

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 17, 2022

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

17. CHELSEA AUGMOM V. DEANDRE WATSON

21FL0073

On January 26, 2022, Petitioner filed a Request for Order (RFO) requesting the court make orders as to child custody. Upon review of the court file, the court finds there is no Proof of Service indicating the RFO has been served on the Respondent. As such, the RFO is denied.

TENTATIVE RULING #17: THE REQUEST FOR ORDER IS DENIED.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 17, 2022

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

18. CHRISTINE SUTKAYTIS V. MICHAEL SUTKAYTIS

PFL20190353

On January 25, 2022, Respondent filed a Request for Order (RFO) requesting a modification of the court's January 6, 2022 order for child support, spousal support, and award of attorney fees. Upon review of the court file, the court was unable to locate a Proof of Service indicating Petitioner was served with the RFO. As such the court cannot consider this filing.

The court notes that parties were provided notice of the January 6, 2022 tentative ruling. No party requested oral argument. As such, the tentative ruling was adopted as the court's order. The current RFO filed by the Respondent is essentially a motion for reconsideration.

Nevertheless, Petitioner did file a Responsive Declaration and Income and Expense Declaration on March 2, 2022. Respondent was served electronically on March 2, 2022 with Proof of Service filed the same date.

On February 15, 2022, the Department of Child Support Services (DCSS) filed a Notice of Substitution of Payee, indicating that DCSS will now be the payee for child support. Petitioner and Respondent were served by mail on February 14, 2022.

The court finds pursuant to Family Code 4251 the issues should be addressed by the Child Support Commissioner as DCSS is a party to the case. The court continues the matter to [date] to be heard by the commissioner. Respondent is ordered to serve DCSS and Petitioner with a copy of the RFO and his Income and Expense Declaration and file Proof of Service with the court.

TENTATIVE RULING #18: PURSUANT TO FAMILY CODE 4251 THE ISSUES SHOULD BE ADDRESSED BY THE CHILD SUPPORT COMMISSIONER AS DCSS IS A PARTY TO THE CASE. THE COURT CONTINUES THE MATTER TO MAY 9TH, 2022 TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER. RESPONDENT IS ORDERED TO SERVE DCSS AND PETITIONER WITH A COPY OF THE RFO AND HIS INCOME AND EXPENSE DECLARATION AND FILE PROOF OF SERVICE WITH THE COURT

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 17, 2022

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

19. SANDRA BIRGE V. RANDALL BIRGE

PFL20160752

On January 14, 2022, Petitioner filed a Request for Order (RFO) requesting a modification of post judgement spousal support. Petitioner filed her Income and Expense Declaration concurrently with the RFO. Respondent was personally served on January 27, 2022, with Proof of Service filed on March 8, 2022. Petitioner is requesting spousal support in the amount of \$2,500 per month. At the time judgement was entered on May 18, 2021, spousal support to the Petitioner was reserved.

On February 9, 2022, Respondent filed a Responsive Declaration and Income and Expense Declaration. Petitioner was personally served on February 22, 2022, with Proof of Service filed on March 1, 2022. Respondent objects to the RFO and asks that no spousal support be awarded.

The court finds it needs to take evidence to address the Family Code 4320 factors in determining whether to award spousal support. Parties are ordered to appear to set dates for a Mandatory Settlement Conference and trial.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR TO SET DATES FOR A MANDATORY SETTLEMENT CONFERENCE AND TRIAL.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 17, 2022

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

20. SANDRA COTTON V. KRISTOPHER COTTON

PFL20190512

On November 1, 2021, Petitioner filed a Request for Order (RFO) requesting guideline Child Support and Attorney's Fees. Petitioner also filed an Income and Expense Declaration on the same date. The Proof of Service filed on November 22, 2021 shows Respondent was served with the RFO and Income and Expense Declaration by mail on November 17, 2021.

Petitioner is requesting guideline support for the minors with a custody allocation of 75% to her and 25% to the Respondent. Petitioner states she is unaware of Respondent's current employment status and requests that, if Respondent is not currently employed, the court order Respondent to seek work. Petitioner also requests Attorney's Fees pursuant to Family Code Section 2030 in the amount of \$3,500.

Respondent filed a Responsive Declaration and Income and Expense Declaration on January 14, 2022. The Proof of Service was filed on January 18, 2022, showing Petitioner was served with the FL-150 and FL-320 via mail on January 18, 2022.

In Respondent's Responsive Declaration he consents to guideline support, while also objecting to the order requested. Respondent requests that each party provide for the children when in their care. Respondent also objects to the request for attorney's fees and requests the court order each party pay their own attorney's fees.

Petitioner's Income and Expense Declaration states her average monthly gross income is \$2400, with no declared overtime. Petitioner has \$160 in out-of-pocket health care not covered by insurance. Petitioner also has \$800 a month in childcare costs. Petitioner has no other deductions. Petitioner's tax status is married filed separately.

Respondent's Income and Expense Declaration states he has no income currently and has not worked since November 19, 2019. Respondent states that his total monthly expenses are \$2,350 and no expenses are paid by others.

Parties appeared on January 27, 2022, however, Respondent did not stipulate to the court commissioner hearing the matter.

On the issue of child support, based on the above, the court finds additional information is required for the court to make an appropriate order. Parties are ordered to appear. Respondent is ordered to appear and provide proof of how he is paying his expenses.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 17, 2022

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

21. AMANDA TESSANDORI V. ERIC TESSANDORI

PFL20200407

On March 10, 2022, Petitioner filed an ex parte application for order or in the alternative an Order Shortening time on the Request for Order (RFO) requesting the court authorize Petitioner immediately make an appointment for the children with Dr. Agrawl, pursuant to the referral from urgent care. Petitioner asserts she has attempted to come to an agreement on the doctor with the Respondent, but he was unwilling to consent to the choice of the doctor. Upon review of the court file, the court was unable to locate a Proof of Service for the order granting the Order to Shorten Time.

Nevertheless, Respondent filed a Responsive Declaration on March 11, 2022. Respondent's counsel also filed a Declaration. Both were served on Petitioner electronically on March 10, 2022. Respondent states the matter is not an emergency, as neither the nail issue or the conjunctivitis constitute emergencies. Respondent is requesting the court order sanctions against Petitioner for misusing the ex parte proceedings. Respondent's counsel states there were not attempts to meet and confer prior to the filing of the ex parte.

Petitioner filed a reply on March 15, 2022. Respondent was served by mail and electronically on March 15, 2022 with Proof of Service filed the same day. Petitioner renews her request to make an appointment with Dr. Agrawl. Petitioner further requests the court deny Respondent's request for sanctions.

The court finds denies Petitioner's request for order. The court does not find there is a need for an immediate referral to Dr. Agrawl. The issues the minors were seen at urgent care for are typical childhood ailments and not emergent in nature. The court orders parties to meet and confer to select a pediatrician for the minors. Parties have already exchanged names of several local pedestrians. Parties shall select one from the list no later than March 25, 2022.

The court denies Respondent's request for Family Code section 271 sanctions, as it is not adequately plead. However, the court reminds Petitioner that misuse of the family law process can result in sanctions.

TENTATIVE RULING #21: THE REQUEST FOR ORDER IS DENIED. PARTIES ARE TO MEET AND CONFER TO SELECT A PEDIATRICIAN FROM THE LIST OF DOCTORS THEY HAVE ALREADY EXCHANGED. PARTIES SHALL MAKE THE SELECTION NO LATER THAN MARCH 25, 2022. RESPONDENT'S REQUEST FOR SANCTIONS IS DENIED.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 17, 2022

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

23. CAROL CARLISE V. WILLIAM CARLISE

PFL20150037

On February 2, 2022, Petitioner filed a Request for Order (RFO) and Declaration requesting the court find that respondent is in violation of his conditional release regarding his contempt. Upon review of the court file, the court is unable to locate a Proof of Service showing Petitioner has been served with the RFO. Therefore, the court cannot consider this filing.

On March 9, 2022, Respondent filed a Special Appearance to assert the court's lack of jurisdiction and lack of service of any moving papers filed by Petitioner. Petitioner was served by mail on March 7, 2022, with Proof of Service filed on March 9, 2022.

TENTATIVE RULING #23: RESPONDENT'S RFO IS DENIED WITHOUT PREJUDICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.