

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/08/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL1900705

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: EGIDIO RAUL
BALCARCEL

and

RESPONDENT: VERONICA ABARCA

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

RULING

The Request for Order is continued to June 12, 2025, at 9 am in this department.

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:

May 2025, 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=I6jw01P3LyZYAJ8MzZYZeRoeWy07bxE.1>

Meeting ID: 160 618 2824

Passcode: 433542

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Meeting ID: 160 618 2824

Passcode: 433542

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/08/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL2301207

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: KRISTA D.
CAMPODONICO

and

RESPONDENT: STEVE CAMPODONICO

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: ENTER JUDGMENT
PURSUANT TO CCP 664.6

RULING

Respondent Steve Campodonico (“Husband”) filed a Request for Order (“RFO”) seeking to enter judgment pursuant to Cal. Code of Civil Procedure § 664.6. Petitioner Kristina Campodonico (“Wife”) did not file a responsive paper. 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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/08/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000794

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: KYLE BALOUGH

and

RESPONDENT: ANNA NEMETULAYEVA

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

RULING

The court issued comprehensive custody and visitation orders regarding these parents on September 13, 2024. Petitioner Kyle Balough (“Father”) filed a Request for Order (“RFO”) on April 4, 2025, seeking changes to custody and visitation orders. Respondent Anna Nemetulayeva (“Mother”) filed a responsive declaration on April 29, 2025.

Both parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Father. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)]. Both parents were interviewed on or before April 11. On April 28, 2025, Mother filed a Statement of Agreement with the FCS recommendations issued on April 11. Father filed a Statement of Disagreement with the FCS report on May 6.

Together, these parents have one child named London, who is 2 years old, born on February 8, 2023.

The court is familiar with this family. It issued dueling Domestic Violence Restraining Orders, and comprehensive child custody and visitation orders on September 13, 2024.

The court ordered the parents to participate in Soberlink testing for the purposes of joint custody and visitation. Mother has had 50 soberlink positive tests, and 3 suspensions from July 2024 to March 31, 2025. To make matters worse for Mother, Father provided photographic evidence to support his allegation that on September 23, 2024, Mother’s 14-year-old daughter from a different marriage took the Soberlink test. Mother needs to get a handle on her drinking problem before there are more unsupervised visits with the child.

This case involves a fact pattern wherein a 2-year-old child spends week on, week off with either parent. It is rare that this court permits an infant child to be separated from a parent for an entire week. However, these parents have such a toxic relationship that the court found it to be in the best interest of London to issue those orders.

A Custody Evaluation is needed to assist this court to issue custody and visitation orders. However, the court understands the expense of the report makes it cost prohibitive. Although Mother has had difficulty in the past providing an honest disclosure of her finances, in that she currently reports \$0 income, aside from child support. Her credibility has been called into question by her conduct before this court.

CUSTODY AND VISITATION

The court has reviewed the declaration filed by Father and responsive declaration filed by Mother. The court has also reviewed Father's statement. Good cause appearing, and after reviewing the declarations filed by Mother, and after reviewing the Report issued by FCS on May 5, 2025, and also on August 14, 2024, the court finds that it is in the best interest of London to grant Father's request for sole legal and physical custody of London:

1. Temporary sole legal and physical custody of London to Father until further order of the court.
2. Mother shall participate in an assessment through an Alcohol rehabilitation program to determine if she has a substance abuse problem and to determine whether she could benefit from professional treatment. The assessment shall include a meeting with Father and any members of Mother's family that the assessor deems appropriate for their evaluation. The assessment shall not be based solely on an interview with Mother.
3. Mother shall continue using Soberlink and shall be tested 24 hour before and after the supervised visits. She shall also submit to random Soberlink testing. The results of the random tests shall be made available to Father. Any missed test shall result in the cancellation of Mother's next scheduled visit. Visits shall not resume until Mother produces a clean test. A positive test shall be grounds for Mother to enter rehab and visits shall be suspended.
4. Mother shall have professionally supervised visits with an independent supervisor twice a week for a period of two hours per visit. Unless otherwise agreed upon between the parents, these visits shall occur every Saturday and Sunday from 4 PM to 6 PM, at a park convenient to the selected Supervisor, who will also facilitate the custody exchanges. The days and times of the supervised visits may be modified per mutual parental agreement and to accommodate the professional supervisor's schedule.
5. Supervised visits shall be lifted after Mother has established a track record of at least six months of clean random Soberlink tests.
6. Per orders from September 13, 2024, both parents shall remain sober.

7. All additional visitation is suspended.

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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: 05/08/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000948

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: MIKAEL ELIASSON

and

RESPONDENT: ASHLEY HENKEL

NATURE OF PROCEEDINGS: 1) TRIAL READINESS CONFERENCE
2) REVIEW HEARING – RE TIMESHARE AND CUSTODY

RULING

Petitioner Mikael Eliasson (“Father”) is the Protected Party as a result of a Domestic Violence Restraining Order after hearing entered on August 1, 2024. Respondent Ashley Henkel (“Mother”) is the restrained party. The children are not included in the DVRO. This matter is on for a review of custody and visitation Orders.

The parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Mother. Both parents attended the mediation, with Father attending on April 7, 2025, and Mother attending on April 23. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)) Father filed a statement of Agreement to the FCS report on May 5, 2025.

The court issued child and spousal support orders on April 1, 2025.

Together, these parents have two children. Ryder is 11 (11/13/13), and Catherine is 7 (6/15/17).

Based on a review of the record, Mother is on her way to regaining Joint Custody of the children, as the factors set forth under Family Code §3044 have almost been satisfied, and it is in the best interest of the Children to have joint custody by their parents. Although Father has sole legal custody, Mother may still access school and medical records to monitor the progress of the children. She reports she was able to meet with school officials prior to meeting with FCS, although Father previously interfered with the meetings.

Although a hotly contested DVRO was granted protecting Father, he must appreciate that Mother is not going anywhere. These parents must figure out a way to co-parent their young children. .

The court found by a preponderance of the evidence that mother committed an act of domestic violence as defined by Family Code §3044 against father. There is a rebuttable presumption that awarding sole legal and physical custody to Mother would be detrimental to the children's best interest. This presumption has not yet been rebutted by a preponderance of the evidence. To rebut the presumption found in Family Code § 3044, the following must be proved:

1. The domestic violence perpetrator has demonstrated that giving her joint legal and physical custody is in the children's best interest. The court cannot consider the policy of frequent and continuing contact with both parents in this context, nor did the court consider which parent is more likely to allow such contact with the other parent. The court's analysis during the hearing regarding the DVRO was focused on the safety of the children.
2. Following factors, on balance, support the Family Code section 3020 legislative findings including the health, safety, and welfare of the children is the courts primary concern and that domestic violence in the children's household is detrimental to the children. The factors include:
 - a. The court order dated September 19, 2024, ordered the parents to take a parenting class. Father has completed his parenting classes. The court is unclear if mother has completed her court mandated participation by taking the parenting class.
 - a. Mother has not admitted further acts of domestic violence.
 - b. Mother is prohibited from possessing a firearm.
 - c. The court did not order Mother to participate in a batterers treatment program. This factor is inapplicable.
 - d. The court did not make findings regarding alcohol or drug abuse. This factor is not applicable period.
 - e. Mother is not on parole. This element is inapplicable.
 - f. The court is not aware if a protective order has been issued by the Criminal Court.

Father, in his statement, has provided the court with a list of alleged violations of the restraining order. These allegations include an accusation that Mother was standing at his doorway demanding increased visitation, stalking him with her car, and threatening legal action against him to keep the children in private school. He says she sends him aggressive comments by text using our family wizard. And she fails to notify Father where the children are staying when they are in her custody.

Mother can do better. And when she does she will likely rebut the presumption and regain joint custody. The court will set this matter out six to nine months for a further update regarding her progress.

Family Code § 3020 (a) provides that it is the express public policy of this state to assure that the health, safety, and welfare of children shall be the court's primary concern in determining the best interest of children when making any orders regarding the physical or legal custody or visitation of children." Furthermore, "...it is the public policy of this state to assure that children have frequent and continuing contact with both parents after the parents have ... ended their relationship, and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy, except where the contact would not be in the best interest of the

child...” Ultimately, the goal here is for both parents to work together to raise the children, with joint legal and physical custody.

CUSTODY AND VISITATION

The court has reviewed the declaration filed by Father and responsive declaration filed by Mother. The court has also reviewed Father’s statement, as well as the custody order issued on September 20, 2024, prior to the FCS report issued on October 25, 2024, as well as the current FCS report issued on May 12, 2025. This file is voluminous. Good cause appearing, the court finds that it is in the best interest of the children to adopt the FCS recommendations as follows:

1. All current orders shall remain in effect with the following additions/modifications:
2. During the school year: Both children shall live with both parents on a “2-2-5” schedule where they are with Mother every Monday and Tuesday night, with Father every Wednesday and Thursday night, and with each parent on alternate weekends from Friday after school until Monday morning
3. During the summer months: Both children shall live with both parents on a “week on/week off” basis with the exchanges occurring on Fridays at 6:00 p.m. In 2025, Father shall have the children beginning Friday 6-6-25, Mother Friday 6-13-25, and continuing to rotate through the summer.
4. 3. Both parents shall have the opportunity to extend their custodial weeks to the following Monday at 10:00 a.m. (an additional three nights) two times each during the summer months. The parents shall both choose their extended 10-day periods by April 1st every year.
5. For summer of 2025 the parents shall choose their extended weeks by May 15th. If the parents are not in agreement, then Father’s preferences take priority in the odd years and Mother’s take priority in the even years.
6. If either parent is unable to care for the children overnight during their custodial time, then they shall give the other parent the right of first refusal to care for the children.

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

The matter is set for a follow-up regarding custody orders on November 13, 2025.

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/08/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0001073

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: KIMMA BARRY

and

RESPONDENT: KEITH BARRY

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD SUPPORT; OTHER:
TEMPORARY SPOUSAL SUPPORT

RULING

Petitioner Kimberly Bolles Barry (“Wife”) filed a Request for Order (“RFO”) on March 7, 2025, seeking child and temporary spousal support. She also seeks an award of reasonable attorney’s fees. Wife includes an attorney declaration on March 7, 2025, pursuant to Cal. Rules of Court, rule 5.427(b)(1)(D) & (b)(2), with a detailed breakdown of \$19,500 in anticipated legal fees, with \$15,000 paid, and \$5,585 outstanding. Respondent Keith Barry (“Husband”) filed a responsive declaration on April 25 and argues that he has been paying informal support of \$3,800 per month since May 24, 2021, then \$4,000 gross per month since September 2024, then \$4,200 per month commencing December 2024. Wife filed a reply declaration on May 2, 2025.

The case was continued by stipulation to May 8, 2025, on April 2

Together, these parents have one child. Magdalena is 11, born on October 8, 2012.

Wife has a serious injury and is unable to work. Husband disputes this. He argues that he is currently paying Wife \$4,200 gross per month in Venmo expenses, \$75.06 gross per month for her cellphone, and \$42.84 gross per month for their daughter’s cellphone. Husband argues that he is living paycheck to paycheck to support the household. Husband argues that Wife’s request for attorney’s fees and costs is highly padded and unsubstantiated. He also argues that Wife has \$37,000 in savings from her grandmother’s estate to cover the costs. He argues that to pay Wife he will need to pull from his 401k and incur significant tax penalties.

Husband’s pay stubs indicate that he earns \$17,655 gross income per month. Husband pays \$972 per month in health care and contributes \$883 per month to retirement.

Wife explains in great detail in her reply declaration why she is unable to work. The court is not prepared to impute her with income as requested by Husband.

Family Support

The court has reviewed the declarations filed by the parents. Based on the above assumptions set forth in the attached *XSpouse* calculation, commencing April 1, 2025, Husband shall pay to Wife monthly child support in the amount of \$2,625 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.

Husband shall pay Wife guideline spousal support of \$3,124, payable as above and continuing until the death of either party, Wife'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(l), 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.

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.

Attorney's Fees

Appearances are required regarding Wife's request for equalizing attorney's fees.

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