

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
JULY 15, 2026
8:30 a.m.

1. CARLOS FRANCISCO MORALES V. KEELY JORENE MORALES

25FL1243

This matter is before the court for hearing of the Request for Order (RFO) filed by the Respondent on June 03, 2026, seeking spousal support and \$7,500 in attorney fees and costs. Respondent concurrently filed an Income and Expense Declaration (I&E), as well as a declaration from her attorney. Proof of service filed June 08, 2026, shows the RFO and supporting documents were electronically served upon Petitioner that same day.

On July 01, 2026, Petitioner filed a Responsive Declaration (with a supporting declaration attached thereto) and personally served a copy upon Respondent the same day. Petitioner's most recent I&E was filed on June 02, 2026, and served upon Respondent that day via mail according to the proof of service, also filed June 02, 2026.

Respondent's moving papers indicate that she wishes to consolidate the child support matter with the spousal support matter. There is currently no stipulation in the court's file. Because a child support hearing is scheduled for July 20, 2026 (on the court's DCSS calendar, as DCSS is involved in this case), the court, on its own motion and in the interest of judicial economy, will continue the instant spousal support matter one week to July 22, 2026, to allow the parties time to confirm how they would like to proceed. The child support hearing will resolve some related issues (i.e., income, credits, etc.) Additionally, if the parties stipulate, the spousal support matter can be heard at the July 20, 2026, hearing, in which case, the court would then vacate the July 22, 2026, hearing.

With respect to the request for attorney fees, the court is inclined to deny such request without prejudice to further application. Respondent's I&E indicates there are no outstanding attorney fees.

TENTATIVE RULING #1: THE RFO IS DENIED IN PART. THE COURT DENIES THE RESPONDENT'S REQUEST FOR ATTORNEY FEES AND COSTS WITHOUT PREJUDICE TO FURTHER APPLICATION. THE COURT, ON ITS OWN MOTION AND IN THE INTEREST OF JUDICIAL ECONOMY, CONTINUES THE HEARING ON THE SPOUSAL SUPPORT MATTER TO 8:30 A.M., WEDNESDAY, JULY 22, 2026.

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) 573-3042 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 (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. DANA R. BARTH, JR. V. SUSAN MARIE BARTH

25FL1188

This matter is before the court for hearing of the Request for Order (RFO) regarding potential sale of the marital residence filed by the Petitioner on June 29, 2026.¹ The RFO also included a request for order shortening time. The court ordered Petitioner to serve the RFO on or before July 01, 2026; and ordered Respondent to file her Responsive Declaration on or before July 06, 2026. Proof of service filed July 08, 2026, shows the RFO was electronically served upon Respondent on June 29, 2026.

Respondent filed no Responsive Declaration.

The court grants the Petitioner's RFO. Petitioner is directed to prepare and submit a Findings and Orders after Hearing (FOAH) reflecting this ruling for the court's signature.

TENTATIVE RULING #2: THE COURT GRANTS THE PETITIONER'S RFO. PETITIONER IS DIRECTED TO PREPARE AND SUBMIT A FINDINGS AND ORDERS AFTER HEARING (FOAH) REFLECTING THIS RULING FOR THE COURT'S SIGNATURE.

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) 573-3042 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 (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.

¹ On June 26, 2026, Petitioner filed an ex parte application for temporary emergency orders granting him exclusive control of the marital residence to permit the sale of said property. The court denied the request for temporary emergency orders but set the matter for hearing on July 08, 2026, to be heard concurrently with the instant RFO. The July 08 hearing was subsequently continued to July 15, 2026.

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3. DUSTIN NUNNERY V. SUZANA NUNNERY

25FL0486

This matter is before the court for hearing of the Request for Order (RFO) filed by the Respondent on May 29, 2026, to award child support and spousal support. Respondent concurrently filed an Income and Expense Declaration (I&E). Proof of service filed June 03, 2026, shows the RFO and supporting documents were electronically served upon Petitioner that same day.

On June 30, 2026, Petitioner filed a Responsive Declaration and I&E, both of which were served upon Respondent that same day.

On July 02, 2026, Respondent filed a supplemental declaration, a copy of which was electronically served upon Petitioner that same day, according to the proof of service, also filed July 02, 2026.

The court calculates Petitioner's gross monthly income as \$13,986. Petitioner's paystub issued June 16, 2026, shows a year-to-date total of \$72,309 through June 05, 2026. $\$72,309 / 5.17 \text{ months} = \$13,986 \text{ per month}$. Petitioner claims the following monthly credits: (1) \$603 for retirement payments, (2) \$325 for medical expenses, and (3) \$317 for job-related expenses. The court accepts the retirement and medical credits but disallows the job-related expenses on the grounds that Petitioner failed to submit any supporting documentation reflecting such expenses. The court notes that it appears from Petitioner's paystubs that he may be entitled to additional credits (i.e., union dues), but the court has not included them in the instant calculation because Petitioner does not list them on his I&E.

Respondent's I&E does not indicate how many hours she is currently working. She states she returned to work on June 20, 2026, and her hours vary. Absent additional information, the court will estimate that Respondent works 20 hours per week. Similar to Petitioner, it appears Respondent may be entitled to certain credits, but she has not listed any on her I&E.

With respect to custody timeshare, both parties agree in their respective I&Es that Respondent's timeshare is 70 percent and Petitioner's timeshare is 30 percent. The court will use the figures reflected in the parties' I&Es, even though Respondent claims in her supplemental declaration that Petitioner's timeshare is only 10 percent.

As shown in the attached XSpouse calculation printout, Petitioner is ordered to pay Child Support to the Respondent in the amount of \$837, beginning June 01, 2026, and the first of each month thereafter until further order of the court. The court orders the Petitioner to pay \$50 Child Support for the month of May 2026 (six percent of the monthly support amounts). Arrears created by the retroactive start date of this order shall be paid at the rate of \$63 per month beginning August 01, 2026 and the 1st day of each month thereafter until paid in full.

The Court denies the Respondent's request for Temporary Spousal Support, without prejudice. (The XSpouse calculation was run with Spousal Support and resulted in no order.)

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TENTATIVE RULING #3: AS SHOWN IN THE ATTACHED XSPOUSE CALCULATION PRINTOUT, PETITIONER IS ORDERED TO PAY CHILD SUPPORT TO THE RESPONDENT IN THE AMOUNT OF \$837, BEGINNING JUNE 01, 2026, AND THE FIRST OF EACH MONTH THEREAFTER UNTIL FURTHER ORDER OF THE COURT. THE COURT ORDERS THE PETITIONER TO PAY \$50 CHILD SUPPORT FOR THE MONTH OF MAY 2026 (SIX PERCENT OF THE MONTHLY SUPPORT AMOUNTS). ARREARS CREATED BY THE RETROACTIVE START DATE OF THE COURT'S CHILD SUPPORT ORDER SHALL BE PAID AT THE RATE OF \$63 PER MONTH BEGINNING AUGUST 01, 2026 AND THE FIRST DAY OF EACH MONTH THEREAFTER UNTIL PAID IN FULL.

THE RESPONDENT'S REQUEST FOR AN AWARD OF TEMPORARY SPOUSAL SUPPORT IS DENIED WITHOUT PREJUDICE.

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) 573-3042 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 (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.

2026

Xspouse 2026-1-CA

Monthly Figures

Fixed Shares	Father	Mother	Monthly Figures		Cash Flow		
			2026			Guideline	Proposed
Number of children	0	1			Combined net spendable	17470	17470
Percent time with NCP	30.00%	0.00%			Percent change	0%	0%
Filing status	SINGLE HH/MLA		GUIDELINE				
Number of exemptions	1	2	Nets (adjusted)		Father		
Wages and salary	13986	11700			Payment cost/benefit	-837	-837
Self employed income	0	0	Father	8654	Net spendable income	7817	7817
Other taxable income	0	0	Mother	8817	Change from guideline	0	0
TANF CS received	0	0	Total	17471	% of combined spendable	45%	45%
Other nontaxable income	0	0	Support		% of saving over guideline	0%	0%
New spouse income	0	0	Addons	0	Total taxes	4404	4404
Employee 401-k contribution	0	0	Guideln CS	-837	Dep. exemption value	0	0
Adjustments to income	0	0	Alameda SS	-0	# withholding allowances	0	0
SS paid prev marriage	0	0	Total	-837	Net wage paycheck	9089	9089
CS paid prev marriage	0	0					
Health insurance	325	0	Proposed		Mother		
Other medical expenses	0	0	Tactic 9		Payment cost/benefit	837	837
Property tax expenses	0	0	CS	-837	Net spendable income	9654	9654
Ded interest expense	0	0	SS	-0	Change from guideline	0	0
Contribution deduction	0	0	Total	-837	% of combined spendable	55%	55%
Misc tax deductions	0	0	Saving	0	% of saving over guideline	0%	0%
Qualified business income deduction	0	0	Releases	0	Total taxes	2883	2883
Required union dues	0	0			Dep. exemption value	0	0
Mandatory retirement	603	0			# withholding allowances	0	0
Hardship deduction	0	0			Net wage paycheck	8336	8336
Other GDL deductions	0	0					
Child care expenses	0	0					

Father pays Guideline CS, Proposed CS

FC 4055 checking: **ON**

Per Child Information

	DOB	Timeshare	cce(F)	cce(M)	Addons Payor	Basic CS Payor	Pres CS Payor
All children		30 - 70	0	0	0 Father	837 Father	837 Father
	0000-00-00	30 - 70	0	0	0 Father	837 Father	837 Father

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4. SAVANNA ARNETT V. GAVIN NISHIHARA

25FL1181

This matter was continued from June 24, 2026. The court includes portions of its previous tentative ruling with modifications based on its decision on the set aside request as set forth below.

This matter is before the court on four separate issues: (1) an Order to Show Cause (OSC) regarding contempt, issued April 20, 2026; (2) a Request for Order (RFO) filed by the Petitioner on May 11, 2026, for move-away orders; (3) a motion, filed by the Respondent on June 02, 2026, to set aside and/or vacate default judgment; and (4) an RFO filed by the Respondent on June 03, 2026, to set aside and/or vacate the default judgment (entered December 02, 2025), as well as the Findings and Orders after Hearing (issued November 26, 2025), modify child custody and visitation, and award attorney fees and costs.

OSC Re: Contempt Issued April 20, 2026

As further explained below in the consideration of Respondent's RFO filed June 03, 2026, the court has set aside the portion of the Judgment for Dissolution regarding property orders which is the underlying basis of the alleged contempt. For that reason the Petitioner's OSC Re: Contempt is discharged.

RFO Filed by Petitioner May 11, 2026

Proof of service filed May 18, 2026, shows the RFO was electronically served upon Respondent that same day.

Petitioner's RFO includes a request for temporary orders authorizing her to temporarily reside with the children in the state of Arizona pending the hearing. The court denies Petitioner's request for temporary orders.

On June 02, 2026, Respondent filed a Responsive Declaration. To date, there is no proof of service for this Responsive Declaration in the court's file.

On June 11, 2026, Respondent filed a memorandum of points and authorities in opposition to Petitioner's RFO. Proof of service attached to the brief shows it was electronically served upon Petitioner on June 11, 2026.

The Petitioner's RFO will require the court to conduct an evidentiary hearing regarding the *LaMusga*² move-away factors. Appearances are required to participate in the selection of an evidentiary hearing date.

² *In re Marriage of LaMusga* (2004) 32 Cal.4th 1072.

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Motion to Set Aside Filed by Respondent June 02, 2026

Respondent filed his motion using Local Form C-35. Respondent did not use Judicial Council form FL-300, as required under California Rule of Court 5.92, subdivision (a)(1) (“a notice of motion or order to show cause must be filed on *Request for Order* (form FL-300) ...”). Due to the procedural defect, the court will drop this matter from the calendar.

RFO Filed by Respondent June 03, 2026

Respondent’s RFO raises the issues of the Motion filed the day prior and addressed above in this Tentative Ruling. This RFO seeks to set aside the parties’ Judgment of Dissolution entered by the Nevada County Superior Court on December 02, 2025, and the FOAH entered by the same court on November 26, 2025. The court Ordered time for service and hearing shortened, with service to be accomplished by June 08, 2025, and Responsive pleadings due by June 17, 2026.

Proof of Service filed June 04, 2026, shows that the moving papers were served on Petitioner’s attorney by electronic service on June 02, 2026. That indicates that service was prior to the court’s acting on the RFO. Nonetheless, the Petitioner filed a Response and Memorandum of Points and Authorities on June 05, 2026, each of which was served on the Respondent on June 05, 2026, per the Proof of Service filed that same date.

Respondent filed a Reply Declaration on Jun 17, 2026, which was served on Petitioner’s attorney by email on the same date per the attached Proof of Service.

The court notes that a proposed Response to the Petition for Dissolution and a form FL-320 Responsive Declaration to the RFO that yielded that FOAH entered on November 26, 2025, were submitted to the court along with the motion filed June 02, 2026. They were mistakenly filed as opposed to being lodged with the court.

Respondent’s Request is based on CCP Sec. 473(b). Petitioner contends that Family Code Sections 2120 through 2129 apply and that CCP Sec. 473(b) does not apply in Family Law proceedings. The court finds that both sections allow for setting aside court decisions but disagrees that CCP Sec. 473(b) is not available to set aside family law decisions. The court finds that the relief sought by the Respondent is based not on a failure of compliance with the disclosure statutes of the Family Code but on Respondent’s alleged mistake, inadvertence, surprise, or excusable neglect under CCP Sec. 473(b).

Per its terms, CCP Sec. 473(b) requires the aggrieved party to seek relief “. . . within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order or proceeding was taken.” In this case, the RFO upon which the court is acting was filed six months and one day after the entry of the Judgment of Dissolution and six months and a week after the FOAH the Respondent seeks to have set aside. The Respondent’s Motion (addressed above) seeking the same relief, which was filed on June 02, 2026, was filed exactly six months after the Judgment was entered but still late as to the FOAH. Therefore,

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the portion of the RFO seeking to set aside the FOAH entered by the Nevada County Superior Court on November 26, 2025, is denied and the Responsive declaration (FL-320) filed in this court on June 02, 2026, is ordered unfiled.

The court does not know why the Motion to set aside filed June 02, 2026 (using a local court form most commonly used by Pro Per litigants in Unlawful Detainer cases) was used by the Respondent and why the RFO was not filed until a day later. The court deems the error to have been procedural as the RFO was signed by the Respondent on June 02, 2026. The court suspects that it was not filed on June 02, 2026, as it was forwarded to the court for action on the request for an Order Shortening Time component of the RFO. Additionally, the court notes that the Petitioner did not argue that the request was not timely. Therefore, the court addresses the merits of the request to set aside the Judgment pursuant to CCP Sec. 473(b).

The court finds that the Respondent has shown that the Judgment was obtained through his mistake and/or excusable neglect. The Respondent has shown that he believed the parties had reached agreements on custody/visitation. The Respondent further asserts that he was fighting Covid and was not fully able to understand and address legal matters. Further, it appears that the Nevada court may have divested itself of jurisdiction prior to entering the Judgment.

However, the Petitioner is correct that this court has made its own decisions on custody and visitation of the parties' children since the entry of the Judgment, including making orders following a referral of the parties to CCRC which they both attended. Additionally, it does not appear that the parties wish to have their marital status restored to that of married persons.

Wherefore, the court orders as follows. The orders regarding Property and Spousal Support found in the Judgment entered on December 02, 2025, are set aside. The custody orders of this court shall remain in full force and effect as shall child support (Judgment entered June 06, 2026, in case No. 26FL0159) and status of the parties' marriage. The Response filed June 02, 2026, shall remain filed and this court shall retain jurisdiction to resolve the two above-mentioned unadjudicated issues.

TENTATIVE RULING #4:

OSC RE: CONTEMPT ISSUED APRIL 20, 2026: DISCHARGED BASED ON THE COURTS DECISION ON THE RESPONDENT'S RFO FOR SET ASIDE OF JUDGMENT.

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RFO FILED BY PETITIONER MAY 11, 2026: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JULY 15, 2026, IN DEPARTMENT 12 TO PARTICIPATE IN THE SELECTION OF AN EVIDENTIARY HEARING DATE.

MOTION TO SET ASIDE FILED BY RESPONDENT JUNE 02, 2026: DUE TO THE PROCEDURAL DEFECT, MATTER IS DROPPED FROM THE CALENDAR.

RFO FILED BY RESPONDENT JUNE 03, 2026:

THE REQUEST OF THE RESPONDENT IS DENIED AS TO THE FOAH ENTERED BY THE NEVADA COUNTY SUPERIOR COURT ON NOVEMBER 26, 2025. THE RESPONSIVE DECLARATION FILED BY THE RESPONDENT ON JUNE 02, 2025, IS ORDERED TO BE UNFILED. THE REQUEST TO SET ASIDE THE JUDGMENT ENTERED DECEMBER 02, 2025 BY THE NEVADA SUPERIOR COURT IS DENIED IN PART AND GRANTED IN PART AS SET FORTH ABOVE.

NO HEARING WILL BE HELD ON THE RESPONDENT'S MOTION FILED JUNE 02, 2026 OR ON THE RESPONDENT'S RFO FILED JUNE 03, 2026 UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 573-3042 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 (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.

WENDY STEPHENS V. JON STEPHENS

SFL20110189

This matter is before the court for hearing of the Request for Order (RFO) filed by the Respondent on June 04, 2026, to set aside the court's May 08, 2015, Qualified Domestic Relations Order (QDRO) regarding two retirement plans. Proof of service filed June 05, 2026, shows the RFO was personally served upon Petitioner on June 04, 2026.

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On June 10, 2026, Petitioner filed a Responsive Declaration, a copy of which was served upon Respondent by mail that same day, according to the proof of service filed June 11, 2026.

As an initial matter, Respondent has cited no legal authority for this court to set aside an order entered by the court over 11 years ago, and the court is not aware of any such authority. The RFO is denied.

TENTATIVE RULING #5: THE RFO IS DENIED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 573-3042 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 (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.