



Superior Court of California County of San Benito

Tentative Decisions for May 14, 2025

Courtroom #1: Judge J. Omar Rodriguez

FL-05-00127 **Parsons vs. Parsons**

The Request for Order for Determination of Support Arrears is continued to July 2, 2025 at 8:30 a.m. to allow Respondent additional time to serve the Department of Child Support Services.

Respondent used form FL-676 to make her request for determination of support arrears and seeks an administrative review of support received by the local child support agency. Form FL-676 was signed under penalty of perjury. Paragraph 3 of the form states, “(t)he local child support agency is providing support enforcement services in this case.” However, Respondent did not serve the local child support agency. Family Code section 17402(f)(2) requires written notice to the local child support agency and the agency must either give the parent consent to proceed with the proposed action or notify the parent of its objection.

FL-13-00503 **Librers vs Librers**

Petitioner’s Request for Order to Change Venue is DENIED. Petitioner failed to properly serve Respondent as the Proof of Personal Service does not list a full date of service. The date provided was “April” with no mention of the date or year. Additionally, Petitioner failed to provide sufficient cause to support a change of venue. California Code of Civil Procedure section 397 allows for a change of venue if the convenience of the witnesses and the ends of justice would be promoted. Petitioner only states that no party lives in San Benito

County as the justification to change venue. Generally, only convenience of a non-party can support an order to change venue. (*Wrin v. Ohlandt* (1931) 213 Cal. 158.)

FL-20-00174 **McNight vs. Quintana**

Petitioner's Request for Order is GRANTED. Respondent is ordered to pay attorney's fees in this legal process in the amount of \$10,000 payable to Petitioner due in installments, with monthly payments of \$500.00, on the first day of each month beginning on June 1, 2025 until paid in full. If any payment is not timely made and more than 15 days overdue, the entire unpaid balance will immediately become due with interest at the legal rate, which is currently 10% per year, from the date of default to the date payment is finally made. No interest will accrue as long as payments are timely made.

The Court finds that an award of attorney's fees is appropriate because there is a demonstrated disparity between the parties' access to funds to retain or maintain counsel and in the ability to pay for legal representation. The party requested to pay attorneys' fees has or is reasonably likely to have the ability to pay for legal representation for both parties. Respondent's listed average monthly income is \$18,625 per month, compared to Petitioner's monthly income which Respondent lists at \$4,437 including child support. Meanwhile, Respondent's average monthly expenses total \$8,609. The Court also finds that the requested attorneys' fees are reasonable and necessary. Petitioner has already paid her attorney nearly \$10,000 to date and Petitioner anticipates a move-away trial, which may necessitate five to 10 witnesses and require a full day.

FL-24-00016 **Dutra vs. Piini**

A party's application for reconsideration of a court order must be based upon new or different facts, circumstances or law. (Cal. Civ. Proc. §1008(a).) Here, Petitioner has failed to present any new facts for the court to reconsider.

Petitioner also claims that Respondent is now employed and seeks a modification to the child support order moving. Respondent did not file an income and expense declaration. This matter is continued to June 11, 2025 at 8:30 a.m. and Respondent is required to file and serve a current income and expense declaration no later than May 23, 2025.

Petitioner's Request for Order for a Voluntary Waiver of Respondent's Preliminary Declaration of Disclosure is GRANTED. No appearances are necessary.

END OF TENTATIVE DECISIONS