

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 01/16/18      TIME: 8:30 A.M.      DEPT: H      CASE NO: FL065005

PRESIDING: HON. VERNA A. ADAMS

REPORTER:

CLERK: P. OKUBO

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PETITIONER:      JENNIFER CHOW

and

RESPONDENT:      GRETCHEN ISE

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NATURE OF PROCEEDINGS: MODIFICATION – CHILD SUPPORT; ATTORNEY’S FEES AND COSTS; DETERMINE BONUS SUPPORT FOR 2014, 2015 AND 2016 [RESP] GRETCHEN ISE

RÜLING

Appearances required.

Petitioner is ordered to bring to court with her two complete copies (one for Respondent and one for the court) of her state and federal income tax returns, together with all W-2 forms, 1099 forms, and K-1 statements for calendar years 2014, 2015, and 2016. She is ordered to furnish the court and counsel with her W-2 forms, 1099 forms, and K-1 statements for 2017. Finally, she is ordered to furnish the court and counsel with legible copies of her paystubs for 2018 to date.

The parties ask the court to perform bonus child support calculations, based on a SupportTax calculation/bonus schedule purportedly attached to their stipulated order filed January 7, 2011, but no such schedules are attached to the January 7 stipulation. The parties are ordered to furnish the court with copies of those schedules.

In her Request for Order, Respondent alleges that the orders necessary to divide the retirement accounts have not been prepared because Petitioner has failed to pay her half of the fee to Matt Schwartz. Petitioner does not comment on this allegation other than to suggest that the delay is all Respondent’s fault. The parties are ordered to be prepared, at the January 16 hearing, to document their respective claims and the court will make appropriate orders regarding completion of this simple task.

Finally, Petitioner is enjoined and restrained from requiring Respondent to go to her home to pick up her support check and/or from using the parties' minor daughter as the agent for delivery of the support check. If Petitioner is unwilling to arrange for an automatic bank transfer to pay child support, the court is prepared to issue a wage assignment to ensure that Respondent receives child support direct from Petitioner's employer, when due.

A continued hearing date will be set on January 16.

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 01/16/18      TIME: 8:30 A.M.      DEPT: H      CASE NO: FL082330

PRESIDING: HON. VERNA A. ADAMS

REPORTER:

CLERK: P. OKUBO

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PETITIONER:    KIMBERLY TULLY  
SUTTON

and

RESPONDENT:    WAYNE SCOTT SUTTON

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NATURE OF PROCEEDINGS: MODIFICATION – CHILD SUPPORT; OTHER: FIX AND LIQUIDATE CHILD SUPPORT AND CHILD CARE ARREARS [PETR] KIMBERLY TULLY SUTTON

RULING

Appearances required.

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 01/16/18      TIME: 8:30 A.M.      DEPT: H      CASE NO: FL1602293

PRESIDING: HON. VERNA A. ADAMS

REPORTER:

CLERK: P. OKUBO

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PETITIONER:    AMY CARLSON  
MCCONNELL

and

RESPONDENT:    MICHAEL W.  
MCCONNELL, II

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NATURE OF PROCEEDINGS: MODIFICATION – CHILD SUPPORT; ATTORNEY’S FEES  
AND COSTS [PETR] AMY CARLSON MCCONNELL

RULING

Petitioner/Mother’s Request for Order for child support and attorney’s fees is granted in part as follows.

As a preliminary matter, the court notes that the parties’ proposals for child support are remarkably similar. Mother requests \$2,468 and Father argues for \$4 per month more(!), \$2,472 per month.<sup>1</sup>

The parties both indulge in speculation about the effect of the new income tax law, signed into law in December, 2017, on their child support calculations. In performing its calculations, the court is using the most recent update of a Judicial Council approved computer program. When the program is revised to take account of the new tax law, the court is willing to revisit its calculations if the parties are unable to agree.

Apparently, the major obstacle to settlement is Father’s contention that he should be given credit at this time for alleged overpayment of child support long before Mother’s RFO was filed. If the court were to entertain this request it would in essence be making an unauthorized retroactive order for child support. There is no legal authority for such rewriting of the parties’ financial history, and the request is denied. Father will, of course, receive credit for his \$2,000 per month payments made after the filing of the RFO.

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<sup>1</sup> Father submitted four calculations, resulting in guideline amounts ranging from \$2,131 to \$2,530 per month. The first, with a result of \$2,472 is the result of the most logically supportable assumptions.

The parties also disagree about which one should receive the dependency exemptions for the children. If they are assigned to Mother it lowers Father's child support obligation and results in overall tax savings.

Father receives a salary of \$18,433 per month (including his cell phone allowance, which the court regards as additional income). His trust income is fixed at \$887 per month. The court has used Mother's slightly higher figure for this item, because Father did not document his trust income (he basically failed to comply with MCR Fam 6.13, other than furnishing some pay stubs) and the higher figure is more consistent with the income figures on the parties' joint tax return for 2016. Father makes a voluntary 401(k) payment of \$737 per month and he has itemized deductions for property taxes and mortgage interest of \$1,607 and \$2,011 per month, respectively. He will file as a single person with one exemption. The parties agree that the children are with Father 35% of the time and with Mother 65% of the time.

Mother's salary income is \$6,016 per month (agreed). She will file as Head of Household with three exemptions. She pays health insurance of \$299 per month and has itemized deductions for property taxes and mortgage interest of \$964 and \$1,971 per month, respectively.

Based on the above assumptions set forth in the attached *DissoMaster* calculation, commencing November 1, 2017, Father shall pay to Mother monthly guideline child support in the amount of \$2,454, payable half on the first day of each month and half on the 15<sup>th</sup> day of each month, continuing until further order of court, or until the child involved marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first. As noted above, Father will receive credit for child support monies actually paid to Mother from and after November 1, 2017.

A bonus schedule will apply to income from all sources received by either party in excess of the income figures used to calculate baseline support. The parties are ordered to report to each other any and all income received in excess of the amounts used in the court's calculation subsequent to the effective date of this order, with documentation, on a quarterly basis (by the 15<sup>th</sup> of the month following the end of each quarter). Any resulting adjustments to child support based on the court's bonus schedules (attached) will occur at the time the next support payment is due.

The parties' agreements regarding add-on and uninsured health care expenses, set forth in their stipulated judgment filed March 29, 2017, will remain in full force and effect.

The court will award attorney's fees to Mother for the following reasons:

1. Father is a self-represented litigant and appears not to have the expense of an attorney of record at this time.
2. Father has a higher income and greater ability to pay fees than Mother has.
3. Settlement was thwarted by Father's unreasonable position on the effective date of this order.

FL1602293

Father is ordered to pay Mother's counsel the sum of \$4,000 on account of Mother's fees, payable on or before March 1, 2018.

Counsel for Mother to prepare formal order.

PREPARED BY (NAME AND ADDRESS):  <b>Marin County Superior Court</b>	TELEPHONE NO:
<b>DISSOMASTER REPORT</b> 2018, Monthly	CASE NUMBER: <b>FL 1602293</b>

Input Data	Michael	Amy	Guideline (2018)	Cash Flow Analysis	GdIn.	Prop.
Number of children	0	2	<b>Nets (adjusted)</b>	Comb. net spendable	18,685	18,685
% time with NCP	35%	0%	Michael	13,518	Percent change	0%
Filing status	Single	HH/MLA	Amy	5,167	<b>Michael</b>	
# Federal exemptions	1	3	Total	18,685	Payment (cost)/benefit	(2,454)
Wages + salary	18,433	6,016	<b>Support</b>		Net spendable income	11,064
401(k) employee contrib	737	0	CS Payor	Michael	NSI change from gdl	0
Self-employment income	0	0	Presumed	2,454	% combined spendable	59.2%
Other taxable income	887	0	Basic CS	2,454	% of saving over gdl	0%
Other nontaxable income	0	0	Add-ons	0	Total taxes	5,802
New-spouse income	0	0	Presumed Per Kid		# WHA	8
Wages + salary	0	0	Maryn	903	Net wage paycheck/mo	12,337
Self-employment income	0	0	Cade	1,551	<b>Amy</b>	
SS paid other marriage	0	0	Spousal support	blocked	Payment (cost)/benefit	2,454
Retirement contrib if ATI	0	0	Total	2,454	Net spendable income	7,621
Required union dues	0	0	<b>Proposed, tactic 9</b>		NSI change from gdl	0
Nec job-related exp.	0	0	CS Payor	Michael	% combined spendable	40.8%
Adj. to income (ATI)	0	0	Presumed	2,454	% of saving over gdl	0%
SS paid other marriage	0	0	Basic CS	2,454	Total taxes	550
CS paid other relationship	0	0	Add-ons	0	# WHA	16
Health insurance	0	299	Presumed Per Kid		Net wage paycheck/mo	5,446
Itemized deductions	3,618	2,935	Maryn	903	Default Case Settings	
Other medical expenses	0	0	Cade	1,551		
Property tax expenses	1,607	964	Spousal support	blocked		
Ded. interest expense	2,011	1,971	Total	2,454		
Charitable contribution	0	0	Savings	0		
Miscellaneous itemized	0	0	Releases	blocked		
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				



PREPARED BY (NAME AND ADDRESS): <b>Marin County Superior Court</b>	TELEPHONE NO:	
Two-way Annual Bonus Wages Report 2018 Yearly	CASE NUMBER: <b>FL 1602293</b>	

Change in Child Support

*Regular font* Blue is a cost to Michael. ~~Red~~ *italic* is a cost to Amy

Amy's Gross Bonus Wages	Michael's Gross Bonus Wages							
	0	5,000	10,000	15,000	20,000	25,000	30,000	35,000
0	0	489	976	1,461	1,946	2,420	2,884	3,386
5,000	601	111	378	865	1,351	1,828	2,293	2,796
10,000	1,190	698	207	282	769	1,247	1,714	2,219
15,000	1,737	1,244	752	262	227	707	1,174	1,681
20,000	2,220	1,725	1,232	741	250	230	699	1,207





PETITIONER:  
RESPONDENT:

**Amy**  
**Michael**

CASE NUMBER:

**FL 1602293**

*Regular font* Change in Child Support, cont'd  
*Blue* is a cost to Michael. *Red italic* is a cost to Amy

Amy's Gross Bonus Wages			
	40,000	45,000	50,000
0	3,886	4,386	4,884
5,000	3,299	3,800	4,300
10,000	2,723	3,226	3,727
15,000	2,186	2,690	3,193
20,000	1,713	2,218	2,722



PETITIONER:  
RESPONDENT:

**Amy**  
**Michael**

CASE NUMBER:

**FL 1602293**

*Regular font*

**Total Child Support**

*Blue is a cost to Michael. Red italic is a cost to Amy*

Amy's Gross Bonus Wages	Michael's Gross Bonus Wages							
	0	5,000	10,000	15,000	20,000	25,000	30,000	35,000
0	29,078	29,567	30,054	30,540	31,024	31,499	31,962	32,464
5,000	28,477	28,967	29,456	29,943	30,430	30,906	31,371	31,875
10,000	27,888	28,380	28,871	29,360	29,848	30,326	30,792	31,297
15,000	27,341	27,834	28,326	28,817	29,306	29,785	30,253	30,759
20,000	26,859	27,353	27,846	28,338	28,828	29,308	29,777	30,285



PETITIONER:  
RESPONDENT:

**Amy**  
**Michael**

CASE NUMBER:

**FL 1602293**

*Regular font* Total Child Support, cont'd  
*Blue* is a cost to Michael. *Red italic* is a cost to Amy

Amy's Gross Bonus Wages			
	40,000	45,000	50,000
0	32,964	33,464	33,962
5,000	32,377	32,878	33,378
10,000	31,801	32,304	32,805
15,000	31,265	31,769	32,272
20,000	30,791	31,297	31,801



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 01/16/18      TIME: 8:30 A.M.      DEPT: H      CASE NO: FL1704140

PRESIDING: HON. VERNA A. ADAMS

REPORTER:

CLERK: P. OKUBO

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PETITIONER:    PETER SCHNELL

and

RESPONDENT:   MICHELLE LOREY  
COOPER SCHNELL

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NATURE OF PROCEEDINGS: CHILD CUSTODY – AND VISITATION; INJUNCTION  
PROHIBITING THE MINOR CHILD TO MOVE FROM MARIN OR PLACER COUNTIES  
[PETR] PETER SCHNELL

**RULING**

Based on the information before the court, it is evident that the best interests of the parties' minor child are served by the court adopting the parenting plan recommended by Family Court Services on January 3, 2018. The court will do so and the parenting plan is set forth below.

**Parental Responsibilities**

1. The parents shall share joint legal custody of Brooklyn. The parents shall share in the responsibility and confer in good faith on matters concerning the child's health, education and welfare. Both parents shall have access to the child's school, medical, mental health and dental records and the right to consult with professionals who are providing services to the child.
2. Michelle shall have sole physical custody of Brooklyn.

**Timeshare Schedule**

3. Brooklyn shall continue to live primarily with Michelle and shall have supervised visits with Peter every Sunday and Monday from 1:00 p.m. to 4:00 p.m.
  4. After Peter has completed at least 6 weeks of the 26-week anger management program, his visits shall continue on the same schedule, but shall be unsupervised.
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5. All visits shall occur in Marin, San Francisco, or Sonoma Counties only.
6. All exchanges for visits shall occur at a public location in the Northgate Mall, chosen by Michelle. The 1:00 p.m. exchange on Monday shall occur at pre-school, if possible.

**Collateral Issues**

7. Peter shall participate in a minimum of a 26-week anger management program. He shall bring proof of successful participation or completion to any future mediations or court hearings.
8. Michelle shall participate in counseling to address her issues around domestic violence.
9. Neither parent shall change Brooklyn's residence from Marin or Placer counties without written permission from the other parent, or a court order.
10. Neither parent shall consume any alcohol while Brooklyn is in their care.
11. Neither parent shall be under the influence of any illegal drugs while caring for Brooklyn, or any prescription drugs beyond their prescribed amount.
12. Brooklyn shall be exposed to peaceful contact only between the parents.
13. Brooklyn shall not be exposed to any verbal or physical abuse.
14. Neither parent shall make any derogatory comments about the other parent in the presence of Brooklyn, or allow others to do so.
15. Neither parent shall discuss any court matters with Brooklyn or in her presence, or allow others to do so.

Petitioner/Father's counsel to prepare formal order.