**TENTATIVE RULINGS**
**LAW & MOTION CALENDAR**
**Friday, February 27, 2026, 9:30 a.m.**
**Courtroom 22 –Hon. Robert M. LaForge**
**3055 Cleveland Avenue, Santa Rosa**

**TO JOIN "ZOOM" ONLINE:**
**Meeting ID: 161-646-8743**
**Passcode: 026215**
https://sonomacourt-org.zoomgov.com/j/1616468743

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

The following tentative rulings will become the ruling of the Court unless a party desires to be heard. If you desire to appear and present oral argument as to any motion, it will be necessary for you to contact the department's Judicial Assistant by telephone at **(707) 521-6836 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. 24FL01272 BENSON/PRICE DISSOLUTION

There is no Proof of Service indicating that Respondent was served with the moving papers. Notice of the motion must be served at least 16 court days prior to the hearing. CCP § 1005. "Notices must be in writing, and the notice of a motion, other than for a new trial, **must state when**, and the grounds upon which it will be made, and the papers, if any, upon which it is to be based." CCP § 1010 (emphasis added). Proof of service must be filed no later than five court days before the hearing. Cal Rule of Court Rule 3.1300. There is no proof of service reflecting the service of the motion, nor the hearing date.

The matter is therefore DROPPED from the Court's calendar for failure to serve.

## 2. 24FL01789 CHINA/BAUERMEISTER DISSOLUTION

Petitioner Briana China ("Petitioner") has initiated this action for dissolution of marriage with minor children against Respondent, Alan Bauermeister ("Respondent"). This matter is on calendar for the motion by Respondent to set aside the stipulated Domestic Violence Restraining Order ("DVRO") entered on June 6, 2025 based on mistake, inadvertence, or excusable neglect under CCP 473, and to order sale proceeds to be deposited into a blocked account. Respondent also requests sanctions. The motion is DENIED. The requests for sanctions thereon are DENIED.

I. Facts

Petitioner filed this action for dissolution of marriage with one minor child (the "Child") on

September 4, 2024.

Petitioner sought a Domestic Violence Restraining Order ("DVRO") and the court conducted the hearing on that request on June 6, 2025. At that hearing, both parties and their attorneys were present and they ultimately stipulated to several matters on the record, including the issuance of a one-year DVRO, upon which the court issued the stipulated Domestic Violence Restraining Order After Hearing. The DVRO protects Petitioner and the Child and it restrains Respondent.

On November 18, 2025, Respondent filed a Request for Order ("RFO") and Motion for Temporary Emergency Orders to Set Aside Stipulated DVRO, along with other relief (the "Motion to Set Aside"). Petitioner opposed the motion and, in her Memorandum of Points and Authorities re Waiver of Attorney Client Privilege (the "Waiver Brief"), she argued that Respondent was relying on, and introducing as evidence, certain communications between him and his then-attorney, Beki Berrey ("Berrey"), thereby waiving his attorney-client privilege with Berrey. At the hearing on November 24, 2025, the court continued the matter regarding waiver of attorney-client privilege to January 23, 2026, in order to allow for briefing and full consideration of the issue prior to considering the motion to set aside. It continued the motion to set aside the DVRO to February 13, 2026. The court continued the two matters again, continuing the matter regarding waiver to February 13, 2026 and the motion to set aside to February 27, 2026. On February 13, 2026, the court found that Respondent had not waived his privilege with his prior attorney. Respondent's motion to set aside is now at issue.

## II. Motion

Respondent argues to set aside the order based on CCP § 473(b) due to surprise, mistake or excusable neglect. Respondent specifically argues that he failed to understand both the express terms of the stipulation and the repercussions of those terms. Respondent also alleges that Petitioner sold the home she owned prior to marriage during the Automatic Temporary Restraining Order, violating those Family Code provisions as a result. Finallky, Respondent asks for sanctions under Fam. Code § 271 for Petitioner's conduct allegedly driving up the costs of this litigation.

Petitioner opposes the motion, arguing that Respondent was a willing participant in settlement and his averred mistake was an "intentional litigation decision", not capable of being addressed through CCP § 473(b). Petitioner argues that Respondent ahs displayed no interest in the sale proceeds, and as such any request to have them deposited in a blocked account is unsupported.

## III. Governing 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 Code of Civil Procedure section 473 when a party seeks relief from orders in family proceedings).

> "The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken."

CCP § 473 (b).

"The term 'surprise,' as used in section 473, refers to 'some condition or situation in which a party ... is unexpectedly placed to his injury, without any default or negligence of his own, which ordinary prudence could not have guarded against.' " *State Farm Fire & Casualty Co. v. Pietak* (2001) 90 Cal.App.4th 600, 611. Courts will generally indulge all presumptions and resolve all doubts in favor of orders setting aside defaults and an order setting aside a default under section 473 will not be reversed unless the record clearly shows an abuse of discretion. *Pearson v. Continental Airlines* (1970) 11 Cal.App.3d 613, 619. "(A)s for inadvertence or neglect, '[t]o warrant relief under section 473 a litigant's neglect must have been such as might have been the act of a reasonably prudent person under the same circumstances. The inadvertence contemplated by the statute does not mean mere inadvertence in the abstract. If it is wholly inexcusable it does not justify relief.'" *Hearn v. Howard* (2009) 177 Cal.App.4th 1193, 1206. "[A]lthough the party moving for relief under section 473 has the burden to show that the mistake, inadvertence, surprise, or neglect was excusable (*Citations*), any doubts as to that showing must be resolved in favor of the moving party." *New Albertsons, Inc. v. Superior Court* (2008) 168 Cal.App.4th 1403, 1420 (internal citations omitted).

Family Code section 271 allows the court to base an award of attorney's fees and costs 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." An attorney's fees award per this section counts as a sanction. Fam. Code § 271(a). In considering the request, the court considers evidence of the parties' incomes, assets, and liabilities and will not impose a sanction if it imposes an unreasonable financial burden on the party against whom the sanction will be imposed. *Ibid*. The requesting party does not need to demonstrate any financial need, but the award for attorney's fees can only be imposed after notice and an opportunity to be heard to the party against whom sanctions is proposed. Fam. Code § 271(b). The sanction may be payable from the party against whom the sanction is imposed or the sanctioned party's share of the community property. Fam. Code § 271(c). Fam. Code § 271 applies to all proceedings under the Family Code. *In re Marriage of Freeman*

(2005) 132 Cal.App.4th 1, 6. Conduct that is sanctionable under other statutes and provisions may also be sanctionable under Fam. Code § 271. *Ibid*. The statute "contemplates assessing a sanction at the end of the lawsuit, when the extent and severity of the party's bad conduct can be judged." *In re Marriage of Quay* (1993) 18 Cal.App.4th 961, 970.

IV. Set Aside

Respondent's averment of surprise is not persuasive. Among Respondent's contentions is that his stipulation to the DVRO would not have occurred if he had known that Petitioner may be determined to be the prevailing party for the purpose of attorney's fees.

As to the contention that Petitioner failed to be appraised of the material terms of the stipulation, his contention is not supported by the record. The Court's minutes are reflective of the same terms contained in the order after hearing, and were announced in open court. Respondent was represented by counsel throughout both the lead up to the trial date and the negotiation of the stipulation in lieu of trial. Respondent appears to have been appraised of the terms and had the means to have those terms explained to him before agreeing to those terms before the judge. His regret as the consequences of those terms unfold do not change the nature of his dereliction in agreeing to terms with which he had fundamental disagreements.

To Respondent's contention that Petitioner has violated other provisions of the Stipulation, the remedy for such conduct is to move to enforce those provisions, not to set aside those provisions that Respondent dislikes. Respondent provides no authority showing this is relevant to the issue of set aside.

Based on the foregoing, the Motion is **DENIED**.

V. Automatic Temporary Restraining Order Violations

Respondent provides no compelling case for entering orders restricting use of the funds from Petitioner's sale of the property. The evidence provided by Respondent himself shows that his counsel communicated that he "doesn't oppose it be sold". Respondent's Exhibit D. As Petitioner points out in opposition, while Respondent is quick to argue that the transfer violated the ATROs, he offers no substantive evidence of an interest in that property. The parties have a pre-marital agreement which conforms that the property was wife's separate property, the validity of which has not been raised by the parties in litigation nor analyzed by the Court. Respondent speculates an interest, and provides no evidence to support it. In any event, the remedy for violations of the ATROs is typically restitution at final dissolution. See *In re Marriage of McTiernan & Dubrow* (2005) 133 Cal.App.4th 1090, 1103

Respondent's request to have Petitioner deposit the house sale proceeds in a blocked account is

DENIED.

VI. Respondent's Request for Sanctions under § 271

Respondent's motion has been denied, and the Court does not find that Petitioner acted in a manner which increased litigation costs. Respondent's request for sanctions under Fam. Code § 271 is DENIED.

VII. Conclusion

**Respondent's motion to set aside the June 6, 2025 Domestic Violence Restraining Order is DENIED.**

**Respondent's request to have Petitioner deposit the house sale proceeds in a blocked account is DENIED.**

**Respondent'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).

## 3. 25FL01861 DUPRE DISSOLUTION

Petitioner Joseph Raymond Dupre ("Petitioner") has initiated this action for dissolution of marriage without minor children against Respondent, Jocelyn Pasalo Dupre ("Respondent"). This matter is on calendar for the motion by Respondent for reconsideration of the Court's issuance of the Temporary Restraining Order ("TRO") on September 29, 2025. The motion is GRANTED. The Court AFFIRMS the prior order on reconsideration.

VIII. Facts

Petitioner filed this action for dissolution of marriage on September 2, 2025. Petitioner thereafter sought a Domestic Violence Restraining Order ("DVRO") and the court the TRO based on Petitioner's request. Respondent thereafter moved for reconsideration of the TRO and sought a DVRO against Petitioner, but the Court issued no temporary orders protecting Respondent. The motion for reconsideration is currently before the Court.

IX. Motion

Respondent asks that the Court reconsider issuance of the TRO based on evidence presented which she believes weakens Petitioner's case. Respondent avers that the DVRO proceeding was a purely tactical election intended to allow Petitioner to extract financial and tactical advantage during the divorce proceedings.

Petitioner opposes the motion, arguing that Respondent does not present sufficient evidence to rebut his claims, and therefore the motion should be denied. He also contends that the Court has already considered the same evidence in Respondent's DVRO request, and found it insufficient.

X. Governing 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 Code of Civil Procedure section 473 when a party seeks relief from orders in family proceedings).

CCP §1008 reads in relevant part:

> (a) When an application for an order has been made to a judge, or to a court, and refused in whole or in part, or granted, or granted conditionally, or on terms, any party affected by the order may, within 10 days after service upon the party of written notice of entry of the order and **based upon new or different facts, circumstances, or law**, make application to the same judge or court that made the order, to reconsider the matter and modify, amend, or revoke the prior order. The party making the application shall state by affidavit what application was made before, when and to what judge, what order or decisions were made, **and what new or different facts, circumstances, or law are claimed to be shown**.

Code Civ. Proc., § 1008 (emphasis added)

Contentions that the court has made an error of law or refused to consider evidence is not a new fact as required for a motion under CCP § 1008. *Jones v. P.S. Development Co., Inc.* (2008) 166 Cal.App.4th 707, 724 disapproved of on other grounds by *Reid v. Google, Inc.* (2010) 50 Cal.4th 512. New facts mean facts which were not available to the party at the time of the hearing. *In re Marriage of Herr* (2009) 174 Cal.App.4th 1463, 1468. To prevail on a motion for reconsideration based on new facts, a party must provide a satisfactory explanation for failing to offer the evidence in the first instance. *New York Times Co. v. Superior Court* (2005) 135 Cal.App.4th 206, 212. The new facts offered must be accompanied by a showing of strong diligence in discovery and bringing the new facts, and absent a strong showing of diligence, the motion will be denied. *Forrest v. Department of Corporations* (2007) 150 Cal.App.4th 183, 202 disapproved of on other grounds by *Shalant v. Girardi* (2011) 51 Cal.4th 1164. Failure to show new facts or law is jurisdictional. *Kerns v. CSE Ins. Group* (2003) 106 Cal.App.4th 368, 380. Where the motion for reconsideration brings no valid new fact to the merits of the underlying motion, and merely contends a collateral matter, reconsideration will be denied. *Gilberd v. AC Transit* (1995) 32 Cal.App.4th 1494, 1500.

"An order denying a motion for reconsideration is interpreted as a determination that the application does not meet the requirements of section 1008. If the requirements have been met to the satisfaction of the court but the court is not persuaded the earlier ruling was erroneous, the proper course is to grant reconsideration and to reaffirm the earlier ruling." *Tuchscher Development Enterprises, Inc. v. San Diego Unified Port Dist.* (2003) 106 Cal.App.4th 1219, 1245

XI. Reconsideration

Respondent contends various motives to Petitioner's DVRO, and her own allegations financial and emotional abuse. She also presents her own version of what she argues occurred on August 12, 2025, the most detailed incident of physical abuse presented in Petitioner's Request for DVRO.

The issue here is not whether Respondent has presented sufficient evidence to persuade the Court that the earlier ruling was erroneous, but rather whether Respondent has presented new or different facts which go to the merits of the matter, and for which she presents valid reason for failing to present in the first place. *Tuchscher Development Enterprises, Inc. v. San Diego Unified Port Dist.* (2003) 106 Cal.App.4th 1219, 1245.

Petitioner alleged physical abuse and requested that the DVRO be filed without notice to Respondent for fear of further abuse. The Court found good cause based on the allegations. Respondent has had no opportunity

Based on the foregoing, the Motion is **GRANTED**.

However, the TRO was nonetheless appropriate to issue based on the facts and circumstances presented by both parties. While Respondent avers an innocent explanation of the August 12, 2025 incident, Petitioner presents evidence which is sufficiently credible that issuance of the TRO remains the appropriate course. Petitioner provides transcripts of purported video evidence which, if shown at trial, would add enormous credibility to his allegations. Nothing presented by Respondent sufficiently persuades the Court that continued protections are not necessary in this case.

On reconsideration, the Court **REAFFIRMS the prior order**. The TRO currently in place remains in full force and effect.

XII. Conclusion

**Respondent's motion for Reconsideration is GRANTED. The September 29, 2025 TRO is REAFFIRMED.**

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).

## 4. SFL 37271 BECKETT-PETERSON/PETERSON DISSOLUTION

Petitioner Carla Burkett ("Petitioner") has initiated this action for dissolution of marriage with minor children against Respondent, Eric Peterson ("Respondent"). This matter is on calendar for the motion by Petitioner to set aside the stipulated Qualified Domestic Relations Order ("QDRO") entered on June 6, 2025 based on fraud under Fam. Code § 2122 (a). The motion is GRANTED. The requests for sanctions thereon are GRANTED.

I. Underlying Facts

Petitioner obtained Judgment in this case on January 6, 2011. On May 28, 2025, Respondent submitted a stipulated QDRO for the Court's approval. The Court signed the order on June 6, 2025. The stipulated QDRO had a signature that purported to be Petitioner's. Petitioner has filed the instant motion with a declaration averring that she never signed the stipulated QDRO, and that her first notice of that filing came from the relevant pension program informing her that the QDRO had been placed into effect.

II. Governing Law

Family Code § 2122 (a) allows the court to set aside orders obtained through "(a)ctual fraud where the defrauded party was kept in ignorance or in some other manner was fraudulently prevented from fully participating in the proceeding. An action or motion based on fraud shall be brought within one year after the date on which the complaining party either did discover, or should have discovered, the fraud." "Extrinsic fraud occurs where a party is deprived of the opportunity to present her claim or defense to the court, or in some manner fraudulently prevented from fully participating in the proceeding." Kuehn v. Kuehn (2000) 85 Cal.App.4th 824, 832.

Family Code section 271 allows the court to base an award of attorney's fees and costs 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." An attorney's fees award per this section counts as a sanction. Fam. Code § 271(a). In considering the request, the court considers evidence of the parties' incomes, assets, and liabilities and will not impose a sanction if it imposes an unreasonable financial burden on the party against whom the sanction will be imposed. Ibid. The requesting party does not need to demonstrate any financial need, but the award for attorney's fees can only be imposed after notice and an opportunity to be heard to the party against whom sanctions is proposed. Fam. Code § 271(b). The sanction may be payable from the party against whom the sanction is imposed or the sanctioned party's share of the community property. Fam. Code § 271(c). Fam. Code § 271 applies to all proceedings under the Family Code. In re Marriage of Freeman (2005) 132 Cal.App.4th 1, 6. Conduct that is sanctionable under other statutes and provisions may also be sanctionable under Fam. Code § 271. Ibid. The statute "contemplates assessing a sanction at the end of the lawsuit, when the extent and severity of the party's bad conduct can be judged." In re Marriage of Quay (1993) 18 Cal.App.4th 961, 970.

III. Set Aside

Petitioner has presented evidence that the stipulation was fraudulent, and that she never had notice of the QDRO, to say nothing of her agreement to it. This is clearly extrinsic fraud as contemplated by Fam. Code § 2122. That section requires Petitioner to have moved for relief within one year of discovering the fraud. She has filed the motion within one year of the order (and only around four months after notice of the order). The motion is timely. Respondent has foiled no opposition[AR1.1]. Petitioner has met her burden and the fraudulent stipulation must be set aside.

Based on the foregoing, the Motion is GRANTED.

IV. Respondent's Request for Sanctions under § 271

The Court does find that Respondent has participated in a course of conduct that is sanctionable under Fam. Code § 271. In consideration of this conclusion, the blatant fraud of Respondent on the Court is clearly conduct of sufficient seriousness that it is, at least, sanctionable. All of this conduct is clearly not contemplative of the obligation to "reduce the cost of litigation by encouraging cooperation between the parties and attorneys". Fam. Code § 271 (a). This petition is post-judgment, and the filing of perjurious documents has clearly increased Petitioner's costs in a case which was otherwise entirely inactive. Respondent received a lump sum associated with "past due" benefits, and accordingly there is no evidence that the sanction would not merely divest him of his wrongful gains at Petitioner's expense.

However, the Court finds the request for 1 hour after the filing of the declaration speculative and not in the nature of § 271 sanctions. Therefore, the requested sanctions amount is reduced by $400. There was no opposition, and there has as of yet been no hearing on the motion. The Court awards Petitioner sanctions in the amount of $1,488.75. Respondent is to pay this amount to Petitioner within 30 days of notice of this order.

V. Conclusion

Petitioner's motion to set aside the June 6, 2025 Stipulated Qualified Domestic Relations Order is GRANTED. That order is SET ASIDE, and Petitioner's interest in the UCFW Pension is to be restored to the disposition contained in the Judgment.

Petitioner's request for sanctions is GRANTED in the amount of $1,488.75. Respondent is to pay this amount to Petitioner within 30 days of notice of this order.

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).

## 5. SFL 090177 SCHUPBACK DISSOLUTION

Petitioner Dusty Schupbach ("Petitioner") has initiated this action for dissolution of marriage without minor children against Respondent, Ryan Leonard Schupbach ("Respondent"). This matter is on calendar for the motion by Petitioner to force sale of real property under a stipulated order. The motion is CONTINUED. The requests for sanctions thereon are also CONTINUED

I. Underlying Facts

The Parties entered into a Stipulation and Order re Division of Real Property (the "Stipulated Order" or "Stipulation") regarding the real property commonly known as 270 N. Dover Court., Santa Rosa, CA (the "Property"), which was signed by the Court on December 19, 2023. The Stipulated Order provided for equalizing payment for Petitioner's interest in the Property, and Respondent's continued ownership. Accordingly, the Stipulated Order required Respondent to undertake actions to remove Petitioner's name from any mortgage obligation on the Property, either through assumption of the mortgage, refinancing, or sale of the Property.

II. Governing Law

Courts are generally vested with the power "(t)o compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in an action or proceeding pending therein." CCP § 128 (a)(4). Among those powers is the ability to appoint a receiver "(a)fter judgment, to carry the judgment into effect." CCP § 564 (b)(3). "A judgment or order made or entered pursuant to this code may be enforced by the court by execution, the appointment of a receiver, or contempt, or by any other order as the court in its discretion determines from time to time to be necessary." Fam. Code, § 290. In carrying stipulated orders into effect, the court cannot add or modify terms, but rather utilizes the unambiguous language of the agreement. In re Marriage of Iberti (1997) 55 Cal.App.4th 1434, 1440

Family Code section 271 allows the court to base an award of attorney's fees and costs 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." An attorney's fees award per this section counts as a sanction. Fam. Code § 271(a). In considering the request, the court considers evidence of the parties' incomes, assets, and liabilities and will not impose a sanction if it imposes an unreasonable financial burden on the party against whom the sanction will be imposed. Ibid. The requesting party does not need to demonstrate any financial need, but the award for attorney's fees can only be imposed after notice and an opportunity to be heard to the party against whom sanctions is proposed. Fam. Code § 271(b). The sanction may be payable from the party against whom the sanction is imposed or the sanctioned party's share of the community property. Fam. Code § 271(c). Fam. Code § 271 applies to all proceedings under the Family Code. In re Marriage of Freeman (2005) 132 Cal.App.4th 1, 6. Conduct that is sanctionable under other statutes and provisions may also be sanctionable under Fam. Code § 271. Ibid. The statute "contemplates assessing a sanction at the end of the lawsuit, when the extent and severity of the party's bad conduct can be judged." In re Marriage of Quay (1993) 18 Cal.App.4th 961, 970.

III. Enforcing Stipulated Orders

Petitioner offers evidence that Respondent made untimely payments in both July and August. Petitioner argues that she has suffered a credit rating drop of 120 points as a result. Petitioner opines that the Stipulated order has been in effect since, at the time of this hearing, more than two years prior, and Respondent has failed to undertake the required actions to remove her name from the mortgage. She requests the Court appoint a receiver and effectuate sale as a result.

Respondent opposes the motion, showing that he tendered payments every month from June through December, but due to an autodrafting error, the months of July and August 2025 were not applied to the mortgage amount, resulting in payments being marked late. Respondent also shows that he has completed an assumption application as of January 30, 2026.

Petitioner fails to show that forced sale of the Property is the appropriate remedy at this juncture. The Stipulation contains a single, unambiguous and mandatory provision regarding sale of the home. If Respondent had made any payments more than thirty days late, the Stipulation would \ allow for Petitioner to force the sale. See Stipulation, ¶ 9. Petitioner's evidence shows that the payments made were late for the months of July and August. However, that provision is intended to be used for sale of the property "immediately", and addresses if Respondent "fail(s) to cure and the property is listed to be sold". Respondent's evidence show that the late payments have been cured.

The provision on which Petitioner relies is substantially more vague. Petitioner avers that the time since the Stipulated Order was signed is so significant that sale is mandatory. No provision except ¶ 9 attaches a timeline to sale. The other provisions merely offer sale as the result if Respondent is "unsuccessful in refinancing, or otherwise removing (Petitioner) from the mortgage". Stipulation ¶ 10.

The Stipulated Order provides sale as a remedy, but without the constraints of clear mandatory timelines. While Petitioner opines that the time has exceeded the 180 days included in the stipulation, the language of the stipulation does not offer sale as a concrete remedy for exceeding that period. Indeed, the 180 period is merely called a "reasonable amount of time" to complete refinancing. Stipulation, ¶ 8. Respondent has undertaken the required application. Though tardy, the desired effect is for Petitioner to no longer have possible liability for the mortgage. That appears to be accomplished.

While Petitioner avers that Respondent's mortgage application was a reaction to the motion, and therefore should not be accorded any weight in showing his compliance with the Stipulated Order, the record before the Court does not reflect this negative interpretation. Respondent competed the mortgage assumption application on January 30, 2026. He was served with the motion on February 1, 2026. See Petitioner's 2/10/2026 Proof of Service. This means that Respondent filed the assumption application before the motion was served, and did so in response to the meet and confer letter. Respondent says as much in his responsive declaration, and the evidence supports this interpretation. There is no other evidence before the Court regarding any meet and confer efforts undertaken by Petitioner to enforce the issue earlier.

Forced sale of the property appears to be largely a punitive measure for Respondent's delay. The remedy requested far outweighs the dereliction. At this point, the Court believes an order for sale of the property is neither in the spirit nor the letter of the agreement between the parties. While Petitioner has suffered some of the harm the terms of the agreement were intended to prevent, Respondent has both cured the issue and undertaken the required steps to avoid the harm being repeated.

However, the Court believes that any failure on Respondents part to timely complete the matter from this point forward is of immediate concern. The Court therefore believes that the matter should be continued to a future date to determine whether the assumption is successful.

Based on the foregoing, the Motion is CONTINUED to May 22, 2026 at 9:30 a.m. in Department 22.

IV. Petitioner's Request for Sanctions Under § 271

Petitioner asks for $5,000 in sanctions due to having to file the instant motion. The Court is not ordering the requested sanctions at this time for several reasons.

First, Petitioner asks for sanctions based on the evidence presented in the declaration of her counsel, Jerin Beck, but no such declaration was included in Petitioner's papers filed with the Court. Second, the Court notes that Respondent appears to have undertaken the efforts outlined above in response to the meet and confer letter, and not the motion. Petitioner's motion might have been the unnecessary litigation here.

Respondent's conduct is clearly not in bad faith. While his delay is improper, Petitioner has not made a particular display that there were efforts to resolve this issue without Court intervention. It is only because Respondent acknowledges the receipt of a meet and confer letter that the Court is aware one was sent.

With that said, the Court notes that the onus is currently on Respondent to effectuate this, and this motion already stems from his delay in performing these tasks. It appears appropriate, with the Court maintaining an active hand in ensuring Respondent's compliance, to keep sanctions payable to Petitioner available as disincentive for further delay. The sanctions request is continued to the same date as the above.

V. Conclusion

**This matter is CONTINUED to May 22, 2026 at 9:30 a.m. in Department 22.**

## 6. SFL 090388 RODAS DE LEON DISSOLUTION

Petitioner Carmela Rodas De Leon ("Petitioner") has initiated this action for dissolution of marriage with minor children against Respondent, Engley Melby De Leon ("Respondent"). This matter is on calendar for the Respondent's Motion for Protective Order from further discovery.

XIII. Motion

On or about September 25, 2025, Petitioner served Respondent with requests for responses to 49 Requests for Production of Documents, 9 Form Interrogatories, 5 Requests for Admissions, and 141 Special interrogatives. Petitioner also requested supplemental responses to previously served discovery. Respondent requests that the Court enter a protective order restricting Petitioner's discovery requests. Respondent contends that the requests are excessive, duplicative of prior discovery, and unduly burdensome. Petitioner also requests sanctions under the Discovery Act for having to bring the motion.

Petitioner opposes the motion, averring that Respondent's production thus far has produced financial inconsistencies which require investigation and further discovery. Petitioner presents documentary evidence of enormous cash flow to and from Respondent's accounts, several times Respondent's claimed income on his Income and Expense Declarations. Petitioner argues that the discovery requested is clearly targeted toward obtaining information regarding the cash flow discrepancies. Petitioner avers that good cause has therefore been met.

On Reply, Respondent avers that the above information regarding his cash flow is both irrelevant and indicative of the information he has already provided to Petitioner. Respomdent accuses Petitioner of using discovery as a tool for punishment, rather than genuine attempts to gather evidence. He contends that the Court should therefore deny the order.

## XIV. 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. "When discovery requests are grossly overbroad on their face, and hence do not appear reasonably related to a legitimate discovery need, a reasonable inference can be drawn of an intent to harass and improperly burden." *Obregon v. Superior Court* (1998) 67 Cal.App.4th 424, 431.

Parties are required to meet and confer in a manner which is a good faith attempt to resolve issues, and not just an attempt to convince the other side of their own position. *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1294.

> A single letter, followed by a response which refuses concessions, might in some instances be an adequate attempt at informal resolution, especially when a legitimate discovery objective is demonstrated. The time available before the motion filing deadline, and the extent to which the responding party was complicit in the lapse of available time, can also be relevant. An evaluation of whether, from the perspective of a reasonable person in the position of the discovering party, additional effort appeared likely to bear fruit, should also be considered. Although some effort is

> required in all instances (see, e.g., *Townsend, supra,* 61 Cal.App.4th at p. 1438, 72 Cal.Rptr.2d 333 [no exception based on speculation that prospects for informal resolution may be bleak] ), the level of effort that is reasonable is different in different circumstances, and may vary with the prospects for success. These are considerations entrusted to the trial court's discretion and judgment, with due regard for all relevant circumstances.

*Obregon v. Superior Court* (1998) 67 Cal.App.4th 424, 432–433

B. Protective Orders

The Discovery Act provides courts with more generalized powers in restricting discovery. CCP § 2019.030 provides in relevant part:

> (a) The court shall restrict the frequency or extent of use of a discovery method provided in Section 2019.010 if it determines either of the following:
>
> (1) The discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.
>
> (2) The selected method of discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation.
>
> (b) The court may make these determinations pursuant to a motion for a protective order by a party or other affected person. This motion shall be accompanied by a meet and confer declaration under Section 2016.040.

A party seeking a protective order must show good cause for issuance of the order by a preponderance of evidence. *Stadish v. Sup. Ct.* (1999) 71 Cal.App.4th 1130, 1145 (protective order directed at a document demand). "Generally, a deponent seeking a protective order will be required to show that the burden, expense, or intrusiveness involved in … [the discovery procedure] clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence." *Emerson Elec. Co. v. Sup. Ct.* (1997) 16 Cal.4th 1101, 1110 (protective order in connection with deposition).

XV. Protective Order

The Court will not, and indeed cannot, rule on the substance of the motion as a result of the parties failure to sufficiently meet and confer. The only evidence of meet and confer efforts contained in the record is a single email where Respondent demands that Petitioner "withdraw or substantially narrow these discovery requests." Respondent's Ex. G. Respondent contends that failure to do so will result in the motion. No response from Petitioner is included in any papers.

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). Respondent's election to file the motion without any inclination to respond to that discovery which appears allowable does not achieve the goal to "lessen the burden on the court and reduce the unnecessary expenditure of resources by litigants through promotion of informal, extrajudicial resolution of discovery disputes." *Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 1435. A single letter threatening a motion does not represent a good faith attempt to resolve the issues before the Court. While counsel "discussed (their) positions" (Shane Decl. ¶ 7) the fact that no willingness of either side to narrow is displayed means that there is no evidence of meet and confer efforts. Respondent offers no proposal of narrowed responses to either Petitioner or the Court, and does not offer to comply with those discovery requests which are clearly proper. Petitioner offers no middle ground either, refusing to either narrow or modify requests. Respondent's attempted pivot to either forensic accounting or deposition does not appear to be a method by which to *lessen* the expenses associated with discovery, which is the basis of Respondent's objection. Forensic accountants cannot analyze documents which have not been produced, and Petitioner has displayed that the documents provided paint an incomplete picture. Deposition often comes with document requests, which are frequently necessarily duplicative of RPODs. The parties should undertake efforts to narrow issues or craft remedies.

Based on the foregoing, the Motion is **CONTINUED TO May 22, 2026 at 9:30 am in department 22.**

XVI. Conclusion

**The motion is CONTINUED to May 22, 2026, for the parties to meet and confer regarding discovery issues.**

## 7. SFL 092157 JENSEN DISSOLUTION

Petitioner Andrea Jensen ("Petitioner") has initiated this action for dissolution of marriage with minor children against Respondent, Wade Jensen ("Respondent").

Respondent's Counsel, Jerin Beck, seeks to be relieved on the basis of an irreparable breakdown in the attorney client relationship. Notice of the hearing date was served, and no opposition is on file. Accordingly, Respondent's Counsel's motion is GRANTED.