

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

1. MARK BARRY V. JENNIFER BARRY

25FL0627

On March 18, 2026, Petitioner filed a Request for Order (RFO) seeking modification of support orders, and an order for the sale of the marital residence. He asked the court to temporarily set support to \$0 due to his inability to work. The matter came before the court for hearing on April 9, 2026 at which time the court ruled on the request to sell the marital residence and granted the request to set support to \$0. A review hearing was set for the present date and the court reserved jurisdiction to retroactively modify support back to April 15, 2026.

On June 29, 2026, Petitioner filed and served an updated Income and Expense Declaration.

On June 30, 2026, the Department of Child Support Services (DCSS) filed a Substitution of Payee form.

Respondent has not filed an updated Income and Expense Declaration. “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. “‘Current’ means the form has been completed within the past three months providing no facts have changed.” Cal. Rule Ct. 5.260(3).

Because DCSS is providing child support enforcement services in this matter, the issue of child support is continued to August 24th at 8:30 a.m. in Department 10 to be heard by the child support commissioner in accordance with Family Code § 4251. Respondent is ordered to file a completed Income and Expense Declaration with supporting documents no later than 10 days prior to the hearing date.

TENTATIVE RULING #1: BECAUSE DCSS IS PROVIDING CHILD SUPPORT ENFORCEMENT SERVICES IN THIS MATTER, THE ISSUE OF CHILD SUPPORT IS CONTINUED TO AUGUST 24TH AT 8:30 A.M. IN DEPARTMENT 10 TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER IN ACCORDANCE WITH FAMILY CODE § 4251. RESPONDENT IS ORDERED TO FILE A COMPLETED INCOME AND EXPENSE DECLARATION WITH SUPPORTING DOCUMENTS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 9, 2026

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

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 9, 2026
8:30 a.m./1:30 p.m.

2. CHERYL BENTON V. RANDALL BENTON

24FL1158

On April 14, 2026, Petitioner filed a Request for Order (RFO) seeking a stay of the Family Law Attorney's Real Property Lien. All required documents were mail served on April 20th.

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

Petitioner is objecting to, and asking the court to stay recordation of, the "Family Law Attorney's Real Property Lien" (hereinafter the "Lien"). She notes deficiencies in the lien and states that it should not be recorded because Respondent has sufficient assets with which to pay his attorneys.

Respondent asks the court to deny the requested stay. He states he has corrected the procedural deficiencies in the Lien and he argues that the community has sufficient interest in the property to allow for the Lien to attach to only his interest therein.

Family Code § 2033 allows either party to encumber his or her interest in community real property to pay reasonable attorney's fees. Fam. Code § 2033(a). The lien attaches only to that party's interest in the community property. *Id.* Where the encumbrance would likely result in an unequal division of property, impair the encumbering party's ability to meet community obligations, or would otherwise be unjust, Family Code § 2034 allows for the limitation, or outright denial, of the lien. Fam. Code § 2034(a).

After reviewing the filings of the parties as well as the supporting documents submitted, the court does not find that the Lien, with an amount not to exceed \$45,000, is likely to result in an unequal division of property as Respondent's portion of the community interest is sufficient to cover the requested amount. As such, the motion to stay the Lien is denied.

Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #2: THE REQUEST TO STAY THE REAL PROPERTY LIEN 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 9, 2026

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

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 9, 2026
8:30 a.m./1:30 p.m.

3. BRITINI JOHNSON V. PATRICK JOHNSON

23FL1116

On April 17, 2026, Respondent filed a Request for Order (RFO) seeking custody and visitation orders and child support orders. There is no Proof of Service for the RFO or any of the other required documents, nevertheless, Petitioner filed and served her Responsive Declaration to Request for Order on May 6th thereby waiving any potential objection to service.

The parties attended Child Custody Recommending Counseling (CCRC) on May 15, 2026. They reached some agreements but could not agree on all issues therefore, a report with agreements and recommendations was prepared on May 18, 2026. It was mailed to the parties on May 19th.

Petitioner filed her Income and Expense Declaration on June 3, 2026. It was served the same day.

On June 23rd, Respondent filed another Income and Expense Declaration and a declaration. There is no Proof of Service for either document.

Also on June 23rd, Petitioner filed and served Petitioner's Objection to Respondent's Reply Declaration and Respondent's [sic] Reply Declaration to CCRC Report Dated 5/18/2026.

Because Petitioner filed an objection to Respondent's June 23rd declaration but did not raise the issue of service, the court finds that she has actual knowledge of the declaration and any such objection to service has been waived therefore, the court is considering the declaration to the extent Petitioner's objections have not been sustained. The same does not go for Respondent's Income and Expense Declaration. There is no indication that Petitioner was ever served with that document therefore the court cannot consider it.

Petitioner's objections are sustained in their entirety. The court is considering only the admissible portions of the first five pages of Respondent's reply declaration.

On June 30th, Respondent filed a Reply Declaration of Patrick Johnson in Support of Request for Order. It was served by mail on June 29th.

Respondent asks to change the parenting schedule in accordance the proposed schedule in his declaration. He asks that the holiday schedule and all other custody orders remain the same. He further requests modification of child support based on the updated

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

schedule and the parties' current income. He asks that the court set support to guideline or adopt his proposed step-up support schedule. He further asks that he be obligated to pay only 50% toward one mutually agreed upon extracurricular activity per child. Finally, he asks that he be given a credit or reimbursement for overpayment of support.

Petitioner asks the court to deny Respondent's request to modify the parenting plan and order guideline child support based on the actual parenting time exercised. She further asks that the court order the parties to communicate on Talking Parents only and clarify that the parties are not required to share the email account pjohnson0913@gmail.com. She asks that the account be assigned to Respondent or deleted in its entirety.

The court has read and considered the filings as outlined above. The court adopts the agreements and recommendations set forth in the May 18, 2026 CCRC report with one small modification regarding the exchange locations. The Exchange Location section on page 8 shall be amended to read as follows: For any non-school exchanges at the beginning of Respondent's parenting time, drop off shall occur at Herbert Green Middle School (address 3781 Diamond Rd., Placerville, CA 95667); at the beginning of Petitioner's parenting time, drop off shall occur at the Camino Post Office (address 4129 Carson Rd., Camino, CA 95709)."

The request to modify support is denied due to Respondent's failure to properly serve a current Income and Expense Declaration with supporting documents.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #3: PETITIONER'S OBJECTIONS ARE SUSTAINED IN THEIR ENTIRETY. THE COURT IS CONSIDERING ONLY THE ADMISSIBLE PORTIONS OF THE FIRST FIVE PAGES OF RESPONDENT'S REPLY DECLARATION.

THE COURT DOES NOT FIND A CHANGE IN CIRCUMSTANCES SUFFICIENT TO WARRANT A CHANGE IN THE CUSTODY AND VISITATION ORDERS AS STATED IN THE JUDGMENT. THE COURT IS ADOPTING THE AGREEMENTS AND RECOMMENDATIONS SET FORTH IN THE MAY 18, 2026 CCRC REPORT WITH ONE SMALL MODIFICATION REGARDING THE EXCHANGE LOCATIONS. THE EXCHANGE LOCATION SECTION ON PAGE 8 SHALL BE AMENDED TO READ AS FOLLOWS: FOR ANY NON-SCHOOL EXCHANGES AT THE BEGINNING OF RESPONDENT'S PARENTING TIME, DROP OFF

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 9, 2026

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

SHALL OCCUR AT HERBERT GREEN MIDDLE SCHOOL (ADDRESS 3781 DIAMOND RD., PLACERVILLE, CA 95667); AT THE BEGINNING OF PETITIONER'S PARENTING TIME, DROP OFF SHALL OCCUR AT THE CAMINO POST OFFICE (ADDRESS 4129 CARSON RD., CAMINO, CA 95709)."

THE REQUEST TO MODIFY SUPPORT IS DENIED DUE TO RESPONDENT'S FAILURE TO PROPERLY SERVE A CURRENT INCOME AND EXPENSE DECLARATION WITH SUPPORTING DOCUMENTS.

PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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 9, 2026
8:30 a.m./1:30 p.m.

4. SAMUEL MATTILA V. KRISTIANNA HEIMAN

PFL20210271

On March 10, 2026, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders and attorney's fees. He filed a declaration of Rebecca Esty-Burke concurrently therewith. Both documents were served by mail on March 30th however the Notice of Tentative Ruling was not served, nor was the blank FL-320.

On March 27, 2026, Respondent filed an RFO also seeking custody and visitation orders. There is no Proof of Service for this RFO.

The parties filed a Stipulation Re: Vacation and Continuance of Court Date on April 15th thereby continuing the hearing date on the RFO to the present date.

Petitioner filed and served a Responsive Declaration to Request for Order on May 18th.

The parties attended Child Custody Recommending Counseling (CCRC) on April 13, 2026. They were unable to reach any agreements therefore, a report with recommendations was prepared on May 26th. It was mailed to the parties on May 27th.

Petitioner filed his RFO requesting an order permitting him to take the minor child on vacation. This issue was resolved by the stipulation. However, he further requests the current out-of-state travel order be modified to allow for such travel upon 30 days' written notice to the other party along with a full itinerary including travel dates, destination, lodging information and contact details with no agreement required. He requests \$1,500 for the time and expense of filing the RFO.

According to Petitioner, he was not served with Respondent's RFO until after the CCRC appointment and, as stated previously, there is no Proof of Service for this RFO. Accordingly, Respondent's RFO is dropped from calendar due to lack of proper service. The court is not adopting the recommendations set forth in the CCRC report as the CCRC appointment was set as a result of Petitioner's RFO, not Respondent's, and yet the report did not address the issues raised in Petitioner's RFO. Furthermore, Petitioner was not served with Respondent's RFO until after the CCRC appointment and therefore, he was not given proper notice to prepare and address the issues raised prior to the CCRC appointment.

Regarding the request to modify the out-of-state travel order, the request is granted. The court does find it to be in the best interest of the minor to modify the existing vacation order as follows. Each party may take a vacation with the minor up to two weeks every year.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

The vacationing parent shall notify the other parent in writing of the vacation plans a minimum of 30 days in advance and provide the other parent with an itinerary including the dates of leaving and returning, destinations, flight information, lodging information, and telephone number for emergency purposes. Vacations may take place outside the state of California. The non-vacationing parent need not give his or her approval for the out-of-state vacation so long as the vacationing parent has complied with the foregoing notice requirements.

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

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #4: RESPONDENT'S RFO IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

REGARDING THE REQUEST TO MODIFY THE OUT-OF-STATE TRAVEL ORDER, THE REQUEST IS GRANTED. THE COURT DOES FIND IT TO BE IN THE BEST INTEREST OF THE MINOR TO MODIFY THE EXISTING VACATION ORDER AS FOLLOWS. EACH PARTY MAY TAKE A VACATION WITH THE MINOR UP TO TWO WEEKS EVERY YEAR. THE VACATIONING PARENT SHALL NOTIFY THE OTHER PARENT IN WRITING OF THE VACATION PLANS A MINIMUM OF 30 DAYS IN ADVANCE AND PROVIDE THE OTHER PARENT WITH AN ITINERARY INCLUDING THE DATES OF LEAVING AND RETURNING, DESTINATIONS, FLIGHT INFORMATION, LODGING INFORMATION, AND TELEPHONE NUMBER FOR EMERGENCY PURPOSES. VACATIONS MAY TAKE PLACE OUTSIDE THE STATE OF CALIFORNIA. THE NON-VACATIONING PARENT NEED NOT GIVE HIS OR HER APPROVAL FOR THE OUT-OF-STATE VACATION SO LONG AS THE VACATIONING PARENT HAS COMPLIED WITH THE FOREGOING NOTICE REQUIREMENTS.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 9, 2026

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 9, 2026
8:30 a.m./1:30 p.m.

5. SANDRA MCGAGIN V. BRUCE MCGAGIN

25FL0718

On April 14, 2026, Petitioner filed a Request for Order (RFO) seeking spousal support and an order to sell the marital residence. She filed her Income and Expense Declaration concurrently therewith. Both documents were served on April 17th; however, the Notice of Tentative Ruling was not served.

On June 23rd, the parties filed a Stipulation and Order Regarding Sale of Marital Residence and Payment of Expenses.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on June 25, 2026.

Petitioner is requesting guideline spousal support in the amount of \$3,026 pursuant to the Xspouse report attached as Exhibit A to her RFO. She further asks that the marital home be listed for sale within 30 days and both parties be ordered to comply with the recommendations of the jointly selected real estate agent regarding all aspects of the sale, including listing the property and evaluating and accepting offers. She asks that all net proceeds from the sale be deposited into her attorney's trust account pending further order of the court or written agreement of the parties.

Respondent asks the court to deviate from guideline based on his hardship. He also asks the court to preclude Petitioner from seeking any reimbursement from Respondent's CalPERS monthly pension during the time he is ordered to pay spousal support based on the CalPERS income and an order reserving claims for reimbursements/credits for Respondent's post-separation payment of expenses on behalf of Petitioner and/or towards joint obligations.

First and foremost, the court finds the June 23rd stipulation of the parties resolves Petitioner's requests regarding the sale of the marital residence and the proceeds thereof. As such, the court declines to rule on those requests as they are now moot.

Regarding the issue of support, generally speaking, a married person has a duty to support his or her spouse. Cal. Fam. Code § 4300. The intent is to ensure that each party, upon separation, is able to maintain the marital standard of living. See Cal. Fam. Code § 4330(a). The court maintains broad discretion in determining whether a support award is warranted and if so, the amount and duration thereof. In re Marriage of McLain, 7 Cal. App. 5th 262, 269 (2017). While the factors listed in Family Code section 4320 may be considered

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

by the court, an award for temporary support is generally unrestricted by any statutory authority. See *Marriage of Tong & Samson*, 197 Cal. App. 4th 23, 29 (2011).

Here, in keeping with Respondent's duty to continue his support of Petitioner, the court does not find good cause to deviate from guideline support as he requests. Respondent's argument, simply that his expenses will exceed his income, is not sufficient grounds to deviate from guideline as such, the request is denied. The court is, however, reserving jurisdiction over Respondent's ability to seek reimbursements and/or credits for expenses paid since the date of separation. The court is also reserving jurisdiction on the issue of Petitioner's ability to claim an interest in Respondent's pension.

Utilizing the figures as outlined in the attached Xspouse report, the court finds that spousal support per the Alameda formula is \$2,402 per month. The court adopts the attached Xspouse report and orders Respondent to pay Petitioner \$2,402 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, 2026.

The court finds the above order results in arrears in the amount of \$7,206 through and including June 15, 2026. The court orders Respondent pay Petitioner \$300.25 on the 1st of each month until paid in full (approximately 24 months). If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #5: THE COURT FINDS THE JUNE 23RD STIPULATION OF THE PARTIES RESOLVES PETITIONER'S REQUESTS REGARDING THE SALE OF THE MARITAL RESIDENCE AND THE PROCEEDS THEREOF. AS SUCH, THE COURT DECLINES TO RULE ON THOSE REQUESTS AS THEY ARE NOW MOOT.

THE COURT DOES NOT FIND GOOD CAUSE TO DEVIATE FROM GUIDELINE SUPPORT AS REQUESTED BY RESPONDENT. THE COURT IS, HOWEVER, RESERVING JURISDICTION OVER RESPONDENT'S ABILITY TO SEEK REIMBURSEMENTS AND/OR CREDITS FOR EXPENSES PAID SINCE THE DATE OF SEPARATION. THE COURT IS ALSO RESERVING JURISDICTION ON THE ISSUE OF PETITIONER'S ABILITY TO CLAIM AN INTEREST IN RESPONDENT'S PENSION.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

UTILIZING THE FIGURES AS OUTLINED IN THE ATTACHED XSPOUSE REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$2,402 PER MONTH. THE COURT ADOPTS THE ATTACHED XSPOUSE REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,402 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, 2026.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$7,206 THROUGH AND INCLUDING JUNE 15, 2026. THE COURT ORDERS RESPONDENT PAY PETITIONER \$300.25 ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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	Guideline	Proposed
#of children	0	0	2026			
% time with NCP	0.00 %	0.00 %		Comb. net spendable	12336	12336
Filing status	MFJ->	<-MFJ	GUIDELINE	Percent change	0%	0%
# exemptions	1 *	1	Nets(adjusted)	Husband		
Wages+salary	0	0	Husband	9522		
Self-employed income	0	0	Wife	2814		
Other taxable income	11629	3375	Total	12336		
TANF+CS received	0	0	Support			
Other nontaxable income	0	0	Addons	0		
New spouse income	0	0	Guideln CS	0		
401(k) employee contrib	0	0	Alameda SS	2402		
Adjustments to income	0	0	Total	2402		
SS paid prev marriage	0	0	-			
CS paid prev marriage	0	0				
Health insurance	174	0		Wife		
Other medical expense	0	0		Payment cost/benefit	2402	2402
Property tax expense	668	0		Net spendable income	5216	5216
Ded interest expense	0	0	Proposed	Change from guideline	0	0
Charitable contributions	0	0	Tactic 9	% of combined spendable	42%	42%
Misc tax deductions	0	0	CS	0		
Qual bus income ded	0	0	SS	2402		
Required union dues	0	0	Total	2402		
Mandatory retirement	0	0		Dep. exemption value	0	0
Hardship deduction	0 *	0 *	Saving	0		
Other GDL deductions	0	0	Releases	0		
Child care expenses	0	0				

Husband pays Guideline SS, Proposed SS

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

8. JONATHAN PEARCE V. ELIZABETH MONROE

24FL0151

On April 13, 2026, Petitioner filed a Request for Order (RFO) seeking property orders regarding the marital residence and sanctions. He filed a Memorandum of Points and Authorities and a Declaration of Attorney Amber White concurrently with the RFO. All required documents were served by mail on April 16, 2026.

Respondent has not filed a Responsive Declaration to Request for Order. Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure “as an admission that the motion or other application is meritorious.” El Dorado County, Local Rule 7.10.02(C). Here, the RFO was timely and properly served on Respondent. She had notice of the pending requests and chose not to file an opposition. As such, the court finds good cause to treat her failure to do so as an admission that the claims made in the RFO are meritorious.

Judgment in this matter was entered on June 12, 2026. As part of the Judgment, the court made orders regarding the marital residence located at 10180 Rock Creek Road. The court retained jurisdiction over the home until sold and the proceeds distributed in accordance with the terms of the Judgment.

Petitioner requests the following orders: (1) Respondent to vacate the marital residence within 2 weeks of the hearing; (2) Petitioner to be given permission to dispose of the items remaining after Respondent vacates; (3) Petitioner be given sole control over the sale of the marital residence; (4) The court clerk to be appointed to sign as elisor on behalf of Respondent for all documents related to the sale of the home; (5) Petitioner to be reimbursed for the mortgage payments for each month from November 1, 2025 through the date of the sale; and (6) Sanctions in the amount of \$5,000 pursuant to Family Code § 271.

Petitioner’s requests are granted in part. Respondent is ordered to vacate the residence no later than August 6, 2026. For any personal property of Respondent that is left at the residence, Petitioner is to provide Respondent with written notice of the remaining property and the deadline to pick up the items. Respondent shall have 14 days from the date of the notice to pick up any of her property; if she has not done so by that date then Petitioner may dispose of the property. Petitioner is granted sole control over the sale of the marital residence. Regarding reimbursement for the mortgage payments, Respondent is ordered to reimburse Petitioner for one-half of each of the mortgage payments from November 1, 2025 through the date of the sale of the home.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 9, 2026

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

Turning to the request that the clerk be empowered to act as elisor, the court's authority to appoint elisors is statutory in nature. Code of Civil Procedure section 128 outlines the powers a court has to conduct proceedings, including the power to "compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in an action or proceeding pending." CCP § 128(4).

While the court does have authority to appoint the clerk to act as elisor, the court is reticent to do so without knowing exactly what documents would need to be signed and the contents thereof. The request is therefore, denied without prejudice. In the event Respondent refuses to sign documents related to the sale Petitioner may file another RFO with the court.

Finally, Petitioner has made a request for sanctions 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..." Fam. Code § 271(a). While the purpose of Section 271 is to impose a punitive sanction, the court is not to impose a sanction that would create an "unreasonable financial burden on the party against whom the sanction is imposed." *Id.*

Here, the court does find that Respondent acted in a manner that frustrates the policy of the law which is to reduce the cost of litigation and cooperate with one another. That said, the court is concerned that the requested \$5,000 would create an unreasonable financial burden on Respondent. As such, the court is awarding Petitioner \$2,000 as and for sanctions pursuant to Family Code § 271. This amount is to be paid out of Respondent's proceeds from the sale of the home.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #8: PETITIONER'S REQUESTS ARE GRANTED IN PART. RESPONDENT IS ORDERED TO VACATE THE RESIDENCE NO LATER THAN AUGUST 6, 2026. FOR ANY PERSONAL PROPERTY OF RESPONDENT THAT IS LEFT AT THE RESIDENCE, PETITIONER IS TO PROVIDE RESPONDENT WITH WRITTEN NOTICE OF THE REMAINING PROPERTY AND THE DEADLINE TO PICK UP THE ITEMS. RESPONDENT SHALL HAVE 14 DAYS FROM THE DATE OF THE NOTICE TO PICK UP ANY OF HER

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

PROPERTY, IF SHE HAS NOT DONE SO BY THAT DATE THEN PETITIONER MAY DISPOSE OF THE PROPERTY. PETITIONER IS GRANTED SOLE CONTROL OVER THE SALE OF THE MARITAL RESIDENCE. REGARDING REIMBURSEMENT FOR THE MORTGAGE PAYMENTS, RESPONDENT IS ORDERED TO REIMBURSE PETITIONER FOR ONE-HALF OF EACH OF THE MORTGAGE PAYMENTS FROM NOVEMBER 1, 2025 THROUGH THE DATE OF THE SALE OF THE HOME.

THE REQUEST TO APPOINT THE CLERK AS ELISOR IS DENIED WITHOUT PREJUDICE. IN THE EVENT RESPONDENT REFUSES TO SIGN DOCUMENTS RELATED TO THE SALE, PETITIONER MAY FILE ANOTHER RFO WITH THE COURT.

THE COURT IS AWARDING PETITIONER \$2,000 AS AND FOR SANCTIONS PURSUANT TO FAMILY CODE § 271. THIS AMOUNT IS TO BE PAID OUT OF RESPONDENT'S PROCEEDS FROM THE SALE OF THE HOME.

PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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 9, 2026
8:30 a.m./1:30 p.m.

9. ESTEFANIA SIMMONS V. RONALD SIMMONS

25FL0176

On April 23, 2026, Respondent filed a Request for Order (RFO) seeking custody and visitation orders as well as support orders and a motion to compel. There is no Proof of Service for this document or any of the other required documents; as such, this matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #9: THIS MATTER IS DROPPED FROM CALENDAR DUE TO 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 9, 2026
8:30 a.m./1:30 p.m.

10. JENNIFER WYMAN RUSH V. SETH WYMAN RUSH

22FL0106

On March 2, 2026, Respondent filed a Request for Order (RFO) for child support orders. He filed his Income and Expense Declaration concurrently therewith. All required documents were mail served on March 4, 2026.

This is a post-judgment request for orders and as such, it was required to be personally served or, if served by mail, Respondent was required to complete and file a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, which he has not done. See Fam. Code § 215. Nevertheless, Petitioner filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on June 22nd thereby waiving any defect in service.

Respondent asks the court to modify the current child support order utilizing his disability payment amount and Petitioner's monthly IHSS caregiver income. He further asks the court to remove the bonus table entirely.

Petitioner asks the court to deny Respondent's request for support orders. Instead, she asks that Petitioner be imputed with income and ordered to seek work. She further requests the court make a determination as to arrears. Finally, Petitioner requests an order for Section 2030 attorney's fees in the amount of \$7,500.

Family Code sections 3900 et. seq. codifies the general obligation of both parties to support their minor children and adult dependent children. The court maintains broad discretion in determining the amount of child support based on each party's earning capacity. See Fam. Code § 4050. In doing so, the court has the ability to impute an unemployed, or under employed party with income commensurate with his or her earning capacity. *State of Oregon v. Vargas*, 70 Cal. App. 4th 1123 (1999). Such imputation is warranted where the parent has the ability and opportunity to work but simply lacks the willingness to do so. *In re Marriage of Regnery*, 214 Cal. App. 3d 1367 (1989).

Here, Respondent has not submitted any evidence to support his contention that he actually lacks the ability to work and earn an income to support his children. Accordingly, Respondent is ordered to make a diligent job search effort for jobs for which he is qualified. The court further orders Respondent to apply for a minimum of 5 jobs per week and to provide proof of said applications to Petitioner on a monthly basis, until he has secured stable employment. The court continues the matter to October 8th at 8:30 a.m. in Department 5 to receive an update on Respondent's job search efforts.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

Pending the review hearing, the court is temporarily setting child support to \$0. However, the court reserves jurisdiction to award support back to the date of filing the RFO. Respondent is cautioned that should he fail to obtain full-time employment by the date of the review hearing, the court may choose to impute him with full-time income commensurate with his prior income.

The court is reserving jurisdiction on the issue of arrears pending the review hearing.

Regarding the request for Section 2030 attorney's fees, the request is denied. "[T]o request attorney's fees and costs, a party must complete, file and serve the following documents:...Request for Attorney's Fees and Costs Attachment (form FL-319) or a comparable declaration that addresses the factors covered in form FL-319...[and a] personal declaration in support of the request for attorney's fees and costs, either using Supporting Declaration for Attorney's Fees and Costs Attachment (form FL-158) or a comparable declaration that addresses the factors covered in form FL-158..." Cal. Rule of Ct. 5.427(b)(1). Petitioner has not filed either a form FL-319, an FL-158, or a declaration covering the necessary factors for the court to rule on a request for attorney's fees. Petitioner's request for attorney's fees is therefore denied due to her failure to file the requisite documentation.

Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #10: RESPONDENT HAS NOT SUBMITTED ANY EVIDENCE TO SUPPORT HIS CONTENTION THAT HE ACTUALLY LACKS THE ABILITY TO WORK AND EARN AN INCOME TO SUPPORT HIS CHILDREN. ACCORDINGLY, RESPONDENT IS ORDERED TO MAKE A DILIGENT JOB SEARCH EFFORT FOR JOBS FOR WHICH HE IS QUALIFIED. THE COURT FURTHER ORDERS RESPONDENT TO APPLY FOR A MINIMUM OF 5 JOBS PER WEEK AND TO PROVIDE PROOF OF SAID APPLICATIONS TO PETITIONER ON A MONTHLY BASIS, UNTIL HE HAS SECURED STABLE EMPLOYMENT. THE COURT CONTINUES THE MATTER TO OCTOBER 8TH AT 8:30 A.M. IN DEPARTMENT 5 TO RECEIVE AN UPDATE ON RESPONDENT'S JOB SEARCH EFFORTS.

PENDING THE REVIEW HEARING THE COURT IS TEMPORARILY SETTING CHILD SUPPORT TO \$0. THE COURT RESERVES JURISDICTION TO AWARD SUPPORT BACK TO THE DATE OF FILING THE RFO. RESPONDENT IS CAUTIONED THAT SHOULD HE FAIL TO OBTAIN FULL-TIME EMPLOYMENT BY THE DATE OF THE REVIEW HEARING, THE COURT

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

MAY CHOOSE TO IMPUTE HIM WITH FULL-TIME INCOME COMMENSURATE WITH HIS PRIOR INCOME.

THE COURT IS RESERVING JURISDICTION ON THE ISSUE OF ARREARS PENDING THE REVIEW HEARING.

REGARDING THE REQUEST FOR SECTION 2030 ATTORNEY'S FEES, THE REQUEST IS DENIED FOR FAILURE TO FILE THE PROPER DOCUMENTATION.

RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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 9, 2026
8:30 a.m./1:30 p.m.

**11. COUNTY OF EL DORADO V. LOGAN VILAYVONG VANSEEINDREI (OTHER PARENT:
LAYLENY ROSETE) 25FL0715**

Other Parent filed a Request for Order (RFO) on May 13, 2026, requesting orders regarding maintaining medical insurance for the minor. Proof of Service shows both Petitioner and Respondent were personally served on May 29th and May 18th, respectively.

Petitioner filed a Responsive Declaration on June 10, 2026. Parties were served on June 15, 2026. Petitioner requests the matter be heard in Department 10 before the Child Support Commissioner pursuant to Family Code section 4251.

Respondent has not filed a Responsive Declaration.

The court finds good cause to continue the matter to August 24th at 8:30 a.m. in Department 10.

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

TENTATIVE RULING #11: THE COURT FINDS GOOD CAUSE TO CONTINUE THE MATTER TO AUGUST 24TH AT 8:30 A.M. IN DEPARTMENT 10. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

12. JILL ALIOTO V. JOSEPH ALIOTO

23FL1208

Petitioner filed a Request for Order (RFO) on May 11, 2026, seeking enforcement of the Judgment. Proof of Service shows Respondent was served by mail with only the FL-300.

Respondent has not filed a Responsive Declaration.

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

TENTATIVE RULING #12: 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 9, 2026
8:30 a.m./1:30 p.m.

13. BRIAN CAMBRIDGE V. JORDAN FIERRO

25FL0981

Respondent filed a Request for Order (RFO) on February 19, 2026, seeking disqualification of Petitioner's counsel. The request was originally set to be heard on May 14, 2026. Respondent filed a Proof of Service on May 12, 2026. It showed the RFO and Memorandum of Points and Authorities were served on Petitioner on May 1, 2026. However, it does not show that all of the required documents were properly served.

Parties appeared for a hearing on April 30, 2026, on a different RFO. At that time, the issues raised in the current RFO were raised. The court noted that there was no Proof of Service for the RFO. At the request of Respondent's counsel, the court advanced the May 14th hearing and continued the matter to July 9, 2026.

Respondent filed a Memorandum of Points and Authorities, as well as four declarations regarding the request to remove Petitioner's counsel on June 29, 2026. All were served on June 27th.

Petitioner has not filed a Responsive Declaration.

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

Petitioner's counsel is advised to review the Rules of Professional Conduct.

TENTATIVE RULING #13: 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 9, 2026
8:30 a.m./1:30 p.m.

14. TIFFANY CHAVERS V. RYAN COMBS

PFL20200592

Respondent filed a Request for Order (RFO) on April 14, 2026, requesting a modification of child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 15, 2026 and a review hearing on July 9, 2026. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Petitioner filed a Responsive Declaration on May 1, 2026. It was served on May 4th. Petitioner does not raise the issue of service, therefore, the court deems it to have been waived.

Nevertheless, both parties appeared at CCRC and were able to reach a full agreement. A copy of the parties' agreement was filed with the court on May 15th. Copies were mailed to the parties on May 18th.

The court has read and considered the filings as outlined above. The court finds the agreements to be in the best interest of the minors. The court adopts the agreements as set forth in the May 15th CCRC report.

All prior orders not in conflict with these orders remain in full force and effect. Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #14: THE COURT FINDS THE AGREEMENTS TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AS SET FORTH IN THE MAY 15TH CCRC REPORT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 9, 2026

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

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 9, 2026
8:30 a.m./1:30 p.m.

15. MELISSA FLANIGAN V. SHAUN FLANIGAN

23FL0255

On March 26, 2026, the court made parenting plan orders and set a review hearing for July 9, 2026. Parties were directed to file Supplemental Declarations no later than 10 days prior to the review hearing.

Minor's Counsel filed a Statement of Issues and Contentions with requested orders on June 29, 2026. It was served the same day. Minor's Counsel requests the court maintain all current orders in full force and effect. She also requests an order precluding the parents from sleeping in the same bed as the minor and for the child to have a new individual therapist. Minor's Counsel sets forth a means by which a new therapist shall be selected for the minor.

Petitioner filed a Supplemental Declaration on June 29, 2026. Although there is a Proof of Service attached, it is unsigned. Petitioner requests the parties return to the prior parenting plan.

Respondent filed a Reply to Petitioner's Supplemental Declaration on June 30, 2026. As such, the court deems any defect in service of the Supplemental Declaration to have been waived.

Respondent requests that Petitioner comply with all therapeutic recommendations related to the minor addressing enmeshment, separation anxiety, resist refuse dynamic, and age-appropriate independence. Respondent also requests an immediate transition of the minor to not sleeping in Petitioner's bed. Respondent requests Petitioner complete parenting classes focused on age-appropriate adolescent development, healthy parent child boundaries, emotional regulation, separation anxiety, and supporting the minor's relationship with both parents. Respondent requests a further review hearing as well as consequences for Petitioner for failure to comply with therapeutic recommendations.

The court has read and considered the filings as outlined above. The court finds the current parenting plan remains in the minor's best interest. The court orders the parties to select a new therapist for the minor with therapeutic goals of addressing enmeshment, separation anxiety, resist refuse dynamic, and age-appropriate independence. Respondent shall provide the names of three therapists who have experience in the above listed issues as well as high conflict dissolution cases within one week of the hearing. Minor's Counsel shall have one business day to object to any of the names provided. If Minor's Counsel objects to any names, respondent shall have one business day to provide a replacement name. Once Minor's Counsel agrees to the three names suggested by father mother shall

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

have one week to pick one of the providers. Once a provider is selected, the parties shall terminate the services of the minor's current therapist and shall contact the new therapist forthwith to begin the intake process. The intake should be scheduled within two business days.

The court further orders the minor is not to co-sleep with Petitioner. Both parties are to complete parenting classes focused on age-appropriate adolescent development, healthy parent child boundaries, emotional regulation, separation anxiety, and supporting the minor's relationship with both parents. If the parties are unable to find a parenting class which addresses all of those issues, the parties may address the issues in individual therapy. The court denies the request to set a further review hearing the court notes that the parties are set to commence trial on the issues of custody and parenting time on September 29, 2026. Both parties are cautioned that failure to comply with court orders may result in a change in custody orders, sanctions, and/or contempt of court.

All prior orders not in conflict with these orders remain in full force and effect. Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #15: THE COURT FINDS THE CURRENT PARENTING PLAN REMAINS IN THE MINOR'S BEST INTEREST. THE COURT ORDERS THE PARTIES TO SELECT A NEW THERAPIST FOR THE MINOR WITH THERAPEUTIC GOALS OF ADDRESSING ENMESHMENT, SEPARATION ANXIETY, RESIST REFUSE DYNAMIC, AND AGE-APPROPRIATE INDEPENDENCE. RESPONDENT SHALL PROVIDE THE NAMES OF THREE THERAPISTS WHO HAVE EXPERIENCE IN THE ABOVE LISTED ISSUES AS WELL AS HIGH CONFLICT DISSOLUTION CASES WITHIN ONE WEEK OF THE HEARING. MINOR'S COUNSEL SHALL HAVE ONE BUSINESS DAY TO OBJECT TO ANY OF THE NAMES PROVIDED. IF MINOR'S COUNSEL OBJECTS TO ANY NAMES, RESPONDENT SHALL HAVE ONE BUSINESS DAY TO PROVIDE A REPLACEMENT NAME. ONCE MINOR'S COUNSEL AGREES TO THE THREE NAMES SUGGESTED BY FATHER, MOTHER SHALL HAVE ONE WEEK TO PICK ONE OF THE PROVIDERS. ONCE A PROVIDER IS SELECTED THE PARTIES SHALL TERMINATE THE SERVICES OF THE MINOR'S CURRENT THERAPIST AND SHALL CONTACT THE NEW THERAPIST FORTHWITH TO BEGIN THE INTAKE PROCESS. THE INTAKE SHOULD BE SCHEDULED WITHIN TWO BUSINESS DAYS.

THE COURT FURTHER ORDERS THE MINOR IS NOT TO CO-SLEEP WITH PETITIONER. BOTH PARTIES ARE TO COMPLETE PARENTING CLASSES FOCUSED ON

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 9, 2026
8:30 a.m./1:30 p.m.

AGE-APPROPRIATE ADOLESCENT DEVELOPMENT, HEALTHY PARENT CHILD BOUNDARIES, EMOTIONAL REGULATION, SEPARATION ANXIETY, AND SUPPORTING THE MINOR'S RELATIONSHIP WITH BOTH PARENTS. IF THE PARTIES ARE UNABLE TO FIND A PARENTING CLASS WHICH ADDRESSES ALL OF THOSE ISSUES THE PARTIES MAY ADDRESS THE ISSUES IN INDIVIDUAL THERAPY. THE COURT DENIES THE REQUEST TO SET A FURTHER REVIEW HEARING THE COURT NOTES THAT THE PARTIES ARE SET TO COMMENCE TRIAL ON THE ISSUES OF CUSTODY AND PARENTING TIME ON SEPTEMBER 29, 2026. BOTH PARTIES ARE CAUTIONED THAT FAILURE TO COMPLY WITH COURT ORDERS MAY RESULT IN A CHANGE IN CUSTODY ORDERS, SANCTIONS, AND/OR CONTEMPT OF COURT.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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 9, 2026
8:30 a.m./1:30 p.m.

16. RAYNA FORBYN V. CHRISTOPHER BABBES

26FL0282

Respondent filed a Request for Order (RFO) seeking child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 15, 2026, and a review hearing on July 9, 2026. Proof of Service shows Petitioner was personally served with some, but not all, of the required documents on May 5, 2026.

Both parties appeared at CCRC and fully participated. The parties were able to reach many agreements. A report with the parties' agreements as well as further recommendations was filed with the court on May 18, 2026. Copies were mailed to the parties on May 19, 2026.

Respondent filed a letter objecting to the CCRC recommendations. There is no Proof of Service for this document, therefore, the court cannot consider it.

The court finds good cause to proceed on the merits of the RFO despite the lack of complete service, as Petitioner fully participated in CCRC and is aware of the requested orders. The court finds the recommendations as set forth in the May 18th CCRC report to be in the best interest of the minor. The court adopts the recommendations as set forth.

All prior orders not in conflict with these orders remain in full force and effect. Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #16: THE COURT FINDS GOOD CAUSE TO PROCEED ON THE MERITS OF THE RFO DESPITE THE LACK OF COMPLETE SERVICE, AS PETITIONER FULLY PARTICIPATED IN CCRC AND IS AWARE OF THE REQUESTED ORDERS. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE MAY 18TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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 9, 2026

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 9, 2026
8:30 a.m./1:30 p.m.

17. WILLIAM FORREST V. MAILE FORREST

PFL20170101

Respondent filed a Request for Order (RFO) on April 15, 2026, seeking modification of permanent spousal support. Respondent did not file an Income and Expense Declaration. 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. All prior orders remain in full force and effect.

TENTATIVE RULING #17: 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 9, 2026
8:30 a.m./1:30 p.m.

19. SARAH SCHMIDT V. MIKE SCHMIDT

PFL20180569

Respondent filed a Request for Order (RFO) seeking modification of the current child custody and parenting plan orders on April 14, 2026. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 14, 2026 and a review hearing on July 9, 2026. Upon review of the court file, there is an address verification filed, however, there is no Proof of Service showing Petitioner was properly served.

Only Respondent appeared at the CCRC appointment. As such, a single parent report was filed with the court on May 14, 2026. Copies were mailed to the parties the same day.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #19: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. 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 9, 2026
8:30 a.m./1:30 p.m.

20. CELESTE SPINA V. ANTHONY CATALONO

24FL0448

Respondent filed a Request for Order (RFO) on May 13, 2026, seeking visitation orders. Respondent is seeking to swap weekends with Petitioner to allow him to travel with the minors for a family celebration in Colorado. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Nevertheless, Petitioner filed a Responsive Declaration on May 21, 2026. Proof of Service shows it was served on May 30, 2026. Petitioner objects to the request and asks the court to deny the weekend swap.

Respondent filed a Reply Declaration on June 1, 2026. It was served the same day. Respondent reiterates his request to swap weekends.

Petitioner filed a Declaration on July 1, 2026. There is no Proof of Service for this document, therefore, it has not been considered. Further, this is a sur-reply, which Petitioner did not obtain leave of court to file, as such, it would not have been considered on this basis. Last, even if the court were to consider it a supplemental declaration, it was filed less than 10 days prior to the hearing, which makes it late filed. The court would not have considered it on this basis as well.

The court has read and considered the filings as outlined above. The court finds Respondent has provided the required 30 days' notice to exercise vacation time. The court grants the request to swap weekends. Respondent shall have parenting time from August 7, 2026 - August 10, 2026. Petitioner shall have parenting time August 14, 2026 – August 17, 2026. Parties will then return to their previous alternating weekends.

All prior orders not in conflict with this order remain in full force and effect. Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

TENTATIVE RULING #20: THE COURT FINDS RESPONDENT HAS PROVIDED THE REQUIRED 30 DAYS' NOTICE TO EXERCISE VACATION TIME. THE COURT GRANTS THE REQUEST TO SWAP WEEKENDS. RESPONDENT SHALL HAVE PARENTING TIME FROM AUGUST 7, 2026 – August 10, 2026. PETITIONER SHALL HAVE PARENTING TIME AUGUST 14, 2026 – August 17, 2026. PARTIES WILL THEN RETURN TO THEIR PREVIOUS ALTERNATING WEEKENDS.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 9, 2026

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

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.

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 9, 2026
8:30 a.m./1:30 p.m.

21. DANIEL STEVENSON V. MAUDENA STEVENSON

24FL0166

Respondent filed a Request for Order (RFO) on March 12, 2026, seeking a motion to compel. Upon review of the Proof of Service, Respondent was mail served some, but not all, of the required documents.

The parties appeared for the hearing on May 7, 2026. Respondent agreed to waive the defect in service. Parties agreed to produce the documents requested in the motion to compel on or before May 21, 2026. The parties agreed to a review hearing and reservation on Petitioner's request for sanctions.

Respondent filed a Supplemental Declaration on May 26, 2026. There is no Proof of Service for this document.

Petitioner filed a Supplemental Declaration on June 25, 2026. It was served the same day. Petitioner references Respondent's Supplemental Declaration in his Declaration, as such, the court finds any defect in service to be waived.

Both parties acknowledge that Respondent has not fully complied with the discovery requests. Respondent is now raising objections to complying with the discovery requests.

The court orders parties to appear for the hearing.

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.