

APPENDIX A

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

In re the Marriage of FIDA MHANNA and
GHASSAN HAGE.

H045078, H045423, H046384
(Santa Clara County
Super. Ct. No. 6-13-FL010520)

FIDA MHANNA,

Respondent,

v.

GHASSAN HAGE,

Appellant.

On October 23, 2014, a judgment of dissolution was entered involving the marriage of appellant Ghassan Hage and respondent Fida Mhanna, who have two daughters. There have been extensive postjudgment proceedings. These three appeals involve challenges by Hage to six postjudgment orders.¹

In the first appeal, case No. H045078, Hage challenges two orders: (1) an order of July 6, 2017, determining that Hage owed child support arrearages totaling \$6,048.72,

¹ On March 13, 2019, this court deemed Mhanna's motion to consolidate appeals as a motion to consider the three appeals together, and as such, we granted the motion, ordering that the cases would be considered together for briefing, argument, and disposition.

and attorney fee award arrearages totaling \$6,241.09 (hereafter, the arrearages order); and (2) a subsequent August 21, 2017 order denying Hage's motion to reconsider the arrearages order. In the second appeal, case No. H045423, Hage challenges the court's December 20, 2017 order granting a writ of execution to enforce past-ordered child support and attorney fees awards (hereafter, the execution order). And in the third appeal, case No. H046384, Hage challenges three orders: (1) an April 6, 2018 order requiring Hage to pay Mhanna a total of \$80,000 in attorney fees, pursuant to Family Code sections 271 and 2030² (hereafter, the attorney fees order); (2) an order of October 29, 2018, denying Hage's request to set aside or vacate the attorney fees order; and (3) a minute order of November 6, 2018, purportedly granting Mhanna's request to enforce a prior court order for attorney fees through a Qualified Domestic Relations Order (QDRO; hereafter, the QDRO minute order).

Hage contends the trial court erred in making the six orders from which appeals have been taken. We conclude that the appeal as to the attorney fees order (April 6, 2018 order in case No. H046384) is untimely, and we will accordingly dismiss that appeal. As to the remaining five orders, we conclude there is no error, and we will therefore affirm the orders.

² All further unspecified statutory references are to the Family Code.

I. PROCEDURAL HISTORY³

A. Appeal No. H045078

On July 6, 2017, the court filed an order after a hearing occurring on the same date on Mhanna's "order to show cause, notice of motion or request for order filed 12//16/15 & 1/13/16." The court found that as of July 6, 2017, Hage owed child support and accrued interest in the amount of \$6,048.72, and Hage was ordered to make installment payments of \$500 per month from September 1, 2017, until paid in full. The court found further that as of July 6, 2017, Hage owed previously-ordered attorney fees to Mhanna's counsel, David Yomtov, with accrued interest, in the total amount of \$6,241.09, and Hage was ordered to pay \$500 per month commencing August 1, 2017, until the amount was fully paid.

On July 11, 2017, Hage filed a request for order asking the court to "reconsider and correct" its arrearages order of July 6, 2017. (Capitalization omitted.) On August 21, 2017, the court denied Hage's motion to reconsider the arrearages order.

Hage filed a notice of appeal in which he challenged the two orders.

³ A more detailed discussion of the proceedings involving the individual orders challenged in this appeal is contained in the discussion of the merits of Hage's claims, *post*.

Additionally, we are familiar with this dissolution proceeding by reason of two prior appeals by Hage. In an opinion filed January 14, 2019, a panel of this court affirmed a postjudgment order denying Hage's request to modify a prior custody and visitation order. (See *In re Mhanna and Hage* (Jan. 14, 2019, H044493) [nonpub. opn.] (*Mhanna I*).) And in an opinion filed February 11, 2020, a panel of this court affirmed a postjudgment order declaring Hage a vexatious litigant pursuant to Code of Civil Procedure section 391. (See *In re Mhanna and Hage* (Feb. 11, 2020, H045077) [nonpub. opn.] (*Mhanna II*).) We take judicial notice of these two previously-filed opinions. (See *ZF Micro Devices, Inc. v. TAT Capital Partners, Ltd.* (2016) 5 Cal.App.5th 69, 73, fn. 3 [appellate court may take judicial notice of its prior unpublished decision].) Because we take judicial notice of our opinion in *Mhanna II* in which we affirmed the order declaring Hage a vexatious litigant, it is unnecessary for us to take judicial notice of that order here; accordingly, we will deny Mhanna's request for judicial notice filed in case No. H045078.

B. Appeal No. H045423

On September 25, 2017, Mhanna filed a request for order seeking a writ of execution. On December 20, 2017, the court granted Mhanna's request for issuance of a writ of execution to enforce past-ordered child support and attorney fees awards. Hage filed a notice of appeal in which he challenged the December 20, 2017 execution order.

C. Appeal No. H046384

On August 4, 2017, Mhanna filed a request for order in which she requested attorney fees and costs including sanctions against Hage pursuant to section 271 and Code of Civil Procedure section 128.5. On April 6, 2018, after a hearing, the court ordered Hage to pay Mhanna \$70,000 in sanctions pursuant to section 271, of which \$50,000 of the amount awarded was also awardable as attorney fees under section 2030. The court also ordered Hage to pay Mhanna \$10,000 in attorney fees pursuant to section 2030 for the cost of defending Hage's appeal of a child custody order. (This child custody order was later affirmed by this court in *Mhanna I, supra*, H044493 [nonpub. opn.] .)

On October 29, 2018, the court denied Hage's request to set aside, vacate, or reconsider the April 6, 2018 attorney fees order.

On November 6, 2018, the court issued a minute order purportedly granting Mhanna's request to enforce a prior court order for attorney fees through a QDRO. As discussed, *post*, in a formal order filed November 21, 2018, the court *denied* Mhanna's request for issuance of a QDRO.

On November 9, 2018, Hage filed a notice of appeal in which he challenged the attorney fees order, the order denying his request to set aside or vacate the attorney fees order, and the QDRO minute order.

II. DISCUSSION

A. Standard of Review

As the California Supreme Court has recently reiterated, “it is a fundamental principle of appellate procedure that a trial court judgment is ordinarily presumed to be correct.” (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608-609 (*Jameson*).) “ ‘All intendments and presumptions are indulged to support [the lower court’s judgment or order] on matters as to which the record is silent, and error must be affirmatively shown. This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.’ [Citations.]” (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Any ambiguities in the record are resolved in favor of affirmance of the judgment or order. (*Winograd v. American Broadcasting Co.* (1998) 68 Cal.App.4th 624, 631.) Furthermore, an appellate court, “[a]s an aspect of the presumption that judicial duty is properly performed, . . . presume[s] . . . that the [trial] court knows and applies the correct statutory and case law.” (*People v. Coddington* (2000) 23 Cal.4th 529, 644, overruled on other grounds by *Price v. Superior Court* (2001) 25 Cal.4th 1046, 1069, fn. 13.)

It is the appellant’s burden to overcome the presumption of correctness by demonstrating, through an adequate record, error requiring reversal. (*Jameson, supra*, 5 Cal.5th at p. 609.) This burden exists, regardless of whether the respondent has submitted argument in support of the appealed judgment or order. (See *Kriegler v. Eichler Homes, Inc.* (1969) 269 Cal.App.2d 224, 226 [appellant required to demonstrate error even if respondent did not file appellate brief].)

The parties do not address, with citations to legal authority, the standard(s) of appellate review that apply to the six orders challenged in these three appeals. (See *Tosi v. County of Fresno* (2008) 161 Cal.App.4th 799, 803 [criticizing appellants for including no discussion of applicable standard of review in either opening or reply briefs].) Because the standard of review “is the compass that guides the appellate court to its

decision” (*People v. Jackson* (2005) 128 Cal.App.4th 1009, 1018), we will discuss the appropriate standard(s) here before proceeding with our review of the merits of the appeals.

An order awarding statutory, need-based attorney fees under section 2030 is reviewed for abuse of discretion. (*In re Marriage of Keech* (1999) 75 Cal.App.4th 860, 866.) Likewise, an order imposing attorney fees as sanctions under section 271 is reviewed for abuse of discretion. (*Parker v. Harbert* (2013) 212 Cal.App.4th 1172, 1177.) Such a sanctions order “ ‘ ‘ ‘will be overturned only if, considering all the evidence viewed most favorably in support of its order, no judge could reasonably make the order.’ ” ’ [Citation.]” (*In re Marriage of Feldman* (2007) 153 Cal.App.4th 1470, 1478.)

An order granting or denying a request to set aside a judgment or order under Code of Civil Procedure section 473, subdivision (b),⁴ is also reviewed for abuse of discretion. (*Zamora v. Clayborn Contracting Group, Inc.* (2002) 28 Cal.4th 249, 257 (*Zamora*)). “ ‘A ruling on a motion for discretionary relief under [Code of Civil Procedure] section 473 shall not be disturbed on appeal absent a clear showing of abuse.’ [Citation.]” (*Ibid.*)⁵

⁴ “The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” (Code Civ. Proc., § 473, subd. (b).)

⁵ We observe that one of the orders challenged in case No. H046384 was the denial of Hage’s request to “set aside or vacate” the attorney fees order of April 6, 2018. (Capitalization omitted.) Hage did not cite any legal authority below in support of the set-aside request, nor does he cite such authority in his appellate briefs. It is therefore uncertain as to the legal basis (statutory or otherwise) upon which his request was founded. It appears that the most likely basis would have been under Code of Civil Procedure section 473, subdivision (b), under which Hage may have sought relief from the April 6, 2018 attorney fees order “taken against him . . . through his . . . mistake, inadvertence, surprise, or excusable neglect.” (*Ibid.*) But even if some other statutory ground were the basis for Hage’s set-aside request, it seems clear that the same abuse of

Child support orders are also reviewed for abuse of discretion. (*In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 282.) “Our review is limited to determining whether the court’s factual determinations are supported by substantial evidence and whether the court acted reasonably in exercising its discretion. [Citation.] We do not substitute our judgment for that of the trial court; we confine ourselves to determining whether any judge could have reasonably made the challenged order.” (*In re Marriage of De Guigne* (2002) 97 Cal.App.4th 1353, 1360.)

The appellant bears the burden of demonstrating that the trial court abused its discretion. (*F.T. v. L.J.* (2011) 194 Cal.App.4th 1, 16.) And an “order of a lower court is presumed to be correct on appeal, and all intendments and presumptions are indulged in favor of its correctness.” (*In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1133.)

B. Orders in Appeal No. H045078

Hage challenges the arrearages order of July 6, 2017, and the order of August 21, 2017, denying Hage’s motion to reconsider the arrearages order. We address these two orders separately below.

1. Arrearages Order (July 6, 2017)

a. Background

The court conducted a lengthy hearing on July 6, 2017. At its commencement, Mhanna’s counsel, David Yomtov, identified that the purpose of the hearing was to obtain an accounting of Hage’s underpayments of child support for 2015 and early 2016, as well as an accounting of unpaid attorney fees that the court had previously ordered to be paid by Hage.

discretion standard would apply. (See *In re Marriage of Varner* (1997) 55 Cal.App.4th 128, 138 [order denying request to set aside judgment under § 2122 based upon actual fraud, perjury, duress, or mistake reviewed for abuse of discretion]; *Jacuzzi v. Jacuzzi Bros., Inc.* (1966) 243 Cal.App.2d 1, 24 (*Jacuzzi*) [“ ‘trial court has broad discretion in considering motions for a new trial’ ” from court trial proceedings under Code Civ. Proc., § 662].)

Yomtov made an offer of proof as to matters to which Mhanna would testify that consisted of, inter alia, the following: (1) the October 23, 2014 judgment provided that Hage would pay monthly child support of \$2,135; (2) for seven months (August 2015 to February 2016), Hage paid \$1,395 per month instead of the ordered monthly amount of \$2,135⁶; (3) the unpaid child support amounts, plus accrued interest, totaled \$6,048.72; (4) on July 14, 2015 (and by formal written order on September 1, 2015), the court ordered Hage to pay attorney fees of \$5,000 to Yomtov, pursuant to section 2030; (5) on March 8, 2016, the court ordered Hage to pay attorney fees of \$500 to Yomtov pursuant to section 271; and (6) the total amount due on the unpaid attorney fees ordered plus interest was \$6,241.09.

The trial court permitted extended testimony/argument by Hage, who was self-represented. As it concerned the child support arrearages claim, Hage's central contention was that Mhanna was responsible for paying one-half of the tuition for private school for their daughters, and that any deduction of those fees from child support payments he made was therefore justified.⁷ Mhanna's position was that while she was amenable to paying and did pay for one-half of one daughter's preschool expense, she never agreed to pay for private school tuition. Mhanna, through her counsel's presentation, stated that it had been Hage's strong desire to later place their daughters in private school, and that Mhanna could not afford it and had never agreed to pay any of

⁶ Although the judgment of dissolution of October 23, 2014 is not part of the record in case No. H045078, we observe that the judgment of dissolution is attached as an exhibit to a declaration made part of the record in case No. H045423. The judgment includes an order of child support, commencing August 1, 2014, totaling \$2,135 per month for the parties' two children.

⁷ Hage contended that Mhanna's agreement to pay a portion of private school tuition was shown by her continuing in 2015—after the court in April 2015 had denied Hage's request that Mhanna be ordered to pay a portion of school tuition—to list in her Income and Expense Declaration \$800 in monthly school expenses.

the tuition.⁸ Mhanna testified that Hage enrolled their daughters in private school, and, in 2015 and 2016, he began deducting school fees from the child support payments.

Yomtov explained further that prior to Hage enrolling the children in private school, the court had ruled that Hage would bear the cost of private school. As observed by the court, in an order filed November 9, 2015 (from a hearing on April 23, 2015), the court denied Hage's request to modify the judgment to require Mhanna to pay one-half of private school tuition.

At the end of the hearing, the court ruled from the bench in favor of Mhanna. Its rulings were confirmed in a formal written order filed July 6, 2017. The trial court held that (1) child support had been set at \$2,135 per month; (2) Hage began making reduced monthly payments of \$1,395 beginning August 3, 2015 until February 2016; (3) there was no agreement by Mhanna that support could be reduced to account for private school tuition; (4) the total amount of arrearages, with accrued interest, was \$6,048.72; and (5) interest on that total sum would continue to accrue at the legal rate of 10 percent until paid. The court ordered Hage to make monthly payments of \$500 to satisfy the support arrearages, with said payments commencing on September 1, 2017, and that if any installments were not paid timely, the entire amount would immediately become due and owing.

The court also ruled that there were separate valid orders by the court that Hage pay attorney fees of \$5,000 and \$500 to Yomtov, and it found them due and payable with accrued interest in the total sum of \$6,241.09; interest on that sum would continue to accrue at the legal rate of 10 percent until paid. The court ordered that Hage make monthly installments of \$500 on the attorney fee arrearages, with said payments

⁸ Yomtov stated further that he had repeatedly advised Hage by e-mail that Mhanna would not agree to pay.

commencing on August 1, 2017. In the event any installments were not made on time, the entire amount would become immediately due.

b. Hage's Failure to Procure Record

The trial court identified in its arrearages order July 6, 2017, that the hearing concerned Mhanna's "order to show cause, notice of motion or request for order [hereafter, collectively, the requests] filed 12//16/15 & 1/13/16." Requests of these dates filed on behalf of Mhanna are not part of the appellate record. The superior court's register of actions that is part of the record in appeal No. H046384, however, reflects that an "OSC: Contempt" was filed on behalf of Mhanna on December 16, 2015, and that an "OSC: Contempt" and a "Request for Order: Attorney Fees" were filed on behalf of Mhanna on January 13, 2016.

Further, from our review of the transcript of the July 6, 2017 hearing and the register of actions, there were relevant orders that were the subject of the July 6 hearing which were omitted from the record on appeal. In the offer of proof on behalf of Mhanna, her attorney identified (1) a judgment of October 23, 2014, providing that Hage was to pay monthly child support of \$2,135; (2) an order after hearing on July 14, 2015 (with a formal order filed September 1, 2015), in which Hage was ordered to pay attorney fees of \$5,000; and (3) an order after hearing on March 8, 2016, concerning Hage's request for a modification of child support in which Hage was ordered to pay attorney fees of \$500. The register of actions contains entries that confirm the entry of judgment and appear to confirm that the court held hearings and issued orders after hearings concerning the two attorney fee awards. None of these orders regarding monthly child support or attorney fees are part of the appellate record herein.

Additionally, there were other papers filed in support of Mhanna's two requests—besides the requests themselves—that were omitted from the record on appeal. At the hearing, Yomtov referred to "a declaration of payment history with recap" containing printouts identifying installments, and computer-generated interest calculations. There

was considerable discussion at the hearing about this declaration. This declaration, which is not part of the appellate record, was filed June 28, 2017.

The appellant bears the burden of showing reversible error by an adequate record. (*Jameson, supra*, 5 Cal.5th at p. 609.) “ ‘In the absence of a contrary showing in the record, all presumptions in favor of the trial court’s action will be made by the appellate court. “[I]f any matters could have been presented to the court below which would have authorized the order complained of, it will be presumed that such matters were presented.” ’ [Citation.] ‘ “A necessary corollary to this rule is that if the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed.” ’ [Citation.]” (*Ibid.*) Therefore, an appellant’s failure to present an adequate record will result in the issue being resolved against appellant. (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295-1296 (*Maria P.*)).

Hage, as the party challenging the trial court’s ruling, has the burden of showing reversible error by an adequate record. (*Jameson, supra*, 5 Cal.5th at p. 609.) The orders regarding child support and requiring Hage to pay attorney fees referenced above formed the grounds upon which the challenged arrearages order was based. They were documents essential to our review, but they were not included in the appellate record. Likewise, the papers filed by Mhanna in support of her requests, including the declaration of payment history discussed at length at the hearing, were documents necessary for this court’s meaningful review of the trial court’s arrearages order; they, also, were omitted from the appellate record. Based upon Hage’s failure to procure an adequate record, it is appropriate for us here to resolve his challenge to the arrearages order against him. (*Maria P., supra*, 43 Cal.3d at pp. 1295-1296.)⁹

⁹ We acknowledge that Hage is representing himself in this appeal. However, the rules of civil procedure apply with equal force to self-represented parties as they do to those represented by attorneys. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.) Thus, “[w]hen a litigant is appearing in propria persona, he [or she] is entitled to the

c. No Error Re July 6, 2017 Arrearages Order

Hage's failure to procure an adequate record notwithstanding, his challenge to the arrearages order also fails on its merits.

With respect to the child support portion of the arrearages order, Hage argues that he established below that the issue of whether he owed unpaid child support to Mhanna had been previously addressed over a year before the July 6, 2017 hearing. He claims that on May 23, 2016, a judge who heard all proceedings in the case before 2017—a different judge than the judge who decided the arrearages order—heard the child support issue and did not order Hage to pay any arrearages.

Hage presents no cogent or factually-supported argument in support of his claim that the court committed error in finding that Hage owed child support arrearages of \$6,048. It appears that his contention is that the court was not empowered to make this finding on July 6, 2017, because a different judge on May 23, 2016, had made an express finding that the arrearages were not in fact owing. But he presents no citation to the appellate record that proves, or even suggests, there was such a prior finding. Hage identifies no formal order, minute order, or statement by the court at the May 23, 2016 hearing that corroborates his assertion that the court found at that time that there were no child support arrearages. Indeed, the May 23, 2016 reporter's transcript—which would be the best evidence of what transpired at the hearing—is not part of the appellate record. To repeat, Hage as the appellant has the burden of showing reversible error by an adequate record. (*Jameson, supra*, 5 Cal.5th at p. 609.)

same, but no greater, consideration than other litigants and attorneys.” (*Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638; see also *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1247 [self-represented litigants are required to follow correct rules of procedure].)

Hage refers to an attachment to his opening brief (“Exhibit ‘OB1’”) in support of his position.¹⁰ Although it is not appropriate to consider this attachment that is not part of the record (*Lona, supra*, 202 Cal.App.4th at p. 102; *Hodge, supra*, 130 Cal.App.4th at p. 546, fn. 1), it, in any event, does not support Hage’s position. The attachment consists of (1) a letter from Yomtov to the court dated May 26, 2015 [*sic*] referring to hearings on May 23, July 8, and August 25, 2016; (2) proposed findings and order (unsigned) relative to hearings on May 23 and July 8, 2016, that were apparently transmitted by Yomtov with the letter; and (3) August 2016 e-mails between Yomtov and Hage concerning the proposed findings and order. The existence of an unsigned order from prior hearings does not suggest, let alone establish (as claimed by Hage), that the court, prior to the July 6, 2017 hearing, had made a determination on the merits that child support arrearages were not owed by Hage.

¹⁰ Hage’s opening brief contains 30 pages of attachments identified as “Exhibit OB1” to “Exhibit OB5.” His reply brief similarly contains 49 pages of attachments identified as “Exhibit ARB1” to “Exhibit ARB6.” Hage’s use of attachments to his appellate briefs is improper and in violation of the rules of appellate procedure. Under rule 8.204(d) of the California Rules of Court, “[a] party filing a brief may attach copies of exhibits or other materials in the appellate record . . .” (Hereafter, all unspecified rules are to the California Rules of Court.) It appears that the attachments are neither exhibits to the hearings related to the specific orders that are the subject of these appeals, nor materials already in the appellate record (i.e., reporter’s transcripts and clerk’s transcripts that have been designated and produced in these appeals). Matters that are not part of the record on appeal will not be considered by the appellate court. (*Lona v. Citibank, N.A.* (2011) 202 Cal.App.4th 89, 102 (*Lona*).) We will “decline to consider” these attachments to Hage’s briefs that are “not part of the record on appeal” because the procedure utilized by Hage violates rule 8.204(d). (*Hodge v. Kirkpatrick Development, Inc.* (2005) 130 Cal.App.4th 540, 546, fn. 1 (*Hodge*).) Moreover, to the extent that through the attachments to his reply brief, Hage raises new issues that Mhanna was not able to address in her respondent’s brief, it is inappropriate for this court to consider such new issues. (*Varjabedian v. City of Madera* (1977) 20 Cal.3d 285, 295, fn. 11; see also *People v. Peevy* (1998) 17 Cal.4th 1184, 1206 [in general, “a contention may not be raised for the first time in a reply brief”].)

Hage also refers to two binders of documents attached to his motion to augment.¹¹ The record shows that Hage offered two binders of records at the hearing on July 6, 2017; they were identified for the record but were not admitted into evidence by the court. We therefore cannot consider them here. (See *Frank v. County of Los Angeles* (2007) 149 Cal.App.4th 805, 815 [appellate court may not consider exhibits identified, but not admitted, at trial].) It appears from the record that the trial court at the July 6, 2017 hearing considered the binders. But even were we to consider the exhibits that were not admitted into evidence, we would conclude that they do not support Hage's claim. The documents Hage produced at the July 6, 2017 hearing appear—based upon the fact that many bear court exhibit tags—to have been exhibits to a prior hearing on May 23, 2016.¹² The documents include, inter alia, receipts, income and expense declarations, banking records, e-mails between Yomtov and Hage, school documents, an amended judgment (illegible), a request and order (illegible), and one page of a declaration by Hage filed August 15, 2016. They do not support his contention that the court erred in its July 6, 2017 order because the court had allegedly decided at an earlier date that there were no child support arrearages.

Hage argues that the trial court disregarded evidence at the hearing that he claims supported his position that Mhanna had agreed to pay a portion of their daughters' private school tuition—and thus that his deduction of that expense from the monthly child support payments in question was proper. This is a challenge to the sufficiency of the

¹¹ This court granted Hage's motion to augment the record.

¹² Hage in his opening brief includes a block reference to a collection of 53 pages of documents, without attempting to identify the particular documents or why he contends that they support his position. (See *Nazari v. Ayrapetyan* (2009) 171 Cal.App.4th 690, 694, fn. 1 [practice of making block page references "frustrates this court's ability to evaluate *which facts* a party believes support [that party's] position, particularly when a large portion of that citation referred to points that appeared to be irrelevant"].)

evidence to support the court's underlying factual findings regarding child support arrearages. An appellant's assertion that no substantial evidence supports the factual finding requires it to " 'demonstrate' " that point, and "[a] recitation of only [appellant's] evidence is not the 'demonstration' contemplated Accordingly, if, as [appellants] here contend, 'some particular issue of fact is not sustained, they are required to set forth in their brief all the material evidence on the point and *not merely their own evidence*. Unless this is done the error assigned is deemed to be waived.' [Citations.]" (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881-882, original italics (*Foreman & Clark*).)

Here, Hage focuses only upon *his own evidence* that he asserts establishes that the court erred in finding that Mhanna had not agreed to fund their daughters' private school education (and, hence, that it was improper for Hage to deduct tuition amounts from child support payments). Hage omits from his discussion evidence that does not support his claim, including Mhanna's testimony (through offer of proof and through her direct testimony) that Hage had insisted that their daughters attend private school, but Mhanna did not have the funds for private tuition and did not agree to pay for it. Hage also disregards evidence that prior to his enrolling the children in private school, the court had decided that Hage would bear the cost of private school, denying at an April 23, 2015 hearing Hage's request to modify the judgment to require Mhanna to pay one-half of private school tuition. By not presenting a balanced discussion of all material evidence, both favorable and unfavorable to his position, he has waived the appellate challenge. (*Foreman & Clark, supra*, 3 Cal.3d at pp. 881-882; see also *Ajaxo Inc. v. E*Trade Group Inc.* (2005) 135 Cal.App.4th 21, 50 [appellant waived appellate challenge where its "recitation of the facts [was] lacking in fairness and completeness . . . [and its] slanted presentation of the facts read[] more like argument"].) There was, in any event, substantial evidence supporting the trial court's factual findings that Hage's unilateral reduction of monthly child support payments, beginning August 3, 2015, was improper

because there had been no agreement by Mhanna that support could be reduced to account for private school tuition.

With respect to the aspect of the arrearages order in which the court determined previously-ordered attorney fees, Hage's argument appears to be based upon (1) repeated assertions of alleged ongoing misconduct by Yomtov in the dissolution proceedings; (2) apparent challenges to a number of procedural events in 2014 and 2015; (3) challenges to court orders preceding the July 6, 2017 order actually at issue in this appeal;¹³ and (4) generalized, unsupported assertions, such as the claim that "the lawyer fees of \$5000 awarded to Mr. Yomtov by Judge Grilli was indeed a big mistake sponsoring the corruption and the misconduct of . . . Yomtov." These general assertions are undeveloped and unsupported by legal authority. A "conclusory presentation [in an appellate brief], without pertinent argument or an attempt to apply the law to the circumstances of this case, is inadequate. . . . [In such instances, the appellate court will] treat the issue as abandoned and [will] not address it on the merits." (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852.) Moreover, a party's failure to cite legal authority for a position in his or her appellate brief "amounts to an abandonment of the issue." (*People ex rel. 20th Century Ins. Co. v. Building Permit Consultants, Inc.* (2000) 86 Cal.App.4th 280, 284.) We therefore, conclude that Hage has abandoned his challenge to the arrearages order insofar as it concerned the past-ordered attorney fees.

Moreover, Hage's opposition below to Mhanna's request to determine the existence and amount of attorney fee arrearages was based upon a challenge to the validity of the attorney fee orders on which the arrearages claim was based. As presented at the hearing on July 6, 2017, the court had previously ordered Hage to pay attorney fees

¹³ The orders Hage appears to challenge in his opening brief include an order filed in May 2013; an order filed on September 26, 2014; an August 1, 2017 order declaring Hage a vexatious litigant, which order was affirmed by this court (see *Mhanna II*, *supra*, H045077); and the October 2014 judgment.

to Yomtov in the amounts of \$5,000 and \$500, on September 1, 2015 and on March 8, 2016, respectively. The time for Hage to have asserted any appellate challenges to these two orders had expired long before the July 6, 2017 hearing on the arrearages request. The court, in ruling on Mhanna's requests, found that there were separate valid orders by the court that Hage pay attorney fees of \$5,000 and \$500 to Mhanna's counsel, Yomtov, and it found them due and payable with accrued interest in the total sum of \$6,241.09. In so finding, the court specifically advised Hage that "procedurally [it did not] believe [he had] a legal basis at this point to dispute Judge Grilli's ordering of you to pay \$5,000 in need-based fees back in 2015."

Hage's challenge to the arrearages order is therefore without substantive merit.

2. *Reconsideration Order (August 21, 2017)*

a. **Background**

On July 11, 2017, Hage filed a request for order asking the court to "reconsider and correct" its arrearages order of July 6, 2017. (Capitalization omitted.) In the section of the request requiring a listing of supporting facts, Hage indicated, inter alia, that (1) there had been an agreement by Mhanna to place their children in private school; and (2) pursuant to Code of Civil Procedure section 128.5, Yomtov's bad faith actions and tactics since September 2014 warranted the imposition of sanctions against Yomtov "[that could] be used to cancel David Yomtov fees that was requested on 7/14/15." (Capitalization omitted.)¹⁴ The request was accompanied by a declaration containing arguments that had been previously made by Hage at the July 6 hearing.

¹⁴ The record does not reflect that Hage, as required by statute, filed a motion for sanctions required under Code of Civil Procedure section 128.5 that was "*made separately from other motions or requests . . . [that] describe[d] the specific alleged action or tactic, made in bad faith, that is frivolous or solely intended to cause unnecessary delay.*" (Code Civ.Proc., § 128.5, subd. (f)(1)(A), italics added.)

Hage's motion to reconsider the court's arrearages order was heard on August 21, 2017. The court denied Hage's motion to reconsider, concluding that the reconsideration motion did not present new facts or different law under Code of Civil Procedure section 1008. Although it is not part of the appellate record, the register of actions contains an entry that appears to reflect that a written order was signed by the court, such order being essential to our resolution of Hage's challenge on appeal. (See *Maria P.*, *supra*, 43 Cal.3d at pp. 1295-1296 [appellant's failure to procure an adequate record may result in his challenge being resolved against him].)¹⁵

b. No Error Re August 21, 2017 Reconsideration Order

Although an order denying a motion for reconsideration is not separately appealable, "if the order that was the subject of a motion for reconsideration is appealable, the denial of the motion for reconsideration is reviewable as part of an appeal from that order." (Code Civ. Proc. § 1008, subd. (g).) Because the underlying arrearages order *is* an appealable order (*In re Marriage of Tibbett* (1990) 218 Cal.App.3d 1249, 1250, fn. 3 ["order determining arrearages and compelling payment of support is an appealable order"]), we will consider Hage's challenge to the order denying reconsideration.

But in considering Hage's challenge to the August 21, 2017 reconsideration order, there must be some substance to that challenge for us to address. We have reviewed Hage's lengthy opening and reply briefs. He presents no argument whatsoever in support of a claim that the trial court erred in denying his motion to reconsider the arrearages order. Indeed, beyond referring to a reporter's transcript of August 21, 2017, in a references index at the beginning of his briefs, there is no mention of Hage's

¹⁵ As reflected in the transcript of the hearing, the court referred to a proposed findings and order on the reconsideration motion submitted by Yomtov reflecting the denial of the motion and the denial of Hage's request for sanctions. The transcript further reflects that the court indicated that it had signed the document.

reconsideration motion at all. As an appellate court, we have no obligation to develop Hage's arguments for him. (*Dills v. Redwoods Associates, Ltd.* (1994) 28 Cal.App.4th 888, 890, fn. 1 (*Dills*).) Hage's challenge to the August 21, 2017 order denying motion for reconsideration is therefore forfeited. (*Stuard v. Stuard* (2016) 244 Cal.App.4th 768, 780 [appellant's undeveloped argument deemed forfeited on appeal].)

C. Order in Appeal No. H045423

1. Background

On September 25, 2017, Mhanna filed a request for order seeking a writ of execution. In describing the relief sought, Mhanna—identifying the arrearages order of July 6, 2017 that is the subject of the related appeal in H045078—averred that Hage had failed to make installment payments toward either the child support or attorney fee arrearages as previously ordered by the court, and that the entire amount of those arrearages was now due. She therefore requested that a writ of execution in the amount of \$12,289.81 issue to enforce the arrearages order.¹⁶

On December 20, 2017, the court granted Mhanna's request for issuance of a writ of execution to enforce past-ordered child support and attorney fees awards.¹⁷ Hage filed a notice of appeal in which he challenged the December 21, 2017 execution order. (See *Keitel v. Heubel* (2002) 103 Cal.App.4th 324, 339-340, fn. 2 [postjudgment order enforcing execution on judgment appealable].)

¹⁶ Although it is not part of the appellate record here, we are aware that Hage filed on October 20, 2017, written opposition to Mhanna's request for issuance of a writ of execution. This document was attached improperly to Hage's opening brief. (See rule 8.204(d) ["party filing a brief may attach copies of exhibits or other materials in the appellate record"].)

¹⁷ As Hage elected in his designation of the appellate record to proceed without a reporter's transcript, no transcript of the December 20, 2017 hearing is before us.

2. *No Error Re December 20, 2017 Execution Order*

Hage presents no substantive argument in his appellate briefs in support of a claim that the court erred in granting the execution order. In his opening brief, he has five sections dedicated to case No. H045423. There is no discussion or argument in those sections of the opening brief addressing the December 20, 2017 execution order.¹⁸ Hage's reply brief contains no discussion at all concerning the execution order or case No. H045423.

We have no obligation to develop Hage's appellate arguments for him. (*Dills, supra*, 28 Cal.App.4th at p. 890, fn. 1.) Hage's challenge to the execution order is forfeited. (*Hedwall v. PCMV, LLC* (2018) 22 Cal.App.5th 564, 579, fn. 9 [appellant's failure to present any argument in his appellate briefs in support of his claim of error concerning ruling on demurrer results in forfeiture of appellate claim].)

D. **Orders in Appeal No. H046384**

In case No. H046384, Hage challenges (1) the April 6, 2018 attorney fees order; (2) the October 29, 2018 order denying Hage's request to set aside the attorney fees order; and (3) the QDRO minute order of November 6, 2018. We address Hage's challenges to these three orders separately below.

1. *The Attorney Fees Order (April 6, 2018)*

a. **Background**

On August 4, 2017, Mhanna filed a request for order in which she sought attorney fees and costs including sanctions against Hage, pursuant to section 271 and Code of Civil Procedure section 128.5. The request was accompanied by a declaration, a supplemental declaration, and points and authorities. In the request, Mhanna sought sanctions of \$75,000, citing to factors including (1) that she currently owed her attorney

¹⁸ Instead, Hage incorrectly presents discussion and argument concerning the QDRO minute order, which is the subject of case No H046384, not case No H045423.

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more than \$50,000 in fees; (2) since the settlement of the case in July 2014, Hage had filed on the average nearly one motion per month to which she had to respond through her attorney; (3) the court had found many of Hage's motions frivolous; (4) Hage had filed two civil lawsuits against her (as well as her attorney, Yomtov) attempting to relitigate issues decided in family court; and (5) sanctions were appropriate to attempt to curtail future litigious behavior by Hage. In a supplemental declaration, Mhanna clarified that she was seeking attorney fees totaling \$103,431.81 for defending against various requests by Hage in the dissolution proceeding, defending against Hage's two civil lawsuits and small claims action, and defending against an appeal filed by Hage in the dissolution proceeding. Although the hearing on the request was originally scheduled for October 16, 2017, it was ultimately rescheduled to March 21, 2018.

Hage filed a responsive declaration opposing the request for order on October 20, 2017. Hage stated that he opposed the sanctions request because it was based upon the order, filed August 1, 2017, finding him to be a vexatious litigant, an order that he contended was improper and that he was challenging by appeal. (See fn. 3, *ante*, and *Mhanna II, supra*, H045077 [nonpub. opn.].) On March 19, 2018, Hage filed a written objection to having the hearing on Mhanna's request proceeding on March 21, 2018.¹⁹

The court conducted a hearing on Mhanna's request on March 21, 2018. Mhanna and her counsel appeared; there was no appearance by Hage. The court found that Hage

¹⁹ On March 14, 2018, Hage filed a request to file new litigation by a vexatious litigant, seeking to vacate the March 21, 2018 hearing and to schedule instead a two and one-half day hearing to include issues raised by Hage in his responsive declaration of October 20, 2017. Hage also stated in his document that he had a calendar conflict with the scheduled March 21, 2018 hearing date because he had a work obligation (attendance at a professional conference in the Bay Area) on March 21-22. The court denied leave for Hage to file new litigation.

“had more than ample notice of [the] hearing.” After receiving testimony and documentary evidence from Mhanna, the trial court found in Mhanna’s favor.²⁰

On April 6, 2018, the court filed a lengthy order after hearing. The court found that Hage had “engaged in a pattern of conduct that demonstrates to the Court that the actions of [Hage] have violated the policy of the law that favors settlement of litigation and reducing the cost of litigation.” The court found further that “[Hage’s] multiple filings of Family Law matters and his multiple attempts to get the Court to reconsider prior orders present an extreme case of sanctionable conduct. The Court therefore finds that it is appropriate to issue sanctions against [Hage] for an amount of some of the reasonable attorney’s fees that have been incurred in this case.”

In summary, the court ordered Hage to pay Mhanna \$70,000 in sanctions, pursuant to section 271, of which \$50,000 of the amount awarded was also awardable as attorney fees under section 2030. The court also awarded Mhanna attorney fees of \$10,000 under section 2030 for the cost of defending Hage’s appeal from a custody order in the family law proceeding that was then pending. (See *Mhanna I*, *supra*, H044493 [nonpub. opn.], in which this court affirmed the custody order on January 14, 2019.) The trial court thus ordered Hage to pay Yomtov attorney fees totaling \$80,000. The court directed Hage to make monthly payments to Yomtov of \$2,000, commencing May 1, 2018. In the event that any installment was not timely paid, the entire balance would be due and payable. Lastly, finding that it did not have jurisdiction, the court denied Mhanna’s request for attorney fees in connection with defending civil litigation brought by Hage.

2. *Appeal of Attorney Fees Order Must Be Dismissed*

Before we address the merits of Hage’s challenge to the attorney fees order, we must consider whether his notice of appeal was timely filed. (See *Van Beurden Ins.*

²⁰ There was no reporter’s transcript of the March 21, 2018 hearing, Hage having elected his formal designation of the record not to request a transcript of the hearing.

Services, Inc. v. Customized Worldwide Weather Ins. Agency, Inc. (1997) 15 Cal.4th 51, 56 (*Van Beurden Ins.*) [time in which to appeal judgment [“is jurisdictional; once the deadline expires, the appellate court has no power to entertain the appeal”].)²¹

The April 6, 2018 order imposing sanctions under section 271 that is at issue here is an appealable order. (*In re Marriage of Freeman* (2005) 132 Cal.App.4th 1, 5 & fn. 4; see also Code Civ. Proc., § 904.1, subd. (a)(12) [appealable order includes one that is taken “[f]rom an order directing payment of monetary sanctions by a party or an attorney for a party if the amount exceeds five thousand dollars (\$5,000)”].) The order is also appealable as “a pendente lite attorney fees order where nothing remains for judicial determination except the issue of compliance or noncompliance with its terms. [Citations.]” (*In re Marriage of Weiss* (1996) 42 Cal.App.4th 106, 119.)

Under rule 8.104(a)(1), a notice of appeal, unless otherwise provided, “must be filed on or before the earliest of: [¶] (A) 60 days after the superior court clerk serves on the party filing the notice of appeal a document entitled ‘Notice of Entry’ of judgment or a filed-endorsed copy of the judgment, showing the date either was served; [¶] (B) 60 days after the party filing the notice of appeal serves or is served by a party with a document entitled ‘Notice of Entry’ of judgment or a filed-endorsed copy of the judgment, accompanied by proof of service; or [¶] (C) 180 days after entry of judgment.” The 180-day period is the outside limit for the timely filing of a notice of appeal where a prior notice of entry has not been served by a party or the clerk. (See, e.g., *Annette F. v.*

²¹ Mhanna did not raise the issue of the timeliness of the notice of appeal in either her respondent’s brief or by separate motion to dismiss. Because the timely filing of a notice of appeal is a jurisdictional prerequisite for our review (*Van Beurden Ins.*, *supra*, 15 Cal.4th at p. 56]), “we must dismiss an untimely appeal either upon motion of a party or upon our own motion [citation].” (*M’Guinness v. Johnson* (2015) 243 Cal.App.4th 602, 610.) We therefore requested that the parties brief whether the notice of appeal as to the attorney fees order was timely and whether Hage’s appeal as to that order should be dismissed. We have received the letter briefs submitted on behalf of the parties concerning this issue and have carefully considered them.

Sharon S. (2005) 130 Cal.App.4th 1448, 1456 [180-day period applied where record did not contain document showing when, or if, notice of entry or copy of order was mailed by court clerk to appellant, or served by respondent on appellant].) The word “judgment” in these deadlines “includes an appealable order if the appeal is from an appealable order.” (Rule 8.104(e); see also rule 8.10(4) [“ ‘[[j]udgment’ includes any judgment or order that may be appealed”].) Therefore, the April 3, 2018 attorney fees order, which is appealable, is governed by rule 8.104.

Here, the attorney fees order was filed April 6, 2018. The record does not include a notice of entry of order that was filed by the clerk or by the adverse party, Mhanna. There is, however, in the register of actions that is part of the record a docket entry of April 9, 2018, identifying a proof of service by mail of the findings and order awarding attorney’s fees after the March 21, 2018 hearing. It is thus possible that the time for the filing of Hage’s notice of appeal would have run 60 days after April 9, 2018, as the date the clerk served a filed-endorsed copy of the attorney fees order. (See Rule 8.104(a)(1)(A).) Without having the document referred in this docket entry available as part of the appellate record, however, it cannot be determined whether the document would constitute “a filed-endorsed copy of the judgment, showing the date [it] was served” under rule 8.104(a)(1)(A). We need not resolve this issue, because the notice of appeal was filed by Hage beyond the *outside limit* for the appeal as provided in rule 8.104(a)(1)(C); it was filed on November 9, 2018, more than 180 days after entry of the appealable order. The appeal from the attorney fees order was therefore untimely.

The fact that Hage, on April 20, 2018, filed a request to set aside or vacate the attorney fees order—which he titled a request for order “[to] set aside or vacate the lawyer fees order from the trial held 03/21/18 when respondent was unavailable with a good cause”—does not save the appeal. (Capitalization omitted.) The California Rules of Court provide for an extension of time for an appeal if a party files (1) a valid notice of intention to move, or moves, to vacate the judgment (rule 8.108(c)), or (2) a valid motion

to reconsider an appealable order under Code of Civil Procedure section 1008, subdivision (a) (rule 8.108(e)). Hage cited no statutory or case authority below in support of his request to set aside or vacate order, so it cannot be determined whether he brought his request as a motion to vacate judgment for which an extension would be provided under rule 8.108(c). Likewise, it is unknown whether Hage intended his request to be a motion to reconsider under Code of Civil Procedure section 1008, subdivision (a) for which an extension would be provided under rule 8.108(e). Hage therefore cannot establish that the provisions related to extensions of time in rule 8.108(c) or (e) apply.

But even assuming Hage's April 20 request for order constituted a valid motion to vacate judgment or a valid motion to reconsider, in either instance, the notice of appeal would still be untimely. If Hage's request were deemed to be a valid motion to vacate judgment under rule 8.108, his time to file a notice of appeal would have been extended "until to *the earliest of*: [¶] (1) 30 days after the superior court clerk or a party serves an order denying the motion or a notice of entry of that order; [¶] (2) 90 days after the first notice of intention to move—or motion—is filed; or [¶] (3) 180 days after entry of judgment." (Rule 8.108(c), italics added.) Based upon this assumption that the request was a valid motion to vacate, Hage would have been required to file the notice of appeal by July 19, 2018, i.e., within 90 days of filing the motion on April 20.

(Rule 8.108(c)(2).) Alternatively, if Hage's request were deemed a valid motion to reconsider, his time to file a notice of appeal would have been extended "until *the earliest of*: [¶] (1) 30 days after the superior court clerk or a party serves an order denying the [reconsideration] motion or a notice of entry of that order; [¶] (2) 90 days after the first motion to reconsider is filed; or [¶] (3) 180 days after entry of the appealable order." (Rule 8.108(e), italics added.) Based upon this assumption that the request was a valid motion to reconsider, Hage would similarly have been required to file the notice of appeal by July 19, 2018, i.e., within 90 days of April 20, 2018. (Rule 8.108(c)(2).)

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Because the notice of appeal filed November 9, 2018, was untimely to perfect an appeal of the April 6, 2018 attorney fees order, the appeal, as to that attorney fees order, is dismissed.

2. The Order Denying Set Aside Request (October 29, 2018)

a. Background

On April 20, 2018, Hage filed a request to set aside or vacate the April 6, 2018 attorney fees order (set-aside request) with a hearing date scheduled for October 23, 2018. He asserted that he had been unavailable for the March 23, 2018 hearing due to his attendance at a professional conference, and that, prior to the hearing, he had attempted to reschedule the hearing to a later date with a two and one-half day time estimate.

After a hearing on October 23, 2018, the court filed its order on October 29, 2018, denying Hage's request to set aside or vacate the April 6, 2018 attorney fees order.

Hage filed a notice of appeal on November 9, 2018, challenging, *inter alia*, the order denying his motion to set aside or vacate the attorney fees order. Although the legal basis for his request is unclear from the record—because Hage presented no statutory or other authority below in support of the request—we will find that the October 29, 2018 order is appealable. (See *Ryan v. Rosenfeld* (2017) 3 Cal.5th 124, 127 [order denying motion to vacate judgment under Code of Civil Procedure section 663 is appealable]; *Shapiro v. Clark* (2008) 164 Cal.App.4th 1128, 1137 [order granting or denying motion for relief from default judgment under Code of Civil Procedure section 473 “is a special order after judgment on a statutory motion to set aside the judgment, and as such is appealable”].)²²

²² We observe that were Hage's request to set aside or vacate the sanctions order construed as a motion for reconsideration under Code of Civil Procedure section 1008, the October 29, 2018 order denying that request would not be an appealable order. “An order denying a motion for reconsideration . . . is not separately appealable. However, if

the court's scheduling of matters is misplaced. "To the extent this practice [of filing a notice of unavailability] attempts to put control of the court's calendar in the hands of counsel—as opposed to the judiciary—it is an impermissible infringement of the court's inherent powers." (*Carl v. Superior Court* (2007) 157 Cal.App.4th 73, 75 (*Carl*).)

The e-mails relied on by Hage indicate back-and-forth communications between Hage and Yomtov's legal assistant between November 27 and 30, 2017, in which Yomtov's office made attempts to schedule a hearing (presumably concerning Mhanna's request for sanctions). Those e-mails disclose that Hage listed three dates in March and two dates in April that he was available; Yomtov's office selected March 20, one of the dates provided by Hage, for the hearing; and Hage then wrote back indicating that he had "no availability anymore in March" and proposed dates in April. These e-mail communications do not demonstrate error by the trial court in setting the hearing on March 21. There is no indication that the court was aware of the e-mails at the time the hearing was scheduled. And even if it had been aware of the emails, they had no binding effect upon the court's power to schedule hearings. (*Carl, supra*, 157 Cal.App.4th at p. 75.)

The court, in its order denying the set-aside request, gave a detailed account of its reasoning, including a detailed recitation of the events leading to the scheduling of the March 21 hearing. The court recited that after a contempt hearing on October 10, 2017, the court set a hearing for October 24 on all matters that still remained pending at that time, including Mhanna's sanctions request and request for issuance of a writ of execution. Hage did not appear on October 24, despite having received notice. Because Mhanna also did not appear, her counsel, Yomtov, expressed concern that the absence of the parties may have been due to an emergency involving their children, and he therefore asked that the hearing be rescheduled. After Hage did not appear for the rescheduled hearing on November 7, the hearing was again reset due to a concern that Hage may not have received notice; the hearing was rescheduled to December 20, and notice of the

hearing was served on Hage. Yomtov served a status questionnaire on Hage, indicating that he would be asking to set a three-hour hearing on the sanctions request. Hage did not file a case management questionnaire and did not appear on December 20. The court continued the hearing to January 2, 2018, and gave notice to Hage, who again did not appear or file a case management conference questionnaire. The court then set the hearing on the sanctions request for March 21. On March 21, Mhanna and her counsel appeared and were ready to proceed. Hage did not appear. After waiting some time for Hage, the court proceeded in his absence and ultimately issued the attorney fees order.

In finding that Hage had not shown good cause to vacate or set aside the attorney fees order, the court concluded that Hage “had numerous opportunities to appear in court to request hearing dates that could accommodate his availability. The fact that he may have sent notices of unavailability to [Mhanna] does not alter the fact that he had a duty to come to court at some point to weigh in on when his matter was going to be set.” In acknowledging that Hage submitted two prefiling requests to vacate the March 21 hearing that were denied by the presiding judge on February 13 and March 14, 2018,²³ the trial court observed that Hage had not detailed the reasons for his unavailability in the requests; rather, the thrust of his requests was that insufficient time had been allotted to the hearing. And the court noted that although in his set-aside request, Hage asserted that he had a work commitment that prevented his appearance at the March 21 hearing, “[e]ven [assuming] it were true . . . [he] could have made some attempts to appear,” such as arranging to appear by telephone to request a continuance or retaining counsel to make a special appearance on his behalf. The court concluded that “[i]nstead, [Hage] chose to ignore the hearing” and thereby “ran the risk that the Court would make orders in his absence.”

²³ Only one prefiling request and order denying request is part of the appellate record. The register of actions, however, identifies that there were five orders denying prefiling requests filed between January 3, 2018 and March 14, 2018.

Based upon our review of the record, including the transcript of the October 23, 2018 hearing on the set-aside request, we find no error. In his appellate briefs, Hage does not refute the trial court's detailed reasoning in its order, including its recitation of the procedural history leading to the scheduling of the March 21, 2018 hearing. Indeed, as we have observed, Hage's appellate presentation contains no discussion of the proceedings involving his set-aside request, no review of the court's October 29 order, and no argument as to the alleged basis upon which he asserts that denial of the set-aside request was error. The trial court did not abuse its discretion by denying Hage's request to set aside or vacate the attorney fees order. (*Zamora, supra*, 28 Cal.4th at p. 257 [order on motion for relief under Code Civ. Proc., § 473 “ ‘shall not be disturbed on appeal absent a clear showing of abuse’ ”]; see also *In re Marriage of Varner, supra*, 55 Cal.App.4th at p. 138 [order denying request to set aside judgment under § 2122 reviewed for abuse of discretion]; *Jacuzzi, supra*, 243 Cal.App.2d at p. 24 [new trial motion under Code Civ. Proc., § 662 reviewed for abuse of discretion].)

3. ***QDRO Minute Order (November 6, 2018)***

a. **Background**

On or about September 27, 2018, Mhanna filed a request for order seeking a QDRO to enforce prior court orders. Because Mhanna's request is not part of the appellate record, we have no information as to its contents.²⁴ On November 6, 2018, the court issued a minute order granting Mhanna's request to enforce a prior court order for attorney fees through a QDRO. It was recited in the minute order that Hage had left a

²⁴ The register of actions lists Mhanna's request for order filed September 27, 2018; Mhanna's supporting memorandum filed October 11, 2018; Mhanna's supporting supplemental declaration filed October 11, 2018; and Hage's responsive declaration filed October 31, 2018. These documents, essential to appellate review of the QDRO order, were not included in the appellate record. (See *Maria P., supra*, 43 Cal.3d at pp. 1295-1296 [appellant's failure to procure an adequate record may result in his challenge being resolved against him].)

voicemail message indicating that he was unable to appear because of an emergency involving the parties' daughter and he therefore requested a continuance. It was recited further that Mhanna advised the court that she was unaware of any emergency involving the daughter, and the court denied the continuance request.

After filing a notice of appeal from, inter alia, the November 6, minute order granting the request for issuance of a QDRO, Hage filed a prefiling request seeking to request that the court vacate the QDRO minute order due to his nonappearance at the November 6 hearing; the court granted the prefiling request on November 16. The court denied Hage's request for order on November 20, indicating that "[t]he QDRO [Hage] seeks to vacate was never signed. The Court denied [Mhanna's] request. The Court finds that this request for order [to vacate QDRO] is moot." And on November 21, the court filed a formal order (signed November 19), indicating that it "decline[d] to treat its prior award of attorney's fees as a form of child support for purposes of enforcement," and therefore denied Mhanna's request for issuance of a QDRO.

b. Hage May Not Challenge Any Alleged Error

Hage contends on appeal that the court erred in its November 6, 2018 minute order granting Mhanna's QDRO request. He contends that the court failed to acknowledge the emergency involving the parties' daughter that he reported, and that the court should have granted his request to continue the hearing.²⁵

It is a rule of appellate practice "that if the judgment or order is in favor of a party[,], he is not aggrieved and cannot appeal. [Citations.]" (*Nevada County Office of Education v. Riles* (1983) 149 Cal.App.3d 767, 779.) The QDRO request by Mhanna was ultimately denied by the court in its formal order of November 21, 2018. (See *Clark v. Mazgani* (2009) 170 Cal.App.4th 1281, 1290, fn. 5 [in the event of a conflict between

²⁵ All of the discussion in the opening brief concerning Hage's claim of error with respect to the November 6 QDRO minute order is contained under the wrong case heading; the heading Hage uses is case No. H045423, instead of case No. H046384.

the minute order and the judgment, “the judgment controls”].) Hage was therefore not aggrieved and cannot challenge the order. (*Nevada County Office of Education v. Riles, supra*, at p. 779.)

III. DISPOSITION

In case No. H045078, the order of July 6, 2017, determining child support and attorney fee arrearages owed by appellant Hage is affirmed; and the August 21, 2017 order denying appellant Hage’s motion to reconsider the arrearages order is affirmed.

In case No. H045423, the December 20, 2017 order granting in favor of respondent Mhanna a writ of execution to enforce past-ordered child support and attorney fees awards is affirmed.

In case No. H046384, the appeal of the April 6, 2018 order requiring appellant Hage to pay respondent Mhanna a total of \$80,000 in attorney fees is dismissed as untimely; the October 29, 2018 order denying appellant Hage’s request to set aside or vacate said attorney fees order of April 6, 2018, is affirmed; and the November 21, 2018 formal order denying respondent Mhanna’s request for issuance of a QDRO (which order superseded a minute order of November 6, 2018 from which appellant Hage filed a notice of appeal), is affirmed.

Statutory costs from the three appeals are awarded to respondent Mhanna.

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ENDORSED
FILED

2018 APR -6 A 9:27

CLERK OF THE COURT
COUNTY OF SANTA CLARA
DEPUTY

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6
7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF SANTA CLARA**

9 In re the Marriage of:) Case No. 6-13-FL-010520
10 FIDA MHANNA,) Judge Christopher G. Rudy
11 Petitioner,) Dept. 76
12 And)
13 GHASSAN HAGE,) FINDINGS AND ORDER AWARDING
14 Respondent.) ATTORNEY'S FEES
15) Hearing Date: March 21, 2018

16 The matter came on regularly to be heard in Department 76 of the above-entitled court, on
17 March 21, 2018, at 1:30 p.m., upon the various Requests for Orders for attorney's fees and
18 sanctions filed by Petitioner on January 13, 2016, July 28, 2016, and August 4, 2017, respectively.
19 The Honorable Christopher G. Rudy presided; Petitioner appeared, represented by David Yomtov.
20 Respondent, who represents himself, had on March 13, 2018 attempted to file an ex parte Request
21 for Orders seeking to vacate the hearing date. The filing of this Request was disallowed by the
22 Presiding Judge, and Respondent thereafter declined to appear at the hearing date. The Court
23 found that the Respondent had more than ample notice of this hearing, and proceeded with the
24 hearing.
25
26
27
28

1 Petitioner offered testimony and documentary evidence, and the Court took judicial notice
2 of documents filed by Respondent in the Court's own file, and also heard argument by counsel for
3 Petitioner.

4 **On the basis of this testimony and evidence, the Court made the following findings:**

5 Petitioner has established that the Respondent has engaged in a pattern of conduct that
6 demonstrates to the Court that the actions of the Respondent have violated the policy of the law
7 that favors settlement of litigation and reducing the cost of litigation.
8

9 The Court found that Respondent's multiple filings of Family Law matters and his multiple
10 attempts to get the Court to reconsider prior orders present an extreme case of sanctionable
11 conduct. The Court therefore finds that it is appropriate to issue sanctions against Respondent for
12 an amount of some of the reasonable attorney's fees that have been incurred in this case.
13

14 The Court also finds it is appropriate to make an order for fees pursuant to Family Code
15 §2030. Based on the parties' respective incomes and needs, the Court finds that it is clear that
16 Respondent earns considerably more than Petitioner does, and that Respondent has a far greater
17 ability to pay both his own attorney's fees, were he to choose to hire an attorney, and also the
18 attorney's fees for Petitioner's representation.

19 In determining this fact, the Court did consider the Family Code §4320 factors which need
20 to be considered in evaluating whether or not the award of attorney's fees is appropriate. In
21 analyzing those §4320 factors, the Court finds that Respondent is better educated than Petitioner,
22 and is working at a job that would give him far greater ability to pay Petitioner's legal fees. It
23 appears to the Court that Respondent has more marketable skills. The Court did not receive any
24 information regarding whether or not Petitioner's earning capacity was impaired by periods of
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1 unemployment due to domestic duties. However, the Court believes that Respondent's career
2 certainly demonstrates that he is in a better position to pay fees.

3 There is no spousal support ordered or requested, so that part of the analysis is not
4 relevant. In terms of assets and obligations, the Court does believe that the evidence shows that
5 Respondent claims he has a lot of obligations. The assets the Court heard about were a retirement
6 fund of about \$67,000 thereabouts. It does appear to the Court that Respondent continues to
7 contribute on a regular basis to a 401K and also to buy stock. It's unclear how much stock he
8 owns, but it does appear he's regularly purchased stock.

10 The Court has not heard any information that either parties' age or health would be an
11 impediment to continuing to earn money to pay attorney's fees. There is a history of domestic
12 violence, although the domestic violence restraining order appears to have been dismissed, so the
13 Court gives that factor little weight.

15 The Court balances the hardships under Family Code §4320 and does find that the
16 hardships favor the Petitioner, in that she has a far greater need for attorney's fees given the
17 litigation that's occurred, and that Respondent has a far greater ability to pay fees.

18 In terms of the other factors under Family Code §2030, the Court has taken into
19 consideration the nature and complexity of the litigation, the amount of litigation that's occurred,
20 the skill required in handling the litigation, the intricacies and the importance of the litigation, and
21 the litigation cost being incurred. Exercising this Court's discretion, the Court does find an
22 attorney's fees award under Family Code §2030 is appropriate.

24 In reviewing Petitioner's Exhibit 7, the Court believes that of the \$57,755 in fees that were
25 incurred, that approximately 175 hours of that work was brought about because of Respondent's
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1 activities that needlessly increased the cost of litigation and violated the public policy in favor of
2 reducing litigation costs through cooperation.

3 Mr. Yomtov's regular billing rate for his time is \$400 per hour. 175 hours of his regular
4 billing rate comes to \$70,000. The Court believes that \$70,000 in Family Code §271 sanctions is
5 appropriate. The Court also believes that an awards of attorney's fees under Family Code §2030
6 for some of that work would also be appropriate, and the Court finds that \$50,000 of that \$70,000
7 - in addition to being in the nature of sanctions pursuant to Family Code §271 - would also be
8 covered by Family Code §2030.

9
10 With respect to the cost of appeal, although the Court has its own feelings regarding
11 whether or not appeals are well taken, the Appellate Court has yet to rule on those issues and this
12 Court is not prepared to find that having taken appeals was necessarily conduct in violation of
13 Family Code §271. However, the Court does find that it is necessary for Petitioner to have
14 representation on the appeal, and finds that the complexity of the appeal, coupled with previous
15 findings regarding the applicability of Family Code §4320, does justify an award of attorney's fees
16 for that appeal in the amount of \$10,000, pursuant to Family Code §2030.

17
18 With respect to the request for an award of attorney's fees for Mr. Yomtov's efforts in the
19 civil litigation, the Court does not believe it has jurisdiction to make any fee award on those
20 issues.

21
22 Regarding Respondent's ability to pay, the Court has not heard evidence of a significant
23 asset that would be available to pay the attorney's fees award. However, the Court believes that
24 there is convincing evidence that Respondent is earning somewhere in the range of \$13,000 to
25 \$17,000 per month. The \$13,000 is that stated on Respondent's own Income and Expense
26 Declaration that he filed in 2016. However, the Court has reviewed Respondent's year-end pay
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28

1 statement from Respondent's employer, Synopsys, and that document seems to show that
 2 Respondent earns approximately \$17,000 per month. Respondent also regularly contributes money
 3 to his 401K, and he also regularly spends money on stock purchasing.

4 It appears to the Court that ordering Respondent to pay \$2,000 per month on the attorney's
 5 fees award is not an unreasonable financial hardship given his ability to earn, particularly when the
 6 Court considers that Respondent seems to have the money to fund appeals and to pay appellate
 7 filings and purchase transcripts.
 8

9 **The Court therefore, finding good cause, ordered the following:**

10 Respondent shall pay fees to David Yomtov in the amount of \$80,000, for the Family
 11 Court action and the pending custody appeal. Of this sum, the amount of \$70,000 is pursuant to
 12 Family Code §271. The Court is also directing, however, that of this sum, the amount of \$60,000
 13 (\$50,000 for the Family Court matter and \$10,000 for the pending custody appeal) is also in the
 14 nature of a support award, inasmuch as it is awarded pursuant to Family Code §2030.
 15

16 Respondent is therefore ordered to make regular periodic payments to David Yomtov in
 17 the amount of \$2,000 per month, commencing on May 1, 2018, and continuing on the first date of
 18 every month thereafter until this award is paid in full.

19 In the event that Respondent fails to make any three of the ordered payments in a timely
 20 manner, then the entire unpaid amount shall then become due and payable in full, and said sum
 21 shall commence to bear interest at the legal rate of ten (10) percent per year, starting from the date
 22 of the third missed payment.
 23

24 It is so ordered.

25 Dated: APR 05 2018

Christopher G. Rudy

CHRISTOPHER J. RUDY,
 Judge of the Superior Court

39a

SUPREME COURT
FILED

DEC 29 2021

Jorge Navarrete Clerk

Deputy

Court of Appeal, Sixth Appellate District - No. H045078

S271377

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re the Marriage of FIDA MHANNA and GHASSAN HAGE.

FIDA MHANNA, Respondent,

v.

GHASSAN HAGE, Appellant.

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

40a

MC-701

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GHASSAN HAGE 2054 Montecito Avenue, #10, Mountain View, CA, 94043 TELEPHONE NO.: 650-5806274 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):		FOR COURT USE ONLY <div style="font-size: 48pt; text-align: center;">FILED</div> <div style="text-align: center;">MAR 14 2018</div> <div style="text-align: center;">Clerk of the Court Superior Court of CA County of Santa Clara BY <u>N. Matautia</u> DEPUTY </div>
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 201 N. FIRST STREET MAILING ADDRESS: 191 N. FIRST STREET CITY AND ZIP CODE: SAN JOSE, CA, 95113 BRANCH NAME: FAMILY JUSTICE CENTER, FAMILY DIVISION		
PLAINTIFF/ PETITIONER: FIDA MHANNA DEFENDANT/ RESPONDENT: GHASSAN HAGE OTHER:		
<div style="text-align: center;">REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT</div> Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input checked="" type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other		CASE NUMBER: 2013-6-FL-010520


- I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.
- I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document (*name of document*):
 Order to Vacate the Trial of 03.21.18 and set a 2 1/2 day trial to address Respondent's Request filed in Court on 10/20/17 for additional 8 hours trial and additional witness to be called. Add 4 more witnesses to the trial including prior Respondent's lawyer Stefan Kennedy and two police officers.
- The new filing has merit because (*Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking*):
 There was an earlier request from Respondent for 8 hours trial(for Respondent alone) on the same issue and sanctions on the lawyer David yomtov. The two Documents were filed in Court on 10/20/17 and explain the reasons why we should have a long cause trial including witnesses. Respondent is adding 4 more witnesses, previous Respondent's lawyer Stefan Kennedy and two police officers and Yomtov assistant Susan Bachman who received on 11/30/17 a communication email from Respondent showing that Respondent is not available on 03/21/18 for trial.
- The new filing is not being filed to harass or to cause a delay because (*give reasons*):
 The new filing is to have a fair trial no more no less. the 1/2 day trial may address the Petitioner and the lawyer issues but not the Respondent issues that he brought on the table on 10/20/17 when Respondent filed the request to extend the trial with the evidence are witnesses in consideration. This will make it easier to the Superior court of California to find who is the Honest party and who is not in order to get the unbiased order from the Hon. Judge Rudy.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/13/18

GHASSAN HAGE

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

41a

MC-702

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GHASSAN HAGE 2054 Montecito Avenue, #10, Mountain View, CA, 94043 TELEPHONE NO.: 650-5806274 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):		FOR COURT USE ONLY <div style="font-size: 48pt; text-align: center;">FILED</div> <div style="text-align: center;">MAR 14 2018</div> <div style="text-align: center;">Clerk of the Court Superior Court of CA County of Santa Clara By <u>N. Matautia</u> DEPUTY N. Matautia </div>	
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 201 N. FIRST STREET MAILING ADDRESS: 191 N. FIRST STREET CITY AND ZIP CODE: SAN JOSE, CA, 95113 BRANCH NAME: FAMILY JUSTICE CENTER, Family Division			
PLAINTIFF/ PETITIONER: FIDA MHANNA DEFENDANT/ RESPONDENT: GHASSAN HAGE OTHER:			
ORDER TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT		CASE NUMBER: 2013-6-FL-010520	
Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input checked="" type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other			

ORDER

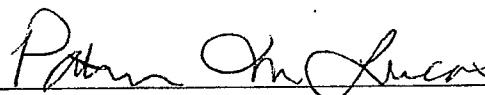
Approval to file the attached document is:

- a. ☐ Granted
 b. ☒ Denied
 c. ☐ Other:

☐ Attachment to order. Number of pages _____.

Date:

3/13/18


 (PRESIDING JUSTICE OR JUDGE)
 Patricia M. Lucas

1 DAVID A. YOMTOV
 2 State Bar No. 167097
 3 210 N. Fourth Street, #101
 4 San Jose, CA 95112-5558
 5 Tel: (408) 993-0808
 6 Fax: (408) 271-9476
 7 Attorney for Fida Mhanna

E-FILED 809/2016

David H. Yamasaki
 Chief Executive Officer/Clerk
 Superior Court of CA,
 County of Santa Clara
 2013-6-FL-010520
 Reviewed By: Valerie Sanchez

8
 9 SUPERIOR COURT OF CALIFORNIA
 10 COUNTY OF SANTA CLARA
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12 In re the Marriage of:) Case No. 6-13-FL-010520
 13 Fida Mhanna,)
 14) Judge Mary Ann Grilli
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1 I, DAVID A. YOMTOV, do declare as follows:

2 1. I am an attorney at law, duly licensed to practice in the
 3 State of California and, as such, represent Petitioner herein,
 4 FIDA MHANNA.

5 2. Financial Circumstances: Petitioner only recently started
 6 with her first employment since marriage, since she only recently
 7 received permission from the DHS to work in the United States.
 8 She is currently earning \$12.50 an hour as a "food runner" in the
 9 Hyatt Regency, and expects to earn an average of \$2,885 a month.
 10 Petitioner owns nothing, has no savings, and has been living off
 11 of the support that Respondent pays her and the occasional loan
 12 from her family.

13 3. Respondent, on the other hand, was a Verification
 14 Technical Lead at Synopsys, the last that I was advised. He
 15 states that his monthly salary is \$12,871. Based upon his total
 16

1 income for the year 2015, however, it is apparent that his
2 average monthly income then was \$17,213, although this was only
3 discernable after seeking this information directly from his
4 employer, and it included a year-end bonus that he never
5 declared. Respondent regularly directs more than \$1,200 a month
6 toward his purchase of Synopsis stock through their Employee
7 Stock Purchase Plan.

8 4. Nature and Complexity of Litigation: The presenting
9 problem has been that Respondent has refused to allow the
10 litigation in this case to end. He has now filed his second
11 request to have sole legal and physical custody of their
12 children. The last time he filed this motion, I requested
13 pendent lite fees and Respondent immediately withdrew his motion,
14 with Petitioner's consent. At this time, Petitioner does not
15 consent to withdrawing Respondent's motion, as she believes that
16 the custody problems will not stop until this issue is addressed
17 by the court.

18 5. Custody has not been the only subject of Respondent's
19 litigious behavior. Since that order for fees was issued on July
20 14, 2015, Respondent has also filed another eleven Requests for
21 Orders - NOT including the pending custody motion. With only two
22 exceptions, every one of these motions has been denied. The two
23 exceptions were:

24 A. Respondent's request to have the children participate
25 in a Maronite Christian convention. He never even bothered
26 to ask Petitioner if this was OK before filing his RFO.
27 Petitioner readily stipulated to this.

28 B. Respondent's request to take the parties' children to
Lebanon for three weeks. Petitioner's initial response was
to object to this, but she later withdrew her objection, and
the court issued specific orders.

6. Amounts Involved: I have been charging Petitioner \$300
per hour, which is less than my current rate (\$375). In the span

1 of time since the July 14, 2015 fee award, my fees have run to
 2 \$22,355. This does not include several hours of my work for which
 3 I did not charge Petitioner. An accounting of my time and charges
 4 for the period in question is attached hereto, marked Exhibit A.

5 7. My total fees in this case, from the beginning, are now
 6 nearly \$47,000. Given that:

7 A. Almost all of these fees have been incurred as a
 8 direct result of Respondent's litigious behavior, and

9 B. Of these \$47,000, Respondent has, to date, been
 10 ordered to pay only \$5,500 (of which he has paid not one
 11 dime),

12 it would seem appropriate that Respondent be ordered to pay all
 13 of the fees incurred since the fee award of July 14, 2015.

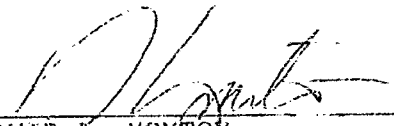
14 8. Furthermore, given that Respondent has now filed a second
 15 motion seeking "79% custody," and that this will likely result in
 16 a multi-day hearing, it is just and appropriate that Respondent
 17 be ordered to advance a further sum of \$20,000, pendente lite,
 18 toward the cost of this upcoming litigation.

19 9. By way of full disclosure, I will add only that the court
 20 did issue one fee award since July 14, 2016. This was for \$500,
 21 and was for Respondent's motion for the court to reconsider it's
 22 denial of his earlier motion to reconsider. Given the balance of
 23 all considerations, I do not believe that this particular award
 24 (which was basically for my appearance at a single hearing)
 25 should have any bearing on the court's award for this motion.

26 10. Standing and Reputation of Attorney: I have been
 27 practicing law in Santa Clara County since 1993, and I practice
 28 almost exclusively in the field of family law.

RESPECTFULLY SUBMITTED.

Dated: 8/9/16


 DAVID A. YOMTOV,
 Attorney for Petitioner

45a

EXHIBIT A

46a

David Yomtov, Esq.
 111 N. Market Street, Suite 910
 San Jose, CA 95113

Fida Mhanna
 3282 Saint Ignacio Place, Apt. 327
 Santa Clara, CA 95051

August 02, 2016

In Reference To: Marriage of Mhanna v Hage

Professional services

	<u>Hours</u>	<u>Amount</u>
7/31/2015 Letter to Judge	0.25	75.00
8/31/2015 Review file prior to court; Draft proposed orders	0.50	150.00
Review file for court	0.50	150.00
9/1/2015 Court Appearance	1.25	375.00
Court Appearance	0.50	NO CHARGE
Travel to/from court	0.50	NO CHARGE
Court Appearance	1.25	375.00
9/7/2015 Review file; Draft orders and other pleadings re: taxes	0.25	75.00
9/17/2015 Court Appearance re: taxes	1.00	300.00
Court Appearance re: taxes	1.75	525.00
10/6/2015 E-mail to and from Client re: JCC	0.10	30.00
10/12/2015 E-mails from/to Mr. Hage regarding vacation, etc.	0.25	75.00
10/15/2015 Review and analyze file; Prepare JCC Statement	1.00	300.00
Court Appearance - Status Conference	1.50	450.00
10/16/2015 Review file; transcripts, orders	1.25	NO CHARGE
10/18/2015 Draft Memorandum re: various orders	2.00	600.00
10/19/2015 Review and analyze file for JCC	0.50	150.00

Fida Mhanna

Page 2

	<u>Hours</u>	<u>Amount</u>
10/19/2015 Finish Memorandum re: various orders	1.00	300.00
10/20/2015 Court Appearance - JCC	2.00	600.00
10/27/2015 Draft RFO for attorney's fees pending custody trial	0.25	75.00
11/3/2015 Draft RFO for fees pending custody trial, including Pts. & Auth.	1.50	450.00
11/4/2015 Consult with Client re: tuition; Draft Pts. & Auth. re: tuition; Review exhibits	1.00	300.00
11/5/2015 Trial preparation - questions	1.00	300.00
11/23/2015 E-mail from and to Hage, etc.	0.50	NO CHARGE
11/24/2015 E-mail from and to Hage, etc.	0.25	NO CHARGE
11/25/2015 E-mail from and to Hage, etc.	0.25	NO CHARGE
11/30/2015 Court Appearance	0.25	75.00
12/7/2015 Preparation of pleadings - Amended Judgment	0.25	NO CHARGE
12/16/2015 Draft pleadings re: Motion to modify fee award	0.50	150.00
Update RFO re: vexatious litigant	0.25	75.00
Draft Responsive Declaration to RFO re tuition, travel expenses	0.50	150.00
12/21/2015 Revise pleadings	0.25	75.00
12/29/2015 E-mail to and from Hage re: deduction from support; Draft Earnings Withholding Order	0.25	75.00
12/30/2015 Draft 2nd OSC re: Contempt; Complete EWO	0.50	150.00
Draft Vexatious Litigant RFO	1.50	450.00
1/14/2016 Court Appearance (9 - 11:30) - Hage's motions re: tuition, exchange transportation, attorney's fees	2.50	750.00
Travel	1.00	100.00
1/26/2016 Review Mr. Hage's RFO re: IWO, reconsideration of prior orders, etc.; Draft Declaration re: Preparation of Order from 1/14/16	0.25	75.00
1/27/2016 Phone call with Co-Parent Counselor	0.25	75.00
2/1/2016 E-mails from/to Hage re: employment	0.25	75.00

Fida Mhanna

Page 3

	<u>Hours</u>	<u>Amount</u>
2/3/2016 E-mails from/to Hage re: wrongful taking of girls, failure to pay child support, daycare issues	0.25	75.00
2/4/2016 Preparation of pleadings - orders for upcoming hearings	0.75	225.00
2/5/2016 E-mails from/to Hage, Client re: non-payment of child support; Phone call with rental agent	0.25	75.00
2/12/2016 Review new RFO from Hage; Draft Responsive Declaration; Draft proposed FOAHs for upcoming hearings; Emails to Client; Emails from/to Hage	1.50	450.00
2/23/2016 Consult with Client; Revise pleadings	1.00	300.00
3/9/2016 Court Appearance - Contempt & Motion to Reconsider 1/14/16 orders (9 - 11:30)	2.50	750.00
3/11/2016 Draft pleadings responsive to custody RFO	0.50	150.00
3/29/2016 Court Appearance (9 - 11:15) - Vex. Lit.	2.25	675.00
Travel	1.25	125.00
4/19/2016 Review RFO re: trip to Lebanon; Review State Department travel warning; Draft Resp.Dec. re: trip to Lebanon	0.50	150.00
Review RFO re: trip to L.A.; Draft Resp.Dec. to RFO	0.25	75.00
4/20/2016 Review RFO re: parenting classes, etc.	0.25	75.00
4/21/2016 Draft response to RFO for travel to Lebanon	1.50	450.00
4/22/2016 Review articles re: Lebanese custody laws; Complete response to RFO for travel to Lebanon	2.00	600.00
Draft response to RFO re: travel to L.A.	0.25	75.00
4/26/2016 Preparation for contempt hearing; Legal research	0.75	225.00
4/28/2016 Phone call with co-parent counselor	0.25	75.00
4/29/2016 Review proposed stipulation re: Status Conference continuance; Draft counter-proposal re: continuance of all of Respondent's hearings and Status Conference	0.75	225.00
Review new RFO re: Immigration documents, defamation, etc.; Draft Responsive Decl.	0.25	75.00
Review RFO re: re: parenting classes, anger management, etc.; Review files and old motions; Draft Responsive Declaration to RFO	0.50	150.00
Consult with Client; Amend Responsive Declarations as needed	1.25	375.00

Fida Mhanna

Page 4

	Hours	Amount
5/20/2016 Trial preparation - Contempt / Review copious declarations from Respondent, prepare exhibits, etc.	1.50	450.00
5/23/2016 Court Appearance (9 - 12)	3.00	900.00
Court Appearance (1:30 - 4:45)	3.25	975.00
Travel	1.00	100.00
5/24/2016 Draft proposed stipulation regarding children's NAM convention participation; Email to Mr. Hage	0.25	75.00
Draft proposed FOAHs for upcoming hearings	0.50	150.00
Research law re: confidentiality of immigration paperwork; Draft Pts. & Authorities	0.75	225.00
5/31/2016 Court Appearance - Travel issues (9 - 11:45)	2.75	825.00
Travel	0.50	50.00
6/6/2016 Court Appearance - Vexation Litigant & Mr. Hage's various motions (1:15 - 3)	1.75	525.00
Court Appearance - Vexation Litigant & Mr. Hage's various motions (9 - 11:30)	2.50	750.00
6/7/2016 Draft four separate court orders after hearing	1.00	300.00
6/13/2016 Review proposed orders; Letter to judge re proposed orders	0.50	150.00
6/24/2016 Draft revised Responsive Declaration to RFO re School Choice	1.25	375.00
7/5/2016 Court Appearance - Children's schools (9 - 11:30)	2.50	750.00
Travel	1.00	100.00
Research law re: transitional kindergarten; Draft Pts. & Authorities	1.25	375.00
7/6/2016 Research therapist availability and propriety; Research school choices	1.25	375.00
7/8/2016 Court Appearance - Contempt and School Choice (1:30 - 5)	3.50	1,050.00
Travel	1.00	100.00
7/11/2016 Draft RFO for fees	1.50	450.00
For professional services rendered	81.85	\$22,355.00
Additional charges:		
3/10/2016 Process Service fee - Contempt Citation No. 3		60.00

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FL-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DAVID A. YOMTOV 167097 David A. Yomtov 210 N. Fourth Street, Suite 101 San Jose, CA 95112 TELEPHONE NO.: (408) 993-0808 (408) 271-9476 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): FIDA MHANNA		FOR COURT USE ONLY ENDORSED FILED 2015 APR 29 A 11:00 Date of Filing: _____ By: _____ Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara County STREET ADDRESS: 605 W. El Camino Real MAILING ADDRESS: CITY AND ZIP CODE: Sunnyvale, CA 94087 BRANCH NAME: Sunnyvale Branch		
PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:		
INCOME AND EXPENSE DECLARATION		CASE NUMBER: 6-13-FL-010520

1. **Employment** (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out social security numbers).	a. Employer:	Unemployed homemaker (No work permit)
	b. Employer's address:	
	c. Employer's phone number:	
	d. Occupation:	
	e. Date job started:	
	f. If unemployed, date job ended:	
	g. I work about _____ hours per week.	
	h. I get paid \$ _____ gross (before taxes) <input type="checkbox"/> per month <input type="checkbox"/> per week <input type="checkbox"/> per hour.	

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1 - Other Jobs" at the top.)

2. **Age and education**

- a. My age is (specify): 35
- b. I have completed high school or the equivalent: ☒ Yes ☐ No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): 4 ☐ Degree(s) obtained (specify):
- d. Number of years of graduate school completed (specify): ☐ Degree(s) obtained (specify):
- e. I have: ☐ professional/occupational license(s) (specify):
☐ vocational training (specify):

3. **Tax information**

- a. ☐ I last filed taxes for tax year (specify year): N/A
- b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately
☐ married, filing jointly with (specify name):
- c. I file state tax returns in ☐ California ☐ other (specify state):
- d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. **Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ 11,910
 This estimate is based on (explain): This is Respondent's stated income as of June 2013. I expect that he's received a raise since then.

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: 4/24/2015

FIDA MHANNA
 (TYPE OR PRINT NAME)

Fida Mhanma
 (SIGNATURE OF DEFENDANT)

Page 1 of 4

5/a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:	CASE NUMBER: 6-13-FL-010520
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Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes)	\$ 0	0
b. Overtime (gross, before taxes)	\$ 0	0
c. Commissions or bonuses	\$ 0	0
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving	\$ 0	0
e. Spousal support <input checked="" type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage	\$ 1,713	1,713
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership	\$ 0	0
g. Pension/retirement fund payments	\$ 0	0
h. Social security retirement (not SSI)	\$ 0	0
i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance.	\$ 0	0
j. Unemployment compensation	\$ 0	0
k. Workers' compensation	\$ 0	0
l. Other (military BAQ, royalty payments, etc.) (specify):	\$ 0	0

6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest	\$ 0	0
b. Rental property income	\$ 0	0
c. Trust income	\$ 0	0
d. Other (specify):	\$ 0	0

7. **Income from self-employment, after business expenses for all businesses** \$ 0 0

I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify):

Number of years in this business (specify):

Name of business (specify):

Type of business (specify):

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.

8. ☐ **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount):

9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because (specify):

10. **Deductions**

	Last month
a. Required union dues	\$ 0
b. Required retirement payments (not social security, FICA, 401(k), or IRA)	\$ 0
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount)	\$ 0
d. Child support that I pay for children from other relationships	\$ 0
e. Spousal support that I pay by court order from a different marriage	\$ 0
f. Partner support that I pay by court order from a different domestic partnership	\$ 0
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g")	\$ 0

11. **Assets**

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts	\$ 0
b. Stocks, bonds, and other assets I could easily sell	\$ 0
c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe)	\$ 0

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FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER:
RESPONDENT/DEFENDANT: GHASSAN HAGE	6-13-FL-010520
OTHER PARENT/CLAIMANT:	

12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. Marie- Therese Hage	5	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Clara Hage	3	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses ☐ Estimated expenses ☒ Actual expenses ☐ Proposed needs

a. Home:

(1) ☒ Rent or ☐ mortgage \$ 2,180

If mortgage:

(a) average principal: \$ 0

(b) average interest: \$ 0

(2) Real property taxes \$ 0

(3) Homeowner's or renter's insurance
(if not included above) \$ 0

(4) Maintenance and repair \$ 0

b. Health-care costs not paid by insurance \$ 100

c. Child care \$ 0

d. Groceries and household supplies \$ 500

e. Eating out \$ 0

f. Utilities (gas, electric, water, trash) \$ 120

g. Telephone, cell phone, and e-mail \$ 130

h. Laundry and cleaning \$ 50

i. Clothes \$ 50

j. Education Tuition both Girls \$ 800

k. Entertainment, gifts, and vacation \$ 0

l. Auto expenses and transportation
(insurance, gas, repairs, bus, etc.) \$ 150m. Insurance (life, accident, etc.; do not
include auto, home, or health insurance) \$ 0

n. Savings and investments \$ 0

o. Charitable contributions \$ 20

p. Monthly payments listed in item 14
(itemize below in 14 and insert total here) \$ 0

q. Other (specify): Personal hair cuts \$ 50

r. TOTAL EXPENSES (a-q) (do not add in
the amounts in a(1)(a) and (b)) \$ 4,150s. Amount of expenses paid by others \$ 350
Living by the graces of family members

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 11,000

b. The source of this money was (specify): Loans from my brothers/Order of COurt

c. I still owe the following fees and costs to my attorney (specify total owed): \$?

d. My attorney's hourly rate is (specify): \$ 300 Plus Cost

I confirm this fee arrangement.

Date: 4/27/15

DAVID A. YOMTOV
(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

53a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER:
RESPONDENT/DEFENDANT: GHASSAN HAGE	
OTHER PARENT/CLAIMANT:	

CHILD SUPPORT INFORMATION

(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have (specify number): 2 children under the age of 18 with the other parent in this case.
- b. The children spend 50 percent of their time with me and 50 percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. ☒ I do ☐ I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: United Health Care - Through Dad's work
- c. Address of insurance company:
P.O. Box 30555
Salt Lake City, UT 84130-0555

- d. The monthly cost for the children's health insurance is or would be (specify): \$?
(Do not include the amount your employer pays.)

18. Additional expenses for the children in this case

Amount per month

- | | |
|---|----------|
| a. Child care so I can work or get job training | \$ |
| b. Children's health care not covered by insurance | \$ |
| c. Travel expenses for visitation | \$ |
| d. Children's educational or other special needs (specify below): | \$ |

19. Special hardships. I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

Amount per month

For how many months?

- | | | |
|---|----------|-------|
| a. Extraordinary health expenses not included in 18b | \$ | |
| b. Major losses not covered by insurance (examples: fire, theft, other insured loss) | \$ | |
| c. (1) Expenses for my minor children who are from other relationships and are living with me | \$ | |
| (2) Names and ages of those children (specify): | | |

(3) Child support I receive for those children \$

The expenses listed in a, b and c create an extreme financial hardship because (explain):

20. Other information I want the court to know concerning support in my case (specify):

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FL-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address) DAVID A. YOMTOV 167097 David A. Yomtov 210 N. Fourth Street, Suite 101 San Jose, CA 95112 TELEPHONE NO (408) 993-0808 (408) 271-9476 E MAIL ADDRESS (Optional) ATTORNEY FOR (Name) FIDA MHANNA		FOR COURT USE ONLY FILED DEC 16 2013 DAVID H. YAMASAKI Deputy Executive Officer/Clerk Superior Court of CA County of Santa Clara BY <i>[Signature]</i> DEPUTY P.J. NEWTON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara County STREET ADDRESS 605 W. El Camino Real MAILING ADDRESS CITY AND ZIP CODE Sunnyvale, CA 94087 BRANCH NAME Sunnyvale Branch		
PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:		
INCOME AND EXPENSE DECLARATION		CASE NUMBER 6-13-FL-010520

1 Employment (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out social security numbers).	a. Employer:	Unemployed homemaker
	b. Employer's address:	
	c. Employer's phone number:	
	d. Occupation:	
	e. Date job started:	
	f. If unemployed, date job ended:	
	g. I work about _____ hours per week.	
	h. I get paid \$ _____ gross (before taxes) <input type="checkbox"/> per month <input type="checkbox"/> per week <input type="checkbox"/> per hour.	

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1 - Other Jobs" at the top.)

2. Age and education

- a. My age is (specify): 36
- b. I have completed high school or the equivalent: ☒ Yes ☐ No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): 4 ☐ Degree(s) obtained (specify):
- d. Number of years of graduate school completed (specify): ☐ Degree(s) obtained (specify):
- e. I have: ☐ professional/occupational license(s) (specify): ☐ vocational training (specify):

3. Tax information

- a. ☐ I last filed taxes for tax year (specify year): N/A
- b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately ☐ married, filing jointly with (specify name):
- c. I file state tax returns in ☐ California ☐ other (specify state):
- d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. Other party's income. I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ 11,910
 This estimate is based on (explain): This is Respondent's stated income as of June 2013. I expect that he's received a raise since then.

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: 11/3/15

FIDA MHANNA
 (TYPE OR PRINT NAME)

Fida Mhanne
 (SIGNATURE OF DECLARANT)

Page 1 of 4

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FL-150

PETITIONER/PLAINTIFF: FIDA MH. NA	CASE NUMBER
RESPONDENT/DEFENDANT: GHASSAN HAGE	6-13-FL-010520
OTHER PARENT/CLAIMANT:	

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)
- | | Last month | Average monthly |
|---|------------|-----------------|
| a. Salary or wages (gross, before taxes) | \$ 0 | 0 |
| b. Overtime (gross, before taxes) | \$ 0 | 0 |
| c. Commissions or bonuses | \$ 0 | 0 |
| d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving | \$ 0 | 0 |
| e. Spousal support <input checked="" type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage Ends 12/31/15 | \$ 1,713 | 1,713 |
| f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership | \$ 0 | 0 |
| g. Pension/retirement fund payments | \$ 0 | 0 |
| h. Social security retirement (not SSI) | \$ 0 | 0 |
| i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance. | \$ 0 | 0 |
| j. Unemployment compensation | \$ 0 | 0 |
| k. Workers' compensation | \$ 0 | 0 |
| l. Other (military BAQ, royalty payments, etc.) (specify): | \$ 0 | 0 |
6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)
- | | | |
|---------------------------|------|---|
| a. Dividends/interest | \$ 0 | 0 |
| b. Rental property income | \$ 0 | 0 |
| c. Trust income | \$ 0 | 0 |
| d. Other (specify): | \$ 0 | 0 |
7. **Income from self-employment, after business expenses for all businesses** \$ 0 0
 I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify):
 Number of years in this business (specify):
 Name of business (specify):
 Type of business (specify):
 Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.
8. ☐ **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount):
9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because (specify):
10. **Deductions**
- | | Last month |
|---|------------|
| a. Required union dues | \$ 0 |
| b. Required retirement payments (not social security, FICA, 401(k), or IRA) | \$ 0 |
| c. Medical, hospital, dental, and other health insurance premiums (total monthly amount) | \$ 0 |
| d. Child support that I pay for children from other relationships | \$ 0 |
| e. Spousal support that I pay by court order from a different marriage | \$ 0 |
| f. Partner support that I pay by court order from a different domestic partnership | \$ 0 |
| g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g") | \$ 0 |
11. **Assets**
- | | Total |
|---|-------|
| a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts | \$ 0 |
| b. Stocks, bonds, and other assets I could easily sell | \$ 0 |
| c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe) | \$ 0 |

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PETITIONER/PLAINTIFF FIDA MH. NA RESPONDENT/DEFENDANT GHASSAN HAGE OTHER PARENT/CLAIMANT:	CASE NUMBER 6-13-FL-010520
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FL-150

12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. Marie- Therese Hage	6	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Clara Hage	4	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses ☐ Estimated expenses ☒ Actual expenses ☐ Proposed needs

a. Home:

(1) ☒ Rent or ☐ mortgage \$ 2,250 h. Laundry and cleaning \$ 50

 If mortgage:

 (a) average principal: \$ 0 i. Clothes \$ 50

 (b) average interest: \$ 0 j. Education \$ 0

(2) Real property taxes \$ 0 k. Entertainment, gifts, and vacation \$ 0

(3) Homeowner's or renter's insurance (if not included above) \$ 0 l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.) \$ 100

(4) Maintenance and repair \$ 0 m. Insurance (life, accident, etc.; do not include auto, home, or health insurance) \$ 0

b. Health-care costs not paid by insurance \$ 100 n. Savings and investments \$ 0

c. Child care \$ 0 o. Charitable contributions \$ 0

d. Groceries and household supplies \$ 500 p. Monthly payments listed in item 14 (itemize below in 14 and insert total here) \$ 0

e. Eating out \$ 0 q. Other (specify): \$

f. Utilities (gas, electric, water, trash) \$ 120 r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b)) \$ 3,350

g. Telephone, cell phone, and e-mail \$ 160 s. Amount of expenses paid by others (Child & Spousal support) \$ 3,350

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 16,100

b. The source of this money was (specify): Loans from my family / Order of Court

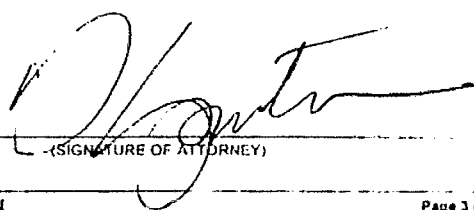
c. I still owe the following fees and costs to my attorney (specify total owed): \$ 11,768

d. My attorney's hourly rate is (specify): \$ 300 Plus Cost

I confirm this fee arrangement.

Date: 11/3/15

DAVID A. YOMTOV
(TYPE OR PRINT NAME OF ATTORNEY)


(SIGNATURE OF ATTORNEY)

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FL-150

PETITIONER/PLAINTIFF: FIDA MH. JANA	CASE NUMBER
RESPONDENT/DEFENDANT: GHASSAN HAGE	
OTHER PARENT/CLAIMANT:	

CHILD SUPPORT INFORMATION

(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have (specify number): 2 children under the age of 18 with the other parent in this case.
- b. The children spend 50 percent of their time with me and 50 percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. ☒ I do ☐ I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: United Health Care - Through Dad's work
- c. Address of insurance company:
P.O. Box 30555
Salt Lake City, UT 84130-0555
- d. The monthly cost for the children's health insurance is or would be (specify): \$?
(Do not include the amount your employer pays.)

18. Additional expenses for the children in this case

Amount per month

- a. Child care so I can work or get job training \$ _____
- b. Children's health care not covered by insurance \$ _____
- c. Travel expenses for visitation \$ _____
- d. Children's educational or other special needs (specify below): \$ _____

19. Special hardships. I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

Amount per month

For how many months?

- a. Extraordinary health expenses not included in 18b \$ _____
- b. Major losses not covered by insurance (examples: fire, theft, other insured loss) \$ _____
- c. (1) Expenses for my minor children who are from other relationships and are living with me \$ _____
- (2) Names and ages of those children (specify): _____

(3) Child support I receive for those children \$ _____

The expenses listed in a, b and c create an extreme financial hardship because (explain):

20. Other information I want the court to know concerning support in my case (specify):

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FL-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DAVID A. YOMTOV 167097 David A. Yomtov 210 N. Fourth Street, Suite 101 San Jose, CA 95112 TELEPHONE NO.: (408) 993-0808 (408) 271-9476 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): FIDA MHANNA		FOR COURT USE ONLY FILED FEB 24 2013 DAVID H. YAMASAKI Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara BY _____ DEPUTY P.J. NEWTON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara County STREET ADDRESS: 605 W. El Camino Real MAILING ADDRESS: CITY AND ZIP CODE: Sunnyvale, CA 94087 BRANCH NAME: Sunnyvale Branch		
PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:		
INCOME AND EXPENSE DECLARATION		CASE NUMBER: 6-13-FL-010520

1. **Employment** (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out social security numbers).	a. Employer:	Hyatt Corporation
	b. Employer's address:	Hyatt Regency Santa Clara
	c. Employer's phone number:	71 S. Wacker Dr., Chicago IL 60606
	d. Occupation:	Food Runner (Table service)
	e. Date job started:	1/31/16
	f. If unemployed, date job ended:	N/A
	g. I work about 30 hours per week.	
	h. I get paid \$ 13 gross (before taxes)	<input type="checkbox"/> per month <input type="checkbox"/> per week <input checked="" type="checkbox"/> per hour.

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1 - Other Jobs" at the top.)

2. **Age and education**

- a. My age is (specify): 36
- b. I have completed high school or the equivalent: ☒ Yes ☐ No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): 4 ☐ Degree(s) obtained (specify):
- d. Number of years of graduate school completed (specify): ☐ Degree(s) obtained (specify):
- e. I have: ☐ professional/occupational license(s) (specify):
☐ vocational training (specify):

3. **Tax information**

- a. ☐ I last filed taxes for tax year (specify year): N/A
- b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately
☐ married, filing jointly with (specify name):
- c. I file state tax returns in ☐ California ☐ other (specify state):
- d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. **Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ 17,313
 This estimate is based on (explain): This is Respondent's 12/31/15 paycheck, received from his employer, Synopsys (and not from Respondent).

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: 2/23/16

FIDA MHANNA
 (TYPE OR PRINT NAME)

Fida Mhanne
 (SIGNATURE OF DECLARANT)

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FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER:
RESPONDENT/DEFENDANT: GHASSAN HAGE	6-13-FL-010520
OTHER PARENT/CLAIMANT:	

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)
- | | Last month | Average monthly |
|---|--------------------|-----------------|
| a. Salary or wages (gross, before taxes) | \$ 1,403 | 1,625 |
| b. Overtime (gross, before taxes) | \$ 0 (anticipated) | |
| c. Commissions or bonuses | \$ 0 | 0 |
| d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving | \$ 0 | 0 |
| e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage | \$ | |
| f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership | \$ 0 | 0 |
| g. Pension/retirement fund payments | \$ 0 | 0 |
| h. Social security retirement (not SSI) | \$ 0 | 0 |
| i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance. | \$ 0 | 0 |
| j. Unemployment compensation | \$ 0 | 0 |
| k. Workers' compensation | \$ 0 | 0 |
| l. Other (military BAQ, royalty payments, etc.) (specify): | \$ 0 | 0 |
6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)
- | | | |
|---------------------------|------|---|
| a. Dividends/interest | \$ 0 | 0 |
| b. Rental property income | \$ 0 | 0 |
| c. Trust income | \$ 0 | 0 |
| d. Other (specify): | \$ 0 | 0 |
7. **Income from self-employment, after business expenses for all businesses** \$ 0 0
 I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify):
 Number of years in this business (specify):
 Name of business (specify):
 Type of business (specify):
 Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.
8. ☐ **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount):
9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because (specify):
10. **Deductions**
- | | Last month |
|---|------------|
| a. Required union dues | \$ 0 |
| b. Required retirement payments (not social security, FICA, 401(k), or IRA) | \$ 0 |
| c. Medical, hospital, dental, and other health insurance premiums (total monthly amount) | \$ 0 |
| d. Child support that I pay for children from other relationships | \$ 0 |
| e. Spousal support that I pay by court order from a different marriage | \$ 0 |
| f. Partner support that I pay by court order from a different domestic partnership | \$ 0 |
| g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g") | \$ 0 |
11. **Assets**
- | | Total |
|---|-------|
| a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts | \$ 0 |
| b. Stocks, bonds, and other assets I could easily sell | \$ 0 |
| c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe) | \$ 0 |

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FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:	CASE NUMBER: 6-13-FL-010520
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12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. Marie- Therese Hage	6	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Clara Hage	4	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

13. Average monthly expenses ☒ Estimated expenses ☒ Actual expenses ☐ Proposed needs

- a. Home: (as to daycare & transportation)
- (1) ☒ Rent or ☐ mortgage \$ 2,250
- If mortgage:
- (a) average principal: \$ 0
- (b) average interest: \$ 0
- (2) Real property taxes \$ 0
- (3) Homeowner's or renter's insurance (if not included above) \$ 0
- (4) Maintenance and repair \$ 0
- b. Health-care costs not paid by insurance \$ 100
- c. Child care \$ 300
- d. Groceries and household supplies \$ 500
- e. Eating out \$ 0
- f. Utilities (gas, electric, water, trash) \$ 120
- g. Telephone, cell phone, and e-mail \$ 130
- h. Laundry and cleaning \$ 50
- i. Clothes \$ 50
- j. Education \$
- k. Entertainment, gifts, and vacation \$ 0
- l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.) \$ 250
- m. Insurance (life, accident, etc.; do not include auto, home, or health insurance) \$ 0
- n. Savings and investments \$ 0
- o. Charitable contributions \$ 20
- p. Monthly payments listed in item 14 (itemize below in 14 and insert total here) \$ 0
- q. Other (specify): Personal hair cuts \$ 50
- r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b)) \$ 3,820
- s. Amount of expenses paid by others \$ 0
- Living by the graces of family members

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 32,780
- b. The source of this money was (specify): Loans from my brothers / Order of Court
- c. I still owe the following fees and costs to my attorney (specify total owed): \$ 18,615
- d. My attorney's hourly rate is (specify): \$ 300 Plus Costs

I confirm this fee arrangement.

Date: 2/23/16

DAVID A. YOMTOV
(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

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FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:	CASE NUMBER:
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CHILD SUPPORT INFORMATION

(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have (specify number): 2 children under the age of 18 with the other parent in this case.
 b. The children spend 50 percent of their time with me and 50 percent of their time with the other parent.
 (If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. ☒ I do ☐ I do not have health insurance available to me for the children through my job.
 b. Name of insurance company: United Health Care - Through Dad's work
 c. Address of insurance company:
 P.O. Box 30555
 Salt Lake City, UT 84130-0555
 d. The monthly cost for the children's health insurance is or would be (specify): \$?
 (Do not include the amount your employer pays.)

18. Additional expenses for the children in this case

	Amount per month
a. Child care so I can work or get job training	\$
b. Children's health care not covered by insurance	\$
c. Travel expenses for visitation	\$
d. Children's educational or other special needs (specify below):	\$

19. Special hardships. I ask the court to consider the following special financial circumstances
(attach documentation of any item listed here, including court orders):

	Amount per month	For how many months?
a. Extraordinary health expenses not included in 18b	\$	
b. Major losses not covered by insurance (examples: fire, theft, other insured loss)	\$	
c. (1) Expenses for my minor children who are from other relationships and are living with me	\$	
(2) Names and ages of those children (specify):		

(3) Child support I receive for those children \$

The expenses listed in a, b and c create an extreme financial hardship because (explain):

20. Other information I want the court to know concerning support in my case (specify):

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FL-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): - DAVID A. YOMTOV 167097 David A. Yomtov 210 N. Fourth Street, Suite 101 San Jose, CA 95112 TELEPHONE NO.: (408) 993-0808 (408) 271-9476 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): FIDA MHANNA		FOR COURT USE ONLY ENDORSED FILED 2016 JUN 15 A 11:35 David A. Yomtov, Clerk of the Superior Court County of Santa Clara, California JURY ROOM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara County STREET ADDRESS: 605 W. El Camino Real MAILING ADDRESS: CITY AND ZIP CODE: Sunnyvale, CA 94087 BRANCH NAME: Sunnyvale Branch		
PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:		
INCOME AND EXPENSE DECLARATION		
		CASE NUMBER: 6-13-FL-010520

1. **Employment** (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out social security numbers).	a. Employer: Hyatt Regency Santa Clara
	b. Employer's address: 5101 Great America Pkwy, Santa Clara, CA, 95054
	c. Employer's phone number: 1. 408. 200. 1234
	d. Occupation: Food Runner (Table service)
	e. Date job started: 1/31/16
	f. If unemployed, date job ended: N/A
	g. I work about 30 hours per week.
h. I get paid \$ 13 gross (before taxes) <input type="checkbox"/> per month <input type="checkbox"/> per week <input checked="" type="checkbox"/> per hour.	

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1 - Other Jobs" at the top.)

2. **Age and education**

- a. My age is (specify): 36
- b. I have completed high school or the equivalent: ☒ Yes ☐ No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): 4 ☐ Degree(s) obtained (specify):
- d. Number of years of graduate school completed (specify): ☐ Degree(s) obtained (specify):
- e. I have: ☐ professional/occupational license(s) (specify): ☐ vocational training (specify):

3. **Tax information**

- a. ☐ I last filed taxes for tax year (specify year): N/A
- b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately
☐ married, filing jointly with (specify name):
- c. I file state tax returns in ☐ California ☐ other (specify state):
- d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. **Other party's income.** I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ 17,313
 This estimate is based on (explain): This is Respondent's 12/31/15 paycheck, received from his employer, Synopsys (and not from Respondent).
 (If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: 06/12/2016

FIDA MHANNA
(TYPE OR PRINT NAME)

Fida Mhanne
(SIGNATURE OF DECLARANT)

63a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER:
RESPONDENT/DEFENDANT: GHASSAN HAGE	6-13-FL-010520
OTHER PARENT/CLAIMANT:	

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. Income (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes)	\$ 2,955	3,097
b. Overtime (gross, before taxes)	\$ 0	
c. Commissions or bonuses	\$ 0	0
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving	\$ 0	0
e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage	\$	
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership	\$ 0	0
g. Pension/retirement fund payments	\$ 0	0
h. Social security retirement (not SSI)	\$ 0	0
i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance.	\$ 0	0
j. Unemployment compensation	\$ 0	0
k. Workers' compensation	\$ 0	0
l. Other (military BAQ, royalty payments, etc.) (specify):	\$ 0	0

6. Investment income (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest	\$ 0	0
b. Rental property income	\$ 0	0
c. Trust income	\$ 0	0
d. Other (specify):	\$ 0	0

7. Income from self-employment, after business expenses for all businesses

I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify):

Number of years in this business (specify):

Name of business (specify):

Type of business (specify):

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.

8. ☐ Additional income. I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount):

9. ☐ Change in income. My financial situation has changed significantly over the last 12 months because (specify):

10. Deductions

	Last month
a. Required union dues	\$ 0
b. Required retirement payments (not social security, FICA, 401(k), or IRA)	\$ 0
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount)	\$ 0
d. Child support that I pay for children from other relationships	\$ 0
e. Spousal support that I pay by court order from a different marriage	\$ 0
f. Partner support that I pay by court order from a different domestic partnership	\$ 0
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g")	\$ 0

11. Assets

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts	\$ 0
b. Stocks, bonds, and other assets I could easily sell	\$ 0
c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe)	\$ 0

64a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER:
RESPONDENT/DEFENDANT: GHASSAN HAGE	6-13-FL-010520
OTHER PARENT/CLAIMANT:	

12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. Marie- Therese Hage	6	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Clara Hage	4	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses ☒ Estimated expenses ☒ Actual expenses ☐ Proposed needs

a. Home:

(1) ☒ Rent or ☐ mortgage \$ 2,250

If mortgage:

(a) average principal: \$ 0

(b) average interest: \$ 0

(2) Real property taxes \$ 0

(3) Homeowner's or renter's insurance
(if not included above) \$ 0

(4) Maintenance and repair \$ 0

b. Health-care costs not paid by insurance \$ 100

c. Child care \$ 400

d. Groceries and household supplies \$ 500

e. Eating out \$ 0

f. Utilities (gas, electric, water, trash) \$ 120

g. Telephone, cell phone, and e-mail \$ 160

h. Laundry and cleaning \$ 50

i. Clothes \$ 50

j. Education \$

k. Entertainment, gifts, and vacation \$ 0

l. Auto expenses and transportation
(insurance, gas, repairs, bus, etc.) \$ 250m. Insurance (life, accident, etc.; do not
include auto, home, or health insurance) \$ 0

n. Savings and investments \$ 0

o. Charitable contributions \$ 20

p. Monthly payments listed in item 14
(itemize below in 14 and insert total here) \$ 0

q. Other (specify): Personal hair cuts \$ 50

r. TOTAL EXPENSES (a-q) (do not add in
the amounts in a(1)(a) and (b)) \$ 3,950s. Amount of expenses paid by others
Living by the graces of family members \$ 0

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 32,780

b. The source of this money was (specify): Loans from my brothers / Order of Court

c. I still owe the following fees and costs to my attorney (specify total owed): \$ 27,088

d. My attorney's hourly rate is (specify): \$ 300 Plus Costs

I confirm this fee arrangement.

Date: 6/14/16

DAVID A. YOMTOV
(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

65a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARENT/CLAIMANT:	CASE NUMBER:
---	--------------

CHILD SUPPORT INFORMATION

(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have (specify number): 2 children under the age of 18 with the other parent in this case.
b. The children spend 50 percent of their time with me and 50 percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. ☒ I do ☐ I do not have health insurance available to me for the children through my job.
b. Name of insurance company: United Health Care - Through Dad's work
c. Address of insurance company:
P.O. Box 30555
Salt Lake City, UT 84130-0555
d. The monthly cost for the children's health insurance is or would be (specify): \$?
(Do not include the amount your employer pays.)

18. Additional expenses for the children in this case

	Amount per month
a. Child care so I can work or get job training	\$
b. Children's health care not covered by insurance	\$
c. Travel expenses for visitation	\$
d. Children's educational or other special needs (specify below):	\$

19. Special hardships. I ask the court to consider the following special financial circumstances:

(attach documentation of any item listed here, including court orders):

	Amount per month	For how many months?
a. Extraordinary health expenses not included in 18b	\$
b. Major losses not covered by insurance (examples: fire, theft, other insured loss)	\$
c. (1) Expenses for my minor children who are from other relationships and are living with me	\$
(2) Names and ages of those children (specify):		

(3) Child support I receive for those children

The expenses listed in a, b and c create an extreme financial hardship because (explain):

20. Other information I want the court to know concerning support in my case (specify):

66a

2013-6-FL-010520
Santa Clara - Family

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DAVID A. YOMTOV 167097 Attorney At Law 111 West Saint John Street, Suite 700 San Jose, CA 95113 TELEPHONE NO.: (408) 993-0808 (408) 271-9476 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): FIDA MHANNA		E-FILED FOR COURT USE ONLY 9/8/2017 4:30 PM Clerk of Court Superior Court of CA, County of Santa Clara 2013-6-FL-010520 Reviewed By: L. Imasa
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara County STREET ADDRESS: 201 N. First Street MAILING ADDRESS: 191 N. First Street CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Family Justice Center		
PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHAASSAN HAGE OTHER PARENT/CLAIMANT:		
INCOME AND EXPENSE DECLARATION		
		CASE NUMBER: 613FL010520

1. Employment (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies
of your pay
stubs for last
two months
(black out
social
security
numbers).

- a. Employer: **Hyatt Regency Santa Clara**
 b. Employer's address: **5101 Great America Pkwy, Santa Clara, CA, 95054**
 c. Employer's phone number: **1.408.200.1234**
 d. Occupation: **Server**
 e. Date job started: **1/31/16**
 f. If unemployed, date job ended: **N/A**
 g. I work about **30** hours per week.
 h. I get paid \$ **11** gross (before taxes) ☐ per month ☐ per week ☒ per hour.

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1 - Other Jobs" at the top.)

2. Age and education

- a. My age is (specify): **38**
 b. I have completed high school or the equivalent: ☒ Yes ☐ No If no, highest grade completed (specify):
 c. Number of years of college completed (specify): **4** ☐ Degree(s) obtained (specify):
 d. Number of years of graduate school completed (specify): ☐ Degree(s) obtained (specify):
 e. I have: ☐ professional/occupational license(s) (specify):
☐ vocational training (specify):

3. Tax Information

- a. ☒ I last filed taxes for tax year (specify year): **2016**
 b. My tax filing status is ☒ single ☐ head of household ☐ married, filing separately
☐ married, filing jointly with (specify name):
 c. I file state tax returns in ☒ California ☐ other (specify state):
 d. I claim the following number of exemptions (including myself) on my taxes (specify): **2**

4. Other party's income. I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ **16,514**
 This estimate is based on (explain): **Respondent's paystubs submitted with his Income and Expense Declaration signed 05.10.17.**

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: **09.07.2017**

FIDA MHANNA

(TYPE OR PRINT NAME)

Fida Mhanne
 (SIGNATURE OF DECLARANT)

67a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER:
RESPONDENT/DEFENDANT: GHAASSAN HAGE	6-13-FL-010520
OTHER PARENT/CLAIMANT:	

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. **Income** (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)
- | | Last month | Average monthly |
|---|------------|-----------------|
| a. Salary or wages (gross, before taxes) | \$ 4,364 | 3,423 |
| b. Overtime (gross, before taxes) | \$ 371 | 184 |
| c. Commissions or bonuses | \$ 0 | 0 |
| d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving | \$ 0 | 0 |
| e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage | \$ 0 | 0 |
| f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership | \$ 0 | 0 |
| g. Pension/retirement fund payments | \$ 0 | 0 |
| h. Social security retirement (not SSI) | \$ 0 | 0 |
| i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance. | \$ 0 | 0 |
| j. Unemployment compensation | \$ 0 | 0 |
| k. Workers' compensation | \$ 0 | 0 |
| l. Other (military BAQ, royalty payments, etc.) (specify): | \$ 0 | 0 |
6. **Investment income** (Attach a schedule showing gross receipts less cash expenses for each piece of property.)
- | | | |
|---------------------------|------|---|
| a. Dividends/interest | \$ 0 | 0 |
| b. Rental property income | \$ 0 | 0 |
| c. Trust income | \$ 0 | 0 |
| d. Other (specify): | \$ 0 | 0 |
7. **Income from self-employment, after business expenses for all businesses** \$ 0 0
 I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify):
 Number of years in this business (specify):
 Name of business (specify):
 Type of business (specify):
 Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.
8. ☒ **Additional income.** I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): **I worked extra hours and over-time in July 2017 while children were with Respondent in Lebanon.**
9. ☐ **Change in income.** My financial situation has changed significantly over the last 12 months because (specify):
10. **Deductions**
- | | Last month |
|---|------------|
| a. Required union dues | \$ 0 |
| b. Required retirement payments (not social security, FICA, 401(k), or IRA) | \$ 0 |
| c. Medical, hospital, dental, and other health insurance premiums (total monthly amount) | \$ 0 |
| d. Child support that I pay for children from other relationships | \$ 0 |
| e. Spousal support that I pay by court order from a different marriage | \$ 0 |
| f. Partner support that I pay by court order from a different domestic partnership | \$ 0 |
| g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g") | \$ 0 |
11. **Assets**
- | | Total |
|---|-------|
| a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts | \$ 0 |
| b. Stocks, bonds, and other assets I could easily sell | \$ 0 |
| c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe) | \$ 0 |

68a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER: 6-13-FL-010520
RESPONDENT/DEFENDANT: GHASSAN HAGE	
OTHER PARENT/CLAIMANT:	

12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. Marie-Therese Hage	7	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Clara Hage	5	Daughter	0	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses ☒ Estimated expenses ☒ Actual expenses ☐ Proposed needs

- a. Home:
- (1) ☒ Rent or ☐ mortgage\$ **2,295**
- If mortgage:
- (a) average principal:\$ **0**
- (b) average interest:\$ **0**
- (2) Real property taxes\$ **0**
- (3) Homeowner's or renter's insurance (if not included above)\$ **0**
- (4) Maintenance and repair\$ **0**
- b. Health-care costs not paid by insurance\$ **100**
- c. Child care\$ **200**
- d. Groceries and household supplies\$ **500**
- e. Eating out\$ **50**
- f. Utilities (gas, electric, water, trash)\$ **120**
- g. Telephone, cell phone, and e-mail\$ **160**
- h. Laundry and cleaning\$ **50**
- i. Clothes\$ **50**
- j. Education\$ **0**
- k. Entertainment, gifts, and vacation\$ **0**
- l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.)\$ **400**
- m. Insurance (life, accident, etc.; do not include auto, home, or health insurance)\$ **0**
- n. Savings and investments\$ **0**
- o. Charitable contributions\$ **20**
- p. Monthly payments listed in item 14 (itemize below in 14 and insert total here) \$ **0**
- q. Other (specify): **Personal hair cuts**\$ **50**
- r. **TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b))**\$ **3,995**
- s. Amount of expenses paid by others (Child support from Respondent)\$ **2,135**

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$ **16,800**
- b. The source of this money was (specify): **Earnings \$800 / Loans \$11,000 / Respondent Pre-Judgment Order \$5000**
- c. I still owe the following fees and costs to my attorney (specify total owed): \$ **65,023**
- d. My attorney's hourly rate is (specify): \$ **300 Plus Costs**

I confirm this fee arrangement.

Date: **9/8/17**

DAVID A. YOMTOV
(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

69a

FL-150

PETITIONER/PLAINTIFF: FIDA MHANNA	CASE NUMBER:
RESPONDENT/DEFENDANT: GHASSAN HAGE	
OTHER PARENT/CLAIMANT:	

CHILD SUPPORT INFORMATION

(NOTE: Fill out this page only if your case involves child support.)

16. Number of children

- a. I have (specify number): **2** children under the age of 18 with the other parent in this case.
- b. The children spend **50** percent of their time with me and **50** percent of their time with the other parent.
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

17. Children's health-care expenses

- a. ☒ I do ☐ I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: **United Health Care - Through Respondent's Work**
- c. Address of insurance company:
P.O. Box 30555
Salt Lake City, UT 84130-0555

- d. The monthly cost for the children's health insurance is or would be (specify): \$
(Do not include the amount your employer pays.)

18. Additional expenses for the children in this case

Amount per month

- a. Child care so I can work or get job training \$
- b. Children's health care not covered by insurance \$
- c. Travel expenses for visitation \$
- d. Children's educational or other special needs (specify below): \$

19. Special hardships. I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

Amount per month

For how many months?

- a. Extraordinary health expenses not included in 18b \$
- b. Major losses not covered by insurance (examples: fire, theft, other insured loss) \$
- c. (1) Expenses for my minor children who are from other relationships and are living with me \$
- (2) Names and ages of those children (specify):

- (3) Child support I receive for those children \$

The expenses listed in a, b and c create an extreme financial hardship because (explain):

20. Other information I want the court to know concerning support in my case (specify):

70a

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re the Marriage of FIDA MHANNA and GHASSAN HAGE.

FIDA MHANNA,
Respondent,
v.
GHASSAN HAGE,
Appellant.


H046384
Santa Clara County Super. Ct. No. FL010520

BY THE COURT:

Appellant's motion for stay pending appeal is denied. The denial of this motion to stay is without prejudice to appellant seeking appropriate stay relief in the trial court.

(ELIA, Acting P.J., BAMATTRE-MANOUKIAN, J., and DANNER, J.
participated in this decision.)

Date: 08/06/2021

 Acting P.J.

71a

MC-701

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GHASSAN HAGE 2680 Fayette Drive, #202, Mountain View, CA, 94040 TELEPHONE NO.: 6505806274 FAX NO.: E-MAIL ADDRESS: ghassan_hage@hotmail.com ATTORNEY FOR (Name):		FOR COURT USE ONLY <div style="font-size: 48pt; text-align: center;">FILED</div> <div style="text-align: center;">AUG 31 2021</div> <div style="text-align: center;">Clerk of the Court Superior Court of CA County of Santa Clara BY <u>M. Castellon</u> DEPUTY </div>
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 201 N. First Street, MAILING ADDRESS: 191 N. first Street CITY AND ZIP CODE: San Jose, CA, 94040 BRANCH NAME: Family Justice Center - Family Division		
PLAINTIFF/ PETITIONER: Fida Mhanna DEFENDANT/ RESPONDENT: Ghassan Hage OTHER:		
<div style="text-align: center;">REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT</div> Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input checked="" type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other		CASE NUMBER: 2013-6-FL-010520

- I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.
- I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document (name of document):

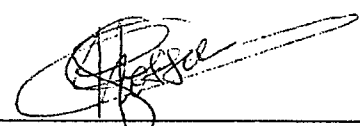
 Quash and/or Recall Writ of Execution , in the alternative Stay execution pending Appeal(As requested by a letter from the Appeal Court to Respondent on 8/6/21 attached as Exhibit "8" to the document to be filed which instruct the Respondent to file it in the trial Court)
- The new filing has merit because (Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking):
 The Writ of execution in the amount of \$108,000.00 which was issued based on the Findings and Order After hearing filed in Court on 08/25/21 was based on Fraud upon the Court committed by the lawyer David Yomtov and based on erroneous Court Order filed in Court on 4/6/18. The facts were detailed in the document to be filed and were also submitted to the Appeal Court case H046384 which has sent a letter to the Respondent on 8/6/21 attached as Exhibit " 8" to the RFO. The Appeal Court told the Respondent to file the Stay in the trial Court(Refer to the letter in Exhibit "8")
- The new filing is not being filed to harass or to cause a delay because (give reasons):
 Beside the facts of Fraud upon the Court detailed in the RFO, the Sum for which the execution was issued in not the proper amount (excess of \$17500) due and was falsely represented by petitioner. The trial Court is authorized & has the power to quash or recall the Writ of execution if the sum for which the execution was issued is not the proper amount (see Wilkins v. Wilkins 95 Cal.App.2d 605,213 P.2d 748).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8/26/21

GHASSAN HAGE

(TYPE OR PRINT NAME OF DECLARANT)


 (SIGNATURE OF DECLARANT)

72a

MC-702

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GHASSAN HAGE 2680 FAYETTE DRIVE #202, Mountain View, CA, 94040 TELEPHONE NO.: 650-5806274 FAX NO.: E-MAIL ADDRESS: ghassan_hage@hotmail.com ATTORNEY FOR (Name):		FOR COURT USE ONLY <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center;">AUG 31 2021</div> <div style="text-align: center;">Clerk of the Court Superior Court of CA, County of Santa Clara BY <u>M. Castellon</u> DEPUTY </div>
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 201 N. First street MAILING ADDRESS: 191 N. First street CITY AND ZIP CODE: San Jose, CA, 95113 BRANCH NAME: Family Justice Center, Family Division		
PLAINTIFF/ PETITIONER: FIDA MHANNA DEFENDANT/ RESPONDENT: GHASSAN HAGE OTHER:		CASE NUMBER: 2013-6-FL-010520
<div style="text-align: center;"> ORDER TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT </div> Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input checked="" type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other		

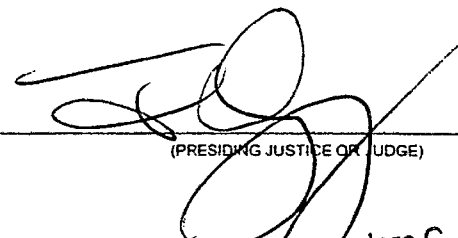
ORDER

Approval to file the attached document is:

- a. ☐ Granted
- b. ☒ Denied *Code of Civil Procedure section 391.7(b).*
- c. ☐ Other:

☐ Attachment to order. Number of pages _____.

Date: 8/30/2021


 (PRESIDING JUSTICE OR JUDGE)
 Theodore C. Zayner
 Theodore C. Zayner

73a

(ENDORSED)
FILED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA APR 15 2014

IN AND FOR THE COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY MINH NGUYEN DEPUTY

In re the matter of:

Fida Mhanna
Petitioner

and

Ghassan Hage
Respondent

)
) CASE No: 613FL010520
) FCS No: 74597/113FC007440
) REQUEST AND ORDER
) PURSUANT TO PARTIAL
) MEDIATED AGREEMENT
)
) DEPT No: 83
)
)
)
)

Mr. Hage and Ms. Mhanna, the parents of Marie-Therese Hage, age 4 (DOB: 11/11/09), and Clara Hage, age 2 (DOB: 9/25/11) participated in mediation with Jo Anne Yee, L.C.S.W. The mediation was held on February 3, 2014. An objection was filed and the parents subsequently came to the following agreement. The total amount of time spent was approximately 3.25 hours.

1. This Court has jurisdiction over the minor children as the parties agree that California is the children's home state and/or no other state has assumed jurisdiction or is the home state of the children's. The parties also agree that the habitual residence of the children is the United States of America.

The parties agree that they personally participated in mediation and were informed in writing by Family Court Services that they have a right to a hearing for determination of child custody and/or visitation in this matter. The parties agree that they are giving up their right to a hearing on the issues included within the following custody and visitation agreement. They are aware that this waiver does not preclude them from having a hearing on other child custody and/or visitation issues that are not included in the following agreement, or from filing future motions regarding child custody or visitation or the right to have hearings on any such future motions.

The parties also agree that they have been informed in writing that any violation of this order may result in civil or criminal penalties, or both.

LEGAL AND PHYSICAL CUSTODY ORDERS

2. The parents shall share joint legal custody of the children.
3. The parents shall share joint physical custody of the children.

4. **Access to Records:** Each parent shall have access to medical and school records pertaining to the children and shall be permitted to independently consult with any and all professionals involved with the children. Each parent shall be responsible for contacting the school(s) and medical provider(s) to receive information. Both parents shall have the right to supply information to all providers.
5. Both parents shall provide the other parent's contact information under the appropriate father or mother designation on all emergency forms for the children. Either parent may add on additional emergency contact names.
6. **Emergency Medical Treatment:** Both parents shall have the right to obtain emergency medical care for the children. In the event a child receives emergency medical treatment, the parent who obtains such treatment shall notify the other parent as soon as it is practically possible but no later than four hours after the start of the emergency.

TIMESHARE SCHEDULE

7. The father shall have the children every Monday at the end of school to Wednesday at the end of school.
8. The mother shall have the children every Wednesday at the end of school to Friday at the end of school.
9. **Alternating weekends:** The parents shall have the children on alternating weekends from Friday at the end of school to Monday at the end of school. The mother shall have the children for the weekends beginning on Friday, March 21, 2014 to Monday, March 24, 2014. The father shall have the children for the weekends beginning on Friday, March 28, 2014 to Monday, March 31, 2014. The parents shall continue to have the children according to this alternating weekend schedule.
10. When school is not in session, the exchange shall occur at 9:00am.

HOLIDAYS AND VACATION

11. Holiday and vacation schedules shall supersede the regular schedule.
12. **Thursday of Mystery (Thursday before Good Friday):** The Thursday of Mystery shall be defined as beginning on the Thursday before Good Friday at the end of school or 9:00am when school is not in session to Good Friday at the end of school or 9:00am when school is not in session. In odd-numbered years, the mother shall have the children. In even-numbered years, the father shall have the children.

13. **Mother's Day:** Every year, the mother shall have the children on Mother's Day from 9:00am to Monday at the end of school.
14. **Fathers Day:** Every year, the father shall have the children on Father's Day from 9:00am to Monday at 9:00am.
15. **Christmas Eve/Day:** In odd-numbered years, the father shall have the children on December 24th at 9:00am to December 25th at 10:00am. The mother shall have the children on December 25th at 10:00am to December 26th at 9:00am. In even-numbered years, the mother shall have the children on December 24th at 9:00am to December 25th at 10:00am. The father shall have the children on December 25th at 10:00am to December 26th at 9:00am. **Option:** The parent who has December 24th shall have the option of have seven consecutive days with the children during the second week of Christmas Break. If the parent would like to take this option, the parent shall provide the other parent 30 days written notice.

EXTRA-CURRICULAR ACTIVITIES

16. **Extra-curricular Activities:** Both parents shall support the children's growth and development and recognize that participation in a team sport teaches a children to work as part of a team, which is a necessary adult workforce skill. Both parents shall recognize that team sports often have games each weekend and require both parents agreement to enroll the children in a team sport for the children to gain this helpful team skill. Both parents shall discuss with each other activities in which the children want to be or need to be involved. In the event the activity infringes on the other parent's time with the children, written consent shall be obtained. In the event both parents agree to enroll the children in extra-curricular activities, both parents shall insure that the children attends all scheduled functions (i.e., games, practices, lessons, performances, et. al.) related to such activities during his/her scheduled time with the children. If they are unable to get the children to the activity they shall offer that responsibility to the other parent. If parents do not agree on an activity for the children, then each parent has the option of enrolling the children in the activity of the parent's choice only during his/her custodial time.
17. **Extra-curricular activities:** Mother and father shall have the authority to attend all of the children's extracurricular activities that occur outside of his/her scheduled time share with the children.

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EXCHANGES AND TRANSPORTATION

18. The parent shall pick up and drop off the children at school when school is in session. When school is not in session and until the mother has a vehicle, the father shall pick up and drop off the children at the mother's residence. When the mother has a vehicle and school is not in session, the receiving parent shall pick up the children from the other parent's residence.
19. Both parents shall ensure that the children are transported in a safe and lawful manner at all times while in their care. This includes, but is not limited to: having a valid driver's license, valid vehicle registration, valid vehicle insurance, use of legal children restraints, and a properly functioning vehicle; not driving under the influence of drugs and/or alcohol; and full compliance with all driving laws.

CONDUCT ORDERS

20. **Parental Conduct with the children:** The parents shall adhere to the following standards of conduct with the children and ensure that their significant other, friends and family members shall also adhere to this conduct.
21. Parents shall speak in the presence of the children in a positive, respectful way to and about the other parent and their family and encourage all third parties to do the same, in order to encourage positive feelings in the children for the other parent.
22. **Communication Between Parents:** Communication shall occur directly between the parents and not through the children or a third party unless there is an emergency. Communication shall take place primarily by e-mail and be responded to within 36 hours with at least an acknowledgment. If there is no response within 36 hours, then the status quo shall remain the same. Communication shall take place by text messaging only in the case of an emergency, which does not allow time for email, such as a parent is running late, or to announce the parent's arrival to pick up the children.
23. **Interrogation:** Neither parent shall permit the children to be interrogated about what happened while in the care of the other parent or about disputed children custody or visitation issues.
24. **Threats:** Neither parent shall expose the children to any threats related to custody or visitation including, but not limited to, threats of loss of contact with either parent or their families.

25. **Discussion of Custody Issues:** The parents shall not expose the children to any verbal or written discussion of custody disputes or legal proceedings. Neither parent shall read or show any court document to the children. The parent shall have all court documents stored away and inaccessible to the children. Neither parent shall tell the children anything intended to frighten them or cause the children to fear losing contact with a parent; nor tell the children that the other parent does not love them; nor tell the children the other parent does not want to see them, has caused the break-up of the family or is interfering with visits.
26. **Alienation:** Both parents shall not expose the children to inappropriate information or comments intended to alienate them from either parent or relationship(s) with both parents.
27. **Corporal Punishment:** Neither parent shall permit the children to be subjected to corporal punishment of any kind including, but not limited to spanking, hitting or striking with any instrument, hitting or striking with a closed fist, hitting or striking the head or face, choking, kicking, violent shaking, or any activity that could cause injury, bruising, or significant pain.
28. **Firearms:** If either parent owns or possesses a fire arm, the firearm shall be lawful under California law and be stored according to the Children's Firearm Accident Prevention Act of 1991 (PC 2035, PC 12036, PC12071, PC12088.1). Neither parent shall permit the children to be exposed to either unattended firearms or any unsafe use of firearms.
29. **Exposure to Domestic Violence:** Neither parent shall expose the children to domestic violence of any kind, including, but not limited to: any violence; physical aggression; incidents of extreme or hostile conflict; profanity; or name-calling.
30. The children shall have phone access to both parents at all reasonable times. The parents shall assist the children in placing a call should the children need assistance. The children shall be given privacy during phone calls and there shall be no interference with phone access. The purpose of this order is to allow the children to speak with the non-custodial parent and not an opportunity for a parent to speak with the other parent.
31. **Notice of Intent to Move:** Both parents shall provide a minimum of 45 days written notice of intent to change their county of residence.
32. **Notification of Address and Telephone Number:** The parents shall keep each other informed of their addresses and telephone numbers and of any change thereof within 48 hours, to be used solely to arrange visitation or in the event of an emergency.

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33. **Travel:** Each parent shall notify the other parent whenever the children is/are out of the parent's county of residence for more than 48 hours, provide an itinerary and, if possible, provide the telephone number at which the children may be reached.
34. **Travel Outside The California:** Each parent shall obtain the prior written consent of the other before traveling with the children outside the California. The traveling parent shall provide the intended dates of travel, trip itinerary, flight numbers, a telephone number through which the children may be reached, and any other pertinent travel information, including changes in any of the above information. Once consent for travel is obtained, the children's passport shall promptly be provided to the traveling parent, if needed. In addition, each parent shall deliver to the other upon request the following: signed and dated authorizations for the children's travel (and notarized, if required), and any other documents or information required by any foreign country for the children's travel.
35. If there has been abduction, the parent may contact the District Attorneys Children Abduction Unit at (408) 792-2921.
36. Mother and father shall have the right to change any of the provisions of this agreement by mutual consent.

I declare under penalty of perjury that I have completed the domestic violence training, including applicable updates, required by California Rule of Court 5.230.

Dated: 3/13/14

Mediator: Jo Anne Yee
Jo Anne Yee, L.C.S.W.

The parties in the above-entitled action have complied with mandatory orientation and/or mediation and have agreed to the preceding plan which is **HEREBY ORDERED**:

Sunnyvale, California

APR 15 2014

Date

Mary Ann Griffin

Judge of the Superior Court

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FL-340

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DAVID A. YOMTOV 167097 —David A. Yomtov 210 N. Fourth Street, Suite 101 San Jose, CA 95112 TELEPHONE NO.: (408) 993-0808 FAX NO. (Optional): (408) 271-9476 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): FIDA MHANNA		FOR COURT USE ONLY ENDORSED FILED 2014 SEP 30 A 11:28 David H. Yomtov, Clerk of the Superior Court County of Santa Clara, California By: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara Coun STREET ADDRESS: 605 W. El Camino Real MAILING ADDRESS: CITY AND ZIP CODE: Sunnyvale, CA 94087 BRANCH NAME: Sunnyvale Branch		
PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARTY:		
FINDINGS AND ORDER AFTER HEARING		CASE NUMBER: 6-13-FL-010520

1. This proceeding was heard
 on (date): 9/12/14 at (time): 11:00 a.m. In Dept.: 83 Room:
 by Judge (name): Mary Ann Grilli ☐ Temporary Judge
 On the order to show cause, notice of motion or request for order filed (date): by (name):
 a. ☒ Petitioner/plaintiff present ☒ Attorney present (name): David Yomtov
 b. ☒ Respondent/defendant present ☐ Attorney present (name):
 c. ☐ Other party present ☐ Attorney present (name):

THE COURT ORDERS

2. Custody and visitation/parenting time: As attached ☐ on form FL-341 ☐ Other ☒ Not applicable
3. Child support: As attached ☐ on form FL-342 ☐ Other ☒ Not applicable
4. Spousal or family support: As attached ☐ on form FL-343 ☐ Other ☒ Not applicable
5. Property orders: As attached ☐ on form FL-344 ☐ Other ☒ Not applicable
6. Attorney's fees: As attached ☐ on form FL-346 ☐ Other ☒ Not applicable
7. Other orders: ☒ As attached ☐ Not applicable
8. All other issues are reserved until further order of court.
9. ☐ This matter is continued for further hearing on (date): at (time): In Dept.:
 on the following issues:

Date: SEP 26 2014



Mary Ann Grilli

JUDICIAL OFFICER

Approved as conforming to court order.

SIGNATURE OF ATTORNEY FOR ☐ PETITIONER/PLAINTIFF ☐ RESPONDENT/DEFENDANT ☐ OTHER PARTY

Page 1 of 1

SHORT TITLE:

Mhanna vs. Hage

CASE NUMBER:

-13-FL-010520

a. Each party may take the children for up to 21 days of vacation per year, either all together or in separate week-long stretches. *Progar any summer vacation, the parties shall exchange written proposals for summer vacation times by April 1 each year. If there are disputed requests, they shall have 15 days to attempt to resolve them. In the absence of an agreement, the disputed vacation dates will be resolved according to mother's proposal in even years & father's in odd years.*

b. The parties may take the girls on vacation anywhere in the United States without further orders or agreements.

c. Should either party wish to take the children (or send the children) outside of the United States, then they must give the other parent full notice of their intentions, including their desired destination, where the children will be staying, and their return plans, at least 60 days prior to their planned and, under no circumstances later than by April 1 prior to their intended trip. The traveling party should also provide the other party with a telephone number where the girls may be contacted during the vacation, and should make the children available for such calls. Should the other parent object to the planned travel, then they shall file a motion objecting to said travel no later than May 1 prior to the planned departure.

d. The parties shall, no later than 9/26/14, each enroll in a parenting class focusing on parenting young children. Said class must be *on the court's list* ~~court-approved~~, and must be an 8 to 12 week course. They should provide timely proof of attendance and proof of completion to the court and to the other party. *Family Court Services. The class cannot be an online only class.*

e. The parties shall investigate the availability of Parallel Parenting Counseling that may be available to them at little or no cost through either First Five or their insurance plans.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

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FL-340

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GHASSAN HAGE 2054 MONTECITO AVENUE #10 MOUNTAIN VIEW, CA, 94043 TELEPHONE NO: 650-5806274 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY FILED 2016 JUN -7 A 8:49 David H. Yomtov, Clerk of the Superior Court County of Santa Clara <i>[Signature]</i> Deputy Clerk P.J. NEWTON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 605 W. El Camino Real MAILING ADDRESS: 191 N. First Street CITY AND ZIP CODE: Sunnyvale, CA, 94087 BRANCH NAME: Sunnyvale Courthouse, Family Division		
PETITIONER/PLAINTIFF: FIDA MHANNA RESPONDENT/DEFENDANT: GHASSAN HAGE OTHER PARTY:		
FINDINGS AND ORDER AFTER HEARING		
		CASE NUMBER: 6-13-FL-010520

1. This proceeding was heard on (date): **5/31/16** at (time): **9:00a.m** In Dept.: **83** Room:
- by Judge (name): **Mary Ann Grilli** ☐ Temporary Judge
- On the order to show cause, notice of motion or request for order filed (date): **4/12/16** by (name): **Ghassan Hage**
- a. ☒ Petitioner/plaintiff present ☒ Attorney present (name): **David Yomtov**
- b. ☒ Respondent/defendant present ☐ Attorney present (name): **In Pro Per**
- c. ☐ Other party present ☐ Attorney present (name):

THE COURT ORDERS

2. Custody and visitation/parenting time: As attached ☐ on form FL-341 ☐ Other ☒ Not applicable
3. Child support: As attached ☐ on form FL-342 ☐ Other ☒ Not applicable
4. Spousal or family support: As attached ☐ on form FL-343 ☐ Other ☒ Not applicable
5. Property orders: As attached ☐ on form FL-344 ☐ Other ☒ Not applicable
6. Attorney's fees: As attached ☐ on form FL-346 ☐ Other ☒ Not applicable
7. Other orders: ☒ As attached ☐ Not applicable
8. All other issues are reserved until further order of court.
9. ☐ This matter is continued for further hearing on (date): at (time): In Dept.: on the following issues:

Date: **6/6/16**
[Signature]
 JUDICIAL OFFICER

Approved as conforming to court order.

DAVID YOMTOV

[Signature]
 Mary Ann Grilli
SIGNATURE OF ATTORNEY FOR: ☒ PETITIONER/PLAINTIFF ☐ RESPONDENT/DEFENDANT ☐ OTHER PARTY

Page 1 of 1

www.courts.ca.gov

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SHORT TITLE: Mhanna vs. Hage

CASE NUMBER:

6-13-FL-010520

a. Neither party shall remove the children from the state of California without either signed permission of the other parent or a court order allowing them to do so.

b. When traveling Outside California, the traveling parent must provide the other parent with their itinerary thirty (30) days prior to the travel date, including their flight no., the location where they will be statying (i.e. name of hotel or address of residence, as appropriate), and how they may be contacted while out of California (including relevant phone numbers).

c. Either party may travel with the children within the state of California without need of the other's permission or court order, but if traveling outside of the 11 San Francisco Bay area counties (inclusive of Santa Cruz and Monterey), then they shall provide all relevant information as listed on Paragraph b. above ^{fourteen (14)} ~~seven (7)~~ days prior to the travel date.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

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Ghassan Hage
2054 Montecito Avenue #10,
Mountain view, CA, 94043
Tel: 1-650-5806274
IN PRO PER

ENDORSED FILED

2017 NOV 17 AM 10:14

CLERK OF THE COURT
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

FAMILY DIVISION

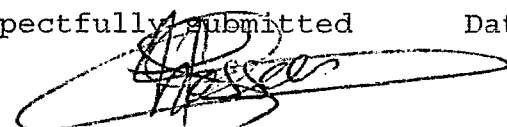
IN RE THE MATTER OF

Petitioner name,)	Case No.: 6-13-FL-010520
)	
FIDA MHANNA,)	NOTICE OF UNAVAILABILITY
)	
AND)	
)	
Respondent name,)	
)	
GHASSAN HAGE)	

Please take notice that the undersigned Respondent,
GHASSAN HAGE will be unavailable from December 20st 2017 up to
and including January 6th 2018 due to Christmas holiday vacation
with his kids.

In connection therewith, the undersigned Respondent
that no motions, hearings or trials be set during that time
frame and moves for a continuance if any are so set. The
undersigned also requests that no depositions be set during that
time frame and moves for a protective order if any are set.

Respectfully submitted Dated this 17th day of November, 2017


Ghassan Hage
2054 Montecito Avenue #10
Mountain View, -CA, 94043

NOTICE OF UNAVAILABILITY