

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
September 11, 2025
8:30 a.m./1:30 p.m.

1. CRYSTAL CORBETT V. SEAN CORBETT

PFL20110935

On July 5, 2024, Respondent filed a Request for Order (RFO) seeking orders regarding reunification therapy, attorney's fees, and sanctions pursuant to Family Code Section 271. There is no Proof of Service on file for the RFO or any of the other required documents. Nevertheless, the parties have been stipulating to continue the hearing for over a year.

Petitioner filed a Responsive Declaration to Request for Order on August 28, 2025. There is no Proof of Service for these documents therefore the court cannot consider them.

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

TENTATIVE RULING #1: 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.

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2. DEBRA FANCHER PERCHEVITCH V. ALEX PERCHEVITCH

PFL20020636

On June 17, 2025, Petitioner filed a Request for Order (RFO) and an Income and Expense Declaration. All required documents were mail served on Respondent's attorney on June 23, 2025. However, this is a post-judgment request and was required to comply with Family Code § 215 which mandates personal service of a post-judgment motion on the party, not on the party's attorney.

Respondent's attorney filed a Declaration of James W. Rouse on September 2nd. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made August 28th the last date for filing a Responsive Declaration therefore the court cannot consider this document.

Petitioner filed and served a Supplemental Declaration of Debra Perchevitch on September 4th.

This matter is dropped from calendar due to lack of proper service as Petitioner was required to serve the moving papers on Respondent himself, not his attorney.

TENTATIVE RULING #2: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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3. JON GRGICH V. KIMBERLY GRGICH

PFL20190950

On March 10, 2023, Respondent filed a Request for Order (RFO) seeking sole legal and sole physical custody of the minor children. The parties were referred to Child Custody Recommending Counseling (CCRC) at that time and CCRC recommended the parties continue the 2-2-3 schedule to which they had previously stipulated. That RFO came before the court for hearing on October 5, 2023 at which time the court adopted the CCRC recommendations. Respondent appealed the order arguing that the court failed to address the § 3044 factors and failed to provide a written Statement of Decision. The appellate court concurred with Respondent's arguments and the matter was remanded to the trial court to assess the Family Code § 3044 presumption. That issue is now before the court.

This matter is also before the court for a CCRC review hearing. On June 24, 2025, the parties appeared for hearing on a Request for Domestic Violence Restraining Order (DVRO) filed by Respondent. The parties stipulated to a 3-year restraining order and a referral to CCRC. A review hearing was set for the present date.

The parties attended CCRC on July 7, 2025. They were unable to reach agreements therefore a report with recommendations was prepared on August 21, 2025. It was mailed to the parties on August 22nd.

Respondent's Reply Declaration to CCRC Report was filed on August 28th. It was served on August 27th.

Petitioner has not filed a declaration in response to the CCRC report.

According to Respondent, the parties agreed that Petitioner is to have SoberLink Breathalyzer I installed prior to the commencement of non-professionally supervised visits, not unsupervised visits per the typo in the Restraining Order After Hearing. She states that she is in agreement with the mediator's recommendations that all orders stay the same with non-professional supervised visits commencing once Petitioner enrolls in SoberLink and for the minor Breanna to participate in counseling. Respondent asks the court to adopt the CCRC recommendations.

The parties are ordered to appear for the hearing.

TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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4. MICHAELA RENEE JOHNSON V. MATTHEW ERIC JOHNSON

22FL0137

On July 9, 2025, Petitioner filed a Request for Order (RFO) seeking an order compelling Respondent's discovery responses, discovery sanctions and a continuance of the trial date. She filed a Separate Statement concurrently therewith.

The RFO was filed ex parte. The court granted the request to continue the trial date and set the matter for trial setting. The Motion to Compel was denied on an ex parte basis and the court reserved on the request for sanctions.

Respondent filed a Responsive Declaration to Request for Order and a Response to Separate Statement on July 8th.

Petitioner seeks an order compelling Respondent to provide full and complete responses to Petitioner's Requests for Admission, Set One, Petitioner's Demand for the Identification and Production of Documents, Set One, Form Interrogatories, Set One – General, and Form Interrogatories, Set One – Family Law. All of the aforementioned were mail served on April 8, 2025 thereby making responses due on May 13, 2025. Respondent provided some responses to the Requests for Production only, however Petitioner argues those responses included objections despite the fact that they were untimely and had been waived. Petitioner requests monetary sanctions in the amount of \$3,000 pursuant to Civil Procedure § 2023.030(a) due to Respondent's failure to comply with his discovery obligations.

Respondent opposes the motion as untimely given the July 21st trial date and given that it is outside the 45 day limit to challenge verified discovery responses. Respondent requests \$3,500 in monetary sanctions against Petitioner for filing a meritless discovery motion.

The court does find this motion to be untimely pursuant to Civil Procedure § 2024.020(a) which states, in pertinent part, "...any party shall be entitled as a matter of right to...have motions concerning discovery heard on or before the 15th day, before the date initially set for the trial of the action." Cal. Civ. Pro. § 2024.020(a). "[A] continuance or postponement of the trial date does not operate to reopen discovery proceedings." *Id.* at (b). Here, the initial trial date was July 21, 2025, thereby making July 6th the last day to hear a discovery motion such as the one pending before the court. While the court did make an ex parte ruling to continue the trial date, the continuance in and of itself does not reopen discovery. For the foregoing reasons, the motion to compel is denied.

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Regarding each party's request for monetary sanctions, the requests are denied. While it is true that sanctions are mandatory for one who "unsuccessfully *makes or opposes* a motion to compel a response," sanctions are not mandated where the court "...finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust" Cal. Civ. Pro. §2030.290. In the matter at hand, both parties failed to comply with the Civil Discovery Act and both parties engaged in arguably sanctionable conduct. In the court's opinion, the imposition of sanctions would be unjust where the motion is being denied on a procedural basis alone and it does appear there were potential deficiencies in the subject discovery. As such, the requests for monetary sanctions are both denied.

TENTATIVE RULING #4: THE MOTION TO COMPEL IS DENIED AS UNTIMELY. THE COURT FINDS THE IMPOSITION OF SANCTIONS TO BE UNJUST UNDER THE CIRCUMSTANCES THEREFORE BOTH REQUESTS FOR SANCTIONS ARE DENIED.

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6. KIMBERLEE MCKINSEY V. MONTANA MCKINSEY

22FL0175

Petitioner filed a Request for Order (RFO) on June 5, 2025, seeking attorney's fees, child support, and orders regarding the marital residence. She filed her Income and Expense Declaration concurrently therewith. All required documents were mail served the same day as filing.

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. He had notice of the pending requests and chose not to file an opposition. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

Petitioner is requesting an order for guideline child support in the amount of \$2,303 per the Xspouse Report attached to her declaration as Exhibit A. She requests need-based attorney fees in the amount of \$7,500 pursuant to Family Code § 2030. She also seeks an order allowing her until July 1, 2025 to refinance the residence and an order for Respondent to remove his belongings from the home.

Petitioner's requests are granted as follows. Utilizing the Xspouse report attached as Exhibit A to Petitioner's declaration in support of her RFO, the court finds that child support is \$2,303 per month. The court adopts Petitioner's proposed Xspouse report and orders Respondent to pay Petitioner \$2,303 per month as and for child support, payable on the 15th of the month until further order of the court or legal termination. This order is effective as of June 15, 2025.

The court finds the above order results in arrears in the amount of \$6,909 through and including August 15, 2025. The court orders Respondent pay Petitioner \$575.75 on the 1st of each month commencing on October 1, 2025 and continuing 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.

Petitioner's request for attorney's fees is granted. The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In *Re Marriage of Keech*, 75 Cal. App. 4th 860, 866 (1999). This ensures each party has access to legal representation to preserve each party's rights. *Alan S. v.*

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Sup. Ct., 172 Cal. App. 4th 238,251(2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

After reviewing the filings, the court does find there to be a disparity in income between the parties. While the support orders made today significantly decrease that disparity, the court notes that Petitioner is only requesting approximately half of her outstanding fees and Respondent has refused to pay his prior order for attorneys' fees. As such, the request is granted. Respondent is ordered to pay \$7,500 directly to Petitioner's attorney as and for Family Code § 2030 attorney's fees. Payment may be made in one lump sum or in monthly increments of \$500 commencing on October 1, 2025 and continuing on the 1st of each month until paid in full (approximately 15 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

Regarding the requests for property orders, these requests are also granted. Respondent is ordered to remove his belongings from Petitioner's home no later than October 11, 2025. The parties are to meet and confer to agree upon a date and time for Respondent to have access to the home to remove his property. Petitioner shall have 60 days from the date Respondent's property is removed to refinance the home pursuant to the Marital Settlement Agreement of the parties.

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

TENTATIVE RULING #6: THE COURT FINDS THAT CHILD SUPPORT IS \$2,303 PER MONTH. THE COURT ADOPTS PETITIONER'S PROPOSED XSPOUSE REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,303 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF JUNE 15, 2025.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$6,909 THROUGH AND INCLUDING AUGUST 15, 2025. THE COURT ORDERS RESPONDENT PAY PETITIONER \$575.75 ON THE 1ST OF EACH MONTH COMMENCING ON OCTOBER 1, 2025 AND CONTINUING 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.

THE REQUEST FOR ATTORNEY'S FEES IS GRANTED. RESPONDENT IS ORDERED TO PAY \$7,500 DIRECTLY TO PETITIONER'S ATTORNEY AS AND FOR FAMILY CODE §

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2030 ATTORNEY'S FEES. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 COMMENCING ON OCTOBER 1, 2025 AND CONTINUING ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 15 MONTHS). IF ANY PAYMENT IS MISSED, OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

REGARDING THE REQUESTS FOR PROPERTY ORDERS, THESE REQUESTS ARE ALSO GRANTED. RESPONDENT IS ORDERED TO REMOVE HIS BELONGINGS FROM PETITIONER'S HOME NO LATER THAN OCTOBER 11, 2025. THE PARTIES ARE TO MEET AND CONFER TO AGREE UPON A DATE AND TIME FOR RESPONDENT TO HAVE ACCESS TO THE HOME TO REMOVE HIS PROPERTY. PETITIONER SHALL HAVE 60 DAYS FROM THE DATE RESPONDENT'S PROPERTY IS REMOVED TO REFINANCE THE HOME PURSUANT TO THE MARITAL SETTLEMENT AGREEMENT OF THE PARTIES.

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

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7. SCOTT DAVID RUSSELL V. OLIVIA ELENA RUSSELL

23FL0133

Petitioner filed a Request for Order (RFO) seeking enforcement of the judgment and sanctions. A Declaration of Rebecca Esty-Burke was filed concurrently therewith. All required documents were personally served on June 16th.

Respondent filed and served a Responsive Declaration to Request for Order on September 2, 2025. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made August 28th the last day for filing Respondent’s Responsive Declaration to Request for Order, therefore, it is late filed and has not been considered by the court.

Petitioner requests an order enforcing the judgment with respect to payment of the 2021 taxes and ordering Respondent to either refinance, or sell the vehicle awarded to her. Petitioner requests sanctions in the amount of \$3,000 pursuant to Family Code § 271.

Petitioner’s requests are granted. Respondent is ordered to pay her share of the 2021 tax debt no later than September 25, 2025. Respondent is further ordered to refinance or pay off the 2021 Chevrolet Traverse within 45 days of the date of this order. If she fails to do so, the Traverse is to be sold. Proceeds from the sale of the vehicle shall be applied to paying off the loan. Any remaining proceeds shall go to Respondent. If the proceeds of the sale of the vehicle do not cover the outstanding debt on the vehicle, then Respondent shall be solely responsible for the remaining debt.

The request for sanctions is granted, in part. An award for attorney’s fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, “...the court may base an award of attorney’s fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney’s fees and costs pursuant to this section is in the nature of a sanction.” Fam. Code § 271(a).

Here, Respondent’s failure to comply with the terms of the judgment did cause Petitioner to incur attorney’s fees which directly conflicts with the policy of the law to

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promote settlement and reduce the cost of litigation. As such, the court does find grounds for Section 271 sanctions. That said, \$3,000 does not appear to be reasonable under the circumstances. The length and complexity of the RFO are rather nominal. As such, the court is awarding \$900 in sanctions which would account for roughly two hours' worth of work given the standard rate for most attorneys in the county. Respondent shall pay, directly to Petitioner's attorney, \$900 as and for Family Code § 271 sanctions. This amount may be paid in one lump sum or in monthly increments of \$100 commencing on October 1, 2025 and continuing monthly until paid in full (approximately 9 months). If any payment is missed or late, the entire amount shall become immediately due and payable.

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

TENTATIVE RULING #7: PETITIONER'S REQUESTS ARE GRANTED. RESPONDENT IS ORDERED TO PAY HER SHARE OF THE 2021 TAX DEBT NO LATER THAN SEPTEMBER 25, 2025. RESPONDENT IS FURTHER ORDERED TO REFINANCE OR PAY OFF THE 2021 CHEVROLET TRAVERSE WITHIN 45 DAYS OF THE DATE OF THIS ORDER. IF SHE FAILS TO DO SO, THE TRAVERS IS TO BE SOLD. PROCEEDS FROM THE SALE OF THE VEHICLE SHALL BE APPLIED TO PAYING OFF THE LOAN. ANY REMAINING PROCEEDS SHALL GO TO RESPONDENT. IF THE PROCEEDS OF THE SALE OF THE VEHICLE DO NOT COVER THE OUTSTANDING DEBT ON THE VEHICLE, THEN RESPONDENT SHALL BE SOLELY RESPONSIBLE FOR THE REMINING DEBT. RESPONDENT SHALL PAY, DIRECTLY TO PETITIONER'S ATTORNEY, \$900 AS AND FOR FAMILY CODE § 271 SANCTIONS. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$100 COMMENCING ON OCTOBER 1, 2025 AND CONTINUING MONTHLY UNTIL PAID IN FULL (APPROXIMATELY 9 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

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

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**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE
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8. MELANIE SCHWARTZLER V. ROBERT CLINTON

PFL20170631

On June 23, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders and a referral to Child Custody Recommending Counseling (CCRC). This is a post-judgment request therefore the RFO was personally served on July 6, 2025, in accordance with Family Code § 215. However, the Proof of Service is defective in that it does not state who was personally served.

Despite the defect in service, the parties attended CCRC on July 21, 2025 and were able to reach agreements on all issues. A report codifying those agreements was prepared the same day and mailed to the parties on July 30th.

Respondent filed a Responsive Declaration to Request for Order on September 8th. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made August 28th the last day for Respondent to file his Responsive Declaration, therefore, it is late filed and has not been considered by the court. In addition to its untimeliness, there is no Proof of Service for the Responsive Declaration and as such the court cannot consider it on that ground as well.

Given that the parties attended CCRC and reached agreements, the court finds good cause to reach this matter on the merits despite the defect in service of the moving papers.

Petitioner requests reinstatement of her role as the primary custodian of the children. Alternatively, she requests minimum of 3 overnight visits per week from Friday through Sunday. She asks that CCRC investigate the allegations that Respondent blocked her number on the children’s phones and that he has alienated the children against her.

After reviewing the filings as outlined above, the court finds the agreements as stated in the July 21, 2025 CCRC report to be in the best interests of the minors. They are hereby adopted as the orders of the court.

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

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TENTATIVE RULING #8: THE COURT FINDS THE AGREEMENTS AS STATED IN THE JULY 21, 2025 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.

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

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9. JOEY SELBY V. PAUL JUDGE

23FL0851

Respondent filed a Request for Order (RFO) on September 17, 2024, requesting the court make orders as to spousal support, attorney's fees, and sanctions. The parties appeared before the court for hearing on the RFO on January 2, 2025. At that time, the parties presented the court with an agreement which was adopted as the order of the court. A review hearing was set for March 28th; however, it was later continued to June 5, 2025, and continued again to the present date. The parties were ordered to file Supplemental Declarations no later than 10 days prior to the review hearing.

As of the January hearing, the parties agreed to meet and confer on discovery issues and on the sale of the property. It was further agreed that Petitioner would pay \$500 per month in spousal support and the court would reserve jurisdiction over support back to October 1, 2024. Support arrears were stayed and the court reserved jurisdiction over attorney's fees and sanctions.

On May 5, 2025, the parties filed a Stipulation and Order Re: Sale of Home at 2765 Loyal Lane; Property Division.

The Supplemental Declaration of Respondent Paul Judge Re Attorney Fees, Costs, and Sanctions was filed and served on August 25, 2025.

Petitioner has not filed a Supplemental Declaration.

Respondent is requesting attorney's fees in the amount of \$12,000 pursuant to Family Code § 2030 and he requests sanctions pursuant to Family Code § 271 in the amount of \$1,618.88. He is asking the court to determine spousal support arrears and to order Petitioner to provide her current IHSS (or equivalent) income and employer information, address, payroll processing, etc. He asks that the court make any additional orders that it deems necessary to ensure Petitioner's compliance with the aforementioned. Finally, he asks that the court set a review hearing regarding the sale of the marital residence.

The request for a review hearing and the various other requests regarding the marital residence that are made in Respondent's declaration are denied as outside the scope of the present hearing. These are new issues that must be raised in their own separate RFO. Likewise, the request for an order compelling Petitioner to disclose her employment information is outside the scope of the present hearing and therefore, must be the subject of a new RFO.

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The requests for need based attorney's fees and spousal support arrears are denied due to Respondent's failure to file 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). Additionally, a request for Section 2030 attorney's fees requires the court 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); findings which cannot be made without, at the very least, a current Income and Expense Declaration from the moving party. As such, the requests are denied.

The request for sanctions is granted, however. An award for attorney's fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a).

The court does not take lightly the alleged violations of the Automatic Temporary Restraining Orders (ATROS) and failure to pay support. Petitioner's actions have quite clearly frustrated the policy of the law to promote settlement and reduce the cost of litigation. Furthermore, if her actions are as pled, Petitioner is strongly admonished not to violate the ATROS. Such violations may result in 100% of community property being awarded to Respondent or other sanctions as the court deems necessary. In light of the foregoing, Petitioner is ordered to pay Respondent \$1,618.88 as and for Section 271 sanctions. Payment may be made in one lump sum no later than October 1, 2025, or in monthly increments of \$809.44 commencing on October 1, 2025 and continuing on the 1st of each month until paid in full (2 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 #9: THE REQUEST FOR A REVIEW HEARING AND THE VARIOUS OTHER REQUESTS REGARDING THE MARITAL RESIDENCE THAT ARE MADE IN RESPONDENT'S DECLARATION ARE DENIED AS OUTSIDE THE SCOPE OF THE PRESENT HEARING. THESE ARE NEW ISSUES THAT MUST BE RAISED IN THEIR OWN SEPARATE

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RFO. LIKEWISE, THE REQUEST FOR AN ORDER COMPELLING PETITIONER TO DISCLOSE HER EMPLOYMENT INFORMATION IS OUTSIDE THE SCOPE OF THE PRESENT HEARING AND THEREFORE MUST BE THE SUBJECT OF A NEW RFO.

THE REQUESTS FOR NEED BASED ATTORNEY'S FEES AND SPOUSAL SUPPORT ARREARS ARE DENIED DUE TO RESPONDENT'S FAILURE TO FILE AN UPDATED INCOME AND EXPENSE DECLARATION.

PETITIONER IS ORDERED TO PAY RESPONDENT \$1,618.88 AS AND FOR SECTION 271 SANCTIONS. PAYMENT MAY BE MADE IN ONE LUMP SUM NO LATER THAN OCTOBER 1, 2025, OR IN MONTHLY INCREMENTS OF \$809.44 COMMENCING ON OCTOBER 1, 2025 AND CONTINUING ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (2 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 THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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10. DREW THOMPSON V. JENELLE THOMPSON

PFL20110169

On July 3, 2025, Respondent filed a Request for Order (RFO) seeking a change of venue. This is a post-judgment request therefore it was personally served on Petitioner on July 3rd in accordance with Family Code § 215.

Petitioner 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 Petitioner. He had notice of the pending request and chose not to file an opposition. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

Respondent requests an order transferring venue of the matter to Douglas County, Nevada. She argues that Douglas County is the proper venue as the minor has primarily resided there since August of 2021.

The court may, upon a properly noticed motion, transfer any matter where the court designated in the complaint is not the proper court. Cal. Civ. Pro. § 397(a). In matters of child custody, venue is typically tied to the child’s residence or “home state” as defined under the UCCJEA. *K.R.L. Partnership v. Sup. Ct.*, 120 Cal. App. 4th 490 (2004). The burden is on the moving party to establish grounds for a change of venue. *Fontaine v. Sup. Ct.*, 175 Cal. App. 4th 830 (2009). While it appears Douglas County is the proper venue for the child custody matter, the court cannot transfer cases to another state. Therefore, the request to transfer the matter to Douglas County is denied.

Respondent shall prepare the Findings and Orders After Hearing.

TENTATIVE RULING #10: THE REQUEST TO CHANGE VENUE IS DENIED. RESPONDENT SHALL PREPARE 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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11. CAMERON BOWERS V. JESLYN BOWERS

PFL20130618

Respondent filed a Request for Order (RFO) on July 2, 2025, requesting a change in venue. Petitioner was mail served on July 2, 2025. The Proof of Service appears to have been signed by Respondent, which would not be valid service. Further, the Proof of Service shows that only the FL-300 was served, which is insufficient.

Petitioner has not filed a Responsive Declaration.

The court drops the matter from calendar, due to the lack of proper service. Even if service had been proper, the request would have been denied as Respondent failed to set forth any grounds upon which the court could have granted the request.

All prior orders remain in full force and effect.

TENTATIVE RULING #11: 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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12. JONATHAN CHURAN V. KRISTI CHURAN

22FL1093

Respondent filed a Request for Order (RFO) seeking a post-judgment modification of spousal support. Respondent concurrently filed an Income and Expense Declaration. Petitioner was personally served in accordance with Family Code section 215 on July 13, 2025. Respondent is seeking an increase in permanent spousal support.

Petitioner filed a Responsive Declaration on August 18, 2025. Petitioner concurrently filed an Income and Expense Declaration. Petitioner is opposed to an increase in spousal support.

This is a post-judgement request for modification of spousal support, and as such the court must take testimony on the Family Code section 4320 factors. Therefore, the parties are ordered to appear to select Mandatory Settlement Conference (MSC) and trial dates.

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

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13. LANA DOUGHERTY V. KENT DOUGHERTY

PFL20180371

Petitioner filed an Order to Show Cause and Affidavit for Contempt on June 14, 2024, alleging 36 counts of contempt for failure to pay support. Proof of Service shows Respondent was personally served on July 23, 2024.

The parties appeared for the hearing on September 12, 2024, and reached a full stipulation. The stipulation included Respondent paying the arrears balance of \$28,525 within the following 12 months. If the balance was not paid in full within the following 12 months, the parties would return to court for arraignment on the contempt charges. The parties were directed to file Supplemental Declarations at least 10 days prior to the review hearing which was set on the present date.

Upon review of the court file, neither party has filed a Supplemental Declaration. As such, the court reasonably infers that the terms of the agreement have been complied with, and there is no need for a further hearing on the arrangement. Therefore, the court drops the matter from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR FOR THE REASONS SET FORTH ABOVE. 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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14. KRISTI HOLST V. JUSTIN HOLST

24FL0573

Petitioner filed a Request for Order (RFO) on July 23, 2025, seeking an order entering judgment in this matter. Respondent was served by mail and electronically on July 25, 2025, however, it does not appear that Respondent was served with all the necessary documents, including the Notice of Tentative Ruling, Local form F-113.

Respondent has not filed a Responsive Declaration.

The court drops the matter from calendar due to the defect in service. Even if the matter had not been dropped from calendar, the court would have denied Petitioner's request. The judgement cannot be entered as there is no Proof of Service showing Respondent served his Preliminary Declarations of Disclosure. Additionally, the court is concerned with the FL-130 that is attached to the proposed judgement, as it appears to show a signature from Respondent that is dated 2023, despite the petition in this matter not being filed until 2024. Further Petitioner asserts in her declaration that she has had no reply from Respondent to the proposed judgment when it was sent to him on July 8, 2025. As such, the court finds the signature on the FL-130 to be dubious at best. The court encourages Petitioner to seek out the assistance of the Family Law Facilitator or counsel to assist in entering a judgment in this matter.

All prior orders remain in full force and effect.

TENTATIVE RULING #14: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE DEFECT IN 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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15. TAYLOR LOPEZ V. DAVID LOPEZ, JR.

24FL0382

Petitioner filed a Request to Set Uncontested Matter, on July 16, 2025. Respondent was properly served on July 17, 2025.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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17. THOMAS LUTZ V. KAREN LUTZ

223FL1270

Respondent filed a Request for Order (RFO) seeking a wage assignment order on July 25, 2025. 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. 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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18. DUSTY SIMMONS V. ERIN SIMMONS

23FL0201

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

Only Petitioner appeared for the arraignment on April 24, 2025. The court continued the arraignment and issued a bench warrant for Respondent. The bench warrant was stayed pending the continued hearing on June 12th.

Respondent failed to appear at the June 12, 2025 hearing as well. The court continued to stay the bench warrant and continued the matter to July 31, 2025.

Respondent filed a Request to Reschedule the hearing on July 23, 2025. The court granted the request to schedule and set a new hearing for September 11, 2025 at 1:30 PM in Department 5.

Parties are ordered to appear for the arraignment.

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

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19. DCSS v. CHRISTOPHER SOULE (OTHER PARENT: AMBER ESTEP)

22FL1219

Contempt

On May 30, 2025, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) alleging 3 counts of contempt. He filed a Supplemental Declaration in Support of Order to Show Cause for Contempt and Request for Child Interview on June 18, 2025. All documents were personally served on June 2nd and again on July 17th.

Parties appeared for the arraignment on August 21, 2025. The court advised Other Parent of her rights and appointed the Public Defender to represent her.

The parties are ordered to appear for the hearing on the arraignment.

Request for Order

On May 30, 2025, Respondent filed a Request for Order (RFO) seeking child custody and child support orders. He did not file an Income and Expense Declaration. The RFO was served on June 2nd and then again on July 17th.

The Department of Child Support Services (DCSS) filed and served their Responsive Declaration to Request for Order on June 10th.

Other Parent filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on July 31st.

Respondent filed a Responsive Declaration to Request for Order on August 12th, however Respondent was the moving party therefore the court deems this to be a Reply Declaration. He also filed his Income and Expense Declaration on August 12th. There is no Proof of Service for either of these documents therefore the court cannot consider them.

Respondent is requesting sole legal and physical custody of the minors. Specifically, he asks the court to adopt the recommendations of the Child Custody Recommending Counseling (CCRC) report dated January 23, 2025. It is unclear to the court whether he is requesting child support orders too, given that the child support box is checked on the cover sheet, but it is not checked in Section 3 of the FL-300.

Parties appeared for the hearing on August 21, 2025. Other Parent testified about her relationship with Mr. Hill. The court did not find Other Parent's testimony credible. The court adopted the CCRC recommendations. Additionally, the court appointed Minor's Counsel, as the contempt allegations involve the minors as witnesses. The court continued

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the hearing on the CCRC review to join with the arraignment, as it is the court's intention to review the custody and parenting plan orders at the conclusion of the contempt proceedings.

TENTATIVE RULING #19: THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT ON THE OSC.

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20. BROCK VULGAMORE-HOSTETLER V. ANGEL FARIAS

22FL0670

Petitioner filed an ex parte application for emergency custody orders on June 18, 2025. Respondent filed a Responsive Declaration to the ex parte request on June 20, 2025. The court denied the request on June 20, 2025.

Petitioner filed a Request for Order (RFO) on June 20, 2025, requesting modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 21, 2025, and a review hearing was scheduled for September 11, 2025. Upon review of the court file, there is no Proof of Service for the RFO.

Petitioner filed another ex parte request for emergency orders on August 7, 2025, making the same requests as previously made. Respondent filed a Responsive Declaration on August 7th. The court denied the ex parte requests on August 8th. There is a Proof of Service dated August 7, 2025, which shows a “Notice of Hearing” and exhibits were served on Respondent. The court finds this service to be deficient.

Both parties attended CCRC on July 21, 2025. It appears parties reached agreements to maintain the current orders. A report with the agreement was filed with the court on August 21, 2025. Copies were mailed to the parties on August 22nd.

The court finds that service in this matter was not proper. However, because both parties attended CCRC and have agreed to maintain the current orders, the court finds good cause to proceed despite the defects in service.

The court adopts the agreement of the parties as its order. All prior orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #20: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS ITS ORDER. 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

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