEW HEARING PETITIONER SHALL HAVE TEMPORARY SOLE PHYSICAL CUSTODY OF THE MINOR CHILD. RESPONDENT SHALL HAVE NON-PROFESSIONALLY SUPERVISED VISITATION TIME ON SUNDAYS FROM 9AM-3PM WITH A NON-PROFESSIONAL SUPERVISOR WHO IS AGREED UPON BY THE PARTIES. TUCKER SPROULL IS NOT PERMITTED TO ATTEND THE VISITS AND RESPONDENT SHALL ENSURE THE MINOR HAS NO CONTACT WITH MR. SPROULL. THE PARTIES ARE FURTHER ORDERED TO ENSURE THAT THE MINOR IS TRANSPORTED ONLY BY LICENSED AND INSURED DRIVERS.**

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

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

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**2. HANNAH KRUMWIEDE V. JONATHON KRUMWIEDE**

**23FL1137**

On February 23, 2024, this matter came before the court for hearing on a Request for Domestic Violence Restraining Order (DVRO). At the hearing, Petitioner requested to have the matter dropped. The court granted the request and dropped the temporary DVRO. Respondent then requested attorney's fees. The request was set for hearing on the present date. The court has not received filings from either party since the last hearing date.

Family Code section 6344 is the mechanism by which a prevailing party on a DVRO request may recover their attorney's fees and costs. If the prevailing party was the party that defended against the DVRO the court "may" issue an order for the payment of attorney's fees "only if the respondent establishes by a preponderance of the evidence that the petition or request is frivolous or solely intended to abuse, intimidate, or cause unnecessary delay." Fam. Code § 6344(b).

Respondent has not provided the court with any evidence to support his burden of proof that the DVRO request was either frivolous or intended solely to abuse, intimidate, or cause unnecessary delay. He further has failed to provide the court with the amount of attorney's fees sought. Respondent's request for attorney's fees is therefore denied. Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #2: RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED.  
RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**3. HILLARY ERICKSON V. MATTHEW ERICKSON**

**23FL0136**

On January 26, 2024, Respondent filed a Request for Order (RFO) seeking custody, visitation, and child support orders. He filed his Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents, were mail served and electronically served on January 29<sup>th</sup>.

Petitioner filed and served her Responsive Declaration to Request for Order on February 2, 2024.

The parties attended Child Custody Recommending Counseling (CCRC) on February 9<sup>th</sup> but were unable to reach any agreements. A report with recommendations was prepared and mailed to the parties on February 27<sup>th</sup>.

On March 20<sup>th</sup> the parties filed a Stipulation and Order for Parenting Provisions and Other.

Petitioner filed an Updating Declaration on April 9<sup>th</sup>. There is no Proof of Service for this document therefore the court cannot consider it.

On April 22<sup>nd</sup>, Petitioner filed her Income and Expense Declaration. It was served on April 18<sup>th</sup>. She then filed and served a Declaration of Attorney on April 30<sup>th</sup>.

Respondent filed his updated Income and Expense Declaration on May 1<sup>st</sup>.

Respondent filed his RFO requesting joint legal and joint physical custody of the parties' minor children with a 50/50 timeshare. He further requests that the prior order for Soberlink testing be vacated. Finally, he asks the court to recalculate child support based on the new timeshare.

Petitioner is opposing the requests made by Respondent. Instead, she asks for Respondent to have parenting time on alternating weekends and two after school days per week on Tuesdays and Thursdays until 8pm. Notwithstanding the foregoing, Petitioner asks that Respondent's parenting time be contingent upon his continued Soberlink testing. Testing to include Level 2 Soberlink daily testing 7 days a week with the Plus Plan which emails Petitioner real time results. She asks for an order establishing missed tests to be treated as positive tests. She further requests sole legal custody or, in the alternative, final decision-making authority.

Petitioner agrees to guideline child support based on each party's actual income and timeshare starting February 1, 2024. She is also asking the court to determine support arrears and make an arrears schedule with interest for support not paid by Respondent for December and January (\$4,000).

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After reviewing the filings as outlined above the court does not find an increase in Respondent's parenting time is in the best interests of the children at this time. Given Respondent's recent DUI the court is not inclined to discontinue the Soberlink testing and with the children's statements regarding the stress Soberlink causes, increasing Respondent's visitation while continuing to test seems that it would only increase confrontation between the parties and stress on the children. The parties are to continue sharing joint legal custody. Respondent is to have visitation with the children every Tuesday and Thursday from pick up at school (or 3:00 pm if school is not in session) until 8:00 pm and every other weekend from Friday pick up at school (or 3:00pm if school is not in session) until Monday drop off at school (or 8:00am if school is not in session).

Neither party shall consume alcohol or drugs without a valid prescription during his or her parenting time or when contacting the children either telephonically, by videocall, or text. Respondent shall not use Ambien during his parenting time or within 8 hours prior to his parenting time. For each weekday visit, Respondent shall Soberlink test within 15 minutes of the beginning of each visit and within 15 minutes of the end of each visit. For weekend visits Respondent shall test twice per day, once in the morning and once in the evening. All tests must be done outside the presence of the children and results must be sent to Petitioner in real time using the Level 2 Soberlink Plus subscription. Any missed test or refusal to test shall be considered a positive test. Neither party shall discuss Soberlink testing with, or in the presence of, the children.

Neither party shall transport the children without a valid license and insurance.

The court is adopting the following recommendations from the February 27, 2024 CCRC report: Phone Contact Between the Parties and Children, Children's Clothing and Belongings, Co-Parenting Counseling, Individual Therapy, and Parenting Course. References to a CASA in the Co-Parenting Counseling and Individual Therapy sessions shall be considered deleted as the court is not adopting the recommendation for a CASA.

Regarding child support, utilizing a 29% timeshare and the figures as outlined in the attached DissoMaster report, the court finds that child support is \$1,320 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$1,320 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. This order is to be effective as of February 1, 2024.

The court finds the above order results in arrears in the amount of \$5,280 through and including May 1, 2024. Additionally, Respondent is ordered to pay \$4,000 plus legal interest as arrears for the months of December and January. The court orders Respondent pay Petitioner \$500 on the 15th of each month commencing on May 15<sup>th</sup> and continuing until paid in full. If

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any payment is late or missed the remaining balance shall become immediately due and payable with interest.

The court further finds Petitioner routinely earns commission or bonus pay and therefore, has included a bonus table with the DissoMaster. The parties are to calculate the true up of any bonuses or commissions earned no later than fourteen days from the date the payment is received.

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

**TENTATIVE RULING #3: THE PARTIES SHALL CONTINUE TO SHARE JOINT LEGAL CUSTODY. RESPONDENT IS TO HAVE VISITATION WITH THE CHILDREN EVERY TUESDAY AND THURSDAY FROM PICK UP AT SCHOOL (OR 3:00 PM IF SCHOOL IS NOT IN SESSION) UNTIL 8:00 PM AND EVERY OTHER WEEKEND FROM FRIDAY PICK UP AT SCHOOL (OR 3:00PM IF SCHOOL IS NOT IN SESSION) UNTIL MONDAY DROP OFF AT SCHOOL (OR 8:00AM IF SCHOOL IS NOT IN SESSION).**

**NEITHER PARTY SHALL CONSUME ALCOHOL OR DRUGS WITHOUT A VALID PRESCRIPTION DURING HIS OR HER PARENTING TIME OR WHEN CONTACTING THE CHILDREN EITHER TELEPHONICALLY, BY VIDEOCALL, OR TEXT. RESPONDENT SHALL NOT USE AMBIEN DURING HIS PARENTING TIME OR WITHIN 8 HOURS PRIOR TO HIS PARENTING TIME. FOR EACH WEEKDAY VISIT, RESPONDENT SHALL SOBERLINK TEST WITHIN 15 MINUTES OF THE BEGINNING OF EACH VISIT AND WITHIN 15 MINUTES OF THE END OF EACH VISIT. FOR WEEKEND VISITS RESPONDENT SHALL TEST TWICE PER DAY, ONCE IN THE MORNING AND ONCE IN THE EVENING. ALL TESTS MUST BE DONE OUTSIDE THE PRESENCE OF THE CHILDREN AND RESULTS MUST BE SENT TO PETITIONER IN REAL TIME USING THE LEVEL 2 SOBERLINK PLUS SUBSCRIPTION. ANY MISSED TEST OR REFUSAL TO TEST SHALL BE CONSIDERED A POSITIVE TEST. NEITHER PARTY SHALL DISCUSS SOBERLINK TESTING WITH, OR IN THE PRESENCE OF, THE CHILDREN.**

**NEITHER PARTY SHALL TRANSPORT THE CHILDREN WITHOUT A VALID LICENSE AND INSURANCE.**

**THE COURT IS ADOPTING THE FOLLOWING RECOMMENDATIONS FROM THE FEBRUARY 27, 2024 CCRC REPORT: PHONE CONTACT BETWEEN THE PARTIES AND CHILDREN, CHILDREN'S CLOTHING AND BELONGINGS, CO-PARENTING COUNSELING, INDIVIDUAL THERAPY, AND PARENTING COURSE. REFERENCES TO A CASA IN THE CO-PARENTING COUNSELING AND INDIVIDUAL THERAPY SESSIONS SHALL BE CONSIDERED DELETED AS THE COURT IS NOT ADOPTING THE RECOMMENDATION FOR A CASA.**

**UTILIZING A 29% TIMESHARE AND THE SAME FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT CHILD SUPPORT IS \$1,320 PER MONTH. SEE**

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**ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,320 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS TO BE EFFECTIVE AS OF FEBRUARY 1, 2024.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$5,280 THROUGH AND INCLUDING MAY 1, 2024. ADDITIONALLY, RESPONDENT IS ORDERED TO PAY \$4,000 PLUS LEGAL INTEREST AS ARREARS FOR THE MONTHS OF DECEMBER AND JANUARY. THE COURT ORDERS RESPONDENT PAY PETITIONER \$500 ON THE 15TH OF EACH MONTH COMMENCING ON MAY 15<sup>TH</sup> AND CONTINUING UNTIL PAID IN FULL. IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH INTEREST.**

**THE COURT FURTHER FINDS PETITIONER ROUTINELY EARNS COMMISSION OR BONUS PAY AND THEREFORE, HAS INCLUDED A BONUS TABLE WITH THE DISSOMASTER. THE PARTIES ARE TO CALCULATE THE TRUE UP OF ANY BONUSES OR COMMISSIONS EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE PAYMENT IS RECEIVED.**

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

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	29%	0%	Father	10,099 Payment (cost)/benefit	(1,320)	1,320
Filing status	HH/MLA	HH/MLA	Mother	10,790 Net spendable income	8,779	12,110
# Federal exemptions	1*	3*	Total	20,889 % combined spendable	42%	58%
Wages + salary	15,324	15,589	<b>Support</b>	Total taxes	4,536	4,208
401(k) employee contrib	0	0	CS Payor	Father Comb. net spendable	20,889	
Self-employment income	0	0	Presumed	(1,320) <b>Proposed</b>		
Other taxable income	0	0	Basic CS	(1,320) Payment (cost)/benefit	(1,320)	1,320
Short-term cap. gains	0	0	Add-ons	0 Net spendable income	8,779	12,110
Long-term cap. gains	0	0	Presumed Per Kid	NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	(481) % combined spendable	42%	58%
Ordinary dividends	0	0	Child 2	(840) % of saving over gdl	0%	0%
Tax. interest received	0	0	Spousal support	blocked Total taxes	4,536	4,208
Social Security received	0	0	Total	(1,320) Comb. net spendable	20,889	
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>	Percent change	0.0%	
Operating losses	0	0	CS Payor	Father <b>Default Case Settings</b>		
Ca. operating loss adj.	0	0	Presumed	(1,320)		
Roy, partnerships, S corp, trusts	0	0	Basic CS	(1,320)		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	(481)		
New-spouse income	0	0	Child 2	(840)		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	(1,320)		
Adj. to income (ATI)	0	0	Savings	0		
Ptr Support Pd. other P'ships	0	0	No releases			
Health insurance	689	591				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	MOTHER ANNUAL BONUS WAGES REPORT 2024 Yearly	
		CASE NUMBER:

"R" denotes that Mother is a recipient for the corresponding support  
"CS%" is the percentage of Bonus paid as additional Child Support  
"SS%" is the percentage of Bonus paid as additional Spousal Support

Mother's Gross Bonus	Basic CS%	Basic CS	Santa Clara SS%	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	15,844 R	0	15,844 R
500	7.18	36	0.00	0	15,808 R	0	15,808 R
1,000	7.17	72	0.00	0	15,772 R	0	15,772 R
1,500	7.17	108	0.00	0	15,737 R	0	15,737 R
2,000	7.17	143	0.00	0	15,701 R	0	15,701 R
2,500	7.16	179	0.00	0	15,665 R	0	15,665 R
3,000	7.16	215	0.00	0	15,629 R	0	15,629 R
3,500	7.16	251	0.00	0	15,594 R	0	15,594 R
4,000	7.15	286	0.00	0	15,558 R	0	15,558 R
4,500	7.15	322	0.00	0	15,522 R	0	15,522 R
5,000	7.15	357	0.00	0	15,487 R	0	15,487 R
5,500	7.15	393	0.00	0	15,451 R	0	15,451 R
6,000	7.14	429	0.00	0	15,416 R	0	15,416 R
6,500	7.14	464	0.00	0	15,380 R	0	15,380 R
7,000	7.14	499	0.00	0	15,345 R	0	15,345 R
7,500	7.13	535	0.00	0	15,309 R	0	15,309 R
8,000	7.13	570	0.00	0	15,274 R	0	15,274 R
8,500	7.13	606	0.00	0	15,238 R	0	15,238 R
9,000	7.12	641	0.00	0	15,203 R	0	15,203 R
9,500	7.12	676	0.00	0	15,168 R	0	15,168 R
10,000	7.12	712	0.00	0	15,132 R	0	15,132 R
10,500	7.11	747	0.00	0	15,097 R	0	15,097 R
11,000	7.11	782	0.00	0	15,062 R	0	15,062 R
11,500	7.11	817	0.00	0	15,027 R	0	15,027 R
12,000	7.10	853	0.00	0	14,992 R	0	14,992 R
12,500	7.10	888	0.00	0	14,956 R	0	14,956 R
13,000	7.06	917	0.00	0	14,927 R	0	14,927 R
13,500	7.05	952	0.00	0	14,892 R	0	14,892 R
14,000	7.01	981	0.00	0	14,863 R	0	14,863 R
14,500	7.01	1,016	0.00	0	14,828 R	0	14,828 R
15,000	6.97	1,045	0.00	0	14,799 R	0	14,799 R
15,500	6.96	1,079	0.00	0	14,765 R	0	14,765 R
16,000	6.93	1,108	0.00	0	14,736 R	0	14,736 R
16,500	6.93	1,143	0.00	0	14,701 R	0	14,701 R
17,000	6.89	1,172	0.00	0	14,672 R	0	14,672 R
17,500	6.89	1,206	0.00	0	14,638 R	0	14,638 R

PETITIONER:	CASE NUMBER:
RESPONDENT:	

**Mother Annual Bonus Wages Report, cont'd**

Mother's Gross Bonus	Basic CS%	Basic CS	Santa Clara SS%	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
18,000	6.86	1,235	0.00	0	14,609 R	0	14,609 R



**4. JOHN CRISAFULLI V. ANITA CRISAFULLI**

**22FL1192**

*Sanctions Requests*

All requests for sanctions are continued to join with the trial currently set to begin on June 25<sup>th</sup>. The court reserves jurisdiction on all requests.

*Attorney's Fees*

The court reserves jurisdiction on the request for attorney's fees and continues the issue to join with trial currently set to begin on June 25<sup>th</sup>.

*Review Hearing*

The review hearing on unresolved debts is continued to join with the trial currently set to begin on June 25<sup>th</sup>.

*Property Lien/Sale of the Home*

On April 12, 2024, Petitioner filed a Request for Temporary Emergency Orders requesting the court deny Mr. Dosh's Family Law Property Lien on the parties' residence located on Borgata Way in El Dorado Hills. She also requests a stay on the recording of the lien, at limitation of the lien to \$18,612 and an order directing the parties to sell the home 'as is.'

There are no grounds for a stay on the lien for Mr. Dosh's attorney's fees. The sale of the home has already been addressed in the Memorandum of Understanding Enforceable Under CCP § 664.6 which filed by the parties and signed as the order of the court, therefore, there are already orders in place regarding the sale of the home and the court declines to vacate or amend those orders as Petitioner has failed to make the requisite showing for a motion for reconsideration or a motion to strike. For the foregoing reasons, Petitioner's Request for Order is denied. Petitioner shall prepare and file the Findings and Orders After Hearing.

*Order to Show Cause*

On January 8, 2024, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) alleging 67 counts of contempt against Petitioner. The OSC was personally served on January 18<sup>th</sup> and the parties came before the court for hearing on March 7<sup>th</sup>. At that time Petitioner requested a continuance of the arraignment to allow time to file a demurrer to the OSC. The court granted the continuance and set the arraignment for the present date. The court has not received a demurrer from Petitioner therefore the parties are ordered to appear for the arraignment.

**TENTATIVE RULING #4: ALL REQUESTS FOR SANCTIONS ARE CONTINUED TO JOIN WITH THE TRIAL CURRENTLY SET TO BEGIN ON JUNE 25<sup>TH</sup>. THE COURT RESERVES JURISDICTION ON ALL**

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**REQUESTS. THE COURT RESERVES JURISDICTION ON THE REQUEST FOR ATTORNEY'S FEES AND CONTINUES THE ISSUE TO JOIN WITH TRIAL CURRENTLY SET TO BEGIN ON JUNE 25<sup>TH</sup>. THE REVIEW HEARING ON UNRESOLVED DEBTS IS CONTINUED TO JOIN WITH THE TRIAL CURRENTLY SET TO BEGIN ON JUNE 25<sup>TH</sup>. PETITIONER'S APRIL 12, 2024 REQUEST FOR ORDER IS DENIED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING. THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT ON RESPONDENT'S JANUARY 8, 2024 OSC.**

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

**5. KAYLA BURGESS V. KYLE BURGESS**

**23FL0919**

On February 22, 2024, the parties appeared for the hearing on Petitioner's November 17, 2023, filed Request for Order (RFO). Parties reached several agreements and agreed to continue to the matter for further mediation. The court set a further review hearing to address the issues of spousal support and a parenting plan.

Respondent filed an updated Income and Expense Declaration on April 18, 2024. Petitioner as served on April 22, 2024.

Petitioner filed a Supplemental Declaration on May 2, 2024, along with an Income and Expense Declaration. Respondent was served electronically on May 2, 2024. This is less than 10 days prior to the hearing and therefore, the court cannot consider the filings.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #5: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**6. KENNETH CROMPTON V. DAYNA CROMPTON**

**23FL0077**

Respondent filed a Request for Order (RFO) on February 21, 2024. There is no Proof of Service for this document. However, Petitioner filed and served a Responsive Declaration to Request for Order on March 22<sup>nd</sup>.

On April 22<sup>nd</sup>, Petitioner filed and served a Supplemental Response Declaration of Petitioner, Kenneth Crompton and a Declaration of Attorney Layla Cordero Re: Fees and Costs.

The parties attended Child Custody Recommending Counseling (CCRC) on March 21, 2024. A report with recommendations was prepared and mailed to the parties on April 23<sup>rd</sup>.

Respondent's Update Re Status of Visitation and Request for Unsupervised Visitation was filed and served on April 25<sup>th</sup>. Respondent then filed her Supplemental Responsive Reply to CCRC Recommendation of Unsupervised Visitation and Step-Up Plan and Memorandum of Points and Authorities on May 2<sup>nd</sup> along with her Reply to Petitioner's Declaration in Opposition to Respondent's RFO.

Respondent brings her RFO seeking joint legal and joint physical custody of the parties' minor children with a 50% timeshare. She is asking the court to adopt the recommendations outlined in the August 3<sup>rd</sup> order which allows unsupervised visits.

Petitioner is requesting Family Code § 271 sanctions in the amount of \$3,800 to be paid on a payment plan of \$500 per month. He asks that payments commence as soon as Respondent has paid off the outstanding arrears amount. Additionally, Petitioner proposes a step-up plan which he has outlined in his Responsive Declaration to Request for Order however prior to the implementation of his proposed Tier 3, Petitioner is requesting a 3111 evaluation take place to ensure the Respondent's home is safe for the children.

It appears the orders being requested were made by the juvenile court and therefore, the court must find a significant change in circumstances prior to changing any such orders. The parties are ordered to appear to address this issue prior to the court ruling on any of the other requests.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**7. MICHAEL BRADBURN V. MEGAN WARNER**

**24FL0142**

On February 14, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling and a review hearing was set for the present date. The RFO was personally served along with several other documents on February 23<sup>rd</sup>.

Petitioner brings his RFO requesting joint legal and joint physical custody of the parties' minor children. He requests equal parenting time with a schedule agreed upon by the parties as well as a holiday schedule.

Only Petitioner participated in the CCRC appointment as scheduled; however, the parties stipulated to be re-referred to CCRC and a new appointment was set for March 20, 2024. The parties attended the newly set CCRC appointment and were able to reach agreements on all matters. A report with those agreements was prepared and mailed to the parties on April 25th.

The court has reviewed the filings of the parties as well as the CCRC report and finds the agreements contained in the CCRC report to be in the best interests of the children. Therefore, the agreements contained in the April 25, 2024 CCRC report are hereby adopted as the orders of the court. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #7: THE AGREEMENTS CONTAINED IN THE APRIL 25, 2024 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**8. MICHAEL NIELSEN V. LORENE NIELSEN**

**PFL20140434**

Petitioner filed a Request for Order (RFO) on February 22, 2024, requesting a modification of child custody and parenting plan, as well as child support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 21, 2024, and a review hearing on May 9, 2024. Respondent was served by mail on March 1, 2024.

Petitioner filed an Income and Expense Declaration on March 7, 2024. Proof of Service shows Respondent as served by mail on April 18, 2024. The court finds this service to be untimely.

Petitioner is requesting the parenting plan be modified to allow unsupervised parenting time. Petitioner is further requesting that child support be modified as one of the parties' children has reached the age of majority and will graduate from high school in May.

Both parties and the minor participated in CCRC. The parties were unable to reach any agreements. A report with recommendations was filed with the court on April 25, 2024. Copies were mailed to the parties the same day.

Respondent filed a Responsive Declaration on April 18, 2024. Petitioner was served by mail the same day. Respondent is opposed to the requested modifications of custody and parenting time. Respondent is requesting any phone contact be monitored and that there be no orders for individual or reunification counseling for the minor. Respondent does not object to the modification of child support based on the child reaching the age of majority and graduating from high school on May 27, 2024. Respondent notes the Department of Child Support Services (DCSS) handles child support in this matter.

Petitioner filed a Declaration with the Supervised Visitation notes attached on April 18, 2024. Proof of Service shows Respondent was served with the Declaration the same day.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the April 25<sup>th</sup> CCRC report are in the best interest of the minor. The current custody and parenting plan orders remain in full force and effect. Any telephone contact is to be professionally monitored at Petitioner's expense.

The court denies the request to modify child support. Petitioner has failed to properly notice DCSS. Further, Petitioner failed to concurrently file his Income and Expense Declaration and served it late on Respondent. Additionally, it appears DCSS is aware of the child reaching the age of majority and graduating from high school, and it set to make the adjustments to child support at the end of the month. For those reasons, Petitioner's request is denied.



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

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

**TENTATIVE RULING #8: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE APRIL 25<sup>TH</sup> CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE CURRENT CUSTODY AND PARENTING PLAN ORDERS REMAIN IN FULL FORCE AND EFFECT. ANY TELEPHONE CONTACT IS TO BE PROFESSIONALLY MONITORED AT PETITIONER'S EXPENSE. THE COURT DENIES THE REQUEST TO MODIFY CHILD SUPPORT. PETITIONER HAS FAILED TO PROPERLY NOTICE DCSS. FURTHER, PETITIONER FAILED TO CONCURRENTLY FILE HIS INCOME AND EXPENSE DECLARATION AND SERVED IT LATE ON RESPONDENT. ADDITIONALLY, IT APPEARS DCSS IS AWARE OF THE CHILD REACHING THE AGE OF MAJORITY AND GRADUATING FROM HIGH SCHOOL, AND IT SET TO MAKE THE ADJUSTMENTS TO CHILD SUPPORT AT THE END OF THE MONTH. FOR THOSE REASONS, PETITIONER'S REQUEST IS DENIED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 9, 2024

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

**9. NIKOLAS PAECH V. CAROLINE GIROUX**

**PFL20210276**

This matter is set for a hearing to review the progress in reunification therapy between the minors and Respondent, as well as the minors individual therapy progress, and the parties individual therapy progress.

Both Petitioner and Respondent submitted and served Supplemental Declarations on April 29, 2024. The court has read and considered both Declarations.

Upon review of the court file, the court does not have any update from Minors' Counsel. The court finds that input and updated information from Minors' Counsel to be imperative to this case. Therefore, the 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 9, 2024

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

**10. VINCENT FOSS V. SHANNON FOSS**

**PFL20210247**

Respondent filed a Request for Order (RFO) on September 26, 2023 seeking custody and visitation orders. The parties came before the court for hearing on January 11, 2024, at which time the court ordered the parties to ensure that the children were referred to a licensed mental health professional. The parties agreed to exercise a 2-2-5-5 parenting schedule and a review hearing was set for the present date.

Petitioner requests the court vacate the January 11<sup>th</sup> custody orders and return to the prior orders which granted him primary physical custody of the children with Respondent to have visitation on most weekends. According to Petitioner the children have been absent from school over 50 days since the beginning of the 2023/2024 school year due to Respondent's lack of discipline.

The court has reviewed the filings of the parties as outlined above and finds that it is in the best interests of the minors to return to the prior custody orders. Petitioner shall have primary physical custody of the minors. Respondent shall have visitation on the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> weekends of the month from Friday pick up at school to Sunday night. All prior orders not in conflict with this order remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #10: PETITIONER SHALL HAVE PRIMARY PHYSICAL CUSTODY OF THE MINORS. RESPONDENT SHALL HAVE VISITATION ON THE 1<sup>ST</sup>, 2<sup>ND</sup>, 4<sup>TH</sup>, AND 5<sup>TH</sup> WEEKENDS OF THE MONTH FROM FRIDAY PICK UP AT SCHOOL TO SUNDAY NIGHT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 9, 2024

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

**11. YURI WENTLING V. MICHAEL N. WENTLING**

**PD3051**

On February 9, 2024, Respondent filed a Request for Order (RFO) seeking to have the court appoint the clerk as elisor to sign the amended QDRO and for entry of the amended QDRO. A similar RFO was previously filed and granted, however, the QDRO for the Intel 401(k) plan was rejected as it did not include Petitioner's last known address. The QDRO has been amended to correct the error and Respondent now requests the court appoint the clerk as elisor to sign the amended QDRO.

Respondent's request is granted. The clerk is hereby appointed to act as elisor to sign the amended QDRO. Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #11: RESPONDENT'S REQUEST IS GRANTED. THE CLERK IS HEREBY APPOINTED TO ACT AS ELISOR TO SIGN THE AMENDED QDRO. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**12. ZACHARY MOODY V. SAMANTHA ESCOBAR**

**23FL0805**

On February 27, 2024, Petitioner filed a Request for Order (RFO) requesting seek work orders and the imputation of income to Respondent. It appears from the Proof of Service that the RFO was not served until April 1<sup>st</sup>. Respondent filed and served a Responsive Declaration to Request for Order on April 23<sup>rd</sup>. On April 29<sup>th</sup> she filed and served Respondent's Supplemental Declaration Re Custody and Support. However, on April 30<sup>th</sup> Petitioner filed an Objection to Respondent's Supplemental Declaration Signed 4/29/2024.

This matter is also before the court for a review hearing to address the parties' compliance with custody orders which were made on November 16, 2023. The parties were directed to file and serve supplemental declarations no later than 10 days prior to the hearing date.

Finally, the matter is set for hearing on an Order to Show Cause and Affidavit for Contempt (OSC) filed by Petitioner on September 28, 2023. The parties appeared for arraignment on December 7, 2023 at which time a public defender was appointed and the matter was continued.

Petitioner asks that the court order Respondent to seek full time employment and file a minimum of 5 job applications per week. He requests ongoing proof of Respondent's job search efforts. He also asks the court to impute income to Respondent in the amount of \$2,773 per month (40 hours per week at minimum wage of \$16 per hour) retroactively to December 1, 2023. Respondent requested child support on August 24<sup>th</sup>. Orders were made in November of 2023 and the court reserved jurisdiction to modify support back to the date of filing.

Respondent opposes the requests. She says she is in the process of starting her own business and works for family intermittently in lieu of rent and bills. She also works as a care provider for her grandmother. She also states that the parties have been practicing the court ordered 2-2-3 schedule but the children are still struggling with the schedule and she is concerned with events occurring during Petitioner's parenting time.

Petitioner objects to the supplemental declaration on the basis that it is untimely pursuant to Civil Procedure Section 1010.6(A)(3)(B), it contains inadmissible hearsay, and the probative value of the declaration is outweighed by the substantial danger of undue prejudice pursuant to Evidence Code Section 352.

Given the ongoing trial on Respondent's Request for a Domestic Violence Restraining Order (DVRO) and the potential for Family Code § 3044 to come into play, the court continues the custody review hearing to join with the DVRO trial which is currently scheduled for May 13<sup>th</sup> at 1:00 pm in Department 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

The parties are ordered to appear for Respondent's contempt arraignment.

Regarding the seek work order and imputed income, Family Code section 3900 codifies the general obligation of both parties to support their minor children. In furtherance of the state's goal that both parties become self-supporting, the legislature adopted Family Code § 3558 which states, in pertinent part, "a court may require either parent to attend job training, job placement and vocational rehabilitation, and work programs, as designated by the court, at regular intervals and times and for durations specified by the court and provide documentation of participation in the programs."

Respondent is ordered to make a diligent job search effort for jobs for which she is qualified. The court further orders, Respondent to apply for a minimum of 5 jobs per week and to provide proof of said applications to Petitioner on a monthly basis, until she has secured stable employment. The court continues the matter to 8/8/2024 at 8:30 a.m. in Department 5 to receive an update on Respondent's job search efforts. The parties are to file supplemental declarations no later than 10 days prior to the hearing date to update the court on Respondent's job search efforts.

Turning to the issue of support, the court maintains broad discretion in determining the amount of child support based on each party's earning capacity. *See* Fam. Code § 4050. In doing so, the court has the ability to impute an unemployed, or under employed party with income commensurate with his or her earning capacity. *State of Oregon v. Vargas*, 70 Cal. App. 4<sup>th</sup> 1123 (1999). Such imputation is warranted where the parent has the ability and opportunity to work but simply lacks the willingness to do so. *In re Marriage of Regnery*, 214 Cal. App. 3d 1367 (1989).

Here, Respondent was admonished of her duty to financially support her children months ago and it appears she still has not obtained gainful employment. Therefore, Petitioner's request to impute income is granted in part. At the November hearing, Respondent was told that the court expected her to have obtained employment by the March review hearing. She did not do so therefore the court is imputing income to Respondent back to March 1, 2024, not all the way back to December 1, 2023 as requested by Petitioner.

Utilizing the numbers in Petitioner's April 22, 2024 Income and Expense Declaration and in Respondent's March 15, 2024 Income and Expense Declaration the court finds that child support is \$311 per month. *See* attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$311 per month as and for child support payable on the 1st of the month until further order of the court or legal termination.

Previously, the court ordered support in the amount of \$1,913 per month. Therefore, assuming Petitioner is current in his support payments he will have earned a credit of \$1,602 for

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

the months of March, April, and May. The court finds the above order results in a total credit of \$4,806, therefore monthly support may be reduced by \$100 per month commencing on June 1<sup>st</sup> and continuing until the credit is paid back in full (approximately 48 months). Once the credit has been fully repaid, support shall automatically increase back to \$311 per month.

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

**TENTATIVE RULING #12: GIVEN THE ONGOING TRIAL ON RESPONDENT'S REQUEST FOR A DOMESTIC VIOLENCE RESTRAINING ORDER (DVRO) AND THE POTENTIAL FOR FAMILY CODE § 3044 TO COME INTO PLAY, THE COURT CONTINUES THE CUSTODY REVIEW HEARING TO JOIN WITH THE DVRO TRIAL WHICH IS CURRENTLY SCHEDULED FOR MAY 13<sup>TH</sup> AT 1:00 PM IN DEPARTMENT 5.**

**THE PARTIES ARE ORDERED TO APPEAR FOR RESPONDENT'S CONTEMPT ARRAIGNMENT.**

**RESPONDENT IS ORDERED TO MAKE A DILIGENT JOB SEARCH EFFORT FOR JOBS FOR WHICH SHE IS QUALIFIED. THE COURT FURTHER ORDERS, RESPONDENT TO APPLY FOR A MINIMUM OF 5 JOBS PER WEEK AND TO PROVIDE PROOF OF SAID APPLICATIONS TO PETITIONER ON A MONTHLY BASIS, UNTIL SHE HAS SECURED STABLE EMPLOYMENT. THE COURT CONTINUES THE MATTER TO 8/8/2024 AT 8:30 A.M. IN DEPARTMENT 5 TO RECEIVE AN UPDATE ON RESPONDENT'S JOB SEARCH EFFORTS. THE PARTIES ARE TO FILE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE TO UPDATE THE COURT ON RESPONDENT'S JOB SEARCH EFFORTS.**

**UTILIZING THE NUMBERS IN PETITIONER'S APRIL 22, 2024 INCOME AND EXPENSE DECLARATION AND IN RESPONDENT'S MARCH 15, 2024 INCOME AND EXPENSE DECLARATION THE COURT FINDS THAT CHILD SUPPORT IS \$311 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$311 PER MONTH AS AND FOR CHILD SUPPORT PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION.**

**PREVIOUSLY, THE COURT ORDERED SUPPORT IN THE AMOUNT OF \$1,913 PER MONTH. THEREFORE, ASSUMING PETITIONER IS CURRENT IN HIS SUPPORT PAYMENTS HE WILL HAVE EARNED A CREDIT OF \$1,602 FOR THE MONTHS OF MARCH, APRIL, AND MAY. THE COURT FINDS THE ABOVE ORDER RESULTS IN A TOTAL CREDIT OF \$4,806, THEREFORE MONTHLY SUPPORT MAY BE REDUCED BY \$100 PER MONTH COMMENCING ON JUNE 1<sup>ST</sup> AND CONTINUING UNTIL THE CREDIT IS PAID BACK IN FULL (APPROXIMATELY 48 MONTHS). ONCE THE CREDIT HAS BEEN FULLY REPAID, SUPPORT SHALL AUTOMATICALLY INCREASE BACK TO \$311 PER MONTH**

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

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



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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	3	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	50%	0%	Father	3,881	Payment (cost)/benefit	(183)      183
Filing status	HH/MLA	Single	Mother	3,369	Net spendable income	3,699      3,552
# Federal exemptions	1*	4*	Total	7,250	% combined spendable	51%      49%
Wages + salary	4,600	2,773	<b>Support</b>		Total taxes	719      (596)
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	7,251
Self-employment income	0	0	Presumed	183	<b>Proposed</b>	
Other taxable income	0	0	Basic CS	183	Payment (cost)/benefit	(311)      311
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	3,764      3,513
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	65      (39)
Other gains (and losses)	0	0	Child 1	(37)	% combined spendable	51.7%      48.3%
Ordinary dividends	0	0	Child 2	10	% of saving over gdl	243.7%      -143.7%
Tax. interest received	0	0	Child 3	209	Total taxes	525      (430)
Social Security received	0	0	Spousal support	blocked	Comb. net spendable	7,278
Unemployment compensation	0	0	Total	183	Percent change	0.4%
Operating losses	0	0	<b>Proposed, tactic 9</b>		<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	311		
Rental income	0	0	Basic CS	311		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	91		
SS paid other marriage	0	0	Child 2	10		
CS paid other relationship	0	0	Child 3	209		
Adj. to income (ATI)	0	0	Spousal support	blocked		
Ptr Support Pd. other P'ships	0	0	Total	311		
Health insurance	0	0	Savings	27		
Qual. Bus. Inc. Ded.	0	0	Total releases to Father	1		
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**14. JAMIE LUPER V. RICHARD LIMING**

**PFL20180266**

Claimant filed a Petitioner for Grandparent Visitation and Request for Order (RFO) for grandparent visitation on February 23, 2024. Proof of Service shows a “Robert M. Rogers” was personally served on March 17, 2024. Respondent was personally served on April 22, 2024, which is untimely.

The court finds service in this matter was not proper. There is no Proof of Service showing Petitioner was ever served with the RFO. The court cannot find any exception in Family Code sections 3103 (c) or 3104 (c) that would allow the court to dispense with notice. Further, Respondent was not served timely.

Even if service had been proper, it is unlikely the court would have granted the motion. Claimant has failed to establish in the pleadings that there is a significant bond, such that would warrant joinder to the matter. Further, Claimant has failed to establish through the pleadings that visitation would be in the minors’ best interests. Finally, Petitioner has parenting time with the minors. There is nothing preventing Claimant from seeking visitation with the minors during Petitioner’s parenting time, nor is there any order preventing Claimant from transporting the minors for parenting time with Petitioner.

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

**TENTATIVE RULING #14: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

**ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 2:00 PM ON MAY 9, 2024.**

**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 9, 2024

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

**15. JAYME CEDENO V. RAFAEL CEDENO**

**22FL0623**

On November 1, 2023, both parties and their counsel appeared for trial. The parties submitted a written stipulation to the court. The court conducted a voir dire of the parties and adopted the stipulation as its order. The court referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on December 21, 2023 and a further review hearing was set for February 1, 2024.

Despite both parties being present in court and confirming they were available for the specific date and time for CCRC, and being provided a copy of the referral, both parties failed to appear on time for the appointment. Petitioner appeared a half hour late, stating she believed the appointment to be at 1:30. Respondent did not appear until 2:45 as he believed the appointment to be the following day. As such, the CCRC report filed with the court on December 21, 2023, contains no agreements or recommendations as there was no meaningful appointment.

On February 1, 2024, the court adopted its tentative ruling, finding good cause to rerefer the parties to CCRC. The court admonished that parties, if they fail to appear, or fail to appear on time the court may impose sanctions against the party who did not appear. The court directed that any Supplemental Declarations to be filed and served at least 10 days prior to the hearing.

The parties attended CCRC on February 29, 2024, and were able to reach several agreements. A report with the parties' agreements and further recommendations was filed with the court on March 4, 2024. Copies were mailed to the parties the same day.

Neither party has filed a Supplemental Declaration.

The court has read and considered the March 4, 2024 CCRC report and finds the agreements and recommendations to be in the best interest of the minor. The court adopts the agreements and recommendations as set forth.

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 #15: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS CONTAINING THE IN THE MARCH 4, 2024 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR AND ADOPTS THEM AS ITS ORDER. 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.**

**ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 2:00 PM ON MAY 9, 2024.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**16. JENNIFER BISHOP V. ADAM FOWLER**

**PFL20210394**

Respondent filed a Request for Order (RFO) on February 23, 2024, requesting a post judgment modification of permanent spousal support. Respondent concurrently filed an Income and Expense Declaration. Proof of Service shows Petitioner's counsel was served by mail on February 23, 2024. The court notes, as this is a post judgment request to modify permanent spousal support, Family Code section 215 applies. Personal Service is required on the party. Mail service is not acceptable. Further, service on Petitioner's counsel is not authorized.

However, the court notes, Petitioner has propounded discovery, and filed a Responsive Declaration on April 26, 2024. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the day of the hearing as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made April 25th last day for filing the Responsive Declaration to Request for Order. Therefore, it is late filed and has not been considered by the court. Petitioner also filed an Income and Expense Declaration on April 26, 2024. Respondent was served by overnight delivery.

Petitioner filed an Amended Income and Expense Declaration on April 30, 2024. Respondent was served by mail on May 1, 2024.

Respondent filed a Declaration on March 25, 2024. Proof of Service shows it was mail service on the same day.

The court has concerns regarding service of the RFO as well as the Responsive Declaration. Parties are ordered to appear to determine if they are willing to waive any defects in the service. Further, the court finds this is a request to modify permanent spousal support, and as such, the court will need to take testimony on the Family Code section 4320 factors.

**TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR AT 2:00 PM IN DEPARTMENT 5.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**17. JENNIFER GARVEY V. SEAN GARVEY**

**PFL20190437**

On February 20, 2024, Petitioner filed a Request for Order (RFO) requesting the court modify the child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 21, 2024, and a review hearing on May 9, 2024. Respondent was personally served on March 15, 2024, in accordance with Family Code section 215.

Only Petitioner appeared for the CCRC appointment on March 21, 2024. As such, a single parent report was filed with the court on March 21, 2024. A copy of the report was mailed to the parties on the same day.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR AT 2:00 PM IN DEPARTMENT 5.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 9, 2024

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

**18. JOEL TATUM V. JENNIFER TATUM**

**PFL20210473**

Petitioner filed a Request for Order (RFO) on February 22, 2024, requesting the court make child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 18, 2024, and a review hearing on May 9, 2024. Proof of Service shows Respondent was served by mail on March 6, 2024.

Both parties and the minors attended the CCRC appointment. The parties were unable to reach any agreements. A report with recommendations was filed with the court on April 25, 2024. Copies were mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the April 25<sup>th</sup> CCRC report to be in the best interest of the minors. The court adopts the recommendations as set forth.

All prior orders not in conflict with this order remain in full force and effect. Petitioner shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #18: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE APRIL 25<sup>TH</sup> CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 2:00 PM ON MAY 9, 2024.**

**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 9, 2024

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

**19. LAURIE HODGKINS V. STEVEN BELMONT**

**PFL20180699**

Petitioner filed an ex parte application for emergency orders on February 22, 2024. On February 23, 2024, the court denied the request as Petitioner had failed to notice Respondent. Further, the court denied the request as there were no exigent circumstances. Petitioner filed an Request for Order (RFO) on February 23, 2024, making the same requests as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 22, 2024, and a review hearing on May 9, 2024. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO and referral to CCRC.

Only Petitioner and the minor appeared for the CCRC appointment on March 22, 2024, although there was an individual present purportedly on Respondent's behalf. Because Respondent was not present to participate in the CCRC appointment, a single parent report was filed with the court on April 10, 2024. Copies were mailed to the parties the same day.

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

All prior orders not in conflict with this order remain in full force and effect.

**TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.**

**ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 2:00 PM ON MAY 9, 2024.**

**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 9, 2024

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

**20. RODGER HEMBD V. KRISTEN HEMBD**

**PFL20200316**

On March 14, 2024, the court granted Petitioner's move away request, however, deferred adopting a parenting plan. The court continued the issue of the parenting plan to May 9, 2024.

Petitioner filed a Supplemental Declaration on April 25, 2024. Respondent and Minor's Counsel were served on April 25, 2024. Petitioner is requesting the court adopt the agreements and recommendations as set forth in the January 24, 2024 Child Custody Recommending Counseling (CCRC) report.

Respondent filed a Supplemental Declaration on April 29, 2024. Proof of Service shows Petitioner and Minor's Counsel were served electronically on April 26, 2024. Parties have been participating in mediation and have reached interim agreements. Respondent proposes an alternative parenting plan and exchange location to the CCRC recommendation.

Minor's Counsel has not filed a Supplemental Declaration or a Reply Declaration.

The court finds it needs input from Minor's Counsel on Respondent's proposed parenting plan. Therefore, the parties are ordered to appear for the hearing.

**TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR AT 2:00 PM IN DEPARTMENT 5.**