

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 12, 2021

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

1. PETER LOWIS v. JANEENE LOWIS

PFL20140874

On June 4, 2021 Petitioner filed a Request for Order (RFO) requesting post-judgment modification of spousal support. Petitioner alleges that the request is based upon Respondent's cohabitation and further alleges that Respondent received adequate assets and had sufficient income from her retirement and social security benefits to be self-supporting. Petitioner concurrently filed an Income and Expense Declaration. On July 7, 2021 Petitioner filed a Proof of Personal Service showing service upon Respondent on June 30, 2021.

On July 28, 2021 Respondent filed a Responsive Declaration to the RFO, a Memorandum of Points and Authorities Objection to the RFO, and an Income and Expense Declaration. Respondent requests the court deny Petitioner's motion pending an evidentiary hearing and award Respondent Family Code section 2030 fees in the amount of \$5,000. Respondent alleges that while she is cohabitating, Mr. Gustafson does not contribute financially and assists her with maintaining the property. Respondent additionally filed a Declaration in support of the request for Attorney's fees, and a Declaration from Walter Gustafson. On July 28, 2021 Respondent filed a Proof of Electronic Service showing service upon Petitioner the same day.

On August 4, 2021 Petitioner filed a Separate Request for Judicial Notice Pursuant to Evidence Code Sections 452 and 453, a Notice of Objection to Portions of Respondent's Responsive Declaration, and Declarations in Support Thereof, and Motion to Strike, and a Reply to Responsive Declaration and Points and Authorities in Support thereof. All three filings have attached Proofs of Service electronically and by Mail showing service upon Respondent on August 4, 2021.

The court has read and considered the above filings and has reviewed the file. Based on its review, the court makes the following findings and orders:

Judgment was entered on January 23, 2015, which includes the spousal support order at issue and contemplates modification/termination of the order. The court finds it has jurisdiction.

Petitioner has shown a change in circumstances since entry of Judgment in that Respondent is cohabitating, giving rise to the Family Code section 4323 presumption. However, the court shall set an evidentiary hearing to receive evidence on the Family Code section 4320 factors, which it must weigh prior to making a post judgment modification of spousal support. The court orders the parties to appear for purposes of selecting a trial date.

Respondent's request for Family Code section 2030 attorney's fees is denied without prejudice. The court finds that it is not affirmative relief that that raised in the RFO as contemplated in Family Code section 213. (*See also In Re Marriage of Perow & Uzelac* (2019) 31 Cal.App.5th 984 – differentiating Family Code section 271 requests.) However, even if the court were to consider the merits of the request, the court finds that the parties' Income and

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Expense Declaration demonstrates that although there is a disparity in monthly income, neither party has greater access to, or a greater ability to pay, funds for purposes of obtaining representation. In fact, Respondent has substantial funds available to her as listed in item #11 of her Income and Expense Declaration.

All prior orders remain in full force and effect pending trial. Petitioner shall prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #1: PETITIONER HAS SHOWN A CHANGE IN CIRCUMSTANCES. THE PARTIES ARE ORDERED TO APPEAR TO SELECT A TRIAL DATE. RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 2030 FEES IS DENIED WITHOUT PREJUDICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT PENDING TRIAL. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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2. MARY MCQUINN V. MICHAEL MCQUINN

PFL20170332

On March 23, 2021, Petitioner filed an application for ex parte orders requesting that the court grant Respondent only supervised visits with the minors. On March 24, 2021, the court granted the ex parte request in part, granting Petitioner temporary sole physical custody, with the parties sharing legal custody, and Respondent supervised visits twice per week for 2 hours per visit. The court set a CCRC session on April 6, 2021 and a hearing on the RFO on April 29, 2021. On April 1, 2021, Respondent was served electronically and by mail with the RFO and ex parte orders.

On April 15, 2021, Respondent filed a Responsive Declaration, served by mail on Petitioner on April 14, 2021.

At the hearing on April 29, 2021, the court adopted the recommendations contained within the CCRC report as the orders of the court as modified. Respondent was granted parenting time on the 1st, 3rd, and 4th weekends of the month with the minors, and the children were ordered to participate in counseling. The parties were ordered to complete a 12-week parenting class. The matter was continued to August 12, 2021. The court further found that either party could file a request for a move away, which could be set on the August 12, 2021 calendar as well.

On June 14, 2021, Respondent filed an RFO requesting the court to allow him to move with the minors to Georgia. If not granted, Respondent requests that the court set definitive parameters regarding his visitation with the minors to ensure the visits occur.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Petitioner. However, on July 28, 2021, Petitioner filed a Responsive Declaration, served on Respondent electronically that same day, which references the requests made in the RFO and does not object to the RFO due to lack of service. Additionally, on that day, Petitioner filed and served on Respondent a Declaration for the Review Hearing and an Income and Expense Declaration.

In Petitioner's Declaration for the Review Hearing, Petitioner states that she completed 12 parenting classes, 4 via zoom and 8 in-person, claiming that she could not take all the classes in-person as in-person classes only started being offered on June 15, 2021, after the lifting of the COVID-related orders. Petitioner further states that the older minors (the boys) are in therapy, but not their daughter, with the therapist indicating that it is important to focus on the boys first given their issues and then to focus on their daughter. Petitioner declares she attends co-parenting classes, but not with Respondent. Petitioner requests that any out-of-pocket costs for therapy and supervised exchanges be paid by Respondent.

In the Responsive Declaration, Petitioner claims that Respondent has failed to provide specific details as to where he intends to move and that, at minimum, he should be ordered to provide such details before the court considers the request. Petitioner also contends that the children's support system is in California, and therefore it is in their interest to remain here with Petitioner. Lastly, Petitioner requests a 730 evaluation.

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On August 3, 2021, Respondent filed a Declaration, served electronically on Petitioner that same day. In this Declaration, Respondent declares that he completed a 12-week parenting class and raises concerns about how Petitioner completed her class, given it was part online and part in-person. He continues that he attempted to participate in co-parenting counseling, but the counselor said Petitioner was not ready to participate with him. Respondent objects to a 730 evaluation but consents to a 3111 evaluation if Petitioner pays one-half of it.

Also, on August 3, 2021, Petitioner filed a confidential psychological evaluation regarding the minor child, claiming that Respondent has access to the same evaluation. This evaluation has been placed in the confidential section of the court file.

On August 9, 2021, Petitioner filed a Supplemental Declaration, served electronically on Respondent the same day. Petitioner alleges that when she picked up the kids at the last exchange, they had large shopping bags filled with clothes, toys, and their belongings and that the kids told her that Respondent threw away their beds at the dump, saying that he would not be seeing them again except through FaceTime. Petitioner requests that Respondent be ordered to inform the court of his plans over the next few months, that he be admonished for having grown up conversations with the minors, that if he intends to leave the state permanently he provide at least two-weeks' notice of this intent, and that he provide specific details of where and when he will be exercising his parenting time.

On August 10, 2021, Respondent filed an Income and Expense Declaration, served electronically on Petitioner.

The court refers the parties to CCRC on 9/10/2021 at 9:00 a.m. with Rebecca Nelson regarding Respondent's move away request. A CCRC review hearing is set on 10/28/2021 at 8:30 a.m. in Department 5. Pending the next hearing, Respondent is ordered to provide at least one week notice to Petitioner of where he will exercise his parenting time. Respondent is ordered to advance the cost of any out-of-pocket costs for the minors' therapy and the supervised exchanges subject to reallocation.

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

TENTATIVE RULING #2: THE COURT REFERS THE PARTIES TO CCRC ON 9/10/2021 AT 9:00 A.M. WITH REBECCA NELSON REGARDING RESPONDENT'S MOVE AWAY REQUEST. A CCRC REVIEW HEARING IS SET ON 10/28/2021 AT 8:30 A.M. IN DEPARTMENT 5. PENDING THE NEXT HEARING, RESPONDENT IS ORDERED TO PROVIDE AT LEAST ONE WEEK NOTICE TO PETITIONER OF WHERE HE WILL EXERCISE HIS PARENTING TIME. RESPONDENT IS ORDERED TO ADVANCE THE COST OF THE ANY OUT-OF-POCKET COSTS FOR THE MINORS' THERAPY AND THE SUPERVISED EXCHANGES SUBJECT TO REALLOCATION. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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3. SERENA WILKE v. MARK WILKE

PFL20170443

On May 21, 2021 Petitioner filed a Request for Order (RFO) requesting modification of the current visitation orders and requesting the court grant her motion to relocate with the minor child. The parties were referred to CCRC and given a return to court date. On June 15, 2021 and July 12, 2021 Petitioner filed Proofs of Service by Mail showing service upon Respondent on June 11, 2021.

On May 24, 2021 Respondent filed a Request for Order (RFO) requesting modification of the current custody and visitation orders.

On August 5, 2021 Petitioner filed a Supplemental Declaration referencing Respondent's competing RFO and a Proof of Electronic Service showing service upon Respondent the same day.

On August 9, 2021 the court entered the parties' stipulation agreeing that their respective RFOs will also serve as their responsive declaration to the opposing parties' RFO.

The parties attended CCRC and a report was issued on July 23, 2021. Copies of the CCRC report were mailed to the parties on July 26, 2021.

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

The parties have had notice and an opportunity to be heard on the pending RFOs.

The parties reached two agreements, which the court finds are in the best interest of the minor and adopts the agreements as the court order.

The parties did not reach any agreements regarding Petitioner's move away request. As such, the court must set the matter for trial. The court orders the parties to appear to select a trial date. Pending trial, the court orders that the minor's residence shall not be changed.

The current orders shall remain in full force and effect pending trial. The court finds that there is not sufficient evidence for the court to find that modification of the current orders pending trial is in the best interest of the minor. In fact, it may result in an additional change for the minor, which is not in her best interest. Should the parties wish to make agreements, they may do so in writing.

TENTATIVE RULING #3: THE AGREEMENTS CONTAINED IN THE 7/23/21 CCRC REPORT ARE ADOPTED AS THE COURT ORDER. THE COURT SETS THE MOVE-AWAY FOR TRIAL AND ORDERS THE PARTIES TO APPEAR TO SELECT A TRIAL DATE. PENDING TRIAL, THE CURRENT ORDERS SHALL REMAIN IN FULL FORCE AND EFFECT.

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4. MICHAEL JULIFF V. JANINNE JULIFF

PFL20180452

On June 8, 2021, Counsel for Respondent filed a Motion to be Relieved as Counsel with a supporting declaration. Per the supporting declaration, Counsel confirmed Respondent's current mailing address within 30 days of the filing of the motion. On June 17, 2021, Respondent's Counsel filed a Proof of Service by Mail showing service of the motion upon Petitioner and Respondent on June 14, 2021.

The court has reviewed the file and finds that neither party has filed a Responsive Declaration. The court further finds, based on the declaration filed by Counsel, that there has been an irremediable breakdown in the attorney-client relationship such that Counsel can no longer effectively represent Respondent. Therefore, the motion is granted.

The court shall sign the order submitted by Counsel and Counsel is ordered to serve a copy of the order upon the parties upon receipt.

TENTATIVE RULING #4: MOTION GRANTED.

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6. JENNIFER COWLES v. BENJAMIN COWLES

PFL20180808

On June 17, 2021 Petitioner filed a Request for Order (RFO) requesting to move out of state with the minor children. The parties were not referred to CCRC and the matter was set on the law and motion calendar. On June 29, 2021 Petitioner filed a Proof of Service by Mail showing service upon Respondent on June 29, 2021. However, Petitioner did not file a Proof of Service showing service upon Minor's Counsel as required.

On July 14, 2021 Respondent filed a Response to Petitioner's move away request asserting his objection to the request, as well as Proofs of Service by Mail upon Petitioner and Minor's Counsel.

Minor's Counsel has not filed a Responsive Declaration.

The court has read and considered the above, and has reviewed the file, and makes the following findings and orders:

On July 20, 2021 following a trial on custody and visitation issues, the court ordered the parties to participate in a Family Code section 3111/730 evaluation. The parties are returning to court on December 9, 2021 for receipt of the evaluation. The instant RFO would necessarily involve custody and visitation issues and should be considered as part of the 3111 evaluation. As such, the court continues this issue to December 9, 2021 at 8:30 am and orders Petitioner to serve minor's counsel forthwith. Petitioner shall provide proof of service to the court.

All prior orders remain in full force and effect. The minor children shall remain residing in the state of California pending further orders.

TENTATIVE RULING #6: THE MOVE AWAY ISSUE IS CONTINUED TO DECEMBER 9, 2021. PENDING RETURN FROM THE 3111 EVALUATION THE MINOR CHILDREN SHALL REMAIN RESIDING IN CALIFORNIA AND ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL SERVE MINOR'S COUNSEL FORTHWITH AND PROVIDE PROOF TO THE COURT.

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7. TRAVIS DOCKTER V. BRITTANY DOCKTER

PFL20190493

On July 16, 2021, Claimants Keith and Beverly Dockter filed a Notice of Motion and Declaration for Joinder to be joined as parties to the case, alleging that they have a financial interest in real property that is subject to the proceeding, while acknowledging they are not on title. On July 20, 2021, Claimant filed a Proof of Service by Mail showing service of the filing upon Petitioner and Respondent the same day.

On July 23, 2021, Claimants filed a Declaration, served on the parties by mail on July 27, 2021, to which was attached an e-mail exchange which the Claimants allege indicates the parties' acknowledgement of the Claimants' financial interest in the property.

On July 29, 2021, Respondent filed a Responsive Declaration, served on Petitioner and Claimants that same day, consenting to the joinder and referencing the same e-mail as attached to the Claimant's Declaration. On July 30, 2021, Respondent filed another Responsive Declaration, this time on a Judicial Council form, consenting to the joinder.

On August 5, 2021 Petitioner's Counsel filed a Declaration re Failure of Service alleging that service was improper in that the Notice of Motion was not mailed in accordance with Code of Civil Procedure section 1005. Petitioner alleges that he did not receive the filing until July 27, 2021, providing inadequate time for his response. Petitioner requests the court deny the joinder, or in the alternative, grant a continuance to allow consideration of Respondent's Responsive Declaration. Respondent filed a Responsive Declaration in addition to Counsel's Declaration, with an attached "Gift Letter" alleged to have been executed by Claimants and gifting the funds at issue to Petitioner. Petitioner filed Proofs of Service by Mail showing service upon Respondent and Claimants with the filings the same day.

Having reviewed the filings, the court finds that service was appropriate per California Rules of Court, rule 5.24 in that the hearing must be set within 30 days of the filing of the Notice of Motion. The instant hearing was set within 30 days. The court had an opportunity to review Petitioner's opposition.

Based in its review, the court finds that claimants have not demonstrated that joinder is necessary to the determination of an issue in this matter or that the claimants are indispensable to an issue presented in the family law matter. The evidence shows that the claimants are not on title and the money at issue was gifted to Petitioner, which may give rise to a civil issue but does not meet the requirements of joinder for this family law matter. (Cal. Rules of Court, rule 5.24.) Therefore, the motion is denied.

TENTATIVE RULING #7: CLAIMANTS' MOTION IS DENIED.

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8. ABBY EIDSON v. DEVON HIGH

PFL20200426

On June 21, 2021, Respondent filed a Request for Order (RFO) asking the court to modify the current custody orders. On July 9, 2021, Petitioner was served with the RFO.

On July 21, 2021, Petitioner filed a Responsive Declaration, served on Respondent the same day.

In the RFO, Respondent references a mutual agreement clause in the prior orders, which the court infers to be regarding decisions about third parties who may provide care for the child. Respondent states that there is a dispute between the parties as to whether the paternal grandfather can watch the minors during Respondent's custodial time. Respondent also requests that the court order the parties to engage in parallel parenting as previously recommended in the March 9, 2021 CCRC report, but not adopted by the court.

Upon review of the file, aside from the first right of refusal as recommended in the 8/25/20 CRCC report and adopted by the court at the 9/11/20 hearing, the court finds that there are no restrictions on who can care for the children during a party's custodial time. Therefore, the court need not make any orders on this issue, but the court clarifies to the parties that mutual agreement is not required for the selection of a childcare provider during a parent's time, subject to the right of first refusal.

Regarding the request to order parallel parenting, the court finds there has not been a significant change of circumstances since the last hearing to justify such a change and denies the request. Nor does the court find that such an order is in the best interest of the children at this time.

The current orders are affirmed and remain in full force and effect.

TENTATIVE RULING #8: THE CURRENT ORDERS ARE AFFIRMED AND REMAIN IN FULL FORCE AND EFFECT.

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10. BASSEL KHADRA V. STEPHANI WU

PFL20200697

On June 25, 2021, Petitioner filed a Request for Order (RFO) asking the court to modify the custody and visitation orders, to order a return of the child to El Dorado County, and to order Respondent to pay Petitioner's attorney's fee under Family Code 2030. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served electronically on Respondent and Minor's Counsel on June 28, 2021.

On July 2, 2021, Minor's Counsel filed a Responsive Declaration, served by mail on Petitioner and Respondent. Minor's Counsel requested that the issues raised in the RFO be handled at the trial, which at that time was set for August 17-18, 2021. Minor's Counsel also objected to the custody request in the RFO, stating that it was not the child's best interest.

On July 28, 2021, the parties submitted a stipulation in the related matter (PFL20200809), approved by the court, which vacated the Temporary Restraining Order that was set for trial on August 10-11, 2021. The parties also agreed that the current custody orders shall remain in effect and that Petitioner shall pay Respondent \$3,000 in attorney's fees.

At the hearing on July 29, 2021 in the related matter, the court referred the parties to CCRC on August 3, 2021 with the CCRC review hearing on August 12, 2021. The court also vacated the August 17-18, 2021 trial and gave Respondent leave to file her Responsive Declaration by August 5, 2021 and for it not to be deemed untimely.

On August 5, 2021, Respondent filed a Responsive Declaration, served electronically on Petitioner and Minor's Counsel, in which she objected to Petitioner's requests. Regarding the attorney's fees request, Respondent contends that Petitioner's Income and Expense Declaration is incomplete in that it provides no proof of the alleged loans from his family, nor does it include the hundreds of thousands of dollars Respondent got from the sale of his home.

Both parties participated in the CCRC session, but came to no agreements. The CCRC report recommends joint legal custody, sole physical custody to Respondent, and a step-up plan for visits for Petitioner moving him from supervised visits to eventually unsupervised visits.

Having reviewed the filings of the parties and the CCRC report, the court finds that the recommendations contained within the CCRC report are in the best interest of the child and adopts them as the orders of the court with the modifications as noted below. Commencing on Saturday, August 14, 2021, Petitioner shall have up to eight hours of supervised visits on every Saturday. Commencing on September 11, 2021, every Saturday Petitioner shall have up to four hours of unsupervised visits in the morning followed by up to four hours of supervised visits in the afternoon, with the minor checking in with the supervisor in the afternoon to report how the unsupervised visit went. After at least four of these visits, and provided that Minor's Counsel approves, Petitioner shall have up to eight hours of unsupervised parenting time every Saturday until further order of the court.

The court denies Petitioner's request to order the child to return to El Dorado County, finding it in the child's best interest to remain in Respondent's primary care. This order also promotes stability and continuity for the minor child.

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Regarding Petitioner's attorney's fees request, the court finds it has insufficient information regarding the alleged loans Petitioner is receiving as well as the full extent of Petitioner's assets, including the alleged proceeds from the sale of the home. Further, the court notes that the parties in the related matter stipulated to Petitioner paying Respondent attorney's fees. The court does not have adequate information as to why Petitioner agreed to pay attorney's fees to Respondent while requesting attorney's fees himself. As such, the court denies Petitioner's request for attorney's fees under Family Code 2030 without prejudice.

Minor's Counsel is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #10: THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ADOPTED AS THE ORDERS OF THE COURT WITH THE MODIFICATIONS AS NOTED BELOW. COMMENCING ON SATURDAY, AUGUST 14, 2021, PETITIONER SHALL HAVE UP TO EIGHT HOURS OF SUPERVISED VISITS ON EVERY SATURDAY. COMMENCING ON SEPTEMBER 11, 2021, EVERY SATURDAY PETITIONER SHALL HAVE UP TO FOUR HOURS OF UNSUPERVISED VISITS IN THE MORNING FOLLOWED BY UP TO FOUR HOURS OF SUPERVISED VISITS IN THE AFTERNOON, WITH THE MINOR CHECKING IN WITH THE SUPERVISOR IN THE AFTERNOON TO REPORT HOW THE UNSUPERVISED VISIT WENT. AFTER AT LEAST FOUR OF THESE VISITS AND PROVIDED THAT MINOR'S COUNSEL APPROVES, PETITIONER SHALL HAVE UP TO EIGHT HOURS OF UNSUPERVISED PARENTING TIME EVERY SATURDAY UNTIL FURTHER ORDER OF THE COURT. THE COURT DENIES PETITIONER'S REQUEST TO ORDER THE CHILD TO RETURN TO EL DORADO COUNTY. THE COURT DENIES PETITIONER'S REQUEST FOR ATTORNEY'S FEES UNDER FAMILY CODE 2030 WITHOUT PREJUDICE. MINOR'S COUNSEL IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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13. STEPHANIE WU V. BASSEL KHADRA

PFL20200809

On June 14, 2021, Minor's Counsel filed an application for an Order Shortening Time (OST) on her Request for Order (RFO) for the court to determine the best method to receive the minor's testimony. On June 14, 2021, the court granted the OST, setting hearing date of July 15, 2021 with a service deadline of June 22, 2021. That same day, the other parties were served with the RFO and OST by mail and electronically.

On June 29, 2021, the parties agreed to continue the July 14, 2021 hearing to July 29, 2021, which the court approved.

On July 2, 2021, Respondent filed a Responsive Declaration, served electronically on the other parties on July 1, 2021.

On July 28, 2021, the parties submitted a stipulation, approved by the court, that vacated the Temporary Restraining Order, which was set for trial on August 10-11, 2021. The parties also agreed that the current custody orders shall remain in effect and that Petitioner shall pay Respondent \$3,000 in attorney's fees.

At the hearing on July 29, 2021, the court referred the parties to CCRC on August 3, 2021 with the CCRC review hearing on August 12, 2021. The court also vacated the August 17-18, 2021 trial. The court retained jurisdiction to determine how best for the child to testify if necessary.

On August 5, 2021, Petitioner filed an Income and Expense Declaration, which per the proof of service filed in the related matter (PFL20200697) was served on the other parties' electronically that same day.

Regarding the custody and visitation issues addressed through CCRC, the court's tentative ruling in #10 above as it relates to custody and visitation is incorporated herein.

Minor's Counsel is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #13: THE COURT'S TENTATIVE RULING IN #10 ABOVE AS IT RELATES TO CUSTODY AND VISITATION IS INCORPORATED HEREIN. MINOR'S COUNSEL IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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11. RYAN WISE V. ALLISON WHITE

PFL20200713

On June 22, 2021, Counsel for Respondent filed a Motion to be Relieved as Counsel with a supporting declaration. Per the supporting declaration, Counsel confirmed Respondent's current mailing address within 30 days of the filing of the motion. On June 30, 2021, Respondent's Counsel filed a Proof of Service by Mail showing service of the motion upon Petitioner and Respondent on June 14, 2021.

The court has reviewed the file and finds that neither party has filed a Responsive Declaration. The court further finds, based on the declaration filed by Counsel, that there has been an irreparable breakdown in the attorney-client relationship such that Counsel can no longer effectively represent Respondent. Therefore, the motion is granted.

The court shall sign the order submitted by Counsel and Counsel is ordered to serve a copy of the order upon the parties upon receipt.

TENTATIVE RULING #11: MOTION GRANTED.

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15. MYRON QUADROS V. KRYSTAL MCCELLAN

PFL20210184

On March 30, 2021, Petitioner filed a Request for Order (RFO) asking the court to make custody and visitation orders, including an order prohibiting a change in the minor's school absent the parties' agreement or a court order. On April 10, 2021, Respondent was served with the RFO per the filed Proof of Service.

On May 11, 2021, Petitioner filed a Supplemental Declaration requesting that the parties be referred to CCRC for mediation, with the birth certificate of the minor attached.

On May 27, 2021, Respondent filed a Responsive Declaration and Respondent's Declaration in Response to Petitioner's Request for Order. Upon review of the file, there is no proof of service indicating service of these filings on Petitioner. Therefore, the court has not reviewed nor considered them.

In its tentative ruling adopted at the June 10, 2021 hearing, the court found that the parties are the legal parents of the minor and ordered Petitioner to prepare a judgment as to the issue of parentage. The court referred the parties to a CCRC session and set a review hearing on August 12, 2021.

On June 18, 2021, Petitioner filed a Supplemental Declaration, served on Respondent on by mail on June 17, 2021. On August 10, 2021, Respondent filed Respondent's Objections to Petitioner's Declarations, served by mail on Respondent on August 9, 2021.

Both parties participated in the CCRC session and came to several agreements but not on the actual parenting time schedule. The CCRC report recommends that Petitioner have the 1st, 3rd, and 4th weekends of the month from Thursday at 6 p.m. to Sunday at 6 p.m. and Thursday at 6 p.m. to Friday at 6 p.m. on the 2nd week of the month.

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

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

TENTATIVE RULING #15: THE AGREEMENTS AND RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.