

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

1. CROSBY BRACKETT V. MICHELLE BRACKETT

25FL0093

On April 8, 2025, Petitioner filed a Request for Order (RFO) seeking spousal support and several other orders. He filed his Income and Expense Declaration concurrently therewith. All required documents were served on April 10th.

Respondent filed and served her Responsive Declaration to Request for Order, her Income and Expense Declaration, and an Amended Responsive Declaration to Request for Order on June 20th.

The Reply Declaration of Crosby Brackett was filed and served on July 2nd.

Petitioner is requesting guideline spousal support as well as allocation of expenses and an order to sell the former family residence located on Bryce Court in El Dorado Hills. He states that he is unable to pay support and Petitioner's expenses at the same time therefore he requests Petitioner be ordered to pay her own living expenses including the mortgage, utility bills, her car payment, her auto insurance, and her phone bill.

Respondent asks the court to award support at or above the guideline amount. If the court chooses to allocate the expenses paid by Petitioner as he requests, then she asks that support be adjusted upward to maintain the marital standard of living. She does not oppose selling the home so long as she is able to secure a new residence prior to the sale and the proceeds of the sale be split evenly.

Given that there is no material disagreement between the parties as to the characterization of the marital residence or the distribution of the funds, the court is granting the request to sell the home. Respondent shall be given 30 days to secure alternate housing prior to the marital residence being put on the market. The parties are to mutually agree on a realtor. Net proceeds of the sale shall be split evenly between the parties.

Pending the sale of the home, Petitioner is to pay the costs of the mortgage, property taxes, utilities, homeowner's insurance, HOA dues, and pool maintenance. He is ordered to keep documentation of all payments made. Once sold, Petitioner will be reimbursed for Respondent's half of those expenses out of Respondent's portion of the proceeds of the home. Commencing immediately, the remaining expenses, Respondent's car payment, auto insurance, and monthly cell phone bill, shall be paid by Respondent.

Regarding support, the court finds spousal support per the Alameda formula to be \$1,388 per month. The court adopts the Xspouse report attached as Exhibit A to

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

Petitioner's Reply Declaration, and orders Petitioner to pay Respondent \$1,388 per month as and for temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. This order is effective as of April 15, 2025.

The court finds the above order results in arrears in the amount of \$4,164 through and including June 15, 2025. The court orders Petitioner to pay Respondent \$694 on the 1st of each month commencing on August 1, 2025 and continuing until paid in full (approximately 6 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

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

TENTATIVE RULING #1: THE REQUEST TO SELL THE MARITAL RESIDENCE IS GRANTED. RESPONDENT SHALL BE GIVEN 30 DAYS TO SECURE ALTERNATE HOUSING PRIOR TO THE MARITAL RESIDENCE BEING PUT ON THE MARKET. THE PARTIES ARE TO MUTUALLY AGREE ON A REALTOR. NET PROCEEDS OF THE SALE SHALL BE SPLIT EVENLY BETWEEN THE PARTIES.

PENDING THE SALE OF THE HOME, PETITIONER IS TO PAY THE COSTS OF THE MORTGAGE, PROPERTY TAXES, UTILITIES, HOMEOWNER'S INSURANCE, HOA DUES, AND POOL MAINTENANCE. HE IS ORDERED TO KEEP DOCUMENTATION OF ALL PAYMENTS MADE. ONCE SOLD, PETITIONER WILL BE REIMBURSED FOR RESPONDENT'S HALF OF THOSE EXPENSES OUT OF RESPONDENT'S PORTION OF THE PROCEEDS OF THE HOME. COMMENCING IMMEDIATELY, THE REMAINING EXPENSES, RESPONDENT'S CAR PAYMENT, AUTO INSURANCE, AND MONTHLY CELL PHONE BILL, SHALL BE PAID BY RESPONDENT.

REGARDING SUPPORT, THE COURT FINDS SPOUSAL SUPPORT PER THE ALAMEDA FORMULA TO BE \$1,388 PER MONTH. THE COURT ADOPTS THE XSPOUSE REPORT ATTACHED AS EXHIBIT A TO PETITIONER'S REPLY DECLARATION, AND ORDERS PETITIONER TO PAY RESPONDENT \$1,388 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF APRIL 15, 2025.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$4,164 THROUGH AND INCLUDING JUNE 15, 2025. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$694 ON THE 1ST OF EACH MONTH COMMENCING ON AUGUST 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

2. ANGELA FINDLETON V. RYAN FINDLETON

PFL20180821

On May 22, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The matter came before the court for hearing on September 12, 2024, at which time the court made orders on all matters with the exception of a school choice for the minor. The parties were ordered to meet and confer on the issue and a review hearing was set for the present date. Parties were ordered to file Supplemental Declarations no later than 10 days prior to the hearing.

The Supplemental Declaration of Ryan Findleton was filed on June 30th.

The Declaration of Angela Findleton was filed on July 2nd. The court finds this to be late filed and there is no Proof of Service for this document therefore it has not been read or considered.

Respondent asks that the court order the minor to attend Gold Trail School for the 4th through 8th grades. Alternatively, he requests Sierra Elementary. He further asks the court for sanctions in the amount of \$1,000 for Petitioner's failure to comply with the court's order to meet and confer on the issue.

After reviewing the filings as outlined above the court finds it to be in the best interest of the minor to attend Sierra Elementary school for her 4th grade year and continuing through 8th grade or further order of the court or written agreement of the parties, whichever occurs first.

Respondent's request for sanctions is granted. Respondent makes his request pursuant to Family Code Section 271. Section 271 states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). Given Petitioner's clear disregard for the court's order to meet and confer and jointly select a school for the minor that is located at approximately the mid-point between the parties' respective residences. Furthermore, while it is unclear if Petitioner is complying with the court's other orders, Petitioner is once again reminded that failure to do so may result in Petitioner being found in contempt of court or a change in custody orders. Petitioner is ordered to pay directly to Respondent's attorney \$1,000 as and for sanctions pursuant to Family Code Section 271. Sanctions may be paid in one lump sum or in monthly increments of \$100 commencing on August 1, 2025

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

and continuing until paid in full (approximately 10 months). If any payment is missed or late the entire amount shall become immediately due and payable.

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

TENTATIVE RULING #2: THE COURT FINDS IT TO BE IN THE BEST INTERESTS OF THE MINOR TO ATTEND SIERRA ELEMENTARY SCHOOL FOR HER 4TH GRADE YEAR AND CONTINUING THROUGH 8TH GRADE OR FURTHER ORDER OF THE COURT OR WRITTEN AGREEMENT OF THE PARTIES, WHICHEVER OCCURS FIRST.

RESPONDENT'S REQUEST FOR SANCTIONS IS GRANTED. PETITIONER IS ORDERED TO PAY DIRECTLY TO RESPONDENT'S ATTORNEY \$1,000 AS AND FOR SANCTIONS PURSUANT TO FAMILY CODE SECTION 271. SANCTIONS MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$100 COMMENCING ON AUGUST 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 10 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

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.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

4. GREG HAWTHORNE V. KOREENA HAWTHORNE

24FL1162

Petitioner filed a Request for Order (RFO) on December 13, 2024, requesting the court make orders as to temporary guideline spousal support as well as Family Code section 2030 attorney's fees. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was electronically served on December 13th.

Respondent filed a Responsive Declaration on February 13, 2025, along with an Income and Expense Declaration. Proof of Service shows Petitioner was served by mail on February 13, 2025.

Given the pending request for a Domestic Violence Restraining Order (DVRO) at the time of filing, the court continued the matter to May 8, 2025, to allow the DVRO to be resolved. At the May 8th hearing, the court continued the matter to the present date and ordered the parties to file updated Income and Expense Declarations and Supplemental Declarations no later than 10 days prior to the hearing date. Jurisdiction was reserved over support retroactive to the date of filing the RFO.

On June 6th, Petitioner filed and served his updated Income and Expense Declaration and a Declaration of Greg Hawthorne Regarding his CALPERS Retirement Payments and the Impact on Temporary Spousal Support.

On June 24th, Respondent filed and served an Amended Responsive Declaration to Request for Order and her updated Income and Expense Declaration.

Petitioner's Amended Income and Expense Declaration and his Reply Declaration were filed and served on June 26th.

Petitioner is requesting spousal support and need based attorney's fees in the amount of \$5,000. Respondent opposes both requests and asks that the parties each terminate their right to receive spousal support. If the court does award support, she asks that Petitioner be imputed with full-time minimum wage. She further asks for a credit on arrears to account for the post-separation expenses she has been paying for Petitioner. Additionally, she asks that Petitioner be ordered to pay his own expenses moving forward, including truck payments, travel trailer payments, credit card payments, health insurance premium, and his auto insurance premium.

Utilizing the figures as outlined in the attached Xspouse report, the court finds that spousal support per the Alameda formula is \$2,388 per month. The court adopts the

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

attached Xspouse report and orders Respondent to pay Petitioner \$2,388 per month as and for temporary spousal support, payable on the 15th of the month commencing on July 15, 2025 and continuing until further order of the court or legal termination. This amount is to be offset by the \$681 that Respondent is entitled to from Petitioner's CALPERS payments. This results in a total monthly payment of \$1,707. This order is effective as of December 15, 2024.

The court finds the above order results in arrears in the amount of \$16,716 through and including June 15, 2025. This is offset by \$4,767 to account for Respondent's portion of Petitioner's retirement benefits thereby resulting in \$11,949 outstanding. The court orders Respondent pay Petitioner \$497.88 on the 1st of each month commencing on August 1, 2025 and continuing until paid in full (approximately 24 months). If any payment is late or missed, the entire amount shall become immediately due and payable.

In calculating support, the court has not imputed income to Petitioner. Support may be reduced based on the imputation of income to the lower earning spouse where the requesting spouse unreasonably delays or refuses to seek employment based on his or her existing marketable skills and ability. *In re Marriage of Dennis*, 35 Cal. App. 3d 279, 283 (1973); *See also Marriage of Mason*, 93 Cal. App. 3d 215, 221 (1979). The amount of income imputed is to be based on that spouse's measurable earning capacity which is determined by (1) the ability of the spouse to earn consistent with the spouse's health, age, education, marketable skills, and employment history; and (2) the opportunity available for employment. *In re Marriage of Simpson*, 4 Cal. 4th 225 (1992).

Here, there appears to be a discrepancy between the parties regarding Petitioner's health. While Respondent maintains that Petitioner has the ability to work, the court does not find that Petitioner has met her burden in this regard. As such, the request to impute Petitioner with income is denied.

Regarding credits toward support, the court reserves on this issue until the time of trial.

Commencing immediately, Petitioner is ordered to pay his own truck payments, travel trailer payments, and his auto insurance. The court is reserving jurisdiction over credit card payments as the court does not have sufficient information regarding the credit cards in question and the characterization of the debt. The request for Petitioner to obtain his own health insurance is denied.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

Finally, turning to the issue of attorney's fees, 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. 4th 860, 866 (1999). This ensures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." *Alan S. v. Sup. Ct.*, 172 Cal. App. 4th 238,251(2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

While the court does find there to be a disparity in access to funds, the court does not find that Respondent has the ability to pay for the attorney's fees of both parties. This is especially in light of her payment to a significant amount of credit card debt which she maintains is community property. As such, the request for attorney's fees is denied.

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

TENTATIVE RULING #4: RESPONDENT'S REQUEST TO IMPUTE PETITIONER WITH FULL-TIME MINIMUM WAGE IS DENIED. THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$2,388 PER MONTH. THE COURT ADOPTS THE ATTACHED XSPOUSE REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,388 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH COMMENCING ON JULY 15, 2025 AND CONTINUING UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS AMOUNT IS TO BE OFFSET BY THE \$681 THAT RESPONDENT IS ENTITLED TO FROM PETITIONER'S CALPERS PAYMENTS. THIS RESULTS IN A TOTAL MONTHLY PAYMENT OF \$1,707. THIS ORDER IS EFFECTIVE AS OF DECEMBER 15, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$16,716 THROUGH AND INCLUDING JUNE 15, 2025. THIS IS OFFSET BY \$4,767 TO ACCOUNT FOR RESPONDENT'S PORTION OF PETITIONER'S RETIREMENT BENEFITS THEREBY RESULTING IN \$11,949 OUTSTANDING. THE COURT ORDERS RESPONDENT PAY PETITIONER \$497.88 ON THE 1ST OF EACH MONTH COMMENCING ON AUGUST 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS LATE OR MISSED, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

THE COURT IS RESERVING ON THE ISSUE OF CREDITS EARNED BY RESPONDENT UNTIL THE TIME OF TRIAL.

COMMENCING IMMEDIATELY, PETITIONER IS ORDERED TO PAY HIS OWN TRUCK PAYMENTS, TRAVEL TRAILER PAYMENTS, AND HIS AUTO INSURANCE. THE COURT IS RESERVING JURISDICTION OVER CREDIT CARD PAYMENTS AS THE COURT DOES NOT HAVE SUFFICIENT INFORMATION REGARDING THE CREDIT CARDS IN QUESTION AND THE CHARACTERIZATION OF THE DEBT. THE REQUEST FOR PETITIONER TO OBTAIN HIS OWN HEALTH INSURANCE IS DENIED.

THE REQUEST FOR ATTORNEY'S FEES IS DENIED.

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

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

Fixed Shares	Husband	Wife	Monthly figures	CASH FLOW
#of children	0	0	2025	
% time with NCP	0.00 %	0.00 %		Combined net spendable 7501
Filing status	MFJ->	<-MFJ	Nets(adjusted)	
# exemptions	1 *	1	Husband 681	Husband
Wages+salary	0	11171	Wife 6820	Payment Cost/Benefit 2388
Self-employed income	0	0	Total 7501	Net spendable income 3069
Other taxable income	681	681		Federal income tax 0
TANF+CS received	0	0	Support	Federal employment tax 0
Other nontaxble income	0	0	Addons 0	State income tax 0
New spouse income	0	0	Guideln CS 0	State employment tax 0
401(k) employee contrib	0	0	Alameda SS 2388	Total taxes 0
Adjustments to income	0	0	Total 2388	Federal filing status MFJIN
SS paid prev marriage	0	0	-	State filing status MFJIN
CS paid prev marriage	0	0	Settings changed	
Health insurance	0	1671		
Other medical expense	0	0		Wife
Property tax expense	0	0		Payment Cost/Benefit -2388
Ded interest expense	0	634		Net spendable income 4433
Contribution deduction	0	0		Federal income tax 1177
Misc tax deductions	0	0		Federal employment tax 855
Qual bus income ded	0	0		State income tax 363
Required union dues	0	0		State employment tax 134
Mandatory retirement	0	832		Total taxes 2529
Hardship deduction	0 *	0 *		Federal filing status MFJIN
Other GDL deductions	0	0		State filing status MFJIN
Child care expenses	0	0		

Wife pays spousal support

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

5. CAROLINE HICKS V. TIMOTHY HICKS

25FL0280

On April 9, 2025, Petitioner filed a Request for Order (RFO) seeking child custody, child support, spousal support, and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. All required documents were served on April 11th.

Respondent filed and served an RFO on April 11th, also seeking custody and visitation orders.

Respondent filed and served his Responsive Declaration to Request for Orders on June 25th.

The parties attended Child Custody Recommending Counseling (CCRC) on May 12th. A report with recommendations was prepared on June 27, 2025. It was mailed to the parties on June 30th.

Petitioner's Supplemental Declaration was filed and served on July 2nd.

After reviewing the filings as outlined above, the court finds the recommendations contained in the May 12th CCRC report to be in the best interests of the minors, with some exceptions. As such, the CCRC recommendations are hereby adopted as the orders of the court with the following modifications. The section titled Parenting Time shall be amended to read as follows – Petitioner is to have primary physical custody of the children. The parties are to adhere to a step-up plan with the ultimate goal of reaching shared 50/50 custody. Step 1, shall commence immediately and continue for a period of two months: Father shall have parenting time with the children every Monday and Thursday from 3:00 pm to 7:00 pm and on alternating weekends from Saturday at 9:00am to Sunday at 6:00pm. Step 2, shall commence immediately after Step 1 and continue for a period of two months: Father shall have parenting time with the children every Tuesday at 9:00am to Wednesday at 9:00am, every Thursday at 9:00am to Friday at 9:00 am; and every other weekend from Saturday at 9:00am to Monday at 9:00am. Step 3 is to commence immediately after the completion of step 2 and shall consist of a 2-2-3 schedule. The parties are reminded to comply with the right of first refusal provision in the CCRC report which is being adopted as a court order.

The parties are ordered to equally share in any uninsured medical, dental or vision costs for the children and childcare costs when such costs are incurred as a result of employment or necessary education for employment. The parties are ordered to follow the procedures as set forth in the attached FL-192.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

Regarding support, the court does not have an Income and Expense Declaration from Respondent, however in his Responsive Declaration, Respondent maintains that his base pay is \$165,000 per year with biannual true ups. Nevertheless, there is no supporting documentation for this contention and it is unclear if Petitioner is disputing this amount. The parties are ordered to appear for the hearing on the issues of child and spousal support. Respondent is ordered to bring with him a completed Income and Expense Declaration with supporting documents.

Likewise, without an Income and Expense Declaration from Respondent, the court cannot adequately assess Petitioner's request for attorney's fees. The parties are ordered to appear on this issue as well.

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

TENTATIVE RULING #5: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE MAY 12TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS, WITH SOME EXCEPTIONS. AS SUCH, THE CCRC RECOMMENDATIONS ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. THE SECTION TITLED PARENTING TIME SHALL BE AMENDED TO READ AS FOLLOWS – PETITIONER IS TO HAVE PRIMARY PHYSICAL CUSTODY OF THE CHILDREN. THE PARTIES ARE TO ADHERE TO A STEP-UP PLAN WITH THE ULTIMATE GOAL OF REACHING SHARED 50/50 CUSTODY. STEP 1, SHALL COMMENCE IMMEDIATELY AND CONTINUE FOR A PERIOD OF TWO MONTHS: FATHER SHALL HAVE PARENTING TIME WITH THE CHILDREN EVERY MONDAY AND THURSDAY FROM 3:00 PM TO 7:00 PM AND ON ALTERNATING WEEKENDS FROM SATURDAY AT 9:00AM TO SUNDAY AT 6:00PM. STEP 2, SHALL COMMENCE IMMEDIATELY AFTER STEP 1 AND CONTINUE FOR A PERIOD OF TWO MONTHS: FATHER SHALL HAVE PARENTING TIME WITH THE CHILDREN EVERY TUESDAY AT 9:00AM TO WEDNESDAY AT 9:00AM, EVERY THURSDAY AT 9:00AM TO FRIDAY AT 9:00 AM; AND EVERY OTHER WEEKEND FROM SATURDAY AT 9:00AM TO MONDAY AT 9:00AM. STEP 3 IS TO COMMENCE IMMEDIATELY AFTER THE COMPLETION OF STEP 2 AND SHALL CONSIST OF A 2-2-3 SCHEDULE. THE PARTIES ARE REMINDED TO COMPLY WITH THE RIGHT OF FIRST REFUSAL PROVISION IN THE CCRC REPORT WHICH IS BEING ADOPTED AS A COURT ORDER.

THE PARTIES ARE ORDERED TO EQUALLY SHARE IN ANY UNINSURED MEDICAL, DENTAL, AND VISION COSTS FOR THE CHILDREN AND CHILDCARE COSTS WHEN

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

SUCH COSTS ARE INCURRED AS A RESULT OF EMPLOYMENT OR NECESSARY EDUCATION FOR EMPLOYMENT. THE PARTIES ARE ORDERED TO FOLLOW THE PROCEDURES AS SET FORTH IN THE ATTACHED FL-192.

THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUES OF CHILD AND SPOUSAL SUPPORT. RESPONDENT IS ORDERED TO BRING WITH HIM A COMPLETED INCOME AND EXPENSE DECLARATION WITH SUPPORTING DOCUMENTS.

THE PARTIES ARE ORDERED TO APPEAR ON THE ISSUE OF ATTORNEY'S FEES.

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

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

NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

Your child support order may include a provision for payment of childcare or uninsured health care costs. Childcare costs may be included as part of the monthly child support payment or reimbursable as a percentage of the costs. If the childcare costs are included as part of the monthly child support payment, you must pay that amount each month until the court changes (modifies) the child support order. If you need to change your child support order because there has been a change in the cost of childcare, see page 2.

If you have a child support order that includes a provision for the reimbursement of a percentage of childcare costs or a portion of the child's or children's health care costs and those costs are not paid by insurance, the **law says**:

1. **Notice.** You must give the other parent an itemized statement of the charges that have been billed for any childcare costs or health care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 90 days after those costs were given to you.
2. **Proof of full payment.** If you have already paid all of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
3. **Proof of partial payment.** If you have paid only your share of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the childcare or health care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
4. **Payment by notified parent.** If you receive notice from a parent that a childcare or uninsured health care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
5. **Going to court.** Sometimes parents get into disagreements about childcare and health care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
 - a. **Disputed requests for payment.** If you dispute a request for payment made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay the requested amount before filing your request.
 - b. **Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute.
 - c. **Paid charges.** The court will presume that if uninsured health care costs or childcare costs for employment or necessary training for job skills have been paid, those costs were reasonable. If you want to dispute paid charges, you will have to show the court that the costs were unreasonable.
 - d. **Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
 - e. **Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFQ](#) for information about completing, filing, and serving your court papers.
6. **Court-ordered insurance coverage.** If a parent provides health care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health care costs.
 - a. **Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. **Cost of additional coverage.** If a parent purchases health care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
7. **Preferred health providers.** If the court-ordered coverage designates a preferred health care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health care provider other than the preferred provider, any health care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.
8. **Need help?** Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at a parent's earning ability.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based on having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. **Remember:** You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form [FL-300](#), *Request for Order* or
- Form [FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form [FL-150](#), *Income and Expense Declaration* or
- Form [FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form. The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form [FW-001](#), *Request to Waive Court Fees* and
- Form [FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to: www.courts.ca.gov/holidays.htm.

Blank copies of both of these forms must also be served:

- Form [FL-320](#), *Responsive Declaration to Request for Order*
- Form [FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your proof of income for the past two months (like your paycheck stubs). The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form [FL-340](#), *Findings and Order After Hearing* and
- Form [FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information About Child Support for Incarcerated or Confined Parents

- 1. Child support.** As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support.

- 2. Past confinement.** Child support also automatically stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

- 3. Timing.** The date child support automatically restarts will depend on the parent's release date. If you need to change your child support order, see page 2.

- a. If released before January 1, 2024,** child support automatically restarts the first day of the first full month after the parent is released.
- b. If released after January 1, 2024,** child support will automatically restart the first day of the 10th month after the parent is released.

Employment before the 10-month period ends: If the parent who has to pay support starts working before the date child support is set to automatically restart, the person who is owed support or the local child support agency can request the court restart the child support order early. The court may order a different amount of child support if appropriate.

- 4. More info.** For more information about child support and incarcerated parents, see Family Code section 4007.5 or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>. You can also contact the family law facilitator in your county and can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

7. DUSTIN MENARD V. AMY SIMONS

25FL0291

On March 27, 2025, Petitioner filed a Petition to Determine Parental Relationship. Respondent filed her Response on April 16th wherein she concedes that she and Petitioner are the parents of the minor.

On March 27, 2025, Petitioner filed a Request for Order (RFO) and an Income and Expense Declaration. All required documents were personally served on March 30th.

Respondent filed her Income and Expense Declaration and her Responsive Declaration to Request for Order on April 16th. There is no Proof of Service for either of these documents, however Petitioner filed Petitioner's Supplemental Declaration on June 25th wherein he confirms receipt of the aforementioned documents therefore the court finds any potential defect in service to be waived.

On May 6th, Petitioner filed a Declaration which included the birth certificate of the minor.

Given the filings, the court does make a finding of parental relationship between the parties and the minor. As such, the parties are referred to Child Custody Recommending Counseling (CCRC) with an appointment on 7/31/25 at 9:00 AM with Rebecca Nelson. A review hearing is set for 9/18/2025 at 8:30 AM in department 5. The issues of custody, visitation, and child support are continued to join with the review hearing. The court reserves jurisdiction to award support back to the date of filing the RFO. The parties are ordered to file Supplemental Declarations, no later than 10 days prior to the hearing date. The court notes the significant deficiencies in Respondent's Income and Expense Declaration, as set forth in Petitioner's Reply, Respondent is ordered to file a full and complete Income and Expense Declaration, with supporting documents, no later than 10 days prior to the next hearing date.

Pending the review hearing, the court is ordering the parties to share joint legal and joint physical custody with a 50/50 timeshare.

Turning to Petitioner's property control requests. He asks that Respondent be ordered to remove him from the lease and refinance all debt that is being held in his name. This includes her personal loan and her car loan. The requests are denied as it appears the parties were never married and therefore, the court does not have jurisdiction to rule on their separate property claims.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

TENTATIVE RULING #7: THE COURT DOES MAKE A FINDING OF PARENTAL RELATIONSHIP BETWEEN THE PARTIES AND THE MINOR. AS SUCH, THE PARTIES ARE REFERRED TO CHILD CUSTODY RECOMMENDING COUNSELING (CCRC) WITH AN APPOINTMENT ON 7/31/2025 AT 9:00 AM WITH REBECCA NELSON. A REVIEW HEARING IS SET FOR 9/18/2025 AT 8:30 AM IN DEPARTMENT 5. THE ISSUES OF CUSTODY, VISITATION, AND CHILD SUPPORT ARE CONTINUED TO JOIN WITH THE REVIEW HEARING. THE COURT RESERVES JURISDICTION TO AWARD SUPPORT BACK TO THE DATE OF FILING THE RFO. THE PARTIES ARE ORDERED TO FILE SUPPLEMENTAL DECLARATIONS, NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. THE COURT NOTES THE SIGNIFICANT DEFICIENCIES IN RESPONDENT'S INCOME AND EXPENSE DECLARATION, AS SET FORTH IN PETITIONER'S REPLY, RESPONDENT IS ORDERED TO FILE A FULL AND COMPLETE INCOME AND EXPENSE DECLARATION, WITH SUPPORTING DOCUMENTS, NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE.

PENDING THE REVIEW HEARING, THE COURT IS ORDERING THE PARTIES TO SHARE JOINT LEGAL AND JOINT PHYSICAL CUSTODY WITH A 50/50 TIMESHARE.

THE REQUESTS TO REFINANCE THE LOAN AND REMOVE PETITIONER FROM RESPONDENT'S LEASE ARE DENIED AS IT APPEARS THE PARTIES WERE NEVER MARRIED AND THEREFORE THE COURT DOES NOT HAVE JURISDICTION TO RULE ON THEIR SEPARATE PROPERTY CLAIMS.

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

8. JESSICA ELIZABETH PHILLIPS V. MICHAEL THOMAS PHILLIPS

23FL0943

Petitioner filed a Request for Order (RFO) on September 24, 2024, requesting the court make orders as to child custody and a parenting plan, including a referral to private Child Custody Recommending Counseling (CCRC), child and spousal support, attorney's fees, and property control.

Hearing on the RFO took place on May 22nd, at which time the court made orders as to custody and visitation, therapy for the minors, conjoint therapy, and coparenting counseling. The issues of child support, spousal support, and attorney's fees were continued to the present date and the court reserved jurisdiction to award support back to the date of filing the RFO. The court further reserved jurisdiction on Petitioner's request for Section 271 sanctions due to Respondent's failure to file an updated Income and Expense Declaration prior to the hearing. The parties were ordered to file updated Income and Expense Declarations and Supplemental Declarations no later than 10 days prior to the continued hearing date.

Respondent filed and served his updated Income and Expense Declaration on June 25th. He filed and served his Supplemental Declaration on June 30th along with an Amended Income and Expense Declaration.

Petitioner filed and served a Supplemental Declaration of Nancy P. DiCenzo, Esq. on June 30th. Thereafter Petitioner filed and served a Reply Declaration on July 1st.

After reviewing the filings as outlined above, the court is adopting the Xspouse report and the Bonus Table attached as Exhibit B to the Supplemental Declaration of Nancy P. DiCenzo, Esq. Utilizing the same figures as outlined therein, the court finds that spousal support is \$0.00 per month and child support is \$2,626 per month. Respondent is ordered to pay Petitioner \$2,626 per month as and for child support and temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. This order is effective as of October 1, 2024.

The court finds the above order results in arrears in the amount of \$26,260 through and including July 1, 2025. The court orders Respondent to pay Petitioner \$1,094.17 on the 15th of each month commencing on July 15, 2025 and continuing until paid in full (approximately 24 months). If any payment is late or missed, the entire amount shall become immediately due and payable with legal interest.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

The court further finds that respondent routinely earns commission income and therefore the court adopts the bonus table attached as exhibit b to the declaration of Nancy p. DiCenzo, esq. Respondent is ordered to pay Petitioner true-up payments in accordance with the bonus table no later than 14 days after the receipt of any such payment.

Regarding Petitioner's request for attorney's fees, her request is made pursuant to Family Code § 2030. 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. 4th 860, 866 (1999). This ensures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." *Alan S. v. Sup. Ct.*, 172 Cal. App. 4th 238, 251 (2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Here, the request for attorney's fees is denied. The court finds there to be only a slight disparity in income between the parties based on the information before it. Additionally, given Respondent's significant outstanding debt, the court does not find that he has the ability to pay for the attorney's fees of both parties. As such, the court does not find an award of attorney's fees to be warranted at this time.

Petitioner is also requesting sanctions in the amount of \$2,500 for Respondent's failure to file his Income and Expense Declaration for the last hearing and an additional \$1,000 for his failure to disclose the entirety of his income to the court for this hearing. An award for attorney's fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a).

Given Respondent's failure to timely file his Income and Expense Declaration at the time of the last hearing, his actions directly caused Petitioner to incur additional costs that she would not otherwise have incurred. Likewise, his failure to disclose the entirety of his income not only inhibits the ability of the parties to reach a full and fair settlement, but it

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

further causes Petitioner to incur additional attorney's fees in rebutting the information provided. As such, the request for sanctions is granted. Respondent is ordered to pay \$3,500 directly to Petitioner's attorney. This amount may be paid in one lump sum or in monthly increments of \$500 commencing on July 15, 2025 and continuing until paid in full (approximately 7 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

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

TENTATIVE RULING #8: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT IS ADOPTING THE XSPOUSE REPORT AND THE BONUS TABLE ATTACHED AS EXHIBIT B TO THE SUPPLEMENTAL DECLARATION OF NANCY P. DICENZO, ESQ. UTILIZING THE SAME FIGURES AS OUTLINED THEREIN, THE COURT FINDS THAT SPOUSAL SUPPORT IS \$0 PER MONTH AND CHILD SUPPORT IS \$2,626 PER MONTH. RESPONDENT IS ORDERED TO PAY PETITIONER \$2,626 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF OCTOBER 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$26,260 THROUGH AND INCLUDING JULY 1, 2025. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$ 1,094.17 ON THE 15TH OF EACH MONTH COMMENCING ON JULY 15, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS LATE OR MISSED, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

THE COURT FURTHER FINDS THAT RESPONDENT ROUTINELY EARNS COMMISSION INCOME AND THEREFORE THE COURT ADOPTS THE BONUS TABLE ATTACHED AS EXHIBIT B TO THE DECLARATION OF NANCY P. DICENZO, ESQ. RESPONDENT IS ORDERED TO PAY PETITIONER TRUE-UP PAYMENTS IN ACCORDANCE WITH THE BONUS TABLE NO LATER THAN 14 DAYS AFTER THE RECEIPT OF ANY SUCH PAYMENT.

PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS DENIED AS THE COURT DOES NOT FIND THAT RESPONDENT HAS THE ABILITY TO PAY BOTH HIS FEES AND PETITIONER'S.

THE REQUEST FOR SANCTIONS IS GRANTED. RESPONDENT IS ORDERED TO PAY \$3,500 DIRECTLY TO PETITIONER'S ATTORNEY. THIS AMOUNT MAY BE PAID IN ONE

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 COMMENCING ON JULY 15, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 7 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

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

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

Fixed Shares	Father	Mother	Monthly figures	CASH FLOW
#of children	0	2	2025	
% time with NCP	5.00 %	0.00 %		Combined net spendable 18878
Filing status	SINGLE	HH/MLA	Nets(adjusted)	
# exemptions	1 *	3	Father 8223	Father
Wages+salary	10747	13037	Mother 10655	Payment Cost/Benefit -1966
Self-employed income	0	0	Total 18878	Net spendable income 6287
Other taxable income	1020	0	Support	Federal income tax 1850
TANF+CS received	0	0	Addons 0	Federal employment tax 822
Other nontaxble income	0	0	Guideln CS -2254	State income tax 742
New spouse income	0	0	Alameda SS 318	State employment tax 129
401(k) employee contrib	323	0	Total -1936	Total taxes 3544
Adjustments to income	0	0	-	Federal filing status SINGLE
SS paid prev marriage	0	0		State filing status SINGLE
CS paid prev marriage	0	0		
Health insurance	0	166		Mother
Other medical expense	135	0		Payment Cost/Benefit 1961
Property tax expense	0	900		Net spendable income 12591
Ded interest expense	0	4062		Federal income tax 889
Contribution deduction	0	0		Federal employment tax 997
Misc tax deductions	0	0		State income tax 173
Qual bus income ded	0	0		State employment tax 156
Required union dues	0	0		Total taxes 2216
Mandatory retirement	0	0		Federal filing status HH/MLA
Hardship deduction	0 *	0 *		State filing status HH/MLA
Other GDL deductions	0	0		
Child care expenses	0	0		

Father pays child support

Mother pays spousal support

FC 4055 checking: ON

Per Child Information									
	Timeshare	cce(F)	cce(M)	Addons	Payor	Basic CS	Payor	Pres CS	Payor
All children	5 - 95	0	0	0	Father	2254	Father	2254	Father
	5 - 95	0	0	0	Father	845	Father	845	Father
	5 - 95	0	0	0	Father	1409	Father	1409	Father

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

9. VANESSA PREUSS V. KEVIN PREUSS

21FL0118

On January 16, 2025, Respondent filed an ex parte application for emergency court orders. The ex parte was denied but the parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment.

A review hearing was held on March 6th at which time the court adopted the recommendations of the February 4, 2025 CCRC report. The parties were ordered to participate in a co-parenting class and file proof of completion no later than June 11th. The parties were ordered to participate in co-parenting counseling and file proof of enrollment no later than April 28, 2025. The minors were ordered to participate in counseling and the parties were ordered to file proof thereof no later than April 28th. A review hearing was set to be held on the present date to ensure the court's orders were being complied with and receive input from Minor's Counsel. Supplemental declarations were due to be filed no later than 10 days prior to the hearing.

On May 1, 2025, Petitioner filed a Declaration with proof of completion of parenting courses and enrollment of the minors in therapy. However, there is no Proof of Service for this document therefore the court cannot consider it.

Respondent has not filed any of the ordered documents nor has he filed a Supplemental Declaration.

Minors' Counsel has not filed a Declaration.

The parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

10. PETER TABOJER V. JULIANNE TABOJER

PFL20210642

On April 16, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. This is a post-judgement request therefore it was personally served on April 26th in accordance with Family Code § 215.

On May 9, 2025, Petitioner filed a Responsive Declaration to Request for Order. It was served on May 10th.

On May 16th, Respondent filed a declaration with additional documentation for the hearing.

The parties attended Child Custody Recommending Counseling (CCRC) on July 10th. While they were able to reach some agreements, they could not agree on all issues. A report with the agreements and recommendations was prepared and mailed to the parties on June 12th.

Petitioner filed a declaration in response to the CCRC report on July 1st with several attachments as well. It was served the same day.

Respondent also filed a reply to the CCRC report on July 2nd.

Respondent is requesting joint legal custody and joint physical custody of the minor. She asks that the minor spend the school year with Petitioner in South Carolina and the summers, school breaks and holidays be spent with Respondent in California.

Petitioner opposes the request. He asks that there be no change in the orders awarding him sole legal and sole physical custody. He asks for orders allowing Respondent 3 visits per year to be spent in California. Visits to be no more than 7 days with at least 60 days advance notice. The parties are to mutually agree on dates for the visits but the visits shall not interfere with school, sports, or extracurricular activities. Alternatively, he proposes Respondent have 2 visits per year, each a duration of 10 days.

Petitioner has informed Respondent that he will be moving to South Carolina with the minor. However there has been no move-away request presented to the court.

The parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

11. AMELIA VERDUGO V. ANTHONY RODRIGUEZ

PFL20180504

On September 30, 2024, the parties came before the court for hearing on an ex parte request filed by Petitioner. The parties were ordered to undergo an Evidence Code § 730 evaluation.

The parties appeared before the court again on March 13, 2025, at which time the court ordered the minor to be interviewed by the 730 evaluator; however, if the evaluator is of the opinion that interviewing the minor would be detrimental then the court authorized review of the MDMI footage.

Respondent filed a Supplemental Declaration on July 3, 2025. The court finds this to be late filed, and therefore, has not considered it.

The court still has not received the 730 Evaluation.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #11: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

12. ELIZA ZORN V. JOSEPH ZORN

23FL1114

The parties attended Child Custody Recommended Counseling (CCRC) on December 13, 2024. They reached some agreements but could not agree on all issues therefore, a report with the agreements and recommendations was prepared on February 3, 2025. On February 27th, the parties appeared before the court at which time the agreements of the parties were adopted as orders of the court, but the court declined to adopt the recommendations finding that Respondent had not yet rebutted the 3044 presumption. The matter was set for a review hearing on the present date to further assess Respondent's progress in doing so.

Since the last hearing there have been several filings from the supervised visitation provider all of which describe the visits as largely positive.

The Supplemental Declaration of Joseph Zorn was filed and served on June 25th along with a Memorandum of Points and Authorities.

A Declaration of Tyrisha Riser was filed and served on June 30th.

The Supplemental Declaration of Eliza Zorn was also filed and served on June 30th.

Respondent asks the court to find that he has effectively rebutted the Family Code § 3044 presumption and award him unsupervised parenting time as follows: (1) Every Sunday from 4:00 pm through 8:00 pm; (2) Every Tuesday from 4:00pm through 8:00 pm; and (3) Every Thursday from 4:00pm through 8:00 pm. He requests a re-referral to CCRC to address the issue of setting a long-term parenting plan. He also asks that he be allowed to answer the phone if the children call him and to attend school and sporting events of the children. Finally, he is requesting an order for him and the minor Jack to attend conjoint counseling.

Petitioner asks that the current orders remain in place until Respondent can show that he consistently abides by the current orders and he has made substantial changes to his behavior.

Section 3044 gives rise to a rebuttable presumption that an award of physical or legal custody to an individual who has perpetrated domestic violence is not in the best interest of the child. *Id.* "This presumption may only be rebutted by a preponderance of the evidence." *Id.* To overcome the presumption, the perpetrator bears the burden of proving (1) giving sole or joint legal or physical custody to the perpetrator is in the best interest of the child; and (2) a balancing of the factors listed in Section 3044(b)(2) supports the legislative

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

findings in Section 3020. Fam. Code § 3044(b). Among the factors to be considered are the following: Completion alcohol or drug abuse counseling, completion of a batterer's treatment program, completion of a parenting class, compliance with terms and conditions of probation, parole or a restraining order, if any, and whether or not further acts of domestic violence have occurred. *Id.*

In reviewing the factors as set forth above, the court does find that Respondent has successfully rebutted the Family Code § 3044 presumption. He provides a glowing letter from Mr. Montague, Director of A Path for Change, evidencing his active participation in a Batterer's Intervention Program. Given the contents of that letter the court has no reason to believe that Respondent will not have completed the course by the time of the hearing. In addition to the Batterer's Intervention Program, Respondent provides documentation of his successful completion of a co-parenting course. Furthermore, the court has reviewed the documents filed by Petitioner and does not find that Petitioner has established her allegation that Respondent has repeatedly violated the restraining order. Overall, given Respondent's efforts to rebut the presumption, the numerous notes from the supervised visitation provider, and the policy of the state to ensure that both parents have frequent and continuing contact with the children, the court does find that joint legal and joint physical custody is in the best interests of the children.

It has been more than six months since the parties attended CCRC, as such, the court is re-referring the parties to CCRC with an appointment on 7/31/25 at 1:00 PM with Rebecca Nelson. CCRC shall be focused on establishing a long-term parenting plan that the parties can put into place. The children shall be made available to the CCRC counselor if the counselor deems it necessary or helpful to interview them. A review hearing is set for 9/18/2025 at 8:30 AM in department 5. Parties are to file Supplemental Declarations no later than 10 days prior to the hearing.

In the interim, the parties are to share joint legal and joint physical custody with the following parenting schedule. Petitioner shall act as the custodial parent. Respondent shall have non-supervised visitation every Sunday from 4:00 pm through 8:00 pm, every Tuesday from 4:00pm through 8:00 pm and every Thursday from 4:00pm through 8:00 pm. Respondent shall be allowed to answer phone or video calls that are made to him by the children. Respondent shall not be the one to initiate the calls and he cannot direct the children to call him. Calls are to be initiated by the children, of their own volition.

Respondent and Jack are to commence conjoint counseling forthwith. Counseling shall be at a frequency and duration as directed by the counselor. The parties are to meet

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

and confer to select a counselor no later than July 24, 2025. Counseling is to be paid entirely by Respondent.

The court is not inclined to allow Respondent to attend school and sporting events at this time as it is unclear if doing so can be done in a way that would not violate the restraining order. As such, that request is denied.

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

TENTATIVE RULING #12: THE COURT DOES FIND THAT JOINT LEGAL AND JOINT PHYSICAL CUSTODY IS IN THE BEST INTERESTS OF THE CHILDREN.

IT HAS BEEN MORE THAN SIX MONTHS SINCE THE PARTIES ATTENDED CCRC, AS SUCH, THE COURT IS RE-REFERRING THE PARTIES TO CCRC WITH AN APPOINTMENT ON 7/31/2025 AT 1:00 PM WITH REBECCA NELSON. CCRC SHALL BE FOCUSED ON ESTABLISHING A LONG-TERM PARENTING PLAN THAT THE PARTIES CAN PUT INTO PLACE. THE CHILDREN SHALL BE MADE AVAILABLE TO THE CCRC COUNSELOR IF THE COUNSELOR DEEMS IT NECESSARY OR HELPFUL TO INTERVIEW THEM. A REVIEW HEARING IS SET FOR 9/18/2025 AT 8:30 AM IN DEPARTMENT 5. PARTIES ARE TO FILE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING.

IN THE INTERIM, THE PARTIES ARE TO SHARE JOINT LEGAL AND JOINT PHYSICAL CUSTODY WITH THE FOLLOWING PARENTING SCHEDULE. PETITIONER SHALL ACT AS THE CUSTODIAL PARENT. RESPONDENT SHALL HAVE NON-SUPERVISED VISITATION EVERY SUNDAY FROM 4:00 PM THROUGH 8:00 PM, EVERY TUESDAY FROM 4:00PM THROUGH 8:00 PM AND EVERY THURSDAY FROM 4:00PM THROUGH 8:00 PM. RESPONDENT SHALL BE ALLOWED TO ANSWER PHONE OR VIDEO CALLS THAT ARE MADE TO HIM BY THE CHILDREN. RESPONDENT SHALL NOT BE THE ONE TO INITIATE THE CALLS AND HE CANNOT DIRECT THE CHILDREN TO CALL HIM. CALLS ARE TO BE INITIATED BY THE CHILDREN, OF THEIR OWN VOLITION.

RESPONDENT AND JACK ARE TO COMMENCE CONJOINT COUNSELING FORTHWITH. COUNSELING SHALL BE AT A FREQUENCY AND DURATION AS DIRECTED BY THE COUNSELOR. THE PARTIES ARE TO MEET AND CONFER TO SELECT A COUNSELOR NO LATER THAN JULY 24, 2025. COUNSELING IS TO BE PAID ENTIRELY BY RESPONDENT.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

THE COURT IS NOT INCLINED TO ALLOW RESPONDENT TO ATTEND SCHOOL AND SPORTING EVENTS AT THIS TIME AS IT IS UNCLEAR IF DOING SO CAN BE DONE IN A WAY THAT WOULD NOT VIOLATE THE RESTRAINING ORDER. AS SUCH, THAT REQUEST IS DENIED.

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

13. DCSS V. CHAD MCCRACKEN (OTHER PARENT: YULIYA PALSSON) PFS20200179

Respondent filed a Request for Order (RFO) on August 13, 2024, seeking custody and visitation orders. The parties appeared before the court on October 31st for hearing on the RFO at which time the court made orders as to custody and visitation which included an order for Other Party to undergo an AOD assessment. A review hearing was set for February 6, 2025, for receipt of the AOD assessment and to address the status of visits.

The parties appeared before the court for the review hearing as scheduled. At that time, it was requested that the matter be continued. The court granted the request and set a review hearing for April 17, 2025.

At the April 17th hearing, the parties agreed to return to CCRC to discuss the issues of a parenting plan and an Evidence Code section 730 evaluation. The current parenting plan was to remain in place pending the return hearing. Other Parent was to utilize Soberlink testing 20 minutes prior to her parenting time.

Respondent filed a Supplemental Declaration on June 24, 2025. Parties were served electronically on the same day. Respondent requests the court order the current custody orders remain in place with Other Parent to have professionally supervised parenting time. Respondent is requesting Other Parent participate in a full 730 evaluation to include a psychological evaluation. Respondent also requests Other Parent attend a rehabilitation program, and there be Soberlink testing at the conclusion of each visit.

Both parties and the minor attended CCRC. The parties were unable to reach any agreements. A report with recommendations was filed with the court on June 26, 2025, and copies were mailed to the parties on June 30th.

Other Parent has not filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the June 26th CCRC report are in the best interest of the minor. The court adopts the recommendations as set forth as its orders. The court is ordering Other Parent's visits to be professionally supervised two times per week for two hours each. Other Parent shall be responsible for the cost of the supervised visits. If Other Parent appears to be under the influence of alcohol or any controlled substance, she will not be allowed to participate in the scheduled visit with the minor. The visitation supervisors may terminate the visit if this order is violated. Because the visits are professionally supervised, the court is not ordering Soberlink testing prior to or after the

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

visits. Additionally, the court is not ordering continued Soberlink testing due to the costs associated with professionally supervised visitation. The court is also not ordering Other Parent to participate in a rehabilitation program, but rather to participate in an Alcohol and Other Drug assessment and follow the recommendations of the assessment. The court is ordering an Evidence Code section 730 evaluation to include a full psychological evaluation of Other Parent. The parties are to share in the costs equally, subject to reallocation. The court sets a review hearing for November 6, 2025, at 8:30 in Department 5 for review of the Evidence Code section 730 evaluation as well as the parenting plan.

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 #13: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JUNE 26TH CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH AS ITS ORDERS. THE COURT IS ORDERING OTHER PARENT'S VISITS TO BE PROFESSIONALLY SUPERVISED TWO TIMES PER WEEK FOR TWO HOURS EACH. OTHER PARENT SHALL BE RESPONSIBLE FOR THE COST OF THE SUPERVISED VISITS. IF OTHER PARENT APPEARS TO BE UNDER THE INFLUENCE OF ALCOHOL OR ANY CONTROLLED SUBSTANCE SHE WILL NOT BE ALLOWED TO PARTICIPATE IN THE SCHEDULE VISIT WITH THE MINOR. THE VISITATION SUPERVISORS MAY TERMINATE THE VISIT IF THIS ORDER IS VIOLATED. BECAUSE THE VISITS ARE PROFESSIONALLY SUPERVISED, THE COURT IS NOT ORDERING SOBERLINK TESTING PRIOR TO OR AFTER THE VISITS. ADDITIONALLY, THE COURT IS NOT ORDERING CONTINUED SOBERLINK TESTING DUE TO THE COSTS ASSOCIATED WITH PROFESSIONALLY SUPERVISED VISITATION. THE COURT IS ALSO NOT ORDERING OTHER PARENT TO PARTICIPATE IN A REHABILITATION PROGRAM, BUT RATHER TO PARTICIPATE IN AN ALCOHOL AND OTHER DRUG ASSESSMENT, AND FOLLOW THE RECOMMENDATIONS OF THE ASSESSMENT. THE COURT IS ORDERING AN EVIDENCE CODE SECTION 730 EVALUATION TO INCLUDE A FULL PSYCHOLOGICAL EVALUATION OF OTHER PARENT. THE PARTIES ARE TO SHARE IN THE COSTS EQUALLY, SUBJECT TO REALLOCATION. THE COURT SETS A REVIEW HEARING FOR NOVEMBER 6, 2025 AT 8:30 IN DEPARTMENT 5 FOR REVIEW OF THE EVIDENCE CODE SECTION 730 EVALUATION AS WELL AS THE PARENTING PLAN. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 10, 2025

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

14. GABRIEL HALL V. LINDSEY HALL

22FL1173

Order to Show Cause

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on February 5, 2025, asserting four counts of contempt. It was originally set to be heard on April 17, 2025. Respondent filed a Request to Reschedule the hearing on April 4, 2025. The court granted the Request to Reschedule and set the OSC for a hearing on May 22, 2025, at 1:30 PM in Department 5. Proof of Service shows Petitioner was personally served with the necessary documents on April 27, 2025.

Parties appeared for the arraignment on May 22, 2025. The court appointed the Public Defender to Petitioner and continued the hearing to July 10, 2025. Petitioner was directed to file and serve an Income and Expense Declaration.

Parties are ordered to appear for the hearing.

Request for Order

Respondent filed a Request for Order (RFO) on April 4, 2025, seeking modification of parenting time orders as well as property control orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 16, 2025, and a review hearing on July 10, 2025. Petitioner was personally served on April 27, 2025.

Respondent has not filed a Responsive Declaration.

The parties reached a full agreement at the CCRC appointment. A report containing the parties' agreement was filed with the court on May 16, 2025. Copies were mailed to the parties the same day.

The court finds the parties' agreements to be in the best interest of the minor. The court adopts the parties' agreements as set forth in the May 16th CCRC report.

Respondent is seeking the 2021 Toyota Corolla that was purchased in her name. The court finds this is an issue raised in the February 5, 2025 OSC re: Contempt, therefore, the parties are ordered to appear on this issue.

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

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR ON THE OSC RE: CONTEMPT.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

PARTIES ARE ORDERED TO APPEAR ON THE REQUEST FOR PROPERTY CONTROL.

THE COURT FINDS THE PARTIES' AGREEMENTS TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE PARTIES' AGREEMENTS AS SET FORTH IN THE MAY 16, 2025 CCRC REPORT. 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.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

15. DCSS V. KODY HARRIS (OTHER PARENT: MARGARET MORA) PFS20130025

Other Parent filed a Request for Order (RFO) on April 15, 2025 seeking modification of child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 14, 2025 and a review hearing set for July 10, 2025.

Proof of Service shows personal service on Marcus Burns, who also appears to be the individual who signed the Proof of Service. There is no Proof of Service showing Petitioner or Respondent were properly served.

Nevertheless, both Respondent and Other Parent appeared at CCRC and were able to reach some agreements. A report with the parties' agreement as well as further recommendations was filed with the court on June 27, 2025. Copies were mailed to the parties on June 30th.

The court finds good cause to proceed with the underlying hearing, despite the lack of proper service, as Respondent appeared for the CCRC appointment and is aware of the requested orders. Further, the court has read and considered the June 27th CCRC report, which recommends keeping the current orders in place. Therefore, the court shall proceed.

The court finds the agreements and recommendations as set forth in the June 27th CCRC report to be in the best interest of the minors. The court adopts the agreement and recommendations as its orders.

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

TENTATIVE RULING #15: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE UNDERLYING HEARING, DESPITE THE LACK OF PROPER SERVICE, AS RESPONDENT APPEARED FOR THE CCRC APPOINTMENT AND IS AWARE OF THE REQUESTED ORDERS. FURTHER, THE COURT HAS READ AND CONSIDERED THE JUNE 27TH CCRC REPORT, WHICH RECOMMENDS KEEPING THE CURRENT ORDERS IN PLACE. THEREFORE, THE COURT SHALL PROCEED. THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE JUNE 27TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENT AND RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 10, 2025

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

16. CHRISTOPHER LARSON V. KELLY NEUMAN

24FL0750

On April 3, 2025, the court adopted its tentative ruling with modifications. The court authorized non-professional supervision for Respondent and set a review hearing. The court directed parties to file Supplemental Declarations by no later than 10 days prior to the hearing.

Upon review of the court's file, neither party has filed a Supplemental Declaration. As such, the court finds the current orders remain in the minors' best interest and drops the review hearing from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #16: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINORS' BEST INTEREST AND DROPS THE REVIEW HEARING 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 A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

17. EDGAR LOPEZ V. NEREIDA PEREZ

21FL0018

Petitioner filed a Request for Order (RFO) on March 17, 2025, seeking 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 24, 2025, and a review hearing on July 10, 2025. Proof of Service shows Respondent was mail served with address verification on April 12, 2025.

Both parties attended CCRC on April 24, 2025, and were able to reach agreements. A report with the parties' agreement as well as additional recommendations was filed with the court on May 29, 2025. Copies were mailed to the parties the same day.

Petitioner filed a Declaration on June 20, 2025, seeking additional orders which are beyond the scope of the original RFO. Respondent was mail served on June 18th.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the agreement and recommendations as set forth in the May 29th CCRC report are in the best interest of the minors. The court adopts the agreements and recommendations as set forth as its orders. The court denies Petitioner's request for additional orders that are beyond the scope of the RFO.

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 #17: THE COURT FINDS THE AGREEMENT AND RECOMMENDATIONS AS SET FORTH IN THE MAY 29TH CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH AS ITS ORDERS. THE COURT DENIES PETITIONER'S REQUEST FOR ADDITIONAL ORDERS THAT ARE BEYOND THE SCOPE OF THE RFO. 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 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 10, 2025

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

18. JAIME LUPER V. RICHARD LIMING

PFL20180266

Petitioner filed an ex parte application for emergency orders on January 13, 2025. On January 14, 2025, the court denied the request and directed that the Request for Order (RFO) could be filed and set on the regular law and motion calendar.

Petitioner filed the RFO on January 14, 2025, requesting modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 13, 2025, and a review hearing on April 10, 2025. Proof of Service shows Respondent was personally served on February 18, 2025.

Only Petitioner appeared for the CCRC appointment on February 13, 2025. As such a single parent report was filed with the court on February 13th and mailed to the parties on February 19th.

Given that Respondent was not served with the referral to CCRC until after the appointment, the court found good cause to rerefer the parties to CCRC. Parties were to attend CCRC on May 16th. The court set a further review hearing for July 10th at 1:30 PM in Department 5. The minors were to be made available for interview at the CCRC Counselor's request. Parties were admonished that failure to appear at the CCRC appointment may result in sanctions. Any Supplemental Declarations were to be filed and served at least 10 days prior to the hearing.

Only Petitioner appeared for CCRC on July 10th. As such, a second single parent report was filed with the court. Copies were mailed to the parties on July 2, 2025.

The court orders parties to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

19. JUDY MARCUM V. ZACKARY NUGENT

21FL0051

Respondent filed a Request for Order (RFO) on April 11, 2025, requesting a modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 14, 2025 and a review hearing on July 10th. Proof of Service shows Petitioner was served on May 7, 2025. Respondent is seeking joint legal and physical custody.

Both parties attended CCRC and were unable to reach any agreements. A report with recommendations was filed with the court on June 26, 2025. Copies were mailed to the parties on June 30th.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the current orders as to custody remain in the best interest of the minor. Parties shall continue to have joint legal custody. Petitioner shall continue to have sole physical custody. The court adopts the recommendations as set forth in the June 26th CCRC report.

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 #19: THE COURT FINDS THE CURRENT ORDERS AS TO CUSTODY REMAIN IN THE BEST INTEREST OF THE MINOR. PARTIES SHALL CONTINUE TO HAVE JOINT LEGAL CUSTODY. PETITIONER SHALL CONTINUE TO HAVE SOLE PHYSICAL CUSTODY. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE JUNE 26TH CCRC REPORT. 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.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

20. KYRA MCAFEE V. MAXWELL MCAFEE

(JOINED PARTIES BRIAN AND CORINNE BUNCH)

PFL20210499

Petitioner filed a Request for Order (RFO) on January 14, 2025, seeking modification of the current visitation orders. All parties were served on February 13, 2025.

Joined Parties filed a Responsive Declaration on February 16, 2025. Service was effectuated on March 1, 2025.

There is a filed Proof of Service from Respondent showing service of an FL-320, however, the court has been unable to locate a Responsive Declaration from Respondent in the file.

When the RFO in this matter was filed, it had been a little less than six months since the parties had previously attended Child Custody Recommending Counseling (CCRC), and therefore, there was not an automatic referral. The court found good cause to refer the parties to CCRC and return for the present date. Any Supplemental Declarations were due at least 10 days prior to the hearing.

All parties attended the CCRC appointment and were unable to reach any agreements. A report with recommendations was filed with the court on June 27, 2025, and copies were mailed to the parties on June 30th.

There have been no Supplemental Declarations filed.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the June 27th CCRC report are in the best interest of the minors. The court adopts the recommendations as set forth as its orders.

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 #20: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JUNE 27TH CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH AS ITS ORDERS. 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

July 10, 2025

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

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 10, 2025
8:30 a.m./1:30 p.m.

21. SARAH VALDEZ V. DEVIN HECTOR

PFL20130850

Petitioner filed a Request for Order (RFO), on January 23, 2025, seeking a modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 20, 2025, and a review hearing on April 17, 2025. Proof of Service shows Respondent was mail served on January 23, 2025.

Only Respondent appeared at the CCRC appointment on February 20th. As such, a single parent report was filed with the court on February 24, 2025. Copies were mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

Both parties appeared at the hearing on April 17, 2025, and requested to be referred to CCRC. The court found good cause to rerefer the parties for a CCRC appointment on May 23, 2025 and a review hearing on July 10th at 1:30 PM in Department 5. The court admonished Petitioner if she failed to appear at CCRC again, the court could impose sanctions. Parties were directed to file and serve any Supplemental Declarations at least 10 days prior to the hearing.

Both parties attended CCRC on May 23, 2025, and reached a full agreement. Parties submitted a Stipulation and Order to the court, which the court adopted as its orders on May 27th. The Stipulation and Order did not contain a provision to vacate the review hearing. Therefore, the court is issuing this tentative ruling.

The court finds the current orders remain in the minor's best interest. The court maintains all current orders.

TENTATIVE RULING: ALL CURRENT ORDERS REMAIN IN FULL FORCE AND EFFECT.

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