

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
January 20, 2022
8:30 a.m./1:30 p.m.

1. AMANDA RENFROE V. ANDREW RENFROE

PFL20160677

On October 22, 2021, Respondent filed a Request for Order (RFO) requesting a modification of child support. Upon review of the file, the court finds that this RFO is identical to the RFO filed by Respondent which is set for hearing on January 24, 2022 in front of the Child Support Commissioner under Family Code 4251. As such, the court finds that the filing is duplicative and drops the matter from its calendar.

TENTATIVE RULING #1: MATTER DROPPED FROM THE COURT'S CALENDAR

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2. AMANDA TESSANDORI V. ERIC TESSANDORI

PFL20200407

On November 2, 2021, Respondent filed a Request for Order (RFO) requesting a modification to the child support order. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served by mail on Petitioner on November 2, 2021.

On January 6, 2022, Petitioner filed a Responsive Declaration and an Income and Expense Declaration, served by mail on Respondent that same day. Petitioner argues that there has been no change of circumstances to warrant a modification of child support, as the parties' income are relatively the same and the new timeshare, as ordered by the court at the October 29, 2021 hearing, is about the same as the percentage used in the last guideline calculation.

On January 13, 2022, Respondent filed a Reply Declaration and an updated Income and Expense Declaration, served electronically on Petitioner the day prior. Respondent contends that his income is slightly different, as his employer no longer offers overtime, and that the timeshare has changed with Respondent spending significant time with the children since November 2021 in advance of Petitioner's planned relocation with the minors to Texas. Respondent adds that his timeshare after the relocation will be about 45%, as he plans to visit the minors more than the roughly 20 weeks of parenting time he may utilize per year (about a 38.5% timeshare). The court reasonably infers that Respondent plans to arrange additional visits with the minors beyond the 20 weeks he says the current order permits him.

Upon review of the respective Income and Expense Declarations, the court finds that Petitioner received \$3,747 in private disability per month for November and December 2021 and \$3,930 in private disability per month starting in January 2022. The court further finds that Petitioner pays about \$650 per month for health insurance, which the court reasonably infers is a post-tax deduction. Per her latest disability statement attached to her Income and Expense Declaration, her health insurance increased to about \$681 per month in January 2022.

The court finds that Respondent makes about \$5,516 per month based on an average of all the biweekly paychecks he has submitted. While Respondent claims he no longer receives overtime, the court finds he has not provided documentation to verify this fact. The court finds that Respondent pays about \$176 per month for pre-tax health insurance, including dental insurance, pays about \$70 per month in union dues, and deducts about \$143 per month for a 401k contribution.

Regarding timeshare, the court finds that, if Respondent exercised all his parenting from the October 29, 2021 order through the end of December, he had about a 62% timeshare. The court calculates this amount by including 8 days for Thanksgiving break, 14 days for the Winter break, and 3 full days per week (Wednesday to Thursday and Friday through Sunday) for the six

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weeks in November and December which do not include the two breaks noted above. Additionally, the court subtracted the Saturday to Sunday from the beginning of both breaks, as to not double count these days, as Respondent is being given credit for the full weekend of the week preceding each of these breaks. This amounts to 38 total days (18 days during the 6 non-break weeks plus 7 days for Thanksgiving and 13 days for Winter break after deducting the Saturdays to Sundays at the beginning of each of these breaks). Dividing by the total days in November and December of 61 yields an approximate 62% timeshare.

The court acknowledges that Petitioner has two days during the Winter break and that the 14 days that Respondent had over Winter break extended into January; to offset the additional days given to Respondent, the court did not include the first few days in January as part of Respondent's timeshare for the percentage to be used moving forward. Instead, the court uses the timeshare for after Petitioner's relocation to Texas.

For January 1, 2022 and forward, the court calculates Respondent's timeshare as 32%. Neither party provided a school calendar to the court to determine the length of the summer break, but the court reasonably infers that the summer break is 10 weeks long consistent with standard practice. Giving Petitioner the first and last of these weeks per the October 29, 2021 order, the court attributes 8 weeks to Respondent minus two 2-day periods for Petitioner's option to exercise visitation over two weekends during the summer break. Additionally, Respondent is attributed 8 days for Spring break, 8 days for Thanksgiving break, and 7 days for Winter break. For the 10 non-summer months, the court uses 4 full days per month (Wednesday to Sunday), based on Respondent's representation that he will use all his court-ordered time each month, which amounts to 40 additional days. In total, this yields 115 days (9 weeks (or 63 days) plus 16 days for Thanksgiving and Spring breaks plus 40 days for the non-summer extended weekend visitations minus 4 days for Petitioner's summer weekend visits), which divided by 365 days equals a 31.5% timeshare. The court acknowledges that half of the Winter break likely is longer than 7 days each year, that Respondent may not take advantage of every extended weekend visits, and that Respondent may schedule additional parenting time (provided the parties agree to it) that is not included above. The court rounds up to 32%, finding this percentage to be a fair approximation of the timeshare given all these factors.

Using a head of household status for Petitioner with three exemptions and a single status for Respondent with one exemption and the figures noted above, the court finds that guideline support for the months of November and December 2021 is \$199 (payable by Petitioner) and for January 1, 2022 going forward is \$862 (payable by Respondent). See attached DissoMaster Reports. Petitioner is ordered to pay Respondent as and for child support \$199 per month, commencing November 2, 2021. The court finds that the prorated child support amount for November 2021 is \$192, payable by Petitioner. Commencing on January 1, 2022, Respondent is ordered to pay Petitioner as and for child support \$862 per

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month, payable on the 1st of the month, until further order of the court or termination by operation of law.

The court declines to deny the modification due to Respondent still owing arrears. The court orders the parties to meet and confer to determine the arrears balance with the new support amounts. The current arrears payment order remains in full force and effect.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #2: PETITIONER IS ORDERED TO PAY RESPONDENT AS AND FOR CHILD SUPPORT \$199 PER MONTH, COMMENCING NOVEMBER 2, 2021. THE COURT FINDS THAT THE PRORATED CHILD SUPPORT AMOUNT FOR NOVEMBER 2021 IS \$192, PAYABLE BY PETITIONER. COMMENCING ON JANUARY 1, 2022, RESPONDENT IS ORDERED TO PAY PETITIONER AS AND FOR CHILD SUPPORT \$862 PER MONTH, PAYABLE ON THE 1ST OF THE MONTH, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. SEE ATTACHED DISSOMASTER REPORTS. THE COURT DECLINES TO DENY THE MODIFICATION DUE TO RESPONDENT STILL OWING ARREARS. THE COURT ORDERS THE PARTIES TO MEET AND CONFER TO DETERMINE THE ARREARS BALANCE WITH THE NEW SUPPORT AMOUNTS. THE CURRENT ARREARS PAYMENT ORDER REMAINS IN FULL FORCE AND EFFECT. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California ATTORNEY FOR: Father	TELEPHONE NO: Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly	CASE NUMBER: <i>PFL 20200407</i>

Input Data	Father	Mother	Guideline (2022)	Cash Flow Analysis	Father	Mother
Number of children	2	0	Nets (adjusted)	Guideline		
% time with Secondary Parent	0%	38%	Father	4,063 Payment (cost)/benefit	199	(199)
Filing status	Single	HH/MLA	Mother	3,097 Net spendable income	4,262	2,898
# Federal exemptions	1	3	Total	7,160 % combined spendable	59.5%	40.5%
Wages + salary	5,516	0	Support	Total taxes	1,207	0
401(k) employee contrib	143	0	CS Payor	Mother # WHA	2	0
Self-employment income	0	0	Presumed	(199) Net wage paycheck/mo	4,254	0
Other taxable income	0	3,747	Basic CS	(199) Comb. net spendable	7,160	
Other nontaxable income	0	0	Add-ons	0 Proposed		
New-spouse income	0	0	Presumed Per Kid	Payment (cost)/benefit	135	(135)
Wages + salary	0	0	Child 2	(75) Net spendable income	4,399	2,895
Self-employment income	0	0	Child 3	(124) NSI change from gdl	137	(3)
Misc ordinary tax. inc.	0	0	Spousal support	blocked % combined spendable	60.3%	39.7%
SS paid other marriage	0	0	Total	(199) % of saving over gdl	102.3%	-2.3%
Retirement contrib if ATI	0	0	Proposed, tactic 9	Total taxes	1,007	67
Required union dues	0	0	CS Payor	Mother # WHA	4	0
Nec job-related exp.	0	0	Presumed	(135) Net wage paycheck/mo	4,425	0
Adj. to Income (ATI)	0	0	Basic CS	(135) Comb. net spendable	7,294	
SS paid other marriage	0	0	Add-ons	0 Percent change	1.9%	
Partner support paid other partnerships	0	0	Presumed Per Kid	Default Case Settings		
CS paid other relationship	0	0	Child 2	(88)		
Qual. Bus. Inc. Ded.	0	0	Child 3	(47)		
Health Insurance	176	650	Spousal support	blocked		
Itemized deductions	0	0	Total	(135)		
Other medical expenses	0	0	Savings	134		
Property tax expenses	0	0	Total releases to	1		
Ded. interest expense	0	0	Mother			
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	70	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



ATTORNEY (NAME AND ADDRESS): EDC Court California ATTORNEY FOR: Father	TELEPHONE NO: Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly	CASE NUMBER: PFL 2020 0407

Input Data	Father	Mother	Guideline (2022)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Secondary Parent	32%	0%	Father	4,063	Payment (cost)/benefit	(862) 862
Filing status	Single	HH/MLA	Mother	3,249	Net spendable income	3,201 4,111
# Federal exemptions	1	3	Total	7,312	% combined spendable	43.8% 56.2%
Wages + salary	5,516	0	Support	Total taxes	1,207	0
401(k) employee contrib	143	0	CS Payor	Father # WHA	2	0
Self-employment income	0	0	Presumed	862	Net wage paycheck/mo	4,254 0
Other taxable income	0	3,930	Basic CS	862	Comb. net spendable	7,312
Other nontaxable income	0	0	Add-ons	0	Proposed	
New-spouse income	0	0	Presumed Per Kid	Payment (cost)/benefit	(1,033)	1,033
Wages + salary	0	0	Child 1	310	Net spendable income	3,430 4,001
Self-employment income	0	0	Child 2	551	NSI change from gdl	229 (110)
Misc ordinary tax. inc.	0	0	Spousal support	blocked	% combined spendable	46.2% 53.8%
SS paid other marriage	0	0	Total	862	% of saving over gdl	192.2% -92.2%
Retirement contrib if ATI	0	0	Proposed, tactic 9	Total taxes	807	281
Required union dues	0	0	CS Payor	Father # WHA	8	0
Nec job-related exp.	0	0	Presumed	1,033	Net wage paycheck/mo	4,640 0
Adj. to income (ATI)	0	0	Basic CS	1,033	Comb. net spendable	7,431
SS paid other marriage	0	0	Add-ons	0	Percent change	1.6%
Partner support paid other partnerships	0	0	Presumed Per Kid		Default Case Settings	
CS paid other relationship	0	0	Child 1	420		
Qual. Bus. Inc. Ded.	0	0	Child 2	613		
Health insurance	176	681	Spousal support	blocked		
Itemized deductions	0	0	Total	1,033		
Other medical expenses	0	0	Savings	119		
Property tax expenses	0	0	Total releases to Father	2		
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	70	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



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#4 BETTY VALLERY V. ELLERY VALLERY

PFL20210107

Petitioner filed a Request for Order on October 13, 2021. Respondent was served electronically on October 25, 2021, with Proof of Service filed on October 28, 2021. Petitioner is requesting guideline spousal support along with a bonus table and a request for Family Code 2030 attorney's fees in the amount of \$5,000. Petitioner filed an Income and Expense Declaration on October 1, 2021 and again on January 6, 2022. The Proof of Service shows Respondent was served electronically with the January Income and Expense Declaration on January 6, 2022.

Respondent filed a responsive Declaration and Income and Expense Declaration on January 10, 2022 with Proof of Service showing Petitioner was mailed both on January 6, 2022. Respondent is objecting to the request for spousal support as well as to the request of Family Code 2030 attorney's fees. The court notes that while the Income and Expense Declaration was filed on January 10, 2022, it appears to have been executed on August 21, 2021 based on Respondent's signature date.

Based on the above filings the court finds Petitioners' income to be \$2,954 per month which includes her employment income, self-employment income, and social security retirement income. Petitioner has \$600 a month in out-of-pocket health care costs. Petitioner also has approximately \$213,861 in cash on hand. In the Responsive Declaration, Respondent asserts that he has been suffering from significant medical issues including recurrent Covid infection, he is not able to fully participate in litigation at this time.

Based on the above filings the court finds Respondent's income to be approximately \$8,130 per month based on the attached 2021 paystubs and a bonus in the amount of \$7,651 in July of 2021. Respondent has a health care premium of \$234 monthly. Respondent has cash on hand of approximately \$258,900.

With the above figures and a married filing jointly status for the parties, the court finds that temporary spousal support per the Alameda formula is \$1,596 per month. See attached DissoMaster Report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$1,596 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. The order of spousal support is effective November 1, 2021.

The court also finds that Respondent's Income and Expense Declaration demonstrates that Respondent receives bonus payments. Therefore, the court finds that additional support is appropriate per the attached Bonus Table. The court adopts the orders Respondent to pay Petitioner additional support per the Bonus Table within 5 days of receipt. Respondent shall provide proof of the bonus received with the payment.

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The court finds that the above order results in spousal support arrears in the amount of \$4,788 for November 1, 2021 through January 1, 2021. The court orders the Petitioner pay Respondent \$600/month on the 15th of each month until paid in full (approximately 8 months). If a payment is late or missed the remaining balance is due in full with legal interest within 5 days.

The court finds that the parties' Income and Expense Declaration demonstrate that there is a disparity in monthly income, with Respondent earning more than twice that of Petitioner per month prior to support. Following the support order, the disparity in income is greatly decreased, however it remains. Although both parties list over \$200,000 available to them in #11a of their Income and Expense Declaration, the court finds that Respondent does continue to have greater access to funds and ability to pay attorney's fees for both parties. The court orders for Respondent to pay \$5,000 in attorney's fees under Family Code 2030 and orders Petitioner to pay \$5,000 to Respondent within 30 days of this order, finding that this is sufficient to address Petitioner's request for Family Code section 2030 fees.

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

TENTATIVE RULING #4: THE COURT ORDERS SPOUSAL SUPPORT AS OUTLINED ABOVE. THE COURT FURTHER ORDERS ATTORNEY'S FEES AS OUTLINED ABOVE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California ATTORNEY FOR: Husband	TELEPHONE NO: Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly	CASE NUMBER: PFL 20210107

Input Data	Husband	Wife	Guideline (2022)	Cash Flow Analysis	Husband	Wife	
Number of children	0	0	Nets (adjusted)	Guideline			
% time with Secondary Parent	0%	0%	Husband	6,226	Payment (cost)/benefit	(1,596)	1,596
Filing status	MFJ->	<-MFJ	Wife	1,788	Net spendable income	4,629	3,384
# Federal exemptions	1*	1*	Total	8,014	% combined spendable	57.8%	42.2%
Wages + salary	8,130	1,456	Support (Nondeductible)	Total taxes	1,670	566	
401(k) employee contrib	0	0	SS Payor	Husband	# WHA	0	0
Self-employment income	0	595	Alameda	1,596	Net wage paycheck/mo	6,354	1,274
Other taxable income	0	903	Total	1,596	Comb. net spendable	8,014	
Other nontaxable income	0	0	Proposed, tactic 9	Proposed			
New-spouse income	0	0	SS Payor	Husband	Payment (cost)/benefit	(1,596)	1,596
Wages + salary	0	0	Alameda	1,596	Net spendable income	4,629	3,384
Self-employment income	0	0	Total	1,596	NSI change from gdl	0	0
Misc ordinary tax. inc.	0	0	Savings	0	% combined spendable	57.8%	42.2%
SS paid other marriage	0	0	No releases		% of saving over gdl	0%	0%
Retirement contrib if ATI	0	0			Total taxes	1,670	566
Required union dues	0	0			# WHA	0	0
Nec job-related exp.	0	0			Net wage paycheck/mo	6,354	1,274
Adj. to income (ATI)	0	0			Comb. net spendable	8,014	
SS paid other marriage	0	0			Percent change	0.0%	
Partner support paid other partnerships	0	0			Default Case Settings		
CS paid other relationship	0	0					
Qual. Bus. Inc. Ded.	0	0					
Health insurance	234	600					
Itemized deductions	0	0					
Other medical expenses	0	0					
Property tax expenses	0	0					
Ded. interest expense	0	0					
Charitable contribution	0	0					
Miscellaneous itemized	0	0					
Required union dues	0	0					
Mandatory retirement	0	0					
Hardship deduction	0*	0*					
Other gdl. deductions	0	0					
AMT info (IRS Form 6251)	0	0					
Child support add-ons	0	0					
TANF,SSI and CS received	0	0					



ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO: 	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Husband		CASE NUMBER: PFL20210107
Husband Annual Bonus Wages Report 2022 Yearly		

"R" denotes that Husband is a recipient for the corresponding support
 "CS%" is the percentage of Bonus paid as additional Child Support
 "SS%" is the percentage of Bonus paid as additional Spousal Support

Husband's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	0	19,154	19,154
500	0.00	0	28.77	144	0	19,298	19,298
1,000	0.00	0	28.76	288	0	19,442	19,442
1,500	0.00	0	28.74	431	0	19,585	19,585
2,000	0.00	0	28.72	574	0	19,729	19,729
2,500	0.00	0	28.71	718	0	19,872	19,872
3,000	0.00	0	28.69	861	0	20,015	20,015
3,500	0.00	0	28.68	1,004	0	20,158	20,158
4,000	0.00	0	28.66	1,147	0	20,301	20,301
4,500	0.00	0	28.65	1,289	0	20,444	20,444
5,000	0.00	0	28.63	1,432	0	20,586	20,586
5,500	0.00	0	28.62	1,574	0	20,728	20,728
6,000	0.00	0	28.60	1,716	0	20,871	20,871
6,500	0.00	0	28.59	1,858	0	21,013	21,013
7,000	0.00	0	28.57	2,000	0	21,154	21,154
7,500	0.00	0	28.56	2,142	0	21,296	21,296
8,000	0.00	0	28.54	2,283	0	21,438	21,438
8,500	0.00	0	28.53	2,425	0	21,579	21,579
9,000	0.00	0	28.51	2,566	0	21,721	21,721
9,500	0.00	0	28.50	2,708	0	21,862	21,862
10,000	0.00	0	28.49	2,849	0	22,003	22,003
10,500	0.00	0	28.47	2,990	0	22,144	22,144
11,000	0.00	0	28.46	3,130	0	22,285	22,285
11,500	0.00	0	28.44	3,271	0	22,426	22,426
12,000	0.00	0	28.43	3,412	0	22,566	22,566
12,500	0.00	0	28.42	3,552	0	22,707	22,707
13,000	0.00	0	28.40	3,692	0	22,847	22,847
13,500	0.00	0	28.39	3,833	0	22,987	22,987
14,000	0.00	0	28.38	3,973	0	23,127	23,127
14,500	0.00	0	28.36	4,113	0	23,267	23,267
15,000	0.00	0	28.35	4,253	0	23,407	23,407
15,500	0.00	0	28.34	4,392	0	23,547	23,547
16,000	0.00	0	28.32	4,532	0	23,686	23,686
16,500	0.00	0	28.31	4,671	0	23,826	23,826
17,000	0.00	0	28.30	4,811	0	23,965	23,965



PETITIONER:	CASE NUMBER:
RESPONDENT:	

Husband Annual Bonus Wages Report, cont'd

17,500	0.00	0	28.29	4,950	0	24,104	24,104
18,000	0.00	0	28.27	5,089	0	24,244	24,244
18,500	0.00	0	28.26	5,228	0	24,383	24,383
19,000	0.00	0	28.25	5,367	0	24,521	24,521
19,500	0.00	0	28.24	5,506	0	24,660	24,660
20,000	0.00	0	28.22	5,645	0	24,799	24,799



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#5. CHRISTINA HART V. RODNEY HART, JR.

PFL20200484

On October 29, 2021 Petitioner filed a Request for Order (RFO) requesting the court order the listing of the marital residence for sale at Fair Market Value (FMV) and for the court to set the matter for a Mandatory Settlement Conference (MSC) and trial on all issues. The Respondent was served both by mail and electronically on November 3, 2021 with a Proof of Service filed on November 5, 2021.

In the RFO Petitioner requests the court order the marital home listed for sale for FMV, order the parties to provide each other with a list of realtors to handle the sale of the home, order the proceeds to be placed in an attorney trust account until further order of the court, order Respondent to pay all ongoing costs associated with the home until it is sold, and set the matter for a MSC and trial on all issue. In her declaration, Petitioner asserts Respondent has had exclusive possession and control of the home since August 5, 2019, and Respondent has been solely responsible for the mortgage and other costs of the home since approximately August or September of 2020. Petitioner asserts the sale of the marital home is necessary as Respondent failed to make a full mortgage payment in July 2021 resulting in a charge to her credit card in the amount of \$580 and a charge to a linked bank account in her parent's name in the amount of \$377. Petitioner states the August 2021 and September 2021 payments were made in full. Respondent had conveyed to Petitioner his desire to refinance the home and buy out Petitioner's interest. Petitioner alleges attempts to meet and confer on the issue were not fruitful. Petitioner declares that the home is at risk due to Respondent's potential for continued non-payment of the full mortgage and therefore, the sale is necessary.

On December 22, 2021 Respondent filed a Responsive Declaration to the RFO. Proof of Personal Service was file on December 22, 2021 with the service having been made on the same date. Respondent objects to the request to sell the marital home. Respondent requests the court order him to buy out Petitioner for the current value of her community property interest in the home, minus the amount owed on the mortgage. Respondent states he has been responsible for all the costs associated with the home for the two-year period that he has bene in possession and control of the home. Further, that he is in the process of securing financing to buy out Petitioner. Respondent does admit to the late July 2021 payment. Respondent requests any orders on the potential sale of the marital home be reserved.

Both parties have filed and served their Final Declarations of Disclosure.

Based on the above, the court finds it is premature to order the marital home listed for sale. The court orders Respondent to continue to pay all costs associated with the home, including to make all mortgage payments in full. The court reserves jurisdiction on these issues until the time of trial.

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Parties are ordered to appear to set a MSC and select trial dates.

TENTATIVE RULING #5: THE COURT DENIES PETITIONER'S REQUEST TO LIST THE MARITAL HOME FOR SALE WITHOUT PREJUDICE AND WILL RESERVE JURISDICTION UNTIL TRIAL. PARTIES ARE ORDERED TO APPEAR TO SET A MSC AND SELECT TRIAL DATES.

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6. CODY RICHARDSON V. JENNIFER DAVIS

PFL20210489

On August 13, 2021, Petitioner filed a Request for Order (RFO) requesting the court to make custody and parenting time orders. A CCRC session was scheduled for September 10, 2021 with a hearing on the RFO set for October 28, 2021.

On September 2, 2021, Petitioner filed an ex parte application for temporary custody pending the hearing date, which was denied by the court the following day.

Only Petitioner participated in the CCRC session. A single parent CCRC report was issued on September 10, 2021 with copies mailed to the parties on September 15, 2021. Since only Petitioner participated, no recommendations were included in the report.

On September 21, 2021, Respondent was personally served with the RFO.

On October 14, 2021, Respondent filed a Responsive Declaration along with a Declaration in support of the RFO, served on Petitioner by overnight delivery the day prior. Respondent contends that she did not attend the CCRC session because she was not served with the RFO and referral to CCRC until after the date of the session. Respondent requests sole legal and physical custody of the minor, reasonably visitation to Petitioner, and a re-referral to CCRC.

At the October 28, 2021 hearing, the court adopted the tentative ruling, which re-referred the parties to CCRC on December 2, 2021 and continued the matter to January 20, 2022.

Both parties participated in CCRC and reached some agreements, but not on the parenting schedule itself. A CCRC report was issued on January 12, 2022 with copies mailed to the parties on January 14, 2022.

The report notes that both parties are requesting physical custody with visits to the other parent on the 1st, 2nd, and 4th weekends of the month. Petitioner lives in Chico area, whereas Respondent lives in Placerville area, making a more equal timeshare impractical. The report recommends that the child reside primarily with Petitioner with Respondent having weekend visitation. The report states that the parties both agree that the move from Oroville to El Dorado County was due to the parties being displaced by the Wall fire in 2017, after which they moved to Antelope and then to Camino. The report noted the extended family in the Chico area and close proximity to it and the child's lack of strong ties to the community in Placerville, given her young age.

Having reviewed the filings of the parties and the CCRC report, the court finds that the agreements and recommendations contained within the CCRC report are in the best interest of the minor and adopts them as the orders of the court with the clarification as noted below.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

The first half of Christmas Break as noted in the holiday schedule shall last one-half the days in the break, with the condition that it shall end no earlier than 12 p.m. on December 26.

Petitioner is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #6: THE AGREEMENTS AND RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE CLARIFICATION AS NOTED BELOW. THE FIRST HALF OF CHRISTMAS BREAK AS NOTED IN THE HOLIDAY SCHEDULE SHALL LAST ONE-HALF THE DAYS IN THE BREAK, WITH THE CONDITION THAT IT SHALL END NO EARLIER THAN 12 P.M. ON DECEMBER 26. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
January 20, 2022
8:30 a.m./1:30 p.m.

#8 FATEMEH SIDHU V. DARBARA SIDHU

PFL20210531

A Request for Order (RFO) was filed by Petitioner on October 19, 2021. Respondent was served personally and by mail on October 25, 2021, with a Proof of Service filed on the same date. Petitioner requests the court order temporary spousal support at the guideline amount, the court grant Petitioner property control of the community residence located in El Dorado Hills, CA, and that the court award Family Code 2030 attorney fees. Petitioner's Declaration in support of Attorney's fees was executed on October 12, 2021 in Cheyenne, WY.

Respondent filed a Responsive Declaration to the RFO on January 7, 2022 with Proof of Electronic Service on Petitioner on the same date. Respondent objects to the RFO and asserts that California does not have jurisdiction over this matter. Respondent asserts that the state of Missouri currently has jurisdiction as the Respondent filed a petition for dissolution there in June of 2021, which pre-dates Petitioner's petition filed in El Dorado County. Respondent has provided Proof of Service showing that Petitioner was served the petition for dissolution personally in the state of Wyoming on June 30, 2021. Respondent is requesting Dismissal and Attorney's Fees

Petitioner filed A Memorandum of Points and Authorities addressing Respondent's Motion to Dismiss based on Lack of Jurisdiction on January 7, 2022. Proof of Electronic Service on respondent's counsel on January 7, 2022 was filed on January 7, 2022. In Petitioner's attached declaration she states, she relocated to Wyoming prior to the start of the Covid-19 pandemic in January of 2020. She did not return to California until November 16, 2021. Petitioner also acknowledges Respondent filed a petition for dissolution in Missouri in June of 2021, which pre-dates her filing of a petition for dissolution in California on August 25, 2021.

Petitioner filed a Supplemental Declaration on January 12, 2022 with Proof of Electronic Service on the same date. Petitioner reasserts her request for guideline spousal support and included an updated Income and Expense Declaration along with an updated proposed DissoMaster calculation. Petitioner also reasserts November 26, 2021 as the date she returned to the state of California and the county of El Dorado.

The court has read and considered the filings and declarations from both parties and finds that pursuant to Family Code 2320 (a), California lacks jurisdiction. At the time of the filing of both the Petition for Dissolution and the Request for Order, Petitioner, by her own admission, did not reside in the state of California. Petitioner admits she relocated to the state of Wyoming in January of 2020 and did not return to live in California until November 16, 2021. Respondent relocated to the state of Missouri in March 2020 and continues to reside there. Therefore, neither party has resided in the state of California for the requisite six months. Further, Respondent filed a petition for dissolution in Missouri in June of 2021, which pre-dates the filing in California. Therefore, California also lacks jurisdiction on those grounds as well.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

The court denies Petitioner's request for attorney's fees under Family Code 2320, as this court lacks jurisdiction. The court grants Respondent's request for sanctions under 271 in the amount of \$1,500 as Petitioner's motion was meritless, given her lack of California residency.

Respondent to prepare and file Findings and Orders After Hearing.

TENTATIVE RULING #8: THE COURT GRANTS RESPONDENT'S MOTION TO DISMISS DUE TO LACK OF JURISDICTION. THE COURT DENIES PETITIONER'S REQUEST FOR ATTORNEY'S FEES. THE COURT GRANTS RESPONDENT'S REQUEST FOR 271 SANCTIONS. RESPONDENT TO PREPARE AND FILE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

#9 GREG DANKER V. TANSY DANKER

PFL20190083

On October 29, 2021 Layla Cordero filed a motion to be relieved as counsel. The request was served by mail on Petitioner on November 1, 2021, with a Proof of Service filed on November 3, 2021. Counsel is requesting an in-camera hearing on her motion as the basis of the motion is confidential. The court orders the petitioner and counsel to appear for an in-camera hearing.

TENTATIVE RULING #9: PETITIONER AND COUNSEL ARE ORDERED TO APPEAR FOR HEARING.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
January 20, 2022
8:30 a.m./1:30 p.m.

#10 JACOB HENSLEY V. HENSLEY-O'BRIEN

PFL201300896

Petitioner filed a Request for Order (RFO) on October 27, 2021 requesting changes to the August 6, 2018 order for child support. Petitioner filed an Income and Expense Declaration on the same date. Petitioner filed a Proof of Service by Mail for the RFO and Income and Expense Declaration on October 29, 2021. Petitioner is requesting guideline support as he lost his employment on September 20, 2021. Petitioner asserts he is currently in arbitration to seek rehiring with his former employer but has been advised it can be a lengthy process. Petitioner also asserts the minors are with him approximately 45% of the time and with Respondent 55% of the time.

Respondent filed a Responsive Declaration to the RFO and Income and Expense Declaration on December 13, 2021. The Proof of Service by mail was filed the same day. Respondent objects to Petitioner's request and is requesting the current order remain in effect. Respondent raises concerns about the nature of Petitioner's release from employment and whether Petitioner has failed to disclose unemployment income. Respondent also asserts in the 2018 order for child support, parties stipulated to a custody time share of 62% time with Respondent and 38% time with Petitioner for child support purposes, regardless of what actual custody time was. Respondent asserts that average custody time for 2021 is 69% with Respondent and 31% with Petitioner. Respondent also disputes Petitioner's need for childcare, as the minors have never disclosed being in childcare when in Petitioner's care.

Based on the current circumstances, the court temporarily stays the current order for child support. The court reserves jurisdiction to retroactively reinstate or modify child support. The court sets a review hearing on April 21, 2022 at 8:30 A.M. to reassess the ongoing need to temporarily stay the child support order. Petitioner is ordered to file an updated income and expense declaration prior to the next court date, including any unemployment benefits, if applicable. The court reserves jurisdiction on Petitioner's request for guideline support.

TENTATIVE RULING #10: THE COURT TEMPORARILY STAYS THE CURRENT ORDER FOR CHILD SUPPORT. THE COURT SETS A REVIEW HEARING ON THE ISSUE OF CHILD SUPPORT IN 90 DAYS ON MAY 19, 2022 AT 8:30 A.M. IN DEPARTMENT 5.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

#11 JENNIFER WIDAU V. TOM SANDOVAL

PFL20210301

On May 26, 2021, Petitioner filed a Request for Order (RFO) requesting the court to make custody and visitations orders, child support orders, and attorney's fees orders and to order Respondent to complete a program for PTSD and alcohol. A CCRC session was scheduled for June 28, 2021 with a hearing on the RFO set for August 12, 2021.

On July 22, 2021, the Department of Child Support Services (DCSS) filed a Notice Regarding Payment of Support, intervening into the family law case.

On August 3, 2021, Petitioner filed an Affidavit of Unsuccessful Service, listing six unsuccessful attempts to serve the RFO and accompanying paperwork on Respondent. That same day, Petitioner filed a Request to Reschedule Hearing and an Application for Order for Posting, both of which were granted by the court on August 10, 2021. The hearing was continued to October 28, 2021.

On September 20, 2021, Petitioner filed a Proof of Service of Summons, indicating personal service of the Summons, Petition, Income and Expense Declaration, RFO, and Order on Request to Schedule Hearing. However, upon review of the file, the court finds that Petitioner did not file an Income and Expense Declaration with the court.

On October 21, 2021, Petitioner filed a Declaration. Upon review of the file, the court finds that there is no proof of service indicating service of this Declaration on Respondent. As such, the court cannot review or consider it.

Only Petitioner appeared at the CCRC session on June 28, 2021. A CCRC report was issued on June 30, 2021 with copies mailed to the parties on July 9, 2021.

On October 28, 2021 the court found that, as to the request for child support, under Family Code 4251 the issue should be addressed by the Child Support Commissioner as DCSS is a party to the case. The court continued the child support issue to the DCSS calendar. Additionally, on October 28, 2021, the court denied Petitioner's request for attorney's fees without prejudice. The court referred the parties back to CCRC and continued the issues of custody and visitation only to the instant hearing date. The court admonished the parties that should either party fail to attend the CCRC session, the court will consider sanctions against that party under Local Rule 8.10.02.

The parties both appeared for the CCRC appointment and a CCRC report was issued on December 22, 2021. Copies of the report were mailed to the parties on December 23, 2021. The CCRC report reflects that the parties reached a full agreement regarding the issues pending before the court.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

On December 17, 2021 Petitioner filed a Declaration with an attached order from Placer County case number S-DR-0060415 entered on November 4, 2021 involving the parties and child presently before the court. The Placer County order contains an agreement by the parties to transfer the Placer County Case to El Dorado County, as well as custody and visitation orders. Petitioner's Declaration asserts that Placer County has not yet transferred the case to El Dorado County.

On January 4, 2022 Petitioner filed an additional Declaration objecting to Respondent's Responsive Declaration as untimely per CCP section 1005(b). However, the court finds that after a review of the file, Respondent has not yet filed a Responsive Declaration with the court as of the writing of this order.

The court further finds that Respondent filed a motion on October 20, 2021, currently set for January 20, 2022 in this Department, requesting the court quash the El Dorado County action in favor of the Placer County matter, which was filed prior to the El Dorado County case.

The court has reviewed its file and finds that the Placer County matter has not yet been transferred to El Dorado County. As Placer County has issued custody and visitation orders, the court is not inclined to disturb those orders pending receipt of the Placer County matter. The court continues this hearing to February 3, 2022 at 8:30 am and orders the parties to contact Placer County to obtain the status of the pending transfer to El Dorado County. The parties shall provide that information to the court no later than February 1, 2022.

TENTATIVE RULING #26: THE COURT CONTINUES THE HEARING TO FEBRUARY 3, 2022 AND ORDERS THE PARTIES TO PROVIDE A STATUS TO THE COURT BY FEBRUARY 1, 2022 REGARDING THE TRANSFER OF THE PLACER COUNTY CASE TO EL DORADO COUNTY.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

12

5/ JULIE A. EHRLICH V. WADE A. EHRLICH

PFL20180284

On January 29, 2021, Respondent filed a Request for Order (RFO) asking the court to compel further responses to Respondent's Request for Production of Documents (RPD). A Declaration of Respondent's Attorney in support of the motion was filed concurrently with the RFO, both of which were served electronically and by mail on Petitioner on February 5, 2021.

On March 30, 2021, Petitioner filed an Opposition to the Motion to Compel as well as a Declaration of Petitioner's Attorney in opposition to the motion, both of which were served on Respondent electronically that same day.

The court continued the matter to May 20, 2021 and ordered Petitioner to produce any and all documents responsive to the requests referenced in Respondent's RFO (i.e., numbers 8, 9, 12, 14, 18, 19, 25, and 28 of Respondent's RPD) at least 10 days in advance of that hearing, which was May 10, 2021. The order was made with the following exception: If Petitioner wished to object to a specific request due to an alleged difficulty and expense or wished to claim a right of privacy as it relates to employers for Request No. 25, Petitioner was ordered to file and serve a declaration by May 10, 2021 providing further information for the court to evaluate this claim. With regards to Request No. 25, this information was ordered to include the nature of Petitioner's prior employment and why a disclosure of the names of prior employers would burden their privacy interests.

On May 11, 2021, Petitioner filed a Proof of Service indicating service on Respondent electronically and by mail of Petitioner's Additional Responses to Respondent's Request for Production of Documents, Set One, as required by the court's orders.

On May 17, 2021, Respondent filed a Supplemental Declaration, served electronically on Petitioner on May 17, 2021. In this Declaration, Respondent claims that Petitioner's latest production of documents failed to comply with Respondent's request. Petitioner failed to file a declaration offering reasons for not producing the documents as requested by Respondent and as compelled to be produced per the court's April 15, 2021 orders. Respondent requested that the court order Petitioner to produce additional documents responsive to Respondent's RPD. At the May 20, 2021 hearing, the court granted this request and continued this matter to July 29, 2021, giving Petitioner until 14 days in advance of the next hearing to fully comply with the court's April 15, 2021 order to produce documents.

At the April 15, 2021 hearing, the court continued Respondent's request for sanctions under the Civil Discovery Act and under Family Code 271 to the May 20, 2021 hearing date. As the court granted Respondent's motion to compel at the April 15, 2021 hearing, it is statutorily required to impose sanctions on Petitioner unless the party subject to sanctions "acted with substantial justification or that other circumstances make the imposition of the sanction unjust." At the May 20, 2021 hearing, the court found that it did not have sufficient evidence

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

to find that Petitioner acted with substantial justification or that the imposition of sanctions would be unjust. Therefore, the court sanctioned Petitioner in the amount of \$2,500 under the Civil Discovery Act to be paid out of her share of the community property at the time of trial. The court declined to issue additional sanctions under Family Code 271, finding that such sanctions would be duplicative.

On March 16, 2021, Petitioner filed an RFO asking the court to find that Respondent breached his fiduciary duty to Petitioner and that he and his attorney should be sanctioned for their conduct. Specifically, Petitioner alleges that, after she requested that Respondent sign a quitclaim deed to allow her to purchase a new home with funds purported to be separate property, Respondent refused to sign the form before the close of escrow, causing her significant financial losses. Petitioner claims that Respondent essentially used his leverage as blackmail to try to get Petitioner to agree to a settlement in the divorce case that favored him. Petitioner further asserts that Respondent's counsel represented that Respondent would sign a stipulation to sign the quitclaim deed in exchange for an agreement that its signing would not waive any community property rights Respondent might have in the new home. However, after the stipulation was prepared by Petitioner's counsel, Petitioner states that Respondent refused to sign it.

Upon review of the file, there is no Proof of Service indicating service of this RFO on Respondent. However, on May 6, 2021, Respondent filed a Responsive Declaration, served on Petitioner by mail that same day, that did not raise an objection to proceeding with the matter. Finding that Respondent had notice of the requests contained within the RFO, the court proceeded with the RFO at the May 20, 2021 hearing.

At the May 20, 2021 hearing, the court found that there was not sufficient evidence to support a finding that Respondent breached his fiduciary duty or acted oppressively towards Petitioner. The court reserved Petitioner's sanctions request to the time of trial to afford Petitioner an opportunity to provide evidence in support of her sanctions request to the extent it exists at that time.

In the Responsive Declaration, Respondent requested sanctions of his own under Family Code 271. The court reserved this request to the time of trial as well.

At the June 15, 2021 trial, the court indicated that if there was not strict compliance with the court's orders regarding the motion to compel it would consider evidentiary sanctions. On its own motion, the court reserved on Family Cde 271 sanctions. The court continued the trial to September 14, 2021.

At the July 29, 2021 hearing, all pending issues were continued to the September 14, 2021 trial. At the September 14, 2021 trial, the matter was continued to December 14, 2021.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

At the December 14, 2021 trial, the parties indicated that they reached an agreement regarding the motion to compel, with Petitioner agreeing to provide loan documents, loan applications, and information regarding shared accounts to Respondent by December 31, 2021. The court set a hearing regarding the compliance with this agreement on January 20, 2022.

Upon review of the file, neither party has filed any additional declaration or other documents updating the court regarding the status of compliance with the parties' agreements. As such, the court reasonably infers that the parties have resolved their issues regarding the motion to compel and drops the matter from calendar. Any pending requests for sanctions from either party is continued to the time of trial.

TENTATIVE RULING #5: MATTER DROPPED FROM THE COURT'S CALENDAR

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
January 20, 2022
8:30 a.m./1:30 p.m.

#13 NIKOLAUS WALLS V. JESSICA DUNCAN

PFL20210639

On December 16, 2021 this court adopted the agreements reached by the parties as to custody and visitation. Those orders remain in full force and effect.

Respondent simultaneously filed a Request for Order (RFO) when filing her Responsive Declaration to Petitioner's September 28, 2021 RFO, on October 26, 2021. Petitioner was personally served with the Respondent's RFO on November 1, 2021 with the Proof of Service filed on November 3, 2021. Respondent requested the court make orders as to custody, visitation, and child support. Respondent filed an Income and Expense Declaration on October 26, 2021.

Petitioner filed a Responsive Declaration on December 22, 2021. Respondent was served by mail on December 22, 2021 with the Proof of Service filed the same day. Petitioner agrees to the custody and visitation orders from December 16, 2021. Petitioner also agrees to guideline child support and requests Respondent be imputed with fulltime minimum wage or in the alternative the funds paid by her partner to be considered income. Petitioner is currently paying Respondent \$750 per month for rent, although he does not reside at the residence, but remains on the lease. Petitioner filed an Income and Expense Declaration on December 22, 2021, which was served on Respondent by mail the same day.

As the issues of custody and visitation were addressed by the court in the December 16, 2021 orders, the court will not revisit those issues at this time.

Petitioner currently has 13 hours per week of parenting time. Petitioner's income is \$2,200 per month with no deductions. Respondent's current income is listed as zero, but does have \$1,465 of her expenses paid by others.

The court notes that parties have consented to guideline support. For purposes of support, the court finds that Respondent has no income and declines to impute her with minimum wage at this time given the current circumstances. However, the court finds that Respondent does have an equal obligation to support the minor and the court may consider an imputation of income to Respondent in the future.

The court used the above factors in the attached DissoMaster calculation for guideline child support. The court adopts the attached DissoMaster calculation attached as "A" and orders that beginning February 1, 2022 Petitioner shall pay Respondent \$ 465 per month as and for child support. Based on the court's equitable powers, the court declines to award support retroactive to November 1, 2022, as Petitioner has been paying Respondent voluntary support in the amount of \$750 per month.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

All prior orders not in conflict remain in full force and effect. Petitioner to prepare and file Findings and Orders After Hearing.

TENTATIVE RULING #13: THE COURT ORDERS PETITIONER TO PAY CHILD SUPPORT IN THE AMOUNT OF \$465 PER MONTH COMMENCING ON FEBRUARY 1, 2022. PETITIONER TO PREPARE AND FILE FINDINGS AND ORDERS AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father	DISSOMASTER REPORT 2022, Monthly	
		CASE NUMBER: PFL202106039

Input Data	Father	Mother	Guideline (2022)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Secondary Parent	8%	0%	Father	1,877	Payment (cost)/benefit	(466) 466
Filing status	Single	MFS->	Mother	0	Net spendable income	1,411 466
# Federal exemptions	1*	2*	Total	1,877	% combined spendable	75.2% 24.8%
Wages + salary	2,200	0	Support	Total taxes	323	0
401(k) employee contrib	0	0	CS Payor	Father # WHA	2	0
Self-employment income	0	0	Presumed	466	Net wage paycheck/mo	1,872 0
Other taxable income	0	0	Basic CS	466	Comb. net spendable	1,877
Other nontaxable income	0	0	Add-ons	0	Proposed	
New-spouse income	0	0	Presumed Per Kid	Payment (cost)/benefit	(511)	511
Wages + salary	0	0	Child 1	466	Net spendable income	1,545 511
Self-employment income	0	0	CA FAM 4055(b)(7) CS LIA range	NSI change from gdl	134	45
Misc ordinary tax. inc.	0	0	\$465 to \$466	% combined spendable	75.2%	24.8%
SS paid other marriage	0	0	Santa Clara	0	% of saving over gdl	75.2% 24.8%
Retirement contrib if ATI	0	0	Total	466	Total taxes	144 0
Required union dues	0	0	Proposed, tactic 9	# WHA	5	0
Nec job-related exp.	0	0	CS Payor	Father	Net wage paycheck/mo	1,988 0
Adj. to income (ATI)	0	0	Presumed	511	Comb. net spendable	2,056
SS paid other marriage	0	0	Basic CS	511	Percent change	9.5%
Partner support paid other partnerships	0	0	Add-ons	0	Default Case Settings	
CS paid other relationship	0	0	Presumed Per Kid			
Qual. Bus. Inc. Ded.	0	0	Child 1	511		
Health insurance	0	0	Santa Clara	0		
Itemized deductions	0	0	Total	511		
Other medical expenses	0	0	Savings	179		
Property tax expenses	0	0	Total releases to Father	1		
Ded. Interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

#15. SANDRA GRANADE V. TIMOTHY GRANADE

PFL20190133

This matter was set for a return to review the recommendations from Child Custody Recommending Counseling (CCRC). The CCRC meeting was set to take place on December 29, 2021. Due to inclement weather the court was closed and CCRC was cancelled. CCRC has been rescheduled for January 21, 2022. There are other matters in this case set to be heard on March 3, 2022 at 8:30 am. The court continues the return to review CCRC to join with the matters currently set for March 3, 2022.

All prior orders remain in full force and effect.

TENTATIVE RULING #15: THE COURT CONTINUES THE HEARING CURRENTLY SET FOR THE RETURN TO REVIEW THE RECOMMENDATIONS FROM CHILD CUSTODY RECOMMENDING COUNSELING TO JOIN WITH THE OTHER MATTERS SET ON MARCH 3, 2021.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
January 20, 2022
8:30 a.m./1:30 p.m.

 **7. UZRA LOYNAB KHURSAND V. YAMA FAZEL KHURSAND**

PFL20180089

On July 7, 2021, Respondent filed a Request for Order (RFO) requesting modification of the custody, visitation, child support, and spousal support orders. A CCRC session was scheduled for August 11, 2021, with a hearing on the RFO scheduled for September 23, 2021. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served by mail on Petitioner's counsel on July 7, 2021.

On August 9, 2021, the former supervised visits monitor filed a report regarding the past visits with the court. Per her declaration, this filing was also e-mailed to all the parties.

On September 8, 2021, Minor's Counsel filed a Statement of Issues and Contentions, in which she requests that the court maintain the current orders, which limit Respondent's visits to supervised with the youngest minor with the older minors able to decide whether to participate in the visits. Minor's Counsel reports that this request is based on the input from the minors and what she believes is in their best interest. Minor's Counsel also cautions against modifying the visitation orders prior to Respondent making efforts to follow the recommendations of children's counselor, Donelle Anderson.

On September 10, 2021, Petitioner filed a Responsive Declaration, Income and Expense Declaration, Memorandum of Points and Authorities, and Declaration of Paul D. Harms, CPA, all served on Respondent electronically. Petitioner did not raise any issues regarding the service of the RFO and therefore the court finds that Petitioner waives any defects that may exist as it relates to the support requests in the RFO. In the Responsive Declaration, Petitioner also requests attorney fees and a determination of total arrears as of September 10, 2021.

On September 16, 2021, Petitioner filed a Declaration of Paul D. Harms, CPA, re: Amended Calculation of Child Support, served on Respondent electronically on September 15, 2021.

Both parties appeared for the CCRC session, but Respondent informed the CCRC mediator that he had just had a medical procedure and was on pain medications, making it difficult for him to think clearly and participate fully in the session. As such, no report nor recommendations were made.

At the September 23, 2021 hearing, the court adopted the tentative ruling as modified, which included an order to maintain the current custody orders pending a re-referral to CCRC. The court re-referred the parties to a CCRC session on December 6, 2021 and continued the custody and visitation issues to January 20, 2022. The court also continued the child support issue to the January 20, 2022 hearing.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 20, 2022

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

On September 23, 2021, Minor's Counsel was served by mail with the RFO. On October 4, 2021, Petitioner was served by mail with several pay stubs, with dates ranging from April 1, 2021 to September 15, 2021.

On November 22, 2021, Petitioner filed an Amended Responsive Declaration, served on Petitioner by mail on November 19, 2021.

On November 30, 2021, Petitioner filed a Supplemental Declaration Regarding Visitation and Therapy, served on Respondent by mail the day prior.

On December 15, 2021, the former supervised visitation monitor, Ramona Franklin, filed a Declaration.

On December 17, 2021, Respondent filed another RFO, requesting a modification of the child support orders. In the RFO, Respondent alleges a significant decrease in income due to him now being on disability. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served by mail on Petitioner on December 17, 2021.

On December 22, 2021, Respondent filed a Proof of Electronic Service showing service of "Proof of Monthly Income from the period of January 2021-November 2021" on Respondent on December 20, 2021.

On January 4, 2022, Minor's Counsel filed a Statement of Issues and Contentions, served by mail on the other parties that same day. Minor's Counsel requests that the current custody orders remain in place until Respondent participates in the recommended services, including individual therapy and the resumption of reunification therapy.

Both parties participated in CCRC and reached an agreement to participate in co-parenting counseling but did not agree on anything else. A CCRC report was issued on January 5, 2022 with copies mailed to the parties on January 6, 2022.

The report notes that the youngest minor is having a positive experience during his visits with Respondent and requests more time with Respondent. While recommending that the oldest two minors continue in therapy with Ms. Anderson, the report recommends that the youngest minor have unsupervised parenting time with Respondent on every Friday from after school until 8 p.m.

On January 5, 2022, Petitioner filed an ex parte application requesting an Order Shortening Time (OST) to hear an RFO for a motion to compel, discovery sanctions, a continuance of the January 20, 2022 hearing and February 1-2, 2022 trial, and an order

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
January 20, 2022
8:30 a.m./1:30 p.m.

excluding Respondent's named expert from testifying in the matter. Petitioner concurrently filed a Points and Authorities and a Separate Statement in Support of the RFO.

On January 6, 2022, Respondent filed a Responsive Declaration, in which he consents to a continuance of the trial date and requests that discovery remain open until 30 days prior to the new trial date. Respondent requests that all Petitioner's other requests be denied.

On January 7, 2022, the OST was granted with the underlying RFO ordered to be served by that date and deadline for a Response set as January 14, 2022. Per the Proof of Service filed on Petitioner on January 12, 2022, the RFO and supporting filings were served on Respondent electronically on January 7, 2022.

On January 11, 2022, Respondent filed a Transcribed Video Recording From Video and Reply Declaration regarding the custody issues, served on Petitioner electronically that same day. Respondent also filed a Request for Live Testimony under Family Code 217 on January 11, 2022. However, upon review of the file, the court finds that there is no proof of service indicating service of this request on Petitioner.

On January 12, 2022, Petitioner filed a Reply to Respondent's Responsive Declaration to RFO re: Discovery Compliance and a Declaration of Paul D. Harms, served on Respondent electronically that same day.

On January 13, 2022, Respondent filed a Declaration of Respondent's counsel as well as a Points and Authorities in Opposition to the Motion to Compel, served on Petitioner electronically that same day.

Also, on January 13, 2022, the current supervised visitation monitor, Heidi Torres, filed a Declaration.

On January 18, 2022, Petitioner filed a Supplemental Declaration re: Child Custody, served on Respondent electronically that same day.

The court has reviewed all of the above filings, with the exception of the Request for Live Testimony under Family Code 217, for which there was no proof of service indicating notice of this request on Petitioner.

The discovery issue before the court relates to Respondent's objection through his prior attorney to providing documents to Petitioner related to his claimed disability which forms the basis of his most recent RFO to modify child support. The court finds that Respondent through his current attorney no longer objects to the production of these documents. As such, the court grants Petitioner's motion to compel and orders that Respondent produce documents

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responsive to items of #4, #5, #6, and #7 of Petitioner's Demand for Production and Inspection of Documents served on Respondent on November 15, 2021. The deadline for the production of these documents is February 18, 2022.

The court reserves over the issuance of monetary sanctions under the Civil Discovery Act to the upcoming trial date. While acknowledging the mandatory nature of sanctions after unsuccessfully opposing a motion to compel, the court also must consider whether Respondent acted with substantial justification or whether there are other circumstances which make the imposition of the sanction unjust. The court defers this analysis to the time of trial.

The court finds that both parties consent to a continuance of the January 20, 2022 hearing, the January 24, 2022 mandatory settlement conference, and the February 1-2, 2022 trial and grants the requested continuances, with the exception of the custody issues which the court addresses below. The court orders the parties to appear at the January 20, 2022 hearing to select new dates. At the hearing, the court shall consider whether it would be appropriate to continue the child support issue to the trial, rather than to a separate hearing. Discovery shall remain open up until 30 days prior to the trial date.

The court denies Petitioner's request for evidentiary sanctions without prejudice to a future request for evidentiary sanctions if Respondent fails to comply with the order to produce documents as noted above. The court further denies Petitioner's request for an order excluding Mr. Whitaker from presenting opinions, evidence, or testifying at the hearing or trial. The court admonishes the parties regarding their obligations to follow appropriate court rules in disclosing expert witnesses for future hearings and trials as appropriate.

Regarding custody, while the court acknowledges that the youngest minor wishes to spend more time with Respondent, the court is concerned that comments may be made to the youngest minor by Respondent that might disparage Petitioner or his siblings, which the court finds would not be in the minor's best interest. The court equally is concerned that Respondent has not resumed reunification therapy to rebuild his relationship with the older minors, notwithstanding his stated concerns with Ms. Anderson. At the same time, the court finds that the visitation with the youngest minor should progress to unsupervised visits; however, the court finds that Respondent should first exhibit a commitment to the court's orders regarding counseling.

Having reviewed the filings of the parties and the CCRC report, the court finds that the agreement and recommendations contained within the CCRC report are in the best interest of the minors and adopts them as the orders of the court with the following modifications. To the extent not previously ordered, Respondent is ordered to enroll in individual counseling to address his contribution to the conflict with his children and with Petitioner. After Respondent has attended at least one co-parenting counseling session, at least one individual counseling

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session, and has communicated with Ms. Anderson to resume reunification therapy as deemed appropriate by her, Respondent's unsupervised visits with the youngest minor as set forth in the CCRC report shall begin. Minor's Counsel shall determine when this has occurred by Respondent providing proof of the occurrence of these events to Minor's Counsel, such as through a letter from each therapist. If Respondent has contacted Ms. Anderson to resume reunification therapy, but she has not recommended to begin sessions yet, this contact still shall satisfy one of the conditions to begin unsupervised visits. The court finds that Respondent's accessing of these services is in the children's best interest and therefore an appropriate prerequisite before the beginning of unsupervised visits.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #16: THE COURT GRANTS PETITIONER'S MOTION TO COMPEL AND ORDERS THAT RESPONDENT PRODUCE DOCUMENTS RESPONSIVE TO ITEMS OF #4, #5, #6, AND #7 OF PETITIONER'S DEMAND FOR PRODUCTION AND INSPECTION OF DOCUMENTS SERVED ON RESPONDENT ON NOVEMBER 15, 2021. THE DEADLINE FOR THE PRODUCTION OF THESE DOCUMENTS IS FEBRUARY 18, 2022. THE COURT RESERVES OVER THE ISSUANCE OF MONETARY SANCTIONS UNDER THE CIVIL DISCOVERY ACT TO THE UPCOMING TRIAL DATE. THE COURT GRANTS THE REQUEST CONTINUANCES OF THE JANUARY 20, 2022 HEARING, THE JANUARY 24, 2022 MANDATORY SETTLEMENT CONFERENCE, AND THE FEBRUARY 1-2, 2022 TRIAL, WITH THE EXCEPTION OF THE CUSTODY ISSUES WHICH THE COURT ADDRESSES BELOW. THE COURT ORDERS THE PARTIES TO APPEAR AT THE JANUARY 20, 2022 HEARING TO SELECT NEW DATES. AT THE HEARING, THE COURT SHALL CONSIDER WHETHER IT WOULD BE APPROPRIATE TO CONTINUE THE CHILD SUPPORT ISSUE TO THE TRIAL, RATHER THAN TO A SEPARATE HEARING. DISCOVERY SHALL REMAIN OPEN UP UNTIL 30 DAYS PRIOR TO THE TRIAL DATE. THE COURT DENIES PETITIONER'S REQUEST FOR EVIDENTIARY SANCTIONS WITHOUT PREJUDICE TO A FUTURE REQUEST FOR EVIDENTIARY SANCTIONS IF RESPONDENT FAILS TO COMPLY WITH THE ORDER TO PRODUCE DOCUMENTS AS NOTED ABOVE. THE COURT DENIES PETITIONER'S REQUEST FOR AN ORDER EXCLUDING MR. WHITAKER FROM PRESENTING OPINIONS, EVIDENCE, OR TESTIFYING AT THE HEARING OR TRIAL. THE AGREEMENT AND RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. TO THE EXTENT NOT PREVIOUSLY ORDERED, RESPONDENT IS ORDERED TO ENROLL IN INDIVIDUAL COUNSELING TO ADDRESS HIS CONTRIBUTION TO THE CONFLICT WITH HIS CHILDREN AND WITH PETITIONER. AFTER RESPONDENT HAS ATTENDED AT LEAST ONE CO-PARENTING COUNSELING SESSION, AT LEAST ONE INDIVIDUAL COUNSELING SESSION, AND HAS COMMUNICATED WITH MS. ANDERSON TO RESUME REUNIFICATION THERAPY AS DEEMED APPROPRIATE BY HER, RESPONDENT'S UNSUPERVISED VISITS WITH THE YOUNGEST MINOR AS SET FORTH IN THE CCRC REPORT SHALL BEGIN. MINOR'S COUNSEL SHALL DETERMINE WHEN THIS HAS OCCURRED BY RESPONDENT PROVIDING PROOF OF THE OCCURRENCE OF THESE EVENTS TO MINOR'S COUNSEL, SUCH AS THROUGH A LETTER FROM EACH THERAPIST.

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IF RESPONDENT HAS CONTACTED MS. ANDERSON TO RESUME REUNIFICATION THERAPY, BUT SHE HAS NOT RECOMMENDED TO BEGIN SESSIONS YET, THIS CONTACT STILL SHALL SATISFY ONE OF THE CONDITIONS TO BEGIN UNSUPERVISED VISITS. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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#17 VINCENT FOSS V. SHANNON FOSS

PFL20210247

On October 29, 2021 Nicholas Musgrove filed a motion to be relieved as counsel. The request was served by mail on Petitioner on November 2, 2021, with a Proof of Service filed on November 3, 2021. Counsel is requesting an in camera hearing on her motion asserting the grounds upon which the motion is made are confidential. As such, the court orders Petitioner and Counsel to appear for an in camera hearing.

TENTATIVE RULING #17: PETITIONER AND COUNSEL ARE ORDERED TO APPEAR FOR HEARING.

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17A. SEAN CORNELL V. JEANNA TOWNER

PFL20100316

On January 20, 2021 Petitioner filed an ex parte application and Request for Order (RFO) asking the court to modify the current custody and visitation orders to suspend Respondent's visitation and grant Petitioner sole legal custody. Petitioner also requested that the court order Respondent to provide proof that she is engaging in individual therapy and to suspend family therapy. The court granted the ex parte application in part and ordered that the minor child be enrolled in therapy with Jennifer Alexander immediately and ordered the parties to share equally in the cost. The court denied the remaining requests. On January 21, 2021 Petitioner filed a Proof of Service by Mail showing service for the filings and order upon Respondent the same day.

On March 23, 2021 Petitioner filed a Supplemental Declaration and a Proof of Service by Mail showing service upon Respondent on March 22, 2021. Petitioner renewed his request, providing additional supporting information to the court, and requested the appointment of minor's counsel.

At the April 1, 2021 hearing, the court appointed Rebecca Etsy-Burke as counsel for the minor and continued the matter to June 17, 2021 to receive the input of minor's counsel. The court further indicated that it would address the parties' ability to pay for minor's counsel at the hearing, ordering the parties to file and serve an Income and Expense Declaration no later than 10 days prior to the above review hearing.

Pending hearing and input from Minor's Counsel, the court ordered that Respondent's visitation and family/reunification therapy with the minor be temporarily suspended. The court indicated that it would address the resumption of visitation and therapy after receiving input from minor's counsel. The court denied the request to change legal custody pending further hearing.

On May 13, 2021, all parties agreed to and the court approved a continuance of the hearing to July 8, 2021.

On June 28, 2021, Respondent filed an updated Income and Expense Declaration, served on the other parties electronically and by mail that same day. That same day, Petitioner filed and served by mail on the other parties an updated Income and Expense Declaration.

On June 29, 2021, Petitioner filed a Supplemental Declaration, served by mail on the other parties that same day. On July 2, 2021, Minor's Counsel filed a Statement of Issues and Contentions, served electronically on the other parties on June 30, 2021. Also, on July 2, 2021, Petitioner filed a Supplemental Declaration in Response to Minor Counsel Report, served by mail on the other parties that same day.

At the July 8, 2021 hearing, the court adopted its tentative ruling as modified. The court adopted Minor's Counsel requests with the additions and modification as noted below. Supervised visitation was ordered to resume upon the reunification therapist, in consultation with the minor's individual therapist, determining that their resumption is appropriate and informing Minor's Counsel of this determination. The court further ordered Respondent to participate in individual counseling at least twice per month and to provide proof of attendance to the other parties by agreement of all the parties.

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The court set a review hearing on October 21, 2021 at 8:30 a.m. in Department 5 to consider further modifications to the visitation orders. The parties were ordered to file and serve a declaration updating the court on the status of reunification therapy and the visits, if they were occurring, at least 10 days in advance of the hearing. If no party filed a declaration at least 10 days in advance of the hearing, this matter would be dropped from calendar.

On October 8, 2021, Respondent filed a Declaration of her counsel, served on the other parties electronically and by mail that same day, updating the court on the status of the case since the last hearing.

On October 12, 2021, Petitioner filed a Declaration, served on the other parties by mail that day prior, updating the court on the status of the case as well.

On October 20, 2021, the court approved the stipulations of the parties, which included changing the reunification therapist to Jennifer Alexander, vacating the October 21, 2021 hearing, and setting a review hearing on January 20, 2022. The parties further agreed to file and serve Supplemental Declarations, to the extent necessary, at least 10 days prior to the hearing.

Upon review of the file, the court finds that there are no new filings regarding the issue of visitation since the stipulation was filed on October 20, 2021. The court drops the matter from its calendar. Either party can file a new RFO to request a modification of the visitation orders when appropriate.

TENTATIVE RULING #17A: MATTER DROPPED FROM THE COURT'S CALENDAR