

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
September 3, 2026
8:30 a.m./1:30 p.m.

2. LUKE GADOW V. BRITTANY GADOW

23FL0468

On April 10, 2026, Petitioner filed a Request for Order (RFO) seeking child support and visitation orders. She filed her Income and Expense Declaration concurrently therewith. All required documents were served by mail on April 21st. Given that this is a post-judgment request, Petitioner filed a Declaration Regarding Address Verification on June 29th in accordance with Family Code § 215.

The parties attended Child Custody Recommending Counseling (CCRC) on May 1, 2026 and were able to reach some agreements. A report with the agreements and recommendations was prepared the same day and mailed to the parties on May 4th.

On June 29th, Petitioner filed and served Petitioner's Reply Declaration to CCRC.

Respondent has not filed a Responsive Declaration to Request for Order or an Income and Expense Declaration. 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 to the RFO. 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.

After reviewing the filings the court finds the agreements contained in the May 1, 2026 CCRC report to be in the best interests of the minors and they are hereby adopted as the orders of the court. The court is not adopting the recommendations contained in the CCRC report. Instead, the parties are ordered to follow a week on/week off parenting schedule with exchanges to occur on Mondays after school or 12:00pm if no school. The court is further ordering the custodial parent to make the children reasonably available for a FaceTime or other video call with the non-custodial parent upon mutually agreed upon times. The custodial parent shall not interfere with the call or prematurely terminate it. All future communications regarding co-parenting issues shall take place via the Talking Parents app.

The parties are ordered to appear to address the issue of child support. Respondent is ordered to bring with her a completed Income and Expense Declaration with the required supporting documents.

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

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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 #2: AFTER REVIEWING THE FILINGS THE COURT FINDS THE AGREEMENTS CONTAINED IN THE MAY 1, 2026 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE COURT IS NOT ADOPTING THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT. INSTEAD, THE PARTIES ARE ORDERED TO FOLLOW A WEEK ON/WEEK OFF PARENTING SCHEDULE WITH EXCHANGES TO OCCUR ON MONDAYS AFTER SCHOOL OR 12:00PM IF NO SCHOOL. THE COURT IS FURTHER ORDERING THE CUSTODIAL PARENT TO MAKE THE CHILDREN REASONABLY AVAILABLE FOR A FACETIME OR OTHER VIDEO CALL WITH THE NON-CUSTODIAL PARENT UPON MUTUALLY AGREED UPON TIMES. THE CUSTODIAL PARENT SHALL NOT INTERFERE WITH THE CALL OR PREMATURELY TERMINATE IT. ALL FUTURE COMMUNICATIONS REGARDING CO-PARENTING ISSUES SHALL TAKE PLACE VIA THE TALKING PARENTS APP.

THE PARTIES ARE ORDERED TO APPEAR TO ADDRESS THE ISSUE OF CHILD SUPPORT. RESPONDENT IS ORDERED TO BRING WITH HER A COMPLETED INCOME AND EXPENSE DECLARATION WITH THE REQUIRED SUPPORTING DOCUMENTS.

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.

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

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

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3. AMANDA HUTCHENS V. KYLE HUTCHENS

26FL0565

On June 16, 2026, Petitioner filed a Request for Order (RFO) seeking child support, spousal support, property control, and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. All required documents were served on July 17th.

Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on August 14th. There is no Proof of Service for either document therefore the court cannot consider them.

Petitioner is requesting guideline child support for each of the four children. She further requests spousal support in the amount of \$1,400. She also asks for temporary exclusive use, possession, and control of the property located at 1310 Canvasback Circle. Finally, she is requesting attorney's fees in the amount of \$5,000.

The parties are ordered to appear for the hearing. Respondent is ordered to bring with him a completed Income and Expense Declaration with supporting documents. Both parties are ordered to bring their proposed Xspouse reports.

TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. RESPONDENT IS ORDERED TO BRING WITH HIM A COMPLETED INCOME AND EXPENSE DECLARATION WITH SUPPORTING DOCUMENTS. BOTH PARTIES ARE ORDERED TO BRING THEIR PROPOSED XSPOUSE REPORTS.

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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4. JOSHUA KHOSHSEFAT V. HEIDI KHOSHEFAT

24FL0682

On July 30, 2025, Respondent filed a Request for Order (RFO) seeking a variety of orders as stated therein. The parties appeared before the court for hearing on the RFO on July 2nd at which time the court set the matter for trial, continued the issue of the joinder to the present date, and adopted the remainder of the tentative ruling.

On August 21, 2026, Respondent filed a Supplemental Declaration of Heidi Nichelle Khoshsefat in Support of Request for Order (Joinder of Jnae Yeun Sook Khoshsefat). It was served on August 20th.

Petitioner filed and served his supplemental declaration on August 24, 2026.

Respondent filed and served an objection to Petitioner's supplemental declaration on August 25th. She objects to Petitioner's supplemental declaration on the basis that it was late filed and did not account for the additional two days required for electronic service. The objection is sustained. The court has not read or considered Petitioner's August 24, 2025 declaration.

Respondent asks that the court grant joinder of Jane Yeun Sook Khoshsefat.

Petitioner opposes the request and has offered several alternative remedies that may be available to Respondent without the joinder.

Regarding the joinder, "[t]he court may order that a person be joined as a party to the proceeding if the court finds that it would be appropriate to determine the particular issue in the proceeding and that the person to be joined as a party is either indispensable for the court to make an order about that issue or is necessary to the enforcement of any judgment rendered on that issue." Cal. Rule Ct. 5.24(e)(2).

Here, in light of the additional evidence provided in Respondent's supplemental declaration, it does seem to be evident that Petitioner is utilizing his mother to hide assets in this case and joining her as a party is necessary to fully conduct discovery. Accordingly, the request for joinder is granted.

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.

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TENTATIVE RULING #4: RESPONDENT'S OBJECTION IS SUSTAINED. THE COURT HAS NOT READ OR CONSIDERED PETITIONER'S AUGUST 24, 2025 DECLARATION. THE REQUEST FOR JOINDER IS GRANTED.

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.

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5. JORDAN NICHOLE KIDD V. ANDREW CHRISTAIN KIDD

22FL1141

On April 22, 2026, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, spousal support, child support, attorney's fees and imputation of income. She filed her Income and Expense Declaration concurrently therewith. The RFO, Income and Expense Declaration, and the referral to Child Custody Recommending Counseling (CCRC) were served by mail on DCSS; however, the Proof of Service does not specify the date the documents were mailed and it appears the required blank FL-320 and Notice of Tentative Ruling were not served. The same documents were electronically served on Respondent on May 4, 2026. Again, however, not all of the required documents were served.

Judgment was entered in this matter on May 5, 2026 pursuant to the Marital Settlement Agreement (MSA) entered into between the parties. The MSA included orders for spousal support, child support, child custody, and visitation. The MSA also specifies that "DCSS shall continue to exercise jurisdiction over child support."

DCSS filed a Responsive Declaration to Request for Order on May 22nd. It was mailed on May 21st.

The parties attended CCRC on May 28, 2026. They reached some agreements but could not agree on all issues. A report with the agreements and recommendations was prepared and mailed to the parties on August 5, 2026.

Respondent filed and served his Responsive Declaration to Request for Order on August 21st. He did not file and serve his Income and Expense Declaration until September 1st. The court finds this to be late filed and therefore has not read or considered it.

On August 21st Petitioner filed and served "Petitioner's Response to CCRC Report of August 5, 2026."

Petitioner requests joint legal custody and a referral to CCRC to set a visitation schedule. She asks that she be the primary custodial parent since Respondent relocated to Brentwood, CA. She further requests guideline child support for each child and spousal support based on an imputation of income to Respondent based on his 2024 income. She further requests \$25,000 in need-based attorney's fees.

Respondent asks the court to deny the requested modification to custody and visitation. He further asks that the current child and spousal support orders remain in

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place with no modification. Finally, he asks the court to deny Petitioner's request for attorney's fees and instead sanction Petitioner in the amount of \$2,500.

DCSS asks that the issue of child support be continued to be heard in Department 10 by the Child Support Commissioner.

After reviewing the filings as outlined above, the court finds the agreements and recommendations contained in the August 5, 2026 CCRC report to be in the best interests of the minors and they are hereby adopted as the orders of the court with the following modification. Section 1(a) of the Parenting Plan section shall be amended to state that Father's parenting time shall be on the 1st, 4th, and 5th weekends for the times specified in the CCRC report and Mother shall have the remainder of the time.

Because DCSS is providing child support enforcement services in this matter, the issues of child support and imputation of income are continued to the DCSS calendar in Department 10 to be heard by the child support commissioner on Monday, October 12th at 8:30 AM in accordance with Family Code § 4251.

Regarding the request for spousal support, the request is denied. This is a post-judgment request for spousal support orders and, generally speaking, the court is required to take evidence on, and address the Family Code § 4320 factors when ruling on a post-judgment request for modification of spousal support. However, as a threshold issue to that, the moving party must show that there has been a material change in circumstances to warrant a change in support. In re Marriage of Kuppinger, 48 Cal. App. 3d 628 (1975). Here, after reviewing the filings of the parties as outlined above the court finds that Petitioner has failed to establish any change in circumstances which would warrant a change to spousal support. The request is therefore denied.

Finally, turning to the issue of attorney's fees, the parties are ordered to appear to address the issue of attorney's fees.

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: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE AUGUST 5, 2026 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING

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MODIFICATION. SECTION 1(A) OF THE PARENTING PLAN SECTION SHALL BE AMENDED TO STATE THAT FATHER'S PARENTING TIME SHALL BE ON THE 1ST, 4TH, AND 5TH WEEKENDS FOR THE TIMES SPECIFIED IN THE CCRC REPORT AND MOTHER SHALL HAVE THE REMAINDER OF THE TIME.

BECAUSE DCSS IS PROVIDING CHILD SUPPORT ENFORCEMENT SERVICES IN THIS MATTER, THE ISSUES OF CHILD SUPPORT AND IMPUTATION OF INCOME ARE CONTINUED TO THE DCSS CALENDAR IN DEPARTMENT 10 TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER ON MONDAY, OCTOBER 12TH AT 8:30 AM IN ACCORDANCE WITH FAMILY CODE § 4251.

REGARDING THE REQUEST FOR SPOUSAL SUPPORT, THE REQUEST IS DENIED.

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

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.

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6. DUNIA LANDAVERDE V. ANGEL LANDAVERDE

23FL0394

On April 20, 2026, Petitioner filed a Request for Order (RFO) seeking child support, spousal support, property control, and a set-aside of the court's prior orders. The parties appeared before the court on July 2, 2026 for the hearing on the RFO at which time the court made orders on all issues and the parties agreed to continue negotiating support. A review hearing was set for the present date on the issues of child and spousal support and the court reserved jurisdiction to retroactively modify support back to June 3, 2026. The parties were ordered to file updated Income and Expense Declarations no later than 10 days prior to the hearing date.

Respondent filed and served his Income and Expense Declaration on August 11, 2026.

Petitioner has not filed an updated Income and Expense Declaration.

On August 20th the Department of Child Support Services filed a Notice Regarding Payment of Support – Substitution of Payee.

Because DCSS is providing child support enforcement services in this matter, the issues of support are continued to the DCSS calendar in Department 10 to be heard by the child support commissioner on Monday, October 12th at 8:30 AM in accordance with Family Code § 4251.

TENTATIVE RULING #6: BECAUSE DCSS IS PROVIDING CHILD SUPPORT ENFORCEMENT SERVICES IN THIS MATTER, THE ISSUES OF SUPPORT ARE CONTINUED TO THE DCSS CALENDAR IN DEPARTMENT 10 TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER ON MONDAY, OCTOBER 12TH AT 8:30 AM IN ACCORDANCE WITH FAMILY CODE § 4251.

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

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7. TYLER LINDSEY V. ANNA LINDSEY

26FL0459

On May 19, 2026, Respondent filed a Request for Order (RFO) seeking custody and visitation orders as well as child support, spousal support, property control, and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. All required documents were served by mail on May 21st.

The parties attended Child Custody Recommending Counseling (CCRC) on July 2, 2026. They reached some agreements but could not agree on all issues. A report with the agreements and recommendations was prepared and mailed to the parties on July 7, 2026.

Petitioner filed and served his Responsive Declaration to Request for Order on August 24th. 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 21st the last day for filing the Responsive Declaration to Request for Order.

Petitioner has not filed an Income and Expense Declaration.

Respondent is requesting sole legal and sole physical custody of the minors. She asks that any visitation with Petitioner be non-professionally supervised in accordance with the FL-311 attached to her FL-300. She is also requesting guideline child support and spousal support "to be determined upon receipt of Petitioner's I&E." She is also requesting exclusive temporary use, possession, and control of the property located on Kismet Lane in Placerville. She agrees to be responsible for the mortgage on the home. Finally, she is requesting \$5,000 in need-based attorney's fees.

After reviewing the filings as outlined above the court finds the agreements and recommendations contained in the July 7, 2026 CCRC report to be in the best interests of the minors and they are hereby adopted as the orders of the court with the following modification. Paragraphs 1 through 3 of the Alcohol and Substance Abuse section shall apply to both Mother and Father, not just Mother. The remainder of the agreements and recommendations are adopted as-is.

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Regarding the request for exclusive use and possession of the home, the court does not find grounds to make such an order at this time. The request is denied without prejudice.

Regarding the requests for child support, spousal support, and attorney's fees, the parties are ordered to appear for the hearing on these issues. Petitioner is ordered to bring with him a completed Income and Expense Declaration with supporting documents. The parties are ordered to bring their proposed Xspouse reports.

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 #7: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE JULY 7, 2026 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATION. PARAGRAPHS 1 THROUGH 3 OF THE ALCOHOL AND SUBSTANCE ABUSE SECTION SHALL APPLY TO BOTH MOTHER AND FATHER, NOT JUST MOTHER. THE REMAINDER OF THE AGREEMENTS AND RECOMMENDATIONS ARE ADOPTED AS-IS.

REGARDING THE REQUEST FOR EXCLUSIVE USE AND POSSESSION OF THE HOME, THE COURT DOES NOT FIND GROUNDS TO MAKE SUCH AN ORDER AT THIS TIME. THE REQUEST IS DENIED WITHOUT PREJUDICE.

REGARDING THE REQUESTS FOR CHILD SUPPORT, SPOUSAL SUPPORT, AND ATTORNEY'S FEES, THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THESE ISSUES. PETITIONER IS ORDERED TO BRING WITH HIM A COMPLETED INCOME AND EXPENSE DECLARATION WITH SUPPORTING DOCUMENTS. THE PARTIES ARE ORDERED TO BRING THEIR PROPOSED XSPOUSE REPORTS.

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

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

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8. MEGAN A. PIERCE V. TYLER L. PIERCE

25FL0574

On June 24, 2026, the parties appeared before the court for a long cause trial on all issues. The parties informed the court that they had reached a settlement and the matter was set for a review hearing to address the status of the Marital Settlement Agreement (MSA).

The parties submitted a judgment with an attached MSA on August 20th. The court has not yet had the opportunity to review the judgment however because the parties have completed their MSA and submitted it, the review hearing is dropped from calendar.

TENTATIVE RULING #8: THE REVIEW HEARING IS DROPPED FROM CALNDAR AS THE MSA HAS BEEN COMPLETED AND SUBMITTED.

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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9. DANE SIMS V. LISA SMITH

25FL0666

On July 18, 2025, Petitioner filed a Request for Order (RFO) requesting the court make child custody and parenting plan orders.

Parties appeared for the hearing on October 9, 2025. The court found Petitioner to be the presumed parent of the minor and referred the parties to Child Custody Recommending Counseling (CCRC). A review hearing was set for December 4, 2025.

At the December 4th hearing the parties agreed to adopt the CCRC recommendations with some modifications. They also agreed to set a review hearing on the issue of parenting time and a holiday schedule which was set to be heard on the present date.

Petitioner's supplemental declaration was filed and served on August 19, 2026.

Respondent filed a declaration on August 25, 2026, however there is no Proof of Service for this document and it was late filed as it was filed later than 10 days prior to the hearing. For these reasons, the court has not read or considered this document.

Petitioner is requesting a 2-2-3 parenting schedule. He also requests a holiday schedule as specified in his supplemental declaration and orders regarding travelling with the minor.

After reviewing the filings as outlined above, the court does find it to be in the minor's best interests to increase Petitioner's parenting time to a 2-2-3 schedule. Commencing on Monday September 7th, the parties are to begin adhering to a 2-2-3 schedule as follows: Week one: Petitioner to have Monday at 2:00pm through Wednesday at 2:00pm; Respondent to have Wednesday at 2:00pm through Friday at 2:00pm; and Petitioner to have Friday at 2:00pm through Monday at 2:00pm. Week two: Respondent to have Monday at 2:00pm through Wednesday at 2:00pm; Petitioner to have Wednesday at 2:00pm through Friday at 2:00pm; and Respondent to have Friday at 2:00pm through Monday at 2:00pm.

In addition to the above, the court is adopting the holiday schedule set forth in Petitioner's August 19th supplemental declaration.

If either parent intends to travel with the minor, the traveling parent shall provide the non-travelling parent at least two weeks' advance notice of the vacation days. Notice shall

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include the date of departure, date of return, location of travel, lodging contact information, and travel information including flight numbers and times.

All prior orders not in conflict with this order remain in full force and effect. This includes the court's prior orders regarding legal custody.

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 #9: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT DOES FIND IT TO BE IN THE MINOR'S BEST INTERESTS TO INCREASE PETITIONER'S PARENTING TIME TO A 2-2-3 SCHEDULE. COMMENCING ON MONDAY SEPTEMBER 7TH, THE PARTIES ARE TO BEGIN ADHERING TO A 2-2-3 SCHEDULE AS FOLLOWS: WEEK ONE: PETITIONER TO HAVE MONDAY AT 2:00PM THROUGH WEDNESDAY AT 2:00PM; RESPONDENT TO HAVE WEDNESDAY AT 2:00PM THROUGH FRIDAY AT 2:00PM; AND PETITIONER TO HAVE FRIDAY AT 2:00PM THROUGH MONDAY AT 2:00PM. WEEK TWO: RESPONDENT TO HAVE MONDAY AT 2:00PM THROUGH WEDNESDAY AT 2:00PM; PETITIONER TO HAVE WEDNESDAY AT 2:00PM THROUGH FRIDAY AT 2:00PM; AND RESPONDENT TO HAVE FRIDAY AT 2:00PM THROUGH MONDAY AT 2:00PM.

IN ADDITION TO THE ABOVE, THE COURT IS ADOPTING THE HOLIDAY SCHEDULE SET FORTH IN PETITIONER'S AUGUST 19TH SUPPLEMENTAL DECLARATION.

IF EITHER PARENT INTENDS TO TRAVEL WITH THE MINOR, THE TRAVELING PARENT SHALL PROVIDE THE NON-TRAVELLING PARENT AT LEAST TWO WEEKS' ADVANCE NOTICE OF THE VACATION DAYS. NOTICE SHALL INCLUDE THE DATE OF DEPARTURE, DATE OF RETURN, LOCATION OF TRAVEL, LODGING CONTACT INFORMATION, AND TRAVEL INFORMATION INCLUDING FLIGHT NUMBERS AND TIMES.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. THIS INCLUDES THE COURT'S PRIOR ORDERS REGARDING LEGAL CUSTODY.

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

September 3, 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

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September 3, 2026
8:30 a.m./1:30 p.m.

11. MERCEDES DAVIS V. SHATIZ MELONSON

24FL0236

Petitioner filed a Request for Order (RFO) on June 15, 2026, requesting authorization for a move away. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 24, 2026, and a review hearing on September 3, 2026. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Neither party appeared at the CCRC appointment on July 24th.

Respondent has not filed a Responsive Declaration.

The court drops the matter from calendar due to the lack of proper service as well as the failure to appear at CCRC.

TENTATIVE RULING #11: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE AS WELL AS THE FAILURE TO APPEAR AT CCRC.

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

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

12. PATRICIA DAVY V. CHARLES DAVY

PFL20200494

Petitioner filed a Request for Order (RFO) on June 11, 2026, requesting child custody orders as well as child support orders. Petitioner did not concurrently file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 27, 2026 and a review hearing on September 3, 2026. Proof of Service shows Respondent and the Department of Child Support Services (DCSS) were served with the RFO only, on June 23, 2026.

Neither party appeared for the CCRC appointment as instructed.

Respondent has not filed a Responsive Declaration.

The court drops the matter from calendar due to the lack of proper service, the failure to appear at CCRC, and the failure to file an Income and Expense Declaration.

Respondent filed an RFO following the court's denial of his ex parte application for emergency orders on August 17, 2026. Proof of Service shows Petitioner was served with some, but not all the required documents on August 25, 2026.

Petitioner filed a Responsive Declaration to the ex parte.

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

TENTATIVE RULING #12: PETITIONER'S JUNE 11TH RFO IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

RESPONDENT'S AUGUST 17TH RFO 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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8:30 a.m./1:30 p.m.

13. PAMELA DEHERRERA V. JULIAN DEHERRERA

23FL0888

Respondent filed a Request for Order (RFO) on June 11, 2026 requesting property control along with other orders. Petitioner was personally served with some, but not all the required documents on June 11, 2026.

Petitioner filed a Responsive Declaration on August 19, 2026. Respondent was served on August 14, 2026. Petitioner does not raise the issue of the defect in service in her Responsive Declaration, therefore, the court deems it to have been waived.

The court finds it needs to take testimony from the parties. The parties are ordered to appear to select Mandatory Settlement Conference (MSC) and trial dates.

TENTATIVE RULING #13: THE COURT FINDS IT NEEDS TO TAKE TESTIMONY FROM THE PARTIES. THE PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE (MSC) AND TRIAL DATES.

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

14. AMY GORDILLO V. TROY GORDILLO

23FL1014

On July 9, 2026, Petitioner filed a Request for Order (RFO) seeking bifurcation of status as well as waiver of Respondent's Preliminary and Final Declarations of Disclosure, and other various requests. Respondent was served via mail on July 9, 2026.

Respondent has not filed a Responsive Declaration therefore, the court deems his failure to do so as an admission that Petitioner's moving papers have merit. See El Dorado County, Local Rule 7.10.02(C).

California Rules of Court, rule 5.390(a) states that on noticed motion of a party, using form FL-300, "Request for Order," "the stipulation of the parties, case management, or the court's own motion, the court may bifurcate one or more issues to be tried separately before other issues are tried." (Italics added.)

Family Code section 2337 provides that "[i]n a proceeding for dissolution of marriage, the court, upon noticed motion, may sever and grant an early and separate trial on the issue of the dissolution of the status of the marriage apart from other issues." Fam. Code, § 2337, subd. (a). The trial court may separately try the issue of termination of marriage if doing so "is likely to simplify the determination of the other issues." Cal. Rules of Court, rule 5.390(b)(7).

Public policy favors bifurcation of trial on pivotal issues in a dissolution action. In re Marriage of Macfarlane & Lang (1992) 8 Cal.App.4th 247, 257; see In re Marriage of Wolfe (1985) 173 Cal.App.3d 889, 893–894 ["To the extent bifurcation of issues such as custody, support or the division of community property can assist the parties to achieve settlement of remaining issues, it should be encouraged"]. For the issue of marital status, "[c]onsistent with the legislative policy favoring no fault dissolution of marriage, only slight evidence is necessary to obtain bifurcation and resolution of marital status. On the other hand, a spouse opposing bifurcation must present compelling reasons for denial." Gionis v. Superior Court (1988) 202 Cal.App.3d 786, 790.

The minimum statutory requirements for bifurcating and terminating marital status are that six months must have passed since the date of service of the summons and petition (§ 2339, subd. (a), and that the party seeking termination of marital status must have served a preliminary declaration of disclosure or obtained a written agreement to defer service to a later date (§ 2337, subd. (b)). Both requirements were met here.

Parties are ordered to appear for the bifurcation.

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Family Code sections 2104 imposes on each party the obligation of making a preliminary disclosures of assets (PDD) within the specified timeframes. For the party responding to a Petition for Dissolution, the disclosure is due either concurrently with the response or within 60 days of filing the same. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). “[T]he court *shall*...impose monetary sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and *shall* include reasonable attorney’s fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” Fam. Code § 2107(c).

Here, Petitioner has complied with the law and served her PDD; as such she has standing to assert her demand for the same pursuant to Family Code Section 2107. Accordingly, Respondent is ordered to serve full and complete preliminary declarations of disclosure, with supporting documents, no later than October 2, 2026. If Respondent fails to do so, the court finds good cause to waive Respondent’s PDD.

At this time, the matter is not pending trial, and as such, Respondent’s Final Declaration of Disclosure are not due, as they are to be served at least 45 days prior to trial. The court reserves on Petitioner’s request to waive Respondent’s Final Declarations of Disclosure.

Petitioner is also seeking findings regarding the date of separation. The court finds it will have to take testimony on that issue. Parties are ordered to appear for the hearing.

Last, Petitioner is seeking restoration of her former name. The court will address that request at the time of the bifurcation of status hearing.

All prior orders not in conflict with these orders 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 #14: PARTIES ARE ORDERED TO APPEAR FOR THE BIFURCATION OF STATUS HEARING. PARTIES ARE LIKEWISE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUE OF THE DATE OF SEPARATION.

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RESPONDENT IS ORDERED TO SERVE FULL AND COMPLETE PRELIMINARY DECLARATIONS OF DISCLOSURE, WITH SUPPORTING DOCUMENTS, NO LATER THAN OCTOBER 2, 2026. IF RESPONDENT FAILS TO DO SO, THE COURT FINDS GOOD CAUSE TO WAIVE RESPONDENT'S PDD.

AT THIS TIME, THE MATTER IS NOT PENDING TRIAL, AND AS SUCH, RESPONDENT'S FINAL DECLARATION OF DISCLOSURE ARE NOT DUE, AS THEY ARE TO BE SERVED AT LEAST 45 DAYS PRIOR TO TRIAL. THE COURT RESERVES ON PETITIONER'S REQUEST TO WAIVE RESPONDENT'S FINAL DECLARATIONS OF DISCLOSURE.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS 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.

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

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

15. RYAN HAYNES V. SONYA LOSSIUS

PFL20210153

Respondent filed a Request for Order (RFO) on March 26, 2026, seeking modification of child custody and parenting plan orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had participated in CCRC within the prior six months. Proof of Service shows Petitioner was served by mail and electronically on March 26, 2026.

On April 14, 2026, the court in Department 8 referred the parties to CCRC with an appointment on April 27, 2026. The court ordered the CCRC report to be prepared on an expedited basis. However, a further review hearing was set in the event the report was not able to be prepared in a timely manner.

On May 7, 2026, the court continued the matter to the present date due to the lack of a CCRC report.

Both parties attended CCRC and were unable to reach any agreements. A report with recommendations was filed with the court on May 7, 2026. Copies were mailed to the parties on May 8th.

Parties appeared for the hearing on June 18, 2026, at which time the court referred the parties back to CCRC with an appointment on July 24, 2026, and a review hearing set for September 3rd.

Both parties attended CCRC on July 24th and were able to reach many agreements. A report with recommendations as well as the parties' agreements was prepared on August 12, 2026. Copies were mailed to the parties on August 13, 2026.

Neither party has filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations and agreements as set forth in the August 12th CCRC report to be in the best interest of the minor. The court adopts the recommendations and agreements 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.

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TENTATIVE RULING #15: THE COURT FINDS THE RECOMMENDATIONS AND AGREEMENTS AS SET FORTH IN THE AUGUST 12TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AND AGREEMENTS 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 BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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

16. SHERRI HOLMES V. FRANK FORCIER

25FL1138

Respondent filed a Request for Order (RFO) on June 12, 2026, seeking set aside of the default entered on January 12, 2026. He concurrently filed a Memorandum of Points and Authorities. Petitioner was electronically served on June 12th. Respondent asserts the default should be set aside pursuant to Code of Civil Procedure section 473(b) as a result of mistake and surprise. Respondent asserts that he was not properly served with the notice of default and that Petitioner did not inform him that she was seeking a default. Respondent also asserts that he was working with counsel to prepare his disclosures.

Petitioner filed a Responsive Declaration on August 17, 2026. It was mail served the same day. Petitioner objects to the request to set aside, as she asserts Respondent was properly served at his last known address as required. Petitioner asserts that Code of Civil Procedure section 587 applies as Respondent was served at his last known address and the nonreceipt of the notice shall not invalidate or constitute ground for setting aside any judgement. Petitioner also asserts there was no surprise, as Respondent was properly served with the Petition and Summons and had ample opportunity to respond, and failed to do so.

“The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” Cal. Civ. Pro. § 473(b). To obtain relief under Section 473(b), the moving party must do so within a reasonable time and must provide a copy of the pleading proposed to be filed. *Id.* Section 473(b) allows for a set aside in instances of the attorney’s fault, which gives rise to mandatory relief from a default judgment, in all other cases, relief is discretionary. See *Garciae v. Hejmadi*, 58 Cal. App. 4th 674 (1997).

Here, Respondent is pro per, therefore the mandatory provisions of Section 473(b) do not apply. Instead, the court must determine whether or not Respondent has met his burden under Section 473(b). In making such a determination, a pro per is held to the same standard as a practicing attorney. *Goodson v. Bogerts, Inc.*, 252 Cal. App. 2d 32, 40 (1967) (“One who voluntarily represents himself is not, for that reason, entitled to anymore (or less) consideration than a lawyer. Thus, any alleged ignorance of legal matters or failure to properly represent himself can hardly constitute ‘mistake, inadvertence, surprise, or excusable neglect’ as those terms are used in section 473”). While the court is not to give deference to a party simply because that party was acting in pro per, the court is to resolve any doubts as to a showing of mistake, inadvertence, surprise, or excusable neglect in favor

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of the moving party. *Elston v. City of Turlock*, 38 Cal. 3d 227, 233 (1985) (overruled on other grounds). This is especially so when there has been no showing of substantial prejudice to the opposing party should the motion be granted. *Id.* at 235.

Respondent makes two main arguments in support of his request to set aside the default. First, he states the parties were actively engaged in settlement negotiations so he was of the belief that he did not need to file a Response to the Petition. Second, he argues that he did not receive the default paperwork because it was not sent to his then-current address. The court concurs with Petitioner's argument that failure to receive the paperwork when it was properly served to Respondent's last known address is not grounds to set aside the default. See Cal. Civ. Pro. § 587. Thus, the court is left only to address Respondent's first argument.

Where a default is taken while settlement negotiations are ongoing, the defaulting party's failure to respond is most persuasively characterized as the product of surprise or excusable neglect — having reasonably believed that no formal action would be taken while the parties were working toward resolution. In such instances, the court is to determine whether a “reasonably prudent person under the same or similar circumstances” might have made the same error. *Minick v. City of Petaluma*, 3 Cal. App. 5th 15, 26 (2016). The court does not find that to be the case in the matter at hand.

Respondent maintains that he did not file his Response because the parties were actively engaged in ongoing settlement negotiations. However, it is clear from Petitioner's filings that she in fact had to request Respondent's financial disclosures “for several months” during that time period. The court fails to see how the parties could have been conducting meaningful settlement discussions without Respondent so much as having provided his disclosures.

Furthermore, the sheer amount of time that passed from the date the Response was due until the date Respondent attempted to actually file, lends credence to the court's belief that Respondent's actions were not that of a reasonably prudent person. While his motion is not untimely under Section 473(b) per say, as it was filed within six months of the date of default, the court does not find that a reasonably prudent person would have allowed over seven months from the date of service of the Petition to lapse without so much as attempting to file a Response or receiving express assurances from the opposing party that a default would not be taken. Respondent did neither.

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For the reasons set forth above, the court does not find grounds to set aside the default. Respondent's request is therefore 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 #16: THE COURT DOES NOT FIND GROUNDS TO SET ASIDE THE DEFAULT. RESPONDENT'S REQUEST IS THEREFORE 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.

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

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

17. JESSICA RUBALCAVA V. ISAIAH RUBALCAVA

24FL0018

Respondent filed a Request for Order (RFO) on June 16, 2026, seeking a waiver of Petitioner's disclosures.

On July 6, 2026, Respondent filed an amended RFO, seeking waiver of Petitioner's Final Declaration of Disclosure (FDD) under Family Code section 2107(b)(3). Petitioner was electronically served on August 4, 2026.

Respondent asserts he served his FDD on Petitioner on August 15, 2025. Despite the matter being set for trial on June 16, 2026, Petitioner has failed to serve her FDD. Respondent states Petitioner failed to appear at that hearing and has not participated in the dissolution proceedings on a regular and considered basis.

Petitioner has not filed a Responsive Declaration, therefore, the court deems the failure to do so as an admission that Respondent's moving papers have merit. See El Dorado County, Local Rule 7.10.02(C).

Family Code sections 2104 imposes on each party the obligation of making a preliminary disclosures of assets (PDD) within the specified timeframes. For the party responding to a Petition for Dissolution, the disclosure is due either concurrently with the response or within 60 days of filing the same. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). "...[T]he court *shall*...impose monetary sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and *shall* include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c).

Here, Respondent has complied with the law and served his FDD; as such he has standing to assert his demand for the same pursuant to Family Code Section 2107. Accordingly, the court finds good cause to waive Petitioner's FDD as she has failed to appear for trial on the dissolution and has not regularly or consistently participated in these proceedings. Respondent's request is granted in full.

All prior orders remain in full force and effect.

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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 #17: THE COURT FINDS GOOD CAUSE TO WAIVE PETITIONER'S FDD AS SHE HAS FAILED TO APPEAR FOR TRIAL ON THE DISSOLUTION AND HAS NOT REGULARLY OR CONSISTENTLY PARTICIPATED IN THESE PROCEEDINGS. RESPONDENT'S REQUEST IS GRANTED IN FULL. ALL PRIOR 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.

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