

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 03/13/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL1900469

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

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PETITIONER:    MICHAEL WOLF

and

RESPONDENT:    LAURA PUCCI

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NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: REQUEST TO  
CHANGE RESIDENCE OF CHILD

RULING

**I. Procedural History**

Petitioner Michael Wolf (“Father”) filed a Request for Order (“RFO”) on February 10, 2025, seeking permission to move his son Bohdi, age 7 from the State of California to the Country of Mexico. Respondent Laura Pucci (“Mother”) was personally served with the RFO on February 25th, 2025. She filed no response.

Father has held sole legal and physical custody of the child since May 6, 2024.

On August 22, 2024, the court issued a Domestic Violence Restraining Order (“DVRO”), with Father and Bohdi as the protected parties. The DVRO hearing spanned two days, beginning on August 5 and ending on August 22, 2024. It was comprehensive with the court taking testimony from: Mother’s parents, who both expressed concern for their daughter’s mental health; Mother’s friends who also testified against her; and Bohdi’s teachers and coaches. Both Father and Mother also testified at the hearing. Before the court issued the DVRO, Mother exited the courtroom.

In 2019, the court also issued a DVRO against Mother and granted Father sole legal and physical custody, with professionally supervised visitation to Mother. Father optimistically dismissed this DVRO on November 25, 2019, after the parties filed a stipulated parenting plan.

Mother was arrested in November 2024 for violating the DVRO issued in August 2024. As well as for violating a third-party elder abuse restraining order issued against her. (CV0003216). She has been in custody since that time. On January 10, 2025, the Criminal Court received a psychological evaluation report pursuant to Penal Code § 1368.1, which found Mother to be

incompetent to stand trial. Criminal cases in which Mother is a defendant include violation of a DVRO (CR0004381) and property damage (CR0004381).

There are also multiple restraining orders entered against Mother: CV0002694, CV0003216, and this DVRO.

The finding in criminal court that Mother is incompetent to stand trial is at odds with conclusions of Daniel Pickar, PH.D. who performed a Brief Focused Assessment ("BFA") on Mother regarding a full psychological evaluation. The BFA was submitted to the court on October 23, 2019. In the BFA, which was conducted over five years ago, Dr. Pickar does not express a concern with Mother having unsupervised visits with the child. He expressed a discomfort with conducting a full psychological evaluation on Mother because "Dr. Pucci" was at that time, a licensed psychologist. He was unable to administer traditional psychological tests, because Mother is fully trained in the administration and interpretation of those psychological tests and was exposed to them in Graduate School. This complicated his ability to examine Mother. Dr. Pickar concluded that Mother was able to participate in unsupervised visitation so long as she remained in therapy and took medication when recommended.

Unfortunately, from the time she was evaluated, Mother's mental health has decompensated to the point that she finds herself in jail for violating the DVRO. She is also facing multiple criminal charges. Although Mother is a mental health professional, she lacks insight into her mental health which results in an inability controlling her impulses.

Father now requests to relocate to Sayulita, Mexico where his daughter Jazmin currently lives with her mother. Father has visited Sayulita for 23 years. He states in his declaration that it is reachable by plane in less than four hours and a two-hour time difference, and that the city is heavily populated by ex-patriots from the United States, Europe and South America. The request to move with Bohdi to Mexico is GRANTED.

## **II. The Standard of Proof.**

A parent entitled to custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child. California Family Code §7501(a); *Marriage of Burgess* (1996) 13 Cal.4th 25, 32. The noncustodial parent opposing the move bears the initial burden of showing that the proposed relocation would cause detriment to the child. If detriment is not shown, the custodial parent has a presumptive right to move.

The noncustodial parent's showing of detriment must do more than simply demonstrate detriment in the abstract. It must describe the specific detriment that would result from the move, with reference to the child and the custodial parent's plans for the child. *Marriage of Brown and Yana* (2006) 37 Cal.4th 947, 964. If the Court determines that the non-moving parent has made a prima facie showing of detriment to the child in its pleadings, only then is a full evidentiary hearing required.

"The dispositive issue is, accordingly, not whether relocating is itself 'essential' or expedient either for the welfare of the custodial parent or the child, but whether a change in custody is

'essential or expedient' for the welfare of the child." *J.M v G.H.* (2014) 228 Cal.App.4th 925, 935, citing *Marriage of Burgess*, supra, 13 Cal.4th 25, 38. A change is "essential or expedient" if it is in the child's best interest. *Marriage of LaMusga* (2004) 32 Cal.4th 1072, 1098. If, however, such a custody change would be detrimental to the child, then such an order is improper.

**A. This Case Involves a Parent Who Has Perpetrated Domestic Violence.**

Mother is the restrained person in multiple restraining orders and is currently being prosecuted for violating the DVRO issued by this court to protect her son and Father. "[B]efore reaching any [decision on a move-away motion], the court should conduct a detailed review of the evidence presented at trial and carefully weigh all of the relevant factors required by section 3044." *F.T. v. L.J.*, (2011) 194 Cal.App.4th 1. Under Cal. Fam. Code §3044, 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.

In this case, Mother has been found to have perpetrated domestic violence twice. In both instances, Bodhi was exposed to Mother's abusive behavior. In neither case has Mother rebutted the presumption against custody. She has also failed to follow earlier recommendations for mental health treatment which would have addressed the reasons Bodhi was removed from her custody. There is now another domestic violence restraining order in place protecting Father, Bodhi, his sister and his sister's mother. There are also two elder abuse restraining orders against Mother. In addition, Mother is facing criminal charges for violating these orders. Mother has not rebutted the presumption against custody pursuant to §3044.

**B. Consideration of Mother's Fitness to Maintain Parental Custody of the Child.**

In *Marriage of LaMusga*, supra, 32 Cal.4th at 1101, the court enumerated a list of factors that should be considered when deciding whether to modify a custody order in light of a custodial parent's proposal to change the residence of the child: the child's interest in stability and continuity in the custodial arrangement. The court must consider:

- the distance of the move;
- the age of the child;
- the child's relationship with both parents;
- the relationship between the parents including, but not limited to, their ability to communicate and cooperate effectively and their willingness to put the interests of the child above their individual interests;
- the wishes of the child if mature enough for such an inquiry to be appropriate;
- the reasons for the proposed move; and
- the extent to which the parents currently share custody.

Together, these factors have become known as the "*LaMusga* factors." The child's interest in stability and continuity in the custodial arrangement. The factors require a court to consider "...the paramount need for continuity and stability in custody arrangements - and the harm that may result from disruption of established patterns of care and emotional bonds with the primary caretaker."

Bodhi has lived full-time in Father's exclusive physical custody since May 6, 2024. Mother has opted to refuse visitation with her son. She has refused to cooperate with the court approved

visitation supervisor. Father has stepped-up to provide stability for his son despite difficulties for the family resulting from Mother's conduct and endless unfortunate drama.

Factors to consider:

1. The distance of the move.  
Father wishes to move to Sayulita, Mexico, which is a plane ride away. Father also agrees to have the child visit Bodhi's maternal grandparents who live in Southern Oregon. Professionally supervised visits consistent with prior orders, shall continue to be available with a professional selected by Father. Each parent shall split the cost of visitation, equally.
2. The age of the child.  
Bodhi is seven years old and has just transferred schools from West Marin to San Rafael. Before the move, Father explains that Bodhi was isolated and sometimes ostracized by his friends due to Mother's erratic behavior. This conduct likely humiliated the child. Father states in his declaration that Mother caused disruptions at his new school in San Rafael, leading to her arrest.
3. The child's relationship with both parents.  
Bodhi has not visited with his Mother because she has refused to participate in court authorized visits. The relationship has suffered due to her instability and deteriorating mental health. Father provides stability and has acted in the child's best interest.
4. The relationship between the parents including, but not limited to, their ability to communicate and cooperate effectively and their willingness to put the interests of the child above their individual interests.  
Mother has acted-out as a result of not engaging in mental health treatment for her mental health. She has not prioritized following court orders to see her child. The child has not visited with his mother for over one year due to Mother's refusal to follow court orders.
5. The wishes of the child if mature enough for such an inquiry to be appropriate.  
Bodhi turned 7 years old on January 20, 2025. He is too young to express a parental preference.
6. The reasons for the proposed move.  
Father states in his declaration that he seeks greater financial stability for Bodhi in a calmer and more suitable environment for raising a child. In addition, Bodhi's sister lives in Sayulita. Father and Bodhi have experienced drama caused by Mother over the last several years, due to Mother's erratic and abusive conduct. Father will also have greater financial stability in Mexico, as the cost of living is much lower than in Marin County.
7. The extent to which the parents currently are sharing custody.  
Father has sole legal and physical custody.

### **C. Enforcement of California Custody Orders.**

Under the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), Family Code §3400 *et seq.*, a California court that has made child custody determination has general continuing jurisdiction over the child. As long as a parent who is exercising visitation rights

continues to live in California, if a California court issued the original order it maintains jurisdiction over the child custody determinations. *Graham v. Superior Court* (2005) 132 Cal.App. 4th 1193.

In addition, should the Father register these orders before a Mexican court, a California court has jurisdiction under the UCCJEA to make a custody determination declining the exercise of jurisdiction if at the time it determines that California is an inconvenient forum under the circumstances. Family Code §3427(a).

Father argues in his papers that in cases involving international relocation, the child's best interests require both continuing contact between the child and the parent remaining in California, and guarantee enforceability of the California custody order in the foreign nation. *In re Marriage of Condon* (1998) 62 Cal.App.4th 533, 547. Here, Mother can resume contact with her son when her insight into her mental health improves. Possibly, psychotropic medication and therapy is all she needs to get back on the right footing, so she becomes a productive member of society and an active mother for Bodhi. Moreover, both parents have several paths in which to assert jurisdiction either in California or in Mexico.

Father does not believe that a move to Sayulita, Mexico, would be detrimental to Bodhi. He, Bodhi and even Mother have traveled together to (and at times lived in) Sayulita for several years. Bodhi's sister and her mother are settled in that community. Relocating to Mexico will provide emotional and financial security for Bodhi, where he can live a life free from the chaos and drama that has accompanied him most of his young life.

### **III. Move-Away Request is Granted.**

It is in the best interest of Bodhi to move with his Father and join Father's family in Sayulita, Mexico. Given the circumstances of this case and Mother's struggles, the court sees no downside to the move aside from the distance away from Mother. He, Bodhi and even Mother are familiar with the community. Bodhi's sister and her mother live there. Relocating to Mexico will provide emotional and financial security for Bodhi, where he can live a life free from the chaos and drama that has accompanied him most of his young life.

Good cause appearing, the court issues the following visitation orders:

1. Father continues to maintain sole legal and physical custody of Bodhi.
2. Father may relocate Bodhi out of the State of California if he feels it is in the best interest of the child to do so;
3. Father shall facilitate visits between Bodhi and Mother, consistent with prior orders, once Mother is released from jail and is able to demonstrate that she is mentally stable;
4. Father shall facilitate visits between Bodhi and his maternal grandparents who reside in Oregon every July for 2 weeks;
5. Bodhi shall be enrolled in school;
6. Father shall also provide Mother with an email address where she can contact the child. Father shall monitor all communications.

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 Mother 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 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.***

***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](http://www.marin.courts.ca.gov)***

***The Zoom appearance information is as follows:  
March 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: 03/13/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL2200142

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

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PETITIONER:      CASEY KEOHANE

and

RESPONDENT:      ERIC THOMAS

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NATURE OF PROCEEDINGS: REVIEW HEARING – CHILD SUPPORT

**RULING**

This matter is on for a review hearing regarding child support.

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.***



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*March 2025, 09:00 AM*

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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 03/13/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL0001073

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

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PETITIONER:      KIMMA BARRY

and

RESPONDENT:      KEITH BARRY

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NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD  
CUSTODY/VISITATION; OTHER: FAMILY REUNIFICATION THERAPY AND  
INDIVIDUAL THERAPY FOR MAGGIE

**RULING**

The parents have agreed to follow a parenting plan with the assistance of Marin Family Court Services. The agreement was reduced to custody and visitation orders and entered on March 10, 2025.

***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: 03/13/25      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL0001587

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

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PETITIONER:    ALEJANDRA  
MELENDEZ-SOTO

and

RESPONDENT:   MATTHEW RYAN  
LARIOS

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NATURE OF PROCEEDINGS: CHILD CUSTODY RECOMMENDING COUNSELING

**RULING**

Petitioner Alejandra Melendez-Soto (“Mother”) is the protected party of a 3-year Domestic Violence Restraining Order (“DVRO”) entered on February 10, 2025. Respondent Matthew Larios (“Father”) is the Restrained Party. The matter is on for custody and visitation orders following the DVRO hearing. No additional documents were filed.

Together, these parents have one child. Maverick is 18 months; born September 16, 2023.

Both 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 7.17.A.)]. Both parents were interviewed.

Currently, Father is to have unsupervised parenting time on Tuesdays and Thursdays from 5:20 PM – 6:30 PM and Sundays from 11 AM to 6 PM. There is to be no drinking when Maverick is present.

Criminal charges of misdemeanor domestic violence have been filed against Father. CR 0004738. A criminal protective order is also in place.

**CUSTODY AND VISITATION ORDERS**

The court has reviewed the Request for a DVRO filed by Mother, as well as the report issued by FCS on February 25, 2025, and finds that it is in the best interest of Maverick to adopt the FCS recommendations in full as follows:

1. Sole legal and physical custody to Mother.
  
  2. Father shall complete a 52-week batterers’ treatment course.
-

3. Father shall take a parenting class focused on parenting toddlers.
4. Father shall take an anger management class.
5. Pending completion of recommendations numbers 2 – 4, Father shall have unsupervised parenting time with Maverick on Tuesdays and Thursdays from 5:20 PM – 7 PM and Sundays from 11 AM to 6 PM.
6. Once Father successfully completes a 26 weeks of a 52-week batterers' treatment course, a toddler parenting class, an anger management class, and provided that he is in compliance with all orders issued by the criminal court if any such orders are issued, Father shall have custody of Maverick on alternate weekends from Saturday 11 AM through Sunday 6 PM and each Wednesday from 5:20 PM to 7 PM.
7. Father shall follow all orders issued by the criminal court if any such orders were issued.
8. Mother shall participate in counseling for victims of domestic violence.
9. Maverick shall not be brought into environments where alcohol is being consumed to excess.
10. Maverick shall not be exposed to domestic violence.
11. Maverick shall not be exposed to secondhand smoke as he has asthma.
12. Holiday Schedule:
  - Mother's Day and Father's Day (10 a.m. to 7 p.m.) shall be spent with the respective parent each year.
  - Mid-Winter February Break: The child shall be with Mother in odd-numbered years and Father in even-numbered years.
  - Spring Break: The child shall be with Father in odd-numbered years and Mother in even-numbered years.
  - Mid-Winter and Spring Break shall be defined as the parent's regular weekend plus the five weekdays.
  - April religious holidays (10 a.m. to 7 p.m.): The child shall be with Father in odd-numbered years and Mother in even-numbered years.
  - Memorial Day (10 a.m. to 7 p.m.): The child shall be with Mother in odd-numbered years and Father in even-numbered years.

- Fourth of July (10 a.m. to 7 p.m.): The child shall be with Father in odd-numbered years and Mother in even-numbered years.
- Labor Day (10 a.m. to 7 p.m.): The child shall be with Mother in odd-numbered years and Father in even-numbered years
- Halloween (4 p.m. to 9 p.m.): The child shall be with Father in odd-numbered years and Mother in even-numbered years.
- Thanksgiving shall be from Thanksgiving Day at 10 a.m. and shall be spent with Mother in odd-numbered years and Father in even-numbered years.
- Christmas (and any other religious holiday in December): Father shall care for the child from noon to 10 p.m. on Christmas Eve and Mother shall care for the child on Christmas Day. Once the child turns 8 years old, Father shall have the child until 1:30 in the event he wants to attend a midnight service.
- New Year's: New Year's Eve from 5 p.m. to the New Year's Day up to 7 p.m. shall be spent with Father in even-numbered years and with Mother in odd-numbered years.

13. Each parent shall have their own set of medications and medical equipment necessary for Maverick's asthma, eczema, and egg allergy. This includes an EpiPen for each parent.

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.***

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***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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