

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 case,
- 12 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 case,
- 14 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 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 JOHN WALN,

7 Petitioner

8 VS.

9 NADEZHDA VOLN,

10 Respondent

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) Case Number: FPT-24-378339

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) Hearing Date: April 9, 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 RE: GENETIC (DNA) TESTING

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 2/2/2024, Petitioner filed a Petition to Determine Parental Relationship asking for a DNA test
18 to confirm whether he is the father of the child born to Respondent (who is Petitioner’s wife) on
19 12/29/2023 in San Francisco.

20 2) On 2/2/2024, Petitioner filed the instant Request for Order asking for genetic testing regarding his
21 parentage of the minor child.

22 3) On 2/5/2024, Petitioner filed a Proof of Service of Summons indicating the Petition, Summons,
23 Request for Order, and Tentative Ruling Instructions were served on Respondent by substituted
24 service. There is no declaration of diligence attached to the Proof of Service of Summons stating
25 the following (as required by San Francisco Local Rules, rule 11.14(A)(8)): “1) The factual basis
26 upon which the process server concluded that the place of service and mailing was either the
27 ‘dwelling house, usual place of abode, usual place of business, or usual mailing address other
28 than a United States Postal Service box’ of the person served; 2) That not less than three attempts
29 at personal service were made at three different times of the day, on three different days; and 3)

1 At least one of these attempts was made at the last known residence address of the person to be
2 served.”

3 4) Respondent has not filed any pleadings in this matter.

4 **B. Findings and Orders**

5 1) The hearing on Petitioner’s 2/2/2024 Request for Order is continued to Tuesday, 6/25/2024 at
6 9:00 AM in Dept. 404 for Petitioner to file and serve (by mail is sufficient) the requisite
7 declaration regarding service of the Petition, Summons, Request for Order, and Tentative Ruling
8 Instructions or to effectuate valid service at least 16 Court days prior to the next hearing date in
9 advance of the next hearing date.

10 2) At least 16 Court days prior to the next hearing date, Petitioner must also serve a written copy of
11 this order setting the next hearing date so Respondent is aware of the next hearing date.

12 3) Petitioner is encouraged to seek assistance from the ACCESS Center. Information for contacting
13 the ACCESS Center can be found here: <https://sf.courts.ca.gov/self-help>.

14 4) The Court will prepare the order and mail a copy to Petitioner.
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1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 JHOLOR RAMIREZ SARTE,

7 Petitioner

8 VS.

9 ARMANDO VASQUEZ SARTE,

10 Respondent

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) Case Number: FDI-18-790283

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) Hearing Date: April 9, 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 REQUEST FOR ORDER CHILD CUSTODY, VISITATION
13 (PARENTING TIME)

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 1) The parties have one child together, Armando, age 15.
18 2) Mother filed a responsive pleading.
19 3) The parties attended mediation and could not come to an agreement.
20 4) The Court finds it is in the best interest of the child to have a relationship with both parents.
21 5) The Court maintains the custody orders that have been in effect since July 27, 2020, awarding Mother
22 have sole legal and sole physical custody of Armando.
23 6) The Court orders Father to have parenting time with child every Saturday from noon to 5:00PM
24 starting Saturday April 13, 2024.
25 7) The parties shall decide where Father will meet Armando.
26 8) Father's request for overnight visits is DENIED at this time.
27 9) Father may also have direct contact with Armando.
28 10) Mother shall encourage Armando to spend time with his father.
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1 11) The Court sets a review hearing on Father's parenting time on June 18, 2024 at 9:00 AM in Dept.
2 404. Parties shall file and serve updated declarations about visitation 10 days before the next court
3 date.

4 12) Parties are reminded to check the court website the Court day before by 2:00PM for the tentative
5 ruling.

6 13) Father's attorney shall prepare the order.

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

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- 1 5) The Court does not find sufficient evidence of Mother's attempt to alienate Father or Father's family
2 from child.
- 3 6) Father's request for monetary sanctions is DENIED as there are no contempt proceedings before the
4 Court.
- 5 7) The Court notes Hannah is almost 17 years old and appears to be an active, independent, and
6 academically thriving teenager that is finishing her junior year, about to enter the final summer into
7 her senior year of high school.
- 8 8) The Court reminds the parties to adhere to the stipulations and MOU as they remain in full force and
9 effect. The parents should be mindful of Hannah's age, independence, academic and extracurricular
10 demands in the context of the existing visitation schedule.
- 11 9) Either parent's failure to follow the stipulations and MOU may affect the disobeying parent's legal
12 and / or physical custodial rights and / or could subject that parent to contempt proceedings.
- 13 10) The Court finds there are no other issues to adjudicate and takes this matter off calendar.
- 14 11) 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 VEDAT DEVIREN,

7 Petitioner

8 VS.

9 SIBEL DEVIREN,

10 Respondent

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) Case Number: FDI-20-793519

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) Hearing Date: April 9, 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 MOTION TO SEAL RECORDS

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) On for hearing is Petitioner's Request for Order filed 2/8/2024 asking the Court to seal the parties'
17 trial briefs, witness lists, exhibit lists, and a number of exhibits that Petitioner was planning to
18 introduce at trial.
- 19 2) There is no Proof of Service on file evidencing service of Petitioner's Request for Order nor has
20 Petitioner filed and served a declaration updating this department regarding which of the exhibits
21 Petitioner is requesting to seal were actually admitted into evidence at trial.
- 22 3) The hearing on Petitioner's Request for Order filed 2/8/2024 is continued to Tuesday, 6/25/2024 at
23 9:00 AM in Dept. 404.
- 24 4) By the deadlines set forth in the Code of Civil Procedure in advance of the next hearing date,
25 Petitioner shall file and serve a declaration updating this department regarding which of the exhibits
26 Petitioner is requesting to seal were actually admitted into evidence at trial.
- 27 5) By the deadlines set forth in the Code of Civil Procedure in advance of the next hearing date,
28 Petitioner shall serve the Request for Order, accompanying Memorandum of Points and Authorities,
29 updated declaration, and a copy of this continuance order on Respondent.

1 6) Petitioner's attorney shall prepare the order.

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

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1) The hearing on Respondent's Request for Order is continued to Thursday, 6/27/2024 at 9:00 AM in Dept. 404.

2) At least 20 calendar days prior to the next hearing date, Respondent shall file and serve a declaration under penalty of perjury which addresses the following questions:

a. According to the Proof of Service filed 3/2/2021, Respondent was personally served with the Petition and Summons at 603 Bush Street San Francisco, CA 94108 on 2/27/2021.

Does Respondent dispute receipt of the Petition and Summons?

b. According to the Request to Enter Default filed 12/16/2021, Respondent was served by mail with the Request to Enter Default at 4237 Fifth Ave. San Diego, CA 92103 on 12/16/2021. Does Respondent dispute receipt of the Request to Enter Default?

c. According to the Proof of Service filed 2/6/2023, Respondent was served by mail with Petitioner's Community and Separate Property Declarations at 4237 Fifth Ave. San Diego, CA 92103 on 12/9/2021. Does Respondent dispute receipt of Petitioner's Community and Separate Property Declarations?

d. According to the Proof of Service filed 2/6/2023, Respondent was served by mail with Petitioner's Amended Community and Separate Property Declarations at 4237 Fifth Ave. San Diego, CA 92103 on 8/31/2022. Does Respondent dispute receipt of Petitioner's Amended Community and Separate Property Declarations?

3) At least 10 calendar days prior to the next hearing date, Petitioner may file and serve a declaration responding to Respondent's new declaration and original Request for Order.

4) The parties are strongly encouraged to seek assistance from the ACCESS Center.

5) The Court will prepare the order and mail a copy to both parties.

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 UNIFIED FAMILY COURT
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5
6 CASIERRA MICHAUX,

7 Petitioner

8 VS.

9 SHAUN MICHAUX,

10 Respondent

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) Case Number: FDI-21-794605

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) Hearing Date: April 9, 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, TO BE ALLOWED TO TRANSPORT MINOR
13 CHILD TO SCHOOL IN THE MORNING AND NECESSARY EVENTS; REQUEST FOR ORDER
14 RE: VISITATION (PARENTING TIME), AND OTHER: RESPONDENT-FATHER IS NOT ABIDING
15 BY THE FOAH PROCEEDING HEARD ON JANUARY 17, 2023 AND I NEED THE COURT TO
16 ENFORCE ITS TERMS; REQUEST FOR ORDER RE: INSURANCE REINSTATEMENT; ORDER
17 SHORTENING TIME, INTAKE FORMS TO DISCOVERY CENTER NEEDED IMMEDIATELY FOR
18 REUNIFICATION

19 **TENTATIVE RULING**

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

22 **A. Custody and Visitation**

- 23 1) Mother has filed numerous requests for orders to take child to school in the mornings and other
24 necessary events: enforce existing orders and order Father to cooperate with family reunification
25 therapy documentation.
- 26 2) Father filed a responsive declaration.
- 27 3) The Court orders Father to return all necessary paperwork to Mother by 5:00PM on Friday April
28 12, 2024 in order to enroll in family reunification therapy.
- 29 4) The Court orders Mother's parenting time to be as follows:

1 a. Thursdays from 2:00PM to 5:00PM. Pickups will be from school and drop offs will be at
2 Stonestown.

3 b. Starting Saturday April 20, 2024, alternating Saturdays from noon to Sundays
4 5:00PM. Exchanges will occur at Stonestown.

5 5) The Court orders Father to file and serve the other parent with Shacier's attendance and academic
6 reports with updated declaration regarding visitation by April 10, 2024. Mother shall file and
7 serve updated declarations by the same date.

8 6) Visitation and update on family therapy will be reviewed on April 24, 2024 at 1:45PM when the
9 parties return for the contempt hearing.

10 **B. Petitioner's Request for Order Filed 2/2/2024**

11 1) There is no Proof of Service on file for Petitioner's Request for Order filed 2/2/2024 and
12 Respondent has not filed a Responsive Declaration.

13 2) The hearing on Petitioner's Request for Order filed 2/2/2024 regarding Petitioner's requests
14 related to dental insurance is continued to Thursday, 6/27/2024 at 9:00 AM in Dept. 404 to
15 provide additional time to Petitioner to effectuate valid service.

16 3) At least 16 Court days prior to the next hearing date, Petitioner must serve the Request for Order
17 filed 2/2/2024, a blank Responsive Declaration (FL-320), the Tentative Ruling Instructions, and a
18 copy of this order setting the next hearing date so the Respondent is aware of the next hearing
19 date.

20 4) If Petitioner does not file a Proof of Service evidencing compliance with the above order at least
21 10 calendar days prior to the next hearing date, the hearing date may be removed from calendar.

22 5) Petitioner is encouraged to seek assistance from the ACCESS Center. Information for contacting
23 the ACCESS Center can be found here: <https://sf.courts.ca.gov/self-help>.

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 ANGELIQUE GUILLERMO-JIMENEZ,)
7 Petitioner) Case Number: FDI-22-796119
8 VS.) Hearing Date: April 9, 2024
9 ERIC H GUILLERMO-JIMENEZ,) Hearing Time: 9:00 AM
10 Respondent) Department: 404
11) Presiding: MICHELLE TONG
12)

13 REQUEST FOR ORDER FOR CHANGE OF CHANGE OF VISITATION (PARENTING TIME), OFW
14 TO TALKING PARENTS RESPONDENT TO PAY CAR REGISTRATION AND TICKETS

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. Custody and Visitation**

- 19 1) The parties have two children together, Robert (age 9) and Riley (age 7).
20 2) The parties have shared joint legal and joint physical custody since July 12, 2022.
21 a. The Court orders the custodial parent is responsible for taking the children to school on
22 time.
23 b. The Court orders the receiving parent shall pick up the children, curbside from the other
24 parent's residence.
25 3) The Court recommends the parties participate in Kid's Turn, which charges families a fee on a
26 sliding scale. Parties shall share equally the cost of Kid's Turn, should they agree to participate.
27 4) The Court orders the parties to restore communication about the children on the free version of
28 the Talking Parents app. Parties are ordered to sign up on the app by Wednesday April 10, 2024
29 at 5:00PM.

1 5) Parties are reminded to follow the existing visitation schedule and orders issued by the Court
2 today. Failure to follow orders may subject either parent to contempt proceedings or affect their
3 parental rights.

4 6) All other orders remain in full force and effect.

5 7) The Court finds there are no other child custody and visitation matters to resolve.

6 8) Future dates in this case are scheduled for financial matters.

7 **B. Honda Pilot**

8 1) Although Petitioner states, "I was responsible for all community debt, including the car loans,"
9 the Court is unable to locate any prior orders regarding how the parties should share the costs of
10 the Honda Pilot.

11 2) Effective 4/9/2024 and continuing for so long as Respondent has exclusive use of the Honda
12 Pilot, Respondent shall be solely responsible for the annual registration fee (including for 2024)
13 and any parking tickets accumulated on or after 4/9/2024.

14 3) The Court's jurisdiction to adjudicate any reimbursement claims related to the Honda Pilot from
15 date of separation through 4/8/2024 is reserved for trial.

16 **C. Preparation of Order**

17 1) The Court will prepare the order.
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