



# Superior Court of California County of San Benito

## Tentative Decisions for May 21, 2025

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

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

Respondent's Request for Order is GRANTED in part. The Court modifies the Findings and Orders After the March 26, 2025 hearing, which was filed April 9, 2025, to include both children. The Court denies Respondent's request to impose a Smith-Ostler order. Fam Code section 4058(a)(1) requires that wages be included in the net income calculation for support. Overtime income is to be included in that calculation under most circumstances. (See *County of Placer v. Andrade* (1997) 55 Cal.4<sup>th</sup> 1393, 1396-1397.) Here, Respondent regularly works overtime resulting in a predictable income. There has been no evidence to reflect a change in this circumstance.

The above-referenced order is modified. The Court adopts the data used in Petitioner's DissoMaster calculations for the separate period of time of February 1 through June and after June 2026. Petitioner is ordered to provide the court with an order after hearing using X-Spouse to calculate support instead of DissoMaster.

**FL-23-00257**      **Toscano vs. Gonzalez**

Petitioner's Request for Order to Voluntarily Waive Disclosures is GRANTED. In light of Petitioner's Request regarding other orders, the Court consolidates case DV-22-00115, including all orders therein, into the lead case - FL-23-00257.

**END OF TENTATIVE DECISIONS**

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**\*\*Please contact Judicial Courtroom Assistant, Lesley Pace, at  
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any objections or concerns.**