TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, October 30, 2026, 3:00 p.m.
Courtroom 16 – Hon. David Kim for Hon. Patrick M. Broderick
3035 Cleveland Avenue, Suite 200, Santa Rosa

TO JOIN "ZOOM" ONLINE,
Courtroom 16
Meeting ID: 161-460-6380
Passcode: 840359
https://sonomacourt-org.zoomgov.com/j/1614606380

TO JOIN "ZOOM" BY PHONE,
By Phone (same meeting ID and password as listed above):
(669) 254-5252 US (San Jose)

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, YOU MUST notify the Court by telephone at **(707) 521-6726**, and all other opposing parties of your intent to appear by 4:00 p.m. the court day immediately before the day of the hearing.

Parties in motions for claims of exemption are exempt from this requirement.

PLEASE NOTE: The Court WILL NOT provide a court reporter for this calendar. If there are any concerns, please contact the Court at the number provided above.

1. MCV-254488, Westlake Services, LLC dba Westlake Financial Services v. Mitchell

Judgment Debtor Valaria Shatora D. Mitchell ("Debtor") requests that some of her income be exempt from garnishment by Judgment Creditor Westlake Services, LLC doing business as Westlake Financial Services ("Westlake"). The claim of exemption is **GRANTED in part**. Westlake may collect biweekly payments in the amount of $300.00 in accordance with C.C.P. section 706.050.

I. Factual & Procedural History

On January 19, 2021, Westlake filed its Complaint against Debtor for her failure to make timely payments pursuant to an installment sale contract for the purchase of a vehicle and sought collection of the money owed. On September 2, 2021, the parties entered into a settlement agreement. However, Debtor did not comply with the terms of the settlement agreement, and the Court entered default judgment in the amount of $9,473.21 against Debtor on October 30, 2023. On July 10, 2026, the Court entered a Writ of Execution against Debtor. The Court now considers Debtor's claim of exemption filed on September 17, 2026.

II. Governing Law

Property that has been levied upon may be claimed as exempt by the judgment debtor pursuant to C.C.P. section 703.510 et. seq. If property is claimed as exempt for the support of the judgment debtor and their spouse and dependents, the claim of exemption shall include a financial statement executed under oath. (C.C.P. § 703.530.) For an exemption based upon the judgment debtor and/or their family's financial support, including spouses and dependents, a court shall consider "all property of the judgment debtor and, to the extent the judgment debtor has a spouse and dependents or family, all property of such spouse and dependents or family, including community property and separate property of the spouse, whether or not such property is subject to enforcement of the money judgment." (C.C.P. § 703.115.)

C.C.P. section 706.050 requires an examination of the judgment debtor's financial statement and the Employer's Earnings Withholdings to determine how much a judgment creditor is entitled to collect each month. "Except as otherwise provided in this chapter, the maximum amount of disposable earnings of an individual judgment debtor for any workweek that is subject to levy under earnings withholding order shall not exceed the lesser of the following:

> (1) Twenty percent of the individual's disposable earnings for that week.
>
> (2) Forty percent of the amount by which the individual's disposable earnings for that week exceed 48 times the state minimum hourly wage in effect at the time the earnings are payable. If a judgment debtor works in a location where the local minimum hourly wage is greater than the state minimum hourly wage, the local minimum hourly wage in effect at the time the earnings are payable shall be used for the calculation made pursuant to this paragraph." (C.C.P. § 706.050(b)(2).)

Currently, California's minimum wage is set at $16.90/hr. This amount would then be multiplied by 96 biweekly hours. (C.C.P. § 706.050(b)(2).) This would account for a $3,244.80 gross monthly income ($16.90 x 96 = $1,622.40 x 2 = $3,244.80).

The statute is liberally construed so that the judgment debtor and their family may retain enough money to "maintain a basic standard of living in order that the debtor may have a fair chance to remain a productive member of the community." (*Perfection Paint Prods. v. Johnson* (1958) 164 Cal.App.2d 739, 741 [citations omitted].) At a hearing pursuant to C.C.P. section 703.570, the burden of proof is upon the judgment debtor to establish that the excess amount is exempt. (C.C.P. § 704.080(e)(4).) The trial court is necessarily vested with wide discretion in determining whether the judgment debtor has met their burden of proof because what is "necessary for the support" of the of the debtor's family does not have a precise definition and differs with each debtor and their individual circumstances. (*Perfection Paint Prods.*, *supra*, 164 Cal.App.2d at 741 [citations omitted].)

III. Discussion

Debtor's disposable income per pay period is $2,556.14 (gross monthly income of $6,250 – monthly withholdings of $1,137.72 / 2 = $2,556.14 per pay period). Under C.C.P. section 706.050(a)(1), the amount that can be withheld is $511.23 per pay period (disposable income of $2,556.14 x 20% = $511.23). Under C.C.P. section 706.050, subdivisions (a)(2), the amount that

can be withheld is $373.50 (disposable income of $2,556.14 – mandated minimum hourly wage amount for two weeks of $1,622.40 = $933.74 x 40% = $373.50). Thus, the maximum amount subject to levy is $373.50 per pay period (the lesser of the two pursuant to C.C.P. section 706.050(a)).

Westlake challenges several entries on Debtor's financial statements including monthly clothing and entertainment are not necessary expenses, $250.00 for laundry and cleaning is excessive, and Debtor did not file proof of the costs of $450.00 for childcare and $570.00 for transportation and auto. While Debtor did not provide proof of her expenses, Debtor signed under penalty of perjury under the laws of the State of California that the information provided in her claim of exemption was true and correct, which includes her monthly income and expenses. After monthly expenses, Debtor has $522.28 per month remaining. Debtor supports her two children, one of whom is a young adult. The Court finds $250.00 per month for laundry and cleaning and $350.00 per month for entertainment to be excessive. All other expenses are reasonable, even relatively low, for Marin County.

In her statement, Debtor states that she is willing to have $150.00 withheld while Westlake requests that the Court deny the claim of exemption and allow the Earnings Withholding Order to remain in effect as originally issued. Westlake contends that the employer did not provide a copy of the employer's return to the Sheriff or Westlake. The Court does not have the Earnings Withholding Order in its record, nor does Westlake confirm the amount they are seeking to withhold. Based on her financial statement and without any supplemental evidence, Debtor has a remaining income to afford more than a $150.00 withholding. Considering all arguments as well as Debtor's monthly income and expenses, Westlake may collect biweekly payments of $300.00.

IV. Conclusion

Debtor's claim of exemption is **GRANTED in part**. Westlake may collect a bi-weekly wage garnishment in the amount of $300.00 in accordance with C.C.P. section 706.050.

Westlake shall lodge a written order on its motion to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).