

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/03/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000103

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: KATHERINE BRUHN

and

RESPONDENT: NICOLAS DUFFORT

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

RULING

Petitioner Katherine Bruhn (“Mother”) filed for temporary emergency orders on February 7, 2025, seeking custody and visitation orders. The court entered orders on March 5, 2025, setting a hearing for the following week. The matter was continued to April 3 by request of the parties. Respondent Nicolas Bruhn (“Father”) filed a responsive declaration on February 27. Mother filed a reply declaration on March 3.

Together, these parents have one child. Lilou is 3 years old. She was born on April 3, 2022. Happy Birthday Lilou!

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 on March 5, 2025. Mother filed a statement of disagreement to the FCS report on March 26. Father filed a statement of disagreement on March 27.

Mother lives in Bloomington, Illinois and Father lives in Sausalito. Mother is an assistant professor at Illinois State University and Father is a project manager for an environmental consulting company.

The current schedule provides that Lilou is with both parents on an alternating 3-week schedule beginning 2-15-25 as well as one-hour Facetime each day with the non-custodial parent.

Mother does not agree with Father’s hope to enroll the child in Lycess Francais private French school at a cost of \$35,000.00 per year. She also raises concerns about flights for the child, shuttling back and forth from Illinois. Father hopes to continue with the current 3 week on off schedule until the school term begins.

CUSTODY AND VISITATION

The parents were able to reach agreements with the assistance of FCS on the following issues, which the court finds good cause to approve:

1. Facetime: When Lilou is in Nick's care in California, Katherine shall have Facetime calls with Lilou daily between 7:00 a.m. and 7:30 a.m. and 5:30 p.m. and 6:00 p.m. (California time). When Lilou is in Katherine's care in Illinois, Nick shall have Facetime calls with Lilou between 4:30 p.m. and 5:30 p.m. (California time).
2. The parent shall use Our Family Wizard (or another agreed upon parenting app) to communicate.

The court has reviewed the statements submitted by the parents. The court has also reviewed the moving and responsive papers associated with the Request For Order. This is a complicated case that involves parents who should work better together in the best interest of the child. The parents are welcome to meet during the hearing to finalize the timeshare schedule with the assistance of either the court or the Family Law Facilitator. For now, the court finds it is in the best interest of the child to adopt the FCS recommendations as follows:

Parental Responsibilities

1. The parents shall share joint legal custody of Lilou. 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 Lilou.

Timeshare Schedule

3. If both parents live within 50 miles of one another, then Lilou shall live with both parents on an agreed upon 50/50 schedule.
4. If Mother continues to live in Illinois and Father continues to live in California, then:
 - **Until 5-12-25:** the currently ordered 3-week rotating schedule shall remain in place.
 - **Summer of 2025:** Lilou shall be with both parents (in both California and Illinois) on an agreed upon 50/50 schedule in increments of no less than 2 weeks but no more than 3 weeks.
 - **2025-2026 school year:** Lilou shall be primarily in Illinois with Mother and shall be with Father for one week every month in California and one week every month in Illinois, on an agreed upon schedule.

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

Holidays/Vacations

6. The Holidays and vacations shall be shared equally by the parents on an agreed upon schedule.

Collateral Issues

7. The parents shall work with an agreed upon co-parent counselor to help them peacefully and constructively communicate regarding Lilou.
8. Lilou shall be exposed to peaceful contact only between her parents.
9. Neither parent shall make any disparaging comments about the other parent in the presence of Lilou or allow others to do so.
10. Neither parent shall discuss court matters or any other adult issues in the presence of Lilou.
11. The parents shall return to Family Court Services in **March of 2026** if they continue to disagree about where Lilou shall attend kindergarten in Fall of 2026.

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 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:

April 2025, 09:00 AM

Join Zoom Meeting

<https://marin-courts-ca-gov.zoomgov.com/j/1606182824?pwd=I6jw01P3LyZYAJ8MzZYeRoeWy07bxE.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: 04/03/25 TIME: 9:00 A.M. DEPT: L CASE NO: FL0001073

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: KIMMA BARRY

and

RESPONDENT: KEITH BARRY

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD SUPPORT; OTHER:
TEMPORARY SPOUSAL SUPPORT

RULING

Appearances are required. The court is inclined to adopt the recommendations of Petitioner Kimberly Barry as submitted in her filing on March 7, 2025.

The court will make the Family Law Facilitator available to assist the parent with support calculations.

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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