TENTATIVE RULINGS
LAW & MOTION CALENDAR
Thursday, July 2, 2026 9:00 a.m.
Courtroom 21 –Hon. Kinna Patel Crocker
3055 Cleveland Avenue, Santa Rosa CA 95403

TO JOIN "ZOOM" ONLINE:
Meeting ID: 160-223-6856
Passcode: 876992
https://sonomacourt-org.zoomgov.com/j/1602236856

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 - 6836 by 4:00 p.m. on the day before the hearing. Any party requesting an appearance must notify all other opposing parties/counsel of their intent to appear.

1. **SFL079037, Kelley v. Jones**

APPEARANCES REQUIRED. Proof of service was filed 2 days before the hearing and as such, the Court was unable to address the merits of the request. However, it appears the parties are in agreement to change venue.

2. **SFL087147, Manning v. Manning**

APPEARANCES REQUIRED. Service of the Request for Order is at issue.

3. **SFL087336, Muller v. Tabi**

Motion to Declare Respondent a Vexatious Litigant GRANTED.

Facts

Petitioner filed this action to establish his parental relationship to a minor child (the "Child") of Respondent, on November 25, 2020. The court appointed Laura Dunst ("Dunst") as Minor's Counsel for the Child, who is still a minor. Petitioner has been determined to be the father of the Child and Respondent is the mother. Litigation has continued regarding issues such as custody, visitation, and fees for Minor's Counsel.

After a trial of June 22, 2021, the court ordered joint physical and legal custody of the Child with Petitioner having parenting time with the Child on alternate weekends. The court expanded Petitioner's parenting time on October 13, 2021, to parenting time on Wednesday through Sunday on alternating weeks. In addition to making orders on minor details of the custodial and visitation schedule, the court denied Respondent's request to relocate the Child to another state on December 27, 2021. On February 16, 2022 the court made additional orders. It expanded Petitioner's time again, changing the parenting time to full alternating weeks with each parent having a full week with the Child on alternating weeks. The court also denied Respondent's repeated request to relocate the Child to another state and her request that she be given sole legal and physical custody of the Child.

On April 22, 2022, Respondent filed a Request for Order ("RFO") once more seeking sole legal and physical custody. At the hearing on that RFO, the court determined that it needed to appoint a Minor's Counsel for the Child, it ordered that all existing orders were to remain in effect, denying Respondent's request for sole custody, reiterating that the parties were to have joint custody, and ordering Respondent not to withhold the Child from Petitioner's custodial time.

Minor's Counsel submitted a report on October 5, 2022 stating that Petitioner was providing adequate parenting and care, Petitioner should be given primary decision-making authority for schooling and medical care, and that Respondent's visits with the Child be limited to Sonoma County until she completed a psychological evaluation.

Until October 10, 2022, Respondent was represented by an attorney but on that date her attorney substituted out of the case, leaving her self-represented. On that date, the court held a hearing regarding the report of Minor's Counsel. It noted that Respondent had filed a 'set of hundred pages of documents entitled "My Response," once again ordered joint legal and physical custody, and gave Petitioner full authority over the Child's medical needs. By this time, the Child was residing primarily with Petitioner in Sonoma County and the court ordered that should Respondent wish to see the Child, she needed to travel to this county to do so and needed to provide Petitioner with one-week notice; Respondent was not to have care of the Child for more than 7 days at a time, and various orders on other details. It ordered all existing orders otherwise to remain in effect.

On January 10, 2025, Respondent again filed an ex parte request for sole legal and physical custody along with a request to remove the Minor's Counsel, asserting that Minor's Counsel was acting to prevent her from having custody and care of the Child. The court denied the ex parte

request on January 13, 2025 and set the matter for a hearing of March 6, 2025, at which it finally denied the requests. The order was entered on April 10, 2025.

Respondent thereafter submitted another ex parte application to obtain sole legal and physical custody and to remove Minor's Counsel. The court denied the application on July 2, 2025 Meanwhile, before the hearing on her pending RFO had even taken place, Petitioner filed another ex parte application seeking sole legal and physical custody on August 8, 2025. The court denied the request and set the matter for hearing with the other RFO already pending.

The court denied both of Respondent's requests at the hearing of September 10, 2025. At that time, the original Minor's Counsel, Dunst, also asked to be relieved and informed the court that attorney Carolyn Vandyk ("Vandyk") would be available to replace her. The court set the matter for a hearing of October 3, 2025 for appointment of new Minor's Counsel. On September 19, 2025, Respondent filed an RFO asking the court not to appoint Vandyk as Minor's Counsel on the basis that Dunst had suggested Vandyk. The court on October 3, 2025 appointed Vandyk as Minor's Counsel over Respondent's objections.

Motion

In his Request for Order ("RFO") and Motion to Declare Respondent a Vexatious Litigant per CCP 391(b)(1), Petitioner moves the court to declare Respondent to be a vexatious litigant subject to a prefiling order pursuant to Code of Civil Procedure sections 391-391.7. He contends that Respondent has, when self-represented, filed seven motions or applications in the last three years, all were related to attempts to gain sole legal and physical custody of the Child, and all ultimately were denied.

There is no opposition.

Applicable Authority

According to the Family Law Rules of the California Rules of Court ("CRC") 5.2(d), and Family Code ("Fam. 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"). See, e.g., *In re Marriage of Boblitt* (2014) 223 Cal.App. 4th 1004, at 1022 (discovery); *In re Marriage of Zimmerman* (2 Dist. 2010) 183 Cal.App.4th 900, at 910-911 (discussing the applicability of Code of Civil Procedure section 473 when a party seeks relief from orders in family proceedings).

Pursuant to CCP section 391, et seq., a court may declare a party meeting certain criteria to be a "vexatious litigant" and accordingly impose certain specified restraints on that party's ability to litigate when self-represented.

CCP section 391.7 authorizes a court to find a party to be a vexatious litigant and enter a prefiling order upon either the motion of a party or the court's own motion. Subdivision (a) states, in full,

> (a) In addition to any other relief provided in this title, the court may, on its own motion or the motion of any party, enter a prefiling order which prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding justice or presiding judge of the court where the litigation is proposed to be filed. Disobedience of the order by a vexatious litigant may be punished as a contempt of court.

CCP section 391 sets forth the applicable definitions for the title governing vexatious litigants, including the different definitions of "vexatious litigant." Subdivision (a) states that ' "Litigation" means any civil action or proceeding, commenced, maintained or pending in any state or federal court.' Subdivision (b) sets forth the different circumstances under which one qualifies as a "vexatious litigant." It states, in pertinent part and with emphasis added,

> (b) "Vexatious litigant" means a person who does *any* of the following:
> (1) In the immediately preceding seven-year period has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing.
> …
> (3) In any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.
> (2) After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.

A self-represented litigant who repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in frivolous tactics to cause unnecessary delay may be determined as a vexatious litigant. CCP section 391(b)(3). With respect to "repeatedly" filing unmeritorious motions, the statute does not define "repeatedly," and the determination as to what constitutes "repeatedly" and "unmeritorious" is generally left to the sound discretion of the

trial court. *Morton v. Wagner* (2007) 156 Cal.App.4th 963, 971; *Holcomb v. U.S. Bank Nat. Ass'n.* (2005) 129 Cal.App.4th 1494, 1505–1506. As few as three motions can "form the basis for a vexatious litigant designation where perhaps they all seek the exact same relief which has already been denied or all relate to the same judgment or order or are filed in close succession." *Morton v. Wagner* (2007) 156 Cal.App.4th 963, 972. Repeated unmeritorious filings in a child custody matter can support a vexatious litigant finding. *In re Marriage of Rifkin & Carty* (2015) 234 Cal.App.4th 1339, 1344-1345.

A party may seek, among other things, a pre-filing order requiring the vexatious litigant to obtain leave from the presiding judge before filing any new case in any California court, or from filing "any petition, application, or motion other than a discovery motion, in a proceeding under the Family Code or Probate Code, for any order" without such leave. CCP section 391.7(a). Thus, in finding a party in a family law proceeding to be a vexatious litigant, a court may impose a pre-filing order requiring permission of the presiding judge before filing any new motion or litigation on the family law proceeding. See *In re Marriage of Deal* (2020) 45 Cal.App.5th 613; *In re Marriage of Deal* (2022) 80 Cal.App.5th 71, 76-77; see also *In re Marriage of Rifkin & Carty* (2015) 234 Cal.App. 4th 1339, 1345-1346. CCP section 391.7(d) states, 'For purposes of this section, "litigation" includes any petition, application, or motion other than a discovery motion, in a proceeding under the Family Code or Probate Code, for any order.'

Analysis

The court finds that Respondent has engaged in vexatious litigation within the statutory definition. Respondent has repeatedly filed, and primarily in a fairly short time in the last three years, seven repetitious motions, applications, and litigation proceedings seeking essentially the same relief. All were unsuccessful and all were meritless, relitigating the same issues and seeking the same essential relief on the same bases.

In the court in this county, Respondent filed four RFOs between April 22, 2022 and September 19, 2025 asking the court to grant her sole legal and physical custody of the Child and seeking to remove Minor's Counsel, as set forth above. Counsel represented Respondent for the first of these, so the court cannot include it as one of the filings on which to base the vexatious-litigant determination. Nevertheless, the fact remains that in it and Respondent's filings preceding it, she already sought sole legal and physical custody and challenged Minor's Counsel, and the court had already each time found against Respondent. In all of her subsequent filings once self-

represented, Respondent therefore was relitigating issues which the court had previously determined several times.

In addition to the filings in this litigation, during this period Respondent, also when self-represented, filed two other court proceedings seeking partly the same relief and making the same assertions. One was a request for a Domestic Violence Restraining Order ("DVRO") which Respondent filed in the superior court in the County of Los Angeles on January 3, 2023. In that proceeding, she sought the DVRO against Petitioner and once more sought sole legal and physical custody of the Child, whom she included as a requested protected party. Although the court there initially issued a temporary order ("DVTRO"), upon obtaining information from this court and upon an ex parte application from the Minor's Counsel in this action, the Los Angeles court removed the Child from the coverage of the DVTRO, ordered Respondent to turn over the Child to Petitioner's mother, and ordered all of this court's orders regarding custody and visitation to remain in effect. Respondent's Los Angeles DVRO request was ultimately denied.

After the January 2023 proceedings, but prior to the final denial of the DVRO, this court then issued an order following review of the Los Angeles court proceedings on February 22, 2023. In light of the Los Angeles proceedings and determinations, this court granted sole legal and physical custody of the Child to Petitioner, allowing Respondent visitation, noting that Respondent had also refused to comply with the court's orders for returning the Child to Petitioner after her visitation, and that Respondent's claims of abuse were not substantiated. It required supervision for Respondent's visitation periods for the time being.

Respondent also filed a Civil Harassment Restraining Order request against Minor's Counsel, Dunst, on July 18, 2025. She once more alleged that Minor's Counsel was threatening and harassing her, tracking her movements, was "closely associated with" Petitioner, and helping to cover up Petitioner's alleged abuse of the Child. She included in it a repetition of her prior allegations that Petitioner had been abusing the Child, allegations which she had used in her prior requests for sole custody and removal of Minor's Counsel. She also sought removal of Dunst as Minor's Counsel once more. The court denied the request on July 21, 2025 and set the matter for a hearing of August 5, 2025. At the hearing, the court decided to dismiss the matter without prejudice.

While self-represented, Respondent has therefore engaged in a pattern of making repetitious, frivolous filings to relitigate identical issues which this court had already determined. Each time, Respondent failed and, in fact, the court ultimately made orders less favorable to her than prior to

her filings, based on the evidence before it. Respondent has also filed no opposition, despite facially proper service and the fact that this court continued the motion, thereby allowing additional time to oppose the motion.

Conclusion

The court GRANTS the motion and imposes a pre-filing order requiring permission of the presiding judge before filing any new motion or litigation in the family law proceeding. 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.

4. SFL092236, Seamans v. Seaman

Motion to Compel Production of Documents and FC 271 Sanctions DENIED.
Sanctions of $1,000 awarded in favor of Respondent against Petitioner and her attorney.

Facts

Petitioner filed this action for dissolution of marriage with minor children on October 12, 2022. Two of the three children (the "Children") are still minors.

Petitioner was represented but her attorney withdrew from the litigation on March 13, 2026.

Discovery

While her attorney was still representing her, Petitioner served Respondent on September 25, 2024 with a Request for Production of Documents ("RFPs") seeking financial records for the parties' construction business (the "Business"), which Respondent is currently running. Declaration of Jon A.C. Vonder Haar Supporting Motion to Compel Production of Documents Under CCP§1987 Notice to Appear ("Vonder Haar Dec."), ¶4. Respondent served responses which included objections that he had already provided the documents in response to the 2023 discovery requests of Petitioner's prior attorney but producing documents for the period following that, specifically 2025. Id. Petitioner's attorney acknowledges the prior discovery but contends that the file from the prior attorney did not include the documents. Id., ¶¶3-4. Petitioner's attorney, stating that he felt that the objection may be valid, subsequently served Respondent, on December 8, 2025,

with a Notice to Appear and Produce Documents at a hearing of January 14, 2026, seeking the same documents (the "Notice"). Respondent objected that the Notice was duplicative of the RFPs to which his objections were still standing and that Petitioner was improperly relying on authority for compelling production in compliance with a deposition notice. The parties met and conferred but failed to resolve the matter.

Motion

In her Request for Order ("RFO") and Motion to Compel Production of Documents; FC 271 Sanctions, Petitioner moves the court to compel Respondent to provide the documents request in the Notice.

Respondent opposes the motion, arguing that it is untimely, Petitioner failed to meet and confer in good faith, and Petitioner failed to provide a separate statement of items in dispute. Respondent also contends that Petitioner is improperly relying on the Notice when in fact she is seeking documents sought in the RFPs despite his objections to the RFPs, and that Petitioner is improperly attempting to use the Notice to circumvent the fact that the deadline for bringing a motion to compel production or further responses expired before she filed the motion.

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).

When a propounding party is dissatisfied with responses to requests for production or inspection ("RFP"), that party may move to compel further responses. CCP section 2031.310. The moving party must make adequate attempts to meet and confer. Ibid. Generally, once a timely, proper motion to compel further responses has been made, the responding party has the burden to justify objections or incomplete answers. *Coy v. Sup.Ct.* (1962) 58 Cal.2d 210, 220-221.

A party moving to compel further responses to a production request must demonstrate "good cause" for seeking the items. CCP section 2031.310(b)(1). This requires a showing that the items are relevant to the subject matter of the litigation and a showing of specific facts justifying discovery. *Glenfed Develop. Corp. v. Sup.Ct.* (1997) 53 Cal.App.4th 1113, 1117. Whether there is an alternative source for the information is relevant though not dispositive. *Associated Brewers*

Distrib. Co. v. Sup.Ct. (1967) 65 Cal.2d 583, 588. Once the moving party demonstrates good cause, the responding party must justify its objections. *Kirkland v. Sup.Ct*. (2002) 95 Cal.App.4th 92, 98.

A party has a duty to provide "complete" responses and to make them as straightforward as possible. CCP sections 2031.210-2031.230. Requests must be answered to the extent possible and an answer that contains only part of the information requested or which evades a meaningful response is improper. *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783.

A responding party has a duty to make a reasonable, good-faith effort to obtain the requested information and if it is unable to comply, it must state that it made a reasonable and diligent search. CCP section 2031.230; *Deyo, supra*, 84 Cal.App.4th 783.

Where a party has failed to respond to a request for production or the responses are considered inadequate, the first step is not to compel production but, as with interrogatories, to compel a response or further response, and only once a party has obtained a response agreeing to produce items may the party seek production in compliance with that response. CCP sections 2031.300, 2031.310, 2031.320.

CCP section 2031.310 governs motions to compel further responses to production requests. It applies where, inter alia, the moving party finds that "[a]n objection in the response is without merit" and it requires the motion to be brought "within 45 days of the service of the verified response, or any supplemental verified response" or by any later date to which the parties have agreed in writing, or "the demanding party waives any right to compel a further response to the demand."

CCP section 2031.320, governing motions to compel production, contains no deadline. However, it only applies where "a party filing a response to a demand… thereafter fails to permit the inspection, copying, testing, or sampling *in accordance with that party's statement of compliance*…." CCP section 2031.320(a), emphasis added.

Under California Rule of Court ("CRC") 3.1345,[1] in a motion to compel further responses, the moving party "must" provide a separate statement setting forth the items and responses in dispute verbatim along with an explanation as to why further responses are needed.

CCP section 1987 authorizes a party to serve another party with a written notice to appear before the court and produce documents, as a witness before the court or at trial. It also specifies that for parties, a written notice is sufficient in lieu of a subpoena.

[1]Formerly CRC 3.1020 and, before that, CRC 335.

Discussion

Compelling Compliance with the Notice

The motion addresses both the original written RFPs and the subsequent Notice which Petitioner served on Respondent. As noted above, these apparently seek the same documents and Petitioner couches the motion as one seeking production of documents in response to the Notice.

Respondent correctly argues that this motion is procedurally improper and substantively groundless as a motion to compel compliance with the Notice. The Notice served is not a discovery device, but a method of compelling a party to appear as a witness before the court at a trial or other hearing where such evidence is to be taken and heard. CCP section 1987. Petitioner served the Notice as a notice to appear as a witness at a hearing, but there was no hearing or trial for Respondent to appear at in this manner. Although there was a hearing set for the date identified in the Notice, January 14, 2026, the hearing was simply to hear the report of minors' counsel. It was not a trial or other hearing at which the parties were to call witnesses or present evidence. Moreover, as set forth in the minutes for the hearing, the parties did not address the issue of the discovery or documents at that hearing. They did not present evidence or attempt to do so, and Petitioner did not argue that Respondent had failed to appear and produce documents at the hearing. Instead, the parties stipulated to a continuance of the report of minors' counsel and the court set it for April 1, 2026.

Petitioner relies on *Carter v. Sup. Ct.* (1990) 218 Cal.App.3d, 994, the same authority which Petitioner cited in the meet-and-confer communications. However, as Petitioner's own discussion acknowledges, that case involved a notice to appear at *deposition*. In *Carter*, the court ruled that waiver of a right to compel further responses to written discovery, in that case an inspection demand, does not affect the demanding party's right to use other discovery methods, specifically deposition, to obtain the same information or documents. The court explained, at 997, that the discovery methods of serving a request for production and a deposition notice requiring production are separate so a party may seek information via both depositions and written discovery, even if arguably duplicative. Accordingly, it determined, where a party seeks to obtain documents via both deposition and requests for production, using one method or waiving the right to compel for that method "does not prescribe a waiver of the party's right to use other discovery methods for obtaining the same documents or information." *Carter*, 997.

Petitioner here, as Respondent argued in both the meet-and-confer stage and now argues in the opposition, did not serve a deposition notice. Petitioner is effectively attempting, improperly, to

use this notice to appear as a discovery method in lieu of either a deposition notice or in lieu of compelling further responses to the RFPs, after having waived the right to compel such responses. There is no authority for using such a notice to appear as an alternative discovery method in this manner. Respondent, moreover, had served responses to the RFPs, with objections and then, when Petitioner served the Notice, sent a response reasserting those objections, pointing out that Petitioner waived her right to compel further responses to the RFPs by missing the deadline, and explaining that the Notice was an improper attempt to circumvent the deadline for compelling responses to the RFPs. Respondent refused to produce any documents on response to the Notice. The court DENIES the motion as to the Notice.

Compelling Compliance with the RFPs

Respondent also correctly argues that the motion is defective and untimely with respect to compelling compliance with the RFPs. As noted above, where a party seeking document production is dissatisfied with the responses to the requests, the party must first bring a motion to compel further responses before seeking production. Such a motion is subject to a 45-day deadline from the date of service of the final set of responses, after which the right to compel is waived. The motion is unequivocally untimely because Respondent served his responses on October 27, 2025 and supplemental responses on November 14, 2025. As a result, the deadline for filing a motion to compel further responses was by December 31, 2025, but Petitioner did not file the motion until February 19, 2026. Also as noted above, a motion to compel further responses requires a separate statement of items in dispute, but Petitioner failed to provide one.

On these bases, the court DENIES the motion as to the written requests for production.

Meet-and-Confer History

Respondent also contends that Petitioner failed to meet and confer sufficiently in good faith and also notes that eventually, once learning that Petitioner's new attorney could not locate those responsive documents previously produced, took steps to provide those documents. Respondent is correct that Petitioner's meet-and-confer efforts demonstrated inflexibility but the court cannot find that they were sufficiently deficient for the court to find no good-faith effort to meet and confer. Assuming Petitioner's attorney believed in the legal soundness of his position, the efforts are

facially sufficient if barely so. However, Respondent also demonstrates that after he learned that Petitioner's new attorney could not locate previously-produced responsive documents in the file obtained from the prior attorney, Respondent sent these documents in an effort to resolve the situation. This is significant because at least some of the documents which Petitioner requested were ones which had ostensibly been sought and provided previously in the litigation, as both parties make clear. Petitioner's new attorney acknowledges that her prior attorney had sought these, or some of these in discovery, and that Respondent had supposedly provided them. However, he explains he apparently cannot locate them in the file which Petitioner's prior attorney provided, so he therefore sought them anew in the current discovery efforts. This was intertwined with Respondent's objections, Respondent claiming that he had already provided them. Respondent's attorney explains that initially it was not clear that the new attorney could not locate them and that once this had become clear, Respondent provided new copies of the documents. Respondent made reasonable informal efforts to resolve the dispute.

Sanctions

For compelling further responses, the court shall impose monetary sanctions on the losing party unless that party acted with substantial justification, or other circumstances make sanctions unjust. CCP sections 2023.010, 2023.030, 2030.300, 2031.310. In order to obtain sanctions, the moving party must state in the notice of motion that the party is seeking sanctions, identify against whom the party seeks the sanctions, and specify the kind of sanctions. CCP section 2023.040. Sanctions are limited to the "reasonable expenses" related to the motion. *Ghanooni v. Super Shuttle of Los Angeles* (1993) 20 Cal.App.4th 256, 262.

In discovery, the court may impose monetary sanctions against the party, person, or attorney. CCP section 2023.030(a). It is appropriate to award sanctions against a party's attorney if the court finds that the attorney decided to engage in, or recommend, the behavior at issue. CCP section 2023.030(a); *Ghanooni v. Super Shuttle* (1993) 20 Cal.App.4th 256, 261. If sanctions are sought against an attorney, the burden shifts to the attorney to demonstrate that he or she did not recommend that conduct. *Corns v. Miller* (1986) 181 Cal.App.3rd 195, 200-201.

Fam. Code section 271 broadly authorizes the court to make an award of attorney's fees and costs "in the nature of a sanction," and "[n]otwithstanding any other provision of this code," based on "the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by

encouraging cooperation between the parties and attorneys." The party requesting an award of attorney's fees and costs on this basis is not required to demonstrate any financial need for the award.

Both parties seek monetary sanctions. Petitioner seeks $2,380 for this motion and Respondent seeks $1,000 for opposing the motion. The court is denying the motion so Petitioner is not entitled to sanctions. Given that the motion is procedurally and substantively defective without any substantial justification, the court AWARDS sanctions of $1,000 in favor of Respondent and against Petitioner and her attorney.

Conclusion

The court DENIES the motion and AWARDS sanctions of $1,000 in favor of Respondent as explained in this order. 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.

5. **24FL00766, Corona Leyva v. Garcia Miranda**

Motion to Compel Responses to Form Interrogatories GRANTED. Request for Sanctions DENIED.

Facts

Petitioner filed this action for dissolution of marriage with minor child on April 15, 2024. Since then, the parties have continued to litigate over numerous issues, including custody, visitation, and Domestic Violence Restraining Orders ("DVROs").

Discovery

Respondent served Petitioner with family law form interrogatories on May 1, 2025, with responses due within the default 30 days according to the form interrogatories, yet Petitioner has failed to provide any responses to this request. Declaration of Andrew Conway in Support of Respondent's Motion to Compel Form Interrogatories ("Conway Dec."), ¶¶4-14, Ex.A.

Motion

In her Request for Order ("RFO") and Motion to Compel Responses to Form Interrogatories, Respondent moves the court to compel Petitioner to respond to the interrogatories.

There is no opposition.

Applicable Authority

According to the Family Law Rules of the California Rules of Court ("CRC") 5.2(d), and Family Code ("Fam. 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); *In re Marriage of Zimmerman* (2 Dist. 2010) 183 Cal.App.4th 900, at 910-911 (discussing the applicability of Code of Civil Procedure section 473).

Where a party seeks to compel responses to interrogatories or a demand for inspection or production under CCP sections 2030.290 and 2031.300, the moving party need only demonstrate that the discovery was served, the time to respond has expired, and the responding party failed to provide a response. See *Leach v. Sup.Ct.* (1980) 111 Cal.App.3d 902, 905-906; *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 411. Failure to provide a timely response waives all objections. CCP sections2030.290, 2031.300. There is no meet-and-confer requirement or a deadline for a motion to compel response where none has been made. CCP sections 2030.290, 2031.300. Where a party has failed to respond on time to a request for production, the first step is not to compel production but, as with interrogatories, to compel a response. CCP section 2031.300.

Discussion

Respondent demonstrates that she served the form interrogatories, the deadline for responding has expired, and Petitioner has provided no responses. She has met her burden. The court GRANTS the motion with respect to compelling responses to the interrogatories.

Sanctions

For compelling responses to interrogatories and production requests, the court shall impose monetary sanctions on the losing party unless that party acted with substantial justification, or other circumstances make sanctions unjust. CCP §§2023.010, 2023.030, 2030.290, 2031.300.

In order to obtain sanctions, the moving party must request sanctions in the notice of motion, identify against whom the party seeks the sanctions, and specify the kind of sanctions. CCP § 2023.040. The sanctions are limited to the "reasonable expenses" related to the motion. *Ghanooni v. Super Shuttle of Los Angeles* (1993) 20 Cal.App.4th 256, 262.

Respondent apparently seeks monetary sanctions but the RFO itself does not make this clear. The caption at the top states only that this is a Motion "to Compel Responses to Form Interrogatories" and in the sections of the form RFO, Respondent has failed to mark any request for attorney's fees or costs and has not stated that she seeks monetary sanctions. The RFO's only reference to sanctions is the vague statement in section 7 for other orders requested, stating "Motion to Compel Responses to Form Interrogatories (Set One); Request for Sanctions." This fails to indicate what the sanctions are, the amount requested, and against whom sanctions are sought. The preceding section for stating a request for attorney's fees and costs is left blank.

As explained above, the moving party must specify the sanctions sought in the notice of motion or, in this case, the RFO. The RFO fails to do this sufficiently. The court therefore DENIES the request for sanctions.

Conclusion

The court GRANTS thew motion as to compelling responses but DENIES the request for sanctions. 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.

6. 24FL02579, Minuskin v. Minuskin

Motion for Termination of Marital Status; Name Restoration CONTINUED to the law and motion calendar of August 20, 2026 in Department 21 at 9:00 a.m. in order to allow the parties to provide the missing forms and information as explained in this order. The moving party must file and serve new, complete papers no later than 16 court, or business, days before the hearing. The opposing party must file and serve papers at least 9 court days before the hearing.

Facts

Petitioner filed this action for dissolution of marriage without minor children on December 20, 2024.

Motion

In her Request for Order ("RFO") and Motion for Termination of Marital Status; Name Restoration, Respondent moves the court to terminate marital status and restore her former name, while reserving jurisdiction on all other issues.

Petitioner filed a response, stating that he does not oppose the core requests of terminating marital status and restoring Respondent's prior name, but asserting that he wants the order to be consistent with the applicable law for holding him harmless pursuant to Family Code section 2337 and to be subject to Respondent obtaining and paying for her own health insurance. He asserts that Respondent did not inform him before filing this motion and that had she done so, he would have proposed a stipulation to this effect.

Applicable Law

According to the Family Law Rules of the California Rules of Court ("CRC") 5.2(d), and Family Code ("Fam. 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"). See, e.g., *In re Marriage of Boblitt* (2014) 223 Cal.App. 4th 1004, at 1022 (discovery); *In re Marriage of Zimmerman* (2 Dist. 2010) 183 Cal.App.4th 900, at 910-911 (discussing the applicability of CCP section 473 when a party seeks relief from orders in family proceedings).

Marital dissolution actions may be "bifurcated" for an early "status-only" judgment, reserving jurisdiction over all other issues. Fam. Code section 2337. Upon noticed motion, the court may sever, or bifurcate, the issue of marital status from other issues and grant an early and separate trial on the issue of dissolution of marriage status, i.e, a "status only" judgment, expressly reserving jurisdiction of all other pending issues for a later determination. Fam.Code section 2337(a), (f); see *Marriage of Wolfe* (1985) 173 Cal.App.3d 889, 894; *Marriage of Bergman* (1985) 168 Cal.App. 3d 742, 755. According to Fam. Code section 2337(c), "The court may impose upon a party any of the following conditions on granting a severance of the issue of the dissolution of the status of the marriage," and these include,

> (2) Until judgment has been entered on all remaining issues and has become final, the party shall maintain all existing health and medical insurance coverage for the other party… so long as the party is eligible to do so. If at any time during this period the party is not eligible to maintain that coverage, the party shall, at the party's sole expense, provide and maintain

> health and medical insurance coverage that is comparable to the existing health and medical insurance coverage to the extent it is available. To the extent that coverage is not available, the party shall be responsible to pay, and shall demonstrate to the court's satisfaction the ability to pay, for the health and medical care for the other party… to the extent that care would have been covered by the existing insurance coverage but for the dissolution of marital status, and shall otherwise indemnify and hold the other party harmless from any adverse consequences resulting from the loss or reduction of the existing coverage. For purposes of this subdivision, "health and medical insurance coverage" includes any coverage for which the parties are eligible under any group or individual health or other medical plan, fund, policy, or program.
> …
> (5) Until judgment has been entered on all remaining issues and has become final, the party shall indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the other party's rights with respect to any retirement, survivor, or deferred compensation benefits under any plan, fund, or arrangement, or to any elections or options associated therewith, to the extent that the other party would have been entitled to those benefits or elections as the spouse or surviving spouse of the party.

Similarly, CRC 5.390(2) states that the party not requesting termination of status may ask the court "To order that the judgment granting a dissolution include conditions that preserve his or her claims in retirement benefit plans, health insurance, and other assets…."

A party should request bifurcation on the FL-300 Request for Order form with attached FL-315 Request or Response to Request for Separate Trial form. CRC 5.390(a). The moving party must also serve a preliminary declaration of disclosure ("PDD") with the motion unless the party has already done so. Fam.Code section 2337(b). According to CRC 5.390(a), "A party requesting a separate trial or responding to a request for a separate trial *must complete* Application or Response to Application for Separate Trial (form FL-315)." Emphasis added.

The Judicial Council has adopted a form FL-340 Findings and Order After Hearing cover sheet as well as form attachment FL-347 for an order granting a status-only bifurcation request. However, the FL-180 form for judgments also applies and includes options for bifurcation and reservation of remaining issues. FL-347 reflects the Family Code conditions for bifurcation of the status of marriage or domestic partnership. Form FL-347 section 3 sets forth the court's orders regarding retirement plans. Following this recitation of orders, the form requires the court to list each retirement plan and the type of order, i.e., 3a(1), 3a(2), or 3a(3), which the court is making for that plan.

In FL-347 section 3, therefore, the court is supposed to list, and make an order for, every retirement plan in which either party is participating. Section 3's first paragraph concludes by

stating, with emphasis added, "the court makes one of the following orders for *each* retirement plan in which *either* party is a participant:" The list which follows is for the court to identify all of the plans and which type of the three possible orders is being made for each plan.

Form FL-347 item 5.e reflects the language in section 2337(c)(5) regarding retirement plans and the like. It states, in full,

> Except for any retirement plan, fund, or arrangement identified in any order issued and attached as set out in paragraph 3, until judgment has been entered on all remaining issues and has become final, the must indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the other party's rights with respect to any retirement, survivor, or deferred compensation benefits under any plan, fund, or arrangement, or to any elections or options associated with them, to the extent that the other party would have been entitled to those benefits or elections as the spouse or surviving spouse or the domestic partner or surviving domestic partner of the moving party.

Accordingly, the court is required to list all retirement plans in which one or both parties is a participant, and identify which kind of order it is issuing for each plan.

In providing the court with proposed orders in compliance with the requirements above (i.e., FL-180 and FL-347), the moving party has the burden to ensure all retirement accounts have been addressed, whether to join them or not, and further to include them in the forms noted above. If they cannot do that, the Court can deny the request to bifurcate status, as there is a risk to the other party's interest in those accounts.

Service of the Opposition

Petitioner attached a proof of service to his opposition showing that he served the opposition electronically. The court is at this time not able to determine that Respondent has agreed to electronic service, although she has listed her e-mail in her contact information on her filings. Since she is self-represented, electronic service is appropriate only pursuant to agreement. Unless Respondent raises this issue, the court will consider service to be sufficient but if Respondent does contend that service was not proper, the court will address this issue and may need to continue the motion.

Discussion

The basic relief which Respondent requests, specifically entry of a status-only judgment and restoration of her prior name, is generally available and appropriately granted. Petitioner also states that he does not oppose the motion on either issue. Both parties have also filed documents showing they have served each other with the required PDD.

However, Respondent's motion is incomplete. She has not provided a completed form FL-315, FL-340 Findings and Order After Hearing cover sheet, attachment FL-347 for an order granting a status-only bifurcation request, or FL-180. This also means that the motion is missing the necessary information or specific orders which those forms would include. Among these necessary, missing items, is any information regarding whether there are any retirement plans or how they are to be addressed if they exist, as well as terms to hold the other party harmless. Petitioner appropriately asks that any requested order include the requisite terms to indemnify him or hold him harmless from any adverse consequences as set forth in section 2337(c). The order must include such language.

Finally, Petitioner asks the court to require Respondent to secure and pay for her own insurance coverage. Respondent's motion does not address this point at all. This is allowable and the court finds no basis for requiring Petitioner to continue providing coverage at this time, particularly since Respondent is the one who has requested severance of the issue of status and entry of a status-only judgment, and she has not raised this issue.

Conclusion

At this time, the court is unable to grant the motion due to the missing forms and information as explained above. The court accordingly CONTINUES the motion to require the parties to provide the missing forms and information.