

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, March 14, 2025, 9:30 a.m.
Courtroom 22 –Hon. Paul J. Lozada
3055 Cleveland Avenue, Santa Rosa**

TO JOIN “ZOOM” ONLINE:

Meeting ID: 161-646-8743

Passcode: 026215

<https://sonomacourt-org.zoomgov.com/j/1616468743>

TO JOIN “ZOOM” BY PHONE:

By Phone (same meeting ID and password as listed above):

(669) 254-5252

The following tentative rulings will become the ruling of the Court unless a party desires to be heard. If you desire to appear and present oral argument as to any motion, it will be necessary for you to contact the department’s Judicial Assistant by telephone at (707) 521 -6732 by 4:00 p.m. on the day before the hearing. Any party requesting an appearance must notify all other opposing parties of their intent to appear.

1. 24FL01592, CONFIDENTIAL CASE

Motion to Withdraw by Petitioner’s attorney is unopposed and GRANTED. The Court will sign the proposed order.

2. 24FL01974, Acosta/Acosta-Balam Legal Separation

Petitioner’s Request to Bifurcate Marital Status for Separate Trial is DENIED, without prejudice, to bring the request before the court again in a properly noticed and pled motion using the appropriate judicial counsel forms (FL-300 and FL-315, see also <https://selfhelp.courts.ca.gov/divorce/how-to-ask-for-a-separate-trial>).

It is SO ORDERED.

3. SFL62889, Blair Dissolution

Motion to Unseal Transcripts DENIED.

Motion to Vacate Orders from 10/22/2024 DENIED.

Tentative Ruling contains confidential information that is difficult to redact without affecting the parties understanding of the ruling and basis contained within. The privacy interests involved outweigh the public’s interest in access and the general public has no interest in the private medical issues of a party or the child involved. The unredacted Tentative Ruling will be provided to all parties and the hearing on these matters will be reset to April 11, 2025, at 9:30am in Dept 22 of the Sonoma County Superior Court. This will provide the parties time to review the ruling and request

hearing in accordance with the Local Rules. No further pleadings, or briefs of argument will be permitted or considered on these issues.

4. SFL65197, County of Sonoma v Brown

APPEARANCES REQUIRED.

Facts

Petitioner, Sonoma County Department of Child Support Services (“DCSS”) filed this action in December 2013 to determine the parentage and child-support obligations of Respondent for one minor child (the “Child”), the Other Parent being mother Tanya Edith Gonzalez (“Mother”).

Motion

In her Request for Order (“RFO”) and Motion to Set Aside Case per parentage established in case SPR87585 (the “Other Proceeding”), Mother moves the court to vacate or dismiss this action based on the fact that the results of a paternity test for one Marco A. Alvarez (“Alvarez”) were provided in a different proceeding, SPR87585, demonstrating Alvarez to be the father. In the Other Proceeding, she notes, parental visiting time was determined and the Child’s last name was changed to that of Alvarez.

Petitioner opposes this motion. It acknowledges that Mother has claimed that Alvarez has been determined to be the Child’s father and that if this is the case, “the effect of leaving the default Judgment against [Respondent] in place is problematic,” but that the motion is legally defective and Mother has not taken other steps to resolve the situation. It also asks that if the court sets aside the judgment, it order that Respondent is not entitled to reimbursement for the \$1,000.45 in child support which Petitioner has already collected from him.

Discussion

Mother presents no authority or analysis for this motion and she is unclear about the exact nature of the relief sought here. Nonetheless, the issues and basis for this motion raise significant concerns regarding the propriety of allowing this judgment to remain in place. The court finds it appropriate to address the matter with the parties in order to determine the best way to move forward and unless the matter is resolved at the hearing, the court will continue the motion and require further briefing from both parties in order to determine how best to resolve the matter. The court notes that if indeed Respondent is not the father of the Child and there is already an adjudication that another party, specifically Alvarez, is the father and responsible for the Child, it would be an injustice and a legal anomaly for the judgment to remain in place, imposing support obligations and possible related repercussions on the wrong person.

Conclusion

The court REQUIRES APPEARANCES as explained above.

It is SO ORDERED.

5. SFL091891, Turner Dissolution

Motion to Compel Preliminary Declaration of Disclosure and Imposition of Monetary Sanctions GRANTED as explained below. Sanctions of \$2,217.81 awarded to Petitioner against Respondent, with the possibility of additional reasonable sanctions according to proof, as explained below.

Facts

Petitioner filed this petition for dissolution of marriage without minor children on September 9, 2022. After a request to enter default followed by an amended petition and other matters, eventually Respondent filed a response on August 17, 2023. Some litigation followed regarding, among other things, the amount of child support which Petitioner must provide for the parties' one disabled adult son.

On July 24, 2024, Petitioner filed a declaration of service of his Preliminary Declaration of Disclosure ("PDD") and Income and Expense Declaration ("IED") showing that he served them that day.

Motion

Petitioner moves this court to compel Respondent to serve a preliminary declaration of disclosure and impose monetary sanctions on Respondent.

Respondent has not filed opposition to this motion. On January 3, 2025, Respondent instead filed a request to reschedule the hearing on this motion due to the fact that she was recovering from surgery and the need to care for two disabled adult sons who were ill at that time. The court granted that request and continued the matter from the original hearing date to March 14, 2025, in order to accommodate Respondent. Respondent on March 7, 2025, filed another request to continue the hearing from March 14, 2025. Respondent based that request on the exact same specific issues which she cited in the prior request to continue. The court has not granted that second request.

Applicable Authority

According to the Family Law Rules of the California Rules of Court ("CRC") 5.2(d), and Family Code section 210, provisions applicable to civil actions generally apply to proceedings under the Family Code unless otherwise provided. This includes the rules applicable to civil actions in the California Rules of Court and the Code of Civil Procedure ("CCP"), and specifically proceedings pursuant to the Civil Discovery Act set forth at CCP section 2016.010, et seq. See, e.g., *In re Marriage of Boblitt* (2014) 223 Cal.App. 4th 1004, at 1022 (discovery).

Unless otherwise excused, parties in actions under the Family Code must provide preliminary and final declarations of disclosure meeting the requirements set forth in Fam. Code sections 2103, 2104, and 2105. If a party fails to provide such a disclosure, or fails to provide the required information, the other party may in a timely manner request compliance and, if the party still fails to comply, may then bring a motion to compel. Fam. Code section 2107.

Fam. Code section 2104 sets forth the requirements for serving preliminary declarations of disclosure. Subdivision (a) requires each party to serve the other with a preliminary declaration of

disclosure unless excused by court order for good cause pursuant to Fam. Code section 2107, or when service is not required pursuant to Section 2110. It requires the service to take place within the time period set forth in subdivision (f). Subdivision (f) requires petitioner to serve the PDD either concurrently with the petition or within 60 days of filing the petition. When a petitioner serves the summons and petition by publication or posting pursuant to court order and the respondent files a response prior to a default judgment being entered, the petitioner shall serve the other party with the PDD within 30 days of the response being filed. Respondent must serve the PDD either with the response or within 60 days of filing the response. The court, by court order, or the parties by written agreement may extend these time periods.

Fam. Code section 2107 governs the failure to comply with the requirements for preliminary declarations of disclosure set forth in section 2104. It states that where one party has complied and the other has not, the complying party may, within a reasonable time, request preparation of such a declaration and, if the other party still fails to comply, may file a motion either to compel compliance, or for an order preventing the noncomplying party from presenting evidence on issues that should have been covered in the declaration of disclosure, showing good cause for the court to grant the complying party's voluntary waiver of receipt of the noncomplying party's declaration of disclosure. According to subdivision (c), in addition to other remedies where a party fails to comply with disclosure requirements, the court "shall... impose money sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and shall include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust."

Discussion

Petitioner's request is persuasive. The record shows that he served his PDD in July 2024 and Respondent has still not served hers. The amount of time which has lapsed is long, Petitioner having given Respondent more than sufficient opportunity before bringing this motion, and Respondent has still not complied despite seeking and obtaining a continuance of this motion. Petitioner also demonstrates efforts to meet and confer in order to resolve the issue but Respondent failed to provide any PDD by the deadlines which Petitioner gave and Petitioner's attorney personally talked about the issues and the deadlines with Respondent, who said that she would provide the PDD in October 2024. Attachment 10 to RFO ("Smith Dec."), para. 4-6. Respondent has not requested an additional extension and she unequivocally has failed to comply. She must provide the PDD.

The court GRANTS the motion as to compelling Respondent to provide her PDD.

Sanctions

Petitioner also seeks monetary sanctions of \$2,997.86 for the expense of bringing this motion, consisting of attorney's fees at \$390 an hour, paralegal time at \$150 an hour, and \$73.70 in costs for the filing fee and electronic filing fee. Smith Dec., para. 7-9. The time spent so far amounts to \$2,144.11, with the rest anticipated for reply and the hearing.

As noted above, according to Fam.Code section 2107(c), in addition to other remedies where a party fails to comply with disclosure requirements, the court "shall... impose money sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and shall include reasonable attorney's fees, costs

incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust.”

The amount sought appears facially reasonable but the court cannot compensate for the time which is so far anticipated unless and until it is actually incurred. The court AWARDs the amount sought for the fees and costs so far, \$2,217.81 for \$2,144.11 in fees and \$73.70 in costs. The court will consider an award of an additional reasonable amount according to proof for any additional expenses incurred for the hearing and reply if indeed Petitioner incurs such expenses.

Conclusion

The motion is GRANTED as set forth above. The prevailing party shall prepare and serve a proposed order consistent with this tentative ruling within five days of the date set for argument of this matter. Opposing party shall inform the preparing party of objections as to form, if any, or whether the form of order is approved, within five days of receipt of the proposed order. The preparing party shall submit the proposed order and any objections to the court in accordance with California Rules of Court, Rule 3.1312.

It is SO ORDERED.