

Tentative Rulings

**Judge Matthew A. Siroka
Department G**

REVIEW BEFORE OBTAINING THE TENTATIVE RULING:

The parties shall comply with Marin County Superior Court Local Rules 7.12(B) and (C). Any party requesting oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person. Absent proper notice, no oral argument will be permitted, and if no request is made, the tentative ruling shall become the order of the Court.

Appearances may be made in person or via Zoom unless otherwise ordered. Parties are responsible for ensuring adequate connectivity and availability; the Court may proceed in a party's absence if technical issues arise. Parties requesting oral argument must appear in person or remotely by Zoom (video or telephone) in accordance with court website guidelines. Proper Zoom etiquette and courtroom decorum are required, and failure to comply may result in the hearing being halted and an order to appear in person.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 3/24/26 TIME: 9:00 A.M. DEPT: G CASE NO: FL 1400558

PRESIDING: HON. MATTHEW A. SIROKA

REPORTER:

CLERK: J. CHARIFA

PETITIONER: JESSICA PAPPAS

and

RESPONDENT: JONATHAN HARMON

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – VISITATION 2) ORDER – SHOW CAUSE – CONTEMPT/ FAILURE TO COMPLY

RULING

Jonathan Harmon (“Father”) filed a request for order (“RFO”) on January 5, 2026, seeking to change supervised visitation from Rally to various proposed family members. Mother is opposed, primarily because their daughter Jazmine does not want to visit with Father. Also, two of the proposed supervisors do not want to be involved, and Mother does not agree to have the paternal grandmother as a supervisor.

The Court is aware Father wants to be more involved in Jazmine’s life and commends him for that. The challenge here is less the method of visitation than the fact that Jazmine is simply not interested currently. She is 16, and has a full and busy life, and undoubtedly complicated feelings about Father who was unable to be present for her due to his own struggles.

The parents interviewed with Family Court Services (“FCS”) and FCS recommends no change in custody, and also recommends that the Jazmine not be mandated to have contact with Father against her wishes. The Court adopts the FCS recommendations as modified herein. Mother shall maintain sole legal and physical custody.

Jazmine will not be required to have visitation with Father. Mother shall not disparage Father. If Jazmine wishes to have contact with Father, Mother shall facilitate such contact, either through Rally, phone/video, or with supervisors of Mother’s choosing. Father may send Jazmine cards or letters.

If and when Father establishes a stable life, is sober and uninvolved with the criminal justice system, the parties are encouraged to consider reunification therapy.

As authorized by CRC Rule 5.125, the Court shall prepare the formal Findings and Order After Hearing.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 3/24/26 TIME: 9:00 A.M. DEPT: G CASE NO: FL 2204084

PRESIDING: HON. MATTHEW A. SIROKA

REPORTER:

CLERK: J. CHARIFA

PETITIONER: SHANNON RENEE
MANCINI

and

RESPONDENT: PHILLIP DOMINICK
MANCINI

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – ATTORNEY’S FEES

RULING

On February 18, 2026, Shannon Petitioner Mancini filed a Request for Order seeking an award of attorney’s fees to defend Respondent’s appeal from the Court’s denial of his request to modify post-judgment spousal support. She also requested fees for assistance in enforcing terms of the judgment which she asserts Respondent has violated. A proof of service and address verification is on file.

Respondent filed an untimely opposition memorandum and declaration on March 18 and apparently served Petitioner by mail the same day.

Petitioner is seeking a total of \$70,000 in fees - \$50,000 for appellate counsel and \$20,000 for counsel to enforce the judgment.

The Court finds there is a disparity in the ability to pay for and access to funds to retain counsel. According to Petitioner, her sole source of income is her support of \$3,578 per month. She estimates Respondent earns about \$20,000 per month. In his opening appellate brief, Respondent states that his take home pay is \$113,000 annually. In his current income and expense declaration, Respondent claims \$18,500 and total expenses of \$13,168. Respondent acknowledges he will be receiving a one-time pay-out of \$59,000, which after taxes will be split with Petitioner.

Respondent is self-represented in the appeal.

The Court finds Respondent has the ability to pay for at least some of Petitioner’s costs to defend the order on appeal.

Appellate counsel

The outcome of the appeal could substantially impact the long-term support called for in the parties' stipulated judgment. The Court finds it is reasonably necessary for Petitioner to defend the appeal, and therefore the request for fees is GRANTED in part.

In evaluating the request, the Court considers the complexity of the case, the value and issues involved and the level of skill necessary to adequately handle the case. The issues are not complex nor is the record particularly lengthy and reasonably competent appellate counsel could potentially handle the appeal in less time (and therefore for less money) than proposed by Petitioner's appellate counsel. And while it may be that \$50,000 is what it will ultimately take to defend the appeal, the Court finds an apportioning the entire \$50,000 to Respondent is neither reasonable nor appropriate. Based on her access to funds and the one-time payment she will receive, Petitioner has the means to pay for some of her fees.

The Court awards Petitioner \$25,000 in attorney fees for the appeal, payable to Petitioner's designated appellate counsel as follows: \$10,000 within 7 days of this order; \$5,000 within 30 days of the order; balance due within 60 days of this order.

Trial Counsel

Petitioner states she will need to obtain counsel to enforce the judgment but has not yet done so. In contrast to her request for appellate fees, the request is not supported by a declaration from counsel and is speculative. The request is DENIED without prejudice.

As authorized by CRC Rule 5.125, the Court shall prepare the formal Order After Hearing.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 3/24/26 TIME: 9:00 A.M. DEPT: G CASE NO: FL 2300443

PRESIDING: HON. MATTHEW A. SIROKA

REPORTER:

CLERK: J. CHARIFA

PETITIONER: JEXIRI RUBI GARCIA

and

RESPONDENT: MARK ANTHONY
CELESTIAL

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

RULING

Respondent Mark Celestial (Father) filed an ex parte request for temporary custody orders. The matter was heard February 17, 2026, and the Court found no emergency and referred the parties to Family Court Services (FCS) and set the matter for hearing on March 24, 2026.

The current custody orders are from 5-18-23. The parents share joint legal and joint physical custody, with Mother having sole authority over healthcare. Father is requesting legal and physical custody and for Danika to live primarily with him.

Father's request is DENIED in part and GRANTED in part. The Court orders joint legal and physical custody will remain, with Mother having sole authority over healthcare.

Father wants to be more involved in supporting Danika during the week, which is commendable. However, there is no evidence the current schedule prevents him from being more involved, such as attending parent teacher conferences, taking her to doctor's appointments and the like. On the contrary Mother says Father has not attended such appointments, and Father admits to FCS that he has not requested Danika's report cards.

There is still conflict between the parents and a lack of trust that is making co-parenting more difficult, but there is no basis to fundamentally change the custody arrangement. Father needs to learn to communicate more effectively and consistently to facilitate their co-parenting.

It also appears there has been some issues and conflict at Mother's house, and Mother must take steps to protect Danika from the drama.

Timeshare

As Mother is not working during the week, has always been the school day parent, and is the one who has met all of her educational and medical needs, Danika should continue to spend school days with her. However, Mother must protect Danika from abusive behavior from people in her household. Mother is not to ask Danika to keep secrets.

Father may have additional visitation one afternoon during week from after school until 8, if Danika wishes and as agreed by the parties based on their respective schedules. Nothing prevents Father from volunteering to take her to or from school or activities or appointments during the week. Mother shall not unreasonably prevent Father's participation in such activities or refuse Father's reasonable requests communicated at least 24 hours in advance.

In addition:

1. Danika shall be in counseling. Both parents shall follow any recommendations made by her counselor.
2. Danika shall not be exposed to any verbal or physical abuse.
3. Danika shall be exposed to peaceful contact only between her parents and any other adults.
4. Neither parent shall share any information from this report with Danika.
5. Neither parent shall discuss any court matters with Danika.
6. Both parents shall have reasonable phone and text communication with Danika.
7. The parents shall return to FCS for a review at the end of June 2026.

The matter is continued for further custody review to June 30.

All other orders not in conflict with these orders remain in effect.

As authorized by CRC Rule 5.125, the Court shall prepare the formal Order After Hearing.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 3/24/26 TIME: 9:00 A.M. DEPT: G CASE NO: FL0001040

PRESIDING: HON. MATTHEW A. SIROKA

REPORTER:

CLERK: J. CHARIFA

PETITIONER: MIKI SUZUKI

and

RESPONDENT: JUNJI SUZUKI

NATURE OF PROCEEDINGS: 1) MOTION – BIFURCATION AND TERMINATION OF MARITAL STATUS 2) STATUS ONLY HEARING

RULING

Junji Suzuki (Father) brought this request to bifurcate trial on dissolution. Mother opposes early bifurcation of the status trial based on her interpretation of Family Code section 218. Mother asserts that Family Code section 218 limits discovery in post-judgment proceedings, and therefore after there is a bifurcated judgment dissolving marital status, she would be prejudiced in her ability to pursue discovery on various property interests. Mother misinterprets section 218. Section 218 does not apply when there has been a bifurcated trial and judgment as to marital status only. In a bifurcated status trial, the court reserves jurisdiction as to all remaining issues, and the parties are not in post-judgment status as to characterization of property, division of property or support and custody issues.

Family Code section 2337 provides that “[i]n a proceeding for dissolution of marriage, the court, upon noticed motion, may sever and grant an early and separate trial on the issue of the dissolution of the status of the marriage apart from other issues.” (Fam. Code, § 2337, subd. (a).) The court may separately try the issue of termination of marriage if doing so “is likely to simplify the determination of the other issues.” (Cal. Rules of Court, rule 5.390(b)(7).)

Public policy favors bifurcation of trial on pivotal issues in a dissolution action. (*In re Marriage of Macfarlane & Lang* (1992) 8 Cal.App.4th 247, 257; see *In re Marriage of Wolfe* (1985) 173 Cal.App.3d 889, 893–894 [“To the extent bifurcation of issues such as custody, support or the division of community property can assist the parties to achieve settlement of remaining issues, it should be encouraged”].) For the issue of marital status, “[c]onsistent with the legislative policy favoring no fault dissolution of marriage, only slight evidence is necessary to obtain bifurcation and resolution of marital status. On the other hand, a spouse opposing bifurcation must present compelling reasons for denial.” (*Gionis v. Superior Court* (1988) 202 Cal.App.3d 786, 790.)

The minimum statutory requirements for bifurcating and terminating marital status are that six months must have passed since the date of service of the summons and petition (§ 2339, subd. (a)), and that the party seeking termination of marital status must have served a preliminary

declaration of disclosure or obtained a written agreement to defer service to a later date (§ 2337, subd. (b)). Both requirements were met here.

Mother has provided no compelling reason why bifurcation should not be granted. Her interpretation of Family Code section 218 is inconsistent with the policies in favor of bifurcation of marital status and timely resolution of dissolution proceedings. If the Legislature wished to encourage bifurcation of marital status, it would not then impose procedural barriers after bifurcation.

Father's request for bifurcation and trial on marital status is GRANTED. The parties both request dissolution and therefore the issue of marital status is terminated.

Counsel for Father is directed prepare the formal findings and order after hearing and to prepare a status judgment with all Family Code section 2337 protections.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 3/24/26 TIME: 9:00 A.M. DEPT: G CASE NO: FL0001974

PRESIDING: HON. MATTHEW A. SIROKA

REPORTER:

CLERK: J. CHARIFA

PETITIONER: THERESA LAFRANCHI

and

RESPONDENT: SCOTT LAFRANCHI

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – VISITATION 2) TRIAL
READINESS CONFERENCE

RULING

Appearances required.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 3/24/26 TIME: 9:00 A.M. DEPT: G CASE NO: FL0002627

PRESIDING: HON. MATTHEW A. SIROKA

REPORTER:

CLERK: J. CHARIFA

PETITIONER: RICARDO PIRES
AGUILAR

and

RESPONDENT: KIMBERLY KELLY

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

RULING

Petitioner Ricardo Aguilar (Father) brought a request for order (RFO) seeking:

1. Joint legal and physical custody
2. Visitation of 2 weekday visits and every other weekend
3. Co-parenting counseling and
4. Non-disparagement orders.

Mother requested the current visitation (one weekday and one overnight weekend visit every other week) remain in place, and also requested Father be required to do Soberlink testing among other things.

The parties were referred to Family Court Services (FCS) and achieved some mediated agreements, and FCS made recommendations as to remaining issues.

The Court adopts the FCS recommendations as modified herein.

1. Joint legal and physical custody.
 2. Parental Timeshare: Emilia shall be in Father's custody on alternate weekends from Friday noon through Sunday noon and each Monday and Wednesday from 4:30 PM to 7 PM. Emilia shall be in Mother's custody at all other times when not in Father's custody. Father may have additional parenting time with Emilia outside of this schedule at any time per mutual parental agreement.
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3. Both parents shall attend Emilia's medical and other care appointments together whenever possible. Mother must keep Father advised of any appointments and give him sufficient notice to be able to attend.
4. Both parents shall follow the treatment recommendations from Emilia's doctors regarding her care so that she is receiving consistent care in both homes.
5. Parents shall participate in coparenting counseling forthwith. Mother to propose 3 counselors by March 30, and Father to choose one or recommend 2 to Mother by April 2. The parties are to agree on a counselor or submit the names of available counselors and their CV by April 6 to the Court and the Court will choose.
6. Parents shall not disparage the other parent to Emilia or within her hearing nor shall they allow others to do so.
7. Parents use a coparenting app such as Our Family Wizard, Talking Parents, or another equivalent coparenting app for their coparenting communications. All coparenting communications shall be civil and respectful in nature.
8. Father shall not consume or be under the influence of alcohol or illegal drugs during his parenting time with Emilia.
9. Domestic travel (within the U.S.) with Emilia requires notice from the traveling parent to the other parent. The traveling parent shall provide information regarding dates of travel, destination of travel, and a number where Emilia can be reached when she is traveling outside of the Bay Area.
10. Holidays: Shall be on a flexible schedule with the understanding that holidays shall be alternated or shared in an equitable manner with the schedule arranged per mutual parental agreement. The parties are to submit a proposed holiday schedule by April 15 to the Court.
11. Father shall submit to three months of Sober Link testing with testing to occur one hour prior to the beginning of his Wednesday visits. For days in which Emilia will be with Father for overnights, Father shall test one hour prior to the beginning of his custodial time, once after Emilia's bedtime, and then twice a day (once in the morning and following Emilia's bedtime) for the remaining days. All test results shall be provided in real time to Mother. Father's parenting time shall be canceled for that visit if the test is positive. The Sober Link testing requirement shall be lifted after four months of consistent negative test results. Father to pay the costs of Soberlink.
12. Both parents shall take a pediatric First Aid and CPR class.
13. Both parents shall take a child development/parenting class focused on preschool aged children.

14. Both parents shall follow all reasonable directives by Emilia's healthcare providers including but not limited to her doctors, occupational therapist, ENT specialist, etc.

Counsel for Father to prepare the formal findings and order after hearing.