

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/13/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL1504579

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: LORENA SALAZAR

and

RESPONDENT: FRANCISCO G. MEDINA

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: ENFORCEMENT OF PREVIOUS ORDERS

RULING

The court entered orders on January 15, 2020, ordering the sale of the community property home at 686 Elysian Dr. in Penngrove, California. The home was to be listed by February 1, 2020. Lorena Salazar (“Wife”) filed a Request for Order on December 20, 2024, seeking damages for the delayed sale of the home, claiming that her name was removed from the property in March 2024.

Respondent Francisco Medina (“Husband”) was personally served with the RFO of January 8, 2025. He filed no response.

Wife seeks \$54,500 in damages.

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.

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:

February 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.

+1-669-254-5252

Meeting ID: 160 618 2824

Passcode: 433542

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: 02/13/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL1601763

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: BENJAMIN KLEINMAN-
GREEN

and

RESPONDENT: LEAH KLEINMAN-
GREEN

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: MOTION TO SEAL
PREVIOUSLY FILED DOCUMENT

RULING

Petitioner Benjamin Kleinman (“Father”) filed a Request for Order (“RFO”) on January 7, 2025, seeking to redact a portion of his declaration filed on December 4, 2024, to respond to Respondent Leah Green’s (“Mother”) Request for Order (“RFO”) on September 17, 2024, seeking to enforce orders, a revised holiday schedule, and a referral to a parenting coordinator. Mother filed no response.

Cal. Rule of Court 2.551(a) requires entry of an order before court documents are filed under seal. Cal. Rule of Court 2.550 (d) allows the court to seal of records upon a finding of the following factors:

1. There is an overriding interest that overcomes the right of public access to the record. Here, Father’s declaration contains references to privacy protected medical information. The declaration also addresses issues regarding the daughter’s education.
2. The overriding interest supports sealing the record. Here, there is an overriding interest to seal information regarding medical conditions experienced by a child. Public release of such information contained in the declaration may embarrass the child.
3. A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed. The risk of exposure to the public of private medical information satisfies this element.

4. The proposed sealing must be narrowly tailored. Father is to prepare an order which specifically lists the paragraph which contains the information to be sealed.
5. Redacting the declaration is the least restrictive means of achieving the interest of protecting the child's medical history and privacy.

Father's request to redact the second full paragraph on page 2 of the declaration is GRANTED.

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.

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 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: 02/13/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL1802056

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: ALETHEA HARAMPOLIS

and

RESPONDENT: CHRIS SEITZ

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: RELIEF FROM
8/22/2024 ORDER UNDER THE PROVISIONS OF CCO 473(b)

RULING

Respondent Chris Seitz (“Husband”) filed this Request for Order (“RFO”) on December 19, 2024, seeking relief from an order issued on August 22, 2024.

Petitioner Alethea Harampolis (“Wife”) filed a Request for Order (“RFO”) on June 18, 2024, seeking an order to force Respondent Chris Seitz (“Husband”) to refinance or sell property, and remove her name from the home loan on their former community property real estate as required by the express terms of the Marital Settlement Agreement (“MSA”), entered into by the Parties on May 24, 2019. The matter was heard on August 22, 2024, with the court continuing the case to October 10, 2024.

The matter was again called on October 10, 2024, with Husband now represented by Marianne Skipper, Esq., who represented to the court that the mortgage buyout solution was almost finalized, providing the court with mortgage number 3552470108, in support of her request to continue the matter once more so the purchase would be finalized. The request was GRANTED, and the matter was continued until December 5, 2024.

On December 5, 2024, the matter was called once again. The parties were ordered and agreed to continue to meet and confer. If the parties were unable to reach an agreement regarding the property sale by December 20, 2024, the matter would be submitted for court review.

Husband’s request is premature. The Order After Hearing regarding Wife’s RFO filed on June 18, 2024, was entered on January 27, 2025. That order is the operative order. The court did not enter an order on August 22, 2024, as Husband argues.

For these reasons, Husband’s RFO is DENIED.

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.

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: 02/13/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL2002721

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: MELISSA HOLLAND

and

RESPONDENT: BRIAN HOLLAND

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

RULING

This matter was called as regularly scheduled in this department on February 6, 2025. It was continued at the request of Petitioner Melissa Holland (“Mother”), to contest the tentative ruling. Marin County Rule, Family 7.12(C) provides that the party who contests a tentative ruling must give the other party notice of his/her intention to appear. Mother did not provide adequate notice, and the matter was continued until February 13, 2025.

Mother filed this post-judgment Request for Order (“RFO”) on December 10, 2024, seeking changes to current visitation orders. Respondent Brian Archer was served on December 23, 2024, via mail. He did not file a responsive declaration. 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 Rules, Family 6.17.A.)) Both parents met with FCS. The FCS report was issued on January 31, 2025.

The parents have two children. Olivia is 15, 11-8-09. Jaxon is 12, 5-31-12.

Jaxon is now in the 7th grade at Hall Middle School and Olivia is a freshman at Redwood. Brian moved from Idaho to Marin in May of 2024 and now lives in Fairfax. Melissa lives in Novato.

Family Court Services wrote prior recommendations in this case in reports dated 7-1-21 and 5-15-23. There is also a mediated custody agreement from 6-24-21.

Current custody orders issued on 3-30-23 addressed Mother’s visits with the children while they lived in Idaho. Mother seeks a “2-2-5” schedule with the kids.

Like these children, the court is pleased that they have returned to Marin County to be close to Mother, friends and family. Father’s concerns regarding poor communication between the parents is important to recognize. The children are aware of this conflict and openly discussed it

in the FCS. The court wonders if these parents are tired of fighting each other. It must be exhausting. The court is hopeful for this family.

Custody and Visitation

The court has reviewed Mother's RFO as well as the FCS report issued on 1-31-25, as well as prior reports issued in 2023 and 2021. Based on this review, the court finds good cause and that it is the best interest of the children to adopt in full the FCS recommendations as follows:

Custody

1. The parents shall continue to share joint legal custody of both children.
2. Brian shall continue to have sole physical custody of both children.

Timeshare

3. Both children shall continue to live primarily with Brian and shall be with Melissa on the following schedule (Week #1 and Week #2 shall alternate):
 - **Week #1:** From Thursday after school until the kids are returned to school Monday morning.
 - **Week #2:** Thursday after school until they are returned to school Friday morning.
4. Any additional time, or any changes to the schedule, shall occur as mutually agreed upon by the parents.

Collateral Issues

5. Jaxon shall be in counseling with a counselor agreed upon by the parents. Both parents shall follow any recommendations made by the counselor, including frequency and duration of counseling.
6. The parents shall use Our Family Wizard to communicate.
7. Neither parent shall use the children to deliver messages or communicate with one another.
8. All other orders not in conflict herein shall remain in effect.
9. The custody issues shall be reviewed on May 22, 2025, at 9 a.m. in this department.

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.

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/13/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000492

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: IRIS KAUF

and

RESPONDENT: ALEC KAUF

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD
CUSTODY/VISITATION; CHILD SUPPORT; ATTORNEY’S FEES AND COSTS; OTHER:
SEE ITEM 8

RULING

Respondent Alec Kauf (“Father”) filed a Request for Order (“RFO”) on December 31, 2024, seeking custody and visitation orders, support orders, and recovery of reasonable attorney’s fees and costs. The RFO was served on Petitioner Iris Kauf (“Mother”) on January 2, 2025. Mother did not file a responsive declaration.

Both parents met with Marin Family Court Services (“FCS”) on or about February 3, 2025, which is an indication that Mother has received the papers, although she files no response. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)) The court is grateful that the parents were able to see eye-to-eye and reach agreements on several issues. A report regarding custody was issued on February 3, 2025. Mother filed a Statement of Disagreement to the FCS report on February 10, 2025. Father filed a Statement of Disagreement on February 7, 2025.

Together, these parents have two children. Ace is 4. Amelia is 3.

Mother sought a Domestic Violence Restraining Order against Father on 12/9/24. It was denied. Orders were thereupon made that upon filing of a RFO, Father shall have custody each week from Wednesday after school through Saturday 4 PM. Exchanges are to occur at the Albany Police Department.

Father resides in San Rafael. Mother resides in Albany in Alameda County. Ace currently attends TK at Ocean View Elementary in Albany while Amelia continues to attend preschool two days a week in Marin County.

CUSTODY AND VISITATION

Father, based on his papers, appears to be very upset with Mother's filing of a DVRO. The court hopes Father will let it go and move forward. Carrying this anger is not good for him, and it is definitely not good for his kids. This family is becoming a modern family, with the parents having to figure out how to co-parent. They will be together for the next 15 years, or until Amelia reaches the age of majority. Millions of divorced parents in California put their children's best interest ahead of their own and – get along by being nice to each other. The court has hope that the anger will abate, and the parents will soon get along, because 15 years is a long time.

This family lives 3 counties apart (Marin, Contra Costa, Alameda). And Father works in San Francisco County. Whatever the final custody and visitation orders are entered, these children will be strapped into car seats as they commute between custody exchanges, which is not easy for the kids.

School choice is always difficult, and Mother did unilaterally move Ace into her home school district, when she had sole custody during the pendency of the Temporary Restraining Order. The question now becomes whether it is better to keep Ace in school in Alameda County or return him to Marin. Mother works and lives in Alameda County, and Father works in San Francisco and lives in Marin. One element to weight in making this determination is the difficulty reaching the child in the event of an emergency when the parents are at work. Mother can easily come home. Father must cross a bridge. An additional factor to weigh is the stability of the home. Ace is 4. He's doing great in school in Albany with other 4-year-olds. Destabilizing the child by moving him back to live with Father is not in the child's best interest. Father's request to return Ace back to school in Marin is DENIED.

The court has also reviewed Mother's Statement of Disagreement. Mother should be careful not to micromanage Father's custody time with the children. Father's time is Father's time. Mother's time is Mother's time. Mother should avoid interrogating her children regards what they did and what they ate while with their dad. For example, during his time and if the children are sick, she must trust that he has the good judgment to parent and the ability children medication without prior approval from Mother.

Moreover, regarding Mother's request for orders relative to body piercing, the parent must work together to decide parenting issues such as who and what gets pierced and at what age, etc. Parents, not courts decide those issues. As for Mother's suggested name changes to add Mother's surname, the parents shall meet and confer (talk to each other) before asking the court to decide the issue.

Agreements

The court has reviewed and finds it is in the best interest of these children to adopt the agreement reached by the parents as follows:

1. Children's birthdays: Shall stay on the regular weekly custody schedule. The noncustodial parent may have a brief visit with the birthday child on their birthday if they wish to do so.

2. Parent birthdays: shall remain on the regular weekly custody schedule. The birthday parent has the option of having a brief visit at 7 PM with the children on their birthday (parent birthday). If an in-person visit is not feasible, the parent shall have a phone call with the children at 7 PM on that parent's birthday.
3. Holidays: the following holidays shall be defined as from 8:30 AM of the holiday through 8:30 AM or drop off at school the following day.

Easter: odd years with Father, even years with Mother

Fourth of July: odd years with Mother, even years with Father

Halloween: odd years with Father, even years with Mother

Thanksgiving: odd years with Mother, even years with Father

Christmas: in odd years, Father shall have Christmas Eve from 8:30 AM on 12/24 – 8:30 AM on 12/25 while Mother has Christmas Day from 8:30 AM on 12/25 through 8:30 AM on 12/26. In even years, Mother shall have Christmas Eve from 8:30 AM on 12/24 – 8:30 AM on 12/25 while Father has Christmas Day from 8:30 AM on 12/25 through 8:30 AM on 12/26.

4. Vacations: each parent shall have up to 14 days of vacation time with the children each year. The vacation periods shall be taken in a block of no less than three days and no more than seven days at a time.
5. Mother may schedule her vacation days such that she has a maximum of four weekends per year to take the children to her motorcycle racing events.
6. If a parent is more than one hour late for a custody exchange, the custodial parent may leave with the children, provided that attempts have been made to contact the other parent.

Custody and Visitation Orders

The court has reviewed Father's RFO and also the respective Statements of Disagreements filed by each parent. The court also carefully reviewed the FCS Report issued on February 3. Based on this review, the court finds good cause and that it is the best interest of the children to adopt in part the FCS recommendations as follows:

1. Joint legal custody. Both parents shall have legal custody of the children. Both shall make decisions about matters concerning the children's health, education and welfare. Both parents shall have access to the children's school, medical, mental health and dental records and the right to consult with professionals who are providing services to them.
2. Both parents here are capable advanced degree first responders who can competently handle a doctor's visit without the other parent hovering. If it is *really* important to one parent to attend medical appointments, then that parent should participate, while

being mindful to not stress-out the sick child based on the insistence to attend the doctor's visit. Both parents shall provide updates regarding medical appointments.

3. Joint physical custody.
4. First right of refusal shall be triggered by a period of 12 hours or more (including an overnight). If the custodial parent cannot directly care for the children during their custody time for a period of 12 hours or more, they shall first contact the other parent to offer them first right of refusal prior to making alternative childcare arrangements. The other parent is not obligated to care for the children during this time. If the other parent cannot care for the children during this time, it shall be the responsibility of the custodial parent to secure appropriate childcare arrangements.
5. Exchanges shall be curbside. No need for the other parent to exit the car during drop off. The parents shall not enter the other parents' home.
6. Unless the drop off can be at a school on a school day, Father shall drive the children to Mother's home after his custodial time. Mother shall drive the children to Father's home after her custody time.
7. he children shall attend school in the Albany Unified School District. Ace shall continue to attend Ocean View or another school in the Albany Unified School District if approved via interdistrict transfer. Amelia shall attend preschool in or around Albany.
8. The children shall be in Father's custody each week from Wednesday after school through Saturday 6 PM and in Mother's custody from Saturday 6 PM through Wednesday morning drop off at school.
9. If parents agree for the children to attend school in the Peninsula or in another locale outside of either the San Rafael or Albany Unified school districts, the children shall attend said mutually agreed upon schools.
10. Parents may modify the timeshare at any time per mutual parental agreement. This means if the parents can agree to make modifications to the order, those modifications are permissible. If the parents cannot agree, the parameters of this order remain in place.
11. Father may select summer camps for odd years. Mother shall select summer camps for even years.
12. Out of state travel is permitted, with the traveling parent providing the other parent with an itinerary as quickly as possible, but not later than 4 weeks before departure.
13. The parent must protect the other parent from disparaging remarks from family and other 3rd parties. This is especially true when the children are around.

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CHILD SUPPORT

Mother was served with the child support request. Unfortunately, she did not file a response.

California Rule of Court 5.92(b)(3)(A) and (B) and Marin County Rules, Family 6.13.A and D require the parties to submit a fully completed Income and Expense Declaration with all moving and responsive papers involving requests for child and spousal support. Mother must provide current paystubs and relevant tax forms.

The support portion of the RFO is continued until March 20, 2025, to provide Mother with an opportunity to file her financial information, which shall be filed 10 days before the hearing date.

ATTORNEY'S FEES

Father requests an award for prevailing party attorney's fees and costs for defeating the DVRO. Family Code §6344. A court has broad authority to award fees for a DVRO hearing and may award fees even if the applicant does not originally seek them. *Faton v Ahmedo*, (2015) 236 Cal.App.4th 1160, 1170. The requested fee award is \$14,217.50 and \$1,750.67 in costs.

The court must scrutinize the reasonableness of the fee petition under the "Lodestar" method. The lodestar method requires the trial court to determine a lodestar figure based on careful examination of reasonable hourly compensation of each attorney and consideration of the time spent to perform each task. *Vo v. Las Virgenes Water District*, (2000) 79 Cal.App.4th 440, 445-446.

The Court's initial task in determining the lodestar is to determine the reasonable hourly rate for Father's attorney, Michelle Jacobson-Kwok. The reasonable market value of the attorney's services is the measure of a reasonable hourly rate. *Ketchum v Moses*, (2001) 24 Cal.4th 1122, 1132-1133. Setting fees by applying the "Lodestar" method is presumed to be reasonable. *PLCM Group, Inc. v Drexler*, (2000) 22 Cal.4th 1084, 1096-1097. The determination of the "market rate" is generally based on the rates prevalent in the community where the court is located for similar work. *Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1321; *MBNA Am. Bank v. Gorman* (2006) 147 Cal.App. 4th Supp 1, 13. Counsel advises the court that her reasonable hourly rate in the community is \$550.00 per hour. "To the extent a trial court is concerned that a particular award is excessive, it has broad discretion to adjust the fee downward or deny an unreasonable fee altogether. [Citation.]" *Christian Research Institute* at 1321-1322, internal quotations and citations omitted.

The court must consider not only Marin County, but the Bay Area region in its entirety when determining the market rate. The court finds Ms. Jacobson-Kwok to be an eminently qualified family law lawyer. Mother filed no objection to the rate.

This court finds the rate of \$550 per hour to be fair and reasonable and in-line with rates charged in the Marin County and Bay Area by lawyers with similar skill and experience.

A party who seeks attorney's fees has the initial burden of "documenting the appropriate hours expended." *ComputerXpress Inc. v. Jackson*, (2001) Cal.App.4th 993, 1020. Once a documented hour total has been submitted, the opposing party may make objections to the hours claimed. General objections that work is "excessive" or "unreasonable" are insufficient. The objections

should be specific. *Premier Med. Mgmt. v California Ins. Guarantee Ass'n*, (2008) 163 Cal.App. 4th 550, 563.

The basis for calculating the lodestar “must be the actual hours counsel devoted to the case, less those resulting from ineffective or duplicative use of time.” *Horsford v. Board of Trustees of Cal State*, (2005) 132 Cal.App. 4th 359, 395. The court also recognizes these billing records of counsel constitute “verified time statements of the attorneys, as officers of the court, and are entitled to credence in the absence of a clear indication that the records are erroneous.” *Id.* at 394.

Counsel did not submit billing statements. The merits of the DVRO have been resolved. Attorney billings statements are discoverable and should have been produced.

Counsel may submit a supplemental fee declaration for consideration 10 days before the next hearing date.

Father may also make an enormous showing of good faith and decide to drop the fee request altogether as an effort to move this family forward out of the court process.

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.

Counsel for Father to prepare custody and visitation 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 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:
February 2025, 09:00 AM
Join Zoom Meeting***

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=16jw01P3LyZYAJ8MzZYeRoeWy07bxE.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.

+1-669-254-5252

Meeting ID: 160 618 2824

Passcode: 433542

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: 02/13/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0001225

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: DIANAH WONG

and

RESPONDENT: DISHON RENE IRVING

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

RULING

Petitioner Dianah Wong (“Mother”) filed a Request for Order (“RFO”) on December 23, 2024, seeking custody and visitation orders. Proof of Service indicates that Respondent Dishon Rene Irving (“Father”) was served with the papers. He filed no response. No additional papers were filed by either parent.

Both parents met with Marin Family Court Services (“FCS”) on or about February 3, 2025, which is an indication that Father has receive the papers, although he files no response. (Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)) A report regarding custody was issued on February 3, 2025. Father was late for his interview

Together, these parents have one child. Destin Wong Gete is 12.

Mother reports that Father has not had visits with Destin since February 2024. Mother reports that Father was in prison for 10 years from 2013 until late fall 2023 for armed robbery and that Destin only visited Father once while he was in prison.

Father wants 50/50 custody. Father has not been an active part of Destin’s life due to his incarceration of 10 years (which started when Destin was an infant). It is important for Father to understand that he needs to slowly build his relationship with Destin and that the length and pace of visits need to be guided by Destin’s comfort level.

Custody and Visitation Orders

The court has reviewed Mother’s RFO and also carefully reviewed the FCS Report issued on February 3. Based on this review, the court finds good cause and that it is the best interest of Destin to adopt the FCS recommendations as follows:

1. Sole legal and physical custody to Mother.
2. Father shall have a two-hour visit with Destin on 4th Street in San Rafael between Lincoln Avenue and E Street, in Marin County on the first and third Saturdays of the month from noon to 2 PM. Father shall notify Mother by noon the Friday before the visit to confirm that he will be exercising the visit. If there is no confirmation from Father, the visit shall be canceled.
3. Father's visits with Destin may increase at Mother's discretion provided that Destin desires an increase in visitation time with Father.
4. If Destin, at any time, does not feel safe or comfortable at the visit, Destin shall be returned to Mother's care immediately. Destin shall be permitted to call Mother to be picked up early from any visits.
5. Father shall take a parenting class focused on parenting preteens/young teenagers and shall provide verification to the Court once he has done so.
6. Father shall not drive Destin without a valid driver's license. Father shall provide verification to the court that he possesses a valid driver's license.
7. Father shall comply with all conditions of his probation. Any violations of probation will result in a cessation of visitation.
8. Father shall not bring Destin around any members or affiliates of Kirkwood gang or any other gangs. Father shall shield Destin from any exposure to gang violence and gang involvement.
9. Neither parent shall bring Destin around guns or around people who are carrying guns.
10. Destin shall not be exposed to drug dealing or people involved with illegal drugs.
11. Mother shall not have anyone living in her home with gang ties or a significant criminal history.

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.

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.

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