

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL1500022

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: INGRID E. RYAN

and

RESPONDENT: ERIC T. RYAN

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD SUPPORT;
ATTORNEY’S FEES AND COSTS; OTHER: REIMBURSEMENT OF ADD-ONS; FAMILY
CODE 271 SANCTIONS

RULING

The court is advised that the parties wish to continue the hearing due to unavailability of counsel. This gives the parties more time to meet and confer and informally resolve this matter before the next hearing.

The request to continue is GRANTED. The matter is continued to June 5, 2025. at 9:00 a.m. in Dept. L

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remote. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpretation services.

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:
April 2025, 09:00 AM
Join Zoom Meeting***

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=16jw01P3LyZYAJ8MzZYeRoeWy07bxE.1>

Meeting ID: 160 618 2824

Passcode: 433542

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: 160 618 2824

Passcode: 433542

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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL2002790

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: SARAH FLYNN-CASTRO

and

RESPONDENT: ROSARIO FLYNN-CASTRO

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER:
PARTITION/PROPERTY SALE

RULING

Petitioner Sarah Flynn-Castro (“Wife”) filed a Request for Order (“RFO”) on February 24, 2025, seeking a court order to partition and sell community property. The court continued the matter from March 27, 2025, to April 24 at Wife’s request to provide more time to serve Respondent Rosario Flynn-Castro.

Hearing on the RFO cannot proceed until Respondent is properly served with the moving papers, and proof of service is filed.

CCP §1005(b) requires service of an RFO within 16 court days before a court hearing. Proof of service must be filed as proof that the responding party was properly served with the moving papers.

The matter is continued to June 5, 2025. at 9:00 a.m. in Dept. L, to allow more time for Wife to serve the RFO and any related papers upon Respondent.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remote. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpretation services.

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:
April 2025, 09:00 AM
Join Zoom Meeting*

*<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=l6jw01P3LyZYAJ8MzZYeRoeWy07bxE.1>
Meeting ID: 160 618 2824
Passcode: 433542*

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: 160 618 2824
Passcode: 433542*

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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000917

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: LAURA NATALIE
CARDENAS CAUICH

and

RESPONDENT: TEODORO FABIO
CHACON

NATURE OF PROCEEDINGS: HEARING – OTHER: EX PARTE APPLICATION AND ORDER

RULING

The court dismissed this case on March 20, 2025, due to non-participation by the parties. The parties were notified on November 20, 2024, that the case was in danger of being dismissed to do non-activity by the parties. The case was called as regularly scheduled on March 18, 2025, and dismissed because there was no appearance by the parties.

Petitioner Laura Natalie Cardenas Cauich (“Wife”) filed on March 26, 2025, an *ex parte* application and request to vacate the dismissal. Wife also filed a proposed entry of judgment by default. The request is GRANTED. The court will process the completed Request to Enter Judgment and associated pleadings.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remote. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpretation services.

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:

April 2025, 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=l6jw01P3LyZYAJ8MzZYeRoeWy07bxE.1>

Meeting ID: 160 618 2824

Passcode: 433542

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: 160 618 2824

Passcode: 433542

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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0001009

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: ALEXANDRA BARBER

and

RESPONDENT: FRANCIS DAWSON

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: OST; VACATE THE ORDER TRANSFERRING MATTER TO MARYLAND; RE-CALENDAR HEARING FOR A NEW DATE; AFFIRM CALIFORNIA JX OVER DISSOLUTION PROCEEDING AND CHILD CUSTODY ISSUES

RULING

There are three Requests for Orders (“RFO”) pending. On December 12, 2024, Petitioner Alexandra Barber (“Mother”) filed a RFO seeking spousal and child support, and sanctions to be assessed against Father for “forum shopping”. The hearing on the RFO was set for February 13, 2025. On February 5, 2025, Respondent Francis Dawson (“Father”) filed a RFO, seeking to transfer venue from California to Maryland. He also filed for divorce in Maryland. On March 7, 2025, Mother filed a second RFO seeking clarification regarding whether this court retained jurisdiction over issues not related to child custody.

While residing out of state, Mother filed a Petition for Dissolution of marriage on June 7, 2024, in this county. The petition provides that Mother and her child Jameson moved from Marin County to a “confidential” address on May 8, 2024. This record indicates that they moved at that time to the State of Maryland, where they have resided since. They have been away from California for almost one year.

On July 22, 2024, the parents filed a stipulation in which Father relinquished legal and physical custody of the child to Mother. The stipulation recognized that Mother was residing in Maryland and indicated that Father would soon move out of California to join her.

On February 7, 2025, Father sought Temporary Emergency Orders, to continue the February 13 hearing. At that time the court advised the parents that matters regarding jurisdiction would be on hold until a home state determination was decided, pursuant to the UCCJEA, Family Code §3421(b).

On February 11, 2025, the court issued notice of hearing with Judge Pamela Alban, Circuit Associate Judge, Arundel County, Maryland. The notice advised the parents of the ability to attend the hearing via video remote court. UCCJEA petitions are to be expeditiously determined, with the California court instructed to “immediately” contact the other court to resolve jurisdiction regarding custody issues. Family Code §3424(d). A California court must stay its proceedings and communicate with the other state to resolve jurisdictional conflicts. FC §3426(b). *Marriage of Kent* (2019) 35 Cal. App. 5th 487, 494-495.

On February 25, 2025, this matter was called on the record pursuant to the UCCJEA, Family Code §3400 *et seq.* by the court to determine the proper home state for the child. The matter was also called on the record by Judge Pamela Alban in her courtroom via video conference (Maryland Case No. CO2FM24-4093). The court determined that Maryland is Jameson’s home state as defined by the UCCJEA. This is because Jameson and both parents no longer reside in California. They live in Maryland. Family Code §3421(a)(1).

On February 27, 2025, entered an Order After Hearing, finding good cause to relinquish custody jurisdiction over the child pursuant to the UCCJEA.

On March 7, 2025, Mother filed a second RFO seeking clarification regarding whether this court retained jurisdiction over issues not related to child custody.

Mother argues that the parties were not provided with the opportunity to be heard on the custody jurisdiction issue. UCCJEA proceedings are supposed to be expeditiously determined. “[T]he court is given the authority to resolve these cases without resorting to a full trial on the merits or plenary evidentiary hearing.” *Marriage of Weatherspoon* (2007) 155 Cal.App. 4th 963, 975.

Mother also argues that the UCCJEA only applies to custody disputes, requesting that this court retain jurisdiction over the dissolution proceedings. The court notes that the February 29, 2025, order does not transfer the entire case out of California.

Father persuasively argues the effect of an order changing venue is to transfer the entire case to the new court; transfer cannot be made piecemeal. *Marshall v. Benedict* (1958) 161 Cal.App.2d 284, 287. If the transfer motion is granted, upon payment of the appropriate filing/transfer fees and costs, the transferor court loses jurisdiction and all further matters in the action must be heard by the transferee court. *Badella v. Miller* (1955) 44 Cal.2d 81, 85-85. Father argues that Maryland has assumed jurisdiction, and both the dissolution action and custody matter are now proceeding in Maryland.

Mother argues that the financial issues associated with the Petition were close to being finalized under California law. She argues that a transfer of the dissolution proceeding to Maryland will now disadvantage her both because she will have to start over, and she believes the dissolution laws favor Father.

The court agrees that Civil Code of Procedure §397.5 permits the court to, in the interests of justice and the convenience of the parents, order proceedings to be transferred to the county of residence of either party. If the parties appear in court to argue the tentative, counsel for Father

shall address whether CCP §397.5 is applicable to interstate change of venue, or if it is limited to the boundaries of California.

Though a California Court has exclusive jurisdiction, it may decline exercising that jurisdiction upon determining that it is an inconvenient forum and that a competing forum is “more appropriate” for resolution of the dispute. Family Code §3427.

California Code of Civil Procedure (CCP) § 410.30 allows a court to decline to hear a case if another forum would be more convenient and in the interest of substantial justice under the doctrine of Forum Non Conveniens. This discretionary power allows a court to stay or dismiss a case, even if it has jurisdiction, if a more appropriate forum exists. In *Jagger v. Superior Court* (1979) 96 Cal.App.3d 579, 586, the court enumerated several factors to consider when determining if a case is right for California. Here, an analysis of those factors, and of the factors enumerated in FC §3427, indicate that California is inconvenient. First, Mother chose two forums, filing for dissolution of marriage in California while living in Maryland. Jameson was born in December 2023. He has lived most of his life in Maryland. Both parents and the child live in Maryland. The burden of the transfer for keeping or transferring the case is minimal on the State, and the interest of providing a forum is neutral. The court wants to avoid multiplicity of actions and inconsistent adjudications. There is no inconvenience to the parties to resolve this matter in Maryland, considering that the parents now live there.

On the other hand, the court must consider the differences in rules as applied by the Maryland court as well as any disadvantage and financial hardship regarding how the divorce process will impact Mother if the case proceeds in Maryland.

The court does not have information regarding the location of witnesses and evidence. In addition, many of the other §3427 factors, and those enumerated in *Jagger* render a neutral result when the facts are applied.

The court has no reason to believe that a Maryland court will be unfair to either party as they proceed with dissolution of marriage. California has no substantial interest in retaining the proceeding for the resolution of the issues arising out of this litigation.

Given the facts of this particular case, Maryland is the more convenient forum for not only the custody proceedings, but also for the entire dissolution action and all related financial and property matters.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remote. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpretation services.

Counsel for Father 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.

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:

April 2025, 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=l6jw01P3LyZYAJ8MzZYeRoeWy07bxE.1>

Meeting ID: 160 618 2824

Passcode: 433542

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: 160 618 2824

Passcode: 433542

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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0001464

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: ESTEFANNY FABIOLA
DE LEON SALAS

and

RESPONDENT: LUIS ERASMO
MONTERROSO CARDENAS

NATURE OF PROCEEDINGS: MOTION – SET ASIDE/VACATE; VOLUNTARY
DECLARATION OF PARENTAGE

RULING

This matter is on for review. On January 16, 2025, the court entered an order after hearing to set aside the declaration of Petitioner Estefanny De Leon Salas and Luis Monterroso Cardenas regarding the voluntary declaration of parentage. The court ordered paternity testing completed by March 14, 2025.

No documents have been filed by either parent to update the court regarding the results of the paternity testing.

Appearances are required.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remote. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpretation services.

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:

April 2025, 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=l6jw01P3LyZYAJ8MzZYeRoeWy07bxE.1>

Meeting ID: 160 618 2824

Passcode: 433542

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: 160 618 2824

Passcode: 433542

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.