

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 12, 2025  
8:30 a.m./1:30 p.m.

**1. B. KELLY HUNT V. MARINELL HUNT**

**PFL20150770**

Respondent filed a Request for Order (RFO), an Income and Expense Declaration, and other supporting documents on October 30, 2024. All required documents were mail served on October 31<sup>st</sup>.

Petitioner filed and served a Responsive Declaration to Request for Order and an Income and Expense Declaration on April 7, 2025.

On April 17<sup>th</sup>, Respondent filed a Reply to Opposition. Respondent filed an Amended Income and Expense Declaration on April 21<sup>st</sup>.

Also on April 21<sup>st</sup>, Petitioner filed and served a Supplemental Declaration. Respondent filed Objections to April 21, 2025 Filing per CRC 5.111(c).

Respondent filed and served a Declaration of Anna Stowe on May 9, 2025.

Petitioner's Memorandum of Points and Authorities was filed and served on June 2<sup>nd</sup>. Respondent also filed another Memorandum of Points and Authorities on June 2<sup>nd</sup> along with a Declaration of Marinell Hunt and a Declaration of Sean Musgrove.

Respondent filed her RFO requesting (1) an order compelling Petitioner to produce responses to Form Interrogatories, Set Four within seven days of the hearing date; (2) an order compelling Petitioner to produce responses to Request for Production of Documents, Set Four, within seven days of the hearing date; (3) monetary sanctions in the amount of \$4,500 against Petitioner pursuant to Civil Procedure § 2023.010; and (4) \$25,000 in attorney's fees and costs pursuant to Family Code §2030.

Petitioner is opposing all of the requests made by Respondent. Additionally, he asks that the court order the parties to exchange their Final Declarations of Disclosure and submit a Judgment on Reserved Orders incorporating the terms of the parties' May 1, 2019 settlement agreement pursuant to Civil Procedure § 664.6.

On August 7, 2024, Respondent served Form Interrogatories, Set Four and Request for Production of Documents, Set Four, thereby making responses due on or before September 11, 2024. As of the date of filing the RFO, Petitioner had not yet responded to the subject discovery.

Petitioner argues that discovery closed in or about July 2018 when the matter was originally set for trial. He further states that the parties agreed to the terms of division of the community property by way of a stipulation signed on August 25, 2017. The only remaining

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issue at that time was the amount of equalization payment owed by Petitioner. This last issue was addressed in a document titled Settlement Agreement (C.C.P. Section 664.6) which was entered into on May 1, 2019.

Respondent's objection to Petitioner's April 21, 2025 objection is overruled. The objection was based on the untimeliness of the document in relation to the original hearing date of April 24, 2025. Because the hearing has since been continued by well over a month the court finds that Respondent has had more than sufficient notice and opportunity to reply to the document. As such, the objection is overruled.

After reviewing the filings of the parties as outlined above, the court finds that discovery is closed. Because the May 1, 2019 stipulation does not *expressly* address either trial or discovery, the controlling document is the October 18, 2018 stipulation. In that stipulation, the parties agreed to "continue" the trial date, though as far as the court can tell, the trial was never re-set. While it can be argued that failure to re-set the trial date effectively just vacated the trial thereby rendering Civil Procedure § 2024.020 inapplicable, the court finds the applicability of Section 2024.020 to be beside the point. The October 18<sup>th</sup> stipulation states, in no uncertain terms, "[d]iscovery is not reopened, unless the court enters an order to do so following a request for order." October 18, 2018 Stipulation, p. 2:15-17. The parties, on their own terms, expressly agreed that discovery was closed and was to remain closed except by way of a motion. Because public policy generally favors upholding the agreements of the parties, the court finds that discovery is closed and was closed at the time the subject discovery was served. See Harris v. Spinali Auto Sales, Inc., 240 Cal. App. 2d 447, 452 (1996) *stating* "[a] stipulation is conclusive with respect to the matters covered by it, unless the court, for good cause shown, later permits its abandonment or withdrawal. As such, the motion to compel is denied.

Each party's request for discovery sanctions is denied as the court does find that there was a good faith dispute between the parties regarding the validity of the discovery served and therefore the actions of both parties were substantially justified under the circumstances.

It is worth noting that Respondent makes an exceedingly strong argument for the need to re-open discovery. Nonetheless, there is no motion to do so pending before the court.

Regarding Petitioner's requests to order final disclosures and submit a judgement, the court finds these requests to be outside the scope of the original RFO and therefore,

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they are denied. While “[t]he responding party may request relief related to the orders requested in the moving papers...unrelated relief must be sought by scheduling a separate hearing using *Request for Order* (form FL-300)...” Cal. Rule Ct. § 5.92(g)(2).

Even if the court were to reach Petitioner’s requests on their merits, they would still be denied. It appears from the filings that Petitioner failed to amend his preliminary disclosures, as required by Family Code § 2104, and significant assets were left completely off of the May 1, 2019 stipulation. As such, based on the information before the court, the court is not ready or willing to find the May 1<sup>st</sup> stipulation to constitute a valid and binding settlement agreement as is required under Civil Procedure § 664.6. See Terry v. Conlan, 131 Cal. App. 4<sup>th</sup> 1445 (2005).

Finally, turning to Respondent’s request for need based attorney’s fees, the request is granted in part. The public policy of Family Code section 2030 is to provide “at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation.” In *Re Marriage of Keech*, 75 Cal. App. 4<sup>th</sup> 860, 866 (1999). This ensures each party has access to legal representation to preserve each party’s rights. It “is not the redistribution of money from the greater income party to the lesser income party,” but rather “parity.” *Alan S. v. Sup. Ct.*, 172 Cal. App. 4<sup>th</sup> 238, 251 (2009). In the face of a request for attorney’s fees and costs, the court is to make findings on “whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties.” Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. Here, the court does find there to be a significant disparity in income between the parties with Petitioner bringing in almost double Respondent’s monthly income. Furthermore, the court does find that Petitioner has the ability to pay the attorney’s fees for both parties. That said, the court does not find \$25,000 to be a reasonable amount at this juncture. Instead, the court is ordering Petitioner to pay, directly to Respondent’s attorney, \$10,000 as and for attorney’s fees. This amount may be paid in one lump sum or in monthly increments of \$1,000. Payments are to be made on the 1<sup>st</sup> of each month commencing on July 1, 2025 and continuing until paid in full (approximately 10 months). If any payment is missed or late the entire amount outstanding shall become immediately due and payable with legal interest.

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

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**TENTATIVE RULING #1: RESPONDENT'S OBJECTION TO PETITIONER'S APRIL 21, 2025 DECLARATION IS OVERRULED. THE MOTION TO COMPEL IS DENIED. EACH PARTY'S REQUEST FOR DISCOVERY SANCTIONS IS DENIED. REGARDING PETITIONER'S REQUESTS TO ORDER FINAL DISCLOSURES AND SUBMIT A JUDGEMENT, THE COURT FINDS THESE REQUESTS TO BE OUTSIDE THE SCOPE OF THE ORIGINAL RFO AND THEREFORE THEY ARE DENIED. EVEN IF THE COURT WERE TO REACH PETITIONER'S REQUESTS ON THEIR MERITS, THEY WOULD STILL BE DENIED. RESPONDENT'S REQUEST FOR FAMILY CODE § 2030 ATTORNEY'S FEES IS GRANTED IN PART. PETITIONER IS ORDERED TO PAY, DIRECTLY TO RESPONDENT'S ATTORNEY, \$10,000 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$1,000. PAYMENTS ARE TO BE MADE ON THE 1<sup>ST</sup> OF EACH MONTH COMMENCING ON JULY 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT OUTSTANDING SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**2. SARAH CRAIG V. RYAN CRAIG**

**PFL20170099**

On May 23, 2025, Petitioner filed and served a Request for Order (RFO) seeking clarification of the reunification counseling orders. A Declaration of Minor's Counsel was filed the same day. However, there is no Proof of Service for this document therefore, the court cannot consider it.

Respondent filed a Responsive Declaration to Request for Order on June 9, 2025. There is no Proof of Service for this document therefore, the court cannot read or consider it.

The court's April 19, 2024 orders are clear. Minor's Counsel was to choose the reunification therapist. Any therapist unilaterally chosen by Respondent is not a valid selection under the court's order and therefore, Petitioner's failure to bring the children to scheduled appointments with said counselor is not a violation of the court's prior orders.

Due to the parties' continued inability to work with one another, the court is maintaining its April 9, 2024 orders regarding reunification therapy with the exception of the order for Minor's Counsel to work with the parties to choose a therapist that is covered by insurance. Minor's Counsel is ordered to choose a reunification therapist. This decision is to be made solely by Minor's Counsel, in Minor's Counsel's sole discretion, without input from either party. Minor's Counsel may choose any therapist she deems to have the proper qualifications, regardless of whether the individual chosen is covered by insurance for either party. Respondent shall pay the cost of reunification therapy, subject to reallocation. Minor's Counsel is to inform the parties of her selection no later than June 25, 2025.

The parties are to contact the therapist as soon as possible once chosen. The parties are to schedule the children for the earliest available intake appointment. Under no circumstances shall the intake appointment take place after July 15, 2025. The therapist shall have the sole discretion to decide who shall attend the intake appointment with the children, if anyone. The parties are ordered to comply with therapist's decision.

Therapy shall be at a frequency and duration as determined by the therapist. Parties are ordered to fully abide by the recommendations of the therapist.

The court is authorizing the children's individual therapist(s) to communicate with the reunification therapist in order for them to coordinate services to ensure the minor's needs are being met. The court is further authorizing the therapist to communicate with Minor's Counsel.

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The therapist shall be provided a copy of this order prior to conducting any intake sessions.

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 #2: MINOR'S COUNSEL IS ORDERED TO CHOOSE A REUNIFICATION THERAPIST. THIS DECISION IS TO BE MADE SOLELY BY MINOR'S COUNSEL, IN MINOR'S COUNSEL'S SOLE DISCRETION, WITHOUT INPUT FROM EITHER PARTY. MINOR'S COUNSEL MAY CHOOSE ANY THERAPIST SHE DEEMS TO HAVE THE PROPER QUALIFICATIONS, REGARDLESS OF WHETHER THE INDIVIDUAL CHOSEN IS COVERED BY INSURANCE FOR EITHER PARTY. RESPONDENT SHALL PAY THE COST OF REUNIFICATION THERAPY, SUBJECT TO REALLOCATION. MINOR'S COUNSEL IS TO INFORM THE PARTIES OF HER SELECTION NO LATER THAN JUNE 25, 2025.**

**THE PARTIES ARE TO CONTACT THE THERAPIST AS SOON AS POSSIBLE ONCE CHOSEN. THE PARTIES ARE TO SCHEDULE THE CHILDREN FOR THE EARLIEST AVAILABLE INTAKE APPOINTMENT. UNDER NO CIRCUMSTANCES SHALL THE INTAKE APPOINTMENT TAKE PLACE AFTER JULY 15, 2025. THE THERAPIST SHALL HAVE THE SOLE DISCRETION TO DECIDE WHO SHALL ATTEND THE INTAKE APPOINTMENT WITH THE CHILDREN, IF ANYONE. THE PARTIES ARE ORDERED TO COMPLY WITH THERAPIST'S DECISION.**

**THERAPY SHALL BE AT A FREQUENCY AND DURATION AS DETERMINED BY THE THERAPIST. PARTIES ARE ORDERED TO FULLY ABIDE BY THE RECOMMENDATIONS OF THE THERAPIST.**

**THE COURT IS AUTHORIZING THE CHILDREN'S INDIVIDUAL THERAPIST(S) TO COMMUNICATE WITH THE REUNIFICATION THERAPIST IN ORDER FOR THEM TO COORDINATE SERVICES TO ENSURE THE MINOR'S NEEDS ARE BEING MET. THE COURT IS FURTHER AUTHORIZING THE THERAPIST TO COMMUNICATE WITH MINOR'S COUNSEL.**

**THE THERAPIST SHALL BE PROVIDED A COPY OF THIS ORDER PRIOR TO CONDUCTING ANY INTAKE SESSIONS.**

**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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**4. EMMA CROWLEY V. MICHAEL CROWLEY**

**PFL20200062**

On March 10, 2025, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). The OSC was personally served on March 26, 2025.

The parties appeared for the arraignment on May 22<sup>nd</sup> at which time the court appointed the public defender. The arraignment was continued to the present date.

The parties are ordered to appear.

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



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**5. HILLARY ERICKSON V. MATTHEW ERICKSON**

**23FL0136**

On March 12, 2024, Petitioner filed a Request for Order (RFO) seeking a move away order and modification of the current parenting plan. All required documents were served on April 8<sup>th</sup>. Respondent has not filed a Responsive Declaration to Request for Order.

The parties attended Child Custody Recommending Counseling (CCRC) on April 24<sup>th</sup>. A report with recommendations was prepared on May 20<sup>th</sup>; it was mailed to the parties on May 21<sup>st</sup>.

Petitioner is requesting to move to Kansas with the children. She asks the court to implement a visitation schedule with visits to be non-professionally supervised by Respondent's parents. She asks that all costs related to the visits be borne by Respondent.

"A parent entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child." Fam. Code Section 7501(a). In assessing the rights and welfare of the child, each case must be evaluated on its own merits. In re Marriage of Burgess, 13 Cal. 4<sup>th</sup> 25, 37-40 (1996). This is a very fact specific analysis and because move away cases involve "the most serious decisions a family law court is required to make and should not be made in haste." In re Marriage of Seagondollar, 139 Cal. App. 4<sup>th</sup> 1116 (2006).

In keeping with the requirements of the law, and given the fact driven analysis that the court must consider, the court is of the opinion that a full adversarial hearing must precede such a decision. The parties are ordered to appear to select trial and Mandatory Settlement Conference (MSC) dates.

**TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE (MSC) DATES.**

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**6. DELFINO GARCIA V. DEBORAH GARCIA**

**PFL20050048**

On March 26, 2025, Petitioner filed a Request for Order (RFO) seeking to terminate spousal support. It was personally served on April 3<sup>rd</sup>, along with all other required documents.

Respondent filed and served a Responsive Declaration to Request for Order and an Income and Expense Declaration on June 3, 2025.

Given that this is a post-judgment request for modification of spousal support, the court is required to take evidence, and make findings, regarding the Family Code § 4320 factors. Therefore, the parties are ordered to appear to select trial and Mandatory Settlement Conference Dates.

**TENTATIVE RULING #6: THIS IS A POST-JUDGMENT REQUEST FOR MODIFICATION OF SPOUSAL SUPPORT. THE COURT IS REQUIRED TO TAKE EVIDENCE, AND MAKE FINDINGS, REGARDING THE FAMILY CODE § 4320 FACTORS. THEREFORE, THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.**

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**7. THOMAS LIEBRICH V. CARRIE LIEBRICH**

**PFL20200244**

Petitioner filed a Request for Order (RFO), on February 13, 2025, seeking a post-judgment modification of spousal support. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was personally served in accordance with Family Code § 215 on February 17, 2025.

The parties appeared before the court on April 24, 2025 to select trial and Mandatory Settlement Conference (MSC) dates, however at that time, the parties informed the court that they were close to settlement. The court ordered the matter continued to the present date to give the parties additional time to negotiate. In the event parties were unable to settle the matter, they were instructed to file supplemental declarations no later than 10 days prior to the hearing.

On May 29<sup>th</sup> Respondent filed and served a Responsive Declaration to Request for Order and an Income and Expense Declaration.

Petitioner filed his Supplemental Declaration of Petitioner Re: Status of RFO Filed 02/13/2025. It was served on May 29<sup>th</sup>.

The court finds it must take testimony on the Family Code section 4320 factors. Therefore, the parties are ordered to appear to select trial and MSC dates.

**TENTATIVE RULING # 6: THE PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE (MSC) AND TRIAL DATES.**

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**8. TAMARA MOORE V. STEVEN BUTRICK, JR.**

**24FL0458**

Petitioner filed a Petition to Establish a Parental Relationship and Request for Order (RFO) requesting child custody and parenting plan orders on May 8, 2024. A summons was issued the same day. The parties were not referred to Child Custody Recommending Counseling (CCRC) as the child was not yet born. Respondent was personally served on May 16, 2024.

Parties appeared for the hearing on November 14, 2025, and requested the matter be continued until after the birth of the minor. The court found good cause to continue the matter to February 13, 2025.

On February 13<sup>th</sup>, the parties once again requested to continue the matter; this time the request was to enable Respondent to file and serve his Response to the Petition and his response to the RFO. The request was granted.

The Response to the Petition was filed on February 13<sup>th</sup>. Therein he states he is not sure of his paternity of the child, and he requests genetic testing. On February 26<sup>th</sup> Respondent filed his Responsive Declaration to Request for Order. Both documents were mail served on February 25<sup>th</sup>.

Petitioner's Submittal of Proposed Parenting Plan was filed on April 23<sup>rd</sup>. It was mail served on April 16<sup>th</sup>.

The parties attended Child Custody Recommending Counseling (CCRC) on April 17, 2025, and were only able to reach some agreements. A report with the agreements and recommendations was prepared on May 1, 2025. It was mailed to the parties on May 12<sup>th</sup>.

After reviewing the file, the court notes the concurrent DCSS case (El Dorado County Superior Court case no. 25FL0072) wherein the results of the paternity test affirmed Respondent's relation to the child. As such, the court is making a finding of Respondent's paternity of the child.

Given the finding of paternity, the court does have jurisdiction to make custody and visitation orders.

The court has reviewed the filings as stated above and does find the recommendations and agreements as contained in the May 1, 2025 CCRC report to be in the best interests of the child with some exceptions. As such, the agreements and recommendations contained in the May 1, 2025 CCRC report are hereby adopted as the

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orders of the court with the exception of the Parenting Time section. Regarding parenting time, Petitioner shall have primary physical custody of the child. Commencing as of the date of the hearing and continuing for a period of 30 days, Respondent shall have unsupervised visits with the child twice per week for at least three hours each. After the initial 30 days, Respondent shall have overnight visits on Wednesdays from 2:00pm to Thursdays at 2:00pm. After an additional 30 days on that schedule, visitation shall progress to every other weekend. Respondent will have the minor every other weekend from 2:00pm on Friday to Sunday at 6:00pm. After the completion of 60 days, Respondent shall have the child every Wednesday from 2:00pm to Thursday at 2:00pm and every other weekend from Friday at 2:00pm to Sunday at 6:00pm.

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

**TENTATIVE RULING #8: THE COURT FINDS THE RECOMMENDATIONS AND AGREEMENTS AS CONTAINED IN THE MAY 1, 2025 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE CHILD WITH SOME EXCEPTIONS. AS SUCH, THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE MAY 1, 2025 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE EXCEPTION OF THE PARENTING TIME SECTION. REGARDING PARENTING TIME, PETITIONER SHALL HAVE PRIMARY PHYSICAL CUSTODY OF THE CHILD. COMMENCING AS OF THE DATE OF THE HEARING AND CONTINUING FOR A PERIOD OF 30 DAYS, RESPONDENT SHALL HAVE UNSUPERVISED VISITS WITH THE CHILD TWICE PER WEEK FOR AT LEAST THREE HOURS EACH. AFTER THE INITIAL 30 DAYS, RESPONDENT SHALL HAVE OVERNIGHT VISITS ON WEDNESDAYS FROM 2:00PM TO THURSDAYS AT 2:00PM. AFTER AN ADDITIONAL 30 DAYS, VISITATION SHALL PROGRESS TO EVERY OTHER WEEKEND. RESPONDENT WILL HAVE THE MINOR EVERY OTHER WEEKEND FROM 2:00PM ON FRIDAY TO SUNDAY AT 6:00PM. AFTER THE COMPLETION OF 60 DAYS, RESPONDENT SHALL HAVE THE CHILD EVERY WEDNESDAY FROM 2:00PM TO THURSDAY AT 2:00PM AND EVERY OTHER WEEKEND FROM FRIDAY AT 2:00PM TO SUNDAY AT 6:00PM.**

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

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**9. KATRINA NEILSEN V. MORGAN HOLLIS**

**24FL0907**

Petitioner filed a Request for Order (RFO) on November 20, 2024, requesting a modification of child custody and parenting plan orders, as well as a name change for the minor and attorney's fees. Petitioner did not concurrently file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 20, 2024 and a review hearing on February 20, 2025.

Petitioner filed a Request to Reschedule the hearing and CCRC appointment on December 19, 2024, as she had been unable to serve Respondent. The court granted the request. CCRC was rescheduled to January 23, 2025 and the review hearing was rescheduled to March 20, 2025.

Petitioner filed an Income and Expense Declaration on December 30, 2024.

Proof of Service shows Respondent was mail served with all the necessary documents on December 29, 2024.

Respondent filed a Request to Reschedule the hearing on January 14, 2025. The court again granted the request to reschedule the hearing and reschedule CCRC. CCRC was reset for February 21, 2025, and the review hearing was reset for May 8, 2025. Petitioner was mail served on January 13, 2025.

Both parties attended CCRC on February 21, 2025, and reached a full agreement. A report memorializing the parties' agreement was filed with the court on February 24, 2025, and mailed to the parties the same day.

Petitioner filed another Request to Reschedule on April 29, 2025, along with a Declaration and an Income and Expense Declaration. Respondent was mail served with on April 29, 2025. The court again granted the request to reschedule the hearing and reset the hearing for June 12, 2025. Respondent was mail served on May 2, 2025.

Respondent filed a Declaration on May 21, 2025. Petitioner was served by mail on May 22, 2025.

Respondent filed further Declaration on May 30, 2025. Petitioner was mail served on May 30<sup>th</sup>.

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

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The court has read and considered the filings as outlined above. The court finds the parties' agreements as set forth in the February 24<sup>th</sup> CCRC report are in the best interest of the minor. The court adopts the agreements as set forth, including the name change of the minor. The court makes the following additions the parties' agreements. The court orders there shall be no corporal punishment of the minor, by either party. Both parties are to attend a parenting class and provide the court and other party with proof of completion by no later than September 10, 2025. The court also adopts the Respect Guidelines as set forth (see attachment).

The court denies Petitioner's request for attorney's fees. Petitioner failed to concurrently file an Income and Expense Declaration as required with the filing of the RFO. Further, Petitioner makes the request pursuant to Family Code section 2030. The court finds the parties were never married, and therefore, the request under Family Code section 2030 is not appropriate. As such, the 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.

**TENTATIVE RULING #9: THE COURT FINDS THE PARTIES' AGREEMENTS AS SET FORTH IN THE FEBRUARY 24<sup>TH</sup> CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE AGREEMENTS AS SET FORTH, INCLUDING THE NAME CHANGE OF THE MINOR. THE COURT MAKES THE FOLLOWING ADDITIONS THE PARTIES' AGREEMENTS. THE COURT ORDERS THERE SHALL BE NO CORPORAL PUNISHMENT OF THE MINOR BY EITHER PARTY. BOTH PARTIES ARE TO ATTEND A PARENTING CLASS AND PROVIDE THE COURT AND OTHER PARTY WITH PROOF OF COMPLETION BY NO LATER THAN SEPTEMBER 10, 2025. THE COURT ALSO ADOPTS THE RESPECT GUIDELINES AS SET FORTH (SEE ATTACHMENT). THE COURT DENIES PETITIONER'S REQUEST FOR ATTORNEY'S FEES. PETITIONER FAILED TO CONCURRENTLY FILE AN INCOME AND EXPENSE DECLARATION AS REQUIRED WITH THE FILING OF THE RFO. FURTHER, PETITIONER MAKES THE REQUEST PURSUANT TO FAMILY CODE SECTION 2030. THE COURT FINDS THE PARTIES WERE NEVER MARRIED, AND THEREFORE, THE REQUEST UNDER FAMILY CODE SECTION 2030 IS NOT APPROPRIATE. AS SUCH, THE 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**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 12, 2025

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

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

**Respect Guidelines:**

1. Both parents shall exert every effort to maintain free access and unhampered contact between the children and the other parent and shall foster a feeling of affection between them and the other parent. Neither parent shall do anything to estrange children from the other parent, nor impair the natural development of their love and respect for the other parent.
2. Each parent shall respect the other's right to privacy during his or her parenting time with the children.
3. Neither parent shall make disparaging remarks about the other in the children's presence or within earshot.
4. Neither parent shall make disparaging remarks about extended family, relatives, friends, or significant others in children's presence or within earshot.
5. Parents shall ensure that extended family, relatives, friends, or significant others do not make disparaging remarks about the parents in the children's presence or within earshot.
6. Neither parent shall harass, stalk, or threaten the other, extended family, relatives, friends, or significant others on social media. Parents shall ensure that extended family, relatives, friends, or significant others do not harass, stalk, or threaten the parents on social media.
7. Neither parent shall discuss custody issues with the children.
8. Parents shall ensure that third parties do not discuss custody issues with the children.
9. Neither parent shall ask the children to carry messages between them.
10. Parents shall discuss entertainment activities that interfere with the other parents' parenting time before discussing the activity with the children.
11. Neither parent shall direct threats, insults, or foul language towards the children.
12. Neither parent shall do anything that causes the children to feel guilt when:
  - a. Thinking about the other parent;
  - b. Communicating with the other parent via phone, text, email, or in person;
  - c. Discussing appreciation or concern for the other parent;
  - d. Writing cards or letters to the other parent;
  - e. Making gifts for the other parent;
  - f. Wanting to keep a picture of either parent or a gift made/given to them by either parent in their bedroom;
  - g. Or any other sign or symbolic gesture that endears the children to either parent.



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**10. MATTHEW NOLTE V. AYALA HALE**

**25FL0282**

Petitioner filed a Petition to Establish a Parental Relationship on March 26, 2025. A summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting the court make orders as to child custody, parenting time, and child support. Petitioner did not concurrently file an Income and Expense Declaration as required. The parties were not referred to Child Custody Recommending Counseling (CCRC) as parentage had not yet been established. Proof of Service shows Respondent was personally served on March 30, 2025.

Petitioner filed a Supplemental Declaration as well as an Income and Expense Declaration, and a Declaration containing the minors' birth certificates on May 28, 2025. Respondent was served electronically on May 28, 2025.

Respondent has not filed a Response or a Responsive Declaration.

The court finds the minors' birth certificates are from Nevada and Arizona. As such, the court needs to take further testimony on the issue of parentage. Further at least one of the birth certificates is not clearly legible. The parties are ordered to appear for the hearing.

**TENTATIVE RULING #10: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**11. DONALD WAYNE V. HELEN WAYNE**

**PFL20120657**

Respondent filed a Request for Order (RFO) on March 25, 2025, seeking an order enforcing the judgement to execute the QDRO, if Petitioner fails to do so, for the clerk of the court to act as elisor to sign, and sanctions. Proof of Service shows Petitioner was personally served on March 26, 2025. Petitioner's counsel and the CalPERS plan were mail served on March 28, 2025.

Respondent asserts that Petitioner and his counsel have been unresponsive to her requests to have the QDRO signed. Respondent has made efforts to have Petitioner and his counsel sign the approved QDRO since October 2023.

Petitioner has not filed a Responsive Declaration; therefore, the court deems his failure to do so an admission that Respondent's moving papers have merit. See El Dorado County, Local Rule 7.10.02(C).

The court's authority to appoint an elisor is statutory in nature. Code of Civil Procedure section 128 outlines the powers a court has to conduct proceedings. These include the ability to control the conduct of individuals before it, to compel attendance, to provide for orderly conduct, and a host of others. Interestingly, however, the word "elisor" does not appear in the statute at all. Instead, the code provides that the court has the power to "compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in an action or proceeding pending." (CCP § 128(4).) Courts have interpreted this language to mean that judges can do what is necessary to "exercise reasonable control over litigation before [them]... to achieve justice and prevent misuse of processes lawfully issued." Venice Canals Resident Home Owners Assn. v. Sup. Ct., 72 Cal.App.3d 675, 679 (1977). Thus, the appointment of an elisor is merely a means of achieving justice for the parties before the court. It is a method courts use to compel obedience with their orders. Absent this power, the court system's judgments and orders would be as valuable as the paper they're printed on.

The court finds Respondent has complied with the requirements of California Rule of Court 5.14.2. The court grants Respondent's requests. The court orders Petitioner and his counsel to sign the Stipulation and Order for the division of the PERS pension benefit on or before June 19, 2025. If Petitioner and/or his counsel fail to do so, the court authorizes the clerk of the court to sign on the behalf of Petitioner and/or his counsel.

As to Respondent's request for sanctions, "Section 271 provides that a family court may impose an award of attorney fees and costs 'in the nature of a sanction' where the

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conduct of a party or attorney ‘frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys.’ (§ 271, subd. (a).)” In re Marriage of Tharp, 188 Cal.App.4th 1295, 1316 (2010). “Expressed another way, section 271 vests family law courts with an additional means with which to enforce this state’s public policy of promoting settlement of family law litigation, while reducing its costs through mutual cooperation of clients and their counsel.” *Id.* at 1318. Here, there is no doubt that the lack of responsiveness from Petitioner and his counsel is behavior contemplated in Family Code section 271. However, where a litigant is representing themselves in persona propria, as is the case with Respondent, it would be an error for the court to make an award of sanctions. In re Marriage of Erndt and Terhorst, 59 Cal. App.5<sup>th</sup> 898 (2023). Therefore, the court denies Respondent’s request for sanctions.

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 #11: THE COURT GRANTS RESPONDENT’S REQUESTS. THE COURT ORDERS PETITIONER AND HIS COUNSEL TO SIGN THE STIPULATION AND ORDER FOR THE DIVISION OF THE PERS PENSION BENEFIT ON OR BEFORE JUNE 19, 2025. IF PETITIONER AND/OR HIS COUNSEL FAIL TO DO SO, THE COURT AUTHORIZES THE CLERK OF THE COURT TO SIGN ON THE BEHALF OF PETITIONER AND/OR HIS COUNSEL. AS TO RESPONDENT’S REQUEST FOR SANCTIONS, THE REQUEST IS DENIED DUE TO THE FACT THAT RESPONDENT IS PRO PER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

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**12. DANIELLA BROUGHER V. ROBERT BROUGHER**

**PFL20210176**

Respondent filed a Request for Order (RFO) on February 10, 2025, requesting a modification of the current parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 13, 2025 and a review hearing on May 8<sup>th</sup>. Due to illness of the CCRC counselor, the appointment was changed to April 17, 2025 and the review hearing was continued to June 12<sup>th</sup>. Petitioner was personally served on February 11, 2025.

Petitioner filed a Responsive Declaration on March 3, 2025. Proof of Service shows Respondent was served on March 3, 2025. Petitioner objects to the requested changes and requests the court return to previous parenting plan orders.

Both parties appeared at CCRC and were unable to reach any agreements. A report with recommendations was filed with the court on May 25, 2025 and mailed to the parties the same day.

Respondent filed a Reply Declaration on May 28, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

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

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

**TENTATIVE RULING #12: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE MAY 25<sup>TH</sup> CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.**

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

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**13. REBECCA BURT-ORTIZ V. DAVID ORTIZ**

**23FL0384**

On August 16, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). It was personally served on September 5<sup>th</sup>. The parties appeared before the court for arraignment on November 7, 2024, at which time the court continued the matter to March 6, 2025.

On March 6, 2025, the court found Respondent qualified for court appointed counsel and appointed the Public Defender's Office to represent Respondent. The court directed Respondent to file an Income and Expense Declaration within 10 days including all necessary attachments.

Respondent filed an Income and Expense Declaration on March 17, 2025. There is no Proof of Service showing Petitioner was served with the document.

Parties appeared for the hearing on April 10, 2025, at which time the court relieved the Public Defender's office, due to an overload conflict. The court appointed the Alternate Public Defender's Office, who determined Respondent did not qualify for their services. The court thanked and relieved the Alternate Public Defender's Office. The court continued the arraignment to allow Respondent time to seek counsel.

Respondent filed a Profit and Loss statement on June 2, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

The parties are ordered to appear for the arraignment.

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



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**14. HANNAH CASE V. BRANDON CASE**

**PFL20180311**

Respondent filed a Request for Order (RFO) a modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 16, 2025 and a review hearing on June 12<sup>th</sup>.

The Proof of Service shows Petitioner was mail served without address verification on April 14, 2025. It further shows the Department of Child Support Services (DCSS) was mail served on April 14, 2025. This is a post-judgement request for modification, and therefore, Family Code section 215 applies. Further Proof of Service, filed by DCSS, shows Petitioner was mail served with address verification on May 16, 2025. The court finds this service to be untimely. Civil Procedure section 1005(b) states: "Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required 16-day period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California, 10 calendar days if either the place of mailing or the place of address is outside the State of California..." This would have made May 10, 2025 the last day for mail service.

Only Respondent appeared for the CCRC appointment. As such, a single parent report with no recommendations was filed with the court on April 23, 2025. Copies were mailed to the parties the same day.

The court finds service to Petitioner was untimely. Therefore, the matter is dropped from calendar.

All prior orders remain in full force and effect.

**TENTATIVE RULING #14: THE COURT FINDS SERVICE TO PETITIONER WAS UNTIMELY. THEREFORE, THE MATTER IS DROPPED FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

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

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**A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

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**15. JING HAN V. LIEN HAN**

**PFL20160529**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on May 3, 2024. The matter was continued several times to perfect service. Proof of Service shows Respondent was personally served on October 2, 2024.

Respondent filed a Motion to Discharge or Demurrer on December 5, 2024. Petitioner was served on December 16, 2024. Respondent also filed a Request for Order (RFO) requesting Discharge or Demurrer. The RFO was served on Petitioner on December 16, 2024.

Petitioner filed an RFO on September 24, 2024, requesting a modification of child custody and other orders.

On March 13, 2025, the court sustained the demurrer with leave to amend as to counts 1, 6, and 11. Counts 8, 10, and 13 were discharged pursuant to Penal Code § 1385 and the remaining counts were upheld as plead. Petitioner was granted 14 days leave to amend and the arraignment on the remaining counts was continued to the present date. Hearing on the September RFO was continued to trail the OSC.

On March 27, 2025, Petitioner filed a 1<sup>st</sup> Amended Order to Show Cause and Affidavit for Contempt. The amended OSC was filed concurrently with a First Amended Declaration of Petitioner Jing Han in Support of Order to Show Cause for Contempt. The amended OSC and supporting declaration were personally served on Respondent's attorney on March 26<sup>th</sup>.

Generally speaking, OSC documents must be personally served on the party, not on the party's attorney. However, the Proof of Service states that Respondent's attorney was personally served "on behalf of Lien Han (Huynh) as authorized." It appears the parties stipulated that service on the attorney was proper, though the court would like to confirm this. The parties are ordered to appear to address this issue. Assuming service was proper, the parties are ordered to appear for the arraignment.

The September 24, 2024 RFO continues to trail the OSC.

**TENTATIVE RULING #15: THE PARTIES ARE ORDERED TO APPEAR TO ADDRESS SERVICE OF THE AMENDED OSC DOCUMENTS. ASSUMING SERVICE WAS PROPER, THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT. THE SEPTEMBER 24, 2024 RFO CONTINUES TO TRAIL THE OSC.**

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**16. SHAN'TEL LEE V. ROGER JESSEN**

**PFL20170049**

Petitioner filed an ex parte application for emergency custody orders on May 2, 2025. On May 5, 2025, the court denied the request for emergency orders, however, the parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment on May 13, 2025. Proof of Service shows Respondent was mail served on May 12, 2025.

Only Petitioner appeared at the CCRC appointment on May 13<sup>th</sup>. As such, a single parent report with no recommendations was filed with the court on May 13, 2025. Copies were mailed to the parties the same day.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**17. ANGELICA MOFFITT V. JAMES MOFFITT**

**22FL0121**

Respondent filed an ex parte application for emergency custody orders on March 17, 2025. On March 19, 2025, the court denied the request. Respondent filed a Request for Order (RFO) on March 19<sup>th</sup> making the same requests as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 16, 2025 and a review hearing on June 12, 2025. Petitioner was personally served via substitute service and mail served on March 19, 2025.

Respondent filed a second ex parte application for emergency custody orders on March 21, 2025. On March 24, 2025, the court again denied Respondent's request.

Respondent filed a Declaration on March 24, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it.

Respondent filed a third ex parte application for emergency orders on May 13, 2025. On May 16, 2025, the court again denied Respondent's requested orders.

Only Respondent appeared at the CCRC appointment on April 16, 2025. A single parent report was filed with the court on May 13, 2025. Copies were mailed to the parties the same day.

The court notes Petitioner filed a request for a Domestic Violence Restraining Order (DVRO) on May 8, 2025. A temporary DVRO was granted on May 8<sup>th</sup>. Parties appeared for the hearing on the request for the DVRO on May 29, 2025. The parties set the matter for a further hearing on June 26<sup>th</sup> at 1:30 PM in Department 8. The court finds there are current child custody and visitation orders as a part of the DVRO. The request for the DVRO must be resolved prior to the court making orders in the Family Law case. Therefore, the court on its own motion continues the RFO to join the request for the DVRO to June 26, 2025 at 1:30 PM in Department 8.

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

**TENTATIVE RULING #17: THE COURT FINDS THERE ARE CURRENT CHILD CUSTODY AND VISITATION ORDERS AS A PART OF THE DVRO. THE REQUEST FOR THE DVRO MUST BE RESOLVED PRIOR TO THE COURT MAKING ORDERS IN THE FAMILY LAW CASE. THEREFORE, THE COURT ON ITS OWN MOTION CONTINUES THE RFO TO JOIN THE REQUEST FOR THE DVRO TO JUNE 26, 2025 AT 1:30 PM IN DEPARTMENT 8. ALL**

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**PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

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**18. DUSTY SIMMONS V. ERIN SIMMONS**

**23FL0201**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on February 24, 2025, alleging five counts of contempt for failure to pay spousal support. Respondent was personally served on March 22, 2025.

Only Petitioner appeared for the arraignment on April 24, 2025. The court continued the arraignment and issued a bench warrant for Respondent. The bench warrant was stayed pending the continued hearing.

Parties are ordered to appear for the arraignment.

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

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**19. TODD STANLEY V. HANNAH COLE**

**24FL0221**

On January 9, 2025, the court set a review hearing to address whether there should be a step-up in Petitioner's parenting time. Parties were directed to file and serve Supplemental Declarations 10 days prior to the hearing.

The parties appeared for the review hearing on April 10, 2025 at which time the court made several orders regarding custody and visitation. A review hearing was set for the present date for receipt and review of the 730 Evaluation and to assess progress with the parenting plan.

On April 18, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders, child support, and a move away order. She filed her Income and Expense Declaration concurrently therewith. All required documents were electronically served on April 24, 2025.

Petitioner filed and served his Responsive Declaration to Request for Order on May 28, 2025. His Income and Expense Declaration was filed and served on May 29, 2025.

Respondent Hannah Cole's Reply Declaration in Support of Request for Interim Relocation was filed on June 2<sup>nd</sup> along with a Declaration of Rebekah A. Frye, CFLS. Both documents were served the same day as filing.

A Supplemental Declaration of Petitioner, Todd Stanley was filed and served on June 2<sup>nd</sup>.

Respondent brings her RFO requesting the following: (1) An order allowing Respondent to relocate to Oregon; (2) An order prohibiting Petitioner from being at the children's school for any reason other than custodial exchanges unless agreed upon by the parties or court order; (3) Child support retroactive to the date of the restraining orders with income imputed to Petitioner; (4) Reimbursement of the cost of supervised childcare during the DVRO trial; and (3) The ability to freely travel to Oregon with the Children during Respondent's parenting time if the move away request is not granted.

Petitioner opposes all of the requests made by Respondent. He also requests parenting time on the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> weekends of the month from Thursday pick up from school to Monday drop off at school. He requests one week of vacation time from July 14<sup>th</sup> through July 24<sup>th</sup>. An order to have additional parenting time from July 6<sup>th</sup> through July 8<sup>th</sup> to accommodate the children attending Jr. Guide School. He notes that Respondent is being charged with child abuse in Utah and he asks that the children be ordered to stay with him



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during the three days she needs to report to booking on July 28<sup>th</sup>. Furthermore, he requests a right of first refusal to care for the children when Respondent is unavailable. Finally, he is requesting a further review hearing to evaluate the status of the Family Code § 730 evaluation and an additional increase of his parenting time.

“A parent entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child.” Fam. Code Section 7501(a). In assessing the rights and welfare of the child, each case must be evaluated on its own merits. In re Marriage of Burgess, 13 Cal. 4<sup>th</sup> 25, 37-40 (1996). “Among the factors that the court ordinarily should consider when deciding whether to modify a custody order in light of the custodial parent’s proposal to change the residence of the child are the following: the children’s interest in stability and continuity in the custodial arrangement; the distance of the move; the age of the children; the children’s relationship with both parents; the relationship between the parents including, but not limited to, their ability to communicate and cooperate effectively and their willingness to put the interests of the children above their individual interests; the wishes of the children if they are mature enough for such an inquiry to be appropriate; the reasons for the proposed move; and the extent to which the parents currently are sharing custody.” Marriage of LaMusga, 32 Cal. 4<sup>th</sup> 1072, 1098-1101 (2004). This is a very fact specific analysis and because move away cases involve “the most serious decisions a family law court is required to make and should not be made in haste.” In re Marriage of Seagondollar, 139 Cal. App. 4<sup>th</sup> 1116 (2006).

In keeping with the requirements of the law, and given the fact driven analysis that the court must consider, the court is of the opinion that a full adversarial hearing must precede such a decision. The parties are ordered to appear to choose trial and Mandatory Settlement Conference dates.

Regarding the remaining issues of custody and visitation and child support, the parties are ordered to appear for the hearing on these issues as well.

**TENTATIVE RULING #19: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES. THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON ALL OTHER ISSUES.**

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**20. KAYLA TRUJILLO V. GUNNER SEXTON**

**25FL0153**

Respondent filed a Request for Order (RFO) on April 25, 2025, requesting the right of first refusal, the right to make education decisions, and a re-referral to mediation. Petitioner was personally served on April 26, 2025.

Also on April 25<sup>th</sup>, Respondent filed a Responsive Declaration to Petitioner's pending RFO that was set to be heard on May 15, 2025. Respondent did not make any of the requested orders in his Responsive Declaration that he made in his RFO. Rather, Respondent consented to Petitioner's requested orders.

On May 14, 2025, the court issued its tentative ruling on Petitioner's RFO. Neither party requested oral argument. As such, the court adopted its tentative ruling as its order on May 15<sup>th</sup>.

Petitioner filed a Responsive Declaration to Respondent's RFO on May 30, 2025. Respondent was personally served on June 1, 2025. Petitioner objects to Respondent's requested orders, and asserts the court made final custody orders on May 15<sup>th</sup>. Petitioner requests the court maintain the current orders.

The court has read and considered the filings as set forth above. The court finds the orders made on May 15, 2025 were not final orders pursuant to Montenegro v. Diaz 26 Cal.4<sup>th</sup> 249 (2001). As such, the best interest of the minor standard applies. The court finds that Respondent's requested orders are not in the best interest of the minor. The court finds the current orders are in the best interest of the minor. Therefore, the court maintains the current orders. Respondent's requests are denied.

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

**TENTATIVE RULING #20: THE COURT FINDS THE ORDERS MADE ON MAY 15, 2025 WERE NOT FINAL ORDERS PURSUANT TO MONTENEGRO V. DIAZ 26 CAL.4<sup>TH</sup> 249 (2001). AS SUCH, THE BEST INTEREST OF THE MINOR STANDARD APPLIES. THE COURT FINDS THAT RESPONDENT'S REQUESTED ORDERS ARE NOT IN THE BEST INTEREST OF THE MINOR. THE COURT FINDS THE CURRENT ORDERS ARE IN THE BEST INTEREST OF THE MINOR. THEREFORE, THE COURT MAINTAINS THE CURRENT ORDERS. RESPONDENT'S REQUESTS ARE DENIED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 12, 2025  
8:30 a.m./1:30 p.m.

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