

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, February 20, 2026 9:30 a.m.
Courtroom 23 – Hon. Shelly J. Averill
3055 Cleveland Avenue, Santa Rosa**

TO JOIN “ZOOM” ONLINE:

Meeting ID: 160-825-4529

Passcode: 611386

<https://sonomacourt-org.zoomgov.com/j/1608254529>

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) 521-6604 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. SFL090525, Wong-Bigel/Bigel Disso:

Petitioner Elaine Wong-Bigel has initiated this action for dissolution of marriage without minor children against Respondent, Michael Bigel. This matter is on calendar for the motion by Petitioner to compel further responses from Respondent as to form interrogatories (“FIs”) under CCP § 2030.300, and requests for production of documents (“RPODs”) under Code of Civil Procedure (“CCP”) § 2031.310. The motion is **GRANTED** in part. The requests for sanctions thereon are **DENIED**.

I. Governing Law

A. Discovery Generally

The right to discovery is generally liberally construed. *Williams v. Superior Court* (2017) 3 Cal.5th 531, 540. “California law provides parties with expansive discovery rights.” *Lopez v. Watchtower Bible & Tract Society of N.Y., Inc.* (2016) 246 Cal.App.4th 566, 590-591. Specifically, the Code provides that “any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence.” CCP § 2017.010; see also, *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 712, fn. 8. (“For discovery purposes, information is relevant if it ‘might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement...’) See *Lopez, supra*, 246 Cal.App.4th at 590-591, citing *Garamendi, supra*, 116 Cal.App.4th at 712, fn. 8. “Admissibility is not the test and information[,] unless privileged, is

discoverable if it might reasonably lead to admissible evidence.” *Id.* “These rules are applied liberally in favor of discovery, and (contrary to popular belief), fishing expeditions are permissible in some cases.” *Id.* Good cause can be met through showing specific facts of the case and the relevance of the requested information. *Associated Brewers Distributing Co. v. Superior Court of Los Angeles County* (1967) 65 Cal.2d 583, 586–587. “(T)he good cause which must be shown should be such that will satisfy an impartial tribunal that the request may be granted without abuse of the inherent rights of the adversary. There is no requirement, or necessity, for a further showing.” *Greyhound Corp. v. Superior Court In and For Merced County* (1961) 56 Cal.2d 355, 388. As the right to discovery is liberally construed, so too is good cause. *Id.* at 377-378. Generally, failure to assert a discovery objection in a response waives that objection later. *Stadish v. Superior Court* (1999) 71 Cal.App.4th 1130, 1140.

Motions to compel further must generally be filed within 45 days of verified responses, but where responses are a combination of objections and unverified substantive responses, that time period does not begin to run until verifications are served. *Golf & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 134.

B. Requests for Production of Documents

Regarding the RPODs, a demand for production may request access to “documents, tangible things, land or other property, and electronically stored information in the possession, custody, or control” of another party. A party to whom a document demand is directed must respond to each item in the demand with an agreement to comply, a representation of inability to comply, or an objection. CCP § 2031.210(a). If only part of an item or category demanded is objectionable, the response must contain an agreement to comply with the remainder, or a representation of the inability to comply. CCP § 2031.240(c)(1). If a responding party is not able to comply with a particular request, that party “shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand.” CCP § 2031.230. “This statement shall also specify whether the inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party” and “[t]he statement shall set forth the name and address of any natural person or organization known or believed by that party to have possession, custody, or control of that item or category of item.” *Id.* CCP § 2031.240(c)(1) provides that when asserting claims of privilege or attorney work product protection, the objecting party must provide “sufficient factual information” to enable other parties to evaluate the merits of the claim, “including, if necessary, a privilege log.”

Upon receipt of a response to a request for production, the propounding party may move for an order compelling further response if the propounding party deems that a statement of compliance with the demand is incomplete; a representation of inability to comply is inadequate, incomplete, or evasive; or an objection in the response is without merit or too general. CCP § 2031.310(a). A motion to compel further responses to a request for production of documents must “set forth specific facts showing ‘good cause’ justifying the discovery sought by the demand.” CCP § 2031.310(b)(1). Absent a claim of privilege or attorney work product, the party who seeks to compel production has met his burden of showing ‘good cause’ simply by showing that the requested documents are relevant to the case, *i.e.*, that it is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence under CCP § 2017.010. *See also Kirkland v. Sup. Ct.* (2002) 95 Cal.App.4th 92, 98. Once good cause is shown, the burden shifts

to the responding party to justify its objections. *See Coy*, 58 Cal.2d at 220–221. It is insufficient to claim that a requested document is within the possession of another person if the party has control over that document. *Clark v. Superior Court In and For San Mateo County* (1960) 177 Cal.App.2d 577, 579.

In addition to responding to the requests for documents, a party responding to the demand shall produce the documents “on the date specified in the demand”. CCP § 2031.280 (b). “If a party filing a response to a demand for inspection, copying, testing, or sampling under Sections 2031.210, 2031.220, 2031.230, 2031.240, and 2031.280 thereafter fails to permit the inspection, copying, testing, or sampling in accordance with that party's statement of compliance, the demanding party may move for an order compelling compliance.” CCP § 2031.320 (a)

C. Interrogatories

Regarding interrogatories, a party responding to an interrogatory must provide a response that is “as complete and straightforward as the information reasonably available to the responding party permits” and “[i]f an interrogatory cannot be answered completely, it shall be answered to the extent possible.” CCP §2030.220(a)-(b). “If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party.” CCP §2030.220(c).

Upon receipt of a response, the propounding party may move to compel further response if it deems that an answer to a particular interrogatory is evasive or incomplete, an exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate, or an objection to an interrogatory is without merit or too general. CCP §2030.300(a). When such a motion is filed, the Court must determine whether responses are sufficient under the Code and the burden is on the responding party to justify any objections made and/or its failure to fully answer the interrogatories. *Coy v. Sup. Ct.* (1962) 58 Cal.2d 210, 220-21; *Fairmont Ins. Co. v. Sup. Ct.* (2000) 22 Cal.4th 245, 255. An interrogatory requiring respondent to elucidate an opinion or a conclusion is not a proper objection to interrogatory. *West Pico Furniture Co. of Los Angeles v. Superior Court In and For Los Angeles County* (1961) 56 Cal.2d 407, 417.

D. Sanctions

CCP § 2030.300(d) (relating to interrogatories), CCP § 2031.310(j), and CCP § 2031.320(b) (relating to failure to produce documents) provide that a monetary sanction “shall” be imposed against the party losing a motion to compel further responses unless the court finds “substantial justification” for that party’s position or other circumstances making sanctions “unjust.” There is no requirement that the failure to comply with discovery be willful for the court to impose monetary sanctions. *Ellis v. Toshiba America Information Systems, Inc.* (2013) 218 Cal.App.4th 853, 878. For the court to order sanctions against an attorney, the Court must find that the attorney advised their client to engage in discovery misconduct. *Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 81. Additionally, the motion must advise the attorney that joint and several liability against the attorney is sought for the sanctions. *Blumenthal v. Superior Court* (1980) 103 Cal.App.3d 317, 319.

II. Analysis

Petitioner served FIs and RPODs which are at issue to Respondent on April 1, 2025. Respondent provided responses on April 30, 2025. The parties thereafter stipulated to extend Petitioner's time to compel multiple times, with the final extension going to October 3, 2025. During the intervening period, the parties met and conferred, and Respondent provided supplemental responses which Petitioner still believed deficient. Petitioner filed the instant motion to compel on October 3, 2025.

First, as to FIs ¶ 11 and 15 and RPODs ¶ 11 and 14, Petitioner asks that the Court enter issue sanctions for failure to respond. Petitioner fails to understand the nature of discovery sanctions. "The discovery statutes evince an incremental approach to discovery sanctions, starting with monetary sanctions and ending with the ultimate sanction of termination." *Doppes v. Bentley Motors, Inc.* (2009) 174 Cal.App.4th 967, 992. Respondent has provided answers in discovery, there are merely some which are evasive or insufficient. Petitioner has made no showing that issue sanctions are appropriate as an initial remedy, and as such the Court denies Petitioner's requests as to FIs ¶ 11 and 15 and RPODs ¶ 11 and 14.

Second, in assessing good cause, the requested discovery is clearly relevant. As to Respondent's argument that such discovery goes beyond what should be relevant for this matter, the Court's July 30, 2025, Order makes clear that spousal support amount is entirely at issue, as the premarital agreement did not serve as a spousal support waiver. Respondent's contentions regarding the irrelevance of financial information is not an accurate reflection of the status of the case. Moreover, while Respondent contends that the discovery should be disallowed due to the burden, expense, and intrusiveness of the requests, these matters are not articulated as objections in the Discovery Act, but as bases to move the Court for protective order. See CCP § 2030.090 (b). The burden there is on Respondent to limit discovery preemptively. Otherwise, Petitioner need only show that the information "might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement". *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 712, fn. 8. Petitioner has met that burden.

Turning to objections, Respondent's objections are, largely, without merit. FIs ¶ 7 and 8 do seem *mostly* answered by referral to Respondent's tax returns, as allowed by CCP § 2030.230. However, Petitioner raises a valid concern that said return relates to the previous tax year. At this juncture, that information is *at least* one year old, and therefore production of those documents does not appear to fully answer the form interrogatories. Petitioner is not persuasive that the tax return might somehow suffer from omitted information. Tax returns are, presumptively, accurate depictions of the income of a party in California. See, *In re Marriage of Loh* (2001) 93 Cal.App.4th 325, 332 (for child support calculation purposes, tax returns are presumptively correct depictions of income). Respondent's interrogatory responses are deficient in that they omit current information, and therefore further responses must be provided.

Petitioner, in FI ¶ 10, requests Respondent produce a schedule of assets and debts, which Respondent avers was already produced in 2022. As Petitioner argues that said request was not complete, the Court examines this request as being a contention regarding the insufficiency of the original response. Family Code § 2107 states that if Petitioner believed that the response was insufficient, it was her burden to look for remedies within "reasonable time". Petitioner provides no explanation as to her delay. Petitioner does not establish either circumstances that more than three years later is "reasonable time", nor good cause for a supplemental disclosure. FI ¶ 10 is sufficient.

Petitioner also requests that Respondent be required to identify what documents respond to each RPOD. This is a requirement under the Discovery Act (CCP § 2031.280), and Respondent makes no effort to address the sufficiency of an omnibus digital file without identification. Compelling identification of what documents are responsive appears required.

Petitioner also asks that Respondent produce whatever documents are missing from the production. Respondent argues that the production of documents which respond to the RPODs are sufficient, but this misconstrues inspection requests. A statement of compliance must affirm “all documents or things in the demanded category that are in the possession, custody, or control of that party and to which no objection is being made will be included in the production.” CCP § 2031.220. As Petitioner accurately points out, Respondent’s averment that subsequently identified documents will be produced is not synonymous with the statement that all responsive documents have been produced. Similarly, to the degree that Respondent relies on documents for interrogatory responses, Respondent must “specify the writings from which the answer may be derived or ascertained”. CCP § 2030.230. Anything less is not a code compliant response.

Respondent avers that the responses to both FIs and RPODs are sufficient because the information is mutually available. Respondent’s reliance on *Bunnell v. Superior Court* (1967) 254 Cal.App.2d 720, has some merit, but Respondent overreads its holding. As *Bunnell* states, there is an exception as related to interrogatories for equally accessible information. This exception is reflected in the current version of the applicable statute, opining that, “If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party.” CCP., § 2030.220 (c). Moreover, this exception is narrower than Respondent’s interpretation. Respondent must lack personal knowledge for said exception to apply.

Additionally, the statute as related to inspection demands contains no such exception. Similarly, the averment that Petitioner can go subpoena Respondent’s records ignores the meaning of control for RPODs. See, e.g., Respondent’s Responses to RPODs ¶ 3-5. Even if those records are in possession of another, if Respondent has access to those records, they are sufficiently in his control that they must be produced. *Clark v. Superior Court of State In and For San Mateo County* (1960) 177 Cal.App.2d 577, 579. As the Court has already noted, the contention that Petitioner has access to a specific responsive document fails to meet Respondent’s burden to produce *all* responsive documents.

RPOD ¶ 15 directly asks for billing information related to attorney client dealings. Respondent must produce sufficient information that an objection of attorney-client privilege would be capable of being assessed, including, if necessary, a privilege log.

Respondent states in his declaration in opposition that he has remedied whatever information is missing. Unfortunately for Respondent, simply complying with discovery demands after being served with a motion to compel is discovery abuse. *Deck v. Developers Investment Co., Inc.* (2023) 89 Cal.App.5th 808, 831. “Untimely compliance is not compliance.” *Ibid.*

Therefore, as to FIs ¶ 7, 8, 14, 17 and RPODs ¶ 1-5, 7-8, 12-13, 17-22, Petitioner’s motion is GRANTED. Respondent will produce further responses remedying the deficiencies identified

above, and identify the relevant RPODs for all responsive documents as required by CCP § 2031.280.

As to sanctions, the Court finds sanctions under Fam. Code § 271 inappropriate. Both counsel appear to have conducted themselves in such a way as to have exacerbated the discovery issues. Neither engaged in meet and confer in the manner required by the Discovery Act, to say nothing of the efforts required by counsel under the Family Code. The requirements under the Discovery Act are that efforts to resolve discovery disputes be “more than the mere attempt by the discovery proponent to persuade the objector of the error of his ways”. *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1294 (internal quotation omitted). However, Respondent fails to appreciate the mandatory nature of sanctions for discovery motions. For motions to compel further, the court *shall* grant sanctions absent substantial justification or the sanctions would be unjust. CCP §§ 2030.300(d) & 2031.310(j).

However, mandatory discovery sanctions come with their own requirements which are not met by the instant request for order. Such sanctions are purely compensatory, and require fees incurred to be both actual and reasonable. *See Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 74; *Argaman v. Ratan* (1999) 73 Cal.App.4th 1173, 1181. Petitioner is required to support the amount of the sanction sought with evidence at the time the motion is made. CCP § 2023.040. Petitioner’s declaration by counsel accompanying the request for order does not contain this information, and indeed was filed without any exhibits attached despite numerous references therein.

Petitioner’s request for sanctions is DENIED.

III. Conclusion

The request for order to compel further responses are GRANTED. Respondent will produce all responsive documents within 45 days. Petitioner’s request for sanctions is DENIED.

Petitioner shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

2. **24FL02302, Rodriguez/Rodriguez Zamora Disso:**

Petitioner/Wife filed a Request for Order on October 14, 2025 seeking an “Order Enforcing Terms of the Marital Settlement Agreement and attorney fees to enforce settlement.” Subsequently, Wife filed the same requests with an ex parte request for an order shortening time on the pending issues. The matter was heard on December 15, 2025, and more specific orders of enforcement were entered with a review date of March 5, 2026 at 1:30 p.m. to confirm Respondent/Husband has complied with the orders. The orders of December 15, 2025, render this hearing moot. Petitioner’s request for \$260 in attorney’s fees and costs to have the pending motion prepared and filed are granted. Respondent is to pay Petitioner \$260 within 30 days.

3. **24FL01726, Clayton v. Issa:**

On September 17, 2025, the Petitioner/Father filed a Request for Order seeking attorney’s fees and reimbursement of costs pursuant to Family Code section 271 and Family Code section 3027.1. The

relevant procedural history in this case is that Respondent/Mother made an allegation that Petitioner/Father had molested one of their children. This allegation triggered a CPS investigation which rendered an “inconclusive” finding. Father voluntarily underwent invasive testing to determine if there were any indications of a sexual deviance or proclivity towards children. The results of that intensive testing were negative. During the pendency of the evaluation, Father’s contact with the children was supervised. On August 5, 2025, the matter was set for a court trial on all issues related to custody and visitation, including Father’s request to relocate with the children. Minor’s Counsel was appointed to represent the children and after the issuance of her report a Stipulation and Order was entered on August 5, 2025, adopting her recommendations and permitting Father’s relocation with the children.

On October 22, 2025, an order was issued requiring “any filings regarding the issue of Attorney’s Fees are due 10 calendar days prior to the hearing. On February 19, 2026, counsel for Mr. Issa filed a substantial number of documents on this issue. Those documents are untimely and have not been considered.

Pursuant to Family Code section 3027.1, monetary sanctions, including attorney fees and costs, may be ordered against a party who makes a false allegation of child abuse or neglect during a child custody proceeding provided they made the allegation, knowing it to be false at the time the allegation was made. It is the second element of this standard that is problematic in this case. Father’s declarations throughout this case have addressed Mother’s instability and potential mental health issues. Mother’s declarations continue to assert her reasons for believing the allegations to be true at the time they were made. The Court has serious concerns about Mother’s mental health and the “knowingly” element of this statute as it appears to the Court that although the statements were false, Mother believed them to be true. Mother has also recently raised new allegations on a different subject that appear to be likely rooted in a mental health crisis but believed to be true by Mother. Father’s declarations make it clear that Mother has a longstanding history of this type of behavior that aligns with mental health decompensation rather than knowingly making a false accusation that she knew to be false at the time it was made. As to the request under Family Code 3027.1, Father has not met his burden to establish the “knowingly false” element required for the Court to make an order for sanctions under this section, but he may request an evidentiary hearing if he believes he can meet that burden.

Father’s request for sanctions under Family Code section 271 is **GRANTED**. Mother ultimately entered a Stipulation and Order agreeing to Father’s international relocation with the children when provided with information and a recommendation by minor’s counsel, but that did not occur until the time of trial. The purpose of Family Code section 271 sanctions is to sanction a party who disrupts the settlement process or unnecessarily increases litigation costs. Although Mother ultimately reached an agreement, Mother’s allegations against Father clearly contributed to the increased litigation costs incurred to prepare for trial. Accordingly, Mother is ordered to pay Father the sum of \$15,000 as sanctions pursuant to Family Code section 271. In ordering sanctions under this section, the Court is required to find that the payor has the ability to pay the sanctions ordered. The Court has reviewed the Income and Expense Declaration filed by Mother on October 22, 2025 and the Order After Hearing establishing child support filed on November 20, 2025, and finds that Mother has the ability to pay the sanctions at the rate of \$200 per month. Interest will accrue on the unpaid balance at the legal rate of 10%. Father’s counsel is directed to submit a Findings and Order After Hearing adopting this tentative ruling within 10 days of the time set for hearing.

4. SFL080456, Lomanto/Lomanto Disso:

Petitioner Jessica Lomanto (“Petitioner”) filed the petition for dissolution with minor children (the “Petition”) in this action against respondent Christopher Lomanto (“Respondent”). Petitioner filed a subsequent request for domestic violence restraining order (“DVRO Request”).

This matter is on calendar for Respondent’s motion to compel deposition of Petitioner. Respondent’s request is **DENIED**.

I. Underlying Facts

Petitioner filed her DVRO Request on March 20, 2025. The Court issued a Temporary Restraining Order (“TRO”) based on the request and has continued to reissue that TRO pending evidentiary hearing. Respondent served a Notice of Deposition on Petitioner on August 26, 2025, setting deposition for October 13, 2025. This motion followed on September 18, 2025, after Petitioner’s counsel was unresponsive. The parties participated in a judicial settlement conference on October 24, 2025, and reached a settlement of all dissolution issues except the DVRO request. The parties currently are set for Master Calendar on April 10, 2026, to set trial on the DVRO Request.

II. Relevant Law

CCP § 2025.450(a), provides: “If, after service of a deposition notice, a party to the action or an officer, director, managing agent, or employee of a party, or a person designated by an organization that is a party under Section 2025.230, without having served a valid objection under Section 2025.410, fails to appear for examination, or to proceed with it, or to produce for inspection any document or tangible thing described in the deposition notice, the party giving the notice may move for an order compelling the deponent’s attendance and testimony, and the production for inspection of any document or tangible thing described in the deposition notice.” On non-appearance of a deponent, the moving party shall attempt to meet and confer in good faith regarding the non-appearance. *Leko v. Cornerstone Building Inspection Service* (2001) 86 Cal.App.4th 1109, 1124.

In actions under the Domestic Violence Prevention Act discovery is not permitted unless the court makes a finding of good cause to allow discovery. Fam. Code § 6309(b). The court is required to consider six factors in considering whether to grant the request for discovery:

- (1) The importance and relevance of, and need for, the information sought to be obtained.
- (2) The likelihood that the information may be acquired by another permitted discovery method, or may be acquired by other methods including pleadings or examination at the hearing.
- (3) The delay in completion of the hearing, which is entitled to calendar preference pursuant to Section 244, if the discovery is permitted.
- (4) The potential, if any, that the discovery may induce trauma in any person involved in the proceeding.

(5) Whether one or more persons are subject to any restraining or protective orders.

(6) Any other factor that may affect the prompt and fair resolution of the proceeding.

Fam. Code § 6309(d).

III. Analysis

In his Request for Order (“RFO”) and Motion to Compel Deposition of Protected Party, Respondent moves the court to compel Petitioner to submit to deposition under protective conditions. He contends that her testimony is necessary to address issues of custody, income, property control, property ownership, credibility resulting from prior inconsistent statements, and conspiracy. Respondent has proposed various protections for Petitioner during deposition within the motion and proposed order. Petitioner has filed no opposition. The Court examines the applicable factors under Fam. Code § 6309(d).

Respondent’s motion was filed prior to the parties’ settlement of the dissolution issues. Respondent’s motion is already vague and conclusory as to the need for discovery. With the issues for trial being narrowed to only the DVRO Request, the need for information which Respondent seeks related to “custody determinations, allegations of income, property control, ownership of property, credibility (prior inconsistent statements), and conspiracy” have similarly been reduced. Given the vague nature of the information Respondent seeks, the necessity of the information appears minimal after the settlement of the dissolution issues.

Nor under the required analysis does deposition appear to be the best method by which Respondent could obtain the information. It’s clear that Respondent has significantly less intrusive methods of obtaining the information related to the DVRO Request. Deposition appears to be the most confrontational method available to Respondent under the Discovery Act. Family Code § 6309 makes clear that for the purposes of DVPA actions, the need for such discovery is not a significant enough reason to allow litigation abuse. For reasons the Court explores further below, deposition poses significant issues in this case.

The discovery will likely not delay the trial. Trial is not set for master calendar until April.

There is reason to believe that the deposition would cause trauma to Petitioner. The Court has had extensive opportunity to observe the parties during these proceedings. Respondent is a licensed attorney, but courts have long recognized that once an attorney becomes a party, they lack the objectivity typically associated with their representative capacity. See, e.g., *In re Kinney* (2011) 201 Cal.App.4th 951, 959 (attorney using client as a vehicle for pursuing his own agenda was no longer a “neutral evaluator of claims”). In the event of a deposition, even one conducted remotely, Petitioner would be directly questioned by Respondent. There is adequate reason to believe that the deposition, even with Respondent’s proposed protections, would induce trauma in Petitioner.

The Court has issued and maintained the restraining order in this case. Given that Respondent is self-represented, his performance of a deposition raises significant issues intended to be addressed by Family Code § 6309.

On review of all the factors, there is no reason to grant discovery in this case while the DVRO Request is the only matter pending. Respondent has not displayed significant need for the

discovery, and the proposed discovery is intrusive and traumatizing for Petitioner. In the event any new marital issues are raised after this point, they can be appropriately addressed after the evidentiary hearing on the restraining order.

Respondent's motion is DENIED.

IV. Conclusion

For the reasons above, the Motion is **DENIED**.

5. SFL087721, Ruiz/Ruiz Disso:

The Request for Order filed by Petitioner/Wife on October 25, 2025, is **GRANTED** in full. On November 14, 2024, the parties entered a Judgment including an "Equalization Payment Strategy 1" as specifically set forth on Page 4, paragraph 17. Pursuant to the terms of the agreement, Respondent/Husband was to make specified equalizing payments to Wife towards the total obligation of \$180,000. In the event any payment was missed "then the entire remaining balance shall become due and payable within 30 days and the real property located at 2426 Covey Court, Santa Rosa, CA, 5403, shall be immediately listed for sale with real estate agent Martha Hernandez." Furthermore, "If Respondent fails to cure any default within the specific 30-day grace period, a 10% interest rate shall be applied to the outstanding balance" and shall continue to accumulate until the sale of the marital home. Petitioner's motion sets forth a spreadsheet containing the payments that have been made by Respondent and demonstrates that no payments have been made toward the equalizing payment since July 28, 2025. The sum of \$40,000 remains owing on the equalizing payment. No responsive declaration or opposition has been filed to the pending motion. Accordingly, the "Equalization Payment Strategy 1" is ordered for enforcement. The real property located at 2426 Covey Court, Santa Rosa, Ca 95403, is ordered to be listed for sale forthwith with Martha Hernandez as the listing agent. Husband shall execute all documents necessary to list the property for sale. Husband shall pay to Wife the past due equalizing payment of \$40,000 forthwith. Husband shall also pay to Wife the sum of \$5,000 in attorneys fees and costs to bring this motion. The Court shall reserve jurisdiction to update the attorneys fees and costs as provided by proof in the event Husband fails to comply with these order resulting in higher fees and costs being incurred. The payment shall be deposited from the escrow account on the sale of the home to Castro Law Offices, P.C. Petitioner shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

6. SFL077524, Picazo Anaya/Gutierrez Trevillo Disso:

The request for bifurcation of marital status is **DENIED**. On October 31, 2025, Respondent/Husband filed a Request for Bifurcation of Marital Status. His supporting declaration provided that a preliminary declaration of disclosure with a completed schedule of assets and debts either had been served on Petitioner/Wife or would be served concurrently with the filing of the RFO. As of this date, Husband has not filed a Declaration Regarding Service of the Declaration of Disclosure to establish that he has complied with the requirement of Family Code section 2337(b) prior to obtaining a bifurcation of marital status.

7. 25FL00925, Pires, JR/Pires Disso:

The Motion to Compel Respondent to complete and serve his Preliminary Declaration of Disclosures to include a Schedule of Assets and Debts and Income and Expense Declaration is **GRANTED**. Petitioner filed the Petition in this matter on May 5, 2025 and filed her Declaration Regarding Service of Preliminary Declaration of Disclosure was filed on September 15, 2025. Respondent filed his Response on July 5, 2025. Pursuant to Family Code §2104(f), the “respondent shall serve the other party with the preliminary declaration of disclosure either concurrently with the response to the petition, or within 60 days of filing the response.” Respondent has failed to comply with this mandatory disclosure requirement and is ordered to complete and serve his Preliminary Declaration of Disclosure, including a Schedule of Assets and Debts and an Income and Expense Declaration within 30 days of the hearing date on this request. Failure to comply with this order may result in sanctions pursuant to Family Code §2107(c).

****This is the end of the Tentative Rulings.****