

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 17, 2025  
8:30 a.m./1:30 p.m.

**1. KIMBER DELGADO V. SEAN GARDNER**

**25FL0346**

On April 22, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was filed ex parte, however the requests were denied on an ex parte basis and the parties were referred to Child Custody Recommending Counseling (CCRC) with a review hearing set for the present date.

The parties attended CCRC on May 23<sup>rd</sup> and were able to reach some agreements but could not agree on all issues therefore, a report with recommendations was prepared and mailed to the parties on June 2, 2025.

Respondent filed and served a Responsive Declaration to Request for Order on June 27<sup>th</sup>.

Petitioner's Reply to CCRC Report was filed and served on July 8<sup>th</sup>. Respondent then filed a Reply Declaration to Petitioner's Reply to CCRC on July 10<sup>th</sup>.

Petitioner is requesting sole legal and sole physical custody of the minor. She proposes Respondent have visitation one weekend per month at the child's discretion. She further requests that Respondent be ordered to abstain from alcohol and drug use during his parenting time. She also proposes several modifications to the CCRC recommendations.

Respondent asks that the CCRC recommendations and agreements be adopted with a step-up to 4 weekends per month.

The court has reviewed the filings as outlined above and finds the agreements and recommendations contained in the June 2, 2025 CCRC report to be in the best interests of the minor, they are therefore, hereby adopted as the orders of the court with the following modifications. The court is adopting the modifications proposed by Petitioner in her July 8<sup>th</sup> declaration entitled Petitioner's Reply to CCRC Report Dated 6/2/25 *with the exception of her request for Soberlink testing*. The court declines to rule on Petitioner's request for Soberlink testing as that is outside the scope of the original RFO. Regarding Paragraph 3(g), the court strikes the last part of the sentence which reads "and the minor shall continue to participate in club volleyball." The parties are further ordered to split the cost of mutually agreed upon extracurricular activities. Petitioner may take the minor on one vacation per year, up to 14 days, such vacation may be out of the country provided that Respondent be given all dates, flight information, lodging information, and contact information no later than 14 days prior to commencement of the vacation. Regarding counseling for the minor,

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Respondent is ordered to schedule the minor's intake session with the chosen counselor forthwith. Counseling shall continue at a frequency and duration as provided by the counselor.

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

**TENTATIVE RULING #1: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE JUNE 2, 2025 REPORT TO BE IN THE BEST INTERESTS OF THE MINOR, THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. THE COURT IS ADOPTING THE MODIFICATIONS PROPOSED BY PETITIONER IN HER JULY 8<sup>TH</sup> DECLARATION ENTITLED PETITIONER'S REPLY TO CCRC REPORT DATED 6/2/25 *WITH THE EXCEPTION OF HER REQUEST FOR SOBERLINK TESTING*. THE COURT DECLINES TO RULE ON PETITIONER'S REQUEST FOR SOBERLINK TESTING AS THAT IS OUTSIDE THE SCOPE OF THE ORIGINAL RFO. REGARDING PARAGRAPH 3(G), THE COURT STRIKES THE LAST PART OF THE SENTENCE WHICH READS "AND THE MINOR SHALL CONTINUE TO PARTICIPATE IN CLUB VOLLEYBALL." THE PARTIES ARE FURTHER ORDERED TO SPLIT THE COST OF MUTUALLY AGREED UPON EXTRACURRICULAR ACTIVITIES. PETITIONER MAY TAKE THE MINOR ON ONE VACATION PER YEAR, UP TO 14 DAYS, SUCH VACATION MAY BE OUT OF THE COUNTRY PROVIDED THAT RESPONDENT BE GIVEN ALL DATES, FLIGHT INFORMATION, LODGING INFORMATION, AND CONTACT INFORMATION NO LATER THAN 14 DAYS PRIOR TO COMMENCEMENT OF THE VACATION. REGARDING COUNSELING FOR THE MINOR, RESPONDENT IS ORDERED TO SCHEDULE THE MINOR'S INTAKE SESSION WITH THE CHOSEN COUNSELOR FORTHWITH. COUNSELING SHALL CONTINUE AT A FREQUENCY AND DURATION AS PROVIDED BY THE COUNSELOR.**

**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**

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**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE  
8.05.07.**

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**2. DCSS V. ROBERT DOUGHTERY (OTHER PARENT: HOLLY WAGONER) 24FL0768**

On March 19, 2025, Respondent filed a Request for Order (RFO) seeking a variety of custody and visitation orders. All required documents were electronically served on April 28, 2025.

The parties attended Child Custody Recommending Counseling (CCRC) on May 23, 2025. While they were able to reach some agreements, they could not agree on all issues. As such, a report containing the agreements and recommendations was prepared on June 3, 2025. It was mailed to the parties on June 4<sup>th</sup>.

Other Party filed and served her Responsive Declaration to Request for Order on June 24<sup>th</sup>.

Respondent has not filed a Reply.

Respondent brings his RFO making the following requests: (1) Joint legal custody; (2) Joint physical custody of Jack and sole physical custody of Gwen; (3) Other Party to have parenting time with Gwen on alternating weekends beginning after school on Friday and continuing until Sunday at 7:00pm; such time to be at the discretion of the minor; (4) Respondent to have parenting time with the minor Jack each weekend from Friday after school (4:30 if no school) until Sunday at 4:30pm; (5) Gwen to attend private counseling and the parties to split the cost equally; and (6) Gwen to be allowed to change schools within Respondent's district.

Other Party asks that there be no modification to the current orders alternatively she requests every other weekend and an updated order for equally splitting holidays and vacations. She asks that the court modify the summer schedule to two-weeks on, two-weeks off with Other Party having the first and last two weeks. She requests "[s]ection 3.2 be amended to remove grandparents and allow for stepparents and step siblings to see children on a regular scheduled basis in the event of the death of a biological parent." She also asks for an order that the children be allowed to attend sports or extracurricular activities even during Respondent's weekends.

The court has reviewed the filings as outlined above and finds the agreements and recommendations contained in the CCRC report to be in the best interests of the minors, they are therefore hereby adopted as the orders of the court. The parties are ordered to ensure that the minors are able to attend extracurricular activities regardless of which parent is exercising their parenting time when the activity takes place. Regarding Other

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Parent's request to modify Section 3.2, the court finds this request to be outside the scope of the original RFO and therefore, the request is denied.

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

**TENTATIVE RULING #2: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS, THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE PARTIES ARE ORDERED TO ENSURE THAT THE MINORS ARE ABLE TO ATTEND EXTRACURRICULAR ACTIVITIES REGARDLESS OF WHICH PARENT IS EXERCISING THEIR PARENTING TIME WHEN THE ACTIVITY TAKES PLACE. REGARDING OTHER PARENT'S REQUEST TO MODIFY SECTION 3.2, THE COURT FINDS THIS REQUEST TO BE OUTSIDE THE SCOPE OF THE ORIGINAL RFO AND THEREFORE THE REQUEST IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**3. LISA ELLIS V. TOM ELLIS JR.**

**PFL20140819**

On April 16, 2025, Respondent filed a Request for Order (RFO) seeking to modify spousal support. He filed his Income and Expense Declaration concurrently therewith. All required documents were served the same day as filing. Because this is a post-judgment request, Respondent filed a Declaration Regarding Address Verification as is required by Family Code § 215.

On June 25<sup>th</sup> Petitioner filed her Responsive Declaration to Request for Order and her Income and Expense Declaration. Both documents were served on June 24<sup>th</sup>.

Respondent filed his Reply on July 9<sup>th</sup>. It was served on July 7<sup>th</sup>.

The court is required to take evidence on and address the Family Code § 4320 factors when ruling on a post-judgment request for modification of spousal support. As such, the parties are ordered to appear to select trial and Mandatory Settlement Conference dates.

**TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.**

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**4. ERIK FARAHMAND V. ABIGAIL GAGE**

**PFL20130874**

On December 17, 2024, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice seeking a modification of the parenting plan, an order allowing the minor to switch schools and a court order for sanctions against Respondent. The request was denied on an ex parte basis however the parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was set for hearing on the regular law and motion calendar.

Both parties appeared at CCRC on January 17, 2025. Nevertheless, both parties requested a continuance of the initial March 13<sup>th</sup> hearing date. The continuance was granted and the matter was set for hearing on June 12<sup>th</sup>. It was thereafter continued again to the present date.

On July 8, 2025, Respondent filed an RFO seeking temporary emergency orders on an ex parte basis. The orders were denied but the court granted an Order Shortening Time and set the hearing to join with the already pending hearing date.

Petitioner filed a Responsive Declaration to Request for Order on July 7<sup>th</sup>. Respondent's Reply Declaration was filed and served on July 10<sup>th</sup> along with a Declaration of Madison Farahmand.

Petitioner's RFO seeks modification of the current parenting plan, an order allowing Claire to switch school districts and immediately attend counseling, and an order for Respondent to pay monetary sanctions.

Respondent seeks an order for Petitioner and the minor Clair to participate in conjoint counseling. She asks that pending a review hearing and progress in therapy, visitation between the minor and Petitioner be at the minor's discretion.

The parties reached agreements during their CCRC appointment. The court has reviewed the agreements of the parties and does find them to be in the best interests of the minor; As such, the agreements contained in the January 17, 2025 CCRC report are hereby adopted as the orders of the court.

Because the parties agreed not to change the minor's school, the court does not find a change in the visitation schedule is warranted. Therefore, all prior orders not in conflict with this order remain in full force and effect.

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The court is ordering conjoint counseling between Petitioner and the minor Claire to commence forthwith. The parties are to meet and confer to select a therapist. Any uninsured costs of therapy are to be split equally between the parties, subject to reallocation.

Regarding the request for sanctions, the request is denied. 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." Fam. Code § 271(a). Here, the court does not find grounds to sanction Respondent therefore the request is denied. Both parties are admonished to adhere to the court's orders.

Finally, given that the declaration of Madison Farahmand contains confidential medical information, the clerk is ordered to mark this document as confidential and maintain it in the court's confidential portion of the file.

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

**TENTATIVE RULING #4: THE COURT HAS REVIEWED THE AGREEMENTS OF THE PARTIES AND DOES FIND THEM TO BE IN THE BEST INTERESTS OF THE MINOR. AS SUCH, THE AGREEMENTS CONTAINED IN THE JANUARY 17, 2025 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. THE COURT IS ORDERING CONJOINT COUNSELING BETWEEN PETITIONER AND THE MINOR CLAIRE TO COMMENCE FORTHWITH. THE PARTIES ARE TO MEET AND CONFER TO SELECT A THERAPIST. ANY UNINSURED COSTS OF THERAPY IS TO BE SPLIT EQUALLY BETWEEN THE PARTIES, SUBJECT TO REALLOCATION.**

**THE REQUEST FOR MONETARY SANCTIONS IS DENIED. HOWEVER, BOTH PARTIES ARE ADMONISHED TO ADHERE TO THE COURT'S ORDERS. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**FINALLY, GIVEN THAT THE DECLARATION OF MADISON FARAHMAND CONTAINS CONFIDENTIAL MEDICAL INFORMATION, THE CLERK IS ORDERED TO MARK THIS DOCUMENT AS CONFIDENTIAL AND MAINTAIN IT IN THE COURT'S CONFIDENTIAL PORTION OF THE FILE.**



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**5. ELISABETH FREELAND V. MICHAEL FREELAND**

**24FL1020**

On April 9, 2025, Petitioner filed a Request for Order (RFO) seeking orders for custody and visitation, child support, spousal support, attorney's fees and expert fees. She filed her Income and Expense Declaration concurrently therewith. All required documents were served on April 10<sup>th</sup>.

Petitioner filed and served a Declaration on May 21<sup>st</sup>.

Respondent filed his Income and Expense Declaration on May 28, 2025, however the court does not have a Proof of Service for this document therefore it cannot be considered.

The Department of Child Support Services (DCSS) filed their Responsive Declaration to Request for Order on May 30, 2025.

Respondent filed and served a Responsive Declaration to Request for Order on July 1<sup>st</sup>.

The parties attended Child Custody Recommending Counseling (CCRC) on May 22, 2025. They were able to reach some agreements but could not agree on all issues therefore, a report with the agreements and recommendations was prepared and mailed to the parties on July 1, 2025.

Respondent filed and served a Reply Declaration to CCRC Report on July 10<sup>th</sup>.

Petitioner is requesting joint legal and joint physical custody with a proposed parenting schedule. She also requests guideline child and spousal support as well as attorney's fees in the amount of \$12,500. Additionally, she requests Respondent be ordered to pay the cost of a forensic CPA to assess the value of the community property business.

Respondent is requesting a 2/2/3 schedule. He also states that the parties have already reached agreements regarding spousal and child support. He states the parties have also reached an agreement with regard to attorney's fees. He opposes the request for an expert as the parties have reached an agreement for an equalization payment.

After reviewing the agreements and recommendations contained in the CCRC report, the court finds them to be in the best interests of the minor. Therefore, they are hereby adopted as the orders of the court.

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Regarding the support requests the court would generally continue these matters to the DCSS calendar, however, if the parties have reached agreements as Respondent states, the court is not inclined to clog the DCSS calendar with a matter that has already been settled. Furthermore, if these issues have been settled, along with the issues of attorney's fees and an equalization payment, the court is unclear if Petitioner is even still seeking these orders. As such, the parties are ordered to appear to update the court on the status of their settlement regarding child and spousal support, attorney's fees, and an equalization payment.

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

**TENTATIVE RULING #5: AFTER REVIEWING THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE CCRC REPORT, THE COURT FINDS THEM TO BE IN THE BEST INTERESTS OF THE MINOR. THEREFORE, THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE PARTIES ARE ORDERED TO APPEAR TO UPDATE THE COURT ON THE STATUS OF THEIR SETTLEMENT REGARDING CHILD AND SPOUSAL SUPPORT, ATTORNEY'S FEES, AND AN EQUALIZATION PAYMENT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**6. JORDAN LYKINS V. SONJA GILSON**

**24FL0295**

On April 17, 2025, Petitioner filed a Request for Order (RFO) seeking custody and support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 16, 2025. There is no Proof of Service for the RFO or the CCRC referral, however Respondent did appear at and participate in CCRC therefore, the court finds he has actual knowledge of the pending requests and any potential defect in service has been waived.

The parties were able to reach some agreements at CCRC but could not agree on all issues. As such, a report with the agreements and recommendations was prepared and mailed to the parties on May 23, 2025.

Petitioner filed and served a Declaration on June 12, 2025.

Respondent filed a Responsive Declaration to Request for Order on July 1, 2025. He filed an Amended Responsive Declaration the same day. Both documents were served the same day as filing.

Petitioner filed a Declaration on July 9, 2025. It was served on July 8<sup>th</sup>.

Petitioner's request for child support is denied due to her failure to file the requisite paperwork. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); See *also* Cal. Fam. Code §2100. The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers. El Dorado Sup. Ct. Rule 8.03.01. Here, Petitioner failed to file a completed Income and Expense Declaration with her moving papers; accordingly, the court cannot grant the support request.

Regarding the request for custody and visitation orders, there is a pending request for a Domestic Violence Restraining Order (DVRO). Because custody and visitation orders are dependent on the outcome of the DVRO, the court continues this matter to join with the DVRO hearing which is currently set for July 17, 2025 at 1:30 in Department 8.

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

**TENTATIVE RULING #6: PETITIONER'S REQUEST FOR CHILD SUPPORT IS DENIED DUE TO HER FAILURE TO FILE A COMPLETED INCOME AND EXPENSE DECLARATION. BECAUSE CUSTODY AND VISITATION ORDERS ARE DEPENDENT ON THE OUTCOME OF**

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**THE DVRO, THE COURT CONTINUES THIS MATTER TO JOIN WITH THE DVRO HEARING WHICH IS CURRENTLY SET FOR JULY 17, 2025 AT 1:30 IN DEPARTMENT 8.**

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

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

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**7. JOHN NEIBAUER V. VICTORIA NEIBAUER**

**25FL0358**

On April 17, 2025, Petitioner filed a Request for Order (RFO) seeking spousal support orders. He filed his Income and Expense Declaration concurrently therewith. All required documents were personally served on May 13<sup>th</sup>.

Respondent filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on June 30<sup>th</sup>.

Petitioner filed and served his Reply Declaration and his Memorandum of Points and Authorities on July 10<sup>th</sup>.

Petitioner is requesting an order for Respondent to pay him 50% of her pension from SCERS pursuant to the written agreement they had been following previously.

Respondent opposes the request as there is currently a Temporary Restraining Order in place pending hearing on her request for a Domestic Violence Restraining Order (DVRO). The DVRO hearing is set for July 17<sup>th</sup> at 1:30. Additionally, Respondent opposes the request as she disputes the validity of the marriage in the first place.

Given the pending DVRO, the court continues this matter to join with the DVRO hearing on July 17, 2025 at 1:30 pm in Department 8.

**TENTATIVE RULING #7: GIVEN THE PENDING DVRO, THE COURT CONTINUES THIS MATTER TO JOIN WITH THE DVRO HEARING ON JULY 17, 2025 AT 1:30 PM IN DEPARTMENT 8.**

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

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**8. STEVEN PESOLA V. LESLIE MANTALUANOS**

**24FL0897**

On April 16, 2025, Petitioner filed a Request for Order (RFO) seeking spousal support and seeking an order compelling Respondent's compliance with her disclosure obligations. He filed his Income and Expense Declaration concurrently therewith. All required documents were personally served the same day as filing.

Respondent filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on June 25<sup>th</sup>.

Petitioner has not filed a Reply.

Petitioner is requesting guideline spousal support as he states Respondent is the higher wage earner. He also asks that Respondent be compelled to amend her Preliminary Declaration of Disclosure (PDD) to provide additional information.

Respondent opposes the requests and asks that the court award her \$10,000 in need-based attorney's fees. She asks that the RFO be dropped as it was filed by Petitioner's mother and Petitioner maintains that he does not know what is being requested.

Petitioner's request to compel amendments to Respondent's PDD is denied. Petitioner provided only a list of questions with his moving papers, but he did not file any documentation with the court to substantiate his claim that the PDD is legally deficient therefore he has not met his burden of proof for such an order.

Petitioner's request for spousal support is also denied as he failed to file the requisite paperwork. Specifically, Petitioner failed to file proof of his income as required by the FL-150. Without substantiating Petitioner's income, the court cannot make a support order. The request is denied.

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

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Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. “In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party’s case adequately.” *Id.* at (b).

Here, the court does find there to be a disparity in income. However, the court does not find the requested amount of \$10,000 to be reasonable nor within Petitioner’s ability to pay. Instead, the court is awarding Respondent \$3,500 as this is the amount actually paid to her attorney to date. Petitioner is ordered to pay Respondent’s attorney \$3,500 as and for attorney’s fees. This amount may be paid in one lump sum or in monthly increments of \$145.83 commencing on August 1, 2025 and continuing on the 1<sup>st</sup> of each month until paid in full (approximately 12 months). If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

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

**TENTATIVE RULING #8: PETITIONER’S REQUESTS FOR SPOUSAL SUPPORT AND AN ORDER COMPELLING FURTHER DISCLOSURES ARE DENIED.**

**RESPONDENT’S REQUEST FOR ATTORNEY’S FEES IS GRANTED. PETITIONER IS ORDERED TO PAY RESPONDENT’S ATTORNEY \$3,500 AS AND FOR ATTORNEY’S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$145.83 COMMENCING ON AUGUST 1, 2025 AND CONTINUING ON THE 1<sup>ST</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.**

**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**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 17, 2025

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

**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE  
8.05.07.**

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DEPARTMENT 5  
July 17, 2025  
8:30 a.m./1:30 p.m.

**9. CARLOS ROMAN V. NICI GEE**

**24FL0572**

On May 7, 2025, the parties appeared before the court for hearing on Respondent's request for a Domestic Violence Restraining Order (DVRO). The court granted the DVRO and referred the parties to Child Custody Recommending Counseling (CCRC) to establish a parenting plan. A review hearing was set for the present date. Also set for this hearing is Respondent's request for attorneys' fees pursuant to Family Code § 6344.

The parties attended CCRC on June 5<sup>th</sup>. They were able to reach some agreements but could not agree on all issues therefore, a report with recommendations was prepared and mailed to the parties on June 6<sup>th</sup>.

A Declaration of Layla Cordero Re: Fees and Costs was filed and served on June 9<sup>th</sup> along with Respondent's Income and Expense Declaration. Respondent filed and served a Supplemental Declaration and a Reply Declaration to Child Custody Recommending Counseling Report on July 2<sup>nd</sup>.

On July 7<sup>th</sup> Petitioner filed and served a Supporting Declaration Re Consideration of Attorney's Fees.

Regarding the request for attorney's fees, Family Code section 6344 is the mechanism by which a prevailing party on a DVRO request may recover their attorney's fees and costs. If the prevailing party was the party that filed for the DVRO then, "[a]fter notice and a hearing, a court, upon request *shall* issue and order for the payment of attorney's fees and costs." Cal. Fam. Code § 6344 (a). However, "[b]efore a court awards attorney's fees and costs pursuant to this section, the court must first determine, pursuant to Section 270, that the party ordered to pay has, or is reasonably likely to have, the ability to pay." *Id.* at (c).

Respondent is requesting \$11,345 as and for attorney's fees related to the DVRO. After reviewing the filings, along with the supporting documents filed with the declaration of Respondent's counsel, the court does find that Petitioner has, or is likely to have, the ability to pay the requested amount. As such, Petitioner is ordered to pay Respondent's attorney \$11,345 as and for attorney's fees. This amount may be paid in one lump sum or in monthly increments of \$945.42 on the 15<sup>th</sup> of each month commencing on August 15<sup>th</sup> and continuing each month until paid in full (approximately 12 months). If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

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Turning to the issue of custody and visitation, the court does find the recommendations and agreements as listed in the CCRC report to be in the best interests of the minors; therefore, they are hereby adopted as the orders of the court with the following modifications. Paragraph 2 of the Parenting Plan section shall be amended to read – “Denise Ho shall be the nonprofessional supervisor of these visits unless otherwise agreed upon by the parents. If Ms. Ho is unavailable, and the parents are unable to agree on another nonprofessional supervisor then the visit may be professionally supervised. Any professionally supervised visits shall be at Petitioner’s sole cost.” Paragraph 3 of the same section is amended to include the following language – “The children may choose to extend their visit with Petitioner only if the supervisor is available and agrees to the extended time and the children do not have any prior commitments.” Paragraph 1 of the section titled Child Counseling/Therapy shall be amended to *delete* the sentence “Mother shall provide Father with the name and contact information for said therapist.” Petitioner does not have legal custody of the children and therefore, the court does not find it necessary for him to have this information at this time. The remaining provisions of the CCRC report are adopted as-is.

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

**TENTATIVE RULING #9: PETITIONER IS ORDERED TO PAY RESPONDENT’S ATTORNEY \$11,345 AS AND FOR ATTORNEY’S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$945.42 ON THE 15<sup>TH</sup> OF EACH MONTH COMMENCING ON AUGUST 15<sup>TH</sup> AND CONTINUING EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.**

**TURNING TO THE ISSUE OF CUSTODY AND VISITATION, THE COURT DOES FIND THE RECOMMENDATIONS AND AGREEMENTS AS LISTED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS; THEREFORE, THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. PARAGRAPH 2 OF THE PARENTING PLAN SECTION SHALL BE AMENDED TO READ – “DENISE HO SHALL BE THE NONPROFESSIONAL SUPERVISOR OF THESE VISITS UNLESS OTHERWISE AGREED UPON BY THE PARENTS. IF MS. HO IS UNAVAILABLE, AND THE PARENTS ARE UNABLE TO AGREE ON ANOTHER NONPROFESSIONAL SUPERVISOR THEN THE VISIT MAY BE PROFESSIONALLY SUPERVISED. ANY PROFESSIONALLY SUPERVISED VISITS SHALL BE AT PETITIONER’S SOLE COST.” PARAGRAPH 3 OF THE SAME SECTION IS AMENDED TO INCLUDE THE FOLLOWING LANGUAGE – “THE**

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**CHILDREN MAY CHOOSE TO EXTEND THEIR VISIT WITH PETITIONER ONLY IF THE SUPERVISOR IS AVAILABLE AND AGREES TO THE EXTENDED TIME AND THE CHILDREN DO NOT HAVE ANY PRIOR COMMITMENTS.” PARAGRAPH 1 OF THE SECTION TITLED CHILD COUNSELING/THERAPY SHALL BE AMENDED TO *DELETE* THE SENTENCE “MOTHER SHALL PROVIDE FATHER WITH THE NAME AND CONTACT INFORMATION FOR SAID THERAPIST.” PETITIONER DOES NOT HAVE LEGAL CUSTODY OF THE CHILDREN AND THEREFORE THE COURT DOES NOT FIND IT NECESSARY FOR HIM TO HAVE THIS INFORMATION AT THIS TIME. THE REMAINING PROVISIONS OF THE CCRC REPORT ARE ADOPTED AS-IS.**

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

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

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**10. SUSAN SOHAL V. RISHI SOHAL**

**PFL20180510**

Petitioner filed a Request for Order (RFO) on April 3, 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 May 15, 2025, and a review hearing on July 17<sup>th</sup>. Proof of Service shows Respondent was electronically served on April 4, 2025. The court notes this is a post-judgment request for modification, and therefore, Family Code section 215 applies.

Only Petitioner appeared at the May 15<sup>th</sup> CCRC appointment. As such, a single parent report was filed with the court on May 15, 2025. Copies were mailed to the parties on May 15<sup>th</sup>.

The court finds it cannot proceed with the RFO as Respondent has not been served in accordance with Family Code section 215. Therefore, the court drops the matter from calendar.

All prior orders remain in full force and effect.

**TENTATIVE RULING #10: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO SERVE RESPONDENT IN ACCORDANCE WITH FAMILY CODE SECTION 215. 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.**

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**11. LAURIE TEEHEE V. COURT TEEHEE**

**PFL20200690**

Petitioner's counsel filed a Request for Order (RFO) requesting the matter be set for trial, on April 9, 2025. Respondent was mail served on April 23, 2025. Petitioner's counsel asserts the parties have been unable to reach a resolution in this matter and therefore, trial is necessary. Petitioner's counsel states the clerk's office directed her to file a motion requesting the matter be set for trial.

Respondent filed a Responsive Declaration on June 24, 2025. Petitioner was mail and electronically served on June 24<sup>th</sup>. Respondent objects to the matter being set for trial and asserts the parties have reached a full agreement. Respondent further asserts a RFO is not the proper means to request a matter be set on the trial calendar, and that the court should not consider the RFO as it was signed by counsel and not Petitioner.

Pursuant to El Dorado Superior Court Local Rule 8.20.0: "Local Form F-18 Request for Trial Setting Conference shall be filed with the court along with a proof of service to the opposing counsel/party before any contested case may be set for trial or evidentiary hearing. The Court, on its own motion, or at the request of a party during a law and motion proceeding, may set a contested case for trial or evidentiary hearing." The court finds Petitioner failed to file Local Form F-18 to request a trial setting conference, however, the matter may be set for trial during a law and motion proceeding or on the court's own motion. There does not appear to have been a meeting of the minds on the settlement. As such, the parties are ordered to appear to select Mandatory Settlement Conference and trial dates.

**TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.**

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**12. KRISTI WHITE V. ERIK WHITE**

**PFL20130876**

Petitioner filed a Request for Order (RFO) on April 21, 2025, seeking modification of parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 19, 2025, and a review hearing on July 17<sup>th</sup>. Proof of Service shows Respondent's counsel was personally served on April 22, 2025. This is a post-judgment request for modification, and as such Family Code section 215 applies. The court finds service does not comply with Family Code section 215.

The CCRC appointment was modified on May 1, 2025, due to unavailability of the counselor. Parties were to attend CCRC on May 22<sup>nd</sup>. Petitioner was directed to provide a copy of the ex parte minute order to Respondent. Proof of Service shows Respondent was served on May 6<sup>th</sup>.

Respondent filed a Request to Reschedule CCRC on May 19<sup>th</sup>. The request was denied, as Respondent had failed to serve Petitioner with the request.

Neither party appeared for CCRC.

Respondent filed a Responsive Declaration on July 2, 2025. Petitioner was served the same day. Respondent asserts the parties have reached agreements on the 2025 schedule and the 2026 schedule as well. As such, Respondent does not believe the parties need to be rereferred to CCRC.

Petitioner filed a Reply Declaration on July 10, 2025. Respondent was served on July 10<sup>th</sup>. Petitioner asserts there have been no agreements reached, and the parties should be referred to CCRC. Petitioner also asserts there was confusion as to her lack of appearance at CCRC as she was available at the time of the appointment and waiting for a call from the court.

The court finds good cause to proceed with the matter on the merits, despite the lack of compliance with Family Code section 215, as Respondent has filed a Responsive Declaration which does not raise the issue of service. Therefore the court finds Respondent has waived any defect in service. The court finds good cause to rerefer the parties to CCRC as the court does not have a written stipulation from the parties setting forth the agreements. Parties are to attend CCRC on 8/11/2025 at 1:00 PM with Norman Labat and return to court for a review hearing on 10/09/2025 at 8:30 in Department 5. Any Supplemental Declarations are due at least 10 days prior to the next hearing.

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

**TENTATIVE RULING #12: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE MATTER ON THE MERITS, DESPITE THE LACK OF COMPLIANCE WITH FAMILY CODE SECTION 215, AS RESPONDENT HAS FILED A RESPONSIVE DECLARATION WHICH DOES NOT RAISE THE ISSUE OF SERVICE. THE COURT FINDS RESPONDENT HAS WAIVED ANY DEFECT IN SERVICE. THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC AS THE COURT DOES NOT HAVE A WRITTEN STIPULATION FROM THE PARTIES SETTING FORTH THE AGREEMENTS. PARTIES ARE TO ATTEND CCRC ON 8/11/2025 AT 1:00 PM WITH NORMAN LABATE AND RETURN TO COURT FOR A REVIEW HEARING ON 10/9/2025 AT 8:30 AM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. ALL PRIOR ORDERS 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 A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**



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**13. CURTIS WILSON V. CINDY WILSON**

**23FL1152**

Respondent filed a Request for Order (RFO) on February 20, 2025, seeking spousal support, Family Code section 2030 attorney's fees, and reimbursements for community expenses. Respondent concurrently filed an Income and Expense Declaration. Proof of Service shows Petitioner was mail served on April 8, 2025.

Petitioner filed a Responsive Declaration on May 1, 2025. There is no Proof of Service for this document, therefore, the court cannot consider it. The court further notes this was untimely filed for the original hearing.

Parties appeared for the hearing on May 1, 2025, and reached agreements, including continuing the hearing on the request for Family Code section 2030 attorney's fees to July 17<sup>th</sup>. Parties were directed to file and serve Supplemental Declarations at least 10 days prior.

Petitioner has not filed an Income and Expense Declaration, and the court finds Respondent's Income and Expense Declaration is out of date. Neither party has filed a Supplemental Declaration.

The court denies Respondent's request for Family Code section 2030 attorney's fees due to the stale Income and Expense Declaration of Respondent.

**TENTATIVE RULING #13: THE COURT DENIES RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY'S FEES DUE TO THE STALE INCOME AND EXPENSE DECLARATION OF RESPONDENT.**

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

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**15. PAMELA DEHERRERA V. JULIAN R. DEHERRERA**

**23FL0888**

On May 2, 2025, Petitioner filed a Request for Order (RFO) seeking to set aside the judgment and seeking property control orders. She filed her Income and Expense Declaration concurrently therewith. She filed an Amended RFO on June 9<sup>th</sup>. All required documents were personally served on June 11<sup>th</sup>.

Respondent filed and served his Responsive Declaration to Request for Order on July 1<sup>st</sup>. He filed an Amended Responsive Declaration to Request for Order on July 8<sup>th</sup>. There is no Proof of Service for the amended declaration therefore the court cannot consider it.

Petitioner is requesting exclusive use and possession of the marital residence located on Cedar Drive in Camino. She also seeks to set aside the judgment in this matter pursuant to Family Code §§ 2122 and 2120, as well as Code of Civil Procedure § 473(b).

“The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” Cal. Civ. Pro. § 473(b). Family Code section 2122 also vests the court with the authority to set aside a judgment in matters of actual fraud or perjury. Fam. Code § 2122. In either case, the burden is on the moving party to establish grounds for relief. *Austin v. L.A. Unified School Dist.*, 244 Cal. App. 4<sup>th</sup> 918 (2016); See *also* Fam. Code § 2121 (“Before granting relief, the court shall find that the facts alleged as the grounds for relief materially affected the original outcome and that the moving party would materially benefit from the granting of the relief.”) The moving party is tasked with not only establishing that grounds for relief exist but also establishing that the error was *excusable* on the part of the moving party. *Austin* at 929; See *also* *Huh v. Wang*, 158 Cal. App. 4<sup>th</sup> 1406, 1419 (2007).

In the matter at hand, Petitioner fails to meet her burden of establishing grounds for relief or set aside. All the arguments set forth in her moving papers were made at trial; Petitioner simply does not agree with the court’s rulings on these issues. This does not constitute grounds to vacate the judgment under Section 473(b) or under Section 2122. Furthermore, Petitioner’s conclusory statements that Respondent’s testimony at trial was false is not sufficient to establish actual fraud.

The bulk of Petitioner’s moving papers argue against evidence that was already presented at trial. Mostly, she argues that Respondent was either lying at trial or that she does not agree with the court’s ruling after considering evidence that was already presented at trial. This is more akin to a motion for reconsideration than a motion to set

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aside. Nevertheless, even if the court were to apply the law relevant to a motion for reconsideration, the motion would be denied. Not only is it untimely, but Petitioner fails to provide any new or additional evidence which would be required for a motion for reconsideration.

Because Petitioner failed to meet her burden of proof, the motion to vacate or set aside the judgment is denied.

**TENTATIVE RULING #15: PETITIONER'S MOTION IS DENIED.**

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

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**16. KEVIN HARRIS V. MARISS HARRIS**

**24FL1103**

Respondent filed a Request for Order (RFO) on May 1, 2025 requesting the court set aside the default. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

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

**TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.**

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

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**17. NICOLE HEMSTALK V. DANIEL ARTZ**

**25FL0167**

On February 25, 2025, Petitioner filed a Petition for Custody and Support. A summons was issued the same day. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Respondent filed a Response on April 25, 2025. Petitioner was served by mail on April 25, 2025. Therefore, the court finds any defect in notice has been waived.

Petitioner filed a Request for Order on February 25, 2025, requesting the court make orders as to child custody, parenting time, and child support. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on April 25, 2025. Proof of Service shows Petitioner was mail served on April 25, 2025. Therefore, the court finds any potential defect in service has been waived.

Both parties attended CCRC and were unable to reach any agreements. A report with recommendations was filed with the court on July 3, 2025. Copies were mailed to the parties on July 8, 2025.

Neither party has 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 July 3<sup>rd</sup> CCRC report to be in the best interest of the minor. The court adopts the recommendations as its orders.

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

**TENTATIVE RULING #17: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JULY 3<sup>RD</sup> CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS 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***

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

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**18. JUSTIN KREMER V. AMIE WHEDBEE**

**22FL0765**

On November 14, 2024, the court adopted its tentative ruling, finding the agreements and recommendations as contained in the November 6<sup>th</sup> CCRC report to be in the best interest of the minors. The court adopted the agreements and recommendations as its orders. The court set a further CCRC appointment on May 29, 2025, and review hearing for July 17, 2025, at 1:30 PM in Department 5.

Both parties appeared at the CCRC appointment on May 29<sup>th</sup> and stated they had reached a full agreement and that the further CCRC appointment was not necessary.

Neither party has submitted a Supplemental Declaration or a stipulation to the court.

The court finds the current orders remain in the minors' best interests. All prior orders remain in full force and effect. The court drops the matter from calendar.

**TENTATIVE RULING #18: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINORS' BEST INTERESTS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT DROPS THE MATTER FROM CALENDAR.**

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

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**19. JUSTIN NEFF V. KAYLA LATTIMER**

**22FL0990**

Respondent filed a Request for Order (RFO) on May 8, 2025, requesting modification of child custody orders and child support. Respondent did not concurrently file an Income and Expense Declaration. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had attended within the prior six months.

Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

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

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

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 17, 2025  
8:30 a.m./1:30 p.m.

**20. JARED SILVA V. GRACE SILVA**

**25FL0397**

Petitioner filed a Request for Order (RFO) on May 2, 2025, seeking child custody and parenting plan orders, child and spousal support, and Family Code section 2030 attorney's fees. Petitioner did not concurrently file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 5, 2025, and a review hearing on July 17<sup>th</sup>. Proof of Service shows Respondent was mail served on May 5, 2025.

Petitioner is seeking sole legal and physical custody with Respondent to have parenting time the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> weekends of the month. Petitioner is seeking guideline child and spousal support. Finally, Petitioner is seeking \$5,000 for Family Code section 2030 attorney's fees.

Petitioner filed an Income and Expense Declaration on July 2, 2025. Respondent was mail served on the same day.

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

Petitioner subsequently filed a request for a Domestic Violence Restraining Order on May 20<sup>th</sup> in case 25FL0463. A temporary Domestic Violence Restraining Order was denied. The parties are currently pending a hearing on that matter on August 18, 2025, at 8:30 AM in Department 8.

The parties attended the CCRC appointment on June 5<sup>th</sup>. They were unable to reach any agreements. A report with recommendations was filed with the court on July 3, 2025. Copies were mailed to the parties on July 8<sup>th</sup>.

The court has read and considered the filings as set forth above. The court finds the recommendations as set forth in the July 3<sup>rd</sup> CCRC report to be in the best interest of the minors. The court adopts the recommendations as its orders. These orders are temporary, and may be modified in accordance with the results of the Domestic Violence Restraining Order request.

The court denies the requests for child and spousal support as well as for Family Code section 2030 attorney's fees. Petitioner failed to concurrently file and serve an Income and Expense Declaration as required.

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All prior orders not in conflict with these orders 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 JULY 3<sup>RD</sup> CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. THESE ORDERS ARE TEMPORARY, AND MAY BE MODIFIED IN ACCORDANCE WITH THE RESULTS OF THE DOMESTIC VIOLENCE RESTRAINING ORDER REQUEST. THE COURT DENIES THE REQUESTS FOR CHILD AND SPOUSAL SUPPORT AS WELL AS FOR FAMILY CODE SECTION 2030 ATTORNEY'S FEES. PETITIONER FAILED TO CONCURRENTLY FILE AND SERVE AN INCOME AND EXPENSE DECLARATION AS REQUIRED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS 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 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 17, 2025  
8:30 a.m./1:30 p.m.

**21. RAKAYA VISMAN V. JOE JOHNSON**

**25FL0356**

Petitioner filed a Request for Order (RFO) on April 17, 2025, seeking child custody orders and changing the minor's last name. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 19, 2025, and a review hearing on July 17<sup>th</sup>.

Neither party appeared at CCRC.

Petitioner filed a Declaration on June 11, 2025. It was served on Respondent on July 8, 2025. The court finds this to be untimely and therefore has not considered it.

Petitioner filed a Proof of Service showing the RFO and other necessary documents were personally served on Respondent on July 8, 2025. Civil Procedure section 1005(b) states: "Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required 16-day period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California..." This would have made June 24, 2025, the last day for personal service.

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

**TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 17, 2025  
8:30 a.m./1:30 p.m.

**22. DCSS V. GAVIN WATTS(OTHER PARENT: BRITTANY FOX-O'NEILL) PFS20140290**

Other Parent filed a Request for Order (RFO) on April 17, 2025, seeking modification of child custody and parenting plan orders as well as modification of child support orders. Other Parent did not concurrently file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 23, 2025, and a review hearing on July 17<sup>th</sup>. Proof of Service shows Respondent was mail served on April 17, 2025.

Both Respondent and Other Parent appeared at CCRC and reached a full agreement. Respondent submitted a Stipulation and Order, reflecting the agreement on May 30<sup>th</sup>. The court however, was unable to sign and adopt the Stipulation and Order, as it was not signed by Petitioner. The agreement included dropping the July 17<sup>th</sup> hearing.

Petitioner filed a Responsive Declaration on June 20, 2025. Petitioner takes no position on the child custody or parenting plan issues but requests the child support portion of the RFO be heard in Department 10 before the child support commissioner pursuant to Family Code section 4251. Respondent and Other Parent were served on June 20<sup>th</sup>.

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

The court has read and considered the filings as outlined above. The court adopts the agreements as set forth in the May 30<sup>th</sup> Stipulation and Order. The court finds good cause to do so, despite the lack of proper service to Petitioner, as Petitioner has filed a Responsive Declaration. The court drops the request to modify child support from calendar as Petitioner failed to concurrently file an Income and Expense Declaration at the time of the filing of the RFO as required.

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 #22: THE COURT ADOPTS THE AGREEMENTS AS SET FORTH IN THE MAY 30<sup>TH</sup> STIPULATION AND ORDER. THE COURT FINDS GOOD CAUSE TO DO SO, DESPITE THE LACK OF PROPER SERVICE TO PETITIONER, AS PETITIONER HAS FILED A RESPONSIVE DECLARATION. THE COURT DROPS THE REQUEST TO MODIFY CHILD SUPPORT FROM CALENDAR AS PETITIONER FAILED TO CONCURRENTLY FILE AN INCOME AND EXPENSE DECLARATION AT THE TIME OF THE FILING OF THE RFO AS**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 17, 2025

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

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

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