



Superior Court of California County of San Benito

Tentative Decisions for June 24, 2026

Courtroom #1: Judge J. Omar Rodriguez

FL-15-00406 Leibold, James A. vs. Leibold, Katherine Jacy

Petitioner's March 11, 2026 Request for Order to Modify Spousal Support and Refinance is DENIED in its entirety.

Spousal support orders based on the parties' agreement or stipulation are deemed law imposed and made under the court's authority to award spousal support; they are thus enforceable and modifiable in the same manner as any court order for spousal support except to the extent the parties have specifically agreed in writing or orally in open court that spousal support is not subject to modification or termination. (Fam. §§3590, 3651(d); see *Marriage of Minkin* (2017) 11 Cal.App.5th 939, 957.) Marital settlement agreements incorporated into a dissolution judgment are construed under the statutory rules governing the interpretations of contracts generally. (*In re Marriage of Hibbard* (2013) 212 Cal.App.4th 1007, 1012.) The goal of contractual interpretation is to give effect to the mutual intention of the parties. (*Id.* at p. 1013; see *Securitas Security Services USA, Inc. v. Superior Court* (2015) 234 Cal.App.4th 1109, 1125 (*Securitas Security*)). "The mutual intention to which the courts give effect is determined by objective manifestations of the parties' intent, including the words used in the agreement, as well as extrinsic evidence of such objective matters as the surrounding circumstances under which the parties negotiated or entered into the contract; the object, nature and subject matter of the contract; and the subsequent conduct of the parties." (*Hibbard*, 212 Cal.App.4th at 1013.) "The parties' expressed objective intent, not their unexpressed subjective intent, governs." (*Securitas Security*, 234 Cal.App.4th at p. 1125.)

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Here the parties agreed that Husband would Pay Wife spousal support in the sum of \$2,447 per month. (Respondent's Response, Ex. A. p1-2) The spousal support number took into consideration Family Code section 4320 factors, Husband earned in excess of \$140,000 per year, Wife collected \$1,600 per month in disability insurance. (*Ibid.*) The settlement agreement acknowledged that neither party can maintain the martial standard of living under the circumstances listed in the settlement agreement, but they agreed that support listed is reasonable and justified under the section 4320 factors. Petitioner now claims that he retired in 2023 and can no longer afford spousal support. However, Respondent presented evidence that Petitioner's total income in 2025 was \$532,837 due in large part to a \$495,000 distribution from Petitioner's retirement account. Despite retiring in 2023, Petitioner had a total income of \$160,975 in 2024. Meanwhile, Respondent's income is \$2,161 per month. No other factors were provided by Petitioner in support of his request for order. In light of the respective earnings of the parties, Petitioner's request to modify spousal support is denied.

As to the request that Respondent refinance the property, Petitioner states that it was agreed he would make the mortgage payments on the home while his child lived there, but the parties understood that Respondent would sell the home and pay off the loan. As Respondent correctly points out, the parties agreed in writing that Respondent would own 2320 Paradise Court, nowhere in the settlement agreement does it state that Respondent would have to sell the home or refinance it. As a result, the request is denied.

FL-23-00257 Toscano, Maria vs. Gonzalez, Carlos Lezama

Petitioner's Request for Voluntary Waiver of Respondent's Preliminary Financial Disclosure is GRANTED.

FL-25-00151 Filice, Kristopher vs. Filice, Heather

The hearing is continued to August 10, 2026, at 10:00 a.m. and reassigned to Department 3 before Judge Palacios.

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FL-25-00222 Brown, Kelley Allen vs. Zuniga, Camille Kristine

Respondent's Request for Spousal Support is DENIED without prejudice. "(F)or all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration (form FL-150) on all parties. (Cal. Rule of Court Rule 5.260.) Respondent failed to file and serve a current Income & Expense Declaration.

Respondent's Request for a Supplemental Preliminary Declaration of Disclosure ("Supplemental PDD) is GRANTED. The Supplemental PDD shall be served upon Respondent within 30 days after receipt of this order. The Supplemental PDD shall address the deficiencies listed in Respondent's Request for Order, which shall include Respondent's PERS retirement account(s), vehicles, bank accounts and any other joint assets.

Respondent's Request that Petitioner provide Respondent with current health insurance information from Petitioner's new employer is GRANTED. Petitioner shall provide Respondent with this information in writing within 10 days after receipt of this order.

FL-26-00095 Lanfranco, Christina vs. Lanfranco, Anthony

Petitioner's April 27, 2026, Request for Order will be heard on July 7, 2026, at 8:30 a.m. in Department 1 along with the related matter – Case DV-26-00051. No appearances are necessary on June 24, 2026.

FL-26-00118 Munoz, Albert Anthony vs. Loreda, Victoria

The hearing on Petitioner's June 2, 2026, Request for Order is continued to July 29, 2026. The parties are ordered to child custody mediation on July 13, 2026, at 9:00 a.m. at the San Benito County Superior Court's Self-Help Center.

END OF TENTATIVE DECISIONS

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