

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/02/25 TIME: 9:00 A.M. DEPT: B CASE NO: FL2301599

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: SAMUEL HARRISON

and

RESPONDENT: MONICA GRANT

NATURE OF PROCEEDINGS: ORDER TO SHOW CAUSE

RULING

This matter is on the court's own motion to resolve the parties' dispute concerning the Findings and Order After Hearing from the January 8, 2025 hearing date prepared by counsel for Petitioner/Father (FOAH).

The court has reviewed the FOAH and approves the FOAH as submitted.

Counsel for Mother is ordered to prepare the formal order after hearing.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter 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.

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/02/25 TIME: 9:00 A.M. DEPT: B CASE NO: FL0000101

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: SARAH LILIANNE LEVIN

and

RESPONDENT: RICHARD JAMES
PASHILK, JR.

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – VISITATION; ATTORNEY’S
FEES AND COSTS; OTHER: REIMBURSEMENT OF ADD-ONS

RULING

This matter comes before the court on Petitioner/Mother’s Request for Order (RFO), filed February 5, 2025, seeking modification of child visitation, reimbursement for child support add-ons, attorney’s fees and costs, and equal sharing of cost to prepare QDROs.

The Department of Child Support Services is providing child support enforcement services (see Notice Regarding Payment of Support, filed November 21, 2023), and Mother’s RFO regarding reimbursement for child support add-ons and for attorney’s fees and costs is continued to the DCSS calendar on May 15, 2025 at 1:30 p.m. in Department B.

As to Mother’s request for modification of child visitation, the Family Court Services’ (FCS) child custody recommending counselor interviewed both parents, reviewed parents’ pleadings, and issued a report on March 21, 2025.

Based on the information before the court, it appears that the best interest of the minor child, Jonathan (“JJ”), born January 12, 2022, will be served by the court adopting the recommendations of FCS, as set forth in its report issued on March 21, 2025, as modified by the court. The court will do so, and orders as follows:

All current orders shall remain in effect with the following additions/modifications:

Timeshare Schedule

1. JJ shall be with Father every Wednesday after pre-school until Friday evening. Father shall ensure that JJ attends his preschool on Fridays during the regular school year.
 - a. On Wednesdays, Father shall pick up JJ after preschool ends, which is currently 2:00 p.m. In the summer months, shall pick up JJ at 12:00 p.m. at an agreed-upon location in Novato.

- b. On Fridays, Mother shall pick up JJ from Father at 8:00 p.m. at the paternal grandmother's home in Petaluma.
2. Any changes to the schedule, or any additional time for JJ to be with either parent, shall occur as mutually agreed upon.

Holidays/Vacations

3. Winter Break (February): This break shall be the 5 weekdays, from 8:00 a.m. on Monday until 8:00 p.m. on Friday. JJ shall be with Father in the even years and with Mother in the odd. All exchanges shall occur at the paternal grandmother's home in Novato.
4. Spring Break: This break shall be the 5 weekdays, from 8:00 a.m. on Monday until 8:00 p.m. on Friday. JJ shall be with Mother in the even years and with Father in the odd.
5. Summer vacation: Father shall be permitted to have JJ for one five-day vacation period during the summer, which shall occur by Father expanding his time with JJ until Monday at 12:00 p.m. At the end of Father's vacation with JJ, Mother shall pick up JJ at an agreed-upon location in Novato. Father shall notify Mother of his selected vacation date by no later than May 1, 2025.
- 6.

Counsel for Father is ordered to prepare the formal order after hearing.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter 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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/02/25 TIME: 9:00 A.M. DEPT: B CASE NO: FL0000803

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: BRIAN MOORE

and

RESPONDENT: ANGELA MOORE

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – CHILD/SPOUSAL SUPPORT;
OTHER: PREVAILING PARTY; JURISDICTION ISSUES; 473
2) TRIAL READINESS CONFERENCE
3) REQUEST FOR ORDER – CHILD/SPOUSAL SUPPORT

RULING

This matter comes before the court on two Requests for Orders (RFOs):

1. Respondent/Mother’s Request for Order, filed June 3, 2024, seeking child support, spousal support, and attorney’s fees (Mother’s RFO).
2. Petitioner/Father’s Request for Order, filed February 21, 2025, seeking modification of child and spousal support, prevailing party attorney’s fees, personal property orders, imputation of income to Mother, and set aside of the August 23, 2024 FOAH (Father’s RFO).

FATHER’S REQUEST FOR PREVAILING PARTY ATTORNEY’S FEES

After a restraining order is denied, a court may order the party who requested the restraining order to pay the attorney’s fees and costs of a prevailing respondent “only if the respondent establishes by a preponderance of the evidence that the petition or request is frivolous or solely intended to abuse, intimidate, or cause unnecessary delay.” Family Code section 6344(b). Additionally, before the court may order fees under this statute, it must also find that “the party ordered to pay has, or is reasonably likely to have, the ability to pay.” Family Code section 6344(c).

Father’s request for prevailing party attorney’s fees and costs is DENIED. Mother’s request for permanent restraining orders against Father was denied and Father is the prevailing party; however, there is no evidence that Mother’s petition was frivolous, or that it was intended to abuse, intimidate or cause delay. It is not necessary for the court to determine Mother’s ability to pay.

FATHER'S REQUEST TO SET ASIDE PRIOR ORDERS

Father asks to set aside a portion of the court's August 23, 2024 FOAH (hearing date: July 3, 2024), and its February 21, 2025 FOAH (hearing date: December 11, 2024), based on C.C.P. § 473(b). C.C.P. § 473(b) provides that a party may seek to set aside an order taken against him by his mistake, inadvertence, surprise, or excusable neglect.

Father seeks to set aside a portion of the court's August 23, 2024 orders on the grounds that "the Court's basis for determining my wages and salary is unclear." (Father's RFO, Supporting Declaration, 2:27-end.) This is not a basis for a set-aside and is DENIED.

Father also asks to set aside the portion of the February 21, 2025 FOAH on the grounds that: (1) the court erroneously used gross, and not net, income from RSUs, and (2) the RSUs are assets to be divided at trial. Neither of these are grounds for a set aside pursuant to C.C.P. § 473(b). Father's request is DENIED.

FATHER'S REQUEST TO RETRIEVE PERSONAL PROPERTY

Mother has put up unreasonable roadblocks to Father's ability to retrieve his personal property from the family residence. Mother does not want Father to come to the home for longer than one hour for a walk-through. Mother states that if Father wants copies of family photos, Father should provide a list, and Mother will have copies made at Father's expense. The court will not require a party to remember which photos and furniture and other items that party wants assigned to them. Father's request for a walk-through, and time to take photos of items inside the marital home, is reasonable. Father's request is GRANTED.

1. Father shall be permitted to select two dates for retrieval of personal property from the family residence, each of which may be up to four hours in length. Mother may be present if she wishes, and each party may have a support person present if they wish. Father shall not remove items from the family home unless agreed by the parties.
2. On the first session, Father shall be permitted to retrieve the items of personal property which Mother has already confirmed, in writing, that Father may take. During that session, Father may also take photos of the remaining items, to aid in future resolution.
3. On the second session, Father shall be permitted to remove additional agreed-upon items and may take additional photos of remaining items.

Any items remaining in dispute will be addressed through counsel.

CHILD SUPPORT AND *PENDENTE LITE* SPOUSAL SUPPORT

Father asserts that he was involuntarily terminated from his employment at Salesforce and is entitled to severance pursuant to the Executive Severance Plan. Father states, in his income and expense declaration filed March 12, 2025, that he will receive six months of severance, but the exact amount and/or duration is unknown. Father also states that COBRA health insurance will be covered pursuant to his severance plan for 6 to 12 months.

Additionally, Mother appears to be spending her inheritance (an IRA she inherited from her mother) in order to meet her monthly expenses. In her September 4, 2024 income and expense declaration, Mother states that the value of her inherited IRA account was \$524,647.49 as of July 31, 2024.

Mother, not Father, provided a copy of Father's Executive Severance Plan, dated June 15, 2021. Father did not provide a copy of his notice of termination, the amount of his severance remains unknown, and the duration of his COBRA coverage remains unknown. Father did not provide a copy of the Severance Plan signed by Father on January 15, 2025, and referred to by Ms. Chung (Father's CPA). It does appear, at a minimum, that Father's severance pay will extend to at least June 2025. Father is ordered to seek work.

Mother has not provided a copy of her 2024 1099-R showing distributions from her inherited IRA, nor does the court have information regarding the date she inherited the IRA, or its value at that time. The court declines to consider withdrawals by Mother from her inherited IRA as income available for support for Mother. The court is inclined, however, to impute a reasonable rate of return to Mother on this asset. *Kern v Castle* (1999) 75 Cal.App.4th 1442, Family Code section 4058(a)(3).

As to Father's request for imputation of income of Mother based on either the vocational evaluation or minimum wage income, the court notes that Mother has cooperated with the recommendations of the vocational evaluator. Mother is ordered to increase her reporting of her job/career search efforts to include information regarding applications for employment, including: date of application, job description, contact person, results of application, and followup actions taken. Father's request to impute additional income to Mother based on the vocational evaluation or minimum wage is DENIED. The court does reserve jurisdiction over interest earned on Mother's inheritance, as discussed below.

Both parties appear to expect the court to make a determination regarding bonus support at this hearing, but that matter is not before the court.

The court declines to modify base child or *pendente lite* spousal support at this time. Father's base income does not appear to have materially changed. Mother's situation has also not changed, although she is complying with the court's orders and spending time pursuing employment.

The matter is continued to July 16, 2025 for child and *pendente lite* spousal support review, and the court continues to reserve jurisdiction retroactive to June 3, 2024. This reservation of jurisdiction is to ensure that the currently unknown factors will be considered, including but not limited to: (1) determination of characterization of RSUs, and whether they represent community property to be divided, or compensation and income available for support; (2) determination of the amount of Father's severance; and, (3) determination of interest generated by Mother's inheritance.

By July 2, 2025, Father is ordered to file and serve an updated income and expense declaration, with a copy of his termination notice or other information regarding his severance, the date(s) and amount(s) of severance pay received, and information regarding the length of COBRA coverage. Father also shall include a statement regarding his job search efforts.

By July 2, 2025, Mother is ordered to file and serve information regarding her job/career search efforts, the date she received her inherited IRA, and the amount of the inherited IRA at the date of inheritance. If Mother's IRA was inherited prior to 2024, then Mother is ordered to provide an accounting of the IRA funds from the date of inheritance until December 31, 2024.

By July 9, 2025, each party is ordered to file and serve a support calculation and explanatory declaration, pursuant to MCR Fam 7.13(D).

TRIAL READINESS CONFERENCE

Mother Trial Readiness Conference Statement asserts that she needs additional time for discovery to determine the reason for Father's termination from employment at Salesforce. Father's assertion that he is entitled to a severance is undisputed. The Executive Severance Plan, dated June 15, 2021, submitted to the court by Mother, provides that Father is entitled to a severance only if he is involuntarily terminated, and only if that termination is not for cause. More information regarding the reason for Father's termination is not needed.

Parties are ordered to appear to set the matter for a Bench Bar Settlement Conference.

Counsel for Mother is ordered to prepare the formal order after hearing.

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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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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/02/25 TIME: 9:00 A.M. DEPT: B CASE NO: FL0001436

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: OLABODE SUNDAY
AJIBOYE

and

RESPONDENT: VERONICA MARIE
AJIBOYE

NATURE OF PROCEEDINGS: PETITION – DOMESTIC VIOLENCE RESTRAINING ORDER

RULING

Appearances required.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/02/25 TIME: 9:00 A.M. DEPT: B CASE NO: FL0001655

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: ELIZABETH EROL

and

RESPONDENT: REGINALD HECTOR

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

RULING

Appearances required.

This matter comes before the court on Petitioner/Mother’s Request for Order (RFO), filed February 14, 2025, seeking child custody and visitation orders.

The Family Court Services’ (FCS) child custody recommending counselor interviewed both parents, reviewed parents’ pleadings, and issued a report on March 26, 2025.

Based on the information before the court, it appears that the best interest of the minor child, Elijah, born September 29, 2021, will be served by the court adopting the recommendations of FCS, as set forth in its report issued on March 26, 2025, as modified by the court. The court will do so, and orders as follows:

Parental Responsibilities

1. The parents shall share joint legal custody of Elijah. The parents shall share in the responsibility and confer in good faith on matters concerning the child’s health, education and welfare. Both parents shall have access to the child’s school, medical, mental health, and dental records and the right to consult with professionals who are providing services to the child.
2. The parents shall share joint physical custody of Elijah.

Timeshare Schedule

3. Elijah shall be with Father on the following schedule (and with Mother the remainder of the time):
 - *During the school year:* Every Friday at 12:30 p.m. until Sunday at 8:00 p.m.
 - *During the summer:* Every Friday at 12:30 p.m. until Monday at 4:00 p.m.
-

4. Any changes to the schedule, or any additional time for Elijah to be with either parent, shall occur as agreed upon by the parents.

Holidays/Vacations

5. The parents shall have Elijah equally for Holidays and Vacation, on an agreed upon schedule.

Collateral Issues

6. Both parents shall take a co-parenting class and bring proof of successful completion to any future mediations or court hearings.
7. The parents shall use Our Family Wizard to communicate about Elijah.
8. The parents shall engage in peaceful contact only in the presence of Elijah.
9. Neither parent shall make any disparaging comments about the other parent in the presence of Elijah or allow others to do so.

Counsel for Father is ordered to prepare the formal order after hearing.

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