

Temporary Restraining Order and Notice of Hearing

Clerk stamps date here when form is filed.

FILED LOS ANGELES SUPERIOR COURT

JAN 20 2010

JOHNA CLARKE, CLERK

BY M.G. ALMENDRAS, DEPUTY

1 Name of person asking for protection (protected person):

Stacey Lauretta Dash

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: State: Zip:

Telephone number:

Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number):

Bradley S. Sandler, Esq. (18230)

Fill in court name and street address:

Superior Court of California, County of

2 Restrained person's name:

Emmanuel Xuereb

Description of that person: Sex: [X] M [] F Height: 6'0

Weight: 180 Race: Caucasian Hair Color: Brown/Gre

Eye Color: Brown Age: 44 Date of Birth: 11/17/65

Fill in case number:

Case Number BQ029004

3 List the full names of all family or household members protected by this order:

4 Court Hearing Date (Fecha de la Audiencia)

Clerk will fill out section below.

Hearing Date

Date: 2-23-10 Time: 8:30 AM Dept.: 8 Rm.: 2A

Name and address of court if different from above:

To the person in (2): At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.

Para la persona nombrada en (2): En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Presente una respuesta en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas órdenes, vaya a la audiencia dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in (1): At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support. Safety concerns related to the financial needs of you and your children will also be considered.

5 Temporary Orders (Ordenes Temporales)

Any orders made in this form end at the time of the court hearing in (4), unless a judge extends them. Read this form carefully. All checked boxes [X] and items 10 and 11 are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en (4), al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas [X] y los artículos 10 y 11 son órdenes de la corte.

This is a Court Order.

Temporary Restraining Order and Notice of Hearing (CLETS-TRO) (Domestic Violence Prevention)

Legal Solutions Plus

Your name: Stacey Laurretta Dash

Case Number

BQ029004

6 **Personal Conduct Orders**

The person in **(2)** must *not* do the following things to the protected people listed in **(1)** and **(3)**:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
 Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____ (If more orders, list them in item **(8)**.)

7 **Stay-Away Order**

The person in **(2)** must stay at least 100 yards away from:

- a. The person listed in **(1)**
- b. The people listed in **(3)**
- c. Home Job Vehicle of person in **(1)**
- d. The children's school or child care
- e. Other (specify): _____

8 **Move-Out Order**

The person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from (address): _____

9 **Child Custody and Visitation Order**

a. You and the other parent must make an appointment for court mediation (address and phone number): _____

b. Follow the orders listed in Form DV-140, which is attached.

10 **No Guns or Other Firearms or Ammunition**

The person in **(2)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

11 **Turn in or sell guns or firearms.**

The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

12 **Property Control**

Until the hearing, *only* the person in **(1)** can use, control, and possess the following property and things: _____

This is a Court Order.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

DV-110, Page 2 of 6



Your name: Stacey Laurretta Dash

Case No: BQ 029004

13 **Property Restraint**

If the people in ① and ② are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (The person in ② cannot contact the person in ① if the court has made a "no contact" order.)

14 **Unlawful communications may be recorded.**

The person in ① can record communications made by the person in ② that violate the judge's orders.

15 **No Fee to Notify (Serve) Restrained Person**

If the sheriff serves this order, he or she will do it for free.

16 **Other Orders (specify):**

17 If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. (Write restrained person's address here):

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 **Time for Service**

A To: Person Asking for Order

Someone 18 or over—not you or the other protected people—must personally "serve" a copy of this order to the restrained person at least 5 days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—not you—must "serve" Form DV-120 on the person in ①, then file it with the court at least 0 days before the hearing.

For help with Service or answering, read Form DV-210-INFO or DV-540-INFO.

Date: JAN 23 2010

Marilyn Sipes
Judge (or Judicial Officer) Marilyn Sipes

Certificate of Compliance With VAWA

Judge Pro Tem

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

This is a Court Order.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**

Clerk stamps date here when form is filed.

FILED
LOS ANGELES SUPERIOR COURT

JAN 29 2010

JOHN A. CLARKE, CLERK
BY M.G. ALMENDRAS, DEPUTY

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number BQ 029004

1 Your name (person asking for protection):
Stacey Laurretta Dash
Your address (skip this if you have a lawyer):
City: State: Zip:
Your telephone number (optional):
Your lawyer (if you have one):



2 Name of person you want protection from:
Emmanuel Xuereb
Description of that person: Sex: [X] M [] F Height: 6 '0
Weight: 180 Race: Caucasian Hair Color: Brown/Grey
Eye Color: Green Age: 44 Date of Birth: 11/17/65

3 Besides you, who needs protection? (Family or household members):
Full Name Age Lives with you? How are they related to you?
[Redacted] [Redacted] [X] Yes [] No Son
[Redacted] [Redacted] [X] Yes [] No Daughter

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

4 What is your relationship to the person in (2)? (Check all that apply):
a. [X] We are now married or registered domestic partners.
b. [] We used to be married or registered domestic partners.
c. [X] We live together.
d. [] We used to live together.
e. [] We are relatives, in-laws, or related by adoption (specify relationship):
f. [] We are dating or used to date.
g. [] We are engaged to be married or were engaged to be married.
h. [] We are the parents together of a child or children under 18:
Child's Name: Date of Birth:
Child's Name: Date of Birth:
Child's Name: Date of Birth:

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.
i. [] We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)

This is not a Court Order.

Request for Order
(Domestic Violence Prevention)

Legal Solutions Plus

Your name: Stacey Lauletta Dash

Case Number:

BQ 029004

5 Other Court Cases

a. Have you and the person in (2) been involved in another court case? No Yes

If yes, where? County: _____ State: _____
What are the case numbers? (If you know): _____

What kind of case? (Check all that apply):
 Registered Domestic Partnership Divorce/Dissolution Parentage/Paternity Legal Separation
 Domestic Violence Criminal Juvenile Child Support Nullity Civil Harassment
 Other (specify): _____

b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?
 No Yes *If yes, attach a copy if you have one.*

What orders do you want? Check the boxes that apply to your case.

6 Personal Conduct Orders

I ask the court to order the person in (2) not to do the following things to me or any of the people listed in (3):

a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements

b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.

7 Stay-Away Order

I ask the court to order the person in (2) to stay at least 100 yards away from (check all that apply):

a. Me

b. The people listed in (3)

c. My home

d. My job or workplace

e. The children's school or child care

f. My vehicle

g. Other (specify): _____

If the person listed in (2) is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? Yes No *(If no, explain):* I want the Court to exclude him from the family residence

8 Move-Out Order

I ask the court to order the person in (2) to move out from and not return to _____

I have the right to live at the above address because (explain): _____

9 Child Custody, Visitation, and Child Support

I ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.*

10 Spousal Support

You can make this request only if you are married to, or are a registered domestic partner of, the person in (2) and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.

This is not a Court Order.

**Request for Order
(Domestic Violence Prevention)**



Your name: Stacey Lauretta Dash

Case Number: DQ 029004

What orders do you want? Check the boxes that apply to your case.

11 Record Unlawful Communications

I ask for the right to record communications made to me by the person in **(2)** that violate the judge's orders.

12 Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here:
The Family residence

13 Debt Payment

I ask the court to order the person in **(2)** to make these payments while the order is in effect:

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 13—Debt Payment" by your statement.

Pay to: <u>Lisa Borelli</u>	For: <u>Lease/Home</u>	Amount: \$ <u>3,400</u>	Due date: <u>DUE</u>
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

14 Property Restraint

I am married to or have a registered domestic partnership with the person in **(2)**. I ask the judge to order that the person in **(2)** not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in **(2)** to notify me of any new or big expenses and to explain them to the court.

15 Attorney Fees and Costs

I ask that the person in **(2)** pay some or all of my attorney fees and costs.
You must complete and file Form FL-150, Income and Expense Declaration.

16 Payments for Costs and Services

I ask that the person in **(2)** pay the following:
*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: _____	For: _____	Amount: \$ _____
Pay to: _____	For: _____	Amount: \$ _____
Pay to: _____	For: _____	Amount: \$ _____

17 Batterer Intervention Program

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

18 No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.

**Request for Order
(Domestic Violence Prevention)**



Your name: Stacey Laurretta Dash

Case Number: **BQ 029004**

What orders do you want? Check the boxes that apply to your case.

19 More Time for Notice

I need extra time to notify the person in (2) about these papers. Because of the facts explained on this form, I want the papers served up to 5 days before the date of the hearing. For help, read Form DV-210-INFO. If necessary, add additional facts: _____

20 Other Orders

What other orders are you asking for? _____

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 20—Other Orders" by your statement.

21 Guns or Other Firearms

I believe the person in (2) owns or possesses guns or firearms. Yes No I don't know

If the judge approves the order, the person in (2) will be required to sell to a gun-dealer or turn in to police any guns or firearms that he or she owns or possesses.

22 Describe the most recent abuse.

a. Date of most recent abuse: 1/23/2010

b. Who was there? Stacey Laurretta Dash, Daughter, Lola

c. What did the person in (2) do or say that made you afraid?

Mr. Xuereb had been drinking, was banging pots and being noisy at 11:30 pm. I closed the door, so my Daughter would not be awakened. Mr. Xuereb came into our bedroom, irate, grabbed the covers, ripped them off me, held me down with a tight grip on both arms. He then threatened me and told me it would be the worst night of my life. He was in a rage and was about to strike me. I was able to calm him down. I am afraid he will hurt me.

d. Describe any use or threatened use of guns or other weapons: Mr. Xuereb used physical force by restraining my arms and body with his hands and body weight.

e. Describe any injuries: In the past, Mr. Xuereb has hit me in the head, face and on my body. I was able to escape. I was afraid to report it to the police

f. Did the police come? No Yes

If yes, did they give you an Emergency Protective Order? Yes No I don't know

Attach a copy if you have one.

Check here if you need more space. Use Form MC-020 and write "DV-100, Item 22—Recent Abuse" by your statement.

Check here if the person in (2) has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.

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

Date: 1-29-10

Stacey Laurretta Dash
Type or print your name

[Signature]
Sign your name

This is not a Court Order.
Request for Order
(Domestic Violence Prevention)

This form is attached to DV-100, Item 21.

1 Your name: Stacey Laretta Dash

2 Name of person you want protection from (restrained person): Emmanuel Xuereb

3 Describe the 2nd most recent abuse.

a. Date of 2nd most recent abuse: July 2007

b. Who was there? Stacey Laretta Dash and Emmanuel Xuereb

c. What did the person in 2 do or say to you that made you afraid? On that day, we began arguing and Mr. Xuereb became physical. He punched me in the head, face and body. I called my friend to pick me up. Mr. Xuereb left when I said I would call the Police. He destroyed many of our household possessions.



d. Describe any use or threatened use of guns or other weapons.

e. Describe any injuries. I had injuries to my head face and body.

f. Did the police come? No Yes I filed a report at the Police Station on 1/27 2010
If yes, did they give you an Emergency Protective Order? Yes No I don't know
Attach a copy if you have one.

