

ATTACHMENT TO REQUEST FOR CIVIL HARASSMENT RESTRAINING ORDER

Justin Gimelstob (“Gimelstob”) seeks a civil restraining order against Randall Kaplan (“Kaplan”) **because he fears for his safety based upon recent events and warnings from those who know Kaplan’s plans**. As stated in detail below, Kaplan has had an abnormal fixation with Gimelstob for years—he has harassed Gimelstob many times, threatened to ruin him on more than one occasion, and **provoked and instigated** a physical fight with him which took place on **October 31, 2018**. Most recently, on or about **March 11, 2019**, an individual from Kaplan’s “inner circle” first contacted Gimelstob’s counsel warning that Kaplan has made up numerous false allegations against Gimelstob, and is obsessed with his destruction. (See **Exhibit B**, Declaration of Shawn Holley (“Holley Decl.”) ¶ 2.) This person has continued to contact Gimelstob’s counsel, including up until **a few days before this application**, to reiterate these warnings. (*Id.*, ¶ 3.)

On or about November 1, 2018, Kaplan immediately reported the physical altercation that occurred on Halloween to the police, and sought a temporary restraining order against Gimelstob, which is currently scheduled to be heard on June 3, 2019. While Gimelstob wants nothing to do with Kaplan and is more than happy to stay away from Kaplan, he seeks a **reciprocal restraining** order against Kaplan to prevent any further violence, and to limit Kaplan’s ability to set him up for a potential violation of any restraining order that is entered against him. Given Kaplan’s violent behavior in the near past, and the very recent **repeated reports** that Kaplan remains obsessed with Gimelstob’s destruction, a restraining order against Kaplan should be entered as Gimelstob reasonably **fears for his safety** and that of his young son. (See **Exhibit A**, Declaration of Justin Gimelstob (“Gimelstob Decl.”), ¶ 8.)

The Parties

Gimelstob is a retired American tennis player who has 15 ATP (Ass’n of Tennis Professionals) Doubles titles and 2 Grand Slam titles with Venus Williams. Kaplan is a wealthy venture capitalist who lives and works on the Westside of Los Angeles. Several years ago in or about 2008, Kaplan and Gimelstob became casual friends. (Ex. “A,” Gimelstob Decl., ¶ 2.) However, Gimelstob was eventually put off by Kaplan’s obsessive and aggressive behavior and distanced himself. (*Id.*) Although Gimelstob and Kaplan had little additional contact over the years, this changed in 2018. As explained below, Gimelstob fears for his physical safety and believes that Kaplan is willing to go to great lengths—**both** physical and non-physical—to hurt him. (*Id.*, ¶ 8.)

In May 2018, Kaplan Angrily Confronts Gimelstob At A Brentwood Restaurant

On or about May 10, 2018, Gimelstob was meeting with his dissolution counsel, Kristina Royce (“Royce”), at a Brentwood restaurant. Kaplan—who also knows Ms. Royce—approached the two of them. Kaplan gave Ms. Royce a brief hug, at which point Gimelstob said “hello.” (Ex. A, Gimelstob Decl., ¶ 3.) Thereafter, and without any provocation, Kaplan immediately became aggressive and antagonistic. As confirmed in Gimelstob’s attached declaration, Kaplan “leaned in closer to Mr. Gimelstob and began pointing his finger directly and closely (within an inch or so) of Mr. Gimelstob’s face.” (*Id.*) Kaplan then told Gimelstob in a very aggressive

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manner that “*I will put you in jail for the rest of your life.*” Ms. Royce then asked Kaplan to leave, which he did. (*Id.*)

The following day, Ms. Royce received a very troubling text message from Kaplan that wholly misstated what had occurred the previous evening, and tried to make it seem as if Gimelstob had threatened Kaplan, when in fact it was the other way around. (*Id.*, ¶ 4.) Remarkably, the text message mentioned that Kaplan “*has substantially more money*” than Gimelstob and stated that Kaplan could be “*incredibly hurtful*” to Gimelstob if he “*was called as a character witness in a custody trial.*” (*Id.*) Gimelstob understood Kaplan’s message to be a threat against Mr. Gimelstob regarding the custody in the family law proceeding. (*Id.*) Notably, Kaplan had *never* seen Gimelstob with his son, but knew he was in a heated custody battle with his ex-wife. (*Id.*)

On Halloween 2018, Kaplan Physically Assaults Gimelstob

On or about October 26, 2018, Gimelstob’s father passed away unexpectedly. (Ex. “A,” Gimelstob Decl., ¶ 5.) Gimelstob returned to New Jersey for his father’s burial, where he sat Shiva for several days. He then flew back to Los Angeles so that he could trick-or-treat with his young son. (*Id.*) On Halloween evening 2018, Gimelstob was out trick-or-treating in the Brentwood area of Los Angeles. (*Id.*) Unfortunately, Gimelstob randomly ran into Kaplan that evening. (*Id.*)

Remarkably, and without any provocation, Kaplan called out to Gimelstob and made very vile and derogatory comments about his recently deceased father. (*Id.*, ¶ 6.) Thereafter, Kaplan also *initiated* a physical altercation by *aggressively shoving Gimelstob.* (*Id.*) Although the incident was over within seconds, Kaplan was clearly angered and embarrassed that Gimelstob had gotten the better of the fight. (*Id.*, ¶ 7.) Thereafter, Kaplan set out to do everything in his power to misrepresent and obfuscate what happened that evening. (*Id.*)

Kaplan Reports Gimelstob To The Police And Seeks A Civil Restraining Order

Kaplan immediately reported Gimelstob to the police in connection with the above incident. On or about November 1, 2018, Kaplan also sought a temporary restraining order against Gimelstob, which is currently scheduled to be heard on June 3, 2019. On or about April 22, 2019, Gimelstob plead no contest to the case as charged relating to the Halloween Incident, and the Judge exercised his discretion to reduce the charge to a misdemeanor, for which he received only community service. After entering a no contest plea, Gimelstob immediately filed this request for a civil restraining order against Kaplan because he *fears for his safety* and the safety of his young son. (Ex. “A,” Gimelstob, ¶ 8.) Prior to entering the no contest plea, Gimelstob was unable to file a request against Kaplan for a civil restraining order in order to protect his Fifth Amendment rights.

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Kaplan's Counsel Receives Multiple Calls From A Person In Kaplan's "Inner Circle" Stating That Kaplan Is Obsessed With Gimelstob's Destruction

Starting on or about *March 11, 2019*, and continuing until just *a few days ago*, Gimelstob's counsel, Shawn Holley, received multiple calls from a person in Kaplan's "inner circle." (Ex. "B," Holley Decl., ¶ 2.) The individual said that it had been weighing on them and that they needed to report that Kaplan is obsessed with Gimelstob, and is seeking to destroy him. The witness specifically stated that Kaplan has threatened to destroy Gimelstob, and had made up numerous allegations about the Halloween incident discussed above, including that he was injured. (*Id.*, ¶¶ 2-3.)

These recent and repeated reports are deeply troubling, especially given Kaplan's long-standing fixation with Gimelstob. As evidenced in the declaration of John Christensen attached hereto, Kaplan has been obsessed with Gimelstob for years and has threatened him with false allegations in the past. (See **Exhibit C**, Declaration of John Christensen.) Additionally, Gimelstob is informed that as recent as February 2019, Kaplan had hired a private investigator to try to dig up information about his personal life. (Ex. "A," Gimelstob Decl., ¶ 9.) Gimelstob remains fearful of Kaplan for his physical safety and also believes that Kaplan will try to set him up to violate any restraining order that may be entered against him. (Ex. "A," Gimelstob Decl., ¶ 11.) Because the two men exist in similar Westside Los Angeles social circles, it would be easy for Kaplan to deliberately be in the same place as Gimelstob. In fact, in the past, Kaplan has even communicated with Gimelstob's soon-to-be ex-wife to find out Gimelstob's schedule and whereabouts. (*Id.*, ¶ 11.)

Given Kaplan's physical violence toward Gimelstob, and his long-standing obsession with Gimelstob, the Court should enter the requested civil restraining order against Kaplan.



EXHIBIT A



1 **DECLARATION OF JUSTIN GIMELSTOB**

2 I, Justin Gimelstob, declare as follows:

3 1. I an individual residing in Los Angeles, California. If called as a witness, I could
4 and would competently testify to all the facts within my personal knowledge except where stated
5 upon information and belief. I submit this declaration in support of my application for a civil
6 restraining order against Randall (“Randy”) Kaplan.

7 2. Several years ago, in or about 2008, I became casual friends with Randy Kaplan.
8 However, I was eventually put off by Kaplan’s obsessive and aggressive behavior, including his
9 very aggressive pursuit of my friendship and subsequent threats. As a result, in or around 2013,
10 I distanced myself from Kaplan. Although we had little additional contact over the next several
11 years, this changed in 2018.

12 3. On or about May 10, 2018, I was meeting with my dissolution counsel, Kristina
13 Royce (“Royce”), at a Brentwood restaurant. Kaplan—who also knows Ms. Royce—approached
14 the two of us. Kaplan gave Ms. Royce a brief hug, at which point I said “hello.” Thereafter, and
15 without any provocation from me, Kaplan immediately became aggressive and antagonistic.
16 Kaplan leaned in close to me and began pointing his finger directly and closely (within an inch or
17 so) of my face. Kaplan then threatened in a very aggressive manner that “*I will put you in jail for*
18 *the rest of your life.*” Ms. Royce then asked Kaplan to leave, which he did.

19 4. The following day, Ms. Royce received a very troubling text message from Kaplan
20 that wholly misstated what had occurred the previous evening, and tried to make it seem as if I had
21 threatened Kaplan, when in fact it was the other way around. Remarkably, the text message
22 mentioned that Kaplan “*has substantially more money*” than me and stated that Kaplan could be
23 “*incredibly hurtful*” to me if he “*was called as a character witness in a custody trial.*” I
24 understood his message to be a threat against me regarding the custody of my young son in my on-
25 going family law proceeding. Notably, Kaplan had *never* seen me with my son, but knew that I
26 was in a heated custody battle with my ex-wife.

27 5. On or about October 26, 2018, my father passed away unexpectedly. I returned to
28 New Jersey for his burial, where I sat Shiva for several days. I then flew back to Los Angeles so

1 that I could trick-or-treat with my young son. On Halloween evening 2018, I was out trick-or-
2 treating in the Brentwood area of Los Angeles. Unfortunately, I randomly ran into Kaplan.

3 6. Without any provocation, Kaplan called out to me and made very vile and
4 derogatory comments about my recently deceased father. Thereafter, he also *initiated* a physical
5 altercation by *aggressively shoving* me.

6 7. Although the incident was over within seconds, Kaplan appeared clearly angered
7 and embarrassed that I had gotten the better of the fight. Thereafter, I am informed that Kaplan set
8 out to misrepresent and obfuscate what had happened that evening, including making numerous
9 misrepresentations about the brief altercation.

10 8. I believe that Kaplan is an obsessive person who is fixated on me. *I fear for my*
11 *physical safety and that of my son, and believe that Kaplan would go to great lengths to hurt me*
12 *(both physically and non-physically)*. My fear is based on the above incidents, and on numerous
13 reports that I have received over the last several years regarding Kaplan and his obsession with
14 me.

15 9. For example, the declaration of John C. Christensen, which is attached to my
16 application for a restraining order, demonstrates Kaplan's long-standing preoccupation with me. I
17 also was told in or around February 2019, that a private investigator—who I am informed and
18 believe was hired by Kaplan—was contacting various persons to try to “dig information” up about
19 “[my] personal life.” A former acquaintance actually emailed me to warn me that the investigator
20 seemed “*pretty bummed* that I had nothing bad to say about you.”

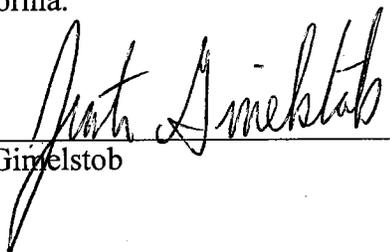
21 10. I also was very disturbed *by the recent reports* that an individual made to my
22 counsel, Shawn Holley, that Kaplan remains obsessed with me and dedicated to my destruction. I
23 am informed that this witness—who stated they were in Kaplan's “inner circle”—warned that
24 Kaplan is committed to my destruction.

25 11. I also fear that if a permanent restraining order were to be entered against me (I am
26 informed that Kaplan has applied for such an order), Kaplan would try to set me up to violate the
27 restraining order. Kaplan and I function in similar Westside Los Angeles social circles. It would
28 not be difficult for Kaplan to find out where I was going to be on a particular day/time.

1 For example, I am informed that in the recent past (including after the Halloween incident
2 described above), Kaplan contacted my ex-wife to find out my whereabouts on a given day/time.

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

5 Executed April 22, 2019, at Santa Monica, California.

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8 Justin Gimelstob

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EXHIBIT B



EXHIBIT C

I, John Christensen, know the following and could testify competently thereto if called as a witness to do so.

I have been friends with Justin Gimelstob for more than thirty years and Justin introduced me to Randall Kaplan about ten years ago.

Set forth below is a description of my last interactions with Mr. Kaplan as they relate to Mr. Gimelstob, which I believe, may be relevant to certain allegations made against Mr. Gimelstob.

In November 2012, I attended a birthday party for Mr. Kaplan at his home in Brentwood, California. Shortly after the party started, Mr. Kaplan pulled me aside and I was struck by how agitated he appeared. He said he was upset because Mr. Gimelstob has not yet arrived. I advised him that it was my understanding that Mr. Gimelstob had to get up early the next morning to broadcast a tennis match and encouraged him to enjoy his party.

Approximately forty-five minutes later, Mr. Kaplan approached me again. He was again visibly upset and said to me that Mr. Gimelstob had still not arrived at the party. Before I could respond, Mr. Kaplan began ranting about how much money he had spent attending Mr. Gimelstob's wedding and that he had given up his custodial time to attend the wedding.

I became uncomfortable about Mr. Kaplan's reaction to Mr. Gimelstob's decision to not attend his party; soon thereafter, I left the party. I felt that Mr. Kaplan's reaction was bizarre.

Over the next few years, each time I saw or heard from Mr. Kaplan, he raised the subject of Mr. Gimelstob (i.e. either it related to Mr. Gimelstob not attending his party and/or the fact that Mr. Gimelstob did not seem to make time for him). It made me feel very uncomfortable.

During a communication with Mr. Kaplan at the end of 2013, he informed me that he had the ability to tell Mr. Gimelstob's wife and family that Mr. Gimelstob was having an affair. I was in shock and immediately called Mr. Gimelstob. Mr. Gimelstob told me Randy had already made the same threat to him. I advised Mr. Gimelstob that Mr. Kaplan seemed obsessed with him and that he should be cautious in any interactions with him; thereafter, I severely limited any contact with Mr. Kaplan.

The last time I saw Mr. Kaplan was a few years ago outside Soul Cycle in Brentwood. I said hello and, true to form, he immediately asked about Mr. Gimelstob. He again brought up the same story about Mr. Gimelstob not attending his 2012 birthday party. I didn't know how to respond so I didn't. However, I was once again alarmed; it appeared to me that Mr. Kaplan was still preoccupied by Mr. Gimelstob.

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

Executed on December 1, 2018 at Los Angeles, California.



John C. Christensen