



# Superior Court of California County of San Benito

## Tentative Decisions for October 29, 2025

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

**FL-20-00174      McNight, April vs. Quintana, Devin**

Petitioner's Request for Attorney's Fees and Costs is GRANTED.

Family Code section 7605 states, "(i)n any proceeding to establish physical or legal custody of a child or a visitation order under this part...the court shall ensure that each party has access to legal representation to preserve each party's rights by ordering, if necessary based on the income and needs assessments, one party ... to pay to the other party, or to the other party's attorney, whatever amount is reasonably necessary for attorney's fees and for the cost of maintaining or defending the proceeding during the pendency of the proceeding."

Respondent shall pay attorney's fees and costs in the amount of \$15,130.56 (\$7,500 in attorneys' fees and \$7,630.56 in costs). Respondent shall pay fees directly to Petitioner in the amount of \$7,500 to be added to the existing installment arrangement established under the prior order, with payments to commence at \$500 in the month following the final payment on the previous order. 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. As to the \$7,630.56 in costs, Respondent shall pay Petitioner the total amount within 180 days of Respondent's return to employment. 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

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any objections or concerns.**

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. The requested attorneys' fees are reasonable and necessary. The \$7,500 in attorneys' fees reflect fees incurred after the prior award, covering preparation for and participation in the evidentiary hearing and post-hearing work. The \$7,630.56 in costs sought here reflect reasonable litigation expenses, including deposition transcripts and expert-related fees, directly connected to the custody and relocation proceedings.

Although Respondent is temporarily on disability until January 2026 and is receiving reduced income during this time, Petitioner's request is for the court to issue an order that would require Respondent to begin making payments on the current request for fees after Respondent has fulfilled his obligation regarding the prior order for attorneys' fees. Respondent previously stated in his Income & Expense declaration filed April 23, 2025 that his monthly income was \$18,625. His current monthly expenses total \$8,609, including the \$500 in attorney's fees previously ordered. In effect, his monthly payment would not increase from his current obligation.

**FL-20-00204                      Benavides, Erin vs. Nieto, Frank**

The hearing on Respondent's Request for Order filed July 31, 2025 is continued to December 10, 2025 at 8:30 a.m. so that: 1) Respondent to have Petitioner served with the Request for Order; 2) Respondent to file a proof of service indicating proper service on Petitioner; and 3) both parties can attend mediation on December 2, 2025 at 12:00 p.m. at the Self-Help Center.

**FL-21-00236**      **Harmon, Michael vs. Harmon, Tamara**

Petitioner's Request to Change Venue is DENIED without prejudice.

Generally, only convenience of nonparty, nonexpert witnesses is considered, not that of parties or of expert witnesses with no personal knowledge of the facts. (See Cal. Civ. Proc. Section 397(c); *Wrin v Ohlandt* (1931) 213 Cal. 158.) Under limited circumstances, however, the court may consider the convenience of a party, e.g., one whose physical condition prevents travel to trial in the other county and whose testimony is material. (*Lieberman v Superior Court* (1987) 194 CA3d 396, 401.) Here, the sole basis stated in support of the request to change venue is that both parties in this case live approximately 200 miles from San Benito County, which is not an adequate basis to change venue.

**FL-21-00243**      **Jenkins, Donald vs. Jenkins, Karla**

On November 29, 2023, the Department of Child Support Services filed a Notice Regarding Payment of Current Support. As a result, the child support portion of the request shall be heard before the commissioner because there is an open case with DCSS. As a result, Petitioner's Request for Order regarding Child Support and Spousal Support shall be continued to November 13, 2025 at 8:30 a.m. in Department 2 to address child support and spousal support pursuant to Family Code section 4251.

**FL-22-00277**      **Hughbanks, Danae vs. Torres, Timothy**

Petitioner's Request for Order Voluntary Waiver of Preliminary Disclosure per Family Code Section 2017 (b) is DENIED without prejudice. Petitioner failed to file a proof of service indicating service on Respondent.

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

Petitioner's Request for Order Voluntary Waiver of Preliminary Disclosure per Family Code Section 2017 (b) is DENIED without prejudice. Petitioner failed to file a proof of service indicating service on Respondent.

**FL-25-00025 Tello Mendez, Karla A vs. Reyes, Avery**

Petitioner's Request to change the child's last name, filed on September 17, 2025, is DENIED without prejudice due to Petitioner's failure to show proof of service via posting.

**FL-25-00048 Mendoza, Isaiah Gabriel vs. Mendoza, Mary**

Petitioner's Request for Order Voluntary Waiver of Preliminary Disclosure per Family Code Section 2017 (b) is GRANTED as requested. The Self-Help Center shall prepare the order after hearing. No appearances are necessary.

**FL-25-00127 Boyle, Jalessa vs. Ridge, Semaj**

Petitioner's Request for Order filed June 9, 2025, is DENIED without prejudice due to Petitioner's failure to file a proof of service. The matter was previously continued to allow Petitioner to have Respondent served.

**FL-25-00154 Flores, Josefina vs. Rosales, Martin**

Petitioner's Request for Order Voluntary Waiver of Preliminary Disclosure per Family Code Section 2017 (b) is DENIED without prejudice. Petitioner failed to file a proof of service indicating service on Respondent.

**END OF TENTATIVE DECISIONS**