

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 13, 2024

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

1. AMELIA VERDUGO V. ANTHONY RODRIGUEZ

PFL20180504

On February 2, 2024, the parties appeared before the court for a review hearing. They were ordered to choose a 730 Evaluator by the close of business that day. The parties then returned for a review hearing on February 15, 2024 at which time they requested a 3111 Evaluation rather than a 730 Evaluation. The parties agreed to Mr. Muton Klish as the evaluator. A review hearing was set for the present date to review the 3111 report. Supplemental declarations were due to be filed and served no later than ten days prior to the hearing date.

After reviewing the file, it appears the court is not yet in receipt of the 3111 report and neither party has filed a supplemental declaration. This matter is therefore continued to September 12, 2024 at 8:30 am. The parties are to file and serve supplemental declarations no later than ten days prior to the next hearing date.

All prior orders remain in full force and effect.

TENTATIVE RULING #1: THIS MATTER IS CONTINUED TO September 12, 2024 at 8:30 am THE PARTIES ARE TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS NO LATER THAN TEN DAYS PRIOR TO THE NEXT HEARING DATE. 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 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. ANNE MCNELIS V. FERRIS NUESMEYER

PFL20160411

On March 21, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). The OSC was personally served on March 29th.

On April 17th the parties filed a stipulation that included a conditional settlement of the OSC. Should Respondent comply with the terms of the stipulation, Petitioner agreed to dismiss the OSC. However, the parties did not stipulate to vacate or continue the present hearing date and Petitioner has not dismissed the OSC to date. Therefore, the parties are ordered to appear for arraignment.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT.

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3. BLAKE CICHELLA V. MADELYN COUTURE-CICHELLA

PFL20200719

On March 21, 2024, Respondent filed a Request for Order (RFO) seeking various custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC). The CCRC referral was served on March 22nd and the RFO was electronically served on April 2nd. This is a post judgment request for modification of custody orders and therefore must comply with Family Code § 215 and be personally served or an address verification form must be filed. However, given that Petitioner attended CCRC and filed a responsive declaration, the court finds Petitioner to have actual knowledge of the pending request and any defect in service has been waived.

Petitioner filed and served a Responsive Declaration to Request for Order on May 28, 2024.

The parties attended CCRC on April 15, 2024, and were unable to reach any agreements. A report with recommendations was prepared and sent to the parties on May 31st.

Respondent's Supplemental Declaration in Support of Request for Order to Modify Parenting Plan, Order for Compliance with Judgment, and Maintain Current School Enrollment was filed on June 5th. It was served electronically on June 4th.

Respondent brings her RFO requesting the following orders: (1) Modify the parenting schedule so that exchanges with the child occur at Valley View Elementary School instead of the current exchange locations; (2) Modify the parenting schedule so that the child remains with the weekend custodial parent when there is a Monday school holiday; (3) Order that Petitioner communicate with Respondent before scheduling medical appointments for the child; (4) Order that the parties utilize *talkingparents.com* to relay information to each other about the child's education, health, and general welfare; (5) Order that Petitioner communicate with Respondent before signing the child up for extracurricular activities; (6) Order that Petitioner give Respondent a 30-day advance written notice of vacations; and (7) Order that the child remain enrolled in Valley View Elementary School.

Petitioner asks that the custody schedule remain the same as it has allowed stability in the minor's life and he argues there has not been a substantial change in circumstances to justify changing the custody schedule. In the alternative, Petitioner would be agreeable to extending Respondent's time to Sunday at 7:00pm, he is also agreeable to extending the 3-day weekend holiday to Monday at 3:00pm. Petitioner is agreeable to giving Respondent advance notice of medical appointments and 30-days advance notice of

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vacations. He is also agreeable to using the Talking Parents app. Finally, he agrees to keep the minor at Valley View Elementary School.

Because this is a post-judgment request for modification of custody orders the court the court is to determine whether or not there has been a change in circumstances sufficient to warrant a change in the prior custody orders. Here, according to Respondent the current custody orders were established prior to the minor attending school. Given that the minor is now of school age, circumstances have sufficiently changed which require a change in custody orders to ensure that the orders evolve with the best interests of the child. The court has reviewed the recommendations contained in the May 31, 2024 CCRC report and finds them to be in the best interests of the minor, therefore they are hereby adopted as the orders of the court.

Given that the parties do share legal custody, the parties are each ordered to provide the other with notification of medical, or dental appointments prior to scheduling. The parties are further ordered to give one another 30-days advance written notice of any vacations the party intends to take with the minor. Additionally, the parties are to give one another notice prior to signing the minor up for any extracurricular activities that will affect the other parent's custodial time.

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 #3: THE COURT HAS REVIEWED THE RECOMMENDATIONS CONTAINED IN THE MAY 31, 2024 CCRC REPORT AND FINDS THEM TO BE IN THE BEST INTERESTS OF THE MINOR, THEREFORE THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.

GIVEN THAT THE PARTIES DO SHARE LEGAL CUSTODY, THE PARTIES ARE EACH ORDERED TO PROVIDE THE OTHER WITH NOTIFICATION OF MEDICAL, OR DENTAL APPOINTMENTS PRIOR TO SCHEDULING. THE PARTIES ARE FURTHER ORDERED TO GIVE ONE ANOTHER 30-DAYS ADVANCE WRITTEN NOTICE OF ANY VACATIONS THE PARTY INTENDS TO TAKE WITH THE MINOR. ADDITIONALLY, THE PARTIES ARE TO GIVE ONE ANOTHER NOTICE PRIOR TO SIGNING THE MINOR UP FOR ANY EXTRACURRICULAR ACTIVITIES THAT WILL AFFECT THE OTHER PARENT'S CUSTODIAL TIME.

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.

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4. CATHERYN WADMAN V. MAX TOPPING WADMAN

21FL0116

On April 25, 2024, Respondent filed and served a Request for Order (RFO) seeking custody and visitation orders. The RFO was set to be heard on May 9th.

Petitioner filed a Responsive Declaration to Request for Order the same day. Respondent filed an additional Declaration on April 30th and Petitioner filed and served an additional Responsive Declaration to Request for Order on April 30th. On May 2nd, Petitioner filed and served Petitioner Catheryn Corcoran's Supplemental Declaration and Petitioner Catheryn Corcoran's Objection and Request to Strike Respondent's FL-300.

On May 7, 2024, Respondent filed an RFO seeking additional custody and visitation orders. This RFO is on the heels of an ex parte request for orders which was filed by Respondent on May 6th. Petitioner filed a Responsive Declaration to Request for Order on May 6th.

The court denied the ex parte request, referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment, and directed the parties to make the minor available to be interviewed by the CCRC counselor. The court also appointed Minor's Counsel and continued the May 9th hearing to join with the present hearing date. Respondent filed and served a Supplemental Declaration of Max Wadman on June 6, 2024 along with a Declaration of Kelly Topping.

Respondent filed his initial RFO seeking full physical custody of the minor child with joint legal custody to be shared by the parties. He proposes Petitioner have visitation every other weekend and one week-long vacation during the summer. He requests holidays to be split as previously ordered by the court. He also asks the court to remind Petitioner that the current order for joint legal custody means that he shall have access to all the child's medical and school records. He also asks that the court admonish Petitioner and remind her not to make disparaging remarks in the child's presence.

Petitioner objects to the RFO and the attached declaration as the RFO amounts to 89 pages and the declaration, if it had been properly spaced, would have exceeded the 10-page limit. While Petitioner is correct that the declaration is improperly spaced and the RFO as a whole is exceedingly long, the court does not find this alone to be grounds to strike the entirety of the RFO therefore the request to strike is denied.

Petitioner opposes Respondent's requested orders and asks that the court maintain all current orders.

The parties attended CCRC on May 21st and were unable to reach any agreements. A report with recommendations was prepared on June 4 and sent to the parties on June 5th.

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The court has reviewed the filings as outlined above and finds the recommendations contained in the CCRC report to be in the best interests of the minor. Therefore, the recommendations are hereby adopted as the orders of the court. All prior orders not in conflict with this order remain in full force and effect. Both parties are admonished to comply with all court orders, including timely exchanges of the minor and ensuring that the respect guidelines are adhered to.

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

TENTATIVE RULING #4: PETITIONER'S REQUEST TO STRIKE IS DENIED. THE RECOMMENDATIONS IN THE JUNE 5, 2024 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. BOTH PARTIES ARE ADMONISHED TO COMPLY WITH ALL COURT ORDERS INCLUDING TIMELY EXCHANGES AND ENSURING THAT THE RESPECT GUIDELINES ARE ADHERED TO. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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5. KRISTI WHITE V. ERIK WHITE

PFL20130876

On February 7, 2024, Petitioner filed two separate Request for Order (RFO) forms; one for various custody and visitation orders, attorney's fees, and the appointment of Minor's Counsel, the other for child support. Concurrently with the RFOs, Petitioner filed her Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC). The Proof of Service indicates that the RFOs and the Income and Expense Declaration were electronically served on DCSS on February 22nd, it is unclear when Respondent was served and whether or not it was done in accordance with Family Code § 215 as this is a post-judgment request for modification of custody and support.

The parties attended CCRC on May 2nd and were able to reach some agreements but could not agree on all issues. CCRC prepared a report containing the agreements as well as recommendations on May 6, 2024. It was mailed to the parties the same day.

Respondent filed and served a Responsive Declaration to Request for Order on May 28, 2024. The Supplemental Declaration of Petitioner was filed and served on May 30, 2024.

Given that Respondent appeared at CCRC and filed a responsive declaration, the court finds him to have actual knowledge of the requests being made in the RFOs and therefore there is good cause to reach this matter on the merits despite any potential defect in service.

Petitioner brings her RFO seeking sole legal and sole physical custody of the minor child. She states that the minor has been diagnosed with a developmental disability and experiences increased sadness and difficulty when custody transitions from one parent to the other. Petitioner asks that Minor's Counsel be appointed to ensure that the minor's wishes are considered by the court. Petitioner also requests attorney's fees and costs in the amount of \$3,500.

Respondent opposes the requests made in the RFO. He feels that the 50/50 schedule of Monday to Monday works well for the minor. He also argues that Minor's Counsel is not necessary or warranted in this matter. He requests that the parties each attend a coparenting class on their own as opposed to participating in joint coparenting counseling. He also requests that the parties not be ordered to respond to Talking Parents messages within 24 hours of receipt, but he does state that he can commit to responding within 72 hours. Finally, he asks that the court keep the summer schedule on a 3-week rotation instead of shortening it to a 2-week rotation due to pre-planned vacations and summer camps which he has already scheduled and paid for.

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After reviewing the filings of the parties as well as the CCRC report, the court finds the agreements and recommendations contained in the May 5, 2024 CCRC report to be in the best interests of the minor. Therefore, they are hereby adopted as the orders of the court with one modification. The section labeled Communication Between the Parents shall be amended to state that the parties are to provide a response to all communication made through Talking Parents within a 48-hour timeframe.

The request to appoint Minor's Counsel is denied as it does not appear the appointment of counsel is necessary to ensure the minor's wishes are heard. The minor was able to articulately express his wishes to CCRC without issue.

Regarding child support, the court notes that the Department of Child Support Services (DCSS) is a party to the case, therefore the request for child support is continued to July 22, 2024 at 10:00 in Department 10), to be heard on the DCSS calendar.

Petitioner did not file the requisite FL-319 and FL-158, or a declaration that addresses the factors covered in those forms, therefore the request for attorney's fees 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 #5: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE MAY 5, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR. THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE SECTION LABELED COMMUNICATION BETWEEN THE PARENTS SHALL BE AMENDED TO STATE THAT THE PARTIES ARE TO PROVIDE A RESPONSE TO ALL COMMUNICATION MADE THROUGH TALKING PARENTS WITHIN A 48 HOUR TIMEFRAME.

THE REQUEST TO APPOINT MINOR'S COUNSEL IS DENIED AS IT DOES NOT APPEAR THE APPOINTMENT OF COUNSEL IS NECESSARY TO ENSURE THE MINOR'S WISHES ARE HEARD.

REGARDING CHILD SUPPORT, THE COURT NOTES THAT THE DEPARTMENT OF CHILD SUPPORT SERVICES (DCSS) IS A PARTY TO THE CASE, THEREFORE THE REQUEST FOR CHILD SUPPORT IS CONTINUED TO July 22, 2024 at 10:00 AM in Department 10, TO BE HEARD ON THE DCSS CALENDAR.

PETITIONER DID NOT FILE THE REQUISITE FL-319 AND FL-158, OR A DECLARATION THAT ADDRESSES THE FACTORS COVERED IN THOSE FORMS, THEREFORE THE REQUEST FOR ATTORNEY'S FEES IS DENIED.

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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.

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

6. KRISTIN FRANCE V. JAMES FRANCE

PFL20170514

On February 14, 2024, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. A Request for Order (RFO) was filed concurrently therewith. The ex parte was denied as the court did not find there to be exigent circumstances. Petitioner was ordered not to transport the minors with any measurable amount of alcohol in her system and the matter was set on the regular law and motion calendar.

The parties attended Child Custody Recommending Counseling (CCRC) on March 11, 2024, but they were unable to reach any agreements. On March 12th, Respondent filed a Declaration with attached exhibits as requested by the CCRC counselor. The Declaration was served on March 14th.

Petitioner filed and served her Responsive Declaration to Request for Order on March 18th.

A CCRC report with recommendations was prepared on May 30th. It was mailed to the parties on May 31st. Respondent filed and served a Reply Declaration on June 6th.

Respondent brings his RFO requesting sole physical custody of the parties' three minor children. He proposes joint legal custody and temporary supervised visits with Petitioner until further order of the court and Petitioner's completion of a substance abuse evaluation with Coleen Moore DeVere. Respondent also requests the children to be enrolled in school in El Dorado County and appointment of Minor's Counsel. Respondent bases his request largely on the fact that Petitioner was arrested for DUI on October 1, 2023.

Petitioner asks that the RFO be denied in full. She also requests that the receiving parent drive to pick up the children. She asks that the children be with her on Easter weekend and Thanksgiving alternates to whichever parent does not have Christmas.

The court has reviewed the filings as outlined above and finds the recommendations contained in the May 30, 2024 CCRC report to be in the best interests of the minors. Therefore, they are hereby adopted as the orders of the court. Kelly Bentley is appointed as Minor's Counsel. The parties are to evenly split the cost of Minor's Counsel.

A review hearing is set for July 18, 2024 at 8:30am to address a custody schedule during the school year for the two younger minors, Taryn and Jameson, and whether they should be enrolled in school in El Dorado County. Parties, and Minor's Counsel, are to file and serve supplemental declarations no later than 10 days prior to the hearing date. All current custody orders regarding the eldest minor, Aubrie, remain in full force and effect.

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June 13, 2024

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

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

TENTATIVE RULING #6: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE RECOMMENDATIONS CONTAINED IN THE MAY 30, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. KELLY BENTLEY IS APPOINTED AS MINOR'S COUNSEL. THE PARTIES ARE TO EVENLY SPLIT THE COST OF MINOR'S COUNSEL.

A REVIEW HEARING IS SET FOR JULY 18, 2024 AT 8:30AM TO ADDRESS A CUSTODY SCHEDULE DURING THE SCHOOL YEAR FOR THE TWO YOUNGER MINORS, TARYN AND JAMESON, AND WHETHER THEY SHOULD BE ENROLLED IN SCHOOL IN EL DORADO COUNTY. PARTIES, AND MINOR'S COUNSEL, ARE TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. ALL CURRENT CUSTODY ORDERS REGARDING THE ELDEST MINOR, AUBRIE, REMAIN IN FULL FORCE AND EFFECT.

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

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

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June 13, 2024

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

7. LISA THOMASON V. LOUIS MOLAKIDES

PFL20210494

The parties appeared before the court on a short set law and motion matter on November 27, 2023. At that time the court made orders as to custody and visitation, among other things. A review hearing was set for March 7th to assess the parties' compliance with those orders.

At the March 7th hearing the court expanded Petitioner's parenting time beyond the supervised visits. She was given unsupervised visits every weekend during the day from 10:00am to 4:00pm. The court ordered Mr. Whitaker could not be present for the unsupervised visits. Mr. Whitaker could have supervised visits once per week for two hours each during Petitioner's parenting time. The parties were ordered to participate in coparenting counseling and address the school issue in counseling. The parties were also ordered to jointly choose a therapist and enroll the minor in individual therapy. Parties were to split the cost of therapy for the minors. A further review hearing was set for the present date.

The Supplemental Declaration of Petitioner was filed and served on May 31st. The Status Declaration of Louis Molakides in Support of Continuing the Existing Parenting Schedule and Change of School for Jessie was served on May 31st. It was filed on June 3rd.

According to Petitioner, she has participated in an extensive substance abuse evaluation with Life Steps Consulting. A report was prepared by William Schneider, LAADC-CA and signed off on by Neal Mehra, MD, MBA. She states that according to the report there is no evidence that she is currently using drugs or alcohol. She disagrees with the report's recommendation for weekly outpatient counseling and an additional 6 months of random weekly urinalysis testing; however, if the court is inclined to order this, she asks that custody be modified to an equal parenting plan. Specifically, she is requesting a 2-2-5-5 parenting plan where she would have the children Monday and Tuesday and every other weekend. She asks for a right of first refusal if either parent must be away from the children for 7 hours or more. Finally, she is requesting that Mr. Whitaker be allowed to be around the children.

Respondent requests the court maintain the existing custody orders with the exception that Respondent have one Sunday with the children every other weekend. He also asks that the minor's school be changed from William Brooke Elementary School in El Dorado Hills to Indian Creek School in Placerville.

The parties are ordered to appear for the hearing.

TENTATIVE RULING #7: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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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.

The parties appeared for a prior review hearing on May 9, 2024, at which time Minor's Counsel requested a continuance. The request was granted, and the review hearing was set to the present date. Supplemental declarations were ordered to be filed and served no later than ten days prior to the hearing date.

Minor's Counsel filed a Declaration on May 22nd that included a letter from Karen Giordana, the reunification therapist in this matter.

Petitioner filed and served a Status Declaration of Nikolas Paech on June 3rd. The Declaration of Respondent, Caroline Giroux was also filed and served on June 3rd. On June 5th Respondent filed a Reply to Minor's Counsel's Filing and Objection to Letter of Therapist; Request to Strike.

The court orders parties to appear for the hearing.

TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO APPEAR FOR THE 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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8:30 a.m./1:30 p.m.

10. RICHARD BAKER V. KELSEY HICKENBOTTOM

23FL0172

Petitioner filed a Request for Order (RFO) on April 2, 2024 seeking entry of the judgment on this matter. There is no Proof of Service for this document therefore the matter is dropped from calendar due to lack of proper service.

Even if the RFO had been properly served, the court notes the original petition was a Request for a Domestic Violence Restraining Order. The court cannot enter judgment without the parties first filing a Petition to Establish a Parental Relationship. Therefore, the matter would be denied even if the court had reached it on its merits.

TENTATIVE RULING #10: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. EVEN IF THE COURT HAD REACHED THE MATTER ON ITS MERITS, IT WOULD BE DENIED AS THERE HAS BEEN NO PETITION TO ESTABLISH A PARENTAL RELATIONSHIP FILED.

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.

12. BRITTNEY VERGARA V. ROBERT VERGARA

24FL0185

Petitioner filed a Request for Order (RFO) on March 29, 2024, requesting the court make child custody and parenting plan orders, as well as child support orders. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 26, 2024 and a review hearing on June 13, 2024. Proof of Service shows Respondent was served with the RFO and referral to CCRC by mail on April 1, 2024. The court notes, Respondent filed a Response to the Petition for Dissolution on April 2, 2024, which shows he is represented by counsel.

Petitioner filed a request for a Domestic Violence Restraining Order (DVRO) on March 11, 2024. The court granted a Temporary Domestic Violence Restraining Order (TDVRO) on March 11, 2024. The parties attended court on April 4, 2024 and continued the hearing and the TDVRO to June 20, 2024, to await the results of the custody hearing on June 13, 2024.

Both parties attended CCRC on April 26, 2024 and reached a full agreement. A report codifying the parties' agreement was filed with the court on April 26, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Declaration as well as an Income and Expense Declaration on April 22, 2024. There is no Proof of Service for these documents, and therefore, the court has not considered them.

Petitioner filed an amended RFO on May 28, 2024 along with an amended Income and Expense Declaration. Proof of Service shows personal service on Respondent at his counsel's office. The court notes the service is less than 16 court days prior to the hearing, and is therefore, untimely. The court drops the amended RFO from calendar.

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

The court finds it needs additional information from the parties, therefore, the parties are ordered to appear for the hearing.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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June 13, 2024

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

13. DCSS V. JARRED PRINGLE (OTHER PARENT: ANGELA FRANCO) PFS20100074

Respondent filed a Request for Order (RFO) requesting the court modify the current child custody and parenting plan orders on March 25, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 22, 2024 and a review hearing on June 13, 2024. Upon review of the court file, there is no Proof of Service showing either Petitioner or Other Parent were properly served with the RFO and other necessary documents. There is a Proof of Service showing Other Parent was served with the change to the time of the CCRC appointment.

Both parties appeared for the CCRC appointment on April 22, 2024. The parties were unable to reach any agreements, as such a report with recommendations was filed with the court on May 31, 2024. Copies were mailed to the parties the same day.

Other Parent filed a Responsive Declaration on June 3, 2024. Proof of Service shows Respondent was electronically served on June 3, 2024. There is no Proof of Service showing Petitioner was properly served.

The court finds good cause to proceed on the merits of the RFO given that Other Parent appeared at the CCRC appointment and fully participated. Additionally, it appears DCSS is aware of the change in physical custody and had a hearing on April 22, 2024 to address the issue of modification of child support. Further, the court finds good cause to consider Other Parent's Responsive Declaration, although untimely, as Other Parent was not properly served with the RFO and other necessary documents.

The court has read and considered the May 31st CCRC report and finds the recommendations as set forth to be in the best interest of the minors. The court adopts the recommendations as set forth. In addition to the recommendations, the court is also ordering that the minor is to be assessed by a physician for psychotropic medication. Respondent shall propose the names of three potential doctors who are available and taking on new patients on or before June 27, 2024. Other Parent shall select one of the three on or before July 5th. The minor is to be seen at the first available appointment. The parties are to follow the recommendations as to any prescribed medications.

All 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 #13: THE COURT FINDS GOOD CAUSE TO PROCEED ON THE MERITS OF THE RFO GIVEN OTHER PARENT APPEARED AT THE CCRC APPOINTMENT AND FULLY PARTICIPATED. ADDITIONALLY, IT APPEARS DCSS IS AWARE OF THE CHANGE IN PHYSICAL CUSTODY AND HAD A HEARING ON APRIL 22, 2024 TO

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 13, 2024

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

ADDRESS THE ISSUE OF MODIFICATION OF CHILD SUPPORT. FURTHER, THE COURT FINDS GOOD CAUSE TO CONSIDER OTHER PARENT'S RESPONSIVE DECLARATION, ALTHOUGH UNTIMELY, AS OTHER PARENT WAS NOT PROPERLY SERVED WITH THE RFO AND OTHER NECESSARY DOCUMENTS. THE COURT HAS READ AND CONSIDERED THE MAY 31ST CCRC REPORT AND FINDS THE RECOMMENDATIONS AS SET FORTH TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. IN ADDITION TO THE RECOMMENDATIONS, THE COURT IS ALSO ORDERING THAT THE MINOR IS TO BE ASSESSED BY A PHYSICIAN FOR PSYCHOTROPIC MEDICATION. RESPONDENT SHALL PROPOSE THE NAMES OF THREE POTENTIAL DOCTORS WHO ARE AVAILABLE AND TAKING ON NEW PATIENTS ON OR BEFORE JUNE 27, 2024. OTHER PARENT SHALL SELECT ONE OF THE THREE ON OR BEFORE JULY 5TH. THE MINOR IS TO BE SEEN AT THE FIRST AVAILABLE APPOINTMENT. THE PARTIES ARE TO FOLLOW THE RECOMMENDATIONS AS TO ANY PRESCRIBED MEDICATIONS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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June 13, 2024

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

14. GAGE TAYLOR V. KAYLA TAYLOR

23FL1171

Respondent filed a Request for Order (RFO) on March 29, 2024, requesting a change of venue. Upon review of the court file, there is no Proof of Service showing the RFO and other necessary documents were properly served on Petitioner.

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

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

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

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June 13, 2024

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

16. KATHRYN MARTINEZ V. SONIA BARON

23FL1251

On April 5, 2024, Respondent filed a Request for Order (RFO) requesting an order to compel Petitioner to serve her Preliminary Declarations of Disclosure (PDD). Proof of Service shows Petitioner was served by mail on April 5, 2024.

Respondent asserts she has not received the PDD from Petitioner as required. Respondent filed the FL-141 on March 1, 2024, which states Respondent served Petitioner with her PDD on February 28, 2024.

Upon review of the court's file, there is an FL-141 filed on April 2, 2024, by Petitioner stating Respondent was served by mail with Petitioner's PDD on March 1, 2024.

Parties to divorce proceedings are under the obligation to produce initial declarations of disclosure. Fam. Code § 2104. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). Respondent has established that she has complied with the requirements of Section 2104. However, Respondent has not established that Petitioner has failed to do so. The court has a filed FL-141, signed by Petitioner under penalty of perjury, that the necessary documents were mail served on March 1, 2024.

The court denies Respondent's motion to compel, as it appears Petitioner has complied with the requirements of Family Code section 2104.

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

TENTATIVE RULING #16: RESPONDENT'S RFO IS DENIED BASED ON PETITIONER'S APRIL 2, 2024 FILED FL-141. 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

June 13, 2024

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

17. MEREDITH SIMONEAU V. JEREMY SIMONEAU

22FL1082

Respondent filed a Request for Order (RFO) on April 8, 2024, requesting the court set aside the default judgment pursuant to Code of Civil Procedure 473(b) as well as Family Code section 2550. Proof of Service shows Petitioner was personally served on April 10, 2024.

Respondent brings his RFO requesting a set aside of the default entered on December 19, 2023 pursuant to Civil Procedure § 473. Respondent also asserts the judgement results in an unequitable division of property pursuant to Family Code section 2550. Respondent has not provided any basis under 473(b) as to what his mistake, inadvertence, surprise, or excusable neglect was, but rather that Petitioner has made a mistake. Additionally, Respondent has not included his proposed Response to the petition, which is required for a 473(b) motion.

Petitioner opposes all of Respondent's requests. She asks that court maintain the default. Petitioner has included a proposed Judgement.

The court notes a Judgement has not yet been entered in this matter and therefore, will not provide an analysis of Respondent's arguments pursuant to Family Code section 2550.

"The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." Cal. Civ. Pro. § 473(b). To obtain relief under Section 473(b), the moving party must do so within a reasonable time, but in no case exceeding 6 months after the date of the judgment and must provide a copy of the pleading proposed to be filed. *Id.*

In ruling on such matters, a pro per is held to the same standard as a practicing attorney. *Goodson v. Bogerts, Inc.*, 252 Cal. App. 2d 32, 40 (1967) ("One who voluntarily represents himself is not, for that reason, entitled to any more (or less) consideration than a lawyer. Thus, any alleged ignorance of legal matters or failure to properly represent himself can hardly constitute 'mistake, inadvertence, surprise, or excusable neglect' as those terms are used in section 473").

While Respondent has timely filed the motion to set aside, Respondent has not established surprise, mistake, or excusable neglect which would be grounds to set aside the default. Respondent argues that Petitioner has made a mistake in the Judgment, rather than his mistake for not filing a Response. For these reasons, the court denies Respondent's motion.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 13, 2024

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

TENTATIVE RULING #17: FOR THE REASONS SET FORTH ABOVE, THE COURT DENIES RESPONDENT'S MOTION TO SET ASIDE THE DEFAULT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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DEPARTMENT 5

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

18. REGINA LEWIS V. CHRISMON LEWIS

22FL0853

Petitioner filed a Request for Order on April 4, 2024, stating Respondent did not respond to the FL-150 form. The RFO makes no requests. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO.

Petitioner filed an amended RFO on April 10, 2024, requesting the court compel Respondent to complete her Preliminary Declarations of Disclosure (PDD). Upon review of the court file, there is no Proof of Service showing the amended RFO was properly served on Respondent.

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

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

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