



Superior Court of California County of San Benito

Tentative Decisions for October 7, 2026

Courtroom #1: Judge J. Omar Rodriguez

DV-26-00092 Martin, Nicole vs. Martin, Tyler

Petitioner's Request for Temporary Child and Spousal Support is GRANTED as requested. For purposes of guidelines calculations, Respondent's gross monthly income is \$25,940.04, inclusive of salary and overtime. Guideline child support is calculated at \$4,762 per month and guideline temporary spousal support is calculated at \$4,005 per month for a total of \$8,768 per month. Respondent shall also pay additional child and spousal support for earnings exceeding \$25,940.04 per month as requested. Respondent shall provide copies of all earnings statements to Petitioner's counsel within 10 days after receipt of the statement.

One-half of each support payment shall be 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 Court adopts Petitioner's XSpouse calculation, which was attached as EXHIBIT A in Petitioner's Reply.

The status conference shall remain on calendar.

A parent's annual gross income is "income from whatever source derived," including wages and bonuses. (Fam. Code, 4058, subd. Overtime falls within that definition, "either under the term 'wages' or within the inclusive 'income from whatever source.'" (*County Of Placer v. Andrade* (1997) 55 Cal.App.4th 1393, 1396.) In *Andrade*, the Court of Appeal held that a court "cannot deduct predictable Overtime and bonuses merely because they occur

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any objections or concerns.**

sporadically"; the only question is "whether the bonuses and overtime are likely to reoccur." (*Id.* at 1396—1397.) Overtime may be disregarded "only if" the court finds the parent is unlikely to receive it in the future, and that finding must rest on admissible evidence. (*Id.* at 1397.) Family Code sections 4060 and 4064 give the Court discretion to set income at a figure that accurately reflects the parties' actual or prospective earnings. (*In re Marriage of Riddle* (2005) 125 Cal.App.4th 1075, 1081.) Here, after comparing Respondent's pay stubs that are issued on the first of the month, it is clear to this court that Petitioner has consistently earned monthly income, including mandatory overtime, of at least the amount listed by Petitioner.

FL-13-00372 **Arreola, Olga vs. Arreola, Enrique**

Respondent's Request to Terminate Spousal Support Arrears is DENIED without prejudice. Respondent claims that arrears have been satisfied and spousal support should be terminated, in part, due to that. Respondent failed to use Form FL-490, which is a mandatory form to determine arrears. As a result, Respondent's request is denied.

FL-19-00406 **Perryman, Maranda vs. Perryman, Elliott**

Petitioner's Request for Order to Stay the September 17th Order and a correction of a corrected order conforming to the tentative ruling is GRANTED. Petitioner identified several substantive changes and additions to the court's tentative ruling. They are not stylistic or clerical refinements; they create new deadlines, a new payee, new procedural mechanisms, and adjudicate a request the Court never had before it. The Court orders that Joinder comply with California Rules of Court, rule 3.1312 to serve a propose order on all parties before submitting the new proposed order.

Joinder, Tammy Stone's Request for Order seeking the appointment of elisor is DENIED as moot. The Court's tentative ruling that was issued on September 15, 2026 for the hearing that was scheduled to take place on September 16, 2026 already authorized the appointment of an elisor.

FL-21-00248 **Weathers, Jill vs. Weathers, James Arnold**

Petitioner's unopposed August 31, 2026 Request for Order seeking an order compelling discovery responses and sanctions is GRANTED as requested. Respondent shall provide Petitioner with complete, code compliant discovery responses and responsive documents within 10 days. Respondent shall also pay Petitioner \$1,287.50 in sanctions within 60 days after receipt of the order.

A party to whom interrogatories or a demand for production is directed must serve a response within 30 days after service of the discovery. (Code of Civ. Proc. §§ 2030.260, 2031.260.) Failure to serve a timely response results in waiver of all objections, including claims of privilege and work-product protection. (Code of Civ. Proc. §§ 2030.290(a), 2031.300(a).)

Code of Civil Procedure section 2023.020 provides that the court shall impose a monetary sanction ordering any party who fails to confer as required to pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that failure.

Here, Petitioner propounded discovery, Family Law Form Interrogatories, Set One, and Petitioner's Request for Production of Documents, Set One. Respondent still has not provided responses as of the filing of this Motion. All objections are waived. The deadline was extended and has since expired. Petitioner incurred \$1,287.50 in attorney's fees in the filing of this motion.

FL-24-00035 Gonzalez, Yurixa vs. Reyes, Fernando

Petitioner's unopposed Request for Order filed on September 3, 2026 is GRANTED as requested. Respondent shall remain financially responsible for the full monthly vehicle payment as previously stipulated to by the parties. Payment shall be provided from Respondent to Petitioner by the 24th of each month. Petitioner shall submit the monthly payment to the lender. If Respondent fails to provide the required funds by the deadline, Respondent shall reimburse Petitioner for the full amount including any late fees and shall be pay interest of 10% each month beyond the missed deadline.

FL-24-00052 Pellin, Darin L. vs. Pellin, Mallory Mackenzie

The hearings on Petitioner's Request for Order, filed August 21, 2026, and Respondent's Request for Order, filed September 8, 2026, are continued to November 4, 2026 at 8:30 a.m. Mediation is mandatory and both requests are related to custody and visitation issues.

The parties are ordered to attend mediation at the Self-Help Center, located at 450 Fourth Street, Hollister, California, on October 26, 2026, at 9:00 a.m.

The Court notes that Respondent has raised an issue regarding deficient service. If any deficiencies are present, Petitioner shall correct the issues and properly serve Petitioner with notice of the new mediation date and new court date.

FL-24-00112 Villanueva, Laura vs. Rosales, Diego

Respondent submitted an ex parte request to continue the hearing based on his unavailability as he is out of the country. The request is GRANTED. The hearing is continued to Wednesday, November 4, 2026 at 8:30 a.m.

FL-25-00271 Dowdy, Melissa Lynn vs. Campos, Hector

The hearing on Petitioner's Request for Order, filed August 25, 2026, is continued to November 18, 2026 at 8:30 a.m. to allow Petitioner adequate time to have Respondent served.

END OF TENTATIVE DECISIONS