

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, March 6, 2026 9:30 a.m.
Courtroom 23 – Hon. Shelly J. Averill
3055 Cleveland Avenue, Santa Rosa**

**NOTE: ANY REQUESTS FOR ORAL ARGUMENT MUST BE MADE
PURSUANT TO LOCAL COURT RULE AND WILL BE SET FOR HEARING
ON MAY 1, 2026 AT 9:30 A.M. IN DEPT. 23**

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. SFL63124, Dagenais v. Gregory:

On May 28, 2025, Respondent/Father filed an Order to Show Cause and Affidavit re: Contempt alleging seven (7) separate causes of action against Mother for allegedly failing to comply with the terms of the Findings and Order After Hearing entered on July 1, 2024, following a hearing at which both parties were present. Counsel was appointed to represent Mother in the pending Contempt action. On September 2, 2025, Petitioner/Mother filed “Motions in Limine in Support of Motion to Dismiss.” The Court ultimately set this matter on the Law and Motion calendar to address the pending Motion to Dismiss prior to setting the matter for trial. The Motion to Dismiss is **DENIED**. Father has met the initial prima facie showing to establish the existence of an order, Mother’s knowledge of the Order, and allegations sufficient for the matter to proceed to trial on whether or not Mother’s conduct constituted Contempt of the orders set forth in the Findings and Order After Hearing issued on July 1, 2024. This matter is set on the Master Calendar of May 13, 2026, at 9:00 a.m. in Department 23 in order to set the matter for trial.

2. SFL086809, Nordby/Nordby Disso:

The Request for Order for “Enforcement of Judgment; Sanctions” filed by Respondent/Husband on October 1, 2025, is **DENIED** as moot. The request for sanctions pursuant to Family Code section 271 is also **DENIED**. Husband’s RFO was filed as a result of Petitioner/Wife’s failure to sign a proposed QDRO to divide a 401(k) account pursuant to the terms of the Judgment entered on May 20, 2025. Husband filed the pending motion on October 1, 2025. Wife did not file any opposition to the motion. On February 27, 2026, Husband filed a Notice of Non-Opposition reiterating all of the information contained in the initial Request for Order and at page 2, paragraph 7, indicating, “Having received no response or opposition from Jennifer, Craig respectfully requests that the Court grant the relief requested as follows:” The requests recite all of the requests made in the initial motion. However, buried in footnote 2 is the indication that “...Jennifer signed a revised QDRO regarding the Nordby 401(k)...” The footnote further provides what can only be viewed as an attempt to bootstrap an issue related to “Assignment of Membership Interests,” which was resolved via an ex parte request, to the sanctions request pending in this motion. The fact that Wife had already signed the 401(k) QDRO that is the subject of this pending motion is not a fact that should have been buried in a footnote. The status of Wife’s compliance with the existing order was central to the pending motion. The manner in which the Notice of Non-Opposition to Request for Order was prepared, or that it was filed at all under these circumstances, is suggestive of an attempt to mislead the Court to believe that it was still necessary for the Court to grant the requested orders to “Enforce the Judgment on Reserved Issues to equally divide the community interest” in the 401(k)...” In fact, that request was no longer necessary. Accordingly, the motion is denied as moot. The request for sanctions is also denied.

3. &4. 24FL02521, Shantz/Shantz Disso:

There are two separate motions pending in this matter. Petitioner/Wife’s motion to appoint a Guardian Ad Litem for Respondent/Husband is **GRANTED**. On February 5, 2026, Wife filed a request to appoint a private fiduciary as Guardian Ad Litem for Husband. In support of her request, Wife sets forth that after filing a Response in this matter, Husband has stopped participating in the proceedings in any manner and while represented by counsel filed an objection to discovery which stated: “Responding Party objects to this interrogatory on the grounds that he is presently unable to respond due to health conditions that materially impair his ability to understand, recall, or communicate the information requested. The responding party’s current condition prevents him from assisting counsel in preparing complete and accurate responses...” These objections were submitted by Husband’s counsel who subsequently filed a Substitution of Attorney out of the case. No further communications have been received from Husband since these responses were served. Husband has failed to complete his mandatory Preliminary Declarations of Disclosure or participate in any meaningful way in these proceedings. Given the last statement received from Husband’s counsel indicated that Husband was “unable to respond due to health conditions that materially impair his ability to understand, recall, or communicate the information requested” and “the

condition prevents him from assisting counsel” a Guardian Ad Litem is being appointed to represent Husband pursuant to CCP §372(a)(1). The Court finds that Husband meets the criteria of appointment of a Guardian ad litem pursuant to CCP § 327(a)(4) which provides that:

“Where reference is made in this chapter to “a person who lacks legal capacity to make decisions,” the reference shall be deemed to include all of the following:

(A) A person who lacks capacity to understand the nature or consequences of the action or proceeding.

(B) A person who lacks capacity to assist the person's attorney in the preparation of the case.”

Husband’s prior counsel has previously declared both that Husband ability to understand the proceedings is impaired and that Husband lacks the capacity to understand or assist his attorney in the preparation of the case. Accordingly, the Court hereby appoints Michael Schmierer a California Licensed Private Fiduciary as Guardian Ad Litem for Mr. David Shantz. Any fees and costs of the private fiduciary are to be paid solely by Husband or from his share of the community property estate. To the extent Wife may be required to advance any fees or costs to the private fiduciary to facilitate this appointment, she shall be reimbursed from Husband’s share of the community property estate or reimbursed by him directly.

The second motion pending is a Motion to Compel Respondent’s Completion of his Preliminary Declaration of Disclosure and for sanctions. 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 December 12, 2024. Respondent filed his Response on March 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). The Court **RESERVES** on the issue of sanctions as it relates to both pending motions until such time as it is ascertained from the Guardian Ad Litem whether Husband’s failure to participate is willful or as a result of incapacity.

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