

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/17/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL2201079

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: WILLIAM R. ECKHARDT

and

RESPONDENT: ELIZABETH TAYLOR
ECKHARDT

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – CHILD SUPPORT
2) REQUEST FOR ORDER – OTHER: ENTRY OF JUDGMENT PER CCP 664.6 AND
SANCTIONS

RULING

This matter comes before the court Petitioner/Husband's Request for Order (Husband's RFO), filed May 6, 2024, for an order establishing child support, and on Respondent/Wife's Request for Order (Wife's RFO) filed June 11, 2024, for entry of judgment pursuant to Code of Civil Procedure section 664.6, and attorney's fees sanctions of \$1,050 pursuant to Family Code section 271.

As to Wife's RFO, Husband failed to file any response. Wife's RFO is granted. The court will sign the proposed Judgment which has been lodged in the file, and Husband is ordered to pay \$1,050 on account of Wife's attorney's fees, payable forthwith. (Fam. C. § 271.)

As to Husband's RFO for child support, Husband failed to provide the court with the required financial documents necessary for the court to rule upon his request. Husband is referred to MCR Fam 7.13, and Husband's RFO is continued to September 11, 2024 at 9:00 AM in Department B.

Counsel for Wife shall prepare the formal order after hearing on both RFOs.

TEMPORARILY, UNDER CURRENT ORDERS, LITIGANTS WHO REQUIRE THE ASSISTANCE OF A SPANISH LANGUAGE INTERPRETER ARE REQUIRED TO APPEAR IN PERSON. INTERPRETER SERVICES FOR PERSONS APPEARING VIA ZOOM ARE NOT AVAILABLE.

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:
July 2024, 9:00 a.m.*

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1610592888?pwd=bDZNRVpPOy9SUGhTZEpFM0NhMnZJdz09>

Meeting ID: 161 241 5928

Passcode: 997712

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 US (San Jose)

Meeting ID: 161 241 5928

Passcode: 997712

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: 07/17/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL2301389

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: MERISSA SPEAR

and

RESPONDENT: COLE SPEAR

NATURE OF PROCEEDINGS: REVIEW HEARING – VISITATION

RULING

This matter comes before the court for review of custody and visitation orders, stemming from Respondent/Father's Request for Order (RFO), filed June 2, 2023, originally set for hearing on July 26, 2023. There is one minor child, Weston Grey Spear, born July 11, 2021.

On March 20, 2024, the parents were ordered to participate in coparenting counseling, and have begun working with Dr. Anka Paine.

The parties were ordered to provide an updated declaration by July 10, 2024, for a July 17 2024 custody review of Father's ongoing request to move to a 2-2-3 schedule. Currently, Father has the minor child in his care three overnights per week: every Tuesday from 3:00 PM until Wednesday morning at 9:00 AM, every Thursday from 3:00 PM until Friday at 9:00 AM, and every Saturday at 9:00 AM until Sunday at 9:00 AM.

Both parents filed declarations for this review hearing on July 10, 2024, including a proposal for timeshare and holidays. Father requests modification to 2-2-3 timeshare immediately. Mother requests a modification of timeshare so that Father has three 2-day overnights every two weeks instead of three 1-day overnights each week, and that this plan be in place for at least six months before moving to a 2-2-3.

Based on the information before the court, and having considered the declarations filed by the parties, it appears that the best interests of the Weston Grey Spear, born July 11, 2021, will be served by the court increasing Father's time to a 2-2-3 after first utilizing a step-up which utilizes Mother's proposed schedule for 2-night blocks with Father, as follows:

1. The parents shall continue to share joint legal and joint physical custody of Weston.
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2. The existing schedule will remain in place until Saturday, July 20, 2024. Commencing Saturday, July 20, 2024, Weston will be with Father on the following schedule:
 - a. Week One:
 - i. Saturday at 9AM until Monday at 9AM.
 - ii. Wednesday at 3PM until Friday at 3PM.
 - b. Week Two:
 - i. Monday 9AM to Wednesday 3PM.
 - c. At all other times with Mother (except for holidays as set forth below).
3. Commencing August 17, 2024, Weston will be with Father on the following schedule (an alternating week 2-2-3 schedule, with weeks beginning on Saturday):
 - a. Week One:
 - i. Saturday at 9AM until Monday at 9AM. If Monday is a holiday then Tuesday morning at 9AM.
 - ii. Wednesday at 9AM until Saturday at 9AM.
 - b. Week Two:
 - i. Monday at 9AM until Wednesday at 9AM.
 - c. At all other times with Mother (except for holidays as set forth below).
4. The parties will meet and confer in July 2025 to discuss implementation of a 2-2-5 schedule.
5. Holiday Schedule:
 - a. Christmas Eve/Christmas Day: Defined as December 24 at 9AM until December 26 at 9AM. In even years with Mother, odd years with Father.
 - b. New Year's Eve/New Year's Day: Defined as December 31 at 9AM until January 2 at 9AM. In odd years with Mother, even years with Father.
 - c. Thanksgiving Day/Thanksgiving Weekend: Defined as Thanksgiving Day from 9AM until Monday morning following Thanksgiving Weekend. In odd years with Mother, even years with Father.
 - d. Father's Day: With Father from 9AM on Father's Day until 9AM the following day.
 - e. Mother Day: With Mother from 9AM on Mother's Day until 9AM the following day.
 - f. Parent's Birthday: Defined as July 5 at 9AM until 9AM the following day for Father, and November 28 at 9AM until 9AM the following day for Mother. With each parent for their respective birthday.
 - g. Child's Birthday: Defined as July 11 from 9AM on July 11 until 9AM the following day. In even years with Mother, odd years with Father.
 - h. Easter: Defined as Easter Sunday at 9AM until 9AM the following day. In odd years with Mother, even years with Father.
 - i. Halloween: Defined as October 31 from 9AM until 9AM the following day. In even years with Mother, odd years with Mother.
 - j. Fourth of July: Defined as July 4 from 9AM until 9AM the following day. In even years with Mother, odd years with Father.

2. Vacations:
 - a. Commencing January 1, 2025, each parent may take two vacations, each of up to four (4) days, with Weston.
 - b. Commencing June 2025 that vacation period shall be extended to two vacations, each of seven (7) days in length, per year.
 - c. Vacation time must be scheduled at least 30 days in advance, with notification to the other parent, and shall be scheduled so that the vacation time does not run consecutively with the regularly scheduled timeshare of the vacationing parent. In other words, the time away from the non-vacationing parent shall not be extended beyond the four (4) or seven (7) days set forth herein.
 - d. Any issues regarding scheduling should be discussed in coparenting counseling.
3. The parents may make adjustments and changes to the timeshare schedule by mutual agreement.
4. The parties shall continue to participate in coparenting counseling.
5. All prior orders not in conflict with the above shall remain in full force and effect.

Counsel for Mother to prepare the formal order after hearing.

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