

1                                   **NOTICE TO ALL PARTIES RE:**  
2                                   **ASSIGNMENT OF TEMPORARY JUDGE**  
3                                   (Cal. Rules of Court, rule 2.816)

4  
5 This notice shall serve to inform all parties with matters in Department 404  
6 scheduled for Thursday, 4/11/2024 that:

- 7           1)     A temporary judge (Judge Pro Tem) has been assigned to hear all matters  
8                    on calendar on Thursday, 4/11/2024;
- 9           2)     ALAN SILVERMAN is the Judge Pro Tem assigned to this Department;
- 10          3)     ALAN SILVERMAN is a qualified member of the State Bar of  
11                   California and satisfies the requirements of California Rules of Court,  
12                   rule 2.812; and
- 13          4)     You have the right to have your matter heard instead before a judge,  
14                   commissioner, or referee of the court.
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16 All parties who consent to have their matter heard before the Judge Pro Tem will  
17 be asked to stipulate to having their hearing heard before the Judge Pro Tem.

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19 If you do not stipulate to have your matter heard before the Judge Pro Tem, please  
20 inform the clerk and a new court date will be chosen in which your matter may be  
21 heard before a judge, commissioner, or referee of the court.

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

You may appear at your court hearing either (1) in-person or (2) remotely by video or telephone. If you fail to appear in-person or remotely by video or telephone, the court may proceed with the hearing in your absence. *The clerk will NOT contact you.* Remote appearances by video or telephone can be made utilizing the **ZOOM** platform, **effective January 2, 2024:**

- If you are *joining by video*, go to [www.zoom.com/join](http://www.zoom.com/join) and follow the instructions below:
  - Type in the Meeting ID (*see below for department Meeting IDs and Passcodes*) and click "Join".
  - Click "Launch Meeting" then "Open zoom.us".
  - Zoom will launch and you will be asked for the Meeting Passcode. *Enter the passcode for your Meeting ID for the respective department for your court hearing.*
  - Enable your camera and click "Join".
  - Once you join, a prompt to use computer audio will appear, click "Join with Computer Audio".
  - **Enter your full first and last name TO IDENTIFY YOURSELF TO THE COURT.**
  - Using headphones may help you hear more clearly.
- If you are *joining by phone*, dial 1-(669)254-5252 or 1-(669)216-1590 and enter the Meeting ID and Passcode as described below.

**Department 403  
Meeting ID: 161 463 0304  
Passcode: 114482**

You can also log into your hearing **directly** using the link below:  
<https://sftc-org.zoomgov.com/j/1614630304?pwd=OTZ1cVZaQlRlYWVpFQ2hTaEFuZnhlZz09>

**Department 404  
Meeting ID: 161 305 3325  
Passcode: 282709**

You can also log into your hearing **directly** using the link below:  
<https://sftc-org.zoomgov.com/j/1613053325?pwd=SkdXWGVMkQkxowckJSNnJwSSSttYkR6dz09>

When you join the hearing on Zoom:

1. **You are to mute your audio when you are not speaking.**
2. State your name before you speak for proper identification to the court and for all the parties in your case. Only one person **MUST** speak at a time.

**PROHIBITION ON RECORDING: Do not record the hearing in any way.** Any recording of a court proceeding, *including screen shots, other visual or audio copying* of the hearing, is **prohibited**. Any violation is punishable to the fullest extent under the law, including but not limited to monetary sanctions up to \$1,000, restricted entry to future hearings, or other sanctions deemed appropriate by the court.

1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO  
3 UNIFIED FAMILY COURT  
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5  
6 STEPHANIE PETERSON,

7 Petitioner

8 VS.

9 JOEL PETERSON,

10 Respondent

)  
) Case Number: FDI-22-797423

)  
) Hearing Date: April 11, 2024

)  
) Hearing Time: 9:00 AM

)  
) Department: 404

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) Presiding: ALAN SILVERMAN  
)  
)  
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12 ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT

13 **TENTATIVE RULING**

- 14 1) On for hearing is Petitioner's Order to Show Cause and Affidavit for Contempt filed 12/11/2023.
- 15 2) At the prior hearing on 2/14/2024, Respondent confirmed he was electronically served and waived the  
16 need to be personally served with the Order to Show Cause. The Court also found that Respondent  
17 qualifies for appointment of contempt counsel and set a hearing date of 4/11/2024 for appointment of  
18 counsel and arraignment.
- 19 3) **Appearances required. The parties may appear in-person, by video, or by phone. If a party**  
20 **chooses to appear by video or by phone, that party must abide by the Notice and Instructions**  
21 **for Remote 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 CALVIN KEITH CHANEY,

7 Petitioner

8 VS.

9 ERWIN NOEL MORATA,

10 Respondent

)  
) Case Number: FDI-23-797522

)  
) Hearing Date: April 11, 2024

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) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: ALAN SILVERMAN  
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12 REQUEST FOR ORDER SPOUSAL OR PARTNER SUPPORT, ATTORNEY FEES AND COSTS

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. Base Temporary Spousal Support**

- 17 1) The Court finds that base guideline temporary spousal support payable by Petitioner to  
18 Respondent would be \$3,979 per month in accordance with the attached Dissomaster A, a  
19 printout of which is attached and incorporated into this order.
- 20 2) However, the Court finds good cause to deviate from guideline because Petitioner has  
21 significantly higher fixed, non-discretionary monthly expenses in comparison to Respondent. The  
22 Court also finds that Respondent has the ability to earn more than he is currently earning (i.e.,  
23 Respondent is currently earning significantly less than full-time minimum wage in Hawaii).
- 24 3) Based on the foregoing, the Court hereby sets temporary spousal support at \$2,700 per month  
25 effective 10/9/2023 (the date Respondent filed his Request for Order). One-half shall be due and  
26 payable by the 1<sup>st</sup> and one-half shall be due and payable by the 15<sup>th</sup> of each month.
- 27 4) Base temporary spousal support for the month of April 2024 shall be paid in full no later than  
28 4/15/2024.  
29

1 **B. Base Temporary Spousal Support Arrears**

2 1) Based on the foregoing Petitioner owes to Respondent base temporary spousal support arrears of  
3 \$1,916 for the period 10/9/2023 – 10/31/2023 and \$13,500 for the period 11/1/2023 – 3/31/2024,  
4 for total base temporary spousal support arrears due and owing of \$15,416. Effective 5/15/2024,  
5 Petitioner shall pay to Respondent an additional \$1,927 by the 15<sup>th</sup> of each month for 8 months  
6 until these arrears are satisfied.

7 **C. Smith / Ostler Temporary Spousal Support**

8 1) Effective 10/9/2023, Petitioner shall pay to Respondent as and for additional temporary spousal  
9 support 25% of the gross annual amount of any income (e.g., bonus income) he receives above  
10 his current base salary of \$16,078 per month.

11 2) Effective 10/9/2023, Respondent shall owe to Petitioner as and for temporary spousal support  
12 credits 35% of the gross annual amount of any income (e.g., additional net rental income or  
13 additional net income from his web business) he receives above his current base income, which  
14 the Court finds is \$71 per month in net self-employment income from his web business and  
15 \$1,567 per month in net rental income (including the imputation of net rental income for Beach  
16 Rd.).

17 3) By April 30<sup>th</sup> of each year (commencing 4/30/2024), the parties shall exchange their tax returns  
18 filed for the previous calendar year and their end-of-year paystubs and engage in an annual true  
19 up regarding temporary spousal support. Any additional support or credits owed between the  
20 parties shall be paid no later than May 30<sup>th</sup>. The first true up shall be for the period 10/9/2023 –  
21 12/31/2023.

22 **D. Dissomaster Inputs**

23 1) The inputs into the attached Dissomasters are based on the following findings and orders.

24 2) Respondent's Income

25 a. According to the Profit and Loss Statement for 1/1/2023 – 12/31/2023 for Respondent's  
26 web business (attached to Respondent's Supplemental Declaration filed 3/25/2024),  
27 Respondent reports earning annual gross profits of \$6,954 and paying annual expenses of  
28 \$6,105, for total net annual income of \$849, averaging out to a monthly amount of \$71.  
29 Respondent states: "expenses for business are exclusive of my personal expenses."

1           b. According to the Profit and Loss Statements for 1/1/2023 – 12/31/2023 (attached to  
2 Respondent’s Supplemental Declaration filed 3/25/2024) for three of the parties’ four  
3 properties in Hawaii (i.e., Hee St., Pikake Dr., and 34<sup>th</sup> Ave.), Respondent reports earning  
4 total annual gross profits of \$39,600 and paying total annual expenses of \$25,841, for  
5 total annual income of \$13,759, which averages out to \$1,147. The Court does not find  
6 that Respondent has improperly included personal expenses in the business expenses he  
7 reports for these three properties.

8           c. Based on the foregoing, the Court finds that Respondent’s monthly net self-employment  
9 income is \$71 and Respondent’s monthly net rental income is \$1,147.

10       3) Imputation of Unrealized Rental Income to Respondent from Lower Unit of Beach Rd. Property

11           a. Respondent provides no explanation why he is no longer renting out the lower unit for  
12 the Beach Rd. property where he currently resides. According to Respondent’s 2022  
13 federal income tax return (attached as Exhibit C to Petitioner’s Declaration filed  
14 12/6/2023), in 2022 Petitioner earned \$12,130 in gross rental income from that unit and  
15 paid \$11,415 in expenses (including insurance, utilities, and taxes), for total net rental  
16 income of \$715. In other words, by renting out the lower unit, Respondent was able to  
17 cover nearly all of his living expenses (except for food, cellphone and Internet, laundry  
18 and cleaning, and auto expenses) and make a profit. The Court finds good cause to  
19 impute to Respondent additional annual gross rental income of \$5,043 (which averages  
20 out to \$420 per month) for unrealized net rental income from the lower unit of the Beach  
21 Rd. property.

22           b. The Court came to this figure using the following: \$12,130 in gross rental income (based  
23 on 2022 earnings) less \$11,415 in expenses (based on 2022 reporting) and adding back in  
24 \$550 for insurance, \$2,278 for taxes, and \$1,500 for utilities (based on 2022 reporting)  
25 which are also Respondent’s personal expenses (given he also occupies the Beach Rd.  
26 property).

27       4) Petitioner is paid \$8,039 per semimonthly pay period, for average monthly income of \$16,078 per  
28 month.

1 5) Petitioner appears to max out his 401(k) contributions. For 2024, the maximum annual 401(k)  
2 contribution for someone who is Petitioner's age is \$30,500 which averages out to \$2,542 per  
3 month.

4 6) \$173 is deducted pre-tax from Petitioner's pay on a semimonthly basis for vision, dental, and  
5 health insurance, which averages out to \$346 per month.

6 **E. Respondent's Request for Attorney's Fees**

7 1) According to Dissomaster B, a printout of which is attached and incorporated into this order, after  
8 Petitioner pays Respondent \$2,700 per month in base temporary spousal support, Petitioner will  
9 have \$8,885 per month in net spendable income and Respondent will have \$4,205 per month in  
10 net spendable income.

11 2) Comparing the parties' two most recently filed Income and Expense Declarations, Petitioner's  
12 fixed, non-discretionary monthly expenses (for rent, maintenance, uninsured healthcare costs,  
13 utilities, auto expenses, and insurance) total \$2,621 per month while Respondent's fixed, non-  
14 discretionary monthly expenses (for property taxes, insurance, utilities, cellphone, and auto  
15 expenses) total \$934 per month. In other words, Petitioner has significantly higher fixed, non-  
16 discretionary monthly expenses than Respondent.

17 3) Respondent reports having \$40,191 in cash savings, \$281,867 in easily saleable investments, and  
18 approximately \$1.4 million in real and personal property.

19 4) Respondent reports no debts. Although it is not entirely clear, it appears that Respondent is not  
20 claiming that any of these assets are separate property.

21 5) Petitioner reports having \$177,000 in cash savings, \$206,000 in easily saleable investments, and  
22 \$1.4 million in real property. Petitioner reports no debts. Petitioner reports that \$30,000 of his  
23 cash savings are separate property.

24 6) Based on the foregoing, the Court finds there is a disparity in access to funds to pay for legal fees  
25 and that Petitioner has the ability to pay for his own legal fees while making a significant  
26 contribution to Respondent's legal fees. No later than 4/30/2024 at 5:00 PM, Petitioner shall pay  
27 to Respondent \$15,000 from his separate property savings, which the Court finds is a reasonable  
28 amount for attorney's fees to be incurred through the conclusion of this case.  
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1 **F. Other Orders**

- 2 1) Petitioner's request for a Statement of Decision is denied.
- 3 2) Respondent's request for an evidentiary hearing is denied but may be renewed at the 4/11/2024
- 4 hearing if either party contests the tentative ruling.

5 **G. Preparation of Order**

- 6 1) Respondent's attorney shall prepare the order.
- 7 2) **Preparation of Order:** If you are directed by the court to prepare the order after hearing – within
- 8 10 calendar days of the hearing you must either: (a) Serve the proposed order to the other
- 9 party/counsel for approval, and follow the procedures set forth in CA Rules of Court, Rule
- 10 5.125(c), or (b) If the other party did not appear or the matter was uncontested, submit the
- 11 proposed order after hearing directly to the court. Failure to submit the order after hearing within
- 12 10 days may allow the other party to prepare a proposed order and submit it to the court in
- 13 accordance with CA Rules of Court, Rule 5.125(d).
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PREPARED BY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO: <b>Dissomaster A</b>	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>DISSOMASTER REPORT</b> 2024, Monthly		CASE NUMBER:

Input Data	Calvin	Erwin	Guideline (2024)	Cash Flow Analysis	Calvin	Erwin
Number of children	0	0	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	0%	0%	Calvin	11,690	Payment (cost)/benefit	(3,609)    3,821
Filing status	MFS->	<-MFS	Erwin	1,432	Net spendable income	7,712    5,410
# Federal exemptions	1*	1*	Total	13,122	% combined spendable	58.8%    41.2%
Wages + salary	16,078	0	<b>Support (Nondeductible)</b>	Total taxes	4,042	206
401(k) employee contrib	2,542	0	SS Payor	Calvin	Comb. net spendable	13,122
Self-employment income	0	71	Santa Clara	3,979	<b>Proposed</b>	
Other taxable income	0	1,567	Total	3,979	Payment (cost)/benefit	(3,609)    3,821
Short-term cap. gains	0	0	<b>Proposed, tactic 9</b>	Calvin	Net spendable income	7,712    5,410
Long-term cap. gains	0	0	SS Payor	3,979	NSI change from gdl	0    0
Other gains (and losses)	0	0	Santa Clara	3,979	% combined spendable	58.8%    41.2%
Ordinary dividends	0	0	Total	3,979	% of saving over gdl	0%    0%
Tax. interest received	0	0	Savings	0	Total taxes	4,042    206
Social Security received	0	0	No releases	Calvin	Comb. net spendable	13,122
Unemployment compensation	0	0		Erwin	Percent change	0.0 %
Operating losses	0	0			<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	1,567				
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	346	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	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				
TANF, SSI and CS received	0	0				

PREPARED BY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO: <b>Dissomaster B</b>	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>DISSOMASTER REPORT</b> 2024, Monthly		CASE NUMBER:

Input Data	Calvin	Erwin	Guideline (2024)	Cash Flow Analysis	Calvin	Erwin
Number of children	0	0	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	0%	0%	Calvin	11,585	Payment (cost)/benefit	(2,435)    2,615
Filing status	MFS->	<-MFS	Erwin	1,505	Net spendable income	8,885    4,205
# Federal exemptions	1*	1*	Total	13,090	% combined spendable	67.9%    32.1%
Wages + salary	16,078	0	<b>Support (Nondeductible)</b>		Total taxes	4,147    133
401(k) employee contrib	2,542	0	SS Payor	Calvin	Comb. net spendable	13,090
Self-employment income	0	71	User-specified SS	2,700	<b>Proposed</b>	
Other taxable income	0	1,567	Total	2,700	Payment (cost)/benefit	(2,435)    2,615
Short-term cap. gains	0	0	<b>Proposed, tactic 9</b>		Net spendable income	8,885    4,205
Long-term cap. gains	0	0	SS Payor	Calvin	NSI change from gdl	0    0
Other gains (and losses)	0	0	User-specified SS	2,700	% combined spendable	67.9%    32.1%
Ordinary dividends	0	0	Total	2,700	% of saving over gdl	0%    0%
Tax. interest received	0	0	Savings	0	Total taxes	4,147    133
Social Security received	0	0	No releases		Comb. net spendable	13,090
Unemployment compensation	0	0			Percent change	0.0 %
Operating losses	0	0			<b>1 Setting Changed</b>	
Ca. operating loss adj.	0	0			User-specified SS formula: Yes	
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	1,567				
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	346	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	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				
TANF, SSI and CS received	0	0				