

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
- 7 2. If you wish to make an objection to the Tentative Ruling in your case, you must notify the
- 8 other party (unless there is a restraining order in place) and the Court Clerk in the
- 9 Department where the hearing is scheduled of your objection by 4:00 PM the Court day prior
- 10 to the hearing date. Court days do not include Court holidays, Saturdays, or Sundays. The
- 11 Court’s Holiday Schedule can be found on the Court’s website using the following link:
- 12 <https://sf.courts.ca.gov/general-information/holiday-schedules>.
- 13
- 14 3. To contact the Court Clerk in Dept. 403 to make an objection to the Tentative Ruling in your
- 15 case, please call (415) 551-3741 or send an email to Department403@sftc.org.
- 16
- 17 4. To contact the Court Clerk in Dept. 404 to make an objection to the Tentative Ruling in your
- 18 case, please call (415) 551-3744 or send an email to Department404@sftc.org.
- 19
- 20 5. When you contact the Court Clerk to make an objection to the Tentative Ruling in your case,
- 21 please specify the paragraph(s) and / or line number(s) of the Tentative Ruling which
- 22 contains the language to which you object.
- 23
- 24 6. You may appear at your hearing either (a) in-person; (b) by video; or (c) by phone. Pursuant
- 25 to SFLR 11.7(D)(4), if you choose to appear by video or phone, you must be continuously
- 26 connected to Zoom from 8:50 a.m. until 12:00 p.m. or until your hearing is concluded. If you
- 27 fail to appear in-person, by video, or phone, the Court may proceed with the hearing in your
- 28 absence. The Court is not required to contact you before your hearing.
- 29
7. If you choose to appear by video or by phone, you must comply with the Notice and
- 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 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=OTZlcVZaQlRYWXPfQ2hTaEFuZnhIZz09>

**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=SkdXWGVkQkpwckJSNnJwSSSttYkR6dz09>

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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6 COUNTY OF SAN FRANCISCO,

7 Petitioner

8 VS.

9 ANTONIO MAURICE WILLIAMS,

10 Respondent

)
) Case Number: FCS-18-352915

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) Hearing Date: April 16, 2024

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) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: MICHELLE TONG
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11
12 REQUEST FOR ORDER OF CHILD CUSTODY, VISITATION (PARENTING TIME)

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 on for review of Father's parenting time.
17 2) Neither side filed updated declarations about visitation.
18 3) The Court finds Father's request for order is adjudicated and judicial intervention is no longer
19 needed. The matter is taken off calendar.
20 4) All existing orders remain in full force and effect.
21 5) The Court will prepare the order.
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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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6 CHARLES SEAMAN,

7 Petitioner

8 VS.

9 PAM SEAMAN,

10 Respondent

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) Case Number: FDI-08-767339

)
) Hearing Date: April 16, 2024

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) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: MICHELLE TONG
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11
12 REQUEST FOR ORDER RE SPOUSAL OR PARTNER SUPPORT, TERMINATE ORDER FOR LIFE
13 INSURANCE POLICY

14 **TENTATIVE RULING**

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

17 **A. Procedural History**

- 18 1) On 10/12/2023, Petitioner filed the instant Request for Order asking the Court to (a) terminate the
19 permanent support order filed 2/2/2012 (which requires Petitioner to pay to Respondent \$4,100
20 per month (taxable to Respondent) “for at least half the term of the marriage”) and (b) terminate
21 the order requiring Petitioner to maintain a \$100,000 life insurance policy with Respondent as the
22 beneficiary on the basis that Petitioner retired in September 2023.
- 23 2) On 10/12/2023, Petitioner filed a Supplemental Declaration stating that when he retired from his
24 last position of employment, he was paid out several months of accrued leave, from which
25 CalPERS sent Respondent eight additional spousal support payments in September 2023 for a
26 total of \$32,800.
- 27 3) Per the Stipulation and Order filed 12/11/2023, the parties agreed to continue the original hearing
28 date and the parties stipulated for the Court’s jurisdiction to modify or terminate spousal support
29 retroactive to 10/12/2023. The parties also agreed: “In light of the fact that CalPERS sent Pham

1 eight additional support checks in September 2023 for a total of \$32,800, Charles' obligation to
2 pay spousal support under the current order is stayed pending the new hearing date.”

3 4) On 4/3/2024, Respondent filed a Responsive Declaration asking that the Court not terminate the
4 Court's jurisdiction to award spousal support to her, but agreeing that spousal support be reduced
5 to \$2,000 per month (taxable to Respondent, deductible to Petitioner) or in the alternative to set
6 spousal support at \$0 and when she retires, she will file a motion to modify. Respondent also asks
7 that the \$32,800 she received be applied as a credit for the modified support amount. Respondent
8 further asks that the Court order Petitioner to maintain the \$100,000 life insurance policy on his
9 name at his cost.

10 5) On 4/9/2024, Petitioner filed a Reply Declaration reiterating his original requests.

11 **B. Findings and Orders**

12 1) The Court makes the following findings under Family Code section 4320:

13 a. The extent to which the earning capacity of each party is sufficient to maintain the
14 standard of living established during the marriage, taking into account all of the
15 following: (1) The marketable skills of the supported party; the job market for those
16 skills; the time and expenses required for the supported party to acquire the appropriate
17 education or training to develop those skills; and the possible need for retraining or
18 education to acquire other, more marketable skills or employment. (2) The extent to
19 which the supported party's present or future earning capacity is impaired by periods of
20 unemployment that were incurred during the marriage to permit the supported party to
21 devote time to domestic duties.

22 1. Respondent was out of the job market for 13 years during marriage while she
23 took care of the family home and children. At the time of trial, the parties
24 stipulated that Respondent “has marketable skills only sufficient to gross her
25 current hourly wage.” When the parties separated, Respondent was working as
26 a preschool teacher earning \$20 per hour. Respondent is still a preschool
27 teacher but now she earns \$30.97 per hour. Respondent earns on average
28 \$4,263 per month through her job. This means that Respondent is working on
29 average 32 hours per week. Although Respondent reports having various health

1 conditions, she does not actually state why she is not working full time and
2 whether her health conditions actually impact her ability to work full time.
3 Respondent also receives \$720 per month in pension income through
4 Petitioner. Respondent has not yet begun drawing Social Security retirement
5 benefits. Respondent states that she plans on retiring next year when she
6 reaches the age of 65, at which time she estimates her Social Security benefit
7 will be \$1,345 per month and she will also be entitled to a Social Security
8 derivative benefit (but she does not know the amount).

9
10 b. The extent to which the supported party contributed to the attainment of an education,
11 training, a career position, or a license by the supporting party.

12 1. Respondent states that prior to marriage she worked in Petitioner's medical
13 office, doing billing and other administrative tasks and that Petitioner was able
14 to change employers and build his private practice when Respondent was
15 taking care of all domestic duties.

16 c. The ability of the supporting party to pay spousal support, taking into account the
17 supporting party's earning capacity, earned and unearned income, assets, and standard of
18 living.

19 1. Petitioner retired in September 2023. When spousal support was ordered within
20 the Final Statement of Decision filed 11/18/2020, Petitioner was earning
21 \$17,500 per month. Respondent is now earning \$8,521 per month from
22 pensions from CalPers, the City and County of San Francisco, and the
23 University of California. Petitioner also has rental properties that he says are
24 not currently generating a profit due to repairs needed for termite damage, a
25 new roof, and high interest rates (according to Respondent). Petitioner has
26 elected to not begin drawing Social Security retirement benefits. Respondent
27 contends that, excluding the HELOC payment and one-time expenses due to a
28 one-month vacancy, Petitioner should have a positive rental cash flow of
29 \$4,120 per month. Petitioner strongly objects to this statement.

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2 d. The needs of each party based on the standard of living established during the marriage.

3 1. Per the Court's Statement of Decision filed 11/18/2010, the parties enjoyed an
4 upper middle class standard of living and spent a combined \$8,410 per month
5 to support that standard of living (or \$4,205 per person). Respondent states this
6 translates to over \$6,000 today when adjusted for inflation. Petitioner states
7 that Respondent has not provided sufficient explanation for this estimate.

8 2. Petitioner states that his monthly expenses (not including contributions from
9 his current wife) are approximately \$10,400 per month.

10 3. Respondent states that she has expenses of approximately \$4,300 per month.
11 Respondent states that once she stops working, she will not be self-supporting.

12 e. The obligations and assets, including the separate property, of each party.

13 1. Per the Court's Final Statement of Decision filed 11/18/2020, the parties'
14 community assets were divided equally.

15 2. Petitioner states that he currently has \$466,000 in cash savings, an "unknown"
16 amount in investments, and owns \$4.5 million in real and personal property.
17 Respondent estimates Petitioner has retirement accounts worth more than \$1
18 million based on the UC Retirement Savings Plan, Thrift Savings Plan, and
19 Schwab SEP IRA listed on Petitioner's Schedule of Assets and Debts.
20 Petitioner lists no debts in his most recent Income and Expense Declaration.

21 3. Respondent states she currently has \$116,000 in cash savings and \$219,000 in
22 retirement accounts. Respondent also owns her condominium outright with an
23 approximate value of \$860,000. Respondent lists no debts in her most recent
24 Income and Expense Declaration.

25 f. The duration of the marriage.

26 1. The parties married on 4/23/1983 and separated on 1/12/2007, for a long-term
27 marriage of 23 years and 8 months.

28 g. The ability of the supported party to engage in gainful employment without unduly
29 interfering with the interests of dependent children in the custody of the party.

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1. Respondent has no dependent children. Their younger child became an adult in 2011.

h. The age and health of the parties.

1. Petitioner is 69 years old and describes his health as “good”.

2. Respondent is 64 years old and states that she suffers from asthma and severe sleep apnea. Respondent has also been diagnosed with major depression disorder (but is currently in remission) and hypercholesterolemia. Respondent also states she experiences vertigo and has a history of ischemic TIA.

i. All documented evidence of any history of domestic violence, as defined in Section 6211, between the parties or perpetrated by either party against either party’s child, including, but not limited to, consideration of: (1) A plea of nolo contendere, (2) Emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party, (3) Any history of violence against the supporting party by the supported party, (4) Issuance of a protective order after a hearing pursuant to Section 6340, (5) A finding by a court during the pendency of a divorce, separation, or child custody proceeding, or other proceeding under Division 10 (commencing with Section 6200), that the spouse has committed domestic violence.

1. The Court previously found no evidence of domestic violence.

j. The immediate and specific tax consequences to each party.

k. The balance of the hardships to each party.

1. Petitioner has significantly more income (including unrealized income in the form of Social Security retirement benefits) and assets than Respondent.

Respondent also left the marriage with a significantly lower earning capacity than Petitioner. On the other hand, the Court finds Respondent has not done enough to become fully self-supporting at the marital standard of living, adjusted for inflation, in the 17 years since the parties separated.

1. The goal that the supported party shall be self-supporting within a reasonable period of time. Except in the case of a marriage of long duration as described in Section 4336, a

1 “reasonable period of time” for purposes of this section generally shall be one-half the
2 length of the marriage. However, nothing in this section is intended to limit the court’s
3 discretion to order support for a greater or lesser length of time, based on any of the other
4 factors listed in this section, Section 4336, and the circumstances of the parties.

5 1. The parties were married for 23 years and 8 months. It has been 17 years since
6 the parties date of separation. Petitioner has been paying spousal support to
7 Respondent for more than half the length of the marriage. A Gavron warning
8 was issued against Respondent in April 2010. Petitioner argues Respondent has
9 not done enough to become self-supporting.

10 m. The criminal conviction of an abusive spouse shall be considered in making a reduction
11 or elimination of a spousal support award in accordance with Section 4324.5 or 4325.

12 1. The Court previously found no evidence of prior convictions.

13 n. Any other factors the court determines are just and equitable.

14 1. Petitioner states that since the parties separated, he had a grueling commute and
15 took a second job and lived frugally to save the amounts he has saved for
16 retirement. He also decided to work beyond the customary retirement age of
17 65.

18 2) Based on the foregoing, the Court finds good cause to modify permanent spousal support to
19 \$1,300 per month (taxable to Respondent, deductible by Petitioner) effective 10/12/2023 (when
20 Petitioner filed his original Request for Order). The \$32,800 that Respondent received from the
21 payout of Petitioner’s accrued leave shall be applied to spousal support which has accrued since
22 10/12/2023 and to future support payments.

23 3) Respondent’s attorney shall prepare the order.

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

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 JENNIFER GARLASCO,

7 Petitioner

8 VS.

9 DAVID GARLASCO,

10 Respondent

)
) Case Number: FDI-19-791028

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) Hearing Date: April 16, 2024

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) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: MICHELLE TONG
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11
12 REQUEST FOR ORDER ATTORNEY FEES AND COSTS

13 **TENTATIVE RULING**

14 Per agreement of the parties, the hearing in this matter is vacated.
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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 RICARDO RAUCH,

7 Petitioner

8 VS.

9 MORA KESTELMAN,

10 Respondent

)
) Case Number: FDI-21-794827

)
) Hearing Date: April 16, 2024

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) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: MICHELLE TONG
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11
12 REQUEST FOR ORDER FOR FINDING UNDER FAMILY CODE SECTION 3048(B) THAT
13 MOTHER POSES A RISK TO ABDUCT CHILD FILED BY PETITIONER ON 12/6/23; STATUS
14 CONFERENCE TO CONFIRM LONG CAUSE HEARING DATES; NOTICE OF MOTION AND
15 MOTION TO BE RELIEVED AS COUNSEL; REQUEST FOR ORDER RE: ORDER SHORTENING
16 TIME, MOTION TO CONTINUE, MOTION TO BE RELIEVED AS COUNSEL

17 **TENTATIVE RULING**

18 **Appearances are required for the status conference (that was previously set at the prior 3/4/2024**
19 **status conference) to confirm long-cause hearing dates. The parties may appear in-person, by video,**
20 **or by phone. If a party chooses to appear by video or by phone, that party must abide by the Notice**
21 **and Instructions for Remote Appearances in San Francisco Family Court set forth above.**

22 At the hearing, the Court intends to adopt the following findings and orders.

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

25 **A. Petitioner's Request for Abduction Orders**

26 1) Father requests a finding that Mother poses a risk of abduction.

27 2) The Court maintains the Juvenile Custody Order Final Judgment filed on October 7, 2021 in case
28 JD21-3081, that remains in full force and effect.

29 a. Section 7 Child abduction prevention was checked and remains in effect.

1 b. FL-341(B) was not attached.

2 3) The Court needs to needs to review the JD21-3081 case file pursuant to Welfare and Institutions
3 Code section 827(a)(1)(l) and finds good cause to continue Father's request for abduction
4 findings against Mother and consolidates Father's request to be heard with Mother's move away
5 request.

6 4) Mother filed two new Requests for Orders (RFO) on April 12, 2024. One RFO is requesting a
7 move away to Argentina which is scheduled on the law and motion calendar on June 27, 2024
8 and the second RFO is calendared for the readiness calendar on July 1, 2024.

9 5) The Court finds good cause to calendar Mother's pending April 12, 2024 RFO for a long cause
10 hearing, to be determined based on the Court's calendar and availability of the parties.

11 **B. Respondent's Attorney's Motion to be Relieved as Counsel**

12 1) On 4/5/2024, Respondent filed a Substitution of Attorney (signed by Respondent and Diana
13 Romanovska, Esq.) notifying the Court that Ms. Romanovska is no longer representing
14 Respondent and Respondent is now self-represented. Ms. Romanovska's motion to be relieved as
15 counsel is therefore moot and the Court makes no further orders regarding this issue.

16 2) Regarding Petitioner's request that the Court rescind or issue a stay of the Court's order filed
17 1/25/2024 awarding to Petitioner \$100,000 in attorney's fees and ordering Petitioner to "liquidate
18 sufficient separate property Scale AI stock during the window in early 2024 during which Scale
19 AI is permitting stock sales to pay to Respondent \$100,000 for attorney's fees," the Court finds
20 under Family Code section 213 that this request is beyond the scope of Respondent's 4/5/2024
21 Request for Order and is denied without prejudice to a future request.

22 3) The Court does not find good cause to award Petitioner his request for \$2,275 in attorney's fees
23 sanctions and his request is denied.

24 **C. Preparation of Order**

25 1) The Court will prepare the order.
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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 MIRANDA DEVLIN,

7 Petitioner

8 VS.

9 TAD DEVLIN,

10 Respondent

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) Case Number: FDI-21-794941

)
) Hearing Date: April 16, 2024

)
) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: MICHELLE TONG
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11
12 REVIEW HEARING PER STIPULATION FILED 9/13/23

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 on for review hearing.
17 2) Since the last court date, both sides have filed mutual restraining orders, which is scheduled to be
18 heard on May 29, 2024.
19 3) The Court finds good cause to continue the review hearing regarding child custody and visitation to
20 trail the domestic violence matters on May 29, 2024.
21 4) The Court will prepare the order.
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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 STEFANIE MILLER,

7 Petitioner

8 VS.

9 RYAN MILLER,

10 Respondent

)
) Case Number: FDI-22-796055

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) Hearing Date: April 16, 2024

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) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: MICHELLE TONG
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11
12 STATUS CONFERENCE TO SET TRIAL (NO SETTLEMENT REACHED ON 3/1/24)' REQUEST
13 FOR ORDER TO MODIFY CHILD SUPPORT AND SPOUSAL SUPPORT

14 **TENTATIVE RULING**

15 **Appearances are required for the status conference (that was previously set at the prior**
16 **3/6/2024 status conference) to set a trial date if no settlement reached. The parties may appear in-**
17 **person, by video, or by phone. If a party chooses to appear by video or by phone, that party must**
18 **abide by the Notice and Instructions for Remote Appearances in San Francisco Family Court set**
19 **forth above.**

20 At the hearing, the Court intends to adopt the following findings and orders.

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

23 **A. Child and Temporary Spousal Support**

24 1) Procedural History

- 25 a. At the prior 2/15/2024 hearing, the Court ordered Father to pay guideline child support of
26 \$1,075 per month and temporary guideline spousal support of \$2,172 per month for the
27 period 10/15/2023 (when Father's contract position began) through 3/15/2024 (when
28 Father's contract position was originally set to end). The Court set a review hearing for
29 4/16/2024 on the following issues: (a) a Smith / Ostler order for the period 10/15/2023 –

1 3/15/2024, (b) child and spousal support effective 3/16/2024, and (c) whether to subject
2 either party to a seek work order.

3 b. On 4/5/2024, Mother filed a Review Hearing Declaration stating that she has a
4 mastectomy scheduled for 4/18/2024 and she will be in recovery and unable to work until
5 6/30/2024 if there are no complications. Mother also says she is no longer receiving
6 disability payments as of the beginning of April 2024. Mother requests: (a) extend the
7 current support order through 3/1/2024 and issue a new support order commencing
8 4/1/2024, (b) set a review hearing on support on 7/2/2024, and (c) order Respondent to
9 pay arrears owed.

10 c. On 4/10/2024, Father filed an Update Declaration stating that his current contract has
11 been extended for three more months and is now set to expire in mid-to-late June 2024
12 and that his support inputs have not changed since 2/15/2024. Father asks that the Court
13 order: (a) Mother to provide updated medical records, (b) Mother to provide an updated
14 note from her doctor indicating if her inability to work is related to her cancer treatment
15 and why her doctor has put her off work for 10 weeks, (c) an independent medical
16 examination, (d) enter a seek work order for Mother effective July 1 (or set an evidentiary
17 hearing in the Fall, (e) confirm the San Diego condominium to him so he can refinance
18 the property (or bifurcate this issue and set it for an early trial on the characterization and
19 disposition of this asset).

20 2) Findings and Orders

21 a. Support for the Period 3/16/2024 – 6/15/2024

22 i. According to the doctor's note attached as Exhibit A to Mother's Review
23 Hearing Declaration, Mother has been placed off work by her doctor for the
24 period 4/2/2024 – 6/30/2024. Mother has provided the Court with no explanation
25 for why her disability payments stopped at the end of March 2024, whether she
26 remains eligible for disability payments during this new placement "off work",
27 whether she has applied for disability payments for this period, and whether any
28 such application remains pending or has been denied. Because Mother has not
29 given the Court this information, the Court finds good cause to maintain the

1 current support order with a reservation over the Court's jurisdiction to modify
2 the support order retroactive to 3/16/2024 at the next hearing date.

- 3 ii. For the period 3/16/2024 – 6/15/2024, in accordance with the Dissomaster which
4 is attached and incorporated into this order, Father shall pay to Mother \$1,065
5 per month in child support and \$2,152 per month in temporary guideline spousal
6 support for a total of \$3,217 due and owing each month. One-half shall be paid
7 by the 1st and one-half shall be paid by the 15th of each month.
- 8 iii. The inputs into the Dissomaster are the same as the inputs used in the
9 Dissomaster issued at the 2/15/2024 hearing. The support figures are slightly
10 different, however, because the current Dissomaster has been run using the
11 updated Dissomaster version of 2024-1 which has yielded slightly different
12 outputs.
- 13 iv. As the Court may retroactively adjust support effective 3/16/2024 at the next
14 hearing date, the Court will not make a Smith / Ostler order regarding support for
15 the period 3/16/2024 – 6/15/2024 at this time, but will do so at the next hearing
16 date.

17 b. Smith / Ostler Support for the Period 10/15/2023 – 3/15/2024

- 18 i. According to the attachment to Father's 2/5/2024 Income and Expense
19 Declaration, during the period 10/15/2023 (when his contract began) through
20 12/31/2023, Father earned total income of \$40,000. According to Exhibit D of
21 Father's 4/10/2024 Update Declaration, during the period 1/1/2024 – 3/31/2024,
22 Father earned total income of \$51,200. Thus, during the period 10/15/2023 –
23 3/31/2024, Father earned total income of \$91,200. This is \$9,068.50 more than
24 Father would have earned had he earned just base income of \$14,933 per month
25 (which would average out to \$82,131.50 for the period 10/15/2023 – 3/31/2024).
- 26 ii. Because Father has not explained what is the total amount he earned just for the
27 period 10/15/2023 – 3/15/2024 and because the Court is not yet making a Smith /
28 Ostler order for the period 3/16/2024 – 3/31/2024, the Court is unable to finalize
29

1 a Smith / Ostler order for the period 10/15/2023 – 3/15/2024 and this issue is
2 reserved for the next hearing date.

3 c. Support Arrears

4 i. Mother's request that the Court calculate and order Father to pay support arrears
5 for the period 10/15/2023 – 3/15/2024 is denied without prejudice to a new
6 motion as this issue is not currently before the Court. The parties shall meet and
7 confer on this issue before either party files a motion on this issue.

8 d. Other Requests

9 i. Father's request that the Court order Mother to provide updated medical records
10 is denied without prejudice to all discovery avenues available to Father.

11 ii. Father's request that the Court order Mother to provide an updated note from her
12 doctor indicating if her inability to work is related to her cancer treatment and
13 why her doctor has put her off work for 10 weeks is without prejudice to all
14 discovery avenues available to Father.

15 iii. Father's request to subject Mother to an independent medical examination is
16 denied.

17 iv. Father's request to enter a seek work order for Mother effective July 1 (or set an
18 evidentiary hearing in the Fall) is reserved for the next hearing date.

19 v. Father's request that the Court confirm the San Diego condominium to him so he
20 can refinance the property (or bifurcate this issue and set it for an early trial on
21 the characterization and disposition of this asset) is denied without prejudice to a
22 new motion as this request is beyond the scope of the issues set to be heard on
23 4/16/2024.

24 e. Review Hearing

25 i. Mother's request to set the next review hearing on Tuesday, 7/2/2024 is denied.
26 The calendar is too impacted on that date for there to be time to add an additional
27 review hearing to that calendar.

28 ii. A review hearing is set for Tuesday, 7/16/2024 at 9:00 AM in Dept. 404 on the
29 following issues: (a) whether to retroactively modify child and temporary spousal

1 support for the period 3/16/2024 – 6/15/2024, (b) a Smith / Ostler order for the
2 period 10/15/2023 – 3/15/2024, (c) a Smith / Ostler order for the period
3 3/16/2024 – 6/15/2024, (d) child and temporary spousal support effective
4 6/16/2024, and (e) whether to subject either party to a seek work order.

5 iii. At least 20 calendar days prior to the next hearing date, both parties shall file and
6 serve an updated Income and Expense Declaration.

7 iv. At least 20 calendar days prior to the next hearing date, Father shall file and serve
8 a declaration which contains: (a) a proposed bonus table for Smith / Ostler for the
9 periods 10/15/2023 – 3/15/2024 and 3/16/2024 – 6/15/2024, (b) a summary of his
10 total income (with documentary evidence in support) earned for the period
11 10/15/2023 – 3/15/2024, (c) a summary of his total income (with documentary
12 support) earned for the period 3/16/2024 – 6/14/2024. Father shall also outline
13 his position with respect to all other issues set to be heard on 7/16/2024.

14 v. At least 20 calendar days prior to the next hearing date, Mother shall file and
15 serve a declaration explaining why her disability payments stopped at the end of
16 March 2024, whether she remains eligible for disability payments during the new
17 placement “off work” commencing 4/2/2024, whether she has applied for
18 disability payments for this period, and whether any such application remains
19 pending or has been denied. Mother shall attach documentary evidence to support
20 her statements. Mother shall also outline her position with respect to all other
21 issues set to be heard on 7/16/2024.

22 vi. At least 10 calendar days prior to the next hearing date, each party shall file and
23 serve updated Statements of Support Calculation for the period 3/16/2024 –
24 6/15/2024 (if either party wishes to modify the current orders regarding this
25 period) and for the period 6/16/2024 and going forward.

26 f. Findings and Order After Hearing for the Prior 2/15/2024 Hearing Date

27 i. Father’s attorney shall prepare and submit to the Court the Findings and Order
28 After Hearing for the 2/15/2024 hearing date, as previously ordered, forthwith.

29 **B. Preparation of Order**

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

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:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Father	10,135	Payment (cost)/benefit	(3,023) 3,174
Filing status	HH/MLA	Single	Mother	2,241	Net spendable income	6,918 5,458
# Federal exemptions	2	1	Total	12,376	% combined spendable	55.9% 44.1%
Wages + salary	14,933	0	Support (Nondeductible)		Total taxes	3,122 84
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	12,376
Self-employment income	0	0	Presumed	1,065	Proposed	
Other taxable income	0	1,625	Basic CS	1,065	Payment (cost)/benefit	(3,023) 3,174
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	6,918 5,458
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	1,065	% combined spendable	55.9% 44.1%
Ordinary dividends	0	0	SS Payor	Father	% of saving over gdl	0% 0%
Tax. interest received	0	0	Santa Clara	2,152	Total taxes	3,122 84
Social Security received	0	0	Total	3,217	Comb. net spendable	12,376
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.0 %
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	1,065		
Roy, partnerships, S corp, trusts	0	0	Basic CS	1,065		
Rental income	0	1,625	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	960	Child 1	1,065		
New-spouse income	0	0	SS Payor	Father		
SS paid other marriage	0	0	Santa Clara	2,152		
CS paid other relationship	0	0	Total	3,217		
Adj. to income (ATI)	0	0	Savings	0		
9.3% elective PTE payment	0	0	Mother	0		
Ptr Support Pd. other P'ships	0	0	Father	0		
Health insurance	1,676	260	No releases			
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	4,733	0				
Other medical expenses	0	0				
Property tax expenses	1,833	0				
Ded. interest expense	2,900	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:
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TANF,SSI and CS received

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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 KERRY MULLER,

7 Petitioner

8 VS.

9 RAJA MUNA,

10 Respondent

)
) Case Number: FDI-23-798579

)
) Hearing Date: April 16, 2024

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) Hearing Time: 9:00 AM

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) Department: 404

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) Presiding: MICHELLE TONG
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12 REQUEST FOR ORDER [X] CONTINUE OF HEARING SCHEDULED FOR 4/16/24; REQUEST FOR
13 ORDER RE: SPOUSAL OR PARTNER SUPPORT, ATTORNEY FEES AND COSTS

14 **TENTATIVE RULING**

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

17 **A. Procedural History**

- 18 1) According to the Petition filed 9/6/2023 and the Response filed 10/9/2023, the parties were
19 married on 9/20/2018. Petitioner states the date of separation is “TBD” and the Respondent states
20 the date of separation is 9/8/2023. This is a short-term marriage, but Petitioner states that the
21 parties have been in a relationship since 2005. The parties have no minor children.
- 22 2) On 12/7/2023, a Stipulation and Order was filed which provides that Petitioner will receive an
23 unallocated advance for her attorney’s fees in the amount of \$10,000 and an advance for her
24 forensic accountant’s costs in the amount of \$10,000, to be allocated during settlement or trial.
- 25 3) On 2/13/2024, Petitioner filed the instant Request for Order seeking temporary guideline spousal
26 support and \$85,000 in attorney’s fees and costs.
- 27 4) On 4/11/2024, Respondent filed an ex parte Request for Order seeking a continuance of the
28 4/16/2024 hearing to mid-June or mid-July on the grounds that Respondent’s financial expert is
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1 not available, which Petitioner opposed. On 4/11/2024, the Court denied Respondent's request for
2 a continuance pending hearing.

- 3 5) Respondent has not filed a Responsive Declaration to Petitioner's 2/13/2024 Request for Order,
4 nor has he filed an Income and Expense Declaration as required by California Rules of Court,
5 rule 5.260.

6 **B. Findings and Orders**

- 7 1) Effective 4/16/2024, Respondent shall pay to Petitioner \$20,395 in temporary guideline spousal
8 support in accordance with the Dissomaster support calculation attached to the declaration of
9 Fred Rey filed 2/13/2024. One-half shall be due and payable by the 1st and one-half shall be due
10 and payable by the 15th of each month.
- 11 2) The \$10,197.50 owed for the period 4/16/2024 – 4/30/2024 shall be paid no later than 4/16/2024
12 at 5:00 PM.
- 13 3) The Court finds that there is a disparity in access to funds to pay legal fees and that Respondent
14 has the ability to pay both his own legal and expert fees and to make a significant contribution to
15 Petitioner's legal and expert fees. Respondent has already paid to Petitioner \$20,000 for legal and
16 expert fees. The Court hereby awards to Petitioner an additional \$20,000 for legal and expert fees,
17 to be paid from Respondent's separate property no later than 4/26/2024 at 5:00 PM. The Court's
18 jurisdiction to reallocate this fee award is reserved.
- 19 4) The Court's jurisdiction to award temporary spousal support for the period 2/13/2024 – 3/31/2024
20 is reserved for the next hearing date.
- 21 5) The Court's jurisdiction to recalculate temporary spousal support retroactive to 4/16/2024 is
22 reserved for the next hearing date.
- 23 6) The Court's jurisdiction to award to Petitioner additional fees for attorney's fees and expert costs
24 is reserved for the next hearing date.
- 25 7) The Court sets a review hearing on Tuesday, 7/16/2024 at 9:00 AM in Dept. 404.
- 26 8) At least 30 calendar days prior to the next hearing date, both parties shall file and serve updated
27 Income and Expense Declarations.
- 28 9) At least 15 calendar days prior to the next hearing date, both parties shall file and serve proposed
29 Statements of Support Calculation for the period 2/13/2024 going forward.

1 10) At least 5 Court days prior to the next hearing date, each party may file and serve a 5 page
2 declaration responding to the other party's proposed Statement of Support Calculation.

3 11) Petitioner's attorney shall prepare the order, which shall include as an attachment the Dissomaster
4 support calculation attached to the declaration of Fred Rey filed 2/13/2024.

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

7 Petitioner)

8 VS.)

9 SWATHI ADISESHU,)

10 Respondent)
11)

) Case Number: FDI-23-798721

) Hearing Date: April 16, 2024

) Hearing Time: 9:00 AM

) Department: 404

) Presiding: MICHELLE TONG
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) At the prior 2/13/2024 hearing, the Court awarded Respondent spousal support and set a future
18 hearing date of 4/16/2024 on Respondent's request for \$10,000 in need-based attorney's fees as
19 the Court needed more information from Respondent.
20 2) On 3/13/2024, Respondent filed a declaration providing additional information to the Court
21 regarding what issues need to be resolved in her case. Respondent augments her request for
22 attorney's fees to \$15,000.
23 3) According to the Proof of Service filed 3/13/2024, Respondent had her declaration served on
24 Petitioner by mail, addressed to the address the Court has on file for Petitioner, on 3/13/2024.

25 **B. Findings and Orders**

- 26 1) According to the Dissomaster attached to the Court's spousal support order from the 2/13/2024
27 hearing, after Petitioner pays temporary guideline spousal support to Respondent, Petitioner will
28 have 60% of the parties' monthly combined net spendable income (\$8,643) and Respondent will
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1 have 40% of the parties' monthly combined net spendable income (\$5,762). There is a difference
2 in the parties' combined net spendable incomes of \$2,881 per month.

- 3 2) The Court also notes that Petitioner has filed no pleadings in this matter to date to refute any of
4 Respondent's assertions.
- 5 3) The Court finds that there is a disparity in access to fund to pay legal fees and that Petitioner has
6 the ability to make a significant contribution to Respondent's attorney's fees.
- 7 4) Respondent shall pay to Petitioner \$10,000 as and for need-based attorney's fees from his
8 separate property, which the Court finds is a reasonable amount for fees to be incurred through
9 the conclusion of this matter, no later than 5/15/2024 at 5:00 PM. This order is made without
10 prejudice to Respondent's ability to request additional fees once counsel has been retained if her
11 retained counsel files a new motion showing that additional fees are warranted.
- 12 5) The Court will prepare the order.
- 13 6) **Preparation of Order:** If you are directed by the court to prepare the order after hearing – within
14 10 calendar days of the hearing you must either: (a) Serve the proposed order to the other
15 party/counsel for approval, and follow the procedures set forth in CA Rules of Court, Rule
16 5.125(c), or (b) If the other party did not appear or the matter was uncontested, submit the
17 proposed order after hearing directly to the court. Failure to submit the order after hearing within
18 10 days may allow the other party to prepare a proposed order and submit it to the court in
19 accordance with CA Rules of Court, Rule 5.125(d).
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNIFIED FAMILY COURT

SHINDI DUFFY,

Petitioner

VS.

MATTHEW DUFFY,

Respondent

) Case Number: FDV-24-817351

) Hearing Date: April 16, 2024

) Hearing Time: 9:00 AM

) Department: 404

) Presiding: MICHELLE TONG

OTHER REVIEW HEARING

TENTATIVE RULING

Parties are ordered to appear because of the existing restraining order. Parties should be prepared to provide the Court with information about work schedules. The parties may appear in person, by video, or by phone. If a party chooses to appear by video or by phone, that party must abide by the Notice and Instructions for Remote Appearances in San Francisco Family Court set forth above.

At the hearing, the Court intends to adopt the following findings and orders.

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

- 1) The Court issued a one-year domestic violence restraining order protecting Mother from Father on February 14, 2024 with an expiration of February 14, 2025.
- 2) The restraining order awarded Mother sole legal and sole physical custody.
- 3) The parties entered a stipulation regarding visitation that would allow Father to have overnights with the three children after his lease began on February 15, 2024.
- 4) The Court sent the parties to mediation to work create a timeshare schedule.
- 5) The parties were unable to reach an agreement and both sides did not file any pleadings for the Court to consider in to order a timeshare schedule.

1 6) The Court will prepare the order.

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