

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/14/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL2301127

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: MARK GOLDSTEIN

and

RESPONDENT: KRISTEN KOH
GOLDSTEIN

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – OTHER: ATROS
VIOLATIONS AND BREACHES OF FIDUCIARY DUTY; TO RECORD A CORRECTION
DEED; SANCTIONS
2) CASE PROGRESS CONFERENCE

RULING

This matter is set for hearing on Petitioner/Husband’s 12/27/24 Request for Orders (“RFO”) (a) to permit Petitioner to record a correction deed, (b) that Respondent/Wife cease all construction and renovation on the 2900 Paradise Drive property (“2900 Paradise Drive”); (c) that Wife cease all short-term rentals and events on 2900 Paradise Drive; (d) that Wife provide access and keys to Husband for all buildings on the 2900 Paradise Drive Property; (e) that Wife be sanctioned per Fam. Code § 271 in the amount of \$50,000 for her violations of the Automatic Temporary Restraining Orders (“ATROs”) and her fiduciary duties to the Goldstein Trust.

In turn, Respondent/Wife requests (1) the Court deny all Husband’s requests for relief; (2) \$80,000 in attorneys’ fees per Fam. C. § 2030, and (3) in sanctions per Fam. C. § 217, and also accuses Husband of violating the ATROS and his fiduciary duties to the Goldstein Trust.

The Court agrees with Respondent that this is not a law and motion issue; it is a matter for trial. The parties have raised more questions than they have answered about the Goldstein Family Trust, which the Court cannot resolve on the parties’ papers. The Court has been provided with diametrically opposed interpretations of both parties’ authority under the Family Trust, whether Wife is even still a Trustee, and as to the propriety of the ongoing construction, improvements being made and events being held on 2900 Paradise Drive.

At this time, the Court is not satisfied that the Deed to 2900 Paradise Drive needs to, or should, be “corrected,” or what the consequences to such a “correction” will be. The intent to Deed the property to the Trust seems clear from the original Offer and Purchase Agreement.

The Court further fails to find any factual support for why Wife should have any greater access to the 2900 Paradise Drive property than Husband.

Finally, given the parties' respective positions, the Court questions whether the coexisting fiduciary duties of Husband and Wife – on the one hand, to the Goldstein Family Trust, and on the other hand, and to each other and the community as divorcing spouses - creates a conflict of interest for each party.

Since these issues are not resolvable as a law and motion matter, if the parties cannot agree on an interim resolution, the Court suggests that the Trust issues be first resolved either in private mediation, or if the parties are not agreeable to mediation, the Trust issues could be bifurcated for a separate trial.

In the meantime, the Court makes the following interim orders pending resolution of the trust issues referenced above:

1. Husband's request to file the "Correction Deed" is denied, to be dealt with at trial.
2. Wife shall immediately cease all construction, renovation and/or improvement projects by any person or entity at 2900 Paradise Drive unless agreed to in writing by Husband.
3. Wife shall immediately cease all rentals, subletting and events by any person or entity at 2900 Paradise Drive, unless agreed to in writing by Husband.
4. Wife's request for exclusive use and possession of 2900 Paradise Drive is denied.
5. Husband shall be given access to all buildings on the property so that he can verify and document all construction, improvements and maintenance that has been done on the property to date. Husband shall be given continuing, regular access to all buildings on the property so that he can confirm Wife's compliance with Nos. 2 and 3 above. The parties shall meet and confer to see if they can come to some agreement with respect timing of Husband's access to minimize disruptions to Wife's and the children's privacy.
6. Wife shall provide Husband with any permits she has in her possession with regard to any construction, renovation and/or improvements made to 2900 Paradise Drive since 2023.
7. With regard to Wife's request for attorneys' fees and costs per Fam. C. § 2030, given the significant disparity in the parties' financial circumstances, the Court orders Husband to pay to Wife as and for attorneys' fees the sum of \$35,000.
8. Both parties' requests for sanctions per Family Code § 271 are deferred until the time of trial.

SO ORDERED.

The Court will prepare the order per Rule 5.125, California rules of Court

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are currently 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:

***February 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

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: 160 111 4119

Passcode: 636308

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: 02/14/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0000310

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: APRIL MINXIA XIE

and

RESPONDENT: SHELDON XIAODONG
WANG

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – OTHER: FOR EARLY
DIVISION OF FAMILY TRUST ASSETS

2) REQUEST FOR ORDER – OTHER: SEE #8

3) CASE PROGRESS CONFERENCE

RULING

This matter was continued for hearing on (1) Respondent/Husband’s 11/22/24 Request for Order (“RFO”) re early division of family trust assets and (2) Petitioner/Wife’s 12/24/24 RFO for an Order for Husband to effect changing title of Fidelity account No. ending in 8185 and Vanguard account No. ending in 4492 from joint tenants to tenants in common per the parties’ 6/22/24 Stipulation & Order.

Appearances required re: status.

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In the meantime, the Court makes the following order:

1. Father shall pay to Mother as and for spousal support, the sum of \$100/month, commencing as of 12/4/25,
2. Said payments shall be made on or before the 1st day of each month and shall continue until either party dies, Wife remarries, or further order of the Court.
3. Spousal support payments are neither taxable to the recipient nor tax-deductible by the Payor.

SO ORDERED.

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

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/14/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001247

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: KAILEY BARNARD

and

RESPONDENT: ROBERT BARNARD

NATURE OF PROCEEDINGS: 1) CHILD CUSTODY RECOMMENDING COUNSELING
2) CASE PROGRESS CONFERENCE

RULING

Custody/Visitation

On 1/3/25, per Mother's request to withdraw her Request for Temporary Restraining Order ("TRO"), the Court dismissed the TRO and referred the matter to Family Court Services ("FCS") regarding custody/visitation of the parties' minor children, Declan (DOB 2/3/21) and Olivia (DOB 11/30/22). The matter was set for 2/14/25 for receipt of the FCS Report & Recommendations and further hearing on the custody/visitation issues.

Regrettably, FCS did not receive the referral, so the parties have not yet had an appointment with the Recommending Custody Counselor. Therefore, this matter is continued to 3/28/25 at 9:00 am in Department D to give the parties an opportunity to meet with FCS.

Case Progress Conference

At the last Case Progress Conference, Mother raised the issue of dismissing the Petition for Dissolution of Marriage filed on 9/6/24. If the parties wish to discuss this issue, they are welcome to appear on 2/14/25 at 9:00 am. If they do not appear, this issue will also be continued to 3/28/25 at 9:00 am.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/14/25 TIME: 9:00 A.M. DEPT: D CASE NO: FL0001502

PRESIDING: HON. BETH S. JORDAN

REPORTER:

CLERK: STACY BOND

PETITIONER: LINA ELISABETH SCOTT

and

RESPONDENT: SHAWN MITCHELL
SCOTT

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

RULING

This matter is set for hearing on custody/visitation regarding the parties' two children: Weston (DOB 9/19/13) and Leo (6/1/17). On 12/20/24, following an ex parte hearing, the parties were referred to Family Court Services ("FCS"). FCS interviewed both parents, as well as both children and filed their Report & Recommendations with the Court on 2/4/25.

Education Specialist

On 1/7/25, the parties were ordered to attempt to agree upon an education specialist to assist in determining the best school options for Weston to maximize his comfort, and which will provide the best supportive services and therapist he requires. If the parties could not agree, they were each ordered to submit to the Court by 1/28/25 the names of two specialists they wish to work with and who are available, and the Court would designate one from the names provided.

Since the Court has not received any proposed evaluators from either party, the Court assumes they found and retained a mutually agreeable education specialist.

If that is not the case, both parties are required to appear for this hearing.

Custody/Visitation

Having reviewed the history of this case, including the parties' previous filings and Court orders, as well as the FCS Report & Recommendations, the Court finds that it is in the best interests of the children to adopt the FCS Recommendations, as modified below, as the Court's order on these matters.

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

1. The parents shall share joint legal custody.
2. The parents shall share joint physical custody.
3. Pending completion of the education specialist's assessment of the best school placement for Weston, the children shall remain at Bolinas Stinson school and the current custody timeshare shall remain in place. Under that custody timeshare, the children shall remain with Mother during the school week and shall be with Father each weekend. Parents may modify the custody schedule at any time per mutual parental agreement.
4. If Father is able to move within close proximity to the children's school, custody shall be shared on a 2/2/5 schedule.
5. Both children shall attend school consistently. Mother shall ensure that Weston attends school according to the terms of his most recent IEP.
6. Weston shall continue in individual therapy and shall continue working with the school counselor as directed by the school.
7. Parents shall not engage in acts of domestic violence in the presence of the children.
8. In order to ensure that the children are sufficiently well rested for school on Monday, Father shall ensure that the children adhere to an early bedtime on Sunday evenings as they will need to wake up early on Monday morning to commute to school.
9. Neither parent shall discuss court or other adult matters with, or in the presence of, the children.

SO ORDERED.

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

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FL0001502

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