

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	<i>Reserved for Clerk's File Stamp</i>
ATTORNEY FOR (NAME):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURT HOUSE ADDRESS:			
PETITIONER / PLAINTIFF:			
RESPONDENT / DEFENDANT:			
CHILD'S NAME: <i>(If more than one child, please attach list)</i>		CHILD'S DATE OF BIRTH:	CASE NUMBER:
<b>DECLARATION OF EX PARTE NOTICE (Temporary Restraining Order)</b>			RELATED CASES (IF ANY):

I, \_\_\_\_\_, declare that:  
(PRINT NAME)

**1) I informed the other party in this action that I would be seeking a temporary restraining order as follows:**

Person informed: \_\_\_\_\_ Date and time informed: \_\_\_\_\_

- How informed:
- ☐ By telephone to the party
  - ☐ By telephone to the attorney
  - ☐ By personally informing: \_\_\_\_\_
  - ☐ Other: \_\_\_\_\_

I informed the person listed above that I would be seeking a temporary restraining order in Dept. \_\_\_\_\_ of the Superior Court located at \_\_\_\_\_ on \_\_\_\_\_, 200\_\_ at 8:30 a.m.

**2) I told him/her the orders requested included, but were not limited to the following:**

- ☐ That he/she not annoy, attack, molest, strike, batter, harass, assault, contact or disturb the peace of Petitioner/Respondent.
- ☐ That he/she stay 100 yards away from Petitioner/Respondent and Petitioner's/Respondent's home.
- ☐ That he/she be ordered to immediately move out of Petitioner's/Respondent's house.
- ☐ That Petitioner/Respondent have custody of the minor children.
- ☐ That he/she have no visitation with the children pending hearing.
- ☐ Other: \_\_\_\_\_

**3) I informed the Petitioner/Respondent that he/she should appear at the above time and place if he/she wished to be heard by the court.**

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

Date: \_\_\_\_\_  
\_\_\_\_\_  
Signature of Declarant

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<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURT HOUSE ADDRESS:			
PETITIONER / PLAINTIFF:			
RESPONDENT / DEFENDANT:			
CHILD'S NAME:	CHILD'S DATE OF BIRTH:	CASE NUMBER:	
<b>DECLARATION RE: NOTICE OF EX PARTE REQUEST (NO NOTICE GIVEN) (Temporary Restraining Order)</b>			RELATED CASES (IF ANY):

I, \_\_\_\_\_, declare that:  
(PRINT NAME)

1) I did not give notice to the other party in this action because:

☐ I was afraid that the violence would reoccur when I gave notice that I was asking for these orders.

☐ I was afraid that the other party would take the children out of the area before the order could be granted and served.

☐ I believe that giving notice would make the orders useless because the other party would:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2) I attempted and was unable to inform \_\_\_\_\_ or his/her attorney \_\_\_\_\_ that I would be seeking a temporary restraining order. My attempts included \_\_\_\_\_

\_\_\_\_\_

3) Other reason:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare that the above is true and correct, and that I executed this declaration at \_\_\_\_\_, California

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF DECLARANT:

**Subject:** Re: Schedule for ex parte hearing  
**From:** Desiree Capuano <desiree.capuano@gmail.com>  
**Date:** Sun, 18 Nov 2012 12:34:54 -0700  
**To:** Richard Riess <richardriess@gmail.com>

Well, it's all about you. Do whatever...I'll live.

On Saturday, November 17, 2012, Richard Riess wrote:

I'm sorry, but as you see from the offer letter they would like me to start on the 26th. So I don't think I can push it back much more than that - I was thinking maybe a day or two, if necessary.

Richard

On 11/17/12 8:48 PM, Desiree Capuano wrote:

I will not be able to attend Monday the 26th. Please chose a date further out to allow time to make arrangements. I will either need to set up a court call appearance or travel once again out of state.

Neither option is available until I get paid next.

On Saturday, November 17, 2012, Richard Riess wrote:

Desiree:

Please let me know what would be convenient for you to attend an ex parte hearing regarding my request to bring Gabriel to Canada. This week will probably not be good for the Court due to the holiday so I'm thinking Monday, November 26, 2012. If I don't receive a response from you then I'll assume that time is acceptable and I'll consider this the notice I'm required to provide at least 24 hours prior to the hearing (in other words, I'm providing you 8 days notice). I'll also leave you a voice message to the same effect.

I'll forward you a copy of the forms and my declaration within the next couple of days.

Richard