

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 05/29/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL1301652

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER:    LORI LAVINTHAL

and

RESPONDENT:    BRIAN ARCHER

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – VISITATION; SCHOOL  
PLACEMENT

**RULING**

Respondent Brian Archer (“Father”) filed a Request for Order (“RFO”) seeking to modify current custody orders. Petitioner Lori Lavinthl (“Mother”) filed a responsive declaration on May 15, 2025. Father filed a reply brief on May 20.

The court issued a Domestic Violence Restraining Order (“DVRO”) on December 4, 2023, with Mother as the protected party. The DVRO was amended on January 10, 2024. Father is the restrained party.

Together, these parents have one child. Elliot is 14. He was born on 4-4-11, and will soon start High School.

The parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Mother. [Marin is a recommending county. (Family Code § 3183; Marin County Rule, Family 7.17(A).)] Both parents were interviewed by FCS, which issued a report on May 22, 2025. FCS reminds the court that prior reports were issued on 6-25-13, 8-15-14, 6-12-17, 11-2-18, 4-5-21, and 2-2-24.

While this family has a long history before the court, it appears now that things have settled, and Elliot is adjusting nicely. He gets good grades and plays sports.

Father wants Elliot to enroll at Redwood High School, which, while a great academic high school in Marin, is outside of Mother’s school district. Furthermore, it appears that Elliot wants to go to San Rafael High, which is also an excellent choice. Elliot is at an age where his voice and opinion matter, and here he wants to select his high school.

Elliot also wants to spend more time with his Father. The court sees little harm in that for the child. And Father wants to attend Elliot's sporting events, which is possible, so long as he stays an appropriate distance from Mother.

The parents have already participated in a costly Custody Evaluation. Father is unable to pay for a BFA, and the court is sensitive to the high costs associated with raising a child in expensive Marin County. The court will not order the parents to undergo a BFA, when they already have a full Custody Evaluation to consider.

### **CUSTODY AND VISITATION**

The court has reviewed papers filed by Father, as well as the response filed by Mother and Father's reply. The court has also considered and reviewed the Father's statement of disagreement with the FCS recommendations, and the court finds good cause and that it is in the best interest of Elliot to issue the following Custody and Visitation Orders:

All current orders shall remain in effect with the following additions/modifications:

1. Elliot shall continue to live primarily with Lori and shall be with Brian unsupervised every Tuesday and Thursday from 5:00 to 7:00. Elliot shall have overnights with his Father on the first and third weekend of the month, from Saturday at 10 am to Sunday after a meal, return at 6 pm. If Father is unable to host his son, for whatever reason, he shall communicate that to Mother, keeping in mind the peaceful contact provision of the DVRO.
2. Elliot may increase visitation time with Father, who shall not apply pressure on his son for more time. Such conduct would be considered a step back from the progress Father has made over the past years to regulate his volatility.
3. Elliot shall attend the high school desired by Elliot and agreed upon by Mother.
4. Father may attend Elliot's Jr. High graduation, with the parents on the opposite sides of the auditorium.
5. All exchanges that do not occur at school shall occur at Trader Joes in San Rafael.
6. Father may attend Elliot's sporting events, staying 50 yards from Mother at all times.
7. Mother shall maintain sole legal and physical custody of Elliot.
8. All other orders not in conflict herein shall remain in effect.

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

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.*

*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](http://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=l6jw01P3LyZYAJ8MzZYZeRoeWy07bxE.1>

Meeting ID: 160 618 2824

Passcode: 433542

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Meeting ID: 160 618 2824

Passcode: 433542

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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 05/29/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL2203762

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER:    AUDON MAGANA  
ZEPEDA

and

RESPONDENT: MARIA D. BRICENO

NATURE OF PROCEEDINGS: 1) ORDER TO SHOW CAUSE – CONTEMPT/FAILURE TO  
COMPLY AND STATUS OF PAYMENTS  
2) TRIAL READINESS CONFERENCE

**RULING**

The court negotiated and entered an order on November 5, 2024, establishing a payment plan which helped Petitioner Audon Magana Zepeda (Husband) avoid being found in contempt of court for failure to pay Respondent Maria Briceno attorney's fees in the amount of \$14,500. The matter is on for status of those payments.

The court received no new filings to provide an update.

Should Husband have failed to make the payments as ordered, the court will proceed on arraignment of contempt.

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 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: 05/29/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL0001586

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER:    KIMBERLY CAROLINA  
DUARTE GONZALES

and

RESPONDENT: BRAYAN ANTHONY  
ARMAS MASARIEGOS

NATURE OF PROCEEDINGS: CHILD CUSTODY RECOMMENDING COUNSELING

**RULING**

Petitioner Kimberly Duarte Gonzalez (“Mother”) is the Protected Party as a result of a Domestic Violence Restraining Order (“DVRO”) after hearing entered on April 7, 2025. The DVRO also protects the parents’ child, and Mother’s son Axel. Respondent Brayan Armas Masariegos (“Father”) is the restrained party. This matter is on for custody and visitation Orders. No additional documents were filed by either party.

The DVRO was unopposed by Father.

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. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.))

Together, these parents have one child. Bryan is 2 (11/24/22).

On March 10, 2025, the court granted Mother’s request to serve Father with notice of the DVRO hearing by text. Father explains that he did not understand that a hearing on the DVRO was set. Given the circumstances, Father’s explanation is plausible.

The parent’s stories are diametrically opposed. Mother claims Father drinks too much and engaged in two acts of domestic violence. Mother does not work. Father claims Mother wants to keep him from the children and attempts to extort him for money in order to see his child. Father currently is also unemployed.

The court lacks sufficient information to issue custody orders. The court has reviewed the Report issued by FCS and is not prepared to adopt those recommendations until additional information is provided by Father.

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 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: 05/29/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL0001612

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

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PETITIONER:    GLENDA REYNOSA  
MARTINEZ

and

RESPONDENT: HUGO LEONEL  
CASTEDNEDA AGUILAR

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NATURE OF PROCEEDINGS: CHILD CUSTODY RECOMMENDING COUNSELING –  
CHILD CUSTODY/VISITATION

**RULING**

This matter was last called on April 10, 2025, with the court re-referring the parents to meet with Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Petitioner Glenda Reynosa Martinez (“Mother”). (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)). Unfortunately, again, neither parent attended the FCS appointment.

The court issued a 3-year Domestic Violence Restraining Order (“DVRO”) in favor of Mother on February 24, 2025, with Respondent Hugo Leonel Castaneda Aguilar (“Father”) as the restrained party.

Together, these parents have three minor children: Melany is 4, and Andres and Andrea are 1.

Mother appeared at the last hearing with the assistance of an attorney, who agreed to notify Respondent of the re-referral to FCS. It would be very helpful for the court to understand the parents’ wishes relative to custody and visitation. However the court is unable to force the parents to engage in the court process. The matter is dropped. If the parents appear in court, the court will re-refer them to FCS to be interviewed by the court provided Mediator.

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.

As authorized by CRC 5.125, the court will prepare the Findings and Order After Hearing.

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