

1 **Important Information for Tentative Rulings and Hearings:**

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- 3 1. Please review and follow the Tentative Ruling Instructions which can be found on the Court’s website
- 4 using the following link: <https://sf.courts.ca.gov/divisions/unified-family-court/ufc-tentative-rulings>.
- 5 2. If you wish to make an objection to the Tentative Ruling in your case, you must notify the other party
- 6 (unless there is a restraining order in place) and the Court Clerk in the Department where the hearing
- 7 is scheduled of your objection by 4:00 PM the Court day prior to the hearing date. Court days do not
- 8 include Court holidays, Saturdays, or Sundays. The Court’s Holiday Schedule can be found on the
- 9 Court’s website using the following link: [https://sf.courts.ca.gov/general-information/holiday-](https://sf.courts.ca.gov/general-information/holiday-schedules)
- 10 [schedules](https://sf.courts.ca.gov/general-information/holiday-schedules).
- 11 3. To contact the Court Clerk in Dept. 403 to make an objection to the Tentative Ruling in your
- 12 case, please call (415) 551–3741 or send an email to [Department403@sftc.org](mailto:Department403@sftc.org).
- 13 4. To contact the Court Clerk in Dept. 404 to make an objection to the Tentative Ruling in your
- 14 case, please call (415) 551–3744 or send an email to [Department404@sftc.org](mailto:Department404@sftc.org).
- 15 5. When you contact the Court Clerk to make an objection to the Tentative Ruling in your case, please
- 16 specify the paragraph(s) and / or line number(s) of the Tentative Ruling which contains the language
- 17 to which you object.
- 18 6. You may appear at your hearing either (a) in-person; (b) by video; or (c) by phone. Pursuant to SFLR
- 19 11.7(D)(4), if you choose to appear by video or phone, you must be continuously connected to Zoom
- 20 from 8:50 a.m. until 12:00 p.m. or until your hearing is concluded. If you fail to appear in-person, by
- 21 video, or phone, the Court may proceed with the hearing in your absence. The Court is not required to
- 22 contact you before your hearing.
- 23 7. If you choose to appear by video or by phone, you must comply with the Notice and Instructions for
- 24 Remote Appearances in San Francisco Family Court set forth below.
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**SAN FRANCISCO SUPERIOR COURT  
UNIFIED FAMILY COURT  
NOTICE AND INSTRUCTIONS FOR REMOTE APPEARANCES**

You may appear at your court hearing either (1) in-person or (2) remotely by video or telephone. If you fail to appear in-person or remotely by video or telephone, the court may proceed with the hearing in your absence. *The clerk will NOT contact you.* Remote appearances by video or telephone can be made utilizing the **ZOOM** platform, **effective January 2, 2024:**

- If you are *joining by video*, go to [www.zoom.com/join](http://www.zoom.com/join) and follow the instructions below:
  - Type in the Meeting ID (*see below for department Meeting IDs and Passcodes*) and click "Join".
  - Click "Launch Meeting" then "Open zoom.us".
  - Zoom will launch and you will be asked for the Meeting Passcode. *Enter the passcode for your Meeting ID for the respective department for your court hearing.*
  - Enable your camera and click "Join".
  - Once you join, a prompt to use computer audio will appear, click "Join with Computer Audio".
  - **Enter your full first and last name TO IDENTIFY YOURSELF TO THE COURT.**
  - Using headphones may help you hear more clearly.
- If you are *joining by phone*, dial 1-(669)254-5252 or 1-(669)216-1590 and enter the Meeting ID and Passcode as described below.

**Department 403  
Meeting ID: 161 463 0304  
Passcode: 114482**

You can also log into your hearing **directly** using the link below:  
<https://sftc-org.zoomgov.com/j/1614630304?pwd=OTZlcVZaQlRYWXPfQ2hTaEFuZnhIZz09>

**Department 404  
Meeting ID: 161 305 3325  
Passcode: 282709**

You can also log into your hearing **directly** using the link below:  
<https://sftc-org.zoomgov.com/j/1613053325?pwd=SkdXWGvKQkowckJSNnJwSSSttYkR6dz09>

When you join the hearing on Zoom:

1. **You are to mute your audio when you are not speaking.**
2. State your name before you speak for proper identification to the court and for all the parties in your case. Only one person **MUST** speak at a time.

**PROHIBITION ON RECORDING:** **Do not record the hearing in any way.** Any recording of a court proceeding, *including screen shots, other visual or audio copying* of the hearing, is **prohibited**. Any violation is punishable to the fullest extent under the law, including but not limited to monetary sanctions up to \$1,000, restricted entry to future hearings, or other sanctions deemed appropriate by the court. For more information

1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO  
3 UNIFIED FAMILY COURT  
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5  
6 JABARI MAGNUS,

7 Petitioner

8 VS.

9 DIVALI MAGNUS,

10 Respondent

)  
) Case Number: FDI-17-788961

)  
) Hearing Date: April 25, 2024

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) Hearing Time: 9:00 AM

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) Department: 403

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) Presiding: RUSSELL S. ROECA  
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12 REQUEST FOR ORDER : THE EDUCATIONAL ARRANGEMENTS FOR THE MINOR CHILDREN

13 **TENTATIVE RULING**

14 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the  
15 Court makes the following findings and orders:

16 **This Court has jurisdiction to make child custody orders in this case under the Uniform Child  
17 Custody Jurisdiction and Enforcement Act.**

18 **School Choice**

19 This matter is on calendar for Petitioner Father's ex parte request for temporary emergency order on  
20 change of the educational arrangements for the minor child, Luca, filed on February 21, 2024. Father  
21 requested the Court order Mother to cooperate in enrolling Luca in Crossroads for the 2024-2025  
22 academic year. Father states it is the utmost importance for Luca as he is thriving academically and in  
23 Varsity sports.

24 On February 22, 2024 Respondent Mother filed her responsive declaration indicating no opposition to  
25 Luca's continuation at Crossroads but requesting Father pay a greater allocation of the expense. Mother  
26 also indicated her intention to move to Los Angeles.

27 On February 22, 2024 the Court ordered the parties to sign the Crossroad's Contract for the school year  
28 2024-2025 and Father shall pay the initial deposit by February 23, 2024. The issue of allocation of tuition  
29 was reserved to be heard on April 25, 2024.

1 Since the filing the requested orders have been morphed into requests for school choice regarding both  
2 minor children given Mother's decision to move to Los Angeles given her belief the move is in the best  
3 interest of the two children.

4 On March 27, 2024 Father filed a supplemental declaration in support of his request for order for the  
5 educational arrangements for the minor children. Father states that Jaeger is opposed to the move to Los  
6 Angeles and wants to remain in the Bay Area to complete the 8th grade at the San Francisco School  
7 where he has attended since pre-Kindergarten. Father also strongly believes Jaeger should attend  
8 Crossroads with his brother Luca. Father requests an order that Mother work with Father on the  
9 application process for Jaeger to attend Crossroads in the 2024-2025 school year. Mother wants Jaeger to  
10 apply to public schools. Father notes this contrasts with the children's history of attending private schools.  
11 Mother filed an additional declaration on April 2, 2024. She states that Luca in 2023 decided to move to  
12 Los Angeles and attend Loyola High School in Los Angeles. She states that Luca now intends to enroll in  
13 Redondo High School for his senior year.

14 On April 4, 2024 Father filed a supplemental declaration. Among other things he states that it is not true  
15 that Luca is going to attend Redondo High School and strongly asserts it would not be in his best  
16 interests.

17 Father filed yet another declaration on April 4, 2024 accusing Mother of perjury with respect to her  
18 statement of personal service upon Father when he states it he was not personally served. He requests  
19 Mother's RFO be dismissed based upon her alleged perjury. Mother filed her declaration explaining how  
20 service was effected. Father's request is denied.

21 On April 15, 2024 Mother filed another declaration.

22 The Court notes the Judgment entered on July 29, 2022 at page 2 section 2.B states: "Future enrollment in  
23 private school after the 2020/2021 school year shall be subject to agreement of the Parties."

24 Unfortunately, the parties do not agree.

25 As to Luca, Mother agrees to Father's choice of Crossroads provided Father pays the tuition. Otherwise,  
26 Mother is agreeable to either Redondo High School or Culver High School, both public schools. The  
27 same appears to hold true as to Jaeger as Father wishes to have both children at Crossroads. Mother is  
28 agreeable If Father is willing to pay the tuition. However, Mother otherwise proposes Jaeger's enrollment  
29 in public schools in Los Angeles.

1 The Court hereby picks Father to make the decision as to which schools the children will attend. If Father  
2 selects the private schools, which would be a good choice for both children, Father shall be responsible  
3 for 100% tuition for both children. Otherwise, Father may choose the public school options at his  
4 discretion.

## 5 **Financial Issues**

### 6 **Mother's RFO**

#### 7 **A. Procedural History**

8 1. On for hearing is Mother's 2/22/2024 Request for Order to recalculate the allocation of add-on  
9 expenses as per the 7/29/2022 judgment which noted the allocation would be recalculated when spousal  
10 support terminated. Mother requests that percentage to now reflect Father 73.5% and Mother 26.5%.

11 Mother also requests this to include travel costs.

12 2. On 4/4/2024, Father filed a Declaration in support of request for order for dismissal of Mother's  
13 RFO on grounds of improper service and perjury. Father states he was in New York at the time of the  
14 purported service. Father has actual notice of the RFO as he responds to the argument Mother made for  
15 reallocation on page 4-6 of 7, of his 4/4/2024 Supplemental Declaration.

16 3. On 4/15/2024, Mother filed an Update Declaration stating that her Mother, placed the RFO  
17 documents in Father's mailbox and she also emailed him. Mother also requests the allocation  
18 recalculation to reflect 80% Father and 20% Mother, for all add-on expenses subject to the Family Code  
19 section 4061(b) allocation retroactive to the filing date of 2/22/2024. Mother states Father has made over  
20 a million dollars per year over the past few years due to large bonuses he receives.

21 4. On 4/15/2024, Father filed a Supplemental Declaration asking the Court to keep the current add-  
22 on rates of 60% Father and 40% Mother and requesting the Court consider that Mother has greater  
23 earning potential.

#### 24 **B. Findings and Orders**

25 1. The parties filed a new stipulation and order on 12/28/2023, after Mother's spousal support  
26 ended, which reflects the new % combined spendable as being Father 58.5% and Mother 41.5%.

27 2. Mother's RFO is denied. Pursuant to the order in Father's RFO below, the allocation will remain  
28 60% Father and 40% Mother for all add-on expenses.

### 29 **Father's RFO**

1 **A. Procedural History**

2 1. On for hearing is Father's 2/23/2024 Request for Order for the Court to maintain the 6/27/2020  
3 ruling with regard to tuition expenses with Father paying for 60% and Mother paying 40% of the tuition  
4 costs.

5 2. On 2/22/2024, the Court issued an ex parte order stating that the allocation of tuition was  
6 advanced to 4/25/2024. The matter was then advanced to 4/9/2024 by the agreement of the parties.

7 3. On 3/27/2024, Father filed a Supplemental Declaration.

8 4. On 4/2/2024, Mother filed a Responsive Declaration stating she anticipates a move to Los  
9 Angeles and becoming unemployed for a period of time, which would mean she will have no income and  
10 the tuition costs for both children exceeds \$100,000 annually.

11 5. On 4/4/2024 Father provided another Supplemental Declaration requesting the Court keep the  
12 Court ordered add-on expense allocation percentages the same.

13 6. On 4/9/2024, the matter was continued on the Court's own motion to 4/25/2024 at 9:00AM in  
14 Dept. 403.

15 7. The parties both filed update declarations on 4/15/2024.

16 **B. Findings and Orders**

17 1. Father's RFO for him to continue paying for 60% and Mother 40% of tuition cost is granted for  
18 the remainder of the 2023-2024 school year. Pursuant to the school ruling above, should father decide that  
19 the children will attend private school for the 2024-2025 school year, he will be \$100% responsible for  
20 the tuition costs.

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1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO  
3 UNIFIED FAMILY COURT  
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5  
6 KALVIN BISHOP,

7 Petitioner

8 VS.

9 NANCY EDUARDO,

10 Respondent

)  
) Case Number: FDI-19-791462

)  
) Hearing Date: April 25, 2024

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) Hearing Time: 9:00 AM

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) Department: 403

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) Presiding: RUSSELL S. ROECA  
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11  
12 OTHER REVIEW HEARING

13 **TENTATIVE RULING**

14 **This Court has jurisdiction to make child custody orders in this case under the Uniform Child**  
15 **Custody Jurisdiction and Enforcement Act.**

16 1. On July 12, 2023 Respondent Mother filed her Request for change in child custody and visitation  
17 with the two minor children, Calvin (DOB: 9.2.10) and Kylie (DOB: 4.7.17). Mother requested joint legal  
18 and joint physical custody of both children. She requested parenting time with Kylie every Sunday at 8  
19 pm until Wednesday before school with parents to alternate weekends. Mother requests parenting time  
20 with Calvin according to Calvin's needs.

21 2. Currently Petitioner Father has temporary sole legal and temporary sole physical custody based  
22 upon the Findings and Orders filed on September 22, 2021 after hearing on September 9, 2021.

23 3. This matter was on calendar on November 15, 2023 and continued for review on February 8,  
24 2024. Both Parties filed update declarations.

25 4. Both Parties acknowledged failed efforts to participate in mediation.

26 5. The Court ordered the Parties to contact Family Court Services to participate in mediation of the  
27 custody and parenting time.

28 6. This matter was continued to April 25, 2024. Both parties were ordered to file and serve update  
29 declarations. Neither party has done so.

- 1 7. The parties have not participated in FCS mediation as ordered at the hearing on February 8, 2024.
- 2 8. This matter is ordered off calendar.
- 3 9. All orders currently in effect not inconsistent with this order shall remain in full force and effect.
- 4 10. The Court will prepare the order.

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1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO  
3 UNIFIED FAMILY COURT  
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6 CHRISTOFFER STANFORD THYGESEN, )

7 Petitioner )

8 VS. )

9 KAILIN WANG, )

10 Respondent )

) Case Number: FDV-19-814465

) Hearing Date: April 25, 2024

) Hearing Time: 9:00 AM

) Department: 403

) Presiding: RUSSELL S. ROECA  
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12 **TENTATIVE RULING**

13 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the  
14 Court makes the following findings and orders:

15 **Appearances required. The parties may appear in-person, by video, or by phone. If a party chooses**  
16 **to appear by video or by phone, that party must abide by the Notice and Instructions for Remote**  
17 **Appearances in San Francisco Family Court set forth above. Parties have mediation with Celia**  
18 **Wang at 9:00AM.**

19 **This Court has jurisdiction to make child custody orders in this case under the Uniform Child**  
20 **Custody Jurisdiction and Enforcement Act.**

21 **-First Calendar Issues**

22 **8/25/2023 RFO #1 Change of visitation, Permission to use another professional supervisor, Increase**  
23 **in parenting time from 4 hours to 24 hours**

24 Appearances required.

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26 **7/31/2023 RFO #2 Change of child custody and visitation, Request for court appointed custody**  
27 **evaluation**

28 Appearances required.  
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1 **1/8/2024 RFO #3 Change of child custody, Thygesen failed to make the child available for over 16**  
2 **ordered video visitation**

3 Appearances required.  
4

5 **2/21/2024 RFO #4 Change of visitation, req for court order, Rally/ACAFS Reports**

6 Appearances required.  
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8 **-Second Calendar Issues**

9 **12/5/2023 RFO #1 Emergency Orders: Request for 217 hearing on custody/visitation/name change**

10 Appearances required.  
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13 **10/25/2023 RFO #2 Change of Attorney Fees and Costs, Refile of RFO**

14 **A. Procedural History**

15  
16 1. On for hearing is Respondent's 10/25/2023 "Re-file" Request for Order for the disbursement of  
17 the remainder of the 5/23/2023 fee award to an attorney of her choosing.

18 2. On 11/15/2023 Petitioner filed a Responsive Declaration stating that request was found to be  
19 moot by the Court on 8/23/2024 and he no longer has the ability to pay.

20 3. On 11/28/2024, the matter was continued to 12/28/2024.  
21

22 4. On 12/28/2024, the matter was continued to 2/2/2024.

23 5. On 2/2/2024, the matter was continued to 4/25/2024.  
24

25 **B. Findings and Orders**

26 1. The matter is continued to 6/25/2024 for Respondent to serve and file an accounting and trust  
27 account balance from her prior counsel, K. Morgan. Respondent shall also provide a letter from an  
28 attorney who is willing to represent her with the balance of the funds.  
29

1 **9/27/2023 RFO #3 Change Issue Deposition Subpoena**

2 **A. Procedural History**

- 3
- 4 1. On for hearing is Respondent's 9/27/2024 Request for Order to issue deposition subpoenas.
- 5 2. On 11/28/2023, Petitioner filed a Responsive Declaration requesting the Court deny Respondent's
- 6 vague request.
- 7 3. On 11/20/2023, the matter was continued to 12/7/2023.
- 8 4. On 11/28/2023, the matter was continued to 12/28/2023.
- 9 5. On 12/7/2023, the matter was continued to 2/2/2024 due to Respondent challenging Judge Roeca.
- 10 6. On 1/24/2024, the matter was continued to 4/25/2024.
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13 **B. Findings and Orders**

- 14 1. Respondent's vague request to issue deposition subpoenas is denied.
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17 **9/27/2023 RFO #4 Change ACAFS Subpoena & Deposition**

18 **A. Procedural History**

- 19
- 20 1. On for hearing is Respondent's 9/27/2024 Request for Order for ACAFS subpoena and
- 21 deposition. Respondent requests to subpoena Utah Supervised Video ACAFS records, a deposition of
- 22 ACAFS Supervisor to include communications from the parties about supervised visitation, and
- 23 deposition subpoenas for the testimony of Terry and Emma Thygesen. Respondent filed a declaration in
- 24 support of the request on 9/25/2023.
- 25 2. On 11/13/2024, Petitioner filed a Responsive Declaration stating Respondent's request to to
- 26 depose ACAFS Supervisors should be denied and the request to serve deposition subpoenas on Terry and
- 27 Emma Thygesen should be denied, or limited to (i) their supervision of the minor child during video
- 28 visits; and (ii) Respondent's allegations that the child has been coached to make false statements, and
- 29 limit the scope of any such subpoena to a set of written interrogatories, as opposed to an oral deposition.

- 1 2. On 11/20/2023, the matter was continued to 12/7/2023.
- 2 3. On 11/28/2023, the matter was continued to 12/28/2023.
- 3
- 4 4. On 12/7/2023, the matter was continued to 2/2/2024 due to Respondent challenging Judge Roeca.
- 5 5. On 1/24/2024, the matter was continued to 4/25/2024.

6 **B. Findings and Orders**

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8 1. Respondent's request to depose ACAFS Supervisors is denied as it is not adequately described  
9 and is overly broad.

10 3. Petitioner may serve a set of written interrogatories on Terry and Emma Thygesen, that is limited  
11 to the topics of: (i) their supervision of the minor child during video visits; and (ii) Respondent's  
12 allegations that the child has been coached to make false statements.

13 4. Respondent's other requests are moot, as the Court ordered the production of the supervised  
14 visitation reports from Rally Visitation Services and supervised visitation reports from ACAFS, which  
15 include the parties' communication with staff.  
16

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18 **10/18/2023 RFO #5 Change of Attorney's Fees and Costs, Deposition Costs**

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20 **A. Procedural History**

21 1. On for hearing is Respondent's 10/18/2023 Request for Order for \$7,500 in attorney's fees and  
22 costs.

23 2. On 11/13/2023, Petitioner filed a Responsive Declaration in Opposition, requesting the Court  
24 deny Respondent's RFO because she submitted an incomplete income and expense declaration, an award  
25 of attorney's fees under Family Code section 7605 is inappropriate due to her litigation tactics and  
26 behavior, there is no discernable disparity in access, and because Petitioner lost his job.

27 3. On 11/20/2024, the matter was continued to 12/7/2023.

28 4. On 11/28/2024, the matter was continued to 12/28/2023.  
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1 5. On 12/6/2024, the matter was continued to 2/2/2024 due to Respondent challenging Judge Roeca.

2 6. On 1/24/2024, the matter was continued to 4/25/2024.

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4 **B. Findings and Orders**

5 1. Petitioner's 4/12/2024 Income and Expense Declaration states that he is unemployed and also  
6 receiving unemployment compensation, public assistance, and paying \$500 per month in rent.

7 Respondent's 4/19/2024 Income and Expense Declaration states she is unemployed, receiving public  
8 assistance, and living for free with her parents.

9 2. Judge Flores' 5/11/2023 order held that the reasonableness of Respondent's litigation conduct  
10 from that point forward, would likely carry great weight in the Court's analysis of any future requests for  
11 section 7605 fees. Since that point in time, Respondent's litigation conduct has been inappropriate.

12 3. An award of attorney's fees and costs is not appropriate. There is a disparity in access to funds to  
13 retain counsel, and Petitioner is not able to pay for the legal representation of both parties. The findings  
14 do not demonstrate a disparity in access and ability to pay.

15 4. Respondent's request for order is denied.  
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20 **11/29/2023 RFO #6 Change Yelp Subpoenas**

21 **A. Procedural History**

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23 1. On 11/29/2023 Respondent filed a Request for Order to subpoena Yelp to rebut allegations made  
24 by Petitioner that she posted reviews on his counsel's Yelp page. Respondent filed a declaration on  
25 11/13/2023 in support of the request.

26 2. On 12/6/2023, the matter was continued on the Court's own motion to 2/2/2024 due to  
27 Respondent's challenge to Judge Roeca.  
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1 3. On 1/22/2024, Petitioner filed a Responsive Declaration stating the Court should deny the RFO or  
2 in the alternative, limit the subpoena and have it served by both parties.

3 4. On 1/24/2024 the matter was continued on the Court's own motion to 4/25/2024.  
4

5 **B. Findings and Orders**

6 1. Respondent's request to subpoena Yelp is not adequately described and is overly broad. Thus,  
7 Petitioner's request to quash the RFO on those grounds is granted.  
8  
9

10 **1/22/2024 RFO # 7 Change of Motion in Limine**

11 **A. Procedural History**

12 1. On for hearing is Respondent's 1/22/2024 Request for Order for motion in limine to exclude any  
13 and all evidence and hearsay evidence contained in the reports by reports by J. Reid Meloy, Molly  
14 Amman, and Stephanie Leite under CRC 5.220, CRC 5.235, Family Code section 3025.5, Evidence Code  
15 1200, and *People v. Sanchez* (2016) 63 Cal.4<sup>th</sup> 665.  
16

17 2. On 3/21/2024 Petitioner filed a Responsive Declaration requesting the Court deny Respondent's  
18 RFO because it is procedurally deficient as there is no box checked to indicate what type of order  
19 Respondent is requesting and because Respondent failed to identify any specific statements or evidence in  
20 the reports that she seeks to exclude or provided any basis to exclude "all" of the evidence.

21 3. On 3/22/2024 Respondent filed a Reply declaration.  
22

23 4. At the hearing on 4/4/2024, the matter was continued to 4/25/2024 because Respondent filed a  
24 170.1 challenge.

25 **B. Findings and Orders**

26 1. Respondent's motion is denied as the request is overbroad not specific. All hearsay objections are  
27 preserved to be raised at the time of trial.  
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**Counsel for Petitioner shall prepare all orders.**

**Preparation of Order:** If you are directed by the court to prepare the order after hearing – within 10 calendar days of the hearing you must either: (a) Serve the proposed order to the other party/counsel for approval, and follow the procedures set forth in CA Rules of Court, Rule 5.125(c), or (b) If the other party did not appear or the matter was uncontested, submit the proposed order after hearing directly to the court. Failure to submit the order after hearing within 10 days may allow the other party to prepare a proposed order and submit it to the court in accordance with CA Rules of Court, Rule 5.125(d).