

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 4
MARCH 27, 2026
9:30 a.m.

1. CHANDLERLYNN LESLIE v. DAVID CABRERA

25FL1253

This matter is before the court on Respondent's Request for Order (RFO), filed February 6, 2026. The RFO requests that the court transfer venue to Santa Clara County for trial on Petitioner's Request for Domestic Violence Restraining Order ("DVRO").

On December 30, 2025, Petitioner filed her Request for DVRO. A Temporary Restraining Order issued on December 31, 2025. Proof of service filed on January 15, 2026, indicates that Respondent was personally served with the DVRO documents on January 12, 2026.

A hearing on the DVRO was originally set for January 29, 2026, but the hearing was vacated due to Judge Slossberg's recusal. After the matter was reassigned to Judge Mayberry, a hearing was set for February 23, 2026. Due to the filing of Respondent's RFO to transfer venue and his request to continue the hearing on Petitioner's DVRO until after his RFO is determined, the hearing on Petitioner's DVRO was continued to April 6, 2026.

Respondent makes several arguments in support of his RFO to transfer venue of Petitioner's DVRO to Santa Clara County. Respondent states that on January 2, 2026, he filed a Petition to Determine Parental Relationship in Santa Clara County Superior Court (SCCSC Case No. 26CP000001). On January 6, 2026, he filed a Request for DVRO in the same case. Those actions were taken prior to Respondent being served with Petitioner's Request for DVRO in this case on or about January 12, 2026. Respondent argues that the El Dorado DVRO action should be consolidated with the Santa Clara action to avoid conflicting rulings.

Further, Respondent states that he lives and works in Santa Clara County. The parties' minor child was born in Santa Clara County and lived there for most of his life until Petitioner moved out of the county in late 2025. He asserts that all the events alleged by Petitioner in her Request for DVRO occurred in Santa Clara County, and all of the evidence and witnesses to the events alleged in Petitioner's DVRO are located in Santa Clara County. Lastly, Respondent notes that Petitioner is employed as a court clerk with the El Dorado County Superior Court, which raises the appearance of bias in favor of Petitioner.

To date, Petitioner has not filed a written response to Respondent's RFO.

The Domestic Violence Prevention Act ("DVPA") provides broad venue options for filing a request for DVRO, and may be filed as follows: "(1) The county in which the petitioner resides or is temporarily located. [¶] (2) The county in which the defendant resides. [¶] (3) The county in which the offense occurred. [¶] (4) Any other court that

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may have jurisdiction over the parties or the subject matter of the case.” (Fam. Code, § 6301, subd. (a)(1)–(4).)

There is no specific provision in the DVPA which addresses inter-county transfers once a case is filed. Turning to the general venue statutes in the Code of Civil Procedure, section 397 provides that “[t]he court may, on motion, change the place of trial in the following cases: [¶] (a) When the court designated in the complaint is not the proper court. [¶] (b) When there is reason to believe that an impartial trial cannot be had therein. [¶] (c) When the convenience of witnesses and the ends of justice would be promoted by the change.” (*Id.*, subds. (a)–(c).)

On balance, the totality of the circumstances weigh in favor of transferring venue to Santa Clara County. Both El Dorado County and Santa Clara County are proper courts to hear Petitioner’s Request for DVRO. (See Fam. Code, § 6301, subd. (a).) Given that Santa Clara County is a proper venue for Petitioner’s Request for DVRO, the events alleged in Petitioner’s Request for DVRO occurred in Santa Clara County, Respondent is a resident of Santa Clara County, and considering the convenience of witnesses as well as the interest of judicial economy and to avoid conflicting rulings, Respondent’s RFO to transfer venue of Petitioner’s Request for DVRO to Santa Clara County is granted. Petitioner’s DVRO action is hereby transferred to Santa Clara County. The hearing on April 6, 2026, in this court is vacated. The TRO remains in effect pending trial in Santa Clara County. Respondent is responsible for the payment of any transfer fees.

TENTATIVE RULING #1: RESPONDENT’S REQUEST FOR ORDER TO TRANSFER VENUE OF PETITIONER’S REQUEST FOR DVRO TO SANTA CLARA COUNTY IS GRANTED. PETITIONER’S REQUEST FOR DVRO IS TRANSFERRED TO SANTA CLARA COUNTY SUPERIOR COURT. THE HEARING ON APRIL 6, 2026, IN THIS COURT IS VACATED. THE TEMPORARY RESTRAINING ORDER ISSUED IN EL DORADO COUNTY REMAINS IN EFFECT PENDING TRIAL IN SANTA CLARA COUNTY. RESPONDENT IS RESPONSIBLE FOR THE PAYMENT OF ANY TRANSFER FEES. RESPONDENT IS TO PREPARE AND SUBMIT TO THIS COURT A PROPOSED FINDINGS AND ORDERS AFTER HEARING (FL-340).

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. RULES OF CT., RULE 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS v. SUPERIOR COURT (1999) 19 CAL.4TH 1232.) NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT

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