

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

**1. AARON ROSELI V. CHRISTINA ROSELI**

**PFL20160177**

On January 31, 2022 Respondent filed a Request for Order (RFO) requesting reimbursement of travel expenses for the minors as well a communication about the minor's school issues. Petitioner was served with the RFO by mail on January 31, 2022. Respondent is requesting reimbursement for one half of the minors' travel expenses, a total of \$438.95 for the minors travel in December of 2021 and January 2022. Respondent states the court order of August 5, 2021 requires the parties to split the cost of travel equally. Respondent is also requesting the court order the parties to communicate about the minor, Hudson's grades.

The court notes in its February 18, 2022 ruling it denied Petitioner's request to modify the order regarding transportation costs and invited the parties to file a RFO to address the issue if desired. Therefore, the court finds the August 5, 2021 order for the parties to split the transportation costs remains in full force and effect.

Petitioner filed a Responsive Declaration on April 7, 2022. Respondent was served by mail on April 7, 2022. Petitioner acknowledges the obligation to split the costs of travel and asserts reimbursements for travel through March of this year have been paid. Petitioner also asserts the cost of transportation has increased significantly from the time of the trial and the expense is becoming burdensome. Petitioner states his intent to file a motion to modify the reimbursement for travel expense order. Petitioner also objects to Respondent's request for communication. Petitioner asserts Respondent has equal access to the minors' school and medical records through the respective online portals. Petitioner believes the request for communication is unnecessary.

The court orders Petitioner to pay Respondent for any outstanding reimbursement for the travel expenses. To the extent necessary, parties are to use the talkingparent.com application to communicate about the minors' needs, including schooling and medical needs. Parties should reply to any communication within 48 hours of receipt. Respondent should utilize her access to the school and medical records through the online portals.

All prior orders remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #1: THE COURT ORDERS PETITIONER TO PAY RESPONDENT FOR ANY OUTSTANDING REIMBURSEMENT FOR THE TRAVEL EXPENSES. TO THE EXTENT NECESSARY, PARTIES ARE TO USE THE TALKINGPARENT.COM APPLICATION TO COMMUNICATE ABOUT THE MINORS' NEEDS, INCLUDING SCHOOLING AND MEDICAL NEEDS. PARTIES SHOULD REPLY TO ANY COMMUNICATION WITHIN 48 HOURS OF RECEIPT. RESPONDENT SHOULD UTILIZE HER ACCESS TO THE SCHOOL AND MEDICAL RECORDS THROUGH THE ONLINE PORTALS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**2. AHMED EL SAKA V. DYANNA ANCHIETTA**

**PFL20200567**

On January 21, 2022 Respondent filed a Request for Order requesting the court modify custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 24, 2022 and a review hearing on April 14, 2022. Petitioner was served electronically on February 9, 2022. Respondent is requesting the court grant her sole physical as well as sole legal custody of the minor.

Respondent asserts Petitioner has failed to participate in court ordered reunification therapy with the minor. Further, Respondent states Petitioner has thwarted reunification efforts by refusing to engage in reunification therapy, cancelling sessions which led to the therapist no longer being available, and refusing to cooperate with Respondent to obtain a new therapist. The court order for reunification therapy was made November 12, 2020. Respondent asserts that no progress has been made, due to Petitioner's resistance.

Parties participated in the CCRC appointment on February 24, 2022. No agreements were reached. Therefore, the counselor issued a report with recommendations. A copy of the report was mailed to the parties on April 5, 2022. The CCRC counselor recommends the November 12, 2020 orders regarding custody continue, as they are in the best interest of the minor.

Petitioner filed a Responsive Declaration to the RFO on April 1, 2022. Petitioner requests the court deny Respondent's requested orders. Respondent was served with the Responsive Declaration by mail on April 1, 2022. Petitioner asserts Respondent has not complied with the legal custody requirements by not providing him medical and school information for the minor. Petitioner further asserts Respondent has changed the minor's name in violation of the legal custody agreements. Petitioner requests the current court orders for custody and parenting time remain in full force and effect.

Respondent filed a Reply Declaration on April 8, 2022. Petitioner was served electronically on April 7, 2022. Respondent asserts she has provided Petitioner with all the necessary medical and schooling information. Respondent further asserts the minor is using her correct legal name. Respondent reasserts her request for sole legal and physical custody of the minor and that the court not change the reunification therapist.

The court has read and considered the above filings and makes the following findings and orders:

The court adopts the recommendation contained in the CCRC report. The current orders for joint legal custody and sole physical custody remain in full force and effect. The minor is to remain in reunification therapy with the current therapist. The court finds Respondent has communicated with Petitioner about the minor's school and medical appointments, as well as extracurricular activities.

All prior orders remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

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**TENTATIVE RULING #2: THE COURT ADOPTS THE RECOMMENDATION CONTAINED IN THE CCRC REPORT. THE CURRENT ORDERS FOR JOINT LEGAL CUSTODY AND SOLE PHYSICAL CUSTODY REMAIN IN FULL FORCE AND EFFECT. THE MINOR IS TO REMAIN IN REUNIFICATION THERAPY WITH THE CURRENT THERAPIST. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**3. ASHLEY SAMADANI V. ANTHONY SAMADANI**

**PFL20200775**

On January 13, 2022, Respondent filed a Request for Order (RFO) requesting a change to parenting time. Respondent is requesting to modify the current parenting schedule to a 2-2-3 schedule. Petitioner filed a stipulation on February 22, 2022 wherein parties agreed to continue the March 3, 2022 hearing date previously set for the RFO to April 14, 2022 as Petitioner had not received a file endorsed copy of the RFO and was unavailable on March 3, 2022. Parties also agreed to remedy the service issue. As such, the court finds that Petitioner has notice of the requests contained within the RFO.

Petitioner filed a Responsive Declaration on April 5, 2022. Respondent was served electronically on March 30, 2022. Petitioner requests that if the court is to modify parenting time the schedule be 2-2-5 rather than 2-2-3 as the minor has difficulty transitioning between households. Petitioner states the minor is thriving with the current schedule. Petitioner also requests the court delay implementation of any new schedule until the end of the school year on June 7, 2022. Petitioner also requests authorization for both parties to take the minor to therapy through Kaiser on their own parenting time with notice to the other parent.

The court has read and considered the above filings and makes the following findings and orders:

The parties shall have joint physical custody. The parties shall utilize a 2-2-5 parenting plan. The court finds it is in the best interest of the minor to commence the new parenting plan at the end of the current school year. Parties are authorized to take the minor to therapy through Kaiser on their own parenting time with notice to the other parent.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #3: THE COURT ORDERS THE PARTIES SHALL HAVE JOINT PHYSICAL CUSTODY. THE COURT FINDS A 2-2-5 PARENTING PLAN IS IN THE BEST INTEREST OF THE MINOR. THE COURT FINDS IT IS IN THE BEST INTEREST OF THE MINOR TO COMMENCE THE NEW PARENTING PLAN AT THE END OF THE SCHOOL YEAR, WHICH IS ON OR BEFORE JUNE 7, 2022. PARTIES ARE AUTHORIZED TO TAKE THE MINOR TO THERAPY THROUGH KAISER ON THEIR OWN PARENTING TIME WITH NOTICE TO THE OTHER PARENT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**4. DIANA GOODING V. ANTHONY GOODING**

**PFL20200296**

On December 6, 2021, Respondent filed a Request for Order (RFO) requesting the court to terminate spousal support, to order an accounting of the spousal support overpayment, issue attorney's fees as a sanction, and issue Family Code 271 sanctions. Respondent further requests that the court take judicial notice of the Separate Statement Regarding Petitioner's False Statements and Declaration of Anthony Gooding Regarding Petitioner's False Statements, both filed on May 5, 2021. Respondent's attorney filed a declaration in support of the requests.

Upon review of the file, the court finds that there is no proof of service indicating service of either of these filings on Petitioner. However, at the settlement conference on January 24, 2022, the parties agreed to continue the hearing on the RFO to April 14, 2022. As such, the court finds that Petitioner has notice of the requests contained within the RFO.

On April 1, 2022, Petitioner filed a Responsive Declaration, served on Respondent electronically on March 20, 2022. In addition to objecting to Respondent's requests, Petitioner requests an upward modification of spousal support retroactive to May 1, 2020 and an order of attorney's fees under Family Code 2030 in the amount of \$10,000.

On April 7, 2022, Respondent filed a Supplemental Declaration, served on Petitioner by mail that same day.

Regarding Respondent's request for termination of spousal support, the court finds that Respondent has failed to meet his burden of showing a change of circumstances since the last temporary order. The court further finds that based on the pleadings Respondent has failed to establish that Petitioner committed perjury in her representations. Even had Respondent established that Petitioner perjured herself, to the extent Respondent is seeking to set aside the spousal support order based on the alleged perjury, the court finds that Respondent's request is technically deficient as Respondent has failed to articulate a legal basis for a set aside of the order. Therefore, the court denies Respondent's request to terminate spousal support.

Consistent with this denial, the court denies the request to order an accounting of overpayment of spousal support.

Regarding the request for sanctions, the court finds that Respondent has failed to meet his burden in establishing that Petitioner has committed perjury, as noted above, and denies this request. Based on the pleadings, the court finds that Respondent has failed to establish that Petitioner's conduct has frustrated the policy of the law to promote settlement. However, to preserve this request upon prior evidence provided to the court, the court continues the request for sanctions under Family Code 271 to the time of trial.

Regarding Respondent's request for judicial notice of the two filings noted above, the court defers determination of this request to the time of trial on the matter if this request is relevant to the issues before the court.

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Regarding Petitioner's request for an upward modification of spousal support, the court continues this request to the time of trial, reserving jurisdiction to modify spousal support back to the date of the filing of the RFO, unless an earlier date is allowed by law per a prior ruling of the court. The court finds it has insufficient information at this time to make a determination of the parties' respective financial circumstances based on the pleadings. Similarly, the court finds it has insufficient information to rule on Petitioner's request for attorney's fees under Family Code 2030 and continues this request to the time of trial.

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

**TENTATIVE RULING #4: THE COURT DENIES RESPONDENT'S REQUEST TO TERMINATE SPOUSAL SUPPORT AND THE REQUEST TO ORDER AN ACCOUNTING OF OVERPAYMENT OF SPOUSAL SUPPORT. THE COURT DENIES RESPONDENT'S REQUEST FOR SANCTIONS BASED ON PERJURY. THE COURT CONTINUES THE REQUEST FOR SANCTIONS UNDER FAMILY CODE 271 TO THE TIME OF TRIAL. THE COURT DEFERS DETERMINATION OF RESPONDENT'S REQUEST FOR JUDICIAL NOTICE TO THE TIME OF TRIAL ON THE MATTER, IF THIS REQUEST IS RELEVANT TO THE ISSUES BEFORE THE COURT. THE COURT CONTINUES PETITIONER'S REQUEST FOR AN UPWARD MODIFICATION OF SPOUSAL SUPPORT TO THE TIME OF TRIAL, RESERVING JURISDICTION TO MODIFY SPOUSAL SUPPORT BACK TO THE DATE OF THE FILING OF THE RFO, UNLESS AN EARLIER DATE IS ALLOWED BY LAW PER A PRIOR RULING OF THE COURT. THE COURT CONTINUES PETITIONER'S REQUEST FOR ATTORNEY'S FEES UNDER FAMILY CODE 2030 TO THE TIME OF TRIAL. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**

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**5. JAIME LUPER V. RICHARD LIMING**

**PFL20180266**

On January 25, 2022, Respondent filed an ex parte request for order, requesting the court order an immediate referral to Child Custody Recommending Counselling (CCRC), that Petitioner comply with the prior orders for Respondent to have parenting time every other weekend, and visitation with the parties minor daughter to be in a therapeutic setting if necessary but for parenting time with the parties minor son to commence immediately.

The court denied Respondent's ex parte request on January 26, 2022, as it did not constitute an emergency. The court ordered all previous orders remain in full force and effect.

On January 26, 2022, Respondent filed a request for Order (RFO) requesting the court make orders as to parenting time. Parties were referred to CCRC with an appointment on February 28, 2022 and a review hearing set on April 14, 2022. Upon review of the court file, there is no Proof of Service showing Petitioner had been served with the RFO and referral to CCRC.

Neither party appeared at the CCRC appointment scheduled on February 28, 2022. Therefore, the matter is dropped from the court's calendar and the previous orders regarding custody and visitation remain in full force and effect with no modifications.

**TENTATIVE RULING #15: MATTER DROPPED FROM COURT'S CALENDAR DUE TO NONAPPEARANCE AT CCRC BY BOTH PARTIES. ALL PRIOR ORDERS REGARDING CUSTODY AND VISITATION REMAIN IN FULL FORCE AND EFFECT WITH NO MODIFICATIONS.**

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**6. JANELL RODRIGUEZ V. EMIGDO RODRIGUEZ**

**PFL20120979**

On January 13, 2022 after hearing argument from counsel, adopted its tentative ruling. Minor's counsel was appointed, and a further review hearing was set to receive input from minors counsel. Parties were ordered to file updated Income and Expense Declaration no later than 10 days prior to the next court date. Parties were also ordered to provide proof of completion of co-parenting class. The court ordered the minor to be enrolled in counseling with parties to utilize their insurance to cover the expense, subject to reallocation.

On February 3, 2022 Respondent filed a declaration with a co-parenting class certificate of completion attached. Petitioner was served by mail on February 2, 2022.

Minor's counsel filed a Statement of Issues and Contentions and Request for Orders on February 18, 2022. The parties were served by mail on February 17, 2022. Minor's counsel had the opportunity to meet with the minor and review the pleadings in the case. Minor's Counsel believes there is a break down in co-parenting. She requests the court modify the parenting plan to a week on/week off schedule with the exchanges to take place after school on Fridays or at 3:00 P.M. when school is not in session. This will alleviate the numerous exchanges that occur with the current schedule. Minor's counsel also requests the court order parties to engage in co-parenting with Tim Rood and the court set a review hearing in 120 days.

Petitioner filed a Declaration on April 4, 2022 with an attached letter regarding her completion of co-parenting class. Petitioner also filed an Income and Expense Declaration. Respondent was served electronically on April 4, 2022. There is no Proof of Service of the Declaration for Minor's Counsel.

On April 5, 2022 Respondent filed a Supplemental Declaration requesting the court make additional orders. Respondent filed an updated Income and Expense Declaration on April 4, 2022. Petitioner was served by mail on April 1, 2022. There is no Proof of Service indicating minors counsel has been served with Respondent's Supplemental Declaration.

Respondent request the court modify the parenting plan to week on/week off; parties continue to use talkingparents.com to communicate; the minor be taken to Sutter Hospital in case of an emergency; the minor receive the Covid019 vaccine and boosters, the parties continue to attend co-parenting counseling with the current therapist; the court issue Family Code section 271 sanctions as previously requested; Petitioner to pay 100% of the cost of Minor's Counsel and minor's therapy; and to set a review hearing in 120 days.

Petitioner files a Supplemental Declaration on April 6, 2022. Petitioner was served electronically on April 5, 2022. There is no Proof of Service for Minor's Counsel.

Petitioner requests the current parenting plan remain in effect; the parties not be restricted to using the talkingparents.com application for communication; that the minor be taken to Kaiser Roseville in case of emergency; that if the minor is to receive the vaccine, it be the Johnson and Johnson version; the court deny Respondent's request for Family Code section 271 sanctions; and that parties split the costs of Minor's Counsel and minor's therapy.

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The court has read and considered the filings as outlined above and makes the following findings and orders:

Parties are to immediately serve their Supplemental Declarations on Minor's Counsel.

The court finds that minimizing the exchanges between homes is in the minor's best interests. The parenting plan is modified to week on/week off. This modification will occur at the end of the school year. The exchanges will happen at the end of the school day on Friday or at time agreed upon by the parties when school is not in session. When school is not in session the exchanges will take place at a location agreed upon by the parties.

Parties are to continue to use the talkingparents.com application for all communication unless there is an emergency. In the event of an emergency the parties may use phone calls or text messages.

If the minor requires emergency medical attention she is to be taken to the closest hospital.

Parties are to continue to participate in co-parenting counseling with the current co-parenting therapist Agueda Fontes at a frequency and duration as directed by the therapist. Parties are directed to meet and confer on the issue of vaccinating the minor during their co-parenting counseling sessions.

The court finds based on the parties Income and Expense Declarations, that the parties are equally positioned in their ability to pay for Minor's counsel and the minor's counseling. Therefore, the court orders parties are to split the costs of Minor's counsel and the minor's counseling 50/50. The court will continue to reserve on reallocation of costs for Minor's Counsel and the minor's therapy costs.

The court reserves on Respondent's request for 271 sanctions pending the review hearing in 120. The court warns Petitioner, if the behavior outlined in Minor's Counsel's report continues, the court may impose sanctions.

The court sets a review hearing for August 11<sup>th</sup>, 2022 at 8:30AM.

All prior orders not in conflict remain in full force and effect. Petitioner shall prepare and file findings and orders after hearing.

**TENTATIVE RULING #6: PARTIES ARE TO IMMEDIATELY SERVE THEIR SUPPLEMENTAL DECLARATIONS ON MINOR'S COUNSEL. THE COURT FINDS THAT MINIMIZING THE EXCHANGES BETWEEN HOME IS IN THE MINOR'S BEST INTERESTS. THE PARENTING PLAN IS MODIFIED TO WEEK ON/WEEK OFF. THIS MODIFICATION WILL OCCUR AT THE END OF THE SCHOOL YEAR. THE EXCHANGES WILL HAPPEN AT THE END OF THE SCHOOL DAY ON FRIDAY OR AT TIME AGREED UPON BY THE PARTIES WHEN SCHOOL IS NOT IN SESSION. WHEN SCHOOL IS NOT IN SESSION THE EXCHANGES WILL TAKE PLACE AT A LOCATION AGREED UPON BY THE PARTIES. PARTIES ARE TO CONTINUE TO USE THE TALKINGPARENTS.COM APPLICATION FOR ALL COMMUNICATION UNLESS THERE IS AN EMERGENCY. IN THE EVENT OF AN EMERGENCY THE PARTIES MAY USE PHONE CALLS OR TEXT MESSAGES. PARTIES ARE TO CONTINUE TO PARTICIPATE IN CO-PARENTING COUNSELING WITH THE CURRENT CO-PARENTING THERAPIST AGUEDA FONTES AT A FREQUENCY AND DURATION AS DIRECTED BY THE THERAPIST. PARTIES ARE DIRECTED TO MEET AND CONFER ON THE ISSUE OF VACCINATING THE**

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**MINOR DURING THEIR CO-PARENTING COUNSELING SESSIONS. THE COURT FINDS BASED ON THE PARTIES INCOME AND EXPENSE DECLARATIONS, THAT THE PARTIES ARE EQUALLY POSITIONED IN THEIR ABILITY TO PAY FOR MINOR'S COUNSEL AND THE MINOR'S COUNSELING. THEREFORE, THE COURT ORDERS PARTIES ARE TO SPLIT THE COSTS OF MINOR'S COUNSEL AND THE MINOR'S COUNSELING 50/50. THE COURT WILL CONTINUE TO RESERVE ON REALLOCATION OF COSTS FOR MINOR'S COUNSEL AND THE MINOR'S THERAPY COSTS. THE COURT RESERVES ON RESPONDENT'S REQUEST FOR 271 SANCTIONS PENDING THE REVIEW HEARING IN 120. THE COURT WARNS PETITIONER, IF THE BEHAVIOR OUTLINED IN MINOR'S COUNSEL'S REPORT CONTINUES, THE COURT MAY IMPOSE SANCTIONS. THE COURT SETS A REVIEW HEARING FOR AUGUST 11<sup>TH</sup>, 2022 AT 8:30AM. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE FINDINGS AND ORDERS AFTER HEARING.**

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**8. JORDANA WEBER V. JASON TORRES**

**PFL20190173**

On January 31, 2022, Petitioner filed an ex parte application order that Respondent have no or professionally supervised visits with the minor. On February 1, 2022, the court granted the ex parte relief in part, ordering Respondent to have professionally supervised visits twice per week for up to two hours per visit. A hearing on the underlying Request for Order (RFO) was set on April 14, 2022, with parties referred to a CCRC session on February 28, 2022.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Respondent. However, the court finds that both parties participated in the CCRC session, at which time the parties discussed the allegations contained within the RFO. As such, the court finds that Respondent has notice of the requests contained within the RFO.

A CCRC report was issued on March 23, 2022 with copies mailed to the parties that same day. Per the report, the parties agreed for Petitioner to have sole physical custody with the supervised visits to continue to occur at Parent to Parent. The report recommends that all other orders remain in full force and effect, except that Petitioner be ordered to inform Respondent on matters concerning the health, education, and welfare of the child.

On April 4, 2022, Minor's Counsel filed a Statement of Issues and Contentions and Request for Orders, served by mail on the other parties that same day. Minor's Counsel requests that the current orders remain in full force and effect.

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

Additionally, on March 4, 2022, the matter was on calendar for Petitioner's motion for reconsideration of the court's October 29, 2021 ruling. The motion was supported by a declaration from a forensic expert, containing new facts. The court posted a tentative ruling in advance of the March 4, 2022 hearing per local rules. The tentative ruling was to deny the motion for reconsideration, to deny Respondent's request for sanctions, and to not set a hearing on the demurrer. The court finds that no new filings have been made by either party since the March 4, 2022 hearing, and as such the court's analysis as set forth in the tentative ruling remains unchanged. Therefore, the court denies the motion for reconsideration, to denies Respondent's request for sanctions, and declines to set a hearing on the demurrer.

The court notes that Petitioner's counsel requested the matter be set for long cause oral argument at March 4, 2022 hearing. If Petitioner wishes to object to the tentative ruling, Petitioner may lodge her objection to this tentative ruling and request oral argument.

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

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**TENTATIVE RULING #8: THE AGREEMENTS AND RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. THE COURT DENIES THE MOTION FOR RECONSIDERATION, TO DENIES RESPONDENT'S REQUEST FOR SANCTIONS, AND DECLINES TO SET A HEARING ON THE DEMURRER. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**

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**10. MICHELLE ZURO-KRIEMER V. JAMES KREIMER**

**PFL20190537**

On January 31, 2022 Petitioner filed a Request for Order (RFO) requesting a change in the child support order. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing the RFO and Income and Expense Declaration were served on Respondent.

Petitioner is requesting guideline support with an equal division of uninsured medical, dental, vision and other out of pocket medical expenses for the minors pursuant to Family Code section, 4062(a)(2). Petitioner is also requesting an equal division of childcare expenses and agreed upon extracurricular activities for the minors.

Petitioner filed an updated Income and Expense Declaration on March 14, 2022. Respondent was served by mail on March 14, 2022.

Respondent filed a Responsive Declaration on March 23, 2022. Respondent filed an Income and Expense Declaration concurrently. There is no proof of service showing Petitioner was served with either the Response or the Income and Expense Declaration.

Neither party has provided proof the other was properly served with their respective RFO or Response. Therefore, the matter is dropped from the court's calendar and the previous orders regarding child support remain in full force and effect with no modifications.

**TENTATIVE RULING #10: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR AND THE PREVIOUS ORDERS REGARDING CHILD SUPPORT REMAIN IN FULL FORCE AND EFFECT WITH NO MODIFICATIONS.**

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**11. NIKOLAS PAECH V. CAROLINE GIROUX**

**PFL20210276**

On March 10, 2022 the court adopted its tentative ruling and reinstated a 2-2-3 parenting plan and set a further review hearing for the parenting plan. Parties were ordered to participate in a Family Code 730 evaluation with Dr. Nelson. Parties were also ordered to locate a new co-parenting therapist and family therapist. Parties were to file any supplemental declarations at least 10 days prior to the next hearing.

Petitioner and his counsel filed Supplemental Declarations on April 4, 2022. Respondent and Minors' Counsel were served by mail on the same day. Petitioner asserts the parties have begun family therapy with the new therapist. Parties have also commenced the Family Code 730 evaluation. The parties have not yet started co-parenting counseling as they have not been able to reach an agreement on a therapist who is currently available to take on new clients. Petitioner, through counsel, suggests co-parenting counseling be delayed until after the Family Code 730 evaluation has been completed. Petitioner also suggests re-setting the return date for the Family Code 730 evaluation as it is unlikely to be completed by the date currently set. Petitioner implores the court to help the parties find common ground on which to move forward, including allowing the minors to take their pet hamster between houses with them.

Respondent filed a Supplemental Declaration on April 7, 2022. She echoes Petitioner in regards to the family starting family therapy with the new therapist. Respondent also asserts there has continued to be a high level of stress during her parenting time with the minors. Respondent is requesting further support in setting boundaries with the minors during her parenting time. Respondent requests the court order each party to provide their work schedule within 48 hours of it being set. Respondent also requests the court select a co-parenting counselor for the parties. Last, Respondent requests the court order Petitioner to restrict the minors' access to his home when he is at work or out of town.

The court has not received a supplemental declaration from minors' counsel.

The court has read and considered the above filings and makes the following findings and orders:

Parties are to each submit the names of two co-parenting therapists who are currently available to take on new clients to minors' counsel on or before April 25, 2022. Minors' counsel will then select one of the four therapists and notify the parties of the selection no later than May 2, 2022. Parties are then to commence co-parenting counseling at a frequency and duration as directed by the therapist.

Parties are to utilize either the talkingparents.com or myfamilywizard.com applications to communicate about the minors. Parties are also to utilize the calendar function to keep their schedule updated. Each party must have their work schedule posted at least 30 days in advance.

The court denies Respondent's request for Petitioner to restrict access to his home when he is working or out of town. The court continues to encourage the parties to work collaboratively to set

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realistic boundaries and expectations for the minors while they are in the other's care. The court authorizes the minors to bring their pet hamster with them to Respondent's home.

The court re-sets the review hearing for return of the Family Code 730 evaluation. The August 11, 2022 date is vacated and re-set to October 13<sup>th</sup>, 2022 at 8:30AM.

All prior orders not in conflict remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #11: THE COURT ORDERS PARTIES TO EACH SUBMIT THE NAMES OF TWO CO-PARENTING THERAPISTS WHO ARE CURRENTLY AVAILABLE TO TAKE ON NEW CLIENTS TO MINORS' COUNSEL ON OR BEFORE APRIL 25, 2022. MINORS' COUNSEL WILL THEN SELECT ONE OF THE FOUR THERAPISTS AND NOTIFY THE PARTIES OF THE SELECTION NO LATER THAN MAY 2, 2022. PARTIES ARE THEN TO COMMENCE CO-PARENTING COUNSELING AT A FREQUENCY AND DURATION AS DIRECTED BY THE THERAPIST. PARTIES ARE TO UTILIZE EITHER THE TALKINGPARENTS.COM OR MYFAMILYWIZARD.COM APPLICATIONS TO COMMUNICATE ABOUT THE MINORS. PARTIES ARE ALSO TO UTILIZE THE CALENDAR FUNCTION TO KEEP THEIR SCHEDULE UPDATED. EACH PARTY MUST HAVE THEIR WORK SCHEDULE POSTED AT LEAST 30 DAYS IN ADVANCE. THE COURT DENIES RESPONDENT'S REQUEST FOR PETITIONER TO RESTRICT ACCESS TO HIS HOME WHEN HE IS WORKING OR OUT OF TOWN. THE COURT CONTINUES TO ENCOURAGE THE PARTIES TO WORK COLLABORATIVELY TO SET REALISTIC BOUNDARIES AND EXPECTATIONS FOR THE MINORS WHILE THEY ARE IN THE OTHER'S CARE. THE COURT AUTHORIZES THE MINORS TO BRING THEIR PET HAMSTER WITH THEM TO RESPONDENT'S HOME. THE COURT RE-SETS THE REVIEW HEARING FOR RETURN OF THE FAMILY CODE 730 EVALUATION. THE AUGUST 11, 2022 DATE IS VACATED AND RE-SET TO OCTOBER 13<sup>TH</sup>, 2022 AT 8:30AM. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**12. RAYCHEL MISTLER V. JASON MIRANDA**

**PFL20170432**

On November 10, 2021, Respondent filed a Request for Order (RFO) requesting a change in child custody and parenting time. The court referred the parties to a Child Custody Recommending Counseling (CCRC) session scheduled for December 17, 2021 and a review hearing set for February 3, 2022.

Only Respondent appeared at the CCRC session on December 17, 2021, and as such a single participant report was issued, with no recommendations.

Upon review of the file, there was no Proof of Service showing Petitioner was served with notice of the RFO or of the referral to CCRC.

On February 3, 2022 the court adopted its tentative ruling re-referring the parties to CCRC for an appointment on February 25, 2022 and a further review hearing on April 14, 2022.

On February 25, 2022 both parties attended the CCRC appointment and reached a full agreement. A copy of the report was sent to the parties on April 5, 2022. The court has read and considered the CCRC report and finds the agreement reached by the parties to be in the best interest of the minor. The court adopts the agreement of the parties as its order. Parties will have joint legal custody. Respondent will have parenting time every other weekend and one weekday during the week. The court adopts the holiday schedule as outlined in the report. The minor is to be enrolled in individual therapy with a licensed clinician. If parties cannot agree on a therapist for the minor outright, Petitioner shall provide Respondent with the name of three therapists no later than April 28, 2022. Respondent will then select one of the three and notify the Petitioner of the choice no later than May 5, 2022. The minor shall attend therapy at a frequency and duration as directed by the therapist. Parties are to enroll in co-parenting counseling. The court adopts the remainder of the agreement.

All prior orders not in conflict remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #12: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS CONTAINED IN THE FEBRUARY 25, 2022 CCRC REPORT AND AS OUTLINED ABOVE. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

**13. ROSA MALLORY V. MICHAEL MALLORY**

**PFL20110553**

On February 14, 2022 Respondent filed a Request for Order (RFO) requesting a change to custody and parenting time. Petitioner was served with the RFO by mail on February 16, 2022.

Upon review of the court file, it does not appear parties were referred to Child Custody Recommending Counselling (CCRC). The court notes parties have not been to CCRC since 2018. As such, the court finds good cause to continue the matter for the parties to attend CCRC on [date was previously with Ady]. The court sets a review hearing for July 7<sup>th</sup>, 2022 at 8:30AM for review of the CCRC report.

Petitioner has not filed a Responsive Declaration.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #13: THE COURT FINDS GOOD CAUSE TO CONTINUE THE HEARING. PARTIES ARE REFERRED TO CCRC ON MAY 13<sup>TH</sup>, 2022 AT 9:00AM WITH NORMAN LABAT. THE COURT SETS A REVIEW HEARING ON JULY 7<sup>TH</sup>, 2022 AT 8:30AM. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 14, 2022

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

**14. TATYANA ZYUBANOVA V. VADIM ZYUBANOVA**

**PFL20160668**

On February 7, 2022, Petitioner filed a Request for Order (RFO) requesting the court make orders as to child support and temporary spousal support. Petitioner filed an Income and Expense Declaration with the RFO. Respondent was personally served with the RFO and Income and Expense Declaration on March 15, 2022.

Petitioner requests the court order guideline child support and spousal support in the amount of \$500 per month. The request for spousal support is being made post-judgement.

Respondent has not filed a responsive declaration or an Income and Expense Declaration.

The court finds it needs to take evidence to address the Family Code 4320 factors to award spousal support. Further, the court needs updated Income and Expense Declarations from both parties.

Parties are ordered to appear to select Mandatory Settlement Conference and trial dates.

All prior orders remain in full force and effect. The court reserves jurisdiction to make orders for child and spousal support to the date of the filing of the petition. Parties are to file updated Income and Expense Declarations no later than 10 days prior to the next court date.

Petitioner shall prepare and file findings and orders after hearing.

**TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT RESERVES JURISDICTION TO MAKE ORDERS FOR CHILD AND SPOUSAL SUPPORT TO THE DATE OF THE FILING OF THE PETITION. PARTIES ARE TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT COURT DATE. PETITIONER SHALL PREPARE AND FILE FINDINGS AND ORDERS AFTER HEARING.**