

**F I L E D**

Superior Court of California  
County of San Francisco

APR 06 2018

CLERK OF THE COURT

BY: P. C. Pettit  
Deputy Clerk

1 Elisha Jussen-Cooke, SNB 283446  
2 COOPERATIVE RESTRAINING ORDER CLINIC  
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8 Attorney for Petitioner  
9 LAURA OWENS

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 CITY AND COUNTY OF SAN FRANCISCO

12 LAURA OWENS,

13 Petitioner,

14 v.

15 MICHAEL MARRACCINI,

16 Respondent.

) Case No.: FDV-18-813693

) PETITIONER'S MOTION IN LIMINE AND  
) REQUEST TO STRIKE

) Date: April 13, 2018  
) Time: 1:30 a.m.  
) Dept.: 403

17 **INTRODUCTION**

18 Petitioner, LAURA OWENS, through counsel, respectfully submits this motion in limine  
19 to exclude from evidence at trial those portions of the following pleadings that are inadmissible:  
20 *Respondent's Response to Request for Domestic Violence Restraining Order* filed January 22,  
21 2018; *Declaration of Witness Stephanie Marraccini in Support of Respondent* filed March 28,  
22 2018; and *Declaration of Witness Colin Scanlon in Support of Respondent* filed March 28, 2018.  
23 These declarations contain allegations that are inadmissible character evidence (Evid. Code  
24 1101), irrelevant (Evid. Code § 350), more prejudicial than probative (Evid. Code § 352), based  
25 on hearsay (Evid. Code §§ 1200 *et. seq.*), lack foundation (Evid. Code § 403), or are  
26 speculative/not based on personal knowledge (Evid. Code §§ 702 and 800).  
27  
28

1 As set forth below, the inadmissible portions of these declarations are denoted in  
2 quotations. Where only a portion of the complete quoted text is inadmissible, the inadmissible  
3 portion is denoted in strike-through text. Petitioner's objections follow in bold type.

4  
5 **STATEMENT OF FACTS**

6 On January 9, 2018, Petitioner (then a self-represented litigant) filed a Request for  
7 Domestic Violence Restraining Order.

8 On January 22, 2018, Respondent filed a Response to Request for Domestic Violence  
9 Restraining Order (hereinafter "Respondent's Response").

10 On March 28, 2018, Respondent filed a Declaration of Witness Stephanie Marraccini in  
11 Support of Respondent (hereinafter "Stephanie Marraccini's Declaration") and a Declaration of  
12 Witness Colin Scanlon in Support of Respondent (hereinafter "Colin Scanlon's Declaration").

13 On March 29, 2018, Petitioner filed a Supplemental Declaration, a Declaration of  
14 Elizabeth "Jan" Owens in Support of Laura Owen's Request for Restraining Order, a Declaration  
15 of Karen Ilmberger in Support of Laura Owen's Request for Restraining Order, and a  
16 Declaration of Joan O'Neill in Support of Laura Owen's Request for Restraining Order.

17  
18 **OBJECTIONS TO RESPONDENT'S RESPONSE TO REQUEST FOR DOMESTIC**  
19 **VIOLENCE RESTRAINING ORDER**

20 Petitioner hereby objects to those portions of Respondent's Response set forth below.  
21 Based on any or all of said objections, Petitioner respectfully requests that the Court exclude  
22 from evidence the inadmissible portions of Respondent's Declaration, including any and all  
23 Attachments thereto.

24 1. Page 5, Item 25, paragraph 1: "The allegations she has made are total fabrication  
25 from a young woman who has threatened suicide multiple times, been hospitalized for  
26 depression and been on anxiety/depression medications."

27 ***Objection: Evidence Code § 350- lacks relevance.***

1           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
2 **the likelihood that admission will create a substantial danger of undue prejudice.**

3           **Objection: Evidence Code § 403- lacks foundation as to Respondent's qualifications**  
4 **to render the opinion that Petitioner was hospitalized for depression and has been on**  
5 **medication for anxiety/depression.**

6           **Objection: Evidence Code §§ 702 and 800- this testimony is speculative and lacks**  
7 **personal knowledge.**

8           **Objection: Evidence Code §1101- inadmissible character evidence.**

9           2.     Page 5, Item 25, paragraph 1: "As shows in Attachment 1, text messages between  
10 Jan Black, petitioner's mother and myself, Petitioner has suffered from emotional issues that  
11 necessitated her placement in an inpatient facility followed by outpatient treatment and multiple  
12 medications. Attachment 2, text [sic.] messages between Ronn Owens, petitioner's father, and  
13 myself, he also acknowledges Petitioner's mental and emotional instability. Mr. Owens, in a text  
14 message dated December 2016, told me, 'Please call Laura and promise her anything. She wants  
15 to keep her alive and I promise to help you get out of it as soon as she's safe. Please NOW.' "

16           **Objection: Evidence Code § 350- lacks relevance.**

17           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
18 **the likelihood that admission will create a substantial danger of undue prejudice.**

19           **Objection: Evidence Code § 403- lacks foundation as to Respondent's qualifications**  
20 **to render the opinion that Petitioner suffered emotional issues that necessitated her**  
21 **placement in an inpatient facility, outpatient treatment, and multiple medications.**

22           **Objection: Evidence Code §§ 702 and 800- this testimony is speculative and lacks**  
23 **personal knowledge.**

24           **Objection: Evidence Code § 1200- hearsay.**

25           3.     Page 5, Item 25, paragraph 1: "Additionally, the texts from Petitioner to my sister  
26 (Attachment 3), in December 2016 show Petitioner as a person consumed with her love for me  
27 and her desire to make our relationship work."

28           **Objection: Evidence Code § 350- lacks relevance.**

1           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
2 **the likelihood that admission will create a substantial danger of undue prejudice.**

3           **Objection: Evidence Code § 1200- hearsay.**

4           **Objection: Evidence Code §1101- inadmissible character evidence.**

5           4.     Page 5, Item 25, paragraph 3: “Since before we dated, Petitioner has taken  
6 multiple medications to help with depression and anxiety. The texts in all of the attachments  
7 confirm this. Towards the end of our relationship, Petitioner told me she would take horse  
8 tranquilizers to calm her down.”

9           **Objection: Evidence Code § 350- lacks relevance.**

10           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
11 **the likelihood that admission will create a substantial danger of undue prejudice.**

12           **Objection: Evidence Code § 403- lacks foundation as to Respondent’s qualifications**  
13 **to render the opinion that Petitioner has taken multiple medications for treatment of**  
14 **depression and anxiety.**

15           **Objection: Evidence Code §§ 702 and 800- this testimony is speculative and lacks**  
16 **personal knowledge.**

17           **Objection: Evidence Code §1101- inadmissible character evidence.**

18           5.     Attachment 1: Texts between Petitioner’s Mother and Respondent. The entirety of  
19 Respondent’s Attachment 1 is inadmissible and should be stricken based on the following  
20 objections:

21           **Objection: Evidence Code § 350- lacks relevance.**

22           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
23 **the likelihood that admission will create a substantial danger of undue prejudice.**

24           **Objection: Evidence Code § 1200- hearsay.**

25           **Objection: Evidence Code § 1400- lacks proper authentication.**

26           6.     Attachment 2: Texts between Petitioner’s Father and Respondent. The entirety of  
27 Respondent’s Attachment 2 is inadmissible and should be stricken based on the following  
28 objections:

1           **Objection: Evidence Code § 350- lacks relevance.**

2           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
3 **the likelihood that admission will create a substantial danger of undue prejudice.**

4           **Objection: Evidence Code § 1200- hearsay.**

5           **Objection: Evidence Code § 1400- lacks proper authentication.**

6           7.     Attachment 3: Texts between Petitioner and Respondent's Sister. The entirety of  
7 Respondent's Attachment 3 is inadmissible and should be stricken based on the following  
8 objections:

9           **Objection: Evidence Code § 350- lacks relevance.**

10           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
11 **the likelihood that admission will create a substantial danger of undue prejudice.**

12           **Objection: Evidence Code § 1200- hearsay.**

13           **Objection: Evidence Code § 1400- lacks proper authentication.**

14  
15           **OBJECTIONS TO THE DECLARATION OF WITNESS STEPHANIE MARRACCINI**

16           Petitioner hereby objects to those portions of Stephanie Marraccini's Declaration set forth  
17 below. Based on any or all of said objections, Petitioner respectfully requests that the Court  
18 exclude from evidence the inadmissible portions of Stephanie Marraccini's Declaration.

19           8.     Page 2, lines 3-4: "I advised Ms. Owens in my text messages that she should not  
20 push my brother and instead should back off and enjoy the relationship."

21           **Objection: Evidence Code § 350- lacks relevance.**

22           **Objection: Evidence Code § 1200- hearsay.**

23           9.     Page 2, lines 9-10: "I witnessed her manic behavior over dinner once when she  
24 yelled at him and then took an Ambien pill to calm down."

25           **Objection: Evidence Code § 350- lacks relevance.**

26           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
27 **the likelihood that admission will create a substantial danger of undue prejudice.**

1           **Objection: Evidence Code § 403- lacks foundation as to Stephanie Marraccini’s**  
2 **qualifications to render the opinion that Petitioner exhibited “manic” behavior.**

3           **Objection: Evidence Code §§ 702 and 800- this testimony is speculative and lacks**  
4 **personal knowledge.**

5           10.    Page 2, lines 21-22: “Laura was very upset about Michael dating another girl.”

6           **Objection: Evidence Code § 702- this testimony is speculative.**

7           11.    Page 2, lines 23-24: “Instead we told her we wanted her to leave us alone and that  
8 she needed help.”

9           **Objection: Evidence Code § 350- lacks relevance.**

10          **Objection: Evidence Code § 1200- hearsay.**

11          12.    Page 2, line 24: “After that encounter, my brother filed a police report with the  
12 San Francisco Police Department.”

13          **Objection: Evidence Code § 702- this testimony is speculative and lacks personal**  
14 **knowledge.**

15          13.    Page 2, lines 25-28 – page 3, lines 1-3: “In November 2016, Michael called me  
16 distraught at how Laura lied to him about getting an abortion and that he needed someone to  
17 come over to Laura’s as he needed a witness. I asked my boyfriend, Colin Scanlon to walk over  
18 to listen as Laura had called her father to come to her apartment. Colin heard Laura admit to  
19 lying about the abortion. She justified her behavior by saying she didn’t want to lose Michael.  
20 Laura’s father, Ron Owens told Michael that he needed to end the relationship. Mr. Owens told  
21 Michael that Laura makes up stories in her head and then believes them. Colin witnessed this  
22 meeting and heard this conversation.”

23          **Objection: Evidence Code § 350- lacks relevance.**

24          **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
25 **the likelihood that admission will create a substantial danger of undue prejudice.**

26          **Objection: Evidence Code § 702- this testimony is speculative and lacks personal**  
27 **knowledge.**

28          **Objection: Evidence Code §1101- inadmissible character evidence.**

1           **Objection: Evidence Code § 1200- hearsay.**

2  
3           **OBJECTIONS TO THE DECLARATION OF WITNESS COLIN SCANLON**

4           14.    Page 1, lines 24-27: “I specifically remember being called by Michael to come to  
5 Laura’s apartment in December 2016 for a meeting with Laura and her father to discuss Laura’s  
6 desire to continue the relationship with Michael. Laura had been claiming that she was pregnant  
7 and had been threatening Mike with not having an abortion if he ceased dating her. Additionally,  
8 Laura had been indicating to Mike that she was contemplating suicide at the thought of their  
9 relationship ending.”

10           **Objection: Evidence Code § 350- lacks relevance.**

11           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
12 **the likelihood that admission will create a substantial danger of undue prejudice.**

13           **Objection: Evidence Code § 702- this testimony is speculative and lacks personal**  
14 **knowledge.**

15           **Objection: Evidence Code § 1200- hearsay.**

16           15.    Page 2, lines 3-6: “During the meeting, which her father Ron Owens steered, Mr.  
17 Owens told Michael that his daughter had a tendency to exaggerate or even flat out make things  
18 up. Laura was complaining of depression and suicidal thoughts at the fear of her relationship  
19 with Michael ending and was very distraught.”

20           **Objection: Evidence Code § 1200- hearsay.**

21           16.    Page 2, lines 12-15: “Mr. Owens was very thankful as he, Michael and myself left  
22 the apartment. Mr. Owens advised Michael in the elevator on the way out of the building that he  
23 appreciated Michael agreeing to not end the relationship outright and see how it goes, and then  
24 advised him to get out in a few weeks when his daughter had a chance to calm down and get a  
25 handle on her depression.”

26           **Objection: Evidence Code § 350- lacks relevance.**

27           **Objection: Evidence Code § 352- any probative value is substantially outweighed by**  
28 **the likelihood that admission will create a substantial danger of undue prejudice.**

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**Objection: Evidence Code § 1200- hearsay.**

Based on the foregoing, Petitioner respectfully requests that the Court exclude from evidence those portions of Respondent's Response to Request for Domestic Violence Restraining Order, the Declaration of Witness Stephanie Marraccini in Support of Respondent, and the Declaration of Witness Colin Scanlon in Support of Respondent, to which Petitioner has interposed objections.

DATED: April 5, 2018



ELISHA JUSSEN-COOKE  
Attorney for Petitioner Laura Owens





**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Apr-09-2018 9:23 am

Case Number: FDV-18-813693

Filing Date: Apr-09-2018 9:23

Filed by: BRIE REDDICK

Image: 06286896

**RESPONSIVE DECLARATION TO REQUEST FOR ORDER**

**LAURA OWENS VS. MICHAEL MARRACCINI**

001F06286896

**Instructions:**

Please place this sheet on top of the document to be scanned.

PARTY WITHOUT ATTORNEY OR ATTORNEY: _____ STATE BAR NO.: _____ NAME: Tara Berta SBN 177541, Elisha Jussen-Cooke SBN 283446 FIRM NAME: Cooperative Restraining Order Clinic STREET ADDRESS: 3543 18th Street, Box #5 CITY: San Francisco STATE: CA ZIP CODE: 94110 TELEPHONE NO.: 415-864-1790 FAX NO.: 415-241-9491 E-MAIL ADDRESS: elisha@roclinic.org ATTORNEY FOR (name): PETITIONER, LAURA OWENS	FOR COURT USE ONLY  <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> Superior Court of California County of San Francisco  APR 09 2018  CLERK OF THE COURT BY: <u>P. C. [Signature]</u> Deputy Clerk						
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:							
PETITIONER: Laura Owens RESPONDENT: Michael Marraccine OTHER PARENT/PARTY:							
<b>RESPONSIVE DECLARATION TO REQUEST FOR ORDER</b>	CASE NUMBER:  FDV-18-813693						
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; border-bottom: 1px solid black;">HEARING DATE:</td> <td style="width:33%; border-bottom: 1px solid black;">TIME:</td> <td style="width:33%; border-bottom: 1px solid black;">DEPARTMENT OR ROOM:</td> </tr> <tr> <td>April 12<sup>9</sup>, 2018</td> <td>1:30 p.m.</td> <td>403</td> </tr> </table>	HEARING DATE:	TIME:	DEPARTMENT OR ROOM:	April 12 <sup>9</sup> , 2018	1:30 p.m.	403	
HEARING DATE:	TIME:	DEPARTMENT OR ROOM:					
April 12 <sup>9</sup> , 2018	1:30 p.m.	403					

Read Information Sheet: *Responsive Declaration to Request for Order* (form FL-320-INFO) for more information about this form.

1.  RESTRAINING ORDER INFORMATION
  - a.  No domestic violence restraining/protective orders are now in effect between the parties in this case.
  - b.  I agree that one or more domestic violence restraining/ protective orders are now in effect between the parties in this case.
  
2.  CHILD CUSTODY  
 VISITATION (PARENTING TIME)
  - a.  I consent to the order requested for child custody (legal and physical custody).
  - b.  I consent to the order requested for visitation (parenting time).
  - c.  I do not consent to the order requested for  child custody  visitation (parenting time)  
 but I consent to the following order:
  
3.  CHILD SUPPORT
  - a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) to support my responsive declaration.
  - b.  I consent to the order requested.
  - c.  I consent to guideline support.
  - d.  I do not consent to the order requested  but I consent to the following order:
  
4.  SPOUSAL OR DOMESTIC PARTNER SUPPORT
  - a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
  - b.  I consent to the order requested.
  - c.  I do not consent to the order requested  but I consent to the following order:

PETITIONER: Laura Owens RESPONDENT: Michael Marraccine OTHER PARENT/PARTY:	CASE NUMBER:  FDV-18-813693
--	-----------------------------------

5.  PROPERTY CONTROL

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

6.  ATTORNEY'S FEES AND COSTS

- a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
- b. I have completed and filed with this form a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.
- c.  I consent to the order requested.
- d.  I do not consent to the order requested  but I consent to the following order:

7.  DOMESTIC VIOLENCE ORDER

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

8.  OTHER ORDERS REQUESTED

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

9.  TIME FOR SERVICE / TIME UNTIL HEARING

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

10.  FACTS TO SUPPORT my responsive declaration are listed below. The facts that I write and attach to this form cannot be longer than 10 pages, unless the court gives me permission.  Attachment 10.

Please see attached Declaration.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: 4-8-18

Tara Berta  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: Laura Owens RESPONDENT/DEFENDANT: Michael Marraccini	CASE NUMBER: FDV-18-813693
---	-------------------------------

**Declaration of counsel in objection to request to set new hearing date**


I, Tara M. Berta, declare:

1. I am an attorney licensed to practice law in the State of California.
2. I am employed by the Cooperative Restraining Order Clinic ("CROC"), which agency is representing Ms. Laura Owens with her request for a restraining order against Mr. Michael Marraccini. The lead attorney representing Ms. Owens from CROC is Elisha Jussen-Cooke.
3. On January 26, 2018, this court set a hearing date for Ms. Owens's request for a restraining order. On that day, the court ordered witness declarations to be filed and served by March 29, 2018. On March 29, 2018, on behalf of Petitioner, CROC filed and served a Supplemental Declaration of Laura Owens and declarations of Joan O'Neill, Karen Ilmberger, and Jan Owens, all of whom are to be called as witnesses for Ms. Laura Owens.
4. The witnesses for Petitioner are prepared to appear in person or by phone on April 13, 2018.
5. Ms. Laura Owens does not want to continue the hearing. She is anxious to have this matter resolved as soon as possible, and she and her witnesses have planned their schedules in anticipation of the hearing proceeding on April 13.
6. If the court does grant a continuance of the hearing set for April 13, 2018, Petitioner requests that the Court order
  - (a) The matter be set on as early a date as possible;
  - (b) The new hearing date accommodate the parties' and witnesses' schedules;
  - (c) If any of Petitioner's witnesses are not able to appear in person on that date, they be allowed to appear by phone; and
  - (d) Discovery be re-opened.

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

4-8-18

Dated:

  
\_\_\_\_\_  
Tara M. Berta  
Attorney for Petitioner



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Apr-10-2018 10:36 am

Case Number: FDV-18-813693

Filing Date: Apr-09-2018 10:08

Filed by: THERESA SANTOS

Image: 06289096

REQUEST FOR ORDER (EX PARTE)

LAURA OWENS VS. MICHAEL MARRACCINI

001F06289096

**Instructions:**

Please place this sheet on top of the document to be scanned.

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: RANDY SUE POLLOCK FIRM NAME: LAW OFFICES OF RANDY SUE POLLOCK STREET ADDRESS: 286 SANTA CLARA AVENUE CITY: OAKLAND TELEPHONE NO.: 510-763-9967 E-MAIL ADDRESS: rsp@rspollocklaw.com ATTORNEY FOR (name): MICHAEL MARRACCINI STATE BAR NUMBER: 64493 STATE: CA ZIP CODE: 94610 FAX NO.: 510-380-6551	RECEIVED FOR COURT USE ONLY <b>FILED</b> San Francisco County Superior Court APR - 9 2018 CLERK OF THE COURT BY: <u>Jadu P.</u> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME:	
PETITIONER: LAURA OWENS RESPONDENT: MICHAEL MARRACCINI OTHER PARENT/PARTY:	
REQUEST FOR ORDER <input checked="" type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input checked="" type="checkbox"/> Other (specify):	CASE NUMBER: FDV-18-813693

**NOTICE OF HEARING**

1. TO (name(s)): LAURA OWENS  
 Petitioner  Respondent  Other Parent/Party  Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: <u>7/10/18 &amp; 7/17/18</u> Time: <u>1:45</u>	<input checked="" type="checkbox"/> Dept.:	<u>403</u>	<input type="checkbox"/> Room.:
b. Address of court <input checked="" type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)  
 (Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)

**COURT ORDER**  
 (FOR COURT USE ONLY)

It is ordered that:

4.  Time  for service  until the hearing is shortened. Service must be on or before (date):
5.  A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
6.  The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
7.  The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8.  Other (specify):

THE COURT FINDS GOOD CAUSE TO GRANT RESPONDENT'S REQUEST FOR A CONTINUANCE. WITNESSES MAY NOT APPEAR BY PHONE UNLESS THERE IS A STIPULATION OF THE PARTIES. TWO REISSUES.

Date: 4/9/18

  
 JUDGE ROGER C. CHAN  
JUDICIAL OFFICER  
 Page 1 of 4

PETITIONER: <b>OWENS</b>	CASE NUMBER: <b>FDV 16-813693</b>
RESPONDENT: <b>MARRACCINI</b>	
OTHER PARENT/PARTY:	

REQUEST FOR ORDER

**Note:** Place a mark  in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration* (form MC-031) for this purpose.)

1.  **RESTRAINING ORDER INFORMATION**

One or more domestic violence restraining/protective orders are now in effect between (specify):

Petitioner  Respondent  Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- a.  Criminal: County/state (specify): Case No. (if known):
- b.  Family: County/state (specify): Case No. (if known):
- c.  Juvenile: County/state (specify): Case No. (if known):
- d.  Other: County/state (specify): Case No. (if known):

2.  **CHILD CUSTODY**

**VISITATION (PARENTING TIME)**

I request temporary emergency orders

a. I request that the court make orders about the following children (specify):

<u>Child's Name</u>	<u>Date of Birth</u>	<input type="checkbox"/> Legal Custody to (person who decides: health, education, etc):	<input type="checkbox"/> Physical Custody to (person with whom child lives):
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b.  The orders I request for  child custody  visitation (parenting time) are:

Attachment 2a.

(1)  Specified in the attached forms:

- Form FL-305  Form FL-311  Form FL-312  Form FL-341(C)
- Form FL-341(D)  Form FL-341(E)  Other (specify):

(2)  As follows (specify):

Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):

Attachment 2c.

d.  This is a change from the current order for  child custody  visitation (parenting time).

(1)  The order for legal or physical custody was filed on (date):

. The court ordered (specify):

(2)  The visitation (parenting time) order was filed on (date):

. The court ordered (specify):

Attachment 2d.

PETITIONER: <u>OWENS</u> RESPONDENT: <u>MARRACCIO</u> OTHER PARENT/PARTY:	CASE NUMBER: <u>FDV 16-813693</u>
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3.  CHILD SUPPORT

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age

I request support for each child Monthly amount (\$) requested based on the child support guideline. (If not by guideline)

b.  I want to change a current court order for child support filed on (date):

Attachment 3a.

The court ordered child support as follows (specify):

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

Attachment 3d.

4.  SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)

a.  Amount requested (monthly): \$

b.  I want the court to  change  end the current support order filed on (date):

The court ordered \$ \_\_\_\_\_ per month for support.

c.  This request is to modify (change) spousal or partner support after entry of a judgment.

I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.

d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify):

Attachment 4e.

5.  PROPERTY CONTROL

I request temporary emergency orders

a. The  petitioner  respondent  other parent/party be given exclusive temporary use, possession, and control of the following property that we  own or are buying  lease or rent (specify):

b. The  petitioner  respondent  other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

c.  This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.



PETITIONER: <u>OWENS</u> RESPONDENT: <u>MARRACCINI</u> OTHER PARENT/PARTY:	CASE NUMBER: <u>FDV 18-813693</u>
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6.  ATTORNEY'S FEES AND COSTS  
I request attorney's fees and costs, which total (specify amount): \$ \_\_\_\_\_ . I filed the following to support my request:
- a. A current *Income and Expense Declaration* (form FL-150).
  - b. A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
  - c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7.  DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- a. The *Restraining Order After Hearing* (form DV-130) was filed on (date): \_\_\_\_\_
- b. I request that the court  change  end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- c.  I request that the court make the following changes to the restraining orders (specify):  Attachment 7c.
- d. I want the court to change or end the orders because (specify):  Attachment 7d.

8.  OTHER ORDERS REQUESTED (specify):  Attachment 8.  
TO CONTINUE TRIAL DATE

9.  TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:
- a.  To serve the *Request for Order* no less than (number): \_\_\_\_\_ court days before the hearing.
  - b.  The hearing date and service of the the *Request for Order* to be sooner.
  - c. I need the order because (specify):  Attachment 9c.

10.  FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.  Attachment 10.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: 4/15/2018  
Randy Sue Pollock  
(TYPE OR PRINT NAME)

Randy Sue Pollock  
(SIGNATURE OF APPLICANT)



**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

PLAINTIFF/PETITIONER: LAURA OWENS DEFENDANT/RESPONDENT: MICHAEL MARRACCINI	CASE NUMBER: FDV-18-813693
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## DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

## Declaration of Counsel

I, Randy Sue Pollock, declare and state as follows:

1. I am an attorney licensed to practice in the all courts in this state.
2. I am counsel for Respondent Michael Marraccini in this matter.
3. Respondent was originally timely served Petitioner's DV-109, DV 110, DV 100, DV 101, and attachments.
4. A court order granting a temporary restraining order was granted in part on January 10, 2018. A hearing was set for January 26, 2018.
5. Both parties and witnesses for Respondent appeared on that date, but the Court did not have time to hear the matter.
6. Because of conflicts with declarant's schedule on Fridays and the schedules of witnesses, the trial was set for April 13th at 1:30.
7. The Court specifically ordered that declarations of the witnesses [Joan O'Neill and Karen Ilmberger for Petitioner] and Colin Scanlon and Stephanie Marraccini] would be filed on March 29, 2018. These declarations would constitute the witnesses declarations.
8. On March 29, 2018, declarant received a 33page declaration signed by Petitioner which consisted of a 16 page declaration and the submission of six exhibits of text messages and photos. In addition to the anticipated declarations of witnesses O'Neill and Ilmberger there was an additional declaration by Petitioner's mother, Jan Owens.
9. The new declaration submitted by Petitioner alleges new allegations of abuse that had not been in her original Petition.
10. Declarant called counsel for Petitioner and stated that she would need additional time to respond to this new petition. While counsel for Petitioner was willing to extend the date for Respondent to file a supplemental declaration until the week of April 2nd, declarant advised her that she needed to continue the trial date.
11. Declarant was prepared to defend the original allegations with the original two named witnesses but at this time, declarant is unable to prepare to defend this new petition and the lengthy declarations by Petitioner's newest witness as well as the other two witnesses.
12. Declarant has advised counsel for Petitioner that she begins a four week federal criminal tax evasion trial

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

Date: 4/5/2018

Randy Sue Pollock  
(TYPE OR PRINT NAME)

Randy Sue Pollock  
(SIGNATURE OF DECLARANT)

- Attorney for  Plaintiff  Petitioner  Defendant  
 Respondent  Other (Specify):

## CONTINUED DECLARATION BY COUNSEL FOR RESPONDENT

on May 4, 2018. The trial is proceeding four days a week from 9am to 5pm. Declarant must spend all of her time preparing to cross-examination of government witnesses and direct examination of defense witnesses. Next week, declarant's client's brother, a key witness, is flying in from China and declarant must prepare questions for her client and the brother. The discovery in this case is tens of thousands of documents.

13. Declarant has filing deadlines for next week that take priority over her other cases.
14. Counsel for Petitioner attempted to find a date that this matter could be continued to, however the parties could not agree on a date. Declarant is available in June, July and August.
15. Under California Family Code Section 245, either party may request a continuance of the hearing, which the court shall grant on a showing of good cause.
16. Declarant needs additional time to respond to Petitioner's new petition. It is impossible for her to do so with her pending federal trial in which her client is facing over five (5) years in federal prison.
17. Declarant owes Mr. Marraccini effective assistance of counsel. To force declarant to defend these new allegations without sufficient time to prepare will result in ineffective assistance of counsel.
18. Respondent is prepared to agree to the temporary restraining order to remain in effect.
19. If this Court is not inclined to grant this continuance, then declarant will move to withdraw and refer Respondent to another counsel which will also presumably need a continuance.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.  
Executed on April 5, 2018 in Oakland, CA.

Randy Sue Bellorick

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 64493 NAME: RANDY SUE POLLOCK FIRM NAME: LAW OFFICES OF RANDY SUE POLLOCK STREET ADDRESS: 286 SANTA CLARA AVENUE CITY: OAKLAND STATE: CA ZIP CODE: 94610 TELEPHONE NO.: 510-763-9967 FAX NO.: 510-380-6551 E-MAIL ADDRESS: rsp@rspollocklaw.com ATTORNEY FOR (name): MICHAEL MARRACCINI	<b>FOR COURT USE ONLY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McALLISTER STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO, 946102 BRANCH NAME:	CASE NUMBER: FDV-18-813693
Plaintiff/Petitioner: LAURA OWENS Defendant/Respondent: MICHAEL MARRACCINI	JUDICIAL OFFICER: JUDGE CHAN
<p style="text-align: center;"><b>PROOF OF SERVICE—CIVIL</b></p> Check method of service (only one): <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	DEPARTMENT: 403

**Do not use this form to show service of a summons and complaint or for electronic service.  
See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:  
286 SANTA CLARA AVENUE
3.  The fax number from which I served the documents is (complete if service was by fax):
4. On (date): April 5, 2018 I served the following documents (specify):  
NOTICE OF HEARING  
  
 The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
5. I served the documents on the person or persons below, as follows:
  - a. Name of person served: ELISHA JUSSEN-COOKE
  - b.  (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
Business or residential address where person was served:
  - c.  (Complete if service was by fax.)  
Fax number where person was served:  
415-241-9491  
  
 The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).
6. The documents were served by the following means (specify):
  - a.  By personal service. I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

CASE NAME: OWENS VS: MARRACCINI	CASE NUMBER:
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6. b.  By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):
- (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state):
- c.  By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d.  By messenger service. I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e.  By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

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

Date: APRIL 5, 2018

RANDY SUE POLLOCK  
 (TYPE OR PRINT NAME OF DECLARANT)

  
 (SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

**DECLARATION OF MESSENGER**

- By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.


At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date):

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

Date:

\_\_\_\_\_  
 (NAME OF DECLARANT)

  
 (SIGNATURE OF DECLARANT)

# DV-700 Request to Renew Restraining Order

Clerk stamps below when form is filed.

**F I L E D**  
 Superior Court of California  
 County of San Francisco

JUL 10 2020

CLERK OF THE COURT  
 BY: Lupina Javal  
 Deputy Clerk

① **Name of Protected Person:**  
Laura Owens

Your lawyer in this case (if you have one):  
 Name: IN PRO PER State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):  
 Address: 3330 Pierce Street, #305  
 City: San Francisco State: CA Zip: 94123  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:  
 Superior Court of California, County of  
 SAN FRANCISCO  
 SAN FRANCISCO SUPERIOR  
 400 McAllister Street  
 San Francisco CA 94102

② **Name of Restrained Person:**  
Michael Marraccini

Describe that person: Sex:  M  F Ht.: 6'4 Wt.: 220  
 Race: White Hair Color: brown  
 Eye Color: green Age: 33 Date of Birth: 6/2/87

Fill in case number:  
 Case Number:  
 FDV-18-813693

③ I ask the court to renew the Restraining Order After Hearing (Form DV-130). A copy of the order is attached.  
 a. The order ends on (date): July 10, 2020  
 b. The order has been renewed 0 times.  
 c. I want the order to be renewed for (check one):  
 5 years  permanently

④ I ask the court to renew the order because: (Check all that apply. Explain why you are afraid of abuse in the future):  
 a.  The person in ② has violated the order (explain what happened and when): Please see attached Declaration.  
 b.  I am afraid that the person in ② will abuse me in the future because: Please see attached Declaration.  
 c.  Other (explain): \_\_\_\_\_  
 Check here if you need more space. Attach a sheet of paper and write "Form DV-700, Other" for a title.

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

Date: 7/9/20

Laura Owens  
 Type or print your name

Laura Owens  
 Sign your name

**This is not a Court Order.**

FAX VIA

1 Declaration of Laura Owens for Renewal of Restraining Order

2 I, Laura Owens, declare as follows:

3 1. I make all of the statements herein of my own personal knowledge, except as to those  
4 matters stated on information and belief, and as to those matters, I believe them to be true, and if called  
5 as a witness, could and would testify competently thereto.

6 **REQUEST TO PERMANENTLY RENEW 2018 RESTRAINING ORDER AFTER HEARING**

7 2. In 2018, Mr. Marraccini and I stipulated to the court's issuance of a 2-year CLETS  
8 Restraining Order After Hearing, which expires at noon on July 10, 2020. Based on Mr. Marraccini's  
9 violations of that order and my ongoing fear (due both to his violations and to the severe violence that  
10 led to the restraining order), I am requesting a permanent renewal of that order.

11 **BRIEF SUMMARY OF INCIDENTS LEADING TO 2018 RESTRAINING ORDER AFTER HEARING**

12 3. As I detailed for the court in my March 29, 2018 supplemental declaration in support of  
13 my restraining order request, Mr. Marraccini was brutally violent to me during our relationship. In  
14 addition to his frequent verbal berating of me (so severe that a complete stranger slipped me a note when  
15 Mr. Marraccini went to the bathroom during our December 30, 2016 international flight to Iceland,  
16 telling me to run from Mr. Marraccini and get help and protection; she later submitted a declaration and  
17 agreed to testify at the hearing in support of my restraining order request), he slapped me and strangled  
18 me during sex on multiple occasions (despite my telling him not to do so and him promising never to  
19 do it again) and smothered me into unconsciousness.

20 4. As detailed in my March 29, 2018 declaration, on one occasion in mid-February 2017,  
21 Mr. Marraccini held me down so hard while he had sex with me that I was bruised for several days, and  
22 then strangled me; when I gasped for air, he shoved two of his fingers down my throat and called me a  
23 "good girl" when I gagged. I attached photographs to my March 29, 2018 declaration showing the court  
24 the petechial hemorrhaging around my bloodshot eyes which became common due to him strangling me.  
25 When he smothered me with a pillow while having sex with me around late March 2017, I thought I was  
26 going to die, and he told me it was the best sex he had ever had and that he liked controlling my access  
27 to air. Several times during our relationship, he demanded oral sex and held the back of my head so that  
28 I couldn't move it, while thrusting his penis so far down my throat that I threw up. Around June 2017,

1 Declaration of Laura Owens for Renewal of Restraining Order

2 I lost consciousness when he smothered me with a pillow while having sex with me; when I came to,  
3 he flipped me onto my stomach and then demanded that I get on my knees, and he ejaculated into my  
4 mouth. He later told me that what he had done was my fault because I "brought that out" in him. I felt  
5 completely broken as a human being and hated myself for being with someone who did this to me.

6 5. After that June 2017 incident, I started avoiding Mr. Marraccini and spending less time  
7 with him, hoping that would lead to a natural end to our relationship. Instead, he began stalking me.  
8 He began showing up at places he knew I frequented. He started coming to my house unannounced,  
9 even when I specifically told him not to, or when I ignored his calls or texts. I detailed these incidents  
10 in my March 29, 2018 declaration as well, including the night in November 2017 when he asked if he  
11 could come over and showed up anyway after I told him no. He banged on my door and yelled my name  
12 until I let him in, because I was worried he would upset my neighbors. He then began having sex with  
13 me, and I was too afraid of him to stop him. While having sex with me, he told me about another  
14 woman he was sleeping with. When I told him I didn't care, he told me it would be a turn-on for him  
15 to make me jealous, and he then held me down with his left hand and strangled me with his right hand.  
16 This was the last time he had sex with me. He continued to stalk me. On or around November 28, 2017,  
17 he texted me that he had been at a bar in the corner of a restaurant watching me and my family have  
18 dinner there. Even though he did not live in my neighborhood and told me he was moving to  
19 Sacramento, I saw him at least 10 times within a 2-block radius of my apartment between December  
20 2017 and the end of January 2018, which I detailed in my March 29, 2018 declaration.

21 6. I had been going to Barry's Bootcamp gym around the corner of my house daily since  
22 before I started dating Mr. Marraccini. Throughout our relationship, he made fun of me for going. In  
23 December 2017, Mr. Marraccini joined that gym, even though he did not live in my neighborhood.

24 7. I finally filed a request for a restraining order after an incident on January 8, 2018, while  
25 I was walking home from having dinner and encountered Mr. Marraccini and his sister less than 1½  
26 blocks from my home. They stood in front of me (which prevented me from walking past them) and  
27 screamed at me; when I pulled out my phone to call my parents, his sister yelled at me, "Don't you  
28 DARE get your phone!"



1 Declaration of Laura Owens for Renewal of Restraining Order

2 8. Mr. Marraccini violated the Temporary Restraining Order, which I detailed in my  
3 March 29, 2018 declaration. For example, on January 28, he posted on Instagram that he was at  
4 Delarosa, across the street from my house. He also went to Barry's Bootcamp around the corner from  
5 my house on at least two separate occasions while the TRO was in effect.

6 9. In July 2018, Mr. Marraccini and I stipulated to the court's issuance of a 2-year CLETS  
7 Restraining Order After Hearing.

8 INCIDENTS SINCE 2018 RESTRAINING ORDER AFTER HEARING

9 10. One of the restraining order terms to which Mr. Marraccini agreed was the standard 100-  
10 yard stay away order, prohibiting him from coming within 100 yards of me, my home, my workplace,  
11 and my vehicle. I understood that part of the reason he was willing to agree to this restraint was because  
12 he was moving to San Carlos in San Mateo County on August 1, 2018. It gave me more peace of mind  
13 to know that he would be living more than 25 miles away from me. I was reassured by his move and  
14 by the restraining order that he would not be in my neighborhood and would not be anywhere near my  
15 home.

16 11. On July 16, 2018, less than one week after issuance of the Restraining Order After  
17 Hearing, my parents told me that they had seen Mr. Marraccini in my neighborhood. Through my  
18 lawyer, I communicated with Mr. Marraccini's lawyer that Mr. Marraccini was violating our agreement  
19 and the Order. On information and belief, his attorney said that Mr. Marraccini had been buying a bed  
20 nearby.

21 12. On three different occasions in 2018, after the Restraining Order was in place, our mutual  
22 friend Joan told me that she saw Mr. Marraccini around my neighborhood.

23 13. Two of my friends from the Barry's Bootcamp gym, who knew about Mr. Marraccini and  
24 knew I had a restraining order in place, told me that on two separate occasions in late summer or early  
25 fall of 2018, Mr. Marraccini had come to the Barry's Bootcamp gym (the same one Mr. Marraccini knew  
26 I went to daily before and during our relationship). They expressed concern for me and surprise at  
27 having seen him there.

28 14. One day around the beginning of April 2019, some friends from the same Barry's

1 Declaration of Laura Owens for Renewal of Restraining Order

2 Bootcamp gym (where I have taken over 980 classes) told me that Mr. Marraccini had again come into  
3 the gym. They said he didn't work out, but just came and got a shake at the "fuel bar" (refreshment  
4 counter). Someone sent me a screenshot of Mr. Marraccini's instagram post from April 5, 2019,  
5 showing he was outside my gym, a copy of which I am attaching to this declaration. The gym is  
6 approximately 300 yards from my home, around the corner from me. While I realize this is farther than  
7 100 yards away from my home, I can think of no reason for Mr. Marraccini to be at the particular gym  
8 around the corner from my house – that he knows I go to so regularly – other than to be near me and my  
9 home. He represented that he was moving more than 25 miles from my home, he made fun of me  
10 throughout our relationship for going to that gym, and he did not even work out when he went into the  
11 gym on that day in April 2019.

12 15. One day during the summer of 2019, my mom told me that she saw Mr. Marraccini at a  
13 restaurant about one block from my house.

14 16. Another time in late 2019, my mom told me that she saw him getting into his car a couple  
15 blocks from my house while she was driving to pick me up.

16 17. In mid-January 2020, I saw Mr. Marraccini at the restaurant Delarosa, which is across  
17 the street from my home, well within 100 yards from my home. When I saw him near my home, I  
18 panicked. I felt paralyzed and I didn't know where to run or what to do. I was afraid of whether he  
19 would approach me, harm me, or make a scene. I was flooded with horrible memories, and I felt back  
20 to square one, fearing for my life.

21 18. One day in early May 2020 (while both San Mateo and San Francisco Counties were  
22 under strict Shelter in Place orders due to Covid 19), I was walking to the pharmacy on Chestnut Street  
23 near my home when I saw Mr. Marraccini right across the street from my house, standing in line for take  
24 out at Delarosa. He was wearing the green Patagonia jacket I gave him, and he is very tall and has a  
25 distinctive look, so I was certain it was him. I was with my mom (whom he knows), and I saw him turn  
26 towards us and I believe he saw us. When I saw him, I was very scared. I began to have a panic attack.  
27 I said to my mom, "That is Mike, he is not supposed to be here." I understood that Mr. Marraccini lives  
28 in another county, so I was shocked to see him right outside my house for any reason, but especially

1 Declaration of Laura Owens for Renewal of Restraining Order

2 when shelter in place orders were in effect. When I came out of the pharmacy, I saw that he had walked  
3 across my street and was walking with another man directly in front of my apartment. I yelled out his  
4 name, to let him know that I knew he was violating the order. He did not turn around, and he kept  
5 walking. I was terrified that he was not taking the order seriously. I felt threatened and unsafe.

6 19. Mr. Marraccini's brutal and repeated violence against me during our relationship, and  
7 then his stalking of me when I tried to get out of the relationship, have caused me severe, psychological  
8 distress. I have been diagnosed with PTSD, anxiety and depression.

9 20. Since he did all of these things to me, I struggle to have any intimate relationship.

10 21. I sleep on my couch to avoid being in my bed where he hurt me.

11 22. I stopped going to my favorite restaurants, out of fear that he might come there.

12 23. I have frequent flashbacks of his hands around my neck, not being able to breathe or  
13 scream, and him violently raping me.

14 24. Every time I leave my apartment, I look over my shoulder, expecting he will grab me or  
15 push me or strangle me.

16 25. I never go anywhere alone at night. I have friends or family walk me all the way inside  
17 my building, in case he is there waiting, like he was before.

18 26. I carry pepper spray (I really never want to have to use it).

19 27. I have a psychiatric service dog, and I live in fear each and every day.

20 28. I can't even imagine what Mr. Marraccini would do to me if he caught me alone.

21 29. I see a therapist regularly. I take medication for PTSD and depression. I have undergone  
22 extreme, cutting edge treatments for PTSD. In the last two years, I have spent approximately \$75,000  
23 of my own money on therapy, specialists, and treatment to try to heal from what Mr. Marraccini did to  
24 me, so I can move on. My doctors have told me that the treatment has not worked sufficiently to address  
25 my PTSD.

26 **I REQUEST THE COURT ISSUE A PERMANENT RENEWAL OF THE RESTRAINING ORDER**

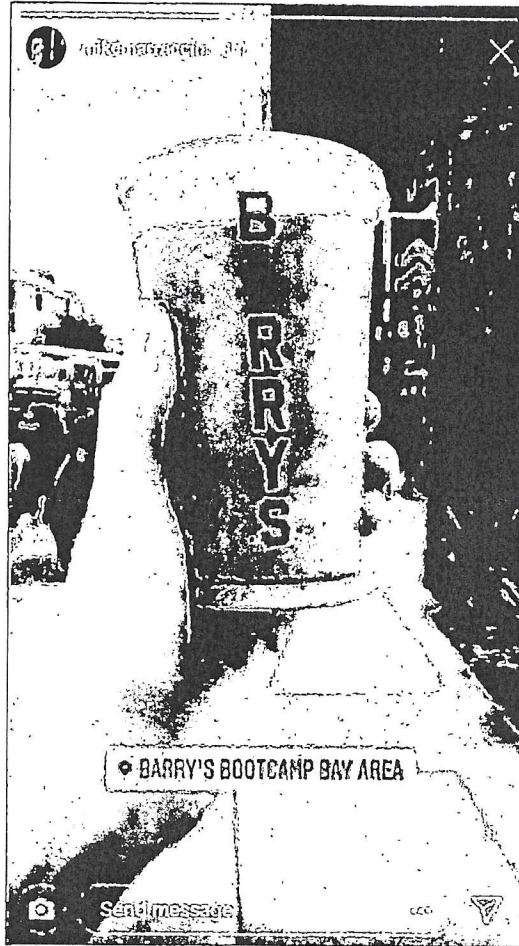
27 30. Without a restraining order, I would never feel safe again.

28 31. I live with fear of Mr. Marraccini every day of my life. He may not look like the kind of

1 Declaration of Laura Owens for Renewal of Restraining Order

2 person who would do dangerous, lethal things, but he repeatedly strangled and suffocated me to within  
3 seconds of my final breath. I have suffered from depression, anxiety, and PTSD, and even after  
4 significant treatment, I am terrified every day because of what he did to me. I have spent two years  
5 trying to recover, but that has not been enough and I am not healed. He has not stayed away from me,  
6 and I don't think he will ever leave me alone completely. The thought of not having any protection from  
7 him, the thought that he might be *allowed* to come near me, is terrifying. I can't live with that kind of  
8 fear. I know the restraining order has angered him, and I am scared he harbors even more resentment  
9 towards me. I don't want to have anything to do with him ever again.

10 [ORIGINAL SIGNATURE ON JUDICIAL COUNCIL FORM]  
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Screenshot of Michael Marraccini's April 5, 2019 Instagram post, with drink from Barry's Bootcamp gym around the corner from Laura Owens's home