

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**1. AMY SUGGS V. PHILLIP SUGGS**

**PFL20180926**

On December 10, 2021 Respondent filed a Request for Order (RFO) requesting a change in custody, visitation, child support, and spousal support. Respondent is also requesting Family Code 2030 attorney fees in the amount of \$2,500. Parties were referred to Child Custody Recommending Counseling on December 10, 2021 for an appointment on January 14, 2022. A review hearing was set for March 3, 2022. Petitioner was served electronically on December 15, 2021 with Proof of Service filed on December 17, 2021.

Respondent is requesting joint legal custody as well as parenting time from Saturday at 7:00 P.M. until Tuesday at 8:00 A.M. Respondent would like to split transportation responsibilities. Respondent is requesting the court terminate the order for spousal support, as Respondent believes Petitioner's income exceeds his own. Respondent also asserts he is overpaying for the minor's school tuition as he is paying for 12 months each year, when school is only in session for 10 months. Respondent is requesting he receive reimbursement for the overpayment of tuition. Respondent is also requesting he receive reimbursement for half of the stimulus checks Petitioner has received and that he be allowed to claim the minor on his taxes for 2022, 2023, and 2024. Petitioner has claimed the minor for 2018-2021. Petitioner would then be able to claim the minor for tax purposes after 2024.

Prior to filing the RFO, Respondent filed an Income and Expense Declaration on September 28, 2021, served on Respondent by mail on October 6, 2021 and electronically on October 18, 2021.

Both parties participated in the CCRC session on January 14, 2022 and came to a full agreement. A CCRC report was issued on January 18, 2022 with copies mailed to the parties on February 28, 2022. The agreement provides for joint legal custody, a roughly equal parenting schedule, and provisions regarding transportation, counseling for the minor, and the minor's school, among other issues.

On February 22, 2022, Respondent filed a Declaration, served on Petitioner electronically the day prior.

On March 1, 2022, Petitioner filed a Responsive Declaration and Income and Expense Declaration, served on Respondent electronically on February 18, 2022 and by mail on February 17, 2022.

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

Upon review of the file, the court finds that the Department of Child Support Services (DCSS) is a party to the case. Under Family Code 4251, the court finds that the support issues should be heard by the Child Support Commissioner and continues the matter to the DCSS calendar on March 28, 2022 at 8:30 a.m. in Department 5. This includes the child and spousal support issue and the issue regarding cost of school tuition.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

The court reserves jurisdiction to modify support back to the date of the filing of the RFO. The court declines to reserve jurisdiction back to the date of an earlier filing as noted in the January 31, 2019 minute order, finding the court lacks jurisdiction to modify support back to that earlier date.

Regarding Respondent's request to receive one-half of the stimulus checks and to be granted the right to claim the minor child on his taxes, the court denies these requests deferring to the IRS rules regarding dependents and credits, which award that right to the custodial parent, Petitioner in this instance. However, any credits received by Petitioner since the date of Respondent filing the RFO are ordered to be disclosed to Respondent and DCSS at least 10 days in advance of the March 28, 2022 hearing, as these credits may impact the support calculations.

The court finds that Respondent does not have a current Income and Expense Declaration on file, given the most recent is more than 3 months old. Respondent is ordered to file and serve on Petitioner and DCSS an updated Income and Expense Declaration at least 10 days in advance of the March 28, 2022 hearing.

Respondent is ordered to serve his RFO and Declaration on DCSS at least 10 days in advance of the March 28, 2022 hearing. Petitioner is ordered to serve her Responsive Declaration and Income and Expense Declaration on DCSS at least 10 days in advance of the March 28, 2022 hearing.

Regarding Respondent's request for attorney's fees, which the court deems to be under Family Code 2030, the court finds that Respondent has failed to establish a disparity in the parties' incomes that would justify an award of fees to him. As such, the court denies the attorney's fees request.

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

**TENTATIVE RULING #1: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. UNDER FAMILY CODE 4251, THE COURT CONTINUES THE CHILD AND SPOUSAL SUPPORT AND SCHOOL TUITION ISSUES TO THE DCSS CALENDAR ON MARCH 28, 2022 AT 8:30 A.M. IN DEPARTMENT 5. THE COURT RESERVES JURISDICTION TO MODIFY SUPPORT BACK TO THE DATE OF THE FILING OF THE RFO. THE COURT DECLINES TO RESERVE JURISDICTION BACK TO THE DATE OF AN EARLIER FILING AS NOTED IN THE JANUARY 31, 2019 MINUTE ORDER, FINDING THE COURT LACKS JURISDICTION TO MODIFY SUPPORT BACK TO THAT EARLIER DATE. THE COURT DENIES THE REQUESTS FOR RESPONDENT TO CLAIM THE MINOR ON HIS TAXES AND FOR THE PARTIES TO SHARE EQUALLY IN THE STIMULUS PAYMENTS FOR THE MINOR, DEFERRING TO THE IRS RULES REGARDING DEPENDENTS AND CREDITS, WHICH AWARD THAT RIGHT TO THE CUSTODIAL PARENT, PETITIONER IN THIS INSTANCE. ANY CREDITS RECEIVED BY PETITIONER SINCE THE DATE OF RESPONDENT FILING THE RFO ARE ORDERED TO BE DISCLOSED TO RESPONDENT AND DCSS AT LEAST 10 DAYS IN ADVANCE OF THE MARCH 28, 2022 HEARING. RESPONDENT IS ORDERED TO FILE AND SERVE ON PETITIONER AND DCSS AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS IN ADVANCE OF THE MARCH 28, 2022 HEARING. RESPONDENT IS ORDERED TO SERVE HIS RFO AND DECLARATION ON DCSS AT LEAST 10 DAYS IN ADVANCE OF THE MARCH 28, 2022 HEARING. PETITIONER IS ORDERED TO SERVE HER RESPONSIVE DECLARATION AND INCOME AND EXPENSE DECLARATION ON DCSS AT LEAST 10 DAYS IN ADVANCE OF THE MARCH 28, 2022 HEARING. THE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**COURT DENIES THE RESPONDENT'S ATTORNEY'S FEES REQUEST. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**2. APRIL ROBINSON V. GORDON ROBINSON**

**PFL20210147**

On December 30, 2021 Petitioner filed a Request for Order (RFO) requesting child support, spousal support, and attorney fees. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served with the above by mail on January 7, 2022, with Proof of Service filed on the same day.

Petitioner is requesting guideline child support and temporary spousal support. On April 6, 2021 parties stipulated to Petitioner having primary physical custody of the minors. Parties agreed that in lieu of child and spousal support they would continue to share monthly expenses. Parties also agreed neither party would seek reimbursement for payments made for reasonable living expenses. Petitioner is now requesting guideline child support with Respondent having a two percent (2%) time share. Petitioner is requesting guideline temporary spousal support. Petitioner is also requesting \$5,000 for Family code 2030 attorney fees. Petitioner is also requesting \$2,500 for Family Code 271 sanctions.

On February 16, 2022, Respondent filed a Responsive Declaration. Petitioner was personally served on February 16, 2022 with Proof of Service filed the same day. Respondent agrees to guideline child support as well as guideline temporary spousal support. Respondent does dispute Petitioner's income as disclosed on her December Income and Expense Declaration. Respondent attached a proposed DissoMaster for child and temporary spousal support. Respondent requests the court reserve jurisdiction over both child and spousal support. Respondent opposes Petitioner's request for attorney fees. Respondent requests Family Code section 271 sanctions against Petitioner.

Respondent's Income and Expense declaration shows a monthly average income of \$4,000. Respondent has a deduction of \$710 per month for property taxes.

Petitioner filed an updated Income and Expense Declaration on February 25, 2022. Respondent was served by mail on February 25, 2022 with Proof of service filed the same day. Petitioner's stated monthly average income is \$657 per month. Petitioner also has \$5,100 in other non-taxable income from IHHS. Petitioner also claims \$710 per month in property taxes. Based on the court's review of the Petitioner's filings, the court finds her average monthly income to be \$763. This is based on an average of eight (8) hours a week at \$22 per hour. This results in an average weekly income of \$176 per week and an average yearly income of \$9,152, then divided by 12.

Using the above figures, using the Alameda formula, and with parties filing married filing jointly, the court finds Respondent would pay Petitioner \$1,173 per month as and for child support. Petitioner would pay Respondent \$369 per month as and for spousal support. This results in a net payment by Respondent to Petitioner of \$804 per month as and for child support. See attached DissoMaster report. The court orders Respondent to pay Petitioner \$804 per month as and for child support on the first of each month, commencing January 1, 2022, until further order of the court. The court finds this results in an arrears of \$2,412, for the months of January through March 2022. Respondent is ordered to pay \$402 per month in arrears, commencing on March 15<sup>th</sup> and due on the 15<sup>th</sup> of each month until the balance is paid in full (approximately six (6) months). If a payment is late or missed the remaining balance is due in full with legal interest within 5 days.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

Both Petitioner and Respondent in 11b. of their Income and Expense Declarations state they have access to \$675,000 in stock, bonds, and other assets. The court finds Petitioner and Respondent each have sufficient financial resources to present their case adequately and therefore, declines to award Family Code 2030 attorney fees.

The court denies Petitioner's request for Family Code section 271 sanctions as the court does not find Respondent has misused the family law process or delaying tactics. The court also denies Respondent's request for Family Code section 271 sanctions on the same grounds.

**TENTATIVE RULING #2: THE COURT ORDERS RESPONDENT TO PAY PETITIONER CHILD SUPPORT AS OUTLINED ABOVE. PETITIONER'S REQUEST FOR FAMILY CODE 2030 ATTORNEY FEES AND 271 SANCTIONS IS DENIED WITHOUT PREJUDICE. RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS IS DENIED WITHOUT PREJUDICE.**

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO.:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Resp.</b>	DISSOMASTER REPORT 2022, Monthly	
		CASE NUMBER: <b>PFL2021-0147</b>

Input Data	Resp.	Pet.	Guideline (2022)	Cash Flow Analysis	Resp.	Pet.
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with NCP	2%	0%	Resp.	3,690	Payment (cost)/benefit	(804) 804
Filing status	MFJ->	<-MFJ	Pet.	5,804	Net spendable income	2,886 6,607
# Federal exemptions	1*	3*	Total	9,494	% combined spendable	30.4% 69.6%
Wages + salary	4,000	763	<b>Support (Nondeductible)</b>	Total taxes	310	59
401(k) employee contrib	0	0	CS Payor	Resp. # WHA	8	0
Self-employment income	0	0	Presumed	(1,173)	Net wage paycheck/mo	3,620 695
Other taxable income	0	0	Basic CS	(1,173)	Comb. net spendable	9,494
Other nontaxable income	0	5,100	Add-ons	0	<b>Proposed</b>	
New-spouse income	0	0	Presumed Per Kid		Payment (cost)/benefit	(804) 804
Wages + salary	0	0	Child 1	(462)	Net spendable income	2,886 6,607
Self-employment income	0	0	Child 2	(710)	NSI change from gdl	0 0
Misc ordinary tax. inc.	0	0	SS Payor	Pet.	% combined spendable	30.4% 69.6%
SS paid other marriage	0	0	Alameda	369	% of saving over gdl	0% 0%
Retirement contrib if ATI	0	0	Total	(804)	Total taxes	310 59
Required union dues	0	0	<b>Proposed, tactic 9</b>		# WHA	8 0
Nec job-related exp.	0	0	CS Payor	Resp.	Net wage paycheck/mo	3,620 695
Adj. to income (ATI)	0	0	Presumed	(1,173)	Comb. net spendable	9,494
SS paid other marriage	0	0	Basic CS	(1,173)	Percent change	0.0%
CS paid other relationship	0	0	Add-ons	0	Default Case Settings	
Qual. Bus. Inc. Ded.	0	0	Presumed Per Kid			
Health insurance	0	0	Child 1	(462)		
Itemized deductions	710	0	Child 2	(710)		
Other medical expenses	0	0	SS Payor	Pet.		
Property tax expenses	0	0	Alameda	369		
Ded. interest expense	710	0	Total	(804)		
Charitable contribution	0	0	Savings	0		
Miscellaneous itemized	0	0	No releases			
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

March 3, 2022

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

**4. CAROL BLOSS V. CHARLES BLOSS**

**PFL20210467**

On January 19, 2022, Counsel for Respondent filed a Declaration in support of Attorney Fees and Costs pursuant to Family Code section 2030. The attached Proof of Service indicates Petitioner was served by mail on January 18, 2022. Respondent was the prevailing party in a request for a Domestic Violence Restraining Order (DVRO). Respondent is requesting Petitioner pay \$5,690 in attorney fees that were a result of the two-day trial on the DVRO. Respondent requests the court to consider Family Code section 271 sanctions in the alternative. Respondent filed an updated Income and Expense Declaration on January 19, 2022, with the same Proof of Service identified above.

The court matter was heard on February 3, 2022. The court stayed the tentative ruling and continued the matter to March 3, 2022. Petitioner was ordered to file an updated Income and Expense Declaration. Respondent was ordered to file attorney billing records.

On February 22, 2022 Petitioner filed an updated Income and Expense declaration. Respondent was served by mail on February 15, 2022, with Proof of Service filed on February 22, 2022.

Counsel for Respondent filed an updated declaration on February 24, 2022. Petitioner was served by mail on February 24, 2022 with Proof of Service filed the same day. Upon review of the billing statements, the court finds the cost of litigation for the domestic violence restraining order to be \$5,130.

Based on Respondent's Income and Expense Declaration, Respondent has an average monthly income of \$5,041, with last month's average being slightly lower at \$3,830, including social security and pension income. Respondent pays \$24 a month in union dues and \$409 for medical premiums. Respondent has approximately \$534,000 cash in assets listed in item 11(a) of the Income and Expense declaration.

Based on Petitioner's February filed Income and Expense Declaration, Petitioner has an average monthly income of \$3,601, including spousal support, pension, social security, and separate property rental income. Petitioner pays \$172 in medical premiums. Petitioner has approximately \$25,000 cash in assets listed in item 11(a).

The court may order attorney fees to a prevailing party pursuant to Family Code Section 6344(a). The court grants Respondent's request for attorney fees. The court made adverse credibility findings against Petitioner regarding the alleged incident and other unfounded allegations. Therefore, the court orders Petitioner to pay Respondent \$3,500 pursuant to Family Code section 6344. Payment shall be made to Respondent's counsel no later than April 21, 2022.

The court denies Respondent's request for Family Code section 271 sanctions.

**TENTATIVE RULING #4: PETITIONER IS ORDERED TO PAY RESPONDENT \$3,500 PURSUANT TO FAMILY CODE 6344. PAYMENT SHALL BE MADE TO RESPONDENT'S COUNSEL NO LATER THAN APRIL 21, 2022. RESPONDENT IS ORDERED TO PREPARE AND FILE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**5. COUNTY V. NICHOLAS FROST (OTHER PARENT: HEATHER FRIDDLE)**

**PFS20080145**

On December 16, 2021, the parties appeared in court regarding custody and visitation issues regarding their minor children. At the hearing, the court adopted the agreements and recommendations contained within the November 30, 2021 CCRC report as the order of the court, with an additional order that the parties not discuss the case or their feelings regarding the custody and visitation orders with the children.

The court set a review hearing regarding the progress of therapy and visitation on March 3, 2022 and ordered the parties to file and serve Supplemental Declarations regarding the status of the therapy and custody and visitation orders no later than 10 days prior to the hearing date. If the parties failed to do so, the matter would be taken off calendar.

Upon review of the file, none of the parties have filed a Supplemental Declaration advising the court of the status. As such, the court drops the matter from calendar.

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



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**6. DIANA GOODING V. ANTHONY GOODING**

**PFL20200296**

On February 24, 2022 Petitioner filed an ex parte request or in the alternative an Order shortening time requesting the court order a stay of production of documents, an order quashing Respondent's February 13, 2022 subpoena to Bank of America, and Attorney Fees as sanctions. Petitioner served respondent electronically on February 25, 2022, with Proof of Service filed the same day.

On February 24, 2022, Respondent filed a Responsive Declaration to the ex parte request, requesting the court deny Petitioner's request to stay the production of documents, deny the motion to quash the subpoena, and deny the request for attorney fees.

**TENTATIVE RULING #6: PARTIES ARE ORDERED TO APPEAR**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**7. ERIC STONER V. JESSICA STONER**

**PFL20210279**

On December 30, 2021, Petitioner filed a Request for Order (RFO) requesting a modification of parenting time, child support, and the domestic violence restraining order. Respondent and Department of Child Support Services were served with the RFO by mail on January 7, 2022. Petitioner is requesting an increase in parenting time as he has completed anger management and a parenting class as a part of the parties Child Custody Recommended Counseling (CCRC) agreement. Petitioner is requesting the matter be put back on the DCSS calendar to modify child support if the court grants the request for increased parenting time. Petitioner is also requesting the domestic violence restraining order be modified to allow peaceful contact for custody exchanges and to allow Petitioner to attend the minors' extracurricular activities, school activities, and church.

Department of Child Support Services filed a Response on February 15, 2022 requesting that the child support issue be continued until after resolution of the parenting time issues. DCSS requests that the matter be added to the child support calendar with the child support commissioner in accordance with Family Code section 4251. Parties were served by mail on February 14, 2022, with Proof of Service filed on February 15, 2022.

Respondent filed a Responsive Declaration to the RFO on February 18, 2022. Petitioner and DCSS were served electronically on February 18, 2022 with Proof of Service filed the same day. Respondent opposes the requests made by Petitioner. Respondent asserts she has not impeded Petitioner's ability to participate in extracurricular events for the minors. Parties are able to attend soccer games successfully. Respondent asserts there has been a violation of the restraining order on November 21, 2022. Respondent is requesting the court not grant a blanket exception to the restraining order for all the minors' extracurricular activities. Respondent states a change in custody for Petitioner's parenting time to be every other Friday from 7:00 P.M. to Sunday at 7:00 P.M. would be an acceptable modification. However, Respondent is opposed to Wednesday to Thursday at 3:00 P.M. on the opposite week. Respondent is also opposed to a week on week off schedule. Respondent requests Family Code 2030 attorney fees as well as Family Code Section 271 sanctions for failure to comply with coparenting counseling and alleged violation of ATROS.

The parties are referred to Child Custody Recommended Counseling (CCRC) on [date]. The court sets a review hearing on [date in May] for review of CCRC. The court continues the request to modify the restraining order to the same date.

The child support matter is continued to the Child Support calendar once the court has concluded the custody issue pursuant to Family Code Section 4251.

The court reverses on the request for Family Code section 2030 attorney fees and 271 sanctions until the next hearing.

**TENTATIVE RULING #7: PARTIES ARE REFERRED TO CCRC ON APRIL 4<sup>TH</sup>, 2022 AT 9:00AM. THE COURT CONTINUES THE PARENTING TIME AND MODIFICATION OF THE RESTRAINING ORDER TO MAY 26<sup>TH</sup>, 2022 AT 8:30AM. THE COURT CONTINUES THE ISSUE OF CHILD SUPPORT TO THE CHILD SUPPORT CALENDAR ON JUNE 13<sup>TH</sup>, 2022. THE COURT RESERVES JURISDICTION TO THE DATE OF FILING THE RFO.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**THE COURT RESERVES ON THE ISSUE OF FAMILY CODE SECTION 2030 ATTORNEY FEES AND 271 SANCTIONS TO THE NEXT COURT DATE.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**8. JESSICA CHOW V. CHRIS WANG**

**PFL20210060**

On February 25, 2022 Petitioner filed an ex parte request stating an agreement has been reached with "Other Party" Andrew Wang regarding his interest in the Powers Drive Property. Petitioner is requesting a court order for payout of community property funds to Andrew Wang to settle in order to dismiss him from the case prior to the trial currently set for March 22, 2022. Petitioner is also requesting to continue the trial date and/or add additional days.

The court denied the ex parte request but did grant the Order to Shorten time, setting the matter on the March 3, 2022 calendar. Petitioner was to serve Respondent and the joined party Andrew Wang with notice of the hearing on or before February 28, 2022.

**TENTATIVE RULING #8: PARTIES ARE ORDERED TO APPEAR.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
March 3, 2022  
8:30 a.m./1:30 p.m.

**9. JESSICA TURNBULL V. JUSTIN TURNBULL**

**PFL20180517**

On January 10, 2022 Respondent filed a Request for Order (RFO) requesting the court authorize third party visitation. Petitioner was personally served on February 1, 2022 with Proof of Service filed on February 10, 2022.

Respondent requests Crystal Challoner have contact with the minor and for Ms. Challoner not be required to leave the residence during Respondent's parenting time. Respondent asserts that Ms. Challoner has helped with the minor including taking him to school, helping with homework, feeding, and bathing him.

On January 24, 2022 Respondent filed a Declaration from Crystal Challoner. Upon review of the court file, the court was unable to locate a Proof of Service for this document, and therefore, has not considered it.

Petitioner filed a Responsive Declaration on February 16, 2022 requesting the restriction on Ms. Challoner's contact with the minor remain in place and that father's visits be alternating weekends. Upon review of the court file, the court was unable to locate a Proof of Service for this document, and therefore, has not considered it.

The court has read and considered the filings as outlined above. Respondent has submitted no evidence of a change in circumstance or documentation that the issues which led to the court issuing the no contact order April 21, 2021 have been remedied. Further, Respondent had provided no evidence as to how the requested change is in the minor's best interest. The court denies Respondent's request to lift the no contact order. All prior orders remain in full force and effect. Respondent is to prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #9: THE COURT DENIES RESPONDENTS REQUEST TO ALLOW CONTACT BETWEEN THE MINOR AND CRYSTAL CHALLONER. THE NO CONTACT ORDER BETWEEN CRYSTAL CHALLONER AND THE MINOR REMAINS IN FULL FORCE AND EFFECT. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**12. LEE NOTARO V. ALECIA NOTARO**

**PFL20200801**

On October 1, 2021, Respondent filed an application for ex parte orders requesting visitation orders and an order to grant Respondent half of the sale of the marital home. A declaration in support of the requests was filed that same day as well. On October 4, 2021, the court denied the request and set a CCRC session on November 10, 2021 with a hearing on the underlying Request for Order (RFO) set for January 6, 2022.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Petitioner.

On December 23, 2021, Petitioner filed a Supplemental Declaration of his counsel regarding Respondent's failure to service his office with Respondent's ex parte request. This declaration was served on Respondent by mail and electronically on December 20, 2021.

Parties appeared at the hearing on January 6, 2022. The court struck the tentative ruling and denied the request for sale of the marital home. Mr. Foyil waived the defect in notice as to the custody issues. Respondent was ordered to serve Petitioner a copy of the RFO by the close of business on January 7, 2022. The parties were re-referred to CCRC with an appointment on January 19, 2022 and a review hearing set for March 3, 2022.

Both parties appeared at the CCRC session and reached a full agreement which maintains the current joint legal custody arrangement and grants Respondent visits a minimum of one visits per week with T.N. from after school until 6:00 P.M. T.N. may see Respondent more frequently in his discretion. Respondent shall have a minimum of one visit a week for two hours with S.N. in a public location for three weeks. If after three weeks of successful visits in public, as determined by the school counselor, Petitioner, and Respondent, Respondent shall have a minimum of one visit per week from after school until 6:00 P.M. S.N. may see Respondent more frequently in his discretion. The parties agree to develop a holiday schedule. Parties also reached agreements as to counseling for themselves as well as the minors and telephone contact between the parties and the minors. A CCRC report was issued on January 20, 2022 with copies mailed to the parties on February 28, 2022.

Counsel for Petitioner filed a declaration on February 14, 2022 stating Respondent failed to comply with the court's order to serve the RFO by the close of business on January 7, 2022, and as service could not be made electronically. Petitioner is therefore, requesting the matter be dropped from calendar.

Having reviewed the filings of the parties and the CCRC report, the court finds that the agreements contained within the CCRC report are in the best interests of the minors and adopts them as the orders of the court. While there is no evidence that the RFO was properly served on Petitioner, the court finds good cause to adopt the parties' custody agreements.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

Further, Mr. Foyil had previously waived the defect in notice as to the custody issues. The court previously denied the request for the sale of the home and the matter was set solely on the custody and visitation issues.

**TENTATIVE RULING #12: THE AGREEMENTS BY THE PARTIES REACHED IN CCRC ARE ADOPTED AS THE ORDER OF THE COURT. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 3, 2022

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

**14. MIA SHULL V. ROBERT SHULL**

**PFL20210312**

On February 14, 2022 Respondent filed a Request for Order (RFO) and an Order Shortening Time. On February 15, 2022 the court granted the Order to Shorten Time and set the RFO for a hearing on March 3, 2022. The Respondent was to notice the Petitioner of the RFO on or before February 23, 2022. Respondent is requesting bifurcation of marriage issue from all other issues and entry of proposed judgement. Respondent is also requesting an order allowing him to transfer his community interest in the marital home and business to a revocable trust. Although Respondent states the proposed judgement is attached as exhibit A, there is no exhibit attached to the RFO.

Petitioner was served both by mail and electronically on February 17, 2022 with Proof of Service filed on February 22, 2022.

**TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR**



LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
March 3, 2022  
8:30 a.m./1:30 p.m.

**15. CARLA FORREST V. GARY JAMES FORREST**

**PFL20180899**

On December 21, 2021, Respondent filed a Request for Order (RFO) asking the court to modify the custody and visitation orders. A CCRC session was scheduled on January 14, 2022 with a hearing on the RFO set for March 3, 2022.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Respondent. However, on January 7, 2022, Petitioner filed a Responsive Declaration for the March 3, 2022 hearing. As the court finds that there is no proof of service indicating service of the Responsive Declaration on Respondent, the court cannot review nor consider this filing.

On January 14, 2022, Petitioner filed a Request for Order (RFO) asking the court to modify the child support orders. Upon review of the file, there is no proof of service indicating service of this RFO on Respondent. Additionally, Petitioner has not filed an Income and Expense Declaration as required by Cal. Rules of Court, rule 5.92.

On January 31, 2022, Petitioner submitted a letter to the court signed by both parties, indicating that she would like to withdraw her child support request. As such, the court drops the child support request from its calendar.

Both parties participated in the CCRC session and came to a full agreement, continuing the current parenting schedule with an agreed-upon modification effective June 7, 2022 and then again effective August 8, 2022. A CCRC report was issued on February 9, 2022 with copies mailed to the parties on February 25, 2022.

Having review the filings of the parties and the CCRC report, the court finds that the agreements contained within the CCRC report are in the best interest of the children and adopts them as the orders of the court.

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

**TENTATIVE RULING #15: THE COURT DROPS THE CHILD SUPPORT REQUEST FROM ITS CALENDAR. THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**