

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/23/24 TIME: 9:00 A.M. DEPT: D CASE NO: FL2001247

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: ANN FORD DANIELSON

and

RESPONDENT: KYLE MILLER

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

RULING

This matter is set for hearing on Respondent/Father’s 12/28/23 Request For Order (“RFO”) re: child custody/visitation with respect to the parties’ two minor sons, James (dob 8-26-16) and Dusty (dob 7-7-18). Petitioner/Mother filed a Responsive Declaration on 4/10/2024. The parties both met with Family Court Services (“FCS”) on 4/3/2024, and the Court received FCS’ Report and Recommendations on 4/18/24.

The parents share joint legal custody of the boys, and Mother has sole physical custody. Father’s timeshare with the children is limited to one day visit with each child per week, and both boys together on Sundays, but no overnights. He is requesting a step-up in his time with the boys over a three-month period to include overnights and working toward a 3-2-2-3 or 5-2-2-5 parenting schedule. Mother states that the time that the boys have been spending with Father has been positive for them, and that the boys love to be with him. She also states that she wants to work toward a 50%/50% timeshare arrangement, but given James’ special needs, she believes it would be best to have a custody evaluation to ensure the increase in time is done in the best way for the boys.

Having reviewed Father’s RFO, the extensive background information on the children provided by Mother in her Responsive Declaration, and the FCS Report and Recommendations, the Court finds it is in the best interests of the children to adopt the FCS Recommendations, as amended, below.

The Court notes that it does not believe that a full custody evaluation is warranted for determining the best manner and pace at which to increase Father’s time with the boys, taking into account the needs and best interests of the children. As FCS noted, there are a lot of professionals already involved with this family. It seems that a limited, focused evaluation on the issues would be more than sufficient, and would avoid the extreme expense and very extended time it takes for a full custody evaluation.

Therefore, consideration all of the above, the Court finds it is in the best interests of the children to adopt the recommendations of FCS, as modified below:

Parental Responsibilities

1. The parents shall continue to share joint legal custody of both boys. The parents shall share in the responsibility and confer in good faith on matters concerning the children's health, education and welfare. Both parents shall have access to the children's school, medical, mental health, and dental records and the right to consult with professionals who are providing services to the child.
2. Mother shall continue to have sole physical custody of both boys.
3. The family shall engage in a limited, focused evaluation commencing as soon as possible with an agreed-upon evaluator, with the evaluator to make recommendations for the timing and the steps to be taken to increase Father's time with the boys, taking into account the special needs of the children. While the evaluation is taking place, the boys shall continue to live primarily with Ann and shall be with Kyle on the following schedule:
 - Dusty: every Wednesday from pick up from school (or 3:00) to 7:00
 - James: every Thursday from pick up from school (or 3:00) to 7:00
 - Both Dusty and James: Sundays from 9:30 to 5:30
 - Any additional time as agreed upon by the parents.
4. Both parents shall ensure the boys are properly supervised at all times.

Counsel for Mother to prepare the order.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are currently not available.

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:

***April 2024 at 09:00 AM
Join Zoom Meeting***

Zoom link for Courtroom D Family Law 161 0592888 passcode 841800
Meeting ID: 161 059 2888
Passcode: 841800

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 US (San Jose)

Meeting ID: 161 059 2888

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/23/24 TIME: 9:00 A.M. DEPT: D CASE NO: FL2201384

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: DONALD PAUL VITA

and

RESPONDENT: PAMELA CLAIRE
WILKINSON VITA

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – SPOUSAL SUPPORT AND ORDER COMPELLING THE DON VITA COMPANY’S COMPLIANCE WITH DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS; SANCTIONS

RULING

This matter is set for hearing on Respondent/Wife’s 2/15/24 Request for Orders (“RFO’s”) re: (1) pendente lite spousal support; (2) attorneys’ fees and costs per Family Code § 2030 in the amount of \$267,000, and (3) Wife’s 2/27/24 Motion to Compel compliance with a deposition subpoena.

Husband filed a Responsive Declaration on 4/10/24 with regard to the Motion to Compel, in which he contends that he has now provided all responsive documents. On 4/10/24, Husband also filed a Responsive Declaration with regard to spousal support and attorneys’ fees. Husband requests that both of these issues be deferred until trial, which is set in August. Wife filed a Reply on

Motion to Compel

The Court notes that Claudia Brisson, Esq. was designated as Discovery Facilitator to address the Motion to Compel. The Notice appointing Ms. Brisson was served and filed on 4/9/24 – just under two weeks ago, it seems unlikely that Ms. Brisson has had sufficient time to fully address the matter and prepare a report for the Court. Therefore, the discovery matter will be continued for two weeks to May 7, 2024.

Spousal Support

In her 2/15/24 initial filing, Wife included a Dissomaster support calculation prepared by her forensic accountants, MHTB Accountancy Group (“MHTB”), which calculated guideline support payable to Wife of \$22,980/month. In the Declaration of Wife’s counsel regarding attorneys’ fees, filed at the same time, Ms. Du Par stated that Wife’s monthly income consisted

of a pension of \$951 from United Airlines, \$1,945 from Social Security, and \$455 from an Air B&B, for a total of \$3,360/month. The support calculation initially filed with the RFO and prepared by MHTB attributed Wife with \$26,333/month in taxable income consisting of \$22,333 in interest, \$2,000 in Social Security and \$1,000 in miscellaneous taxable income.

However, on 4/16/24, without explanation, Wife filed a Declaration of James Butera, CPA, a principal of MHTB, which included a very different support calculation. The 4/16/24 Dissomaster report calculates base monthly guideline spousal support payable to Wife of \$7,963, with additional support to be paid by husband per separate bonus calculation for (1) wage income in excess of \$20,000/month, and (2) corporate income in excess of \$8,484/month. (The Court notes that the \$8,484/month figure is what is attributed to Husband as personal expenses paid by the S Corporation.)

Husband's Dissomaster calculation differs from Wife's primarily because it does not include the \$8,484/month personal expenses Husband receives, or his \$2,542 401(k) employee contribution. It also attributes less overall income to Wife. Husband calculates guideline support payable to Wife at \$3,747/month.

There are a number of issues raised regarding the differences in Wife's two Dissomaster calculations, what appears to be difficulty in getting financial information from Husband, as well as the differences between the parties' numbers, and the missing information from the parties' I&E's.

Nonetheless, after review and consideration, the Court believes it has sufficient information and will accept the support and bonus calculations prepared by Mr. Butera, and will make an order for support consistent with those calculations, without prejudice to retroactive adjustment in support if proven to be appropriate by the evidence produced at trial.

Therefore, the Court orders Husband shall pay to Wife pendente lite spousal support as follows: (a) base support in the sum of \$7,963/month per the Dissomaster calculation attached as Exhibit "A", payable on or before the 1st day of each month, as well as (2) bonus support for wage income exceeding \$20,000/month, per the bonus schedule attached as Exhibit "A-1", and (3) corporate income in excess of \$8,484/month per bonus schedule attached as Exhibit "A-2". This support order is made retroactive to 2/15/24. Support shall be non-taxable to Wife or deductible by Husband, and shall continue until the death of either party, the remarriage of Wife, or further order of the Court.

Attorneys' Fees

Having a better understanding of the parties' respective financial positions, based on Husband's reported \$7,150,000 in deposit accounts and \$3,600,000 in real and personal property, together with his significantly higher income than Wife's, the Court finds that, per Family Code § 2030, Husband shall pay to Wife from his separate funds the sum of \$100,000 as and for attorneys' fees. Husband shall pay the \$100,000 to Wife within seven (7) days of 4/23/24.

Counsel for Wife to prepare the order.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are currently not available.

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UPDATED TO INCLUDE HUSBAND'S 401K & HEALTH INSURANCE

PREPARED BY (NAME AND ADDRESS): MHTB ACCOUNTANCY GROUP California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Husband	Wife	Guideline (2024)	Cash Flow Analysis	Husband	Wife
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Husband	23,447	Payment (cost)/benefit	(7,222) 7,838
Filing status	Single	Single	Wife	2,871	Net spendable income	15,484 10,833
# Federal exemptions	1*	1*	Total	26,318	% combined spendable	58.8% 41.2%
Wages + salary	20,000	0	Support (Nondeductible)		Total taxes	4,973 124
401(k) employee contrib	2,542	0	SS Payor	Husband	Comb. net spendable	26,317
Self-employment income	0	0	Santa Clara	7,963	Proposed	
Other taxable income	0	3,991	Total	7,963	Payment (cost)/benefit	(7,222) 7,838
Short-term cap. gains	0	0	Proposed, tactic 9		Net spendable income	15,484 10,833
Long-term cap. gains	0	0	SS Payor	Husband	NSI change from gdl	0 0
Other gains (and losses)	0	0	Santa Clara	7,963	% combined spendable	58.8% 41.2%
Ordinary dividends	0	0	Total	7,963	% of saving over gdl	0% 0%
Tax. interest received	0	0	Savings	0	Total taxes	4,973 124
Social Security received	0	2,000	No releases		Comb. net spendable	26,317
Unemployment compensation	0	0			Percent change	0.0 %
Operating losses	0	0			Default Case Settings	
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	763				
Misc ordinary tax. inc.	0	1,228				
Other nontaxable income	8,484	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	64	996				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,000	4,613				
Other medical expenses	0	0				
Property tax expenses	2,000	2,113				
Ded. interest expense	0	2,500				
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				
TANF, SSI and CS received	0	0				

Exhibit "A"

UPDATED TO INCLUDE HUSBAND'S 401K & HEALTH INSURANCE

PREPARED BY (NAME AND ADDRESS): MHTB ACCOUNTANCY GROUP California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
Husband Annual Bonus Wages Report 2024 Yearly		CASE NUMBER:

"R" denotes that Husband is a recipient for the corresponding support
 "CS%" is the percentage of Bonus paid as additional Child Support
 "SS%" is the percentage of Bonus paid as additional Spousal Support

Husband's Gross Bonus	Basic CS%	Basic CS	Santa Clara SS%	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	0	95,555	95,555
50,000	0.00	0	24.65	12,325	0	107,880	107,880
100,000	0.00	0	23.96	23,956	0	119,510	119,510
150,000	0.00	0	23.70	35,546	0	131,101	131,101
200,000	0.00	0	23.59	47,182	0	142,736	142,736
250,000	0.00	0	23.53	58,822	0	154,376	154,376
300,000	0.00	0	23.49	70,464	0	166,019	166,019
350,000	0.00	0	23.46	82,110	0	177,664	177,664
400,000	0.00	0	23.45	93,816	0	189,370	189,370
450,000	0.00	0	23.39	105,256	0	200,810	200,810
500,000	0.00	0	23.28	116,396	0	211,951	211,951
550,000	0.00	0	23.16	127,373	0	222,928	222,928
600,000	0.00	0	23.06	138,350	0	233,905	233,905
650,000	0.00	0	22.97	149,329	0	244,884	244,884
700,000	0.00	0	22.90	160,309	0	255,864	255,864
750,000	0.00	0	22.84	171,289	0	266,844	266,844
800,000	0.00	0	22.78	182,270	0	277,824	277,824
850,000	0.00	0	22.74	193,252	0	288,807	288,807
900,000	0.00	0	22.69	204,234	0	299,789	299,789
950,000	0.00	0	22.64	215,088	0	310,643	310,643
1,000,000	0.00	0	22.59	225,894	0	321,448	321,448

Exhibit "A-1"



UPDATED TO INCLUDE HUSBAND'S 401K & HEALTH INSURANCE

PREPARED BY (NAME AND ADDRESS): MHTB ACCOUNTANCY GROUP California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
Husband's Yearly Misc. Nontaxable Income Variation Report 2024 Yearly		CASE NUMBER:

Wages listed are gross values, before any withholding

"R" denotes that Husband is a recipient for the corresponding support

"CS%" is the percentage of Misc. nontaxable income paid as additional Child Support

"SS%" is the percentage of Misc. nontaxable income paid as additional Spousal Support

Husband's Misc. nontaxable income	Basic CS%	Santa Clara SS%	Yearly				
			Basic CS	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0.00	0	0	0	95,555	95,555
50,000	0.00	43.34	0	21,671	0	117,225	117,225
100,000	0.00	43.40	0	43,398	0	138,952	138,952
150,000	0.00	43.26	0	64,893	0	160,448	160,448
200,000	0.00	43.07	0	86,140	0	181,695	181,695
250,000	0.00	42.92	0	107,306	0	202,860	202,860
300,000	0.00	42.82	0	128,474	0	224,028	224,028
350,000	0.00	42.76	0	149,643	0	245,198	245,198
400,000	0.00	42.70	0	170,815	0	266,370	266,370
450,000	0.00	42.66	0	191,988	0	287,542	287,542
500,000	0.00	42.63	0	213,162	0	308,716	308,716
550,000	0.00	42.61	0	234,336	0	329,891	329,891
600,000	0.00	42.59	0	255,512	0	351,066	351,066
650,000	0.00	42.57	0	276,688	0	372,242	372,242
700,000	0.00	42.55	0	297,864	0	393,419	393,419
750,000	0.00	42.54	0	319,041	0	414,596	414,596
800,000	0.00	42.53	0	340,219	0	435,773	435,773
850,000	0.00	42.53	0	361,465	0	457,019	457,019
900,000	0.00	42.53	0	382,778	0	478,333	478,333
950,000	0.00	42.54	0	404,092	0	499,646	499,646
1,000,000	0.00	42.54	0	425,406	0	520,960	520,960
1,050,000	0.00	42.55	0	446,804	0	542,358	542,358
1,100,000	0.00	42.57	0	468,255	0	563,809	563,809
1,150,000	0.00	42.58	0	489,706	0	585,261	585,261
1,200,000	0.00	42.60	0	511,157	0	606,712	606,712
1,250,000	0.00	42.61	0	532,609	0	628,164	628,164
1,300,000	0.00	42.62	0	554,061	0	649,616	649,616
1,350,000	0.00	42.63	0	575,513	0	671,067	671,067
1,400,000	0.00	42.64	0	596,965	0	692,520	692,520
1,450,000	0.00	42.65	0	618,417	0	713,972	713,972
1,500,000	0.00	42.66	0	639,870	0	735,424	735,424
1,550,000	0.00	42.67	0	661,322	0	756,877	756,877
1,600,000	0.00	42.67	0	682,775	0	778,329	778,329



Exhibit "A-2"

UPDATED TO INCLUDE HUSBAND'S 401K & HEALTH INSURANCE

PETITIONER: RESPONDENT:	CASE NUMBER:
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Husband's Yearly Misc. Nontaxable Income Variation Report, cont'd

Husband's Misc. nontaxable	Basic CS%	Santa Clara SS%	Basic CS	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
1,650,000	0.00	42.68	0	704,228	0	799,782	799,782
1,700,000	0.00	42.69	0	725,680	0	821,235	821,235
1,750,000	0.00	42.69	0	747,133	0	842,688	842,688
1,800,000	0.00	42.70	0	768,648	0	864,202	864,202
1,850,000	0.00	42.72	0	790,239	0	885,794	885,794
1,900,000	0.00	42.73	0	811,831	0	907,386	907,386
1,950,000	0.00	42.74	0	833,423	0	928,977	928,977
2,000,000	0.00	42.75	0	855,015	0	950,569	950,569
2,050,000	0.00	42.76	0	876,607	0	972,161	972,161
2,100,000	0.00	42.77	0	898,198	0	993,753	993,753
2,150,000	0.00	42.78	0	919,790	0	1,015,345	1,015,345
2,200,000	0.00	42.79	0	941,383	0	1,036,937	1,036,937
2,250,000	0.00	42.80	0	963,086	0	1,058,641	1,058,641
2,300,000	0.00	42.82	0	984,819	0	1,080,374	1,080,374
2,350,000	0.00	42.83	0	1,006,552	0	1,102,106	1,102,106
2,400,000	0.00	42.85	0	1,028,284	0	1,123,839	1,123,839
2,450,000	0.00	42.86	0	1,050,017	0	1,145,572	1,145,572
2,500,000	0.00	42.87	0	1,071,750	0	1,167,305	1,167,305
2,550,000	0.00	42.88	0	1,093,483	0	1,189,037	1,189,037
2,600,000	0.00	42.89	0	1,115,216	0	1,210,770	1,210,770
2,650,000	0.00	42.90	0	1,136,949	0	1,232,503	1,232,503
2,700,000	0.00	42.91	0	1,158,682	0	1,254,236	1,254,236
2,750,000	0.00	42.92	0	1,180,415	0	1,275,969	1,275,969
2,800,000	0.00	42.93	0	1,202,148	0	1,297,702	1,297,702
2,850,000	0.00	42.94	0	1,223,881	0	1,319,436	1,319,436
2,900,000	0.00	42.95	0	1,245,614	0	1,341,169	1,341,169
2,950,000	0.00	42.96	0	1,267,347	0	1,362,902	1,362,902
3,000,000	0.00	42.97	0	1,289,081	0	1,384,635	1,384,635



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/23/24 TIME: 9:00 A.M. DEPT: D CASE NO: FL2301174

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: WILLIAM DEFRAIN

and

RESPONDENT: ELIZABETH DEFRAIN

NATURE OF PROCEEDINGS: 1) CASE PROGRESS CONFERENCE
2) REQUEST FOR ORDER – RECEIPT OF VOCATIONAL EVALUATION

RULING

This matter is on for receipt of a vocational evaluation report by Rachel Hawk or Lisa Trustin following the Court's 2/27/24 Order requiring Petitioner/Wife to undergo a vocational evaluation.

The Court has not received a vocational evaluation.

Appearances required.

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FL2301174

+1-669-254-5252 US (San Jose)

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/23/24 TIME: 9:00 A.M. DEPT: D CASE NO: FL0000204

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: VALON GRAJQEVCI

and

RESPONDENT: GINA KOSSLER

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – ATTORNEY’S FEES; BUSINESS APPRAISAL; REAL PROPERTY APPRAISALS; VOCATIONAL EVALUATION

RULING

Appearances required.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/23/24 TIME: 10:00 A.M. DEPT: D CASE NO: FL2003408

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: MATTHEW HICKS

and

RESPONDENT: DONNA WEEDEN

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

RULING

Appearances required.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are currently not available.

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:

April 2024 at 09:00 AM

Join Zoom Meeting

Zoom link for Courtroom D Family Law 161 0592888 passcode 841800

Meeting ID: 161 059 2888

Passcode: 841800

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 US (San Jose)

Meeting ID: 161 059 2888

Passcode: 841800

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.