

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/03/26 TIME: 9:00 A.M. DEPT: E CASE NO: FL1703773

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: ALEXANDER
KOPANICKY

and

RESPONDENT: NUENGRUETHAI
KOPANICKY

NATURE OF PROCEEDINGS: REVIEW OF REPORTS HEARING – CHILD CUSTODY

RULING

This matter is set for hearing on Petitioner/Father's 2/26/2026 Request for Order ("RFO") re: child custody, abuse and transportation regarding the parties' son, Patrick (DOB 12/18/2015). Father's RFO was initially filed as an *Ex Parte* Request for Emergency Orders; however, the *Ex Parte* request was denied on the Court's finding the facts did not establish danger of imminent or irreparable harm. The Court file indicates that Mother was served by mail with the RFO on 2/27/2026.

Mother did not file a response to the RFO with the Court, and the last order sent to her by the Court was returned as undeliverable. However, both parties and Patrick were interviewed by Family Court Services ("FCS"), and FCS filed its Report & Recommendations with the Court on 3/30/2026.

The Court, having reviewed the current as well as previous FCS Reports & Recommendations, and Court orders, finds that it is in the best interests of Patrick to adopt the FCS recommendations, as modified and set forth below. Therefore, the Court orders:

1. All current orders shall remain in effect with the following additions and modifications:

Timeshare

2. Patrick shall be with Ann on the 1st, 3rd, and 5th (if any) weekend of the month from Friday at 6:00 p.m. to Sunday at 6:00 p.m. Exchanges shall be curbside outside of Alexander's home. Alexander shall remain in the house and Ann shall remain in her car or next to her car.

Collateral Issues

3. Patrick shall be in individual counseling as soon as possible. Both parents shall follow any recommendations made by the counselor.
4. Neither parent shall use *any* physical discipline with Patrick including striking him or any of his possessions with an object.
5. Patrick shall not be forced to take a cold shower or be subjected to *any* emotional abuse.
6. Patrick shall have his cell phone and shall have reasonable communication with both parents.

SO ORDERED.

The Court will prepare the order per Rule 5.125, CA Rules of Court

Any party who disagrees with the Court's tentative ruling and wishes to have oral argument must notify the Court at (415) 444-7046 and opposing counsel (or if the opposing party is self-represented, notice must be given directly to the opposing party) of their intent to appear at the hearing for oral argument ***by 4:00 pm on the court day before the hearing***, as required by Marin County Superior Court Family Law Local Rules 7.12(B) and (C). Notice may be given by telephone or in person. Absent proper notice, no oral argument will be permitted. If no request for oral argument is made, the tentative ruling will become the order of the Court.

Unless otherwise ordered by the Court, persons who requested oral argument must appear for the hearing in person or remotely via Zoom, in accordance with the Court website guidelines. If appearing remotely via Zoom (video or telephone), you are responsible for ensuring you have adequate connectivity; the Court may proceed in a party's absence if technical issues arise. 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 being made.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/03/26 TIME: 9:00 A.M. DEPT: E CASE NO: FL1704024

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: REJANY CONSTANCIO
BERNARDO COHEN

and

RESPONDENT: BRENO BATISTA

NATURE OF PROCEEDINGS: REVIEW OF REPORTS HEARING – CHILD CUSTODY
VISITATION

RULING

This matter is set for hearing on Respondent/Father's 3/10/2026 Request for Order ("RFO") re: custody/visitation concerning the parties' two children, Davi (DOB 2/3/2014) and Brenda (DOB 9/9/2015). The current custody orders issued on 11/2/2022 provide Mother has sole legal and physical custody of the children, with no contact with Father.

Father initially filed this order as an *Ex Parte* request for emergency orders following a Writ of Administrative Mandamus granted 12/12/2025 which determined the list of Father's name with the Child Abuse Central Index ("CACI") was based on a report of sexual abuse that was not substantiated, and which ordered the Department of Justice to remove Father's name from the CACI. Father requested the Court reinstate the prior order of joint legal and physical custody. The Court found the Request was not appropriately dealt with on an emergency basis and declined to hear the matter *ex parte*, but arranged for an expedited schedule for Family Court Services ("FCS") to interview the parties and set the matter for hearing on shortened time.

The parties were both interviewed by FCS, and FCS also interviewed the children's therapist, Lisa Olson, LMFT. FCS filed its Report & Recommendations with the Court on 3/20/2026. The Court agrees that this is a very complicated case, and significantly more information is required to determine what is in the best interests of the children. Therefore, the Court adopts the FCS recommendations, and orders as follows:

1. The family shall participate in a custody evaluation.
2. While the evaluation is in process, all current orders shall remain in effect.

SO ORDERED.

Counsel for Mother shall prepare the order.

Any party who disagrees with the Court's tentative ruling and wishes to have oral argument must notify the Court at (415) 444-7046 and opposing counsel (or if the opposing party is self-represented, notice must be given directly to the opposing party) of their intent to appear at the hearing for oral argument **by 4:00 pm on the court day before the hearing**, as required by Marin County Superior Court Family Law Local Rules 7.12(B) and (C). Notice may be given by telephone or in person. Absent proper notice, no oral argument will be permitted. If no request for oral argument is made, the tentative ruling will become the order of the Court.

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The Court is disappointed to see that these parents continue their inability to co-parent peacefully. The Court is only interested in what is best for Mason, which is stability, to enjoy substantial time with each parent without interference from the other parent, and not to be brought into the parents' conflicts. The Court is concerned that it appears Mother is more concerned with what she wants than in supporting Mason's relationship with Father, and that she is putting Mason directly in the middle of this conflict. Mason was just interviewed by Family Court Services ("FCS") three months ago. His input was fully considered when the Court made its 1/30/2026 custody/visitation orders and increased Mother's time. As made clear in the Court's last order, the Court well understands Mason loves his Mother; however, he also loves his Father, and it is equally important that Father's time with Mason be respected and supported. The Court notes, - and both parents should be mindful of - Mason's obvious discomfort and reluctance to talk about anything relating to his family situation when he spoke to FCS. While Mason does have a right to be heard, the Court finds that it would not be in Mason's best interests to again pull him into the parents' conflict and have him interviewed by either the Court or Family Court Services and asked to choose which parent he wants to be with on Wednesday nights. Finally, even assuming Mason would prefer to be with Mother on Wednesday nights, the ultimate decision as to whether to change his time-share is not his to make. It is the parents' job to assist Mason with the significant transition that was already made with the last custody/visitation order, not to destabilize the current orders. Mother's current time-share is 45%, which is substantial. There is no reason why it should be increased at this time.

Having considered both parties' pleadings, as well as the history of this case and all of the above, the Court finds it is in Mason's best interests to order as follows:

1. The current time-share schedule shall remain in effect.
2. Mother's request for the parents to have right of first refusal is denied.
3. Father appears to be agreeable to each parent having a full weekend with Mason each month. The parties are ordered to meet and confer to reach agreement on the details.
4. With regard to a vacation/holidays schedule, the Court finds no indication that the parties have met and conferred to try to work out a vacation/holiday schedule. If Mother wishes a fuller, more specific schedule than already ordered, she shall put her proposal in writing, and the parties and/or counsel shall meet and confer to see if they can come to agreement.
 - a. If the parties are unable to come to agreement, counsel shall submit to the Court Mother's proposed vacation schedule, redlined to show agreement/disagreement/ or alternative to each part of the proposal. This shall be filed with the Court by May 10, 2026, and the Court will take the matter under submission and issue an order with a holiday/vacation schedule.
5. Mother shall remain in therapy with a mental health professional until further Court order.

- a. At the next hearing Mother shall provide to the Court letters from her therapist confirming all appointments she has attended.
6. Mother shall not expose Mason to divorce-related conflict, place him in the middle of the parental conflict or share adult information related to custody issues, court, etc.

Support

The Court agrees with Mother that Father's analysis of the law regarding child and temporary spousal support appears somewhat confused, and that the case of *County of Lake v. Antoni* (1993) 18 Cal. App. 4th 1102 is entirely inapposite to the case at hand. Father states that he is not suggesting the Court deviate from guideline child support, but only that the Court deviate to set temporary spousal support at zero. The Court notes that Father has failed to comply with Marin County Local Rules, Family 7.13. D, which states:

If it is contended by either party that the guideline or presumed level of support is inappropriate, that party's declaration shall set forth their calculation of the amount alleged to be proper and the reasons therefor. Such declaration shall include all reasons or justifications urged by the party for varying from the guideline support levels. The Court finds no viable factual or legal basis to support a deviation from guideline support and will not set an evidentiary hearing without a prima facie showing that deviation is warranted.

Father did not submit a support calculation; nor did he state in a declaration sufficient supporting reasons or justifications for varying from guideline support levels, but asked for an evidentiary hearing. This should be done by declaration, not evidentiary hearing.

Moreover, Father's voluntary decision to support his adult daughter, while understandable and presumably motivated by the best intentions, does not excuse him from his legal obligations to support his son and Wife.

Mother has provided two Xspouse calculations; however, she uses a 50%-50% timeshare, which is incorrect. The Court has prepared its own Xspouse calculation which is attached as Exhibit "A" based on the following assumptions: Father files as Head of Household and claims 3 exemptions; Mother files as Single with one exemption. Husband's wage/salary income per his paystubs is \$140,000/year, or \$11,698/month. He pays \$914/month for health insurance, union dues of \$118/month and retirement of \$1644/month. Father has monthly deductions of \$330 and \$1,975, respectively, for property taxes and mortgage interest. Mother's 2025 W-2 reflects earnings of \$4,333/month.

Based on Exhibit "A," the Court orders as follows with regard to child and temporary spousal support:

Child Support

1. Effective January 1, 2026, Father shall pay to Mother as and for guideline child support for the benefit of Mason \$447/month, payable on or before the 1st day of each month.
2. In addition, to the extent that Father receives income in excess of \$11,698/month, he shall pay bonus child support to Mother calculated in accordance with the bonus table attached as Exhibit "A-1."
3. Per Family Code § 4055, the parties shall share, in proportion to their net incomes with Father paying 60% and Mother paying 40% all reasonable uninsured medical expenses and dental expenses incurred on behalf of Mason, 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 is attached to the Order After Hearing.
4. All mutually agreed-upon extracurricular activities shall likewise be shared with Father paying 60% and Mother paying 40%.
5. Child support shall continue until (1) the child reaches the age of 18, or if still a full-time student in high school at age 18, until the child reaches age 19 or graduate from high school, whichever first occurs; (2) the child dies; or (3) the child is emancipated. The amount of child support is modifiable if there is a material change of circumstances.

Temporary Spousal Support

6. Effective January 1, 2026, Father shall pay to Mother as and for guideline temporary spousal support \$663/month, payable on or before the 1st day of each month.
7. In addition, to the extent that Father receives income in excess of \$11,698/month, he shall pay bonus temporary spousal support to Mother calculated in accordance with the bonus table attached as Exhibit "A-1."
8. Spousal support shall continue until Mother remarries, either party dies, or further order of the Court.
9. Spousal support is neither taxable to the recipient nor deductible by the payor.
10. This matter is set for hearing on permanent spousal support on 5/22/2026 at 9:00 am in Department E. The parties shall timely file with the Court declarations regarding the Family Code § 4320 factors, if they have not already done so.

Attorneys' Fees and Costs

The Court has not been provided with any information to assess the reasonableness of Mother's attorneys' fees request. Counsel for Mother needs to provide her billing statements (with only privileged information redacted) to the Court and opposing counsel so a reasonableness assessment can be made.

11. The issue of attorneys' fees and costs is set for hearing on 5/22/2026 at 9:00 am in Department E.

SO ORDERED.

Any party who disagrees with the Court's tentative ruling and wishes to have oral argument must notify the Court at (415) 444-7046 and opposing counsel (or if the opposing party is self-represented, notice must be given directly to the opposing party) of their intent to appear at the hearing for oral argument **by 4:00 pm on the court day before the hearing**, as required by Marin County Superior Court Family Law Local Rules 7.12(B) and (C). Notice may be given by telephone or in person. Absent proper notice, no oral argument will be permitted. If no request for oral argument is made, the tentative ruling will become the order of the Court.

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2026

Xspouse 2025-2-CA

Monthly Figures

Fixed Shares	Balwant Rekha		Monthly Figures		Cash Flow		
			2026			Guideline	Proposed
Number of children	1	0				10757	10757
Percent time with NCP	0.00%	45.00%				0%	0%
Filing status	HH/MLA	SINGLE					
Number of exemptions	3	1					
Wages and salary	11698	4333					
Self employed income	0	0					
Other taxable income	0	0					
TANF CS received	0	0					
Other nontaxable income	0	0					
New spouse income	0	0					
Employee 401-k contribution	0	0					
Adjustments to income	0	0					
SS paid prev marriage	0	0					
CS paid prev marriage	0	0					
Health insurance	914	0					
Other medical expenses	0	0					
Property tax expenses	330	0					
Ded interest expense	1975	0					
Contribution deduction	0	0					
Misc tax deductions	0	0					
Qualified business income deduction	0	0					
Required union dues	118	0					
Mandatory retirement	1644	0					
Hardship deduction	0	0					
Other GDL deductions	0	0					
Child care expenses	0	0					

GUIDELINE		Support		Proposed		Tactic 9	
Nets (adjusted)							
Balwant	7238	CS	447				
Rekha	3520	SS	636				
Total	10758	Total	1083				
		Saving	0				
		Releases	0				

Balwant		Rekha	
Payment cost/benefit	-1046	Payment cost/benefit	-1046
Net spendable income	6155	Net spendable income	6155
Change from guideline	0	Change from guideline	0
% of combined spendable	57%	% of combined spendable	57%
% of saving over guideline	0%	% of saving over guideline	0%
Total taxes	1784	Total taxes	1784
Dep. exemption value	0	Dep. exemption value	0
# withholding allowances	0	# withholding allowances	0
Net wage paycheck	8314	Net wage paycheck	8314

Balwant pays Guideline CS, Guideline SS, Proposed CS, Proposed SS

FC 4055 checking: ON

Per Child Information

	DOB	Timeshare	cce(F)	cce(M)	Addons Payor	Basic CS Payor	Pres CS Payor
All children		55 - 45	0	0	0 Balwant	447 Balwant	447 Balwant
Mason	2011-02-18	55 - 45	0	0	0 Balwant	447 Balwant	447 Balwant

Annual Bonus Income Balwant

- Cost is an increase in support paid or a decrease in support received by this spouse
- Bonus income may reverse direction of CS and/or SS
- R = recipient of support

Annual bonus paid to Rekha: 0
 Prior relationship(s): OFF

Additional Cost to Balwant

Balwant's Bonus	Child Support		Spousal Support		Total CS	Total SS (adjusted)
	% of bonus	\$	% of bonus	\$		
500	8.02	40	16.46	82	5,461	7,834
1,000	8.01	80	16.47	165	5,501	7,916
1,500	8.00	120	16.47	247	5,541	7,999
2,000	7.99	160	16.39	328	5,581	8,079
2,500	7.99	200	16.29	407	5,621	8,159
3,000	7.98	239	16.23	487	5,661	8,238
3,500	7.97	279	16.19	566	5,700	8,318
4,000	7.96	318	16.16	646	5,740	8,398
4,500	7.95	358	16.13	726	5,779	8,478
5,000	7.94	397	16.12	806	5,818	8,557
5,500	7.93	436	16.11	886	5,857	8,637
6,000	7.92	475	16.10	966	5,897	8,717
6,500	7.91	514	16.09	1,046	5,936	8,797
7,000	7.90	553	16.09	1,126	5,975	8,878
7,500	7.89	592	16.08	1,206	6,013	8,958
8,000	7.89	631	16.08	1,287	6,052	9,038
8,500	7.88	669	16.08	1,367	6,091	9,119
9,000	7.86	708	16.09	1,448	6,129	9,200
9,500	7.85	745	16.10	1,530	6,167	9,281
10,000	7.83	783	16.11	1,611	6,204	9,363
10,500	7.82	821	16.12	1,693	6,242	9,444
11,000	7.80	858	16.13	1,774	6,280	9,526
11,500	7.79	896	16.14	1,856	6,317	9,608
12,000	7.78	933	16.15	1,938	6,355	9,689
12,500	7.77	971	16.16	2,020	6,392	9,771
13,000	7.75	1,008	16.17	2,102	6,429	9,853
13,500	7.74	1,045	16.17	2,184	6,466	9,935
14,000	7.73	1,082	16.18	2,266	6,504	10,017
14,500	7.72	1,119	16.19	2,348	6,541	10,099
15,000	7.71	1,156	16.20	2,430	6,578	10,181
15,500	7.70	1,193	16.21	2,512	6,614	10,264
16,000	7.69	1,230	16.22	2,594	6,651	10,346
16,500	7.68	1,267	16.22	2,677	6,688	10,428
17,000	7.67	1,303	16.23	2,759	6,725	10,511
17,500	7.66	1,340	16.23	2,841	6,761	10,593
18,000	7.65	1,376	16.22	2,919	6,798	10,671
18,500	7.64	1,413	16.20	2,998	6,834	10,749
19,000	7.62	1,448	16.19	3,077	6,869	10,828
19,500	7.61	1,483	16.18	3,155	6,904	10,906
20,000	7.59	1,518	16.16	3,233	6,939	10,984
20,500	7.58	1,553	16.15	3,311	6,974	11,062
21,000	7.56	1,588	16.14	3,389	7,009	11,141
21,500	7.55	1,623	16.13	3,467	7,044	11,219
22,000	7.54	1,658	16.12	3,546	7,079	11,297
22,500	7.52	1,693	16.11	3,624	7,114	11,376

Annual Bonus Income Balwant

- Cost is an increase in support paid or a decrease in support received by this spouse
- Bonus income may reverse direction of CS and/or SS
- R = recipient of support

Annual bonus paid to Rekha: 0
 Prior relationship(s): OFF

Additional Cost to Balwant

Balwant's Bonus	Child Support		Spousal Support		Total CS	Total SS (adjusted)
	% of bonus	\$	% of bonus	\$		
23,000	7.51	1,727	16.10	3,703	7,148	11,454
23,500	7.50	1,762	16.09	3,781	7,183	11,533
24,000	7.48	1,796	16.08	3,860	7,218	11,611
24,500	7.47	1,831	16.07	3,938	7,252	11,690
25,000	7.46	1,865	16.07	4,017	7,287	11,769
25,500	7.46	1,901	16.07	4,099	7,322	11,851
26,000	7.45	1,937	16.08	4,181	7,358	11,932
26,500	7.44	1,972	16.09	4,263	7,394	12,014
27,000	7.44	2,008	16.09	4,345	7,429	12,096
27,500	7.43	2,043	16.10	4,427	7,465	12,178
28,000	7.42	2,079	16.10	4,509	7,500	12,261
28,500	7.42	2,114	16.11	4,591	7,536	12,343
29,000	7.41	2,150	16.12	4,674	7,571	12,425
29,500	7.41	2,185	16.12	4,756	7,606	12,507
30,000	7.40	2,220	16.13	4,838	7,641	12,590

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/03/26 TIME: 9:00 A.M. DEPT: E CASE NO: FL2300821

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: AMY M. CUNHA

and

RESPONDENT: BARTHOLOMEUS JOHN
LYMBERG

NATURE OF PROCEEDINGS: MOTION – RELIEVE COUNSEL

RULING

This matter is set for hearing on the 3/10/2026 Motion to Be Relieved as Counsel filed by Anne Fokstuen, Esq., counsel of record for Petitioner in this matter. The Motion was accompanied by the supporting Declaration of Ms. Fokstuen. Upon review and consideration, the Court orders as follows:

1. Ms. Fokstuen's motion to withdraw as counsel for Petitioner is granted.

SO ORDERED.

The Court will prepare the order.

Any party who disagrees with the Court's tentative ruling and wishes to have oral argument must notify the Court at (415) 444-7046 and opposing counsel (or if the opposing party is self-represented, notice must be given directly to the opposing party) of their intent to appear at the hearing for oral argument **by 4:00 pm on the court day before the hearing**, as required by Marin County Superior Court Family Law Local Rules 7.12(B) and (C). Notice may be given by telephone or in person. Absent proper notice, no oral argument will be permitted. If no request for oral argument is made, the tentative ruling will become the order of the Court.

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