

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 01/30/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL1302014

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: PENELOPE HARWOOD

and

RESPONDENT: JUSTIN M. HARWOOD

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: FIX AND LIQUIDATE
UNINSURED HEALTHCARE AND EDUCATIONAL EXPENSES

RULING

This matter was called on January 9, 2025, and continued to provide the court with additional time to review the documentation provided by Petitioner Penelope Harwood (“Wife”) for her Request for Order (“RFO”) filed on November 8, 2024. Wife seeks to fix and liquidate uninsured healthcare and educational expenses. Respondent Justin Harwood (“Husband”) filed a responsive declaration on January 16, 2025. Wife filed a reply declaration on January 23. Together, these parents have two children who are no longer minors.

A 3-year Domestic Violence Restraining Order was issued on September 7, 2022, with Wife, Oliver and Henry, as protected parties. Husband is the restrained party.

Wife requests: to (1) fix and liquidate healthcare, psychiatric, educational and extracurricular activities expenses, per Family Code § 4063 and MSA 8.3-8.4 in the amount of \$23,458.98. In September of 2019, Wife alleges that Husband closed their joint account in violation of the MSA § 8.3. Wife argues that Husband has the ability to pay for past add-ons based on the sale of the San Anselmo home for \$1.799 million and subsequent purchase of a 13-bedroom care home in Europe. Husband agreed to pay half of all psychiatric expenses for their son Henry pursuant to § 8.3 of the Marital Settlement Agreement. Husband argues Wife never consulted him as to Henry’s therapy.

Wife provided the court with receipts for her request on 11/8/24 as required under Family Code § 4063. In his response Husband does not contest any of the expenses incurred. Nor does he deny the recent sale of his home and his subsequent purchase of the European property.

Husband argues that Wife never contributed to their joint account and took unspecified funds from the account. However, Husband does not give the court enough specific information to rule that Wife “double dipped” which would prevent her from being reimbursed. Husband declares that he regularly paid into their joint account but does not specify when or what amounts he paid.

Wife’s request for reimbursement of medical expenses is documented. The court finds good cause, based on the receipts and other evidence presented to GRANT Wife’s reimbursement request in the amount of \$23,459.

Litigants who require the assistance of an interpreter shall appear in person unless notice of remote appearance is given pursuant to CRC 672. See Judicial Council Form RA-010, Notice of Remote Appearance. Identify the language requested for interpretation in Item 4.

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

The Zoom appearance information is as follows:

January 2025, 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=l6jw01P3LyZYAJ8MzZYeRoeWy07bxE.1>

Meeting ID: 160 618 2824

Passcode: 433542

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.

FL1302014

+1-669-254-5252

Meeting ID: 160 618 2824

Passcode: 433542

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 01/30/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL2101887

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: DAVID ALONZO-
MIRANDA

and

RESPONDENT: MARIA GUADALUPE
VERA GOMEZ

NATURE OF PROCEEDINGS: REVIEW HEARING – STATUS RE RETURN OF CHILDREN TO CALIFORNIA

RULING

Custody and visitation orders were issued on May 24, 2024. This matter is on calendar for an update regarding visits between Mother and her children. Respondent Maria Vera Gomez (“Mother”) filed a Request for Order on March 5, 2024, seeking modification of custody and visitation orders. Petitioner David Alonzo (“Father”) filed a responsive declaration on March 21, 2024. Father is the protected party in a 3-year Domestic Violence Restraining Order (“DVRO”), which expired on August 16, 2024. No additional papers were filed by the parents. Both parents met with FCS on December 31, 2024, and prior on May 6, 2024. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.))

These parents have two children. The eldest child David is 12. Jared is 7. Both children live with the paternal grandparents in Mexico. Both children were interviewed by FCS.

Mother sought the immediate return of the children to the United States and the reinstatement of a 50/50 custody scheduled. The children currently reside outside of the State of California pursuant to a prior agreement by the parents.

The children want to remain in Mexico, against the wishes of their mother, who is able to visit with the children regularly. The children reported that they believe they now live in Mexico because their parents were too busy to care for them. The court recognizes that the children are likely influenced by their family in Mexico, who want them to remain.

Mother is commended for completing her 52-week batterers’ treatment course along with a parenting class.

Family Code §3044 provides:

- (a) Upon a finding by the court that a party seeking custody of a child has perpetrated domestic violence within the *previous five years* against the other party seeking custody of the child, or against the child ... with whom the party has a relationship, there is a rebuttable presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of the child... (Emphasis added).

While the DVRO has expired, the 5-year period covered by this statute has not. Although Father should note that, based on the evidence available, Mother is on the cusp of rebutting the presumption for her request for joint custody. Such a determination may be granted at the next update hearing.

This is a very difficult case. The press of time has helped settle these children outside of their homeland. The parents are capable of caring for the children here, in California.

CUSTODY AND VISITATION

Good cause appearing and in consideration of the FCS Reports issued on December 31, 2024, and May 6, 2024, the court finds good cause and that it is in the best interest of the children to adopt in part the FCS recommendations as follows:

1. Father shall continue to have sole legal and physical custody. Father shall make decisions about matters concerning the children's health, education and welfare.
2. The children shall return to Marin County for their Summer and December school break. The children shall arrive in California by June 15, 2025, and remain through July 31, 2025.
3. When the children are in Marin County for their school breaks, Mother shall have day visits with the children for a minimum of 4 days per week. The visits shall be for not less than 4 hours, unless the children wish for more time. If the children wish to spend more time with Mother, they shall be permitted to do so.
4. When in California, the children may spend overnights with Mother if they wish to do so and provided that Mother is not working the night shift and will be home during the overnight.

Litigants who require the assistance of an interpreter shall appear in person unless notice of remote appearance is given pursuant to CRC 672. See Judicial Council Form RA-010, Notice of Remote Appearance. Identify the language requested for interpretation in Item 4.

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 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 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: 01/30/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL2202562

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: LILIAN CRISTINE
LOESCHER GRACIE

and

RESPONDENT: CARLEY GRACIE

NATURE OF PROCEEDINGS: REVIEW HEARING – RE: RECEIVER

RULING

The court is in receipt of the report of the Receiver, Kevin Singer, dated January 27, 2025, regarding the following properties:

Real Property on Pajaro Way, Vallejo, California 94591 (APN: 0069-010-530 and 0069-010-630) (the “Skyline Property”); and 602 Fleming Ave E, Vallejo, CA 94591.

Appearances are required.

Litigants who require the assistance of an interpreter shall appear in person unless notice of remote appearance is given pursuant to CRC 672. See Judicial Council Form RA-010, Notice of Remote Appearance. Identify the language requested for interpretation in Item 4.

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: 01/30/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL2202679

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: SACHIN RAJ SABHLOK

and

RESPONDENT: ARTHI MERRA
SUBRAMANIAN

NATURE OF PROCEEDINGS: REVIEW HEARING – STATUS OF MEDIATION

RULING

This matter is continued to March 21, 2025, at 9 a.m. in this department.

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: 01/30/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0001403

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: MARIA DE LOS
ANGELES GUTIERREZ RODRIGUEZ

and

RESPONDENT: EDUARDO GUTIERREZ
MEJIA

NATURE OF PROCEEDINGS: CHILD CUSTODY RECOMMENDING COUNSELING

RULING

Petitioner Maria Gutierrez Rodriguez (“Mother”) was issued a 3-year Domestic Violence Restraining Order (“DVRO”) on December 9, 2024, with Respondent Eduardo Gutierrez Mejia as the restrained party. The DVRO also protects the parents’ three children Luis (10), Gisselle (7) and Emilio (1) from Father, permitting supervised visitation through Rally Visitation Services pending further orders. The parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Mother. Unfortunately, no agreements were reached. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)) The parents met with FCS on or about January 23, 2025.

Father was ordered to have unsupervised parenting time with the children on the 1st, 2nd, and 3rd Saturdays of the month from noon to 6 PM and each Thursday from 6:30 PM to 8:30 PM. Exchanges are to occur at the Novato Police Department. Parents were referred to FCS.

Under orders from 12/4/15, Mother has sole legal and physical custody of the oldest child Luis. Prior to the issuance of the 12/9/24 restraining order, there were no custody orders in place for Giselle and Emilio under the 12/4/15 orders as Giselle and Emilio had not yet been born at the time.

CUSTODY AND VISITATION

The court has reviewed the FCS report issued on January 23, 2025, has also reviewed the petition or the issuance of a DVRO, and finds good cause and that it is in best interest of the children to adopt the recommendations of family court services as follows:

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

1. Sole legal and physical custody to Mother.
2. Father shall continue to have unsupervised visits on the 1st, 2nd, and 3rd Saturdays of the month from noon to 6 PM and each Thursday from 6 PM to 8:30 PM.
3. Exchanges shall occur at the Novato Police Department.
4. If Father is unable to exercise the Saturday visit due to work, he shall provide Mother with advance notice of at least 24 hours whenever possible.
5. Father shall feed the children dinner on Thursday evenings. Whenever possible, Father shall visit with the children in Marin County on Thursdays.
6. Neither parent shall utilize corporal punishment towards the children including grabbing their ears or hair, spanking, etc.
7. Father shall not tell the children that he will go to jail if they do not stay with him for the full custody time as specified in the orders.
8. If the children wish to return to Mother's home early on Saturdays, they shall be permitted to do so. Father shall text Mother when this occurs to inform her that he will be dropping the children off early. This shall not constitute a violation of the restraining order provided that Father is appropriate in his communication with Mother.
9. Father shall take a domestic violence class of at least 6 hours to learn about the impact of domestic violence on children.
10. Father shall take a positive parenting class which focuses on parenting children without the use of physical force or corporal punishment.

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