

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
BEFORE THE HONORABLE MONICA WILEY, JUDGE PRESIDING  
UNIFIED FAMILY COURT - DEPARTMENT NO. 403

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Petitioner, ) Case No. FDV-18-813693  
vs. )  
Michael Marraccini, ) Pages 1 to 10  
Respondent. )  
\_\_\_\_\_)

January 26, 2018

**APPEARANCES OF COUNSEL:**

For the Petitioner:

In Pro Per

For the Respondent:

Law Offices of Randy Sue Pollock  
BY: Randy Sue Pollock, Attorney at Law

Reported By: Sherry Sawyer, CSR No. 5976, CRR, RMR  
Official Reporter

1 San Francisco, California; January 26, 2018;a.m.  
2 Department No. 403 The Hon. Monica Wiley, Judge  
3 (Sherry Sawyer, Official Reporter)

4 **THE COURT:** We are on the record in the matter of  
5 versus Michael Marraccini.

6 It is my understanding that the parties were unable to reach  
7 an agreement this morning. I do also notice that there are  
8 several individuals in the courtroom.

9 Is there any anticipation that there will be live testimony  
10 this morning?

11 Ms. , do you intend to have anyone testify on your  
12 behalf today?

13 **THE PETITIONER:** Yes.

14 **THE COURT:** How many witnesses do you have?

15 **THE PETITIONER:** Just one.

16 **THE COURT:** And who is that witness?

17 **THE PETITIONER:** My mother.

18 **THE COURT:** Okay. Ms. Pollock?

19 **MS. POLLOCK:** Yes, Your Honor, we do have witnesses. We  
20 have my client's mother, , his sister,  
21 , and . They're all present in court.

22 **THE COURT:** All right. Thank you.

23 Given the time -- it is 11:30, and we do need to be off the  
24 record at noon -- I am going to schedule this matter for what we  
25 call a long-cause proceeding. Typically, our Friday morning  
26 calendars are, as you saw, very short calendars. We do  
27 not generally have time to call witnesses, although I did this  
28 morning on a few shorter cases. This may take a little bit more

1 time than 30 minutes, and I certainly don't want to rush this  
2 proceeding just to try to fit it in in the time that is  
3 allowable.

4 **MS. POLLOCK:** Can I have a moment to get my calendar?

5 **THE COURT:** You may.

6 What I'll do is, I'm going to schedule this for a  
7 long-cause, which will be in the afternoon. So you will have a  
8 full afternoon of three hours with which to present evidence and  
9 testimony.

10 **THE PETITIONER:** May I bring additional witnesses at that  
11 point?

12 **THE COURT:** Who would you like to bring?

13 **THE PETITIONER:**

14 **THE COURT:** And who is Ms. ?

15 **THE PETITIONER:** She's a friend.

16 **THE COURT:** Any other witnesses?

17 **THE CLERK:** Is February 9th okay?

18 **THE PETITIONER:** Can I have one additional witness? Her  
19 name is Karen , .

20 **THE COURT:** All right.

21 **MS. BERTA:** Your Honor, would you want direct testimony by  
22 declaration or --

23 **THE COURT:** Certainly. If the parties agree that direct  
24 testimony can be submitted by declaration, to the extent that  
25 the parties have put everything that they would like in their  
26 declarations, you can certainly do that. That would reduce some  
27 of the time, but you would still be subject to cross-examination  
28 by the other party.

1 So Ms. Pollock, I'll ask you first.

2 **MS. POLLOCK:** Are you going to be --

3 **MS. BERTA:** Someone will be on the 9th, yeah.

4 (Discussion held off the record.)

5 **MS. POLLOCK:** That's agreeable, Your Honor.

6 **THE COURT:** All right. Thank you.

7 It is my understanding that the parties will submit  
8 declarations of all witnesses prior to the date of the next  
9 court hearing. Those witnesses will be available at the  
10 hearing, and subject to cross-examination by the other side.

11 So, again, the direct testimony will be by declaration. The  
12 other side will be able to cross-examine those witnesses, and  
13 then, if necessary, any redirect or re-cross would then take  
14 place.

15 We do have February 9th available.

16 **MS. BERTA:** I don't know that I can get declarations. I  
17 assume the Court -- when would the Court want the declarations  
18 by?

19 **THE COURT:** Well, let's take a look at the calendar.

20 **MS. POLLOCK:** Your Honor, the court is only on Fridays?

21 **THE COURT:** No, it's not. But we're looking at our first  
22 availability.

23 **MS. POLLOCK:** I'm in Federal court that morning on February  
24 9th.

25 **THE COURT:** That's fine. Then we can look for another date.

26 **THE CLERK:** We can do the 16th. Does that work?

27 **STEPHANIE MARRACCINI:** Can I just speak to my brother for  
28 one minute?

1 **THE COURT:** Certainly.

2 **MS. POLLOCK:** Can we have one minute?

3 **THE COURT:** Certainly. We will take a brief recess while we  
4 get the scheduling.

5 (Brief recess.)

6 **MS. POLLOCK:** I have a Federal trial that is beginning  
7 Friday, March 2nd, with jury selection before Judge Seeborg here  
8 in San Francisco. The evidence starts on March 5th. I would  
9 assume I am done by the Friday. We're going every day except  
10 Wednesdays.

11 **THE COURT:** All right.

12 **MS. POLLOCK:** But it's a short trial.

13 **THE COURT:** That's fine. We will look at the week of March  
14 12th or 19th.

15 **MS. POLLOCK:** The 12th?

16 **THE COURT:** I'm sorry. We're looking at that week.  
17 Availability, yes.

18 **MS. POLLOCK:** Any day?

19 **THE PETITIONER:** I don't think that works for me. The  
20 following week would work.

21 **THE COURT:** We're looking at the week of March 19th for our  
22 availability.

23 **THE CLERK:** March 23rd.

24 **THE COURT:** March 23rd, Friday?

25 **MS. POLLOCK:** I have the morning hours, Your Honor.  
26 I have a doctor's appointment in the afternoon that I can't  
27 change.

28 **THE COURT:** Department 403 at 9:00?

1 (Discussion held off the record.)

2 **THE COURT:** All right. We will schedule that for March 23rd  
3 at 9:00 a.m.

4 **MS. POLLOCK:** Sorry.

5 **THE RESPONDENT:** That is my best friend's wedding that day.

6 **THE COURT:** All right. So that day is not available.

7 **THE CLERK:** Is the estimated time three hours?

8 **THE PETITIONER:** An afternoon.

9 **THE COURT:** Yes. Three hours is the estimated time.

10 **THE PETITIONER:** April 6th?

11 **MS. POLLOCK:** April 6th in the afternoon.

12 We are still filing declarations?

13 **THE COURT:** Correct.

14 **THE CLERK:** If April 6th, can we do it in the morning?

15 **THE COURT:** April 6th at 9:00?

16 **MS. BERTA:** Fridays will be hard.

17 **THE CLERK:** That's right. Because they're -- we're not  
18 doing it, but CROC is doing it.

19 **MS. BERTA:** I mean, an afternoon -- a morning will be  
20 difficult.

21 **THE COURT:** The afternoon of April 6th?

22 **MS. POLLOCK:** Yes.

23 **THE COURT:** Ms. Owens?

24 **THE PETITIONER:** Yes.

25 **THE COURT:** All right. April 6th at 1:30 to 4:30. That  
26 would be in this department.

27 **MS. POLLOCK:** Could I have just a moment, Your Honor?

28 (Discussion held off the record.)

1 **MS. POLLOCK:** My two witnesses are gonna be in New York, and  
2 one was a percipient witness.

3 **THE COURT:** April 13th?

4 **MS. POLLOCK:** Yes.

5 **THE COURT:** That would be in the morning or afternoon?  
6 Afternoon?

7 **THE CLERK:** The afternoon at 1:30.

8 **MS. POLLOCK:** That's fine. 1:30.

9 **THE COURT:** We will continue this matter to April 13th at  
10 1:30 to 4:30 in the afternoon.

11 Based upon discussions with counsel, it is my understanding  
12 that all declarations will be filed prior to the date of the  
13 next hearing.

14 Counsel, do you want to provide those declarations to the  
15 Court no later than March 29th, two weeks prior to the hearing  
16 date?

17 **MS. POLLOCK:** That's fine, Your Honor.

18 **THE COURT:** All right. Thank you. March 29th will be the  
19 date by which the declarations will be filed.

20 The witnesses for all declarants -- I'm sorry -- all  
21 declarants will be available for cross-examination during or at  
22 the hearing on April 13th.

23 The current temporary order that is in effect will remain in  
24 effect until the date of the next court hearing.

25 Are there any questions?

26 **MS. BERTA:** Your Honor, what department will this be in?

27 **THE COURT:** This will be in Department 403, this department.

28 **MS. POLLOCK:** Serve it here, the declarations here?

1 **THE COURT:** Correct.

2 **MS. POLLOCK:** Not next door?

3 **THE COURT:** No. You will serve them in -- at the clerk's  
4 office in Department 402.

5 **MS. POLLOCK:** Okay.

6 **THE COURT:** They will be routed here. There was a question  
7 in the back.

8 : Earlier today in your courtroom you  
9 asked both parties questions. So now why is it different that  
10 the -- that you can be cross-examined?

11 **THE COURT:** When you say, why is it different that you can  
12 be cross-examined --

13 : Maybe I missed it, but I didn't see  
14 other attorneys asking others questions. I just heard you ask  
15 the questions.

16 **THE COURT:** Right. Most of the pro per self-represented  
17 litigants cases that I have, I typically direct the questioning.  
18 When there are attorneys, I allow the attorneys to examine the  
19 opposing side.

20 : Thank you.

21 **THE COURT:** That's all right.

22 All right. And there's another question in the back. This  
23 is what happens when you ask if there are any questions.

24 : Could it be made clear what happens now  
25 that the temporary restraining order is in effect from now until  
26 April 13th. If he should come into contact with her, what --  
27 what are the ramifications of that?

28 **MS. BERTA:** Your Honor, I can address that with her.



1 : I would like for him to be aware of what  
2 the ramifications are.

3 **THE COURT:** All right. There is a temporary order currently  
4 in effect. If the order is violated, then police may be  
5 summoned. If it is determined to be a violation of the  
6 temporary order, then there certainly are consequences to that  
7 depending upon whether the police officers believe there is  
8 sufficient evidence that the order has been violated.

9 **THE RESPONDENT:** Of course, I do know that.

10 **THE COURT:** And my apologies --

11 **THE RESPONDENT:** Marraccini.

12 **THE COURT:** Mr. Marraccini, I don't know why I am having  
13 problems with that. Mr. Marraccini, please be aware that the  
14 order is currently in effect and will remain in effect until the  
15 date of the next court hearing. Thank you, sir.

16 All right. Thank you.

17 **MS. POLLOCK:** Thank you.

18 **THE COURT:** If you will have a seat, I will sign the  
19 reissuance, and we will see you on April 13th at 1:30.

20 Thank you.

21 (Proceedings concluded.)  
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1 State of California )  
2 County of San Francisco )

5 I, Sherry Sawyer, Official Reporter for the Superior Court  
6 of California, County of San Francisco, do hereby certify:

7 That I was present at the time of the above proceedings;

8 That I took down in machine shorthand notes all proceedings  
9 had and testimony given;

10 That I thereafter transcribed said shorthand notes with the  
11 aid of a computer;

12 That the above and foregoing is a full, true, and correct  
13 transcription of said shorthand notes, and a full, true and  
14 correct transcript of all proceedings had and testimony taken;

15 That I am not a party to the action or related to a party  
16 or counsel;

17 That I have no financial or other interest in the outcome  
18 of the action.

19  
20  
21 Dated: March 22, 2024

22  
23 *Sherry Sawyer*

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25 Sherry Sawyer, CSR No. 5976, CRR, RMR  
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