

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/15/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL1100729

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: SHARON BRICKER
STIFFLER

and

RESPONDENT: MICHAEL J. STIFFLER

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD SUPPORT

RULING

This matter comes before the court on Petitioner/Mother's Request for Order (RFO), filed April 18, 2024, seeking modification of child support. The Marin County Department of Child Support Services (DCSS) is providing services in this matter (since November 17, 2016). Additionally, Mother's RFO does not appear to be timely served on Respondent/Father.

Mother's RFO is continued to the DCSS calendar on June 20, 2024 at 1:30 PM in Department B.

As authorized by CRC Rule 5.125, the court will prepare the formal order after hearing.

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:
May 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)

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/15/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL1401142

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: OMAR SILVA MORAN

and

RESPONDENT: MELISSA SILVA

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – VISITATION

RULING

This matter comes before the court on Petitioner/Father's Request for Order (RFO), filed February 26, 2024, seeking modification of parenting timeshare.

The parties reached many agreements during their counseling session with Family Court Services (FCS) and the court commends them for doing so.

Based on the information before the court, it appears that the best interests of the minor children Daniel Silva, born July 17, 2006, and Sophia Silva, born April 30, 2010, will be served by the court adopting the agreements of the parties as well as the recommendations of FCS, as set forth in the FCS report issued on April 24, 2024, and as revised by the court. The court will do so, and the parenting plan is set forth below:

All prior orders not in conflict with the below shall remain in full force and effect with the following modifications.

1. Parents shall continue to maintain joint legal custody. This means that both parents share the rights and responsibilities for making important decisions regarding the children's health, education, and welfare, and shall obtain the consent of the other parent before making such decisions.
2. Parents shall continue to maintain joint physical custody.

Parental Timeshare:

3. The children shall be in Father's custody on alternate weekends from Friday after school/after work through Monday morning drop off at school.
-

4. Father shall have one weeknight dinner visit with the children in the week following his custodial weekend and 2 weeknight dinner visits during the off weeks. The children shall be returned by 9 PM on Father's weeknight visits.
5. Father shall have one weeknight dinner visit with the children in the week following his custodial weekend. In the off weeks, Father shall have 2 weeknight dinner visits. Father shall provide Mother notice by Sunday 6 PM regarding which days he will be exercising his weekday dinner visit(s) for the upcoming week.
6. The children shall be in Mother's custody at all other times when not in Father's custody.
7. Daniel, who will turn 18 on July 17, 2024, may accompany his sister on the custody schedule whenever he wishes to do so, and may spend additional time with Father as he wishes.

Collateral Issues:

8. Parents shall not use the children as messengers to communicate regarding matters involving coparenting issues, the custody schedule, or financial issues, nor shall they involve the children with these issues.
9. Out-of-state travel: Out-of-state travel does not require consent from the other parent. The traveling parent shall provide notification and an itinerary to the other parent when they travel out of state with the children. The traveling parent shall provide 7 days advance notice of such travel. Such travel shall not occur on the other parent's custodial time unless otherwise mutually agreed upon between the parents.
10. International travel: International travel with the children requires written consent from the other parent. All reasonable requests shall be honored and permission to travel abroad shall not be withheld unreasonably. Valid reasons for denying such a request include a request to travel to countries that are deemed unsafe for U.S. citizens to travel to by the U.S. State Department. The traveling parent shall provide at least 2 months advance notice of any international travel with the children.
11. Ski Week (February break): shall be defined as the Monday through Friday in which school is not in session, odd years with Father, even years with Mother. The regular alternating weekend schedule shall remain in place before and after the break.
12. Spring Break: shall be defined as the Monday through Friday in which school is not in session. The regular alternating weekend schedule shall remain in place before and after the break. Odd years with Mother, even years with Father.
13. Winter Break: In even-numbered years, Mother shall have the 1st week of Winter Break (except for the Christmas Eve/Christmas Day custody schedule listed below.) In even-numbered years, Father shall have the 2nd week of the break. In odd years, Father shall have the 1st week of the Winter Break (with the exception of the Christmas

Eve/Christmas Day custody schedule listed below). In odd numbered years, Mother shall have the 2nd week of the break.

14. Christmas: the children shall be with Mother on 12/24 through 6 PM on 12/25 and with Father from 6 PM to 10 PM on 12/25 each year.
15. Summers: each parent shall have up to 2 weeks of vacation time with the children each summer. The 2 weeks can be continuous or noncontiguous weeks or any combination of days that add up to 2 weeks. Parents shall pick their respective summer vacation time by May 1 of each year. In odd numbered years, Father shall have 1st pick of summer vacation time. In even-numbered years, Mother shall have 1st pick of summer vacation time.
16. Holidays: Monday holidays shall attach to the parent that has custody the weekend directly preceding the Monday holiday. Parents can modify the holiday schedule per mutual parental agreement.
17. Fourth of July: even years with Mother, odd years with Father
18. Mother's Day/Father's Day: shall be defined as from 9 AM – 9 PM. The children shall be with the parent being honored for the day.

As authorized by CRC Rule 5.125, the court will prepare the formal Order After Hearing.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/15/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL2300758

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: ALAN TODD PALMER

and

RESPONDENT: JANELLE TAYLOR
PALMER

NATURE OF PROCEEDINGS: TRIAL READINESS CONFERENCE

RULING

Appearances required.

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/15/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL0000578

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: CHRISTINA MARIE DE
LA CHESNAYE

and

RESPONDENT: FRANCISCO DE LA
CHESNAYE

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – ATTORNEY’S FEES; SPOUSAL OR PARTNER SUPPORT; SALE OF MARYLAND PROPERTY

RULING

This matter comes before the court on Petitioner/Wife’s Request for Order (RFO) filed March 18, 2024, seeking spousal support, attorney’s fees, and an order regarding the sale of real property in the State of Maryland.

PENDENTE LITE SPOUSAL SUPPORT

Wife requests *pendente lite* spousal support pursuant to guideline. Wife asserts that her income from her Environmental Consulting business is variable. Wife’s assertion is consistent with the three different average monthly income amounts provided by Wife: (1) \$4,128 (see Wife’s Income and Expense declaration, filed May 8, 2024, Item 7); (2) \$2,700 (see Wife’s Reply Declaration, filed May 8, 2024, page 2, lines 1-17); and, (3) \$5,916 from self-employment plus \$110/mo from salary (see Wife’s 2023 IRS Form 1099s and 2023, W2 submitted with her Income and Expense Declaration filed May 8, 2024). Wife did not prepare either a 2023 Profit and Loss or 2024 year-to-date Profit and Loss.

Wife refers to a new job she will begin in May 2024 or June 2024. Wife appears to anticipate income of \$155,000 per year. (See Wife’s Reply Declaration, 3:19.) Wife has provided no other information regarding this new job.

Husband’s income, per his paystubs, is \$24,230 per month, plus bonuses. Husband received a bonus of \$79,005 on March 15, 2024. (See paystubs attached to Husband’s Income and Expense Declaration, filed May 8, 2024.)

Husband argues that Wife is – and has been – self-supporting since February 2023, when Wife moved to California. (Husband’s Responsive Declaration, filed April 4, 2024, Item 4.c.) Husband’s Income and Expense Declaration, filed May 8, 2024, asserts that Wife’s average monthly income is \$3,000. (See Item 4.) Husband argues that he cannot afford to pay spousal support to Wife due to Husband’s separate property debt obligations.

Pendente lite spousal support is based on the supported spouse’s needs and the supporting spouse’s ability to pay. Fam. Code § 3600, *Tong v. Samson* (2011) 197 Cal.App.4th 23, 30. Here, Wife has demonstrated need and Husband has the ability to pay. Husband shall pay to Wife *pendente lite* spousal support based on the following monthly data inputs:

Wife:

1. Self-employment income of \$5,916, based on 2023 income. The court accepts Wife’s statement that she will not receive W2 income in 2024.
2. Child support paid for a child from another relationship of \$137.

Husband:

1. Salary (not including bonus) of \$24,230.
2. 401(k) contribution: \$969.
3. Child support paid for a child from another relationship: \$3,031.
4. Spousal support paid for a spouse from another marriage: \$500.
5. Health, vision, and dental insurance: \$583.
6. Health savings account deduction: \$500.
7. Limited purpose FSA deduction: \$83.
8. Property taxes: \$833 (maximum of \$10,000 per year).
9. Mortgage interest: \$1,480.

Based on the foregoing, Husband shall pay *pendente lite* spousal support to Wife in the amount of \$2,936 effective March 18, 2024. The court denies Wife’s request to commence spousal support as of the date of filing of the Petition.

SALE OF MARYLAND PROPERTY

Wife requests that the parties’ Maryland property be sold in order to avoid bankruptcy or foreclosure. Husband asserts that the parties are already in the process of selling the home. Neither party has presented documents or credible evidence that the property is at risk of foreclosure or waste, and there is no good cause for the court to make a pre-trial order to sell this asset. Wife’s request is denied. The parties are reminded of the Automatic Temporary Restraining Orders.

ATTORNEY’S FEES

Wife requests \$7,000 in attorney’s fees and costs based on the disparity in the parties’ incomes. Husband asserts that once the Maryland property is sold, Wife will be able to pay her own fees from her share of the proceeds. While it appears the parties agree to sell the property and divide the proceeds, that anticipated event has yet to occur.

After receipt of the support ordered herein, Wife will have some ability to contribute to her own attorney's fees and costs, although there remains a disparity in the parties' access to funds to afford legal representation. Pursuant to Family Code section 2030, Husband is ordered to pay \$5,000 on account of Wife's attorney's fees, payable forthwith.

Husband requests the court sanction Wife, pursuant to Fam. Code § 271, based on his allegations regarding Wife's interference and delay of the sale of the Maryland property. (See Husband's Income and Expense Declaration, filed May 8, 2024, Attachment, Section 20, 2:7-9.) All claims regarding the sale of the Maryland property issue are reserved to trial, and on that basis Husband's request is denied, without prejudice.

Husband also seeks Fam. Code § 271 attorney's fees sanctions against Wife for alleged improper notice and litigation tactics related to the April 17, 2024 hearing. This request is denied.

CONTINUED HEARING DATE

The matter will be continued on the issue of modification of spousal support (specifically, Wife's new job and Husband's bonus income), to July 17, 2024 at 9:00 AM in Department B.

By July 10, 2024, the parties shall each file/lodge and serve updated income and expense declarations, paystubs (including any bonuses received), paychecks or other evidence of earned income, and 2023 tax returns (if completed). Wife shall also prepare, file/lodge and serve a 2023 Profit and Loss statement (or Schedule C), a Profit and Loss statement for 2024 to date, and documentation of her new job.

Counsel for Petitioner/Wife to prepare the formal order after hearing.

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PREPARED BY (NAME AND ADDRESS): Marin County Superior Court California	TELEPHONE NO:	Superior Court Of The State of California, County of Marin COURT NAME: Marin County Superior Court STREET ADDRESS: 3501 Civic Center, Vera Schultz Dr San Rafael 94903 MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER: FL 0000578

Input Data	Francisco	Christina	Guideline (2024)	Cash Flow Analysis	Francisco	Christina
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Francisco	12,236	Payment (cost)/benefit	(2,663) 2,673
Filing status	MFS->	<-MFS	Christina	3,970	Net spendable income	9,300 6,906
# Federal exemptions	1	1	Total	16,206	% combined spendable	57.4% 42.6%
Wages + salary	24,230	0	Support (Nondeductible)	Total taxes	7,880	1,809
401(k) employee contrib	969	0	SS Payor	Francisco	Comb. net spendable	16,207
Self-employment income	0	5,916	Marin	2,936	Proposed	
Other taxable income	0	0	Total	2,936	Payment (cost)/benefit	(2,663) 2,673
Short-term cap. gains	0	0	Proposed, tactic 9	Total	Net spendable income	9,300 6,906
Long-term cap. gains	0	0	SS Payor	Francisco	NSI change from gdl	0 0
Other gains (and losses)	0	0	Marin	2,936	% combined spendable	57.4% 42.6%
Ordinary dividends	0	0	Total	2,936	% of saving over gdl	0% 0%
Tax. interest received	0	0	Savings	0	Total taxes	7,880 1,809
Social Security received	0	0	Mother	0	Comb. net spendable	16,207
Unemployment compensation	0	0	Father	0	Percent change	0.0%
Operating losses	0	0	No releases		Default Case Settings	
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	0				
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	500	0				
CS paid other relationship	3,031	137				
Adj. to income (ATI)	583	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	583	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,313	0				
Other medical expenses	0	0				
Property tax expenses	833	0				
Ded. interest expense	1,480	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				

PETITIONER:	Francisco	CASE NUMBER:	FL 0000578
RESPONDENT:	Christina		

TANF,SSI and CS received 0 0

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/15/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL0000810

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: CORY LUND

and

RESPONDENT: CHRISTINA LUND

NATURE OF PROCEEDINGS: MOTION – CHILD CUSTODY/VISITATION

RULING

This matter is ordered off-calendar per agreement of the parties.

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