

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 06/27/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL2300768

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: ANDREA MARIE
GIBNEY

and

RESPONDENT: IVAN JAMES LAMONT

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD SUPPORT

RULING

This matter was continued for retroactive correction of guideline child support and pendente lite spousal support due to the Court's inadvertent miscalculation of the parties' timeshare as 50%-50% for all three children, Callum (DOB 3/22/10), Derren (DOB 10/19/12) and Ian (DOB 4/4/16), when Mother's actual timeshare for Callum is 14% and 50% for Derren and Ian. Petitioner/Mother filed proposed support calculations with a supporting declaration on 6/24/25; Respondent/Father has not yet filed support calculations; he did provide a copy to the Courtroom D clerk of a 2025 calculation on 6/25/24 with a supporting declaration. He did not provide a calculation for 2024.

For the period 9/1/2024 through 12/31/24, attached as Exhibit "A" is the Xspouse calculation prepared by the Court based on the following assumptions: Mother's combined timeshare for all three children (as calculated by Xspouse is 31.91%). Both parties file income taxes as Head of Household, with Father having 3 exemptions, and Mother having 2 exemptions. Father's monthly salary is \$15,000, and he pays insurance premiums of \$180/month, contributes \$2,000/month to his 401-k retirement, and has monthly property tax and mortgage interest deductions of \$778 and 375, respectively. Mother's salary is \$5,951/month; she pays \$115/month for health insurance, \$476/month for mandatory retirement contributions, and \$46/month for union dues. Exhibit "A" reflects monthly guideline child support payable from Father to Mother of \$614, and pendente lite spousal support payable from Father to Mother \$783/month, or a total of \$1,396/month. Therefore, the Court modifies its 12/20/24 support orders as follows:

1. Effective 9/1/24 through 12/31/24, Father shall pay Mother, as and for guideline child support, the sum of \$614/month (\$535 for the benefit of Derren, \$892 for the benefit of Ian, less \$813 for Mother's payment for the benefit of Callum).

2. Effective 9/1/24 through 12/31/24, Father shall pay Mother as and for pendente lite spousal support the sum of \$783/month.
3. Based on the updated calculation (Exhibit "A"), Father overpaid monthly guideline child support by $\$1,388/\text{month} \times 4 \text{ months} = \$5,552$ total overpayment of child support. Father overpaid pendente lite spousal support by $\$17/\text{month} \times 4 = \68 total overpayment of spousal support. The combined total overpayment, for which Father is entitled to a credit is \$5,620.
 - a. Father shall be entitled to a credit of \$468/month until he recoups the \$5,620.

For the period commencing 1/1/25, attached as Exhibit "B" is an Xspouse calculation with the same assumptions above, except for the following: Father's income is \$17,500/month, and he is no longer making a 401-k contribution. Mother's income is \$6,237 and her insurance increased to \$153/month.

The Xspouse report attached as Exhibit "B" calculates guideline child support at \$718/month and pendente lite spousal support at \$922/month, for a total monthly payment from Father to Mother of \$1,640. Therefore, the Court further modifies its 12/20/24 support orders as follows:

4. Effective 1/1/25, Father shall pay Mother, as and for guideline child support, the sum of \$718/month (\$583 for the benefit of Derren, \$973 for the benefit of Ian, less \$838 for Mother's payment of \$838 for the benefit of Callum). Said sum is payable by the first day of each month.
5. Effective 1/1/25, Father shall pay Mother, as and for pendente lite spousal support, the sum of \$922/month, payable by the first day of each month.
6. Based on the updated calculations (Exhibit "B"), Father overpaid monthly guideline child support for the period 1/21/25 - 6/30/25 by $\$1,84/\text{month} \times 6 \text{ months} = \$7,704$ total overpayment of child support. However, per Exhibit "B" Father *underpaid* pendente lite spousal support by $\$122/\text{month} \times 6 = \732 total *underpayment* of spousal support. The combined total overpayment, for this period for which Father is entitled to a credit is $\$7,704 - 732 = \$6,972$.
 - b. The total overpayment for the periods 9/1/24 - 6/30/25 is \$12,592. Unless otherwise agreed between the parties, Father shall be entitled to a credit of \$500/month until he recoups the full \$12,592.
7. Child support shall continue until (1) each 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 graduates 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 for either party.
8. In addition, the parties shall share, per Family Code §§ 4061(b) and 4062, in proportion to their adjusted net incomes with Father paying 70% and Mother paying 30%, of all

reasonable uninsured medical expenses and dental expenses incurred on behalf of their 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 is attached to the Order After Hearing. These provisions shall apply to reimbursement for childcare expenses, as well.

Sanctions

Father requests the Court order Mother to pay Father's attorneys' fees and costs of \$2,500 for Mother's misrepresentation of the parties' time-share as 50%-50%. The Court confirms that the representation of a 50-50% timeshare for the children was made in Mother's Income & Expense Declaration, as well as in her counsel's 11/27/24 Declaration filed in support of Mother's proposed calculation. Such misrepresentations are unacceptable, whether intentional or due to lack of sufficient attention to detail, have wasted a considerable amount of the Court's time, as well as necessitating Father file the instant motion.

9. Given the significant support credit Mother is now faced with, the Court reserves as to the issue of Family Code §271 sanctions.

SO ORDERED.

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 D. The parties may access Department D 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:

June 2025 at 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1601114119?pwd=p6bV9Ef8WHjm1j7jzyTrwjExIV0by4.1>

Meeting ID: 160 111 4119

Passcode: 636308

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9/1/24- 12/31/24

Gibney v. Lavent
FL 2300768

2025

Xspouse 2025-1-CA

Monthly Figures

Fixed Shares	Ivan	Andrea	Monthly Figures		Cash Flow	
Number of children	2	1	2025		Guideline	Proposed
Percent time with NCP	49.99%	31.99%			Combined net spendable	15914 15951
Filing status	HH/MLA	HH/MLA	GUIDELINE		Percent change	0% 0%
Number of exemptions	3	2	Nets (adjusted)		Ivan	
Wages and salary	15000	5951	Ivan	11030	Payment cost/benefit	-1324 -1285
Self employed income	0	0	Andrea	4884	Net spendable income	9634 9673
Other taxable income	0	0	Total	15914	Change from guideline	0 39
TANF CS received	0	0	Support		% of combined spendable	61% 61%
Other nontaxable income	0	0	Addons	0	% of saving over guideline	0% 104%
New spouse income	0	0	Guideln CS	614	Total taxes	3790 3577
Employee 401-k contribution	2000	0	Marin SS	783	Dep. exemption value	0 0
Adjustments to income	0	0	Total	1396	# withholding allowances	0 0
SS paid prev marriage	0	0	-		Net wage paycheck	8169 8169
CS paid prev marriage	0	0	Proposed		Andrea	
Health insurance	180	115	Tactic 9		Payment cost/benefit	1396 1395
Other medical expenses	0	0	CS	711	Net spendable income	6280 6278
Property tax expenses	778	0	SS	859	Change from guideline	0 -2
Ded interest expense	375	0	Total	1570	% of combined spendable	39% 39%
Contribution deduction	0	0	Saving	37	% of saving over guideline	0% -4%
Misc tax deductions	0	0	Releases	1	Total taxes	430 606
Qualified business income deduction	0	0			Dep. exemption value	0 0
Required union dues	0	46			# withholding allowances	0 0
Mandatory retirement	0	476			Net wage paycheck	4770 4770
Hardship deduction	0	0				
Other GDL deductions	0	0				
Child care expenses	0	0				

Ivan 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		62 - 38	0	0	0 Ivan	614 Ivan	614 Ivan
Callum	2010-03-22	86 - 14	0	0	0 Ivan	813 Andrea	813 Andrea
Derren	2012-10-19	50 - 50	0	0	0 Ivan	535 Ivan	535 Ivan
Ian	2016-04-04	49 - 51	0	0	0 Ivan	892 Ivan	892 Ivan

Superior Court of California
County of Marin

Exhibit "A"

1/1/2025 →

Gibney v. Camont
FL 2300768

2025

Xspouse 2025-1-CA

Monthly Figures

Fixed Shares	Ivan Andrea		Monthly Figures		Cash Flow	
			2025		Guideline	Proposed
Number of children	2	1			17054	17054
Percent time with NCP	49.99%	31.99%			0%	0%
Filing status	HH/MLA	HH/MLA	GUIDELINE			
Number of exemptions	3	2	Nets (adjusted)			
Wages and salary	17500	6237			Ivan	
Self employed income	0	0	Ivan	11971	Payment cost/benefit	-1554
Other taxable income	0	0	Andrea	5084	Net spendable income	10331
TANF CS received	0	0	Total	17055	Change from guideline	0
Other nontaxable income	0	0	Support		% of combined spendable	61%
New spouse income	0	0	Addons	0	% of saving over guideline	0%
Employee 401-k contribution	0	0	Guideln CS	718	Total taxes	5349
Adjustments to income	0	0	Marin SS	922	Dep. exemption value	0
SS paid prev marriage	0	0	Total	1640	# withholding allowances	0
CS paid prev marriage	0	0			Net wage paycheck	11747
Health insurance	180	153	Proposed		Andrea	
Other medical expenses	0	0	Tactic 9		Payment cost/benefit	1640
Property tax expenses	778	0			Net spendable income	6724
Ded interest expense	375	0	CS	718	Change from guideline	0
Contribution deduction	0	0	SS	922	% of combined spendable	39%
Misc tax deductions	0	0	Total	1640	% of saving over guideline	0%
Qualified business income deduction	0	0	Saving	0	Total taxes	455
Required union dues	0	46	Releases	0	Dep. exemption value	0
Mandatory retirement	0	499			# withholding allowances	0
Hardship deduction	0	0			Net wage paycheck	4869
Other GDL deductions	0	0				
Child care expenses	0	0				

Ivan 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		62 - 38	0	0	0 Ivan	718 Ivan	718 Ivan
Callum	2010-03-22	86 - 14	0	0	0 Ivan	838 Andrea	838 Andrea
Derren	2012-10-19	50 - 50	0	0	0 Ivan	583 Ivan	583 Ivan
Ian	2016-04-04	49 - 51	0	0	0 Ivan	973 Ivan	973 Ivan

Superior Court of California
County of Marin

Exhibit "B"

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 06/27/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001118

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: MARIO ZOGBI

vs.

DEFENDANT: DABHNE PALACIOS CURI

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – OTHER
2) REQUEST FOR ORDER - OTHER
3) REQUEST FOR ORDER – COMPEL – DISCOVERY FACILITATOR PROGRAM

RULING

This matter is set for hearing on (1) Respondent/Mother's 4/3/25 Requests for Order ("RFO") to (a) compel responses to special Interrogatories (Set One); (b) Compel Responses to Demand for Production of Documents (Set Two); (c) hold Petitioner and counsel jointly and severally liable or discovery sanctions of \$50,00 per CCP § 2030.290(c), 2031.300(c) and 2023.030(a) in the form of Family Code § 271 sanctions;

(2) Mother's 5/2/2025 Requests for Order ("RFO") to compel further responses to Requests for Admissions (Set One) and Form Interrogatories, and for sanctions of \$7,880 against Petitioner/Father and his counsel, jointly and severally, per CCP §2030.030(a),

(3) Mother's 5/2/25 RFO to compel further responses to Special Interrogatories (Set One), and for sanctions of \$9,980 per CCP § 2030.300(d) and/or 20230.030(a).

Given the volume of filings, the Court did not have sufficient time to complete its review of the Demand for Production of Documents (Set Two). That matter will need to be addressed separately.

Prior to meeting with the Discovery Facilitator, counsel for Mother withdrew his objections to a number of discovery requests. The parties met with the Discovery Facilitator but were unable to resolve the outstanding issues in the time allotted.

In the meantime, Father failed to file a timely Responsive Declaration on June 16, 2025.

Given Father's continued failures to abide by Code of Civil Procedure and cooperate in the discovery process, the Court orders as follows:

1. Mother's motion to compel further discovery responses is granted as to the Request for Admissions, Form Interrogatories and Special Interrogatories.
2. No later than July 25, 2025, Father shall provide further, complete responses to the following:
 - a. Request for Admissions (Set One) Nos. 3, 16 and 17.
 - b. Form Interrogatories 17.1, Nos. 16, 17 and 32.
 - c. Special Interrogatories (Set One):
 - i. Nos. 37-51 and 53-58;
 - ii. Nos. 61-65.
 - iii. Nos. 131-141 and 143-152.
3. Father shall pay sanctions, per CCP § 2030 of \$1,000 payable to Mother's counsel from Father's share of the net proceeds of sale of the family residence.

SO ORDERED.

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 D. The parties may access Department D 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: 06/27/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001640

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: MARIA VICTORIA
VILLATORO HERNANDEZ

vs.

DEFENDANT: OSCAR OSWALDO
AGUIRRE BARRERA

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

RULING

This matter is set for hearing on custody/visitation regarding the parties' daughter, Kendra (DOB 8-24-18). The matter was referred to Family Court Services ("FCS") after the Court granted a six-month Restraining Order After Hearing on 4/22/25. Petitioner/Mother is the protected party, and Father is the restrained party. Kendra is not a protected party. The current order provides for Mother to have temporary sole legal and physical custody, with Respondent/Father having visits with Kendra each Saturday from 10:00 am to 5:00 pm.

Both parties were interviewed separately by FCS, and FCS filed its Report & Recommendations with the Court on 6/16/25. Mother reports Kendra's visits with Father are going well and she knows Kendra wants to spend more time with him. Mother is in favor of Father having more time with Kendra; her only concern, based on her history with Father, is his drinking. Father says that he is not drinking at all when Kendra is with him. Both parents agreed that overnights won't work at this time due to Father's living arrangements.

After considering the history of this case, as well as the FCS Report & Recommendations, the Court finds that it is in the best interests of Kendra to adopt the FCS Recommendations, as well as the agreements reached by the parties, as modified below, as the Court's order on this matter.

Parental Responsibilities

1. Temporarily, Mother shall continue to have sole legal and physical custody of Kendra.

Timeshare Schedule

2. ***During the school year*** Kendra shall live primarily with Mother and shall be with Father during the following times:

- Every Wednesday from 5:00 p.m. to 8:00 p.m.
 - Every Saturday or Sunday (alternating) from 10:00 a.m. to 6:00 p.m.
3. ***During the summer*** Kendra shall live primarily with Mother and shall be with Father during the following times:
- Every Tuesday and Thursday from 5:00 p.m. to 8:00 p.m.
 - Every Saturday or Sunday (alternating) from 10:00 a.m. to 7:00 p.m.
4. Any changes to the schedule, or any additional time for Kendra to be with either parent shall occur as mutually agreed upon by the parents.

Collateral Issues

5. Father shall not consume ***any*** alcohol or marijuana while Kendra is in his care, or at least 12 hours prior.
6. Father shall not remove Kendra from the 9 Bay Area counties.
7. If Mother is not present at the custody exchanges, she shall ensure that there is a responsible adult present in her place.
8. Both parents shall make sure Kendra is properly supervised at all times.
9. Kendra shall be exposed to peaceful contact only between her parents.
10. Neither parent shall make any disparaging comments about the other parent in the presence of Kendra or allow others to do so.

Agreements

11. **Kendra's Birthday:** Kendra shall be with Father every year on her birthday from 1:00 p.m. to 7:00 p.m.
12. **Mother's Day/Father's Day:** Kendra shall be with Mother for 7 hours on Mother's Day and with Father for 7 hours on Father's Day every year.
13. **Christmas:** Kendra shall be with Father on Christmas Eve every year from 1:00 p.m. to 9:00 p.m. and with Mother from 9:00 p.m. on Christmas Eve through Christmas Day.
14. **New Year's Eve:** Kendra shall be with Father every year on New Year's Eve from 1:00 p.m. until 9:00 p.m. and with Mother from 9:00 p.m. on New Year's Eve through New Year's Day.

15. **Thanksgiving:** Every Thanksgiving, Kendra shall be with Father during the day and with Maria in the evening.

16. Any changes to the holiday schedule shall occur as mutually agreed upon.

SO ORDERED.

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

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 D. The parties may access Department D 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: 06/27/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001654

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: JACK GOLDSTEIN

and

RESPONDENT: MARK GOLDSTEIN

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

RULING

This matter is scheduled for hearing on Jack Goldstein’s 5/7/25 Request for Order (“RFO”) for Mark Goldstein to pay his attorneys’ fees and costs of \$64,633, per Family Code § 6344, since these fees and costs were incurred in connection with the Domestic Violence Restraining Order (“DVRO”) issued by the Court on 4/8/25 in which Jack Goldstein is the protected party and Mark Goldstein, Jack’s father, is the restrained party. Together with the RFO, a Memorandum of Points and Authorities, Jack’s Declaration and the Declaration of Jack’s counsel, James Hann, Esq., were filed. A Responsive Declaration was filed on behalf of Mark on 6/13/25 opposing the requested fee award. On 6/17/25 a Reply & Closing Brief on Attorney’s Fees was filed on behalf of Jack.

Jack argues that he is the prevailing party, which entitles him to attorneys’ fees and costs - \$46,428 incurred through conclusion of the evidentiary hearing, and an estimated \$23,235 for post-trial work - and that Mark has the ability to pay those fees, which he deems reasonable. Mark argues that Jack was not a prevailing party because he was denied a good portion of the relief he requested, and that the amount of fees requested is unreasonable given the circumstances of the case.

After considering the arguments of counsel, the Court does find Jack was the prevailing party on the DVRO. Despite the fact that the Court did not grant him all requested relief, he did convince the Court, by a preponderance of the evidence, that he had been subjected to abuse by Mark, and that the protection of a restraining order was warranted. The Court also finds Mark has the ability to pay the fees.

Nonetheless, the Court does not believe the analysis stops there. While Family Code § 6344 does not expressly state that the Court must consider whether an attorney fee request is reasonable, such a requirement must be assumed in every case involving attorney fee awards to ensure both justice and fairness. Given the circumstances of this case, the Court finds that \$64,633 is not

reasonable. This was not a complex case. In fact, although the original Request for a Temporary Restraining Order included Jack's brother and sister, it was simplified when they were both removed from the TRO – the first removed when the TRO was issued, and the second shortly thereafter – both well before the hearing. At the evidentiary hearing only two witnesses were called to testify: Jack and Mark. One exhibit was entered into evidence. The evidentiary hearing began at 9:05 am and concluded at 11:25 am – a total of 2 hours and 20 minutes.

Considering all of the above, the Court orders as follows:

1. As and for reasonable prevailing party attorneys' fees and costs per Family Code §6344, Mark shall pay the sum of \$27,500 to Jack's attorney, James Hann, Esq.
2. Said sum shall be paid by 7/15/25.

SO ORDERED.

The Court will prepare the order

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Meeting ID: 160 111 4119

Passcode: 636308

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 06/27/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001692

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: ANTONIO RAUL
GONZALEZ TINAJERO

and

RESPONDENT: SCARLETH GOMEZ
CARDONA

NATURE OF PROCEEDINGS: STATUS ONLY HEARING – OTHER: RE FATHER’S
COMPLETION OF BATTERER TREATMENT COURSE AND POSSIBLE OVERNIGHT
VISITATION

RULING

This matter is set for review hearing regarding Father’s completion of two months’ of the 52-week batterer’s treatment course, per the Court’s Findings and Order After Hearing issued on 4/18/25.

Appearances required.

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 D. The parties may access Department D 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:

June 2025 at 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1601114119?pwd=p6bV9Ef8WHjm1j7izyTrwjExlV0by4.1>

Meeting ID: 160 111 4119

Passcode: 636308

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 06/27/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001834

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: JOSE PIEDRASANTA

and

RESPONDENT: TANIA HERNANDEZ

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

RULING

This matter is set for hearing on Petitioner/Father's 4/10/25 Request for Order ("RFO") re: child custody/visitation regarding the parties' child, Sofia (DOB 5/11/15), in which he requests joint legal and physical custody of Sofia with a weekend time-share.

The Court notes that neither the RFO nor the Petition to Establish Parental Relationship filed by Father on 4/10/25 have been served on Respondent/Mother. The Court cannot proceed with this case until Mother is properly served and proof of service is filed with the court.

This matter is continued to August 8, 2025 at 9:00 am in Department D.

Father is referred to the Court's Legal Self-Help Center for assistance. They can be reached in person at Room C-44 at the Marin County Courthouse, by email at selfhelp@marin.courts.ca.gov and/or by telephone at (415) 444-7130.

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

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 D. The parties may access Department D 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

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***June 2025 at 09:00 AM
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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 06/27/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001852

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: RANDALL CRAIL	
and	
RESPONDENT: ARIADNE MUNIZ-CRAIL	

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

RULING

This matter is set for further hearing on Petitioner/Father's 5/8/25 Request for Order ("RFO") re child custody/visitation regarding the parties' child, Bella (DOB 3/1/21) and receipt of the Family Court Services' ("FCS") Report & Recommendations. The referral to FCS was made following the Court's granting Temporary Emergency Orders on 5/12/25 in response to Respondent/Mother's April relocation with Bella, without notice to or agreement by Father, from Corte Madera to Pleasanton.

Father requests sole legal custody for educational decisions, that the court set a time-share schedule that affords him overnights, that the court order Mother return to Marin County within 3 to 6 months; and that the court order neither parent from moving more than 15 miles from Bella's current school without mutual written consent or court order.

Father states that Bella's routine and schooling has been disrupted. He lives in Larkspur, and Bella has attended school nearby. She has developed friendships, a familiar routine, supportive teachers and staff, and has extended family close by in Marin. Father claims Mother's behavior regarding shared parenting has been coercive and manipulative, and her move to Pleasanton severely interferes with his relationship with Bella and the ability for them to spend time together. Father also states concerns regarding Mother's lapses of judgment. He requests a 2/2/5 time-share schedule.

Father failed to mention in his papers that a Criminal Protective Order ("CPO") was issued on 4/19/25 in which he is the named restrained party and Mother is the protected party in Case No. CR0002349. At that time, however, the CPO only provided orders for no abuse and for not dissuading a victim or witness from attending a hearing, testifying or making a report to any law enforcement agency or person.

On 5/21/25, the CPO was expanded to include no-contact and stay-away orders from Mother, with an exception for peaceful contact for exchanges of Bella. As a condition of his 3 year supervised probation, Father must complete a certified 52-week batterer's intervention program and shall not use, consume, possess or transport alcohol, marijuana or any non-prescribed or illegal drug or intoxicant of any kind. The terms set forth in the CPO are not consistent with Father's statements that the CPO was reduced to a peaceful contact order and there is some confusion about alcohol prohibition. The CPO was again modified on 6/23/25, but not as to any of the substantive restrictions. As noted by Family Court Services, the CPO triggers the Family Code § 3044 presumption that it is detrimental to a child for a perpetrator of domestic violence to share joint legal or physical custody.

Both parties were interviewed separately on 6/11/25, and FCS filed its Report & Recommendations with the Court on 6/17/25. Mother seeks sole legal and physical custody of Bella. She believes Bella is too young for overnights and is concerned that Father is still using alcohol, as she saw a bottle in his car when they were exchanging Bella, which raises concerns for Bella's safety. Mother did confirm that Bella likes to be with Father.

After reviewing and considering the parties' written submissions, as well as the FCS Report & Recommendations, the Court finds that it is in the best interests of Bella to adopt the FCS Recommendations, as modified below, as the Court's order on these matters:

Parental Responsibilities

1. Temporarily, Mother shall have sole legal custody of Bella. Except as set forth below, Mother shall make decisions on all matters concerning the health and welfare of Bella. However, both parents shall have access to Bella's school, medical, mental health, and dental records and the right to consult with professionals who are providing services to her.
2. Temporarily, Mother shall have sole physical custody of Bella.

Timeshare Schedule

3. Bella shall be with Father on the following schedule (and with Mother the remainder of the time. Week #1 and Week #2 shall be rotating):
 - a. **Week #1:** Father shall pick Bella up after pre-school at Cottage pre-school on Thursday and shall have her in his care until Friday at 7:00 pm and shall also have her on Sunday from 10:30 until 7:00 pm
 - b. **Week #2:** Father shall pick Bella up after pre-school at Cottage pre-school on Thursday and shall have her in his care until Saturday at 7:00 pm
4. Mother shall drop Bella off at Cottage pre-school on Thursday mornings and shall also drop Bella off curbside outside Father's home for the Sunday morning exchanges. The 7:00 p.m. exchanges shall continue to take place outside the Oakland Zoo, unless another location is agreed upon by the parents.

5. Any changes to the schedule, or any additional time for Bella to be with either parent, shall occur as mutually agreed upon by the parents.
6. Neither party shall change Bella's schools or school schedules without mutual written agreement or court order.

Collateral Issues

7. Father shall follow **all** of the terms of his probation, including no alcohol unless he can provide the Court with an amended CPO which deletes that term.
8. If Father can provide such an amended CPO, he still shall not consume **any** alcohol while Bella is in his care, and for at least 12 hours prior to his time with Bella.
9. Neither parent shall remove Bella from the 9 Bay Area counties without written permission from the other parent, or a court order.
10. Both parents shall ensure that Bella is properly supervised at all times.
11. Father shall take a parenting class appropriate for raising a 4-year-old child.
12. Both parents shall (separately) take a co-parenting class and bring proof of successful completion to any future mediations or court hearings.
13. Bella shall be exposed to peaceful contact only between her parents.
14. Neither parent shall make any disparaging comments about the other parent in the presence of Bella or allow others to do so.
15. Bella shall not be exposed to any verbal or physical abuse.
16. Bella's custody situation shall be reviewed in September of 2025. The parties are ordered to contact FCS in early August at (415) 444-7090 to schedule an appointment.
17. The matter is continued for review hearing to September 19, 2025 at 9:00 am in Department D.

SO ORDERED.

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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