

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL2002841

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: HELEN C. MORALES
OROZCO

and

RESPONDENT: BYRON ALFREDO
MORALES NATAREN

NATURE OF PROCEEDINGS: OEX/DEBTOR'S EXAM

RULING

Petitioner Helen Morales Orozco ("Wife") filed a Request for Order ("RFO") on April 23, 2024, seeking enforcement of judgment. Proof of service indicates that Respondent Byron Alfredo Morales Natareno ("Husband") was personally served with the papers on May 3, 2024. He filed no response.

On October 25, 2023, the Honorable Verna A. Adams, granted Wife's request for Husband to pay arrears in the amount of \$15,100.

On March 28, 2024, Wife filed a request for an Order of Examination regarding payment of the outstanding amount. Husband was personally served on April 19.

Appearances are required.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances through Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

Any party contesting the ruling and requesting oral argument shall appear in person or remotely through Zoom either by video or telephone. Please follow the guidelines set forth on the court website at www.marin.courts.ca.gov

The Zoom appearance information is as follows:

May 2024, 09:00 AM

Join Zoom Meeting

<https://www.zoomgov.com/j/1610321093?pwd=YW5DaGY2ekZsSUFNbE51T1JsRTMvZz09>

Meeting ID: 161 032 1093

Passcode: 991058

If you are only able to appear by phone you may dial the phone number below, follow the prompts and enter the meeting ID and passcode.

+1-669-254-5252

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL2101558

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: AMONROCA HOLLAND
JAMES

and

RESPONDENT: MICHAEL MCFADDEN

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD CUSTODY/VISITATION

RULING

This matter was called on May 2, 2024, as regularly scheduled in this courtroom. Respondent Michael McFadden (“Father”) appeared. He indicated his intention to contest the tentative ruling. However, he did not provide Petitioner Amonroca Holland James (“Mother”) with sufficient notice. At his request, the matter was continued to May 16. The tentative ruling is repeated her for the convenience of the parties:

Respondent Michael McFadden (“Father”) filed a Request for Order (“RFO”) on April 5, 2024, seeking changes to current custody and visitation orders, which provide Petitioner Amonroca Holland James (“Mother”) with sole legal custody of their children. Mother and the children are protected parties as part of a 5-year Domestic Violence Restraining Order.

These parents have two (2) children. Nasir is 11 and Nyeem is 10 years old.

PROCEDURE

The procedural history of this case is important. It is once again repeated here as it has been with prior orders:

A Domestic Violence Restraining Order (“DVRO”) was issued on June 21, 2021, protecting Mother and three (3) children, with Father as the restrained party. It expires on June 19, 2026. Custody and visitation orders associated with the DVRO allowed for supervised visitation through Rally Visitation Services.

On March 11, 2022, the court ordered Father to enroll and attend a batterer’s intervention program, and to take a course in anger management, after Rally reported that it discontinued visitation on August 12, 2021, due to Father’s hostility towards staff.

On April 14, 2022, the court terminated Father's supervised visitation and ordered Father to meet regularly with a licensed mental health professional to address his anger issues. The matter was continued for further case progress on September 22.

On October 6, 2022, the court modified visitation orders because Father provided proof that he completed a 52-week batter's program on October 4, 2022, in Contra Costa County. Father was re-referred to Rally to resume supervised visitations.

On January 18, 2023, Father filed a Request for Order ("RFO") seeking to modify current custody orders to eliminate the supervised visitation requirement.

On February 14, 2023, Rally Family Services advised the court in a status report that "the visiting parent continues to use offensive and aggressive language when talking to Staff. He doesn't follow Staff's directives and challenges the Staff's authority. Therefore, Rally suspended services."

On April 14, 2023, Father's RFO was called as regularly scheduled in this department. Father appeared in court and did not provide Mother with notice of his intention to appear in violation of Marin Rule, Family 7.12(C). Father quickly became angry and exited the courtroom, followed by the bailiff. The matter was continued to April 20, 2023, at 9 a.m. in this department to give Mother the opportunity to be heard.

On April 20, 2023, both parents appeared in court via Zoom. Mother express a concern regarding Father's continued attempts to want visitation, however when it is provided, he sabotages the visits by being rude to Rally staff. Supervised visitation through Rally is clearly not an option for Father.

On June 29, 2023, the court denied Father's request for unsupervised visitation.

On August 28, 2023, Father filed for Emergency Temporary Orders, seeking visitation because supervised visitation was terminated by Lucy Torliatt Supervised Visitation and Safe Exchanges. Ms. Torliatt reports in a declaration filed that Father sent her a hostile email on July 10. He also called her 21 times on that same day. She reports that she feared for her life and for the safety of Mother and the children. His request for unsupervised visitation was DENIED.

On November 20, 2023, Father renewed his request for unsupervised visitation. The request was denied on January 25, 2024.

On April 5, 2024, again Father renewed his request for unsupervised visitation.

FATHER'S THREATENING CONDUCT

In addition to being the restrained party of a DVRO protecting Mother and the children, Father has also threatened court staff at the Self-Help Center. He has also left hostile voicemail messages for clerks and staff. When he is at the courthouse, he is escorted on the courthouse floor by one of the bailiffs. He has been forcefully removed from Department L on multiple occasions.

VEXATIOUS LITIGANT

California Code of Civil Procedure 391(b)(3) defines a vexatious litigant as an individual who:

In any litigation when acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.

The term "vexatious" fits well with the fact pattern described above. Father's conduct is unreasonable, and it appears he is determined to make life difficult for Mother and his children by refusing to participate with supervised visits.

Custody and visitation orders in place permit visitation only if those visits are professionally supervised.

Based on Father's past hostile conduct towards Mother, and court staff and because he is a restrained party in a DVRO, and because professional child supervised visitation organizations now refuse to work with him to facilitate visits with his child as authorized by this court, his repeated request for unsupervised visitation appear designed to harass and threaten Mother. Father is declared a vexatious litigant. Given the fact pattern, his continued request for unsupervised visits is unreasonable.

Further RFO's filed by Father seeking modification to current custody and visitation orders must be approved by the Presiding Judge before they are set for hearing.

CUSTODY AND VISITATION

Two professional supervising agencies now refuse to work with Father due to his temper and inability to peacefully communicate. Father's request for unsupervised visitation is DENIED. The court has reviewed the declaration filed by Father, and finds it is in the best interest of the children to keep the current orders in place as follows:

Custody

1. Mother shall continue to have sole legal and sole physical custody of Nyeem and Nasir.

Timeshare

2. Both boys shall continue to live primarily with Mother.
3. Supervised visitation is permitted only if the children want the visit to occur.
4. Father shall complete an in-person anger management course before in person supervised visits shall resume.
5. Father shall be in therapy with a licensed mental health professional to address his issues with anger. Father shall follow all recommendations made by the therapist regarding services and treatment. Father will be required to submit progress reports relative to these sessions with future request for a resumption of supervised visitation. Father is ordered to provide a copy of this order and a copy of the confidential Family Court Services Report dated March 10, 2022, to his therapist.

6. Father shall follow all of the court orders and restraining orders issued by this court.
7. Because supervised visit through Rally is no longer an option for Father due to his past conduct, an independent professional supervisor from the court's list of approved visitation supervisors may be utilized for supervised visitations. Visits shall be on the last Sunday of each month from noon to 1 pm at Piper Park at 250 Doherty, Larkspur, California. Father shall pay 100% for the costs of the visits. The visits shall remain supervised and at the park until further orders.
8. Mother shall drop off and pick up the children at the police station adjacent to the park, where Father shall be waiting in the police lobby with the professional supervisor. Pick up exchanges shall occur at the police lobby, where Father shall remain until the children walk out the door to their Mother's car.
9. Peaceful contact between the parents during the exchanges, in accordance with the terms of the DVRO.
10. Mother and Father shall share a copy of this order with any professional supervisor.
11. Should Father intend to contest this tentative ruling, he shall appear by Zoom.
https://www.marin.courts.ca.gov/system/files?file=general/2024_civillinks_fixed_juvenile.pdf.

Under current orders, litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.25, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL2101887

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: DAVID ALONZO-
MIRANDA

and

RESPONDENT: MARIA GUADALUPE
VERA GOMEZ

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD CUSTODY/VISITATION

RULING

This matter was called on April 4, 2024, and continued to May 16, 2024, to provide Respondent Maria Vera Gomez (“Mother”) additional time to meet with Marin Family Court Services in an attempt to mediate the custody dispute between the parents.

Mother filed a Request for Order on March 5, 2024, seeking modification of custody and visitation orders. Petitioner David Alonzo (“Father”) filed a responsive declaration on March 21, 2024. Father is the protected party in a 3-year Domestic Violence Restraining Order (“DVRO”), which expires on August 16, 2024.

Both parents met with FCS on or about May 6, 2024. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.))

These parents have two children. The eldest child David is 12. Jared is 7. Both children live with the paternal grandparents in Mexico.

In her papers, Mother provides proof that she has complied with the following requirements contained in the court’s October 7, 2021, order, by completing both a 52-week batterer’s intervention course and completing of a parenting class.

Mother seeks the immediate return of the children to the United States and the reinstatement of a 50/50 custody scheduled. The children currently reside outside of the State of California pursuant to a prior agreement by the parents.

At the last hearing, the court ordered regular video chats with the children and their mother. However, Mother reports that the paternal grandparents interfere with the visits and discourage the children from participating.

CUSTODY AND VISITATION

Good cause appearing, after a review of the request for a DVRO filed by Father in 2020, and in consideration of the declarations filed by both parents, and in consideration of the FCS Report issued on May 6, 2024, the court finds good cause and that it is in the best interest of the children to adopt the FCS recommendations as follows:

1. Father shall maintain sole legal and physical custody.
2. The children shall return to Marin County for their Summer and December school break. The children shall arrive in California by June 15, 2024, and remain through July 31, 2024.
3. When the children are in Marin County for their school breaks, Mother shall have day visits with the children for a minimum of 4 days per week. The visits shall be for not less than 4 hours unless the children wish for more time. If the children wish to spend more time with Mother, they shall be permitted to do so.
4. The children shall be made available for an interview with FCS during their Winter Break in December 2024. Father shall contact FCS to confirm the dates that the children will be on Winter Break and in Marin County so that an appointment can be scheduled for the children.
5. A follow-up FCS report and recommendations will follow after interviews with the children. Further court hearing on this matter is requested to be scheduled no earlier than mid-January 2025.
6. Mother shall adhere to all provisions of the current restraining orders that are in place. Mother shall not verbally abuse Father or engage in nonpeaceful communication with him. Father shall contact law enforcement for any future violations of the restraining order by Mother.
7. Both parents shall abide by the current restraining orders that are in effect. Father shall not supervise the children's visits with Mother while the restraining orders are in effect.
8. Mother shall continue to have video visits with the children every Sunday at 5 PM in the time zone where they reside. These visits may last for up to one hour. The children shall have unlimited access to contact their mother by phone or video.
9. The paternal grandparents shall facilitate the children's video visits with Mother.
10. Video visits may increase based on an agreement between the parents.

Litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.125, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000261

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: GERARDO DE LA CRUZ OSORIO	
and	
RESPONDENT: ALICIA JIMENEZ ESPINOLA	

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD/ SPOUSAL SUPPORT;
OTHER – MOVE OUT ORDER

RULING

Appearances are required.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000318

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: LAUREN LOMBARDI

and

RESPONDENT: CHRISTOPHER
LOMBARDI

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – CHILD SUPPORT
2) CASE PROGRESS CONFERENCE

RULING

Petitioner Lauren Lombardi (“Mother”) filed a Request for Order (“RFO”) on March 22, 2024, seeking child and spousal support orders. Proof of service indicates that Respondent Christopher Lombardi (“Father”) was served with the RFO by mail and email. Mother filed a reply declaration on May 9. No additional papers were filed.

Father did not file an opposition declaration to respond to Mother’s request for child support. His non-action after receiving proper notice of this hearing is viewed as a concession to Mother’s request. See, *Calton v Quint* (2000) 77 Cal.App.4th 690, 697 (failure to file and serve a written opposition to a motion can be construed as an admission that the motion has merit.)

Together, these parents have one child. Chris is 2 years old.

CHILD AND SPOUSAL SUPPORT

Mother is currently unemployed. She owns an LLC in San Francisco which generates rental income. She reported \$36,439 in income pursuant to her 2022 Schedule E. Mother declares no money in checking, no stocks, and no real and personal property. Her last employment was in 2020 as a Personal Assistant.

Mother reports that Father is the VP of sales at Spoton Transact, LLC. He has worked with this company for 10-15 years. His tax reported gross wages from 2021-2023 vary from \$461,379 to 325,539. Because Father did not file an Income and Expense Declaration, the court has only what Mother has provided in her papers to rely on when calculating support.

The timeshare is set at 100% timeshare in favor of Mother.

Based on the above assumptions set forth in the attached *DissoMaster* calculation, commencing April 1, 2024, Father shall pay to Mother monthly child support in the amount of \$2,468 payable one-half on the 1st and one-half on the 15th day of each month, and continuing until further court orders, or until the child in question marries, passes away, is emancipated, reaches age 19, or reaches age 18 and is not a full-time high school student, whichever occurs first.

Father shall pay Mother guideline spousal support of \$3,301, payable as above and continuing until the death of either party, Mother's remarriage or further court order, whichever shall first occur. Spousal support payments are not deductible by the payor spouse, and the payment is not considered income by the receiving spouse. The payor spouse may deduct support from their California income tax return.

The parties shall share equally all reasonable uninsured medical and dental expenses incurred on behalf of their minor children, and childcare costs related to either party's employment or reasonably necessary education or training for employment skills. The parties are ordered to comply with the provisions of Family Code §4063 in seeking reimbursement for uninsured medical and dental expenses, and a copy of the *NOTICE OF RIGHTS AND RESPONSIBILITIES – Health-Care Costs and Reimbursement Procedures* shall be attached to the *ORDER AFTER HEARING*. These provisions shall apply to reimbursement for childcare expenses as well.

Regarding medical add-ons, the parents are directed to Family Code Section 4063(I), which provides that the parents shall arrange to use medical providers who are in the insurance network. If providers are used outside of network, the parent who arranged the medical and/or therapy appointment is obligated to pay the difference.

The parents are expected to share equally the costs of extracurricular activities for the child. The activities are to be agreed upon in advance, in writing, and the child's participation in that activity is not to be unreasonably withheld. It is reasonable for Mother to expect Father to share equally in the costs of tutoring, sports, musical equipment rentals, and similar activity costs.

The parties are ordered to report to each other, with documentation, all earnings in excess of the amounts used to calculate child support and spousal support by February 15th of each year. Any adjustments to support based on the attached bonus schedules to occur at the time the next support payment is due. The court understands that Father's income varies from year to year.

Litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

Counsel for Mother to prepare the order.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

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JUDICIAL OFFICER (NAME AND ADDRESS): Marin County Superior Court California	TELEPHONE NO:	Superior Court Of The State of California, County of Marin COURT NAME: Marin County Superior Court STREET ADDRESS: 3501 Civic Center, Vera Schultz Dr San Rafael 94903 MAILING ADDRESS: BRANCH NAME: Acampo
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER: FL 0000318

Input Data	Lauren Christopher	Guideline (2024)	Cash Flow Analysis	Lauren Christophe
Number of children	0	1 Nets (adjusted)	Guideline	
% time with Second Parent	5%	0% Lauren	15,927 Payment (cost)/benefit	(5,462) 5,500
Filing status	MFS->	<-MFS Christopher	3,815 Net spendable income	10,158 9,584
# Federal exemptions	1*	2* Total	19,742 % combined spendable	51.5% 48.5%
Wages + salary	27,128	0 Support (Nondeductible)	Total taxes	10,201 458
401(k) employee contrib	0	0 CS Payor	Lauren Comb. net spendable	19,742
Self-employment income	0	0 Presumed	2,468 Proposed	
Other taxable income	0	4,273 Basic CS	2,468 Payment (cost)/benefit	(5,462) 5,500
Short-term cap. gains	0	0 Add-ons	0 Net spendable income	10,158 9,584
Long-term cap. gains	0	0 Presumed Per Kid	NSI change from gdl	0 0
Other gains (and losses)	0	0 Child 1	2,468 % combined spendable	51.5% 48.5%
Ordinary dividends	0	397 SS Payor	Lauren % of saving over gdl	0% 0%
Tax. interest received	0	0 Marin	3,301 Total taxes	10,201 458
Social Security received	0	0 Total	5,769 Comb. net spendable	19,742
Unemployment compensation	0	0 Proposed, tactic 9	Percent change	0.0%
Operating losses	0	0 CS Payor	Lauren Default Case Settings	
Ca. operating loss adj.	0	0 Presumed	2,468	
Roy, partnerships, S corp, trusts	0	3,876 Basic CS	2,468	
Rental income	0	0 Add-ons	0	
Misc ordinary tax. inc.	0	0 Presumed Per Kid		
Other nontaxable income	0	0 Child 1	2,468	
New-spouse income	0	0 SS Payor	Lauren	
SS paid other marriage	0	0 Marin	3,301	
CS paid other relationship	0	0 Total	5,769	
Adj. to income (ATI)	0	0 Savings	0	
9.3% elective PTE payment	0	0 Mother	0	
Ptr Support Pd. other P'ships	0	0 Father	0	
Health insurance	1,000	0 No releases		
Qual. Bus. Inc. Ded.	0	0		
Itemized deductions	0	0		
Other medical expenses	0	0		
Property tax expenses	0	0		
Ded. interest expense	0	0		
Charitable contribution	0	0		
Miscellaneous itemized	0	0		
State sales tax paid	0	0		
Required union dues	0	0		
Cr. for Pd. Sick and Fam. L.	0	0		
Mandatory retirement	0	0		
Hardship deduction	0*	0*		
Other gdl. adjustments	0	0		
AMT info (IRS Form 6251)	0	0		
Child support add-ons	0	0		

PETITIONER:	Lauren	CASE NUMBER:	FL 000318
RESPONDENT:	Christopher		

TANF,SSI and CS received 0 0

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000724

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: CLINTON ROSARIO
RODAS CALDERON

and

RESPONDENT: WENDY ELIZAMA JORGE
MAZARIEGOS

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD CUSTODY/VISITATION

RULING

Petitioner Clinton Rosario Rodas Calderon (“Father”) filed a Request for Order (“RFO”) on March 6, 2024, seeking custody and visitation orders. Respondent Wendy Elizama Jorge Mazariegos (“Mother”) filed a responsive declaration on March 26, 2024. Father filed a statement of disagreement to the report issued by Marin Family Court Services on May 8. No other papers were filed.

Both parents met with FCS on or about April 25, 2024. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.))

These parents have one child. Kaylani is 22 months old.

Mother is a minor. She is 17 years old and a senior in high school. Mother turns 18 on 6/21/24.

Father is 31 years old.

Parents reached agreement for Father to begin visits with Kaylani Monday through Friday from 5:30 PM – 7 PM. Visits are to start on 4/29/24.

Custody and Visitation

Good cause appearing, after a review of the papers filed by the parents, including Father’s statement of disagreement to the FCS recommendations, the court finds good cause and that it is in the best interest of the children to adopt the FCS recommendations as follows:

1. Sole legal and physical custody to Mother pending further court order. If Mother is unable to be awarded sole legal and physical custody while she is still a minor, Kaylani shall reside in Mother’s primary care. Once Mother turns 18 years old on 6/21/24 and is a legal adult, she shall be awarded sole legal and physical custody.
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2. Commencing 4/29/24, Father shall have visitation with Kaylani on Monday through Friday from 5:30 PM to 7 PM. If Father gets off work early, he may pick Kaylani up at 4 PM and visit with her until 7 PM. Father shall provide Mother with at least 48 hours advance notice of any days in which he will be picking Kaylani up early for his visit.
3. Parents shall work together towards expanding Father's timeshare with Kaylani as she becomes more comfortable with him.
4. Father shall be responsible for transportation for pickups and drop-offs of Kaylani which shall occur at Mother's home.
5. Mother may use the car which is currently in her possession and gifted to her by Father.
6. The parents shall communicate through Our Family Wizard. Father shall pay the costs for the service. Parents shall limit their communications to coparenting matters only and shall not communicate regarding personal issues, their relationship, etc.
7. Parents may modify the custody and visitation schedule at any time per mutual parental agreement.

Litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.125, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

Any party contesting the ruling and requesting oral argument shall appear in person or remotely through Zoom either by video or telephone. Please follow the guidelines set forth on the court website at www.marin.courts.ca.gov

The Zoom appearance information is as follows:

May 2024, 09:00 AM

Join Zoom Meeting

<https://www.zoomgov.com/j/1610321093?pwd=YW5DaGY2ekZsSUFNbE51T1JsRTMvZz09>

Meeting ID: 161 032 1093

Passcode: 991058

If you are only able to appear by phone you may dial the phone number below, follow the prompts and enter the meeting ID and passcode.

+1-669-254-5252

Meeting ID: 161 032 1093

Passcode: 991058

If a party and/or counsel elects to appear over Zoom they must follow proper Zoom etiquette. This includes joining the call five minutes early, speaking only one at a time, avoiding disruptions, and wearing proper attire appropriate for a court environment. Parties must act and speak in a professional and respectful manner as though they are in an actual courtroom. If a party or counsel is unable to follow proper Zoom etiquette, the court may halt the hearing and order the parties to return in person.