

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 4
JUNE 12, 2026
9:30 a.m.

1. TAMMY EVANS v. CODY EVANS

23FL0016

This matter is before the court on Petitioner's Request for Order ("RFO"), filed April 29, 2026. The RFO requests that the court make the following orders: (1) grant Petitioner the exclusive temporary use, possession, and control of the Hampton Lane property, which Petitioner indicates she either owns or is buying; and (2) attorney fees and costs in the amount of \$25,000.

Proof of service filed June 5, 2026, declares that Respondent was served with the RFO by mail at his last known address on May 26, 2026. This is not adequate service. While the RFO was timely *filed*, it was not timely *served*. A RFO must be filed *and* served at least 16 *court* days prior to the hearing, plus an additional 5 *calendar* days if service is by regular mail. (Code Civ. Proc., § 1005, subd. (b).)

Here, Respondent was served 13 court days prior to the hearing, not taking into the account the additional 5 calendar days for service by mail.

Because Respondent was not properly served with the RFO, the matter is dropped from the calendar. Petitioner may secure a new hearing date and re-serve all the required documentation and re-notice Respondent of the hearing on the RFO.

TENTATIVE RULING #1: THE MATTER IS DROPPED FROM THE CALENDAR.