

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CAL NO.

NUMBER D368879		REPORTER ELECTRONIC REPORTING	CLERK Lilia Garibay
DATE OF HEARING 08/09/93	TIME OF HEARING 01:45PM	JUDGE THOMAS ASHWORTH, III	DEPT F1
PETITIONER HERNANDEZ, RAFAEL		ATTORNEY FOR PETITIONER PRO PER	<input type="checkbox"/> TELE <input type="checkbox"/> P <input type="checkbox"/> NP
RESPONDENT LOPEZ, BERTHA		ATTORNEY FOR RESPONDENT	<input type="checkbox"/> TELE <input type="checkbox"/> P <input type="checkbox"/> NP

PTNRS OSC: TRO WITH DOM VIOLENCE

THE ABOVE MATTER CAME ON FOR HEARING THIS DATE WITH ABOVE APPEARANCES, AFTER HEARING THE COURT ORDERED THAT:

FCS RECO DATED _____ AS MODIFIED: BY COURT BY STIP. IS ADOPTED AS ORDER OF THE COURT

REFERRED FOR COUNSELING SET FOR: _____ EXTENDED MEDIATION PSYCH EVAL ORDERED

CUSTODY: JT LEGAL LEGAL PTNR/RESP PHYSICAL PTNR/RESP

VISITATION OF PTNR / RESP _____

COURT MAKES FINDING: CHILD SHARE - % CHILD CARE - PTNR %/RESP %

PTNR - SINGLE/NH/MARRIED () GROSS \$ _____ NET \$ _____ ADJ NET \$ _____

RESP - SINGLE/NH/MARRIED () GROSS \$ _____ NET \$ _____ ADJ NET \$ _____

SUPPORT: CHILD \$ _____ MO PER CHILD TOTALING \$ _____ EFF _____ THRU R&R COPY: R&R DA FSD

SPOUSAL \$ _____ MO EFF _____ FAMILY \$ _____ MO EFF _____

ATTY FEES \$ _____ COSTS \$ _____ @ \$ _____ MO BY PTNR/RESP EFF _____ 2 MO ACCEL CLAUSE

AS ADD'L CHILD/SPOUSAL SUPPORT FOR ENFORCEMENT PURPOSES

PTNR/RESP TO PAY 1/2 UNCOVERED MED/DENTAL/ORTHO/OPTICAL/PSYCH SALE OF RESIDENCE

COURT SETS ARREARAGE IN AMT OF \$ _____ AS OF _____ PTNR/RESP ORDERED TO PAY \$ _____ MO EFF _____

WAGE ASSIGNMENT FOR CHILD/SPOUSAL/FAMILY SUPPORT/ARREARS/ATTY FEES.

PAYMENTS: PETITIONER _____

RESPONDENT _____

POSSESSION OF: PTNR RESIDENCE (TEMP)/AUTO/FURNITURE/FURNISHINGS _____

RESP RESIDENCE (TEMP)/AUTO/FURNITURE/FURNISHINGS _____

R/O: MUTUAL/PTNR/RESP:ANNOY/HARRASS/STAY 100 YDS FROM RESIDENCE (EXCPT DURING VIS)/EMPLYMT/NEW DEBTS/DISPOSE PROP/HEALTH INS/LIFE INS/REMOVE CHLDRN FROM CNTY/ST/DISPARAGING REMARKS/NO ADULT DISCUSSIONS W/CHLDRN/INFORM CURR ADDR. PNTS CANT CHG RES OUTSIDE CNTY/ST W/O 60 DYS WRITTEN NOTICE TO OTH PTY. EXP: _____

EXISTING ORDERS REMAIN IN EFFECT PENDING FURTHER HEARING, EXCEPT WHERE IN CONFLICT, THIS ORDER CONTROLS.

COURT FINDS: VALID ORDER KNOWLEDGE ABILITY WILLFUL VIOLATION _____

PTNR/RESP FOUND NOT GUILTY/GUILTY OF _____ COUNTS OF CONTEMPT FOR MONTHS OF _____

BALANCE DISMISSED. CONTEMPT DISMISSED/PC1118 SENTENCED TO _____ DAYS CUSTODY IMPOSITION SUSP.

WARRANT OF ATTACHMENT SHALL ISSUE FOR PTNR/RESP. BAIL \$ _____ CASH NIGHT SERVICE HOLD SERVICE TO _____

RECALLED PTNR/RESP ORDERED TO RETURN

MOTION: GRANTED DENIED

PART/STIP ORDER SUB/RECITED BY COUNSEL PTYS AGREE TO BE BOUND PTNR/RESP TO PREP ORDER SEND TO COURT W/O APPROVAL

OPPOSING COUNSEL FOR APPROVAL. ATTY _____ IS AUTH. TO ENTER INTO STIP.

PTNR/RESP SWORN & EXAMINED AS TO JURISDICTION

JGMT GRNTD EFF _____ INCORP STIP OF PARTIES DISSO STAT ONLY LGL SEP NULLITY PATERNITY

PTNR/RESP ORDERED TO MAKE _____ JOB CONTACTS PER DAY/WEEK EFFECTIVE _____

PTNR/RESP NOT APPEARING, PETITION (DOMESTIC VIOLENCE PREVENTION) DISMISSED W/O PREJUDICE

OFF-CAL CONTD TO _____ M ON _____ IN DEPT _____ BY PTNR RESP STIP COURT REISSUE

NO FURTHER CONTINUANCES COURT RETAINS JURISDICTION OVER _____ RETROACTIVITY TO _____

REASONS/OTHER: _____

13406 Heritage Way, #448
Tustin, CA 92680 (714) 331-6820

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): RAFAEL HERNANDEZ PO Box 948449 LA JOLLA CA 92037		TELEPHONE NO.: 534-1685	FOR COURT USE ONLY
ATTORNEY FOR (Name): PRO PER		BAR #	JUL 22 3 08 PM '93
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO			
<input checked="" type="checkbox"/> 1501-55 Sixth San Diego, CA 92101-1946	<input type="checkbox"/> 325 S. Melrose Vista, CA 92083-6627	<input type="checkbox"/> 250 E. Main El Cajon, CA 92020-3913	614
PLAINTIFF: RAFAEL HERNANDEZ			
DEFENDANT: BERTHA LOPEZ			
ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (Domestic Violence Prevention Act – Uniform Parentage Act)			CASE NUMBER: D 368879

THIS ORDER SHALL EXPIRE AT THE DATE AND THE TIME OF THE HEARING SHOWN IN THE BOX BELOW UNLESS EXTENDED BY THE COURT.

To Defendant (name): ~~RAFAEL HERNANDEZ~~ **Bertha Lopez**

You are ordered to appear in this court at the date, time, and place shown in the box below to give any legal reason why the orders sought in the attached application should not be granted.

Date: **AUG 09 1993** Time: **01:45 PM** Dept.: **F1-7** Room:

You have the right to attend the court hearing and oppose the application, with or without an attorney. If you do not attend the court hearing, the court may make restraining orders against you that will last up to 3 years.

TEMPORARY RESTRAINING ORDER

UNTIL THE TIME OF HEARING, IT IS ORDERED

1. Defendant shall not contact, molest, attack, strike, threaten, sexually assault, batter, telephone, or disturb the peace of plaintiff and the following family and household members (names):

2. Defendant must immediately move from (address):
and take only personal clothing and effects needed until the hearing.

no contacts of any kind at PI's work by def. cop

3. Defendant is ordered to stay at least (specify): **100** yards away from plaintiff and the following persons and places (the addresses of these places are optional and you do not have to reveal them):

a. Plaintiff's family and household members (name):

b. Plaintiff's residence (address optional):

c. Plaintiff's place of work (address optional):

UCSD Teacher Education Program (Instructor) Bishop's School Teacher - Falls

d. The children's school or place of child care (address optional):

e. Other (specify): *Leticia Alvarez University of California, Irvine Medical Center*
(address optional): *13406 Heritage Way #448 Tustin, CA 92680*

Violation of this temporary restraining order is a misdemeanor, punishable by a \$1,000 fine, six months in jail, or both. This order shall be enforced by all law enforcement officers in the State of California. Penal Code section 12021g prohibits any person subject to a restraining order from purchasing or attempting to purchase or otherwise obtain a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

(Temporary Restraining Order continued on reverse)

PLAINTIFF (Name): <u>RAFAEL HERNANDEZ</u>	CASE NUMBER:
DEFENDANT (Name): <u>BERTHA LOPEZ</u>	

4. Care, custody, and control of the following minor children are temporarily awarded to plaintiff.
Child's name
5. Exclusive temporary use, possession, and control of the following property are given to plaintiff:
6. OTHER ORDERS (specify):

7. By the close of business on the date of this order a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:
- a. plaintiff shall deliver.
b. plaintiff's attorney shall deliver.

<u>Law enforcement agency</u>	<u>Address</u>
SAN DIEGO COUNTY MARSHAL'S OFFICE	<input checked="" type="checkbox"/> 220 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> 250 E. MAIN, EL CAJON, CA 92020 <input type="checkbox"/> 500 THIRD, CHULA VISTA, CA 92010 <input type="checkbox"/> 325 S. MELROSE, VISTA, CA 92083

8. Application for an order shortening time is granted and the following documents shall be personally served on the defendant no less than (specify number): Two (2) days before the time set for hearing:
- a. Order to Show Cause and Temporary Restraining Order (Domestic Violence Prevention — Uniform Parentage)
b. Application and Declaration (Domestic Violence Prevention — Uniform Parentage)
c. Blank Responsive Declaration (Domestic Violence Prevention — Uniform Parentage)
d. Income and Expense Declaration
e. Declaration under Uniform Custody of Minors Act
f. Other (specify):

This order is effective when made. The law enforcement agency shall enforce the order immediately upon receipt. It is enforceable anywhere in California by any law enforcement agency that has received the order or is shown a copy of the order. If proof of service on the restrained person has not been received, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

9. a. The defendant's date of birth (date): 2/2/64 UNKNOWN
b. The defendant's race (specify): LATINA
(required by Code of Civil Procedure section 550(b)).

Date: 22 July 83

Christine J. Lee
JUDGE OF THE SUPERIOR COURT



The foregoing is a full, true and correct copy of the original on file in this office.

KENNETH E. MARTONE
CLERK OF THE SUPERIOR COURT

Date: _____ by _____, Deputy

PLAINTIFF (Name): RAFAEL HERNANDEZ	CASE NUMBER:
DEFENDANT (Name): BERTHA LOPEZ	D 368879

APPLICATION AND DECLARATION FOR ORDER
 (Domestic Violence Prevention Act – Uniform Parentage Act)
 DECLARATION UNDER UNIFORM CUSTODY OF MINORS ACT

(THIS IS NOT AN ORDER)

Read the instructions for Order Prohibiting Domestic Violence before completing this form.

1. This application is brought under the (check at least one):

a. **Domestic Violence Prevention Act.** Plaintiff and defendant (check at least one):

- (1) are married and no dissolution, legal separation, or nullity proceeding is pending.
- (2) were formerly married to each other.
- (3) are related to each other by blood, marriage, or adoption.
- (4) live together.
- (5) formerly lived together.
- (6) have had a dating or engagement relationship. **7/16/93**
- (7) are parents together of a child and the male parent is the presumed father under Civil Code section 7000 et seq.

b. **Uniform Parentage Act.** The parties have a minor child in common and an action has been filed under the Uniform Parentage Act.

2. a. The defendant's date of birth (date): **(Bayer) UNKNOWN**

b. The defendant's race (specify): **LATINA** (required by Code of Civil Procedure section 550(b)).

3. (Name): **BERTHA LOPEZ** has intentionally or recklessly (check at least one):

- a. caused or attempted bodily injury to me or another.
- b. caused or attempted sexual assault on me or another.
- c. made me or another (name): _____ afraid of physical or emotional harm.

Describe in detail the most recent incidents of abuse. State what happened, the dates, who did what to whom, and describe any injuries. Also describe any history of abuse. If more space is needed, attach additional pages and check this box:

Defendant constantly calls my work and my home. She has started to follow me. She has threatened violence when she told me that it may all end in "blood" if I do not do what she wants. I'm afraid for my safety. The "blood" threat took place on 7/16/93

PLAINTIFF (Name): RAFAEL HERNANDEZ	CASE NUMBER:
DEFENDANT (Name): BERTHA LOPEZ	

(THIS IS NOT AN ORDER)

4. Declaration regarding minor children of the parties (check a or b):

- a. There are no minor children.
- b. The minor children are: Child's name Birthdate

c. If you are seeking an order regarding custody or visitation of minor children, complete the following:

- (1) Each child is now living with
 - plaintiff
 - defendant
 at (address optional):
- (2) Each child has lived only with plaintiff or defendant or both during the last five years.
- (3) Plaintiff has not participated in any litigation or proceeding in any state concerning custody of this child.
- (4) Plaintiff has no information of any pending custody proceeding or any person not a party to this proceeding who has physical custody or visitation rights concerning this minor child.
- (5) If you have **not** checked a box in each of items (1) through (4), you must attach a completed Declaration Under Uniform Custody of Minors Act form and check this box: and the box at the top of the first page.

I REQUEST THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

5. **RESTRAINING ORDERS** **To be ordered now and effective until the hearing.**
 Defendant must not contact, molest, attack, strike, threaten, sexually assault, batter, telephone, or otherwise disturb my peace and the following family or household members (names):

6. **RESIDENCE EXCLUSION AND RELATED ORDERS** **To be ordered now and effective until the hearing.**
 Defendant must immediately move from and must not return to (address):

and may take only personal clothing and effects.
 I have a legal right to live at the address above because (specify facts and attach any document that supports your claim):

7. **STAY-AWAY ORDERS** **To be ordered now and effective until the hearing.**
 Defendant, who resides at (state address if known): *staying with her sister in San Diego*
 and works at (state address if known): *Nat'l City School District (Public School)*
 must stay at least (specify): *100* yards away from the following persons and places (the addresses of the places are optional and you do not have to reveal them):

- a. plaintiff and the following family or household members (names):
- b. plaintiff's residence (address optional):
- c. plaintiff's place of work (address optional): *UCSD Teacher Education Program (Instructor) Bishop's School Teacher - La Jolla*
- d. the children's school or place of child care (address optional):
- e. other (specify): (address optional):

PLAINTIFF (Name): RAFAEL HERNANDEZ	CASE NUMBER:
DEFENDANT (Name): BERTHA LOPEZ	D 368879

(THIS IS NOT AN ORDER)

8. **CHILD CUSTODY AND VISITATION** **To be ordered now and effective until the hearing.**

a. **Custody** (see "Instructions for Order Prohibiting Domestic Violence" for an explanation of physical, legal, sole, and joint custody)

I request the custody orders shown in the following columns:

List the child's name below	List the name of the parent who should get sole physical custody of the child below (if you want physical custody to be joint, write the word "joint")	List the name of the parent who should get sole legal custody of the child below (if you want legal custody to be joint, write the word "joint")
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b. **Visitation**
 Defendant should have the right to visit the children as follows:

- (1) none.
- (2) visitation with the following restrictions (specify):

c. I need this custody and visitation order because of the following facts (specify):

[If you request an order for child support, attorney fees, or costs, attach a completed Income and Expense Declaration (Family Law).]

9. **CHILD SUPPORT**

- a. I am receiving public assistance.
 - b. Defendant should be ordered to pay support as specified, commencing on (date):
- | | | |
|---------------------|------------------|-----------------------|
| <u>Child's name</u> | <u>Birthdate</u> | <u>Monthly amount</u> |
|---------------------|------------------|-----------------------|

c. I request that a wage assignment be issued.

10. **PROPERTY CONTROL** **To be ordered now and effective until the hearing.**

a. I request that I be given the exclusive temporary use, possession, and control of the following property we own or are buying (specify):

b. The order is necessary because (specify):

PLAINTIFF (Name): RAFAEL HERNANDEZ	CASE NUMBER:
DEFENDANT (Name): BERTHA LOPEZ	

(THIS IS NOT AN ORDER)

11. **PAYMENT OF DEBTS**
 a. Defendant should be ordered to make the following payments on debts coming due while the order is in effect:
- | <u>Debt</u> | <u>Pay to</u> | <u>Amount of payment</u> |
|-------------|---------------|--------------------------|
| | | \$ |
- b. The order is necessary because *(specify)*:
12. **ATTORNEY FEES AND COSTS**
 Defendant should be ordered to pay attorney fees and costs as follows:
13. **RESTITUTION**
 I request that defendant should be ordered to pay the following lost earnings and other actual expenses or cost of services caused directly by the violence complained of:
- | <u>Type of loss</u> | <u>Pay to</u> | <u>Amount of claim</u> |
|---------------------|---------------|------------------------|
| | | \$ |
14. **COUNSELING**
 a. I request that defendant be ordered to participate in batterer's treatment counseling.
 b. I will continue to live with defendant and I request that we both be ordered to participate in counseling at separate times and places and that defendant, who is able to do so, be ordered to pay the costs of the counseling.
15. **OTHER ORDERS** *(specify other orders you request to help carry out the orders previously requested):*

16. I request that copies of orders be given to the following law enforcement agencies:
- | <u>Law Enforcement Agency</u> | <u>Address</u> |
|-------------------------------|--|
| SAN DIEGO COUNTY | <input checked="" type="checkbox"/> 220 W. BROADWAY, SAN DIEGO, CA 92101 |
| MARSHAL'S OFFICE | <input type="checkbox"/> 250 E. MAIN, EL CAJON, CA 92020 |
| | <input type="checkbox"/> 500 THIRD, CHULA VISTA, CA 92010 |
| | <input type="checkbox"/> 325 S. MELROSE, VISTA, CA 92083 |

17. I request that time for service of the Order to Show Cause and accompanying papers be shortened so that they may be served no less than *(specify number): Two (2)* days before the time set for the hearing. I need to have the order shortening time because of the facts contained in this application. Add additional facts if necessary:
18. I have asked for restraining orders against the defendant before.
19. I request a court order waiving the fees payable to a law enforcement agency for serving restraining orders on the defendant. A completed Application for Waiver of Court Fees and Costs is filed with this application.

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

Date: **7/21/93**
RAFAEL HERNANDEZ
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF)

13406 Heritage Way #4
Fountain, CA 92038 (714) 731-6822

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):
RAFAEL HERNANDEZ
PO BOX 948449
LA JOLLA CA 92037
TELEPHONE NO: **534-1685**
ATTORNEY FOR (Name): **PRO PER** BAR#

COURT USE ONLY
JUL 22 3 08 PM '93
CLERK OF COURT
SAN DIEGO CA.
* 3 S 2 1 *
* Z A *

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
 CENTRAL COURT, 220 W. BROADWAY, SAN DIEGO, CA 92101-3409
 FAMILY COURT, 1501-55 SIXTH, SAN DIEGO, CA 92101-1946
 NORTH COUNTY BRANCH, 325 S. MELROSE, VISTA, CA 92083-6627
 EAST COUNTY COURT, 250 E. MAIN, EL CAJON, CA 92020-3913
 SOUTH BAY COURT, 500 THIRD, CHULA VISTA, CA 91910-5694

PLAINTIFF(S) **RAFAEL HERNANDEZ**
DEFENDANT(S) **BERTHA LOPEZ**

ORDER ON APPLICATION FOR WAIVER OF COURT FEES AND COSTS

CASE NUMBER **D 368879**

- The application was filed
 - on (date):
 - by (name):
- IT IS ORDERED THAT the application is granted and the applicant is permitted to proceed in this action as follows:**
 - without payment of any court fees or costs listed in rule 985(i), California Rules of Court.
 - without payment of any court fees or costs listed in rule 985(i), California Rules of Court, except the following:
 - without payment of the following court fees or costs (specify):
FILING (AND SERVICE) FEES ONLY.
 - The reasons for denial of any requested waiver are (specify):
 - The clerk of the court is directed to mail a copy of this order to the applicant's attorney, if any, or to the applicant if unrepresented.
 - All unpaid fees and costs shall be deemed to be taxable costs if applicant is entitled to costs and shall be a lien on any judgment recovered by the applicant and shall be paid to the clerk upon such recovery.
- IT IS ORDERED THAT the application is denied for the following reasons (specify):**
 - The applicant must pay any fees and costs due in this action within ten days from the date of service of this order or any paper filed by the applicant with the clerk will be of no effect.
 - The clerk of the court is directed to mail a copy of this order to all parties who have appeared in this action.
- IT IS ORDERED THAT a hearing be held.**
 - The substantial evidentiary conflict to be resolved by the hearing is (specify):
 - Applicant should be present at the hearing to be held:

hearing date:	time:	in <input type="checkbox"/> Dept.:	<input type="checkbox"/> Div.:	<input type="checkbox"/> Rm.:
address of court:				

c. The clerk of the court is directed to mail a copy of this order to the applicant only.
Dated: **JUL 22 1993** (Clerk's Certification on page 2)
Wesley R. Mason (Signature of Judge)
WESLEY R. MASON

PLAINTIFF (Name): RAFAEL HERNANDEZ	CASE NUMBER:
DEFENDANT (Name): BERTHA LOPEZ	

ORDER ON APPLICATION FOR WAIVER OF COURT FEES AND COSTS

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown below, and that the mailing of the foregoing and execution of this certificate occurred at (place): California,

KENNETH E. MARTONE
CLERK OF THE SUPERIOR COURT

on (date): _____ By _____, Deputy

CLERK'S CERTIFICATE



The foregoing is a full, true and correct copy of the original on file in this office.

KENNETH E. MARTONE
CLERK OF THE SUPERIOR COURT

ATTEST: _____ Date By _____ Deputy