

1 **Important Information for Tentative Rulings and Hearings:**

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- 3 1. Please review and follow the Tentative Ruling Instructions which can be found on the Court’s website
- 4 using the following link: <https://sf.courts.ca.gov/divisions/unified-family-court/ufc-tentative-rulings>.
- 5 2. If you wish to make an objection to the Tentative Ruling in your case, you must notify the other party
- 6 (unless there is a restraining order in place) and the Court Clerk in the Department where the hearing
- 7 is scheduled of your objection by 4:00 PM the Court day prior to the hearing date. Court days do not
- 8 include Court holidays, Saturdays, or Sundays. The Court’s Holiday Schedule can be found on the
- 9 Court’s website using the following link: [https://sf.courts.ca.gov/general-information/holiday-](https://sf.courts.ca.gov/general-information/holiday-schedules)
- 10 [schedules](https://sf.courts.ca.gov/general-information/holiday-schedules).
- 11 3. To contact the Court Clerk in Dept. 403 to make an objection to the Tentative Ruling in your
- 12 case, please call (415) 551–3741 or send an email to Department403@sftc.org.
- 13 4. To contact the Court Clerk in Dept. 404 to make an objection to the Tentative Ruling in your
- 14 case, please call (415) 551–3744 or send an email to Department404@sftc.org.
- 15 5. When you contact the Court Clerk to make an objection to the Tentative Ruling in your case, please
- 16 specify the paragraph(s) and / or line number(s) of the Tentative Ruling which contains the language
- 17 to which you object.
- 18 6. You may appear at your hearing either (a) in-person; (b) by video; or (c) by phone. Pursuant to SFLR
- 19 11.7(D)(4), if you choose to appear by video or phone, you must be continuously connected to Zoom
- 20 from 8:50 a.m. until 12:00 p.m. or until your hearing is concluded. If you fail to appear in-person, by
- 21 video, or phone, the Court may proceed with the hearing in your absence. The Court is not required to
- 22 contact you before your hearing.
- 23 7. If you choose to appear by video or by phone, you must comply with the Notice and Instructions for
- 24 Remote Appearances in San Francisco Family Court set forth below.
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1 3. Attached to his declaration is a status report from Rally dated February 6, 2024 stating that
2 Mother has cancelled multiple times which resulted in suspension of Rally services and the case was
3 removed from the schedule.

4 4. Father has enrolled and regularly participated in the classes required by the Court's orders.
5 Attached to his declaration is a letter dated November 14, 2023 from Edgard Avakian, Program Director
6 at Program for the Family reflecting Father has participated in 42 classes of the 52 week program
7 designed to eradicate domestic violence.

8 5. In his previous declaration Father stated he had participated regularly in Rally visitation. Father
9 noted the minor daughter demonstrated reluctance to participate. Father was confident she would come
10 around and encouraged the Court to instruct Mother to positively encourage the minor child to participate
11 in the visits.

12 6. The Court also previously received the Rally Family Visitation Services report dated November
13 16, 2023. The report reflects twenty-four (24) supervised visits were scheduled to occur and one (1) visit
14 took place for a short time. Sixteen (16) visits were child refusals and seven (7) visits were canceled. The
15 Court notes that Father and Mother regularly appeared at the visits but the minor child refused despite
16 best efforts at the time. Father regularly brought gifts for the minor child. The Court notes the child gladly
17 accepted the gifts brought by Father.

18 7. Respondent Mother did not file an update declaration as previously ordered. This is a repeated
19 violation of this Court's orders.

20 8. Appearances are required. Father is to provide proof of his further attendance at the 52-week
21 program. Mother is to explain her failure to show up to the Rally scheduled visitations.
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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 CHANNING A BERRY,

7 Petitioner

8 VS.

9 VICTORIA BERRY,

10 Respondent

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) Case Number: FDI-17-788704

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) Hearing Date: April 18, 2024

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) Hearing Time: 9:00 AM

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) Department: 403

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) Presiding: RUSSELL S. ROECA
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12 REQUEST FOR ORDER CHANGE OF SPOUSAL OR PARTNER SUPPORT

13 **TENTATIVE RULING**

14 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the
15 Court makes the following findings and orders:

16 **A. Procedural History**

17 1. On for hearing is Petitioner's 4/8/2024 Request for Order to change the 10/22/2018 spousal
18 support order from \$1,234 per month, to \$0 because of substantial changes in both parties' circumstances.

19 2. On 4/5/2024, Respondent filed a Responsive Declaration stating that commencing 4/1/2024, she
20 agrees to a modification of spousal support to \$0, but requests that Petitioner still be required to pay
21 \$1,234 per month to her for \$82,111.31 in outstanding spousal support arrears, \$42,117 in child support
22 arrears, and \$15,363.23 in unpaid interest. Respondent requests the Court order Petitioner to pay 20% of
23 any bonus he receives to be credited toward arrears. Respondent also requests an order determining the
24 amount of spousal support arrears to be \$82,111.

25 3. On 4/11/2024, Petitioner filed a Reply stating that shortly after the original support order was
26 made, his income was reduced from \$185,000 to \$100,000, he is only able to pay \$600 per month in
27 arrears, and he does not agree with Respondent receiving 20% of his bonus income.

28 **B. Findings and Orders**

29 1. Effective 4/1/2024, Petitioner shall pay \$0 per month in spousal support.

1 2. The parties are ordered to meet and confer by 5/31/2024 to try to come to an agreement of the
2 total amount due for arrears and schedule for Father to repay that amount. The parties may then file that
3 agreement with the Court.

4 3. If the parties are unable to reach agreement, they shall return to court on 7/25/2024 at 9:00AM in
5 Dept. 403. Father is to file and serve an Update Declaration 20 days before the next hearing date, stating
6 whether he agrees with the amount of arrears Mother states he owes. Both parties shall also file and serve
7 updated income and expense declarations with supporting documentation 10 days before the next hearing
8 date. Mother shall file and serve a response 10 days in advance of the next hearing date.

9 4. Counsel for Mother shall prepare the order.

10 5. Preparation of Order: If you are directed by the court to prepare the order after hearing – within 10
11 calendar days of the hearing you must either: (a) Serve the proposed order to the other party/counsel for
12 approval, and follow the procedures set forth in CA Rules of Court, Rule 5.125(c), or (b) If the other party
13 did not appear or the matter was uncontested, submit the proposed order after hearing directly to the
14 court. Failure to submit the order after hearing within 10 days may allow the other party to prepare a
15 proposed order and submit it to the court in accordance with CA Rules of Court, Rule 5.125(d).

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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 PATRICIA JANE SMITH,

7 Petitioner

8 VS.

9 MICHAEL A SMITH,

10 Respondent

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) Case Number: FDI-20-794028

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) Hearing Date: April 18, 2024

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) Hearing Time: 9:00 AM

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) Department: 403

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) Presiding: RUSSELL S. ROECA
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12 OTHER REVIEW HEARING

13 **TENTATIVE RULING**

14 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the
15 Court makes the following findings and orders:

16 **A. Procedural History**

17 1. On for hearing is a review of the Court's 2/22/2024 hearing, in which the Court ordered that CEO
18 Brandon Riley was appointed as elisor to execute the Moon, Schwartz, & Madden QDRO documents that
19 Respondent failed to sign by the 12/28/2023 deadline.

20 2. The parties filed no updates.

21 3. The Court received a belated request to continue the matter on 4/17/2024.

22 **B. Findings and Orders**

23 1. The matter is continued to 7/23/2024 at 9:00AM in Dept. 403.

24 2. Petitioner's counsel shall prepare the order.

25 3. **Preparation of Order:** If you are directed by the court to prepare the order after hearing – within
26 10 calendar days of the hearing you must either: (a) Serve the proposed order to the other party/counsel
27 for approval, and follow the procedures set forth in CA Rules of Court, Rule 5.125(c), or (b) If the other
28 party did not appear or the matter was uncontested, submit the proposed order after hearing directly to the
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1 court. Failure to submit the order after hearing within 10 days may allow the other party to prepare a
2 proposed order and submit it to the court in accordance with CA Rules of Court, Rule 5.125(d).

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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 KILLIAN KOEPESELL,

7 Petitioner

8 VS.

9 INA KALO KOEPESELL,

10 Respondent

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) Case Number: FDI-21-795406

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) Hearing Date: April 18, 2024

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) Hearing Time: 9:00 AM

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) Department: 403

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) Presiding: RUSSELL S. ROECA
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12 REVIEW HEARING RE: VISITATION

13 **TENTATIVE RULING**

14 **Appearances required. The parties may appear in-person, by video, or by phone. If a party chooses**
15 **to appear by video or by phone, that party must abide by the Notice and Instructions for Remote**
16 **Appearances in San Francisco Family Court set forth above.**
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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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6 KEN FOCHT,)
7 Petitioner) Case Number: FDI-23-797846
8 VS.) Hearing Date: April 18, 2024
9 LINDA BOSE-FOCHT,) Hearing Time: 9:00 AM
10 Respondent) Department: 403
11) Presiding: RUSSELL S. ROECA
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15 FL 300 RE FL 141 FOC REUEST FOR ORDER : ORDERS TO REQUIRE RESPONDENT TO
16 SERVER HER DISCLOSURES

17 **TENTATIVE RULING**

18 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the
19 Court makes the following findings and orders:

20 **A. Procedural History**

- 21 1. On for hearing is Petitioner’s 1/29/2024 Request for Order for “to require respondent to serve her
22 disclosures.”
23 2. Respondent’s counsel was served by email on 1/29/2024. Respondent failed to file a Responsive
24 Declaration.

25 **B. Findings and Orders**

- 26 1. It appears that Petitioner is filing a motion to compel under Family Code section 2107(b)(1). The
27 motion to compel further response is granted.
28 2. The matter is continued to 7/16/2024 to review Respondent’s compliance. Moving party shall file
29 and serve a declaration at least 20 calendar days in advance of next hearing setting forth any further
requested relief, if other party has not complied. Respondent may file a response to that declaration 10
calendar days in advance of the next hearing date.
3. Counsel for Petitioner shall prepare the order.

1 **4. Preparation of Order:** If you are directed by the court to prepare the order after hearing – within
2 10 calendar days of the hearing you must either: (a) Serve the proposed order to the other party/counsel
3 for approval, and follow the procedures set forth in CA Rules of Court, Rule 5.125(c), or (b) If the other
4 party did not appear or the matter was uncontested, submit the proposed order after hearing directly to the
5 court. Failure to submit the order after hearing within 10 days may allow the other party to prepare a
6 proposed order and submit it to the court in accordance with CA Rules of Court, Rule 5.125(d).

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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 LETICIA RUIZ,

7 Petitioner

8 VS.

9 JOSE MIGUEL RIVERA SORIA,

10 Respondent

)
) Case Number: FDI-23-798492

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) Hearing Date: April 18, 2024

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) Hearing Time: 9:00 AM

)
) Department: 403

)
) Presiding: RUSSELL S. ROECA
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11
12 REQUEST FOR ORDER RE: SPOUSAL OR PARTNER SUPPORT, AND ANNULMENT

13 **TENTATIVE RULING**

14 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the
15 Court makes the following findings and orders:

16 **A. Procedural History**

17 1. On for hearing is Petitioner's 2/1/2024 Request for Order for the Court to grant her request or
18 annulment, order Respondent to pay her spousal support, that Respondent be held solely responsible for
19 the debts he acquired during the marriage, and for Respondent to reimburse her for payments she made
20 toward his debt after separation. Petitioner is states that Respondent that is still married to his first wife
21 and has admitted to marrying her to secure financial support.

22 2. Petitioner filed proof of service personal on 3/29/2024. Respondent did not file a Responsive
23 Declaration.

24 **B. Findings and Order**

25 1. The matter is continued to 7/25/2024 at 9:00AM in Dept. 403. At least 20 calendar days prior to
26 the next hearing date, order Petitioner to file and serve a declaration: (a) setting forth her position
27 regarding the attachment to Respondent's Response filed 11/9/2024 which Respondent purports to show
28 that he divorced his prior spouse before the parties in this case were married and (b) explaining whether
29 the Court should impute Petitioner with full-time minimum wage income and why not. (3) At least 10

1 calendar days prior to the next hearing date, Respondent shall file and serve a fully completed Income and
2 Expense Declaration as well as a declaration responding to all pleadings related to Petitioner's Request for
3 Order filed 2/1/2024. (4) At least 5 calendar days prior to the next hearing date, Petitioner may file and
4 serve a Reply Declaration.

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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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6 KABIR SINGH SIKAND,)
7 Petitioner) Case Number: FDI-23-798647
8 VS.) Hearing Date: April 18, 2024
9 PREETI HOODA SIKAND,) Hearing Time: 9:00 AM
10 Respondent) Department: 403
11) Presiding: RUSSELL S. ROECA
12)

13 REQUEST FOR ORDER SPOUSAL OR PARTNER SUPPORT, CHILD SUPPORT, ATTORNEY
14 FEES AND COSTS, ORDERS TO RETROACTIVE TO THE DATE OF FILING

15 **TENTATIVE RULING**

16 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the
17 Court makes the following findings and orders:

18 **Appearances required. The parties may appear in-person, by video, or by phone. If a party chooses**
19 **to appear by video or by phone, that party must abide by the Notice and Instructions for Remote**
20 **Appearances in San Francisco Family Court set forth above.**

21 **Visitation**

22 Appearances Required concerning Visitation. The parties through counsel are ordered to meet and confer
23 in advance of the hearing to regarding visitation.

24 1. On April 3, 2024 Respondent Mother filed her update declaration seeking additional visitation
25 with the minor son Kai (DOB: 11.4.14). She noted the tentative ruling from January 2024 in which the
26 Court indicated there could be joint legal and joint physical custody.

27 2. On April 8, 2024 Petitioner Father filed his update declaration requesting that the Court continue
28 supervised visitation through the DVRO trial date and order that an alternating Sunday visit from 9:30
29 a.m. to 6:30 pm. replace the current Monday visit and that Mother share in the cost of supervised visits.

1 3. On April 9, 2024 Father filed a supplemental declaration regarding visitation. He states that
2 Mother was improperly sending messages to Kai through the OFW application. Father requests an order
3 that Respondent stop messaging through OFW to Kai and that she participate in therapy with Kaiser.

4 4. The Court notes trial on the mutual requests for domestic violence restraining orders is set for
5 June 17, 2024 and June 18, 2024 in Dept. 405.

6 5. Mother currently has nine hours per week visitation with Kai. Based upon the review of the
7 parties' submissions, the Court finds it is in the best interest of Kai that Mother have increased visitation.
8 The Court orders the parties to meet and confer through counsel and propose an agreed upon increase in
9 parenting time with Kai.

10 **Support**

11 **A. Procedural History**

12 1. On for hearing is Mother's 1/29/2024 Request for Order for guideline child and spousal support
13 and \$35,086.70 in attorney's fees and costs.

14 2. On 4/3/2024, Mother filed a Supplemental Declaration.

15 3. On 4/5/2024, Father filed a Responsive Declaration stating that in March 2024, he advanced
16 Mother \$10,000 for support and \$10,000 in attorney's fees, Mother receives \$2,100 per month in rental
17 income, that he lost his job the day after Mother filed her RFO, he is not yet receiving unemployment,
18 Mother likely owes him support, he would like to be credited the \$10,000 he has advanced, that Mother
19 should be issued a Gavron warning, and requesting the Court deny Mother's request for retroactive
20 support, payment of bonus support, and attorney's fees.

21 4. On 4/11/2024, Mother filed a Reply stating that she is entitled to spousal support under Family
22 Code Section 3600 and attorney's fees are mandatory as there is a significant disparity in access and
23 ability to pay attorney's fees.

24 25 **B. Findings and Orders**

26 **A printout of the Dissomaster computer calculation and findings is attached and incorporated in**
27 **this order.**

1 **1. Guideline Child and Temporary Spousal Support**

2 a. February 2024: Mother shall pay to Father \$73 in guideline child support. Father shall
3 pay to Mother \$6,388 in temporary guideline spousal support. Father shall pay to Mother \$31,776 in
4 bonus spousal support and \$67 in bonus child support.

5 Total Amount Due from Father to Mother for 2/2024: \$6,315 + \$31,843= **\$38,158**

6 b. March and April 2024: Mother shall pay to Father \$97 in guideline child support.
7 Father shall pay to Mother \$5,544 in temporary guideline spousal support.

8 Total Amount Due from Father to Mother for 3/2024: **\$5,447**

9 Total Amount Due from Father to Mother for 4/2024: **\$5,447**

10 c. A Dissomaster for prospective support commencing 5/1/2024, will be created once the
11 parties agree on an increased timeshare for Mother. If the parties do not come to an agreement, the Court
12 will decide.

13 d. Total amount of support owed for 2/1/2024-4/30/2024 is \$49,052. Father to receive credit
14 for the \$10,000 he voluntarily paid Mother in March 2023. Thus, Father owes Mother a total payment of
15 \$39,052 in support that is to be paid in full no later than 4/30/2024 at 5:00pm.

16 **2. Attorney's Fees and Costs**

17 The Court finds that there is a significant disparity in access to funds to pay attorney's fees and that
18 Father has the ability to pay for both his own attorney's fees and to contribute to Mother's attorney's fees.
19 The Court will award to Mother \$35,086 in attorney's fees and costs under Family Code section 2030 for
20 fees incurred to date. The Court finds that this fee award is reasonable. Father's attorney's fees exceed
21 \$130,000. Father voluntarily paid Mother \$10,000 in attorney's fees on 3/22/2024. Respondent shall pay
22 the remaining \$25,086 to Mother from Father's separate property no later than 5/15/24 at 5:00 PM.

23 **3. Dissomaster Inputs**

24 Father states he was laid off work on 1/30/2024. Father received \$14,437.50 in gross pay for the period of
25 2/1/2024-2/15/2024. Father did not provide a check stub for the period of 2/15/2024-2/29/2024, but states
26 on his Income and Expense Declaration that he was paid his regular salary through 2/29/2024. However,
27 Father received \$15,750 in gross pay for the period of 3/1/2024-3/15/2024, which states 94 hours of pay
28 for the singular date of 3/1/2024 and the check was also cut on that day. The Court will calculate the
29 \$15,750 in gross pay toward his February income, per Father's income and expense declaration statement

1 that he received his “regular salary received through 2/29/2024.” On 3/20/2024, Father received \$53,307
2 in gross pay for severance, which reflects 8 weeks of gross pay.

3 On 2/23/2024, Father received \$9,414.08, \$18,144.88, \$22,092.72, and \$25,585 in Restricted Stock Unit
4 payments.

5 On 2/29/2024, Father received \$84,169.48 in bonus pay.

6 The Court calculates Father’s monthly income as follows February 2024 is \$30,187.50 in gross pay and
7 \$75,236.71 in RSU income, and \$84,169.48 in bonus pay. Father owes a bonus payment on the amount of
8 \$159,406.19

9 Father’s monthly income for March 2024 is 4 weeks of gross severance pay totaling \$26,653.50.

10 Father’s monthly income for April 2024 is \$26,653.50 for 4 weeks of severance pay.

11 The parties agree that Mother receives \$2,100 per month in rental income.

12 4. The Court reserves jurisdiction over all other requests for reimbursement.

13 5. All other requests are denied.

14 6. Counsel for Mother shall prepare the order.

15 7. Preparation of Order: If you are directed by the court to prepare the order after hearing – within
16 10 calendar days of the hearing you must either: (a) Serve the proposed order to the other party/counsel
17 for approval, and follow the procedures set forth in CA Rules of Court, Rule 5.125(c), or (b) If the other
18 party did not appear or the matter was uncontested, submit the proposed order after hearing directly to the
19 court. Failure to submit the order after hearing within 10 days may allow the other party to prepare a
20 proposed order and submit it to the court in accordance with CA Rules of Court, Rule 5.125(d).

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PREPARED BY (NAME AND ADDRESS): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER: FDI-23-798647 Sikhand v. Sikhand February

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	1	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	5%	Father	21,052	Payment (cost)/benefit	(6,315) 6,315
Filing status	MFJ->	<-MFJ	Mother	1,576	Net spendable income	14,737 7,891
# Federal exemptions	2*	1*	Total	22,628	% combined spendable	65.1% 34.9%
Wages + salary	30,187	0	Support (Nondeductible)	Total taxes	8,777	524
401(k) employee contrib	1,575	0	CS Payor	Mother	Comb. net spendable	22,629
Self-employment income	0	0	Presumed	(73)	Proposed	
Other taxable income	0	2,100	Basic CS	(73)	Payment (cost)/benefit	(6,315) 6,315
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	14,737 7,891
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 2	(73)	% combined spendable	65.1% 34.9%
Ordinary dividends	0	0	CA FAM 4055(b)(7) CS LIA range		% of saving over gdl	0% 0%
Tax. interest received	0	0		\$54 to \$73	Total taxes	8,777 524
Social Security received	0	0	SS Payor	Father	Comb. net spendable	22,629
Unemployment compensation	0	0	San Francisco	6,388	Percent change	0.0 %
Operating losses	0	0	Total	6,315	Default Case Settings	
Ca. operating loss adj.	0	0	Proposed, tactic 9			
Roy, partnerships, S corp, trusts	0	0	CS Payor	Mother		
Rental income	0	2,100	Presumed	(73)		
Misc ordinary tax. inc.	0	0	Basic CS	(73)		
Other nontaxable income	0	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
SS paid other marriage	0	0	Child 2	(73)		
CS paid other relationship	0	0	CA FAM 4055(b)(7) CS LIA range			
Adj. to income (ATI)	0	0		\$54 to \$73		
9.3% elective PTE payment	0	0	SS Payor	Father		
Ptr Support Pd. other P'ships	0	0	San Francisco	6,388		
Health insurance	358	0	Total	6,315		
Qual. Bus. Inc. Ded.	0	0	Savings	0		
Itemized deductions	1,941	0	Mother	0		
Other medical expenses	0	0	Father	0		
Property tax expenses	1,358	0	No releases			
Ded. interest expense	583	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				



PREPARED BY (NAME AND ADDRESS): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
Father Annual Bonus Wages Report 2024 Yearly		CASE NUMBER: FDI-23-798647 Sikhand v. Sikhand February

"R" denotes that Father is a recipient for the corresponding support
 "CS%" is the percentage of Bonus paid as additional Child Support
 "SS%" is the percentage of Bonus paid as additional Spousal Support
 Total columns indicate the Total support due, support on reported income plus the incremental support due on additional income.

Father's Gross Bonus	Basic CS%	Basic CS	San Francisco SS%	San Francisco SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	871 R	76,653	75,782
1,000	0.66	7	22.44	224	864 R	76,878	76,013
2,000	0.66	13	22.44	449	857 R	77,102	76,244
3,000	0.66	20	22.44	673	851 R	77,326	76,475
4,000	0.66	26	22.44	898	844 R	77,551	76,706
5,000	0.66	33	22.44	1,122	838 R	77,775	76,937
6,000	0.66	40	22.44	1,346	831 R	77,999	77,168
7,000	0.66	46	22.44	1,571	825 R	78,224	77,399
8,000	0.66	53	22.43	1,795	818 R	78,448	77,630
9,000	0.66	59	22.43	2,019	811 R	78,672	77,861
10,000	0.66	66	22.43	2,243	805 R	78,896	78,092
11,000	0.66	72	22.43	2,468	798 R	79,121	78,322
12,000	0.66	79	22.43	2,692	792 R	79,345	78,553
13,000	0.66	85	22.43	2,916	785 R	79,569	78,784
14,000	0.66	92	22.43	3,140	779 R	79,794	79,015
15,000	0.65	98	22.43	3,365	772 R	80,018	79,245
16,000	0.65	105	22.43	3,589	766 R	80,242	79,476
17,000	0.65	111	22.43	3,813	760 R	80,466	79,706
18,000	0.65	118	22.43	4,037	753 R	80,690	79,937
19,000	0.65	124	22.43	4,261	747 R	80,914	80,168
20,000	0.65	130	22.43	4,485	740 R	81,138	80,398
21,000	0.65	137	22.43	4,709	734 R	81,362	80,628
22,000	0.65	143	22.42	4,933	728 R	81,587	80,859
23,000	0.65	149	22.42	5,157	721 R	81,811	81,089
24,000	0.65	156	22.42	5,381	715 R	82,035	81,320
25,000	0.65	162	22.42	5,606	709 R	82,259	81,550
26,000	0.65	168	22.42	5,830	702 R	82,483	81,780
27,000	0.65	175	22.42	6,053	696 R	82,707	82,011
28,000	0.65	181	22.42	6,277	690 R	82,931	82,241
29,000	0.65	187	22.42	6,501	683 R	83,155	82,471
30,000	0.65	194	22.42	6,725	677 R	83,379	82,701
31,000	0.64	200	22.42	6,949	671 R	83,602	82,932
32,000	0.64	206	22.37	7,158	665 R	83,811	83,147
33,000	0.64	213	22.33	7,367	658 R	84,021	83,362
34,000	0.64	219	22.28	7,576	652 R	84,229	83,578



PETITIONER:
RESPONDENT:

CASE NUMBER:

**FDI-23-798647 Sikhand v. Sikhand
February 2024**

Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	San Francisco SS%	San Francisco SS	Total Basic CS	Total SS	Total Support CS+SS
35,000	0.64	225	22.24	7,785	646 R	84,438	83,793
36,000	0.64	231	22.21	7,994	639 R	84,647	84,008
37,000	0.64	238	22.17	8,203	633 R	84,856	84,223
38,000	0.64	244	22.14	8,411	627 R	85,065	84,438
39,000	0.64	250	22.10	8,620	621 R	85,273	84,653
40,000	0.64	256	22.07	8,829	614 R	85,482	84,868
41,000	0.64	263	22.04	9,038	608 R	85,691	85,083
42,000	0.64	269	22.01	9,246	602 R	85,899	85,297
43,000	0.64	275	21.99	9,455	596 R	86,108	85,512
44,000	0.64	281	21.96	9,663	590 R	86,317	85,727
45,000	0.64	287	21.91	9,862	583 R	86,515	85,931
46,000	0.64	294	21.84	10,046	577 R	86,699	86,122
47,000	0.64	300	21.77	10,230	571 R	86,883	86,313
48,000	0.64	306	21.70	10,415	565 R	87,068	86,503
49,000	0.64	312	21.63	10,599	558 R	87,252	86,694
50,000	0.64	319	21.57	10,783	552 R	87,436	86,884
51,000	0.64	325	21.50	10,967	546 R	87,621	87,075
52,000	0.64	331	21.45	11,152	540 R	87,805	87,265
53,000	0.64	337	21.39	11,336	534 R	87,989	87,455
54,000	0.64	343	21.33	11,520	527 R	88,173	87,645
55,000	0.64	349	21.28	11,704	521 R	88,357	87,836
56,000	0.63	356	21.23	11,888	515 R	88,541	88,026
57,000	0.63	362	21.18	12,072	509 R	88,725	88,216
58,000	0.63	368	21.13	12,256	503 R	88,909	88,406
59,000	0.63	374	21.08	12,440	497 R	89,093	88,596
60,000	0.63	380	21.04	12,623	491 R	89,277	88,786
61,000	0.63	386	21.00	12,807	485 R	89,460	88,976
62,000	0.63	392	20.95	12,991	479 R	89,644	89,165
63,000	0.63	398	20.91	13,175	473 R	89,828	89,355
64,000	0.63	404	20.87	13,359	467 R	90,012	89,545
65,000	0.63	410	20.83	13,542	461 R	90,195	89,735
66,000	0.63	416	20.80	13,726	455 R	90,379	89,924
67,000	0.63	422	20.76	13,910	449 R	90,563	90,114
68,000	0.63	428	20.73	14,093	443 R	90,746	90,304
69,000	0.63	434	20.69	14,277	437 R	90,930	90,493
70,000	0.63	440	20.66	14,460	431 R	91,113	90,682
71,000	0.63	446	20.62	14,644	425 R	91,297	90,872



PETITIONER:
RESPONDENT:

CASE NUMBER:
**FDI-23-798647 Sikhand v. Sikhand
February 2024**

Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	San Francisco SS%	San Francisco SS	Total Basic CS	Total SS	Total Support CS+SS
72,000	0.63	452	20.61	14,842	419 R	91,495	91,076
73,000	0.63	457	20.60	15,041	413 R	91,694	91,281
74,000	0.63	463	20.59	15,240	407 R	91,893	91,485
75,000	0.63	469	20.58	15,438	402 R	92,091	91,690
76,000	0.62	475	20.57	15,637	396 R	92,290	91,894
77,000	0.62	481	20.57	15,835	390 R	92,488	92,098
78,000	0.62	487	20.56	16,034	384 R	92,687	92,303
79,000	0.62	492	20.55	16,232	378 R	92,885	92,507
80,000	0.62	498	20.54	16,431	373 R	93,084	92,711
81,000	0.62	504	20.53	16,629	367 R	93,282	92,915
82,000	0.62	510	20.52	16,827	361 R	93,481	93,119
83,000	0.62	515	20.51	17,026	355 R	93,679	93,324
84,000	0.62	521	20.50	17,224	350 R	93,877	93,528
85,000	0.62	527	20.50	17,423	344 R	94,076	93,732
86,000	0.62	533	20.49	17,621	338 R	94,274	93,936
87,000	0.62	538	20.48	17,819	332 R	94,472	94,140
88,000	0.62	544	20.47	18,017	327 R	94,670	94,344
89,000	0.62	550	20.47	18,216	321 R	94,869	94,548
90,000	0.62	555	20.46	18,414	315 R	95,067	94,752
91,000	0.62	561	20.45	18,612	310 R	95,265	94,955
92,000	0.62	567	20.45	18,810	304 R	95,463	95,159
93,000	0.62	572	20.44	19,009	298 R	95,662	95,363
94,000	0.61	578	20.43	19,207	293 R	95,860	95,567
95,000	0.61	584	20.43	19,405	287 R	96,058	95,771
96,000	0.61	589	20.42	19,603	281 R	96,256	95,975
97,000	0.61	595	20.41	19,801	276 R	96,454	96,178
98,000	0.61	601	20.41	19,999	270 R	96,652	96,382
99,000	0.61	606	20.40	20,197	265 R	96,850	96,586
100,000	0.61	612	20.40	20,395	259 R	97,048	96,789
101,000	0.61	617	20.39	20,593	253 R	97,246	96,993
102,000	0.61	623	20.38	20,791	248 R	97,444	97,196
103,000	0.61	628	20.38	20,989	242 R	97,642	97,400
104,000	0.61	634	20.37	21,187	237 R	97,840	97,603
105,000	0.61	640	20.37	21,385	231 R	98,038	97,807
106,000	0.61	645	20.36	21,583	226 R	98,236	98,010
107,000	0.61	651	20.36	21,781	220 R	98,434	98,214
108,000	0.61	656	20.35	21,978	215 R	98,632	98,417
109,000	0.61	662	20.35	22,176	209 R	98,829	98,620
110,000	0.61	667	20.34	22,374	204 R	99,027	98,824
111,000	0.61	673	20.33	22,572	198 R	99,225	99,027
112,000	0.61	678	20.33	22,770	193 R	99,423	99,230
113,000	0.60	684	20.33	22,967	187 R	99,620	99,433
114,000	0.60	689	20.32	23,165	182 R	99,818	99,636
115,000	0.60	695	20.32	23,363	176 R	100,016	99,840
116,000	0.60	700	20.31	23,560	171 R	100,214	100,043



PETITIONER:
RESPONDENT:

CASE NUMBER:
**FDI-23-798647 Sikhand v. Sikhand
February 2024**

Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	San Francisco SS%	San Francisco SS	Total Basic CS	Total SS	Total Support CS+SS
117,000	0.60	705	20.31	23,758	165 R	100,411	100,246
118,000	0.60	711	20.30	23,950	160 R	100,603	100,443
119,000	0.60	716	20.29	24,146	154 R	100,799	100,645
120,000	0.60	722	20.29	24,342	149 R	100,995	100,846
121,000	0.60	727	20.27	24,532	144 R	101,185	101,042
122,000	0.60	733	20.27	24,728	138 R	101,381	101,243
123,000	0.60	738	20.26	24,918	133 R	101,572	101,439
124,000	0.60	743	20.25	25,114	127 R	101,767	101,640
125,000	0.60	749	20.25	25,310	122 R	101,963	101,841
126,000	0.60	754	20.24	25,500	117 R	102,153	102,037
127,000	0.60	759	20.23	25,696	111 R	102,349	102,238
128,000	0.60	765	20.22	25,886	106 R	102,539	102,433
129,000	0.60	770	20.22	26,082	101 R	102,735	102,634
130,000	0.60	776	20.21	26,278	95 R	102,931	102,835
131,000	0.60	781	20.20	26,468	90 R	103,121	103,031
132,000	0.60	786	20.20	26,663	85 R	103,316	103,232
133,000	0.60	792	20.19	26,853	79 R	103,507	103,427
134,000	0.59	797	20.19	27,049	74 R	103,702	103,628
135,000	0.59	802	20.18	27,245	69 R	103,898	103,829
136,000	0.59	807	20.17	27,435	63 R	104,088	104,024
137,000	0.59	813	20.17	27,630	58 R	104,283	104,225
138,000	0.59	818	20.16	27,820	53 R	104,474	104,421
139,000	0.59	823	20.16	28,016	47 R	104,669	104,622
140,000	0.59	829	20.15	28,211	42 R	104,865	104,822
141,000	0.59	834	20.14	28,401	37 R	105,055	105,018
142,000	0.59	839	20.14	28,597	32 R	105,250	105,218
143,000	0.59	844	20.13	28,787	26 R	105,440	105,413
144,000	0.59	850	20.13	28,982	21 R	105,635	105,614
145,000	0.59	855	20.12	29,178	16 R	105,831	105,815
146,000	0.59	860	20.11	29,367	11 R	106,021	106,010
147,000	0.59	865	20.11	29,563	5 R	106,216	106,210
148,000	0.59	870	20.10	29,753	0 R	106,406	106,405
149,000	0.59	876	20.09	29,940	5	106,593	106,598
150,000	0.59	881	20.08	30,126	10	106,779	106,789
151,000	0.59	886	20.07	30,306	15	106,959	106,974
152,000	0.59	891	20.06	30,492	20	107,145	107,165
153,000	0.59	896	20.05	30,672	26	107,326	107,351
154,000	0.59	902	20.04	30,858	31	107,512	107,542
155,000	0.58	907	20.03	31,044	36	107,697	107,733
156,000	0.58	912	20.02	31,225	41	107,878	107,919
157,000	0.58	917	20.01	31,410	46	108,064	108,110
158,000	0.58	922	19.99	31,591	51	108,244	108,295
159,000	0.58	927	19.99	31,776	57	108,430	108,486
160,000	0.58	932	19.98	31,962	62	108,615	108,677
161,000	0.58	937	19.96	32,142	67	108,796	108,862



PETITIONER:
RESPONDENT:

CASE NUMBER:

**FDI-23-798647 Sikhand v. Sikhand
February 2024**

Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	San Francisco SS%	San Francisco SS	Total Basic CS	Total SS	Total Support CS+SS
162,000	0.58	943	19.96	32,328	72	108,981	109,053
163,000	0.58	948	19.94	32,508	77	109,161	109,238
164,000	0.58	953	19.94	32,694	82	109,347	109,429
165,000	0.58	958	19.93	32,880	87	109,533	109,620
166,000	0.58	963	19.92	33,060	92	109,713	109,805
167,000	0.58	968	19.91	33,245	97	109,899	109,996
168,000	0.58	973	19.90	33,425	102	110,079	110,181
169,000	0.58	978	19.89	33,611	107	110,264	110,372
170,000	0.58	983	19.88	33,797	112	110,450	110,562
171,000	0.58	988	19.87	33,977	117	110,630	110,747
172,000	0.58	993	19.86	34,162	122	110,815	110,938
173,000	0.58	998	19.85	34,342	128	110,995	111,123
174,000	0.58	1,003	19.84	34,528	133	111,181	111,314
175,000	0.58	1,008	19.84	34,713	138	111,367	111,504
176,000	0.58	1,013	19.83	34,893	143	111,546	111,689
177,000	0.58	1,018	19.82	35,079	148	111,732	111,879
178,000	0.57	1,023	19.81	35,260	153	111,913	112,066
179,000	0.57	1,028	19.80	35,445	158	112,098	112,256
180,000	0.57	1,033	19.79	35,631	163	112,284	112,446
181,000	0.57	1,038	19.79	35,814	168	112,467	112,635
182,000	0.57	1,043	19.78	36,000	172	112,653	112,825
183,000	0.57	1,048	19.77	36,183	177	112,836	113,014
184,000	0.57	1,053	19.77	36,368	182	113,022	113,204
185,000	0.57	1,058	19.76	36,554	187	113,207	113,394
186,000	0.57	1,063	19.75	36,737	192	113,390	113,583
187,000	0.57	1,068	19.74	36,923	197	113,576	113,773
188,000	0.57	1,073	19.74	37,106	202	113,759	113,961
189,000	0.57	1,078	19.73	37,291	207	113,944	114,151
190,000	0.57	1,083	19.72	37,476	212	114,130	114,342
191,000	0.57	1,088	19.72	37,660	217	114,313	114,530
192,000	0.57	1,093	19.71	37,845	222	114,498	114,720
193,000	0.57	1,098	19.70	38,028	227	114,682	114,908
194,000	0.57	1,102	19.70	38,214	232	114,867	115,098
195,000	0.57	1,107	19.69	38,399	237	115,052	115,288
196,000	0.57	1,112	19.68	38,582	241	115,235	115,477
197,000	0.57	1,117	19.68	38,767	246	115,420	115,667
198,000	0.57	1,122	19.67	38,950	251	115,604	115,855
199,000	0.57	1,127	19.67	39,135	256	115,789	116,045
200,000	0.57	1,132	19.66	39,321	261	115,974	116,235



PREPARED BY (NAME AND ADDRESS): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER: FDI-23-798647 Sikhand v. Sikhand March &

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	1	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	5%	Father	18,636	Payment (cost)/benefit	(5,447) 5,447
Filing status	MFJ->	<-MFJ	Mother	1,591	Net spendable income	13,190 7,037
# Federal exemptions	2*	1*	Total	20,227	% combined spendable	65.2% 34.8%
Wages + salary	26,653	0	Support (Nondeductible)	Total taxes	8,017	509
401(k) employee contrib	0	0	CS Payor	Mother	Comb. net spendable	20,227
Self-employment income	0	0	Presumed	(97)	Proposed	
Other taxable income	0	2,100	Basic CS	(97)	Payment (cost)/benefit	(5,447) 5,447
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	13,190 7,037
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 2	(97)	% combined spendable	65.2% 34.8%
Ordinary dividends	0	0	CA FAM 4055(b)(7) CS LIA range		% of saving over gdl	0% 0%
Tax. interest received	0	0		\$72 to \$97	Total taxes	8,017 509
Social Security received	0	0	SS Payor	Father	Comb. net spendable	20,227
Unemployment compensation	0	0	San Francisco	5,544	Percent change	0.0 %
Operating losses	0	0	Total	5,447	Default Case Settings	
Ca. operating loss adj.	0	0	Proposed, tactic 9			
Roy, partnerships, S corp, trusts	0	0	CS Payor	Mother		
Rental income	0	2,100	Presumed	(97)		
Misc ordinary tax. inc.	0	0	Basic CS	(97)		
Other nontaxable income	0	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
SS paid other marriage	0	0	Child 2	(97)		
CS paid other relationship	0	0	CA FAM 4055(b)(7) CS LIA range			
Adj. to income (ATI)	0	0		\$72 to \$97		
9.3% elective PTE payment	0	0	SS Payor	Father		
Ptr Support Pd. other P'ships	0	0	San Francisco	5,544		
Health insurance	0	0	Total	5,447		
Qual. Bus. Inc. Ded.	0	0	Savings	0		
Itemized deductions	1,941	0	Mother	0		
Other medical expenses	0	0	Father	0		
Property tax expenses	1,358	0	No releases			
Ded. interest expense	583	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				



PETITIONER:

RESPONDENT:

CASE NUMBER:

**FDI-23-798647 Sikhand v. Sikhand
March & April 2024**

TANF,SSI and CS received

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1
2 SUPERIOR COURT OF CALIFORNIA
3 COUNTY OF SAN FRANCISCO
4 UNIFIED FAMILY COURT

5
6 KEITH JOSEPH KRACH,)

7 Petitioner)

8 VS.)

9 METTA GROKENBERGER KRACH,)

10 Respondent)

) Case Number: FDI-24-799139

) Hearing Date: April 18, 2024

) Hearing Time: 9:00 AM

) Department: 403

) Presiding: RUSSELL S. ROECA
11)
12)

13 REQUEST FOR ORDER TO ENFORCE THE ADR PROVISION OF THE PREMARITAL
14 AGREEMENT

15 **TENTATIVE RULING**

16 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the
17 Court makes the following findings and orders:

18 **A. Procedural History**

19 1. On for hearing is Father’s 2/13/2024 Request for Order for the parties through their counsel to
20 select a privately compensated temporary judge to enforce the alternative dispute resolution (“ADR”)
21 provisions of the parties’ premarital agreement (“PNA”) signed on 5/1/2008. Father is requesting the
22 Court reassign the entire proceeding to a temporary judge pursuant to the following language contained in
23 the PNA at paragraph 23:

24 *“The parties agree to jointly select and retain a retired family law judge or*
25 *commissioner who shall be appointed by stipulation and order as a temporary*
26 *judge pursuant to California Constitution Article VI, Section 21, and California*
27 *Rules of Court Rule 244(a), as amended, to preside over, hear, and determine in*
28 *a completely confidential proceeding any and all disputes arising out of or*
29 *connected with the validity, execution, interpretation or enforcement of the*
Agreement and any and all issues relating to or arising out of their cohabitation
and/or subsequent marriage, including, but not limited to, any issues of spousal
support, child support, child custody and attorneys [sic] fees and costs.”

1 2. On 3/15/2023, Mother filed a Responsive Declaration stating the premarital agreement makes no
2 mention of, or agreement regarding child custody, child support, domestic violence, and/or child abuse
3 related matters, and it was never her intention for the Premarital Agreement to cover those issues. Mother
4 contends paragraph 9 and 19.5 of the PNA contradict the ADR provision by expressly excluding child
5 custody from the terms of the agreement. Mother has a related case FDV-24-817411, in which she filed
6 for a domestic violence restraining order on 2/14/2024. The matter will be heard on 5/1/2024 and there is
7 a temporary restraining order in effect until that time.

8 Mother argues this case presents a question of first impression: can the trial court enforce an
9 alternative dispute resolution (“ADR”) provision in a prenuptial agreement to force a family law litigant,
10 over her objection, to accept the Court’s appointment a temporary judge to adjudicate the issues of child
11 custody and domestic violence? Mother also argues that the ADR provision is unenforceable for these
12 reasons: (1) the premarital agreement does not qualify as a stipulation to appoint a temporary judge
13 because only parties to existing litigation may consent to the appointment of a temporary judge; (2) any
14 agreement to use a temporary judge must name a member of the State Bar for appointment, and none is
15 identified in the premarital agreement; (3) no procedure for appointing a temporary judge without the
16 express consent of a party is contained in the premarital agreement; (4) there is no provision for
17 compensating the temporary judge, so only a court commissioner could be selected and not a privately
18 compensated temporary judge; (5) the premarital agreement states that all proceedings will be
19 confidential, which violates state and federal constitutional requirements that court proceedings be open
20 to the public; and (6) the appointment of a temporary judge in these circumstances would violate public
21 policy.

22 3. On 3/21/2023, Father filed a Reply refuting Mother’s claims. Father also filed a separate
23 declaration in support of his RFO and a Motion to Strike Petitioner’s evidentiary objections and request
24 to strike portions of the Declaration of Metta Grokenberger Krach and specified exhibits attached thereto.

25 4. On 3/25/24 Father’s counsel filed a request for focused discovery in both the marital dissolution
26 and the DVRO. This request exceeds the scope of the RFO and will be heard at the DVRO trial setting on
27 May 1, 2024.

28 5. On 3/26/24 Mother filed a motion to strike Portions of Petitioner Father’s Reply declaration.
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1 6. On 3/26/24 Petitioner Father filed his request for judicial notice of Father’s Memorandum of
2 Points and Authorities filed in support of his Ex Parte Application and Request for Order, filed on
3 February 2, 2024.

4 7. On 4/11/24 Petitioner Father filed a Supplemental Reply memorandum of points and authorities in
5 support of his motion to enforce the private judge provisions of the PNA focused upon the public policy
6 arguments raised by Respondent Mother in her opposition filed on 3/15/24.

7 8. On 4/11/24 Petitioner filed the declarations of his sister, Daine Krach, and attorney Joseph
8 Langlois.

9 **B. Findings and Orders**

10 1. Mother raises in her Responsive Declaration that there is an apparent conflict between provisions
11 contained in paragraphs 9 and 19.5 of the PNA and ADR provision in paragraph 23. Mother states that
12 paragraph 9 entitled “SCOPE OF THE AGREEMENT” provides that the agreement is intended to define
13 the respective contractual rights and obligations of the parties “but specifically excluding [...] the issues
14 of child custody and child support and the payment of attorney’s fees and costs relating to child custody
15 and support” and paragraph 19.5.2 in discussing waiver, the agreement states issues of child custody and
16 child support and the payment of attorney’s fees and costs relating to child custody and support “are
17 issues not addressed by this agreement.” This conflicts with the ADR provision in paragraph 23 which
18 states, retired family law judge or commissioner who shall be appointed by stipulation, will preside over
19 “any issues of spousal support, child support, child custody and attorneys [sic] fees and costs.”

20 Unless a more specific statute otherwise provides, agreements between spouses and prospective
21 spouses are construed under the statutory rules governing the interpretation of contracts generally.
22 (Marriage of Bonds (2000) 24 C4th 1, 13.) The contract must be interpreted so as to give effect to the
23 parties' mutual intent as it existed at the time of execution, to the extent their intent is ascertainable and
24 lawful. (CCC 1636; Welch v. Welch (2022) 79 CA5th 283, 296.)

25 While the language of the ADR provision might be broadly construed to cover every type of
26 dispute that might arise between the parties, it cannot seriously be argued that the parties intended it to
27 cover domestic violence and child abuse claims arising from alleged violent physical assaults of Mother
28 and child. Such a possibility could not have been within the parties' contemplation when the language was
29 agreed to, and nothing in the language remotely suggests that it was intended to cover domestic violence

1 or child abuse claims. Specifically, there was no mutual consent at the time of execution, that if Mother
2 and children were granted a TRO and have a pending domestic violence restraining order hearing, that
3 they be forced to participate into an ADR process for a final determination on those issues.

4 2. In addition, agreements between spouses and prospective spouses are unenforceable as dealing
5 with impermissible objectives to the extent that they violate the public policy limitations against
6 contracts. The ADR provision that Mother would be required to jointly select and retain a retired family
7 law judge or commissioner to be appointed by stipulation and order as a temporary judge, to make a final
8 determination in a “completely confidential proceeding” would negatively impact Mother in the DVRO
9 proceeding. A completely confidential proceeding has implications of silencing the parties involved and
10 potentially negatively impacting discovery. Further, Mother should not have to negotiate with Father over
11 which privately compensated judge will make the final determination in a domestic violence matter. This
12 Court finds that the ADR provision seeks to limit the court’s exercise of its jurisdiction under the DVPA.
13 Because of the state’s overriding interest in the welfare of minor children subject to its jurisdiction, courts
14 always have authority to award or modify custody in the child’s best interests. (Marriage of Goodarzirad
15 (1986) 185 CA3d 1020, 1026-1027.) Here, there are serious allegations of domestic violence and child
16 abuse, CPS is involved, and the ADR provision seeks to limit the Court’s ability to exercise custody
17 jurisdiction by stating the matter shall be heard by a temporary judge selected by the parties. Public policy
18 precludes domestic violence restraining orders sought under the DVPA to be delegable to private judges
19 or other ADR proceedings. There are other practicalities present including the requirement that the
20 Superior Court conduct background checks through the California Law Enforcement
21 Telecommunications System (CLETS) and monitor Firearm enforcement, among others. These are not
22 delegable duties.

23 Father’s request for the parties, through their counsel to select and appoint a privately compensated
24 temporary judge for all purposes, through his recommended procedure, is denied.

25 3. The parties’ counsel shall meet and confer by 4/20/2024, to try and come to an agreement on
26 which retired judge will hear the remaining issues that are unrelated to domestic violence claims and child
27 custody, as child custody is implicated through the DVRO proceedings, and attorney’s fees and costs
28 related to the DVRO proceedings. If the parties come to an agreement, they shall file a stipulation and
29 order informing the Court. If the parties cannot reach an agreement by stipulation and order as to a

1 temporary judge, the parties are ordered to each provide the court with a list of three names of retired
2 family law judge or commissioner they would like to be selected to preside over the remaining issues by
3 4/30/2024, and then return for further hearing on 5/30/2024 at 9:00AM in Dept. 403 and the Court will
4 make a selection from the names provided.

5 4. Counsel for Mother shall prepare the order.

6 5. **Preparation of Order:** If you are directed by the court to prepare the order after hearing – within 10
7 calendar days of the hearing you must either: (a) Serve the proposed order to the other party/counsel for
8 approval, and follow the procedures set forth in CA Rules of Court, Rule 5.125(c), or (b) If the other party
9 did not appear or the matter was uncontested, submit the proposed order after hearing directly to the
10 court. Failure to submit the order after hearing within 10 days may allow the other party to prepare a
11 proposed order and submit it to the court in accordance with CA Rules of Court, Rule 5.125(d).

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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
4

5
6 JASMINE DEL CARMEN NUNEZ,

7 Petitioner

8 VS.

9 BRIAN ESTEBAN MIZHQIRI,

10 Respondent

)
) Case Number: FDV-23-817156

)
) Hearing Date: April 18, 2024

)
) Hearing Time: 9:00 AM

)
) Department: 403

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) Presiding: RUSSELL S. ROECA
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11
12 REQUEST FOR ORDER : SET ASIDE ORDER / DEFAULT JUDGMENT

13 **TENTATIVE RULING**

14 Having read and considered the pleadings, declarations, and other evidence submitted in this matter, the
15 Court makes the following findings and orders:

- 16 1. The matter is continued to Friday, May 3, 2024 at 9:00AM in Dept. 403 for Respondent to
17 effectuate service. Respondent shall serve both the 2/5/2024 RFO as well as the continuance order on
18 Petitioner, so Petitioner is aware of the new hearing date.
- 19 2. The Court will prepare the order.
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