



# Superior Court of California County of San Benito

## Tentative Decisions for March 26, 2025

**Courtroom #1: Judge J. Omar Rodriguez**

**FL-99-25454                    Hernandez vs. Hernandez**

Respondent's Request for Order to Determine Spousal Support Arrears is GRANTED as requested. Total Arrearages for Spousal Support are determined to total \$12,800.00 in principal, plus \$1,280.00 in interest for a total of \$14,080.00.

Petitioner is ordered to pay this amount forthwith in addition to the Spousal Support previously ordered. Payments on arrears shall be paid at a rate of \$200 each month. Payments on arrears shall be made on the first and 15<sup>th</sup> of each month starting on April 1, 2025, and continuing until the arrears are paid in full.

**FL-23-00156                    Coyne vs. Wilhite**

Petitioner's Request for Child Support, Spousal Support, Attorney's Fees and Leave to Amend and File a First Amended Petition are all GRANTED. The Amended Petition shall be filed forthwith.

Respondent shall contribute \$5,000.00 toward Petitioner's Attorney's Fees and Costs to be paid in installments of \$500 per month on the first of each month beginning on May 1, 2025. If any payment is not timely made and more than 15 days overdue, the entire unpaid balance will immediately become due with interests at the legal rate, which is currently 10 percent per year, from the date of default to the date payment is finally made. The Court finds that an award of attorney's fees and costs is appropriate because there is a demonstrated disparity between the parties in access to funds to retain or maintain counsel and the ability to

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pay for legal representation, the party requested to pay attorney's fees and costs has or is reasonably likely to have the ability to pay for legal representation for both parties and the requested attorney's fees and costs are reasonable and necessary.

Petitioner's Request for Order regarding Child Support is GRANTED. Child support is set at \$1,287 per month. One-half of the payment is due on the first of each month and one-half of the payment is due on the fifteenth of each month. The orders are effective on February 1, 2025. Arrears are ordered to be paid at a rate of \$100 per month. One-half of the payment is due on the first of each month and one-half of the payment is due on the fifteenth of each month.

Each party must pay 50% of child-care costs related to employment or reasonably necessary job training. Each party must pay 50% reasonable uninsured health-care costs for the children.

The Request for Spousal Support is GRANTED. Spousal support is set at \$1,895 per month. One-half of the payment is due on the first of each month and one-half of the payment is due on the fifteenth of each month. The orders are effective on February 1, 2025. Arrears are ordered to be paid at a rate of \$100 per month. One-half of the payment is due on the first of each month and one-half of the payment is due on the fifteenth of each month.

The court used a printout of a computer calculation and findings, which is pasted below and incorporated in this order.

2025

# Guideline Summary

Monthly Figures

Fixed Shares	Father	Mother	Monthly Figures		Cash Flow	
			2025			
Number of children	0	1			Combined net spendable	11704
Percent time with NCP	49.99%	0.00%				
Filing status	HH/MLA	HH/MLA	<b>Nets (adjusted)</b>		<b>Father</b>	
Number of exemptions	2	3	Father	9670	Payment cost/benefit	-3006
Wages and salary	13919	548	Mother	2034	Net spendable income	6488
Self employed income	0	0	Total	11704	Federal income tax	1825
Other taxable income	596	1300	<b>Support</b>		Federal employment tax	1065
TANF CS received	0	0	Addons	0	State income tax	387
Other nontaxable income	0	0	Guideln CS	1287	State employment tax	153
New spouse income	0	0	S.Clara SS	1895	Total taxes	3430
Employee 401-k contribution	0	0	Total	3182	Federal filing status	HH/MLA
Adjustments to income	0	0			State filing status	HH/MLA
SS paid prev marriage	0	0			<b>Mother</b>	
CS paid prev marriage	0	0			Payment cost/benefit	3182
Health insurance	0	0			Net spendable income	5216
Other medical expenses	0	0			Federal income tax	-234
Property tax expenses	585	0			Federal employment tax	42
Ded interest expense	1055	0			State income tax	0
Contribution deduction	0	0			State employment tax	6
Misc tax deductions	0	0			Total taxes	-186
Qualified business income deduction	0	0			Federal filing status	HH/MLA
Required union dues	150	0			State filing status	HH/MLA
Mandatory retirement	1265	0				
Hardship deduction	0	0				
Other GDL deductions	0	0				
Child care expenses	0	0				

FC 4055 checking: **ON**

### Per Child Information

	DOB	Timeshare	cce(F)	cce(M)	Addons Payor	Basic CS Payor	Pres CS Payor
All children		50 - 50	0	0	0 Father	1,287 Father	1,287 Father
	0000-00-00	49 - 51	0	0	0 Father	1,287 Father	1,287 Father

## FL-24-00065 Hernandez vs. Vasquez

Petitioner’s Request for Voluntary Waiver of Preliminary Disclosure per Family Code section 2017(b)(3) is GRANTED.

## FL-24-00073 Shepherd vs. Shepherd

Respondent’s Peremptory Challenge pursuant to Code of Civil Procedure section 170.6 is untimely.

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California Code of Civil Procedure (a)(2) states, “(a) party to, or an attorney appearing in, an action or proceeding may establish this prejudice by an oral or written motion without prior notice supported by affidavit or declaration under penalty of perjury, or an oral statement under oath, that the judge...before whom the action or proceeding is pending, or to whom it is assigned, is prejudiced against a party or attorney, or the interest of the party or attorney, so that the party or attorney cannot, or believes that he or she cannot, have a fair and impartial trial or hearing before the judge... If directed to the trial of a civil cause that has been assigned to a judge for all purposes, the motion shall be made to the assigned judge or to the presiding judge by a party within 15 days after notice of the all purpose assignment, or if the party has not yet appeared in the action, then within 15 days after the appearance... If the motion is directed to a hearing, other than the trial of a cause, the motion shall be made not later than the commencement of the hearing. In the case of trials or hearings not specifically provided for in this paragraph, the procedure specified herein shall be followed as nearly as possible.”

Here, Petitioner filed a Request for Order on March 19, 2024, scheduling a hearing for May 1, 2024 before me, Judge Rodriguez, in Department 1. The matter was heard as scheduled. This Court disclosed on the record that Petitioner was my oldest son’s preschool teacher, but that it had been two years since she was his teacher. No objections were made at that hearing nor did either party request a continuance to further consider the disclosure. On May 1, 2024, this Court made orders in accordance with the agreement by the parties regarding Petitioner’s Request for Order.

On November 7, 2024 Respondent filed a substitution of attorney listing Mr. LaForge as his new legal representative. On January 3, 2025. Respondent filed an At-Issue Memorandum.

It was not until March 19, 2025, that Respondent’s counsel stated in open court that his client would like to exercise his right to a peremptory challenge pursuant to Code of Civil Procedure section 170.6 and the challenge was filed on March 24, 2025 stating that he did not object on May 1, 2024 because he did not know how to react and because he was not represented by counsel. He also mentioned that Petitioner was a CASA representative, which this Court was not aware of, nor did this Court have any recollection of a letter of

recommendation that Petitioner submitted in a criminal case, Case No. CR-22-00012, and this Court has not confirmed this statement.

As a result of the facts listed, Respondent's exercise of his peremptory challenge is untimely. This matter will remain scheduled for a Status Conference on March 26, 2025 in Department 1.

This Court should also clarify the disclosure previously made. Specifically, that my oldest son was enrolled at the preschool from September 2021 to March 2022 and that I had not seen Petitioner since the end of his enrollment at the preschool prior to the May 1, 2024 hearing.

**FL-24-00099                      Lopez vs. Lopez**

Petitioner's Request for Voluntary Waiver of Preliminary Disclosure per Family Code section 2017(b)(3) is GRANTED.

**END OF TENTATIVE DECISIONS**

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