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LAURA OWENS,
Petitioner in Pro Per

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

LAURA OWENS,
PETITIONER,

Vs.

MICHAEL MARRACCINI,
RESPONDENT.

Case No.: FDV-18-813693

**MOTION TO CORRECT
AND AUGMENT THE
RECORD**

*(Code Civ. Proc. §§ 909, 128;
Cal. Rules of Court 8.137,
8.155; CRC 2.956; Due
Process)*

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

12/03/2025

Clerk of the Court

BY: JOSHUA MANDAPAT
Deputy Clerk

I. INTRODUCTION

Petitioner respectfully requests correction and augmentation of the record to include the following critical omitted items:

1. **Petitioner's written non-waiver of her statutory right to an official court reporter**, pursuant to Government Code section 68086 and California Rules of Court 2.956(c)(1), including her written objection submitted at 4:25 p.m. on November 4, 2025.

2. **Ex parte-effect communications** between Respondent's counsel and Court staff on November 4, 2025—specifically at 10:10 a.m. and 3:32 p.m.—regarding locating, vetting, and obtaining approval for a privately paid reporter, **from which Petitioner was completely excluded**, despite being a self-represented litigant who had expressly indicated she did not waive reporter coverage.
3. **Petitioner's reliance on the Court's November 4, 2025 directive at 11:05 a.m.**, which stated that "the court needs to continue the trial if any party does not waive the court reporter," leading Petitioner to reasonably rely on the directive and cancel her plan to drive to San Francisco on November 4.
4. **Petitioner's cancellation of November 4 travel** based on the Court's 11:05 a.m. instruction that continuation was required absent waiver, demonstrating good-faith diligence and reliance on Court communications.
5. **Petitioner's last-minute booking of a flight at 5:08 p.m. on November 4**, immediately upon receiving (for the first time) notice that a private reporter had been secured—a notice Petitioner received only after being belatedly added to the email chain at 4:40 p.m.
6. **Petitioner's two medical emergency notifications** to the Court on November 5, 2025, sent between 6:21 a.m. and 6:53 a.m., including documentation showing she was admitted to the hospital, required an under-anesthesia procedure (**Exhibit C**), and could not appear in court.

7. **The Court's acknowledgment of receipt** of Petitioner's medical emergency emails, confirming that the Court was aware Petitioner was hospitalized at the time the case was dismissed.
8. **Petitioner's offer to sign HIPAA authorizations** to permit verification of hospital records, which neither the Court nor Respondent's counsel requested before dismissal.
9. **The existence of State Bar complaints** filed prior to the hearing against Respondent's counsel (Bar Complaint No. 25-O-29980 against Rachel Juarez filed Nov 2, 2025; Bar Complaint No. 25-O-29607 against Omar Serrato filed Nov 3, 2025), which were not disclosed to the Court and are relevant to candor and context.
10. **Post-dismissal public commentary by Respondent and his attorneys**, including statements on Inside Edition, an interview with content creator Megan Fox, and an interview with Respondent's attorney, Omar Serrato, on his "The Tilted Lawyer" channel, which (a) mischaracterized the dismissal as a substantive victory, (b) presented false information about the parties' relationship and the record, and (c) resulted in thousands of harassing messages directed at Petitioner—evidence materially relevant to "disturbing the peace" under Family Code section 6320 and to the prejudice caused by the dismissal.

Without correction, the record inaccurately reflects an unexplained nonappearance. The omitted materials show that Petitioner acted diligently, notified the Court of a

documented medical emergency, expressly refused to waive statutory rights, was excluded from critical communications, and made every effort to appear. These omissions must be corrected to permit meaningful appellate review.

II. FACTUAL GROUNDS REQUIRING CORRECTION AND AUGMENTATION OF THE RECORD

The Mini-Minutes for November 5, 2025 materially misrepresent the procedural posture of this matter. They omit critical facts concerning (1) the Court's own directives on November 4, (2) Petitioner's immediate and unequivocal non-waiver of a court reporter, (3) ex parte-effect communications between Court staff and Respondent's counsel from which Petitioner was excluded, (4) Petitioner's reliance on the Court's representations, (5) Petitioner's efforts on November 4 and 5 to appear, and (6) Petitioner's undisputed medical emergency, hospitalization, and offer of HIPAA authorization.

Each of these omissions must be corrected to ensure the record accurately reflects what occurred.

A. Petitioner was excluded from ex parte-effect communications regarding the reporter

On November 4, 2025 at 11:05 a.m., Department 405A emailed the parties (**Exhibit A**):

"We are informed by the court reporter's department that there is a high chance there will be no court reporter coverage tomorrow.

Since this is a DVRO trial, the Court needs to continue the trial if any party does not waive the court reporter.

Please check your email through the day up to early tomorrow for updates."

This communication established three legally controlling facts:

1. The Court believed it would *not* have a reporter for November 5;
2. Under Government Code § 68086 and CRC 2.956(c), the hearing must be continued if any party does not waive;
3. Parties were instructed to monitor email because updates could affect whether the hearing could proceed.

However, before and after the Court issued this communication, Respondent's counsel and Court staff exchanged a series of substantive emails about the reporter without Petitioner on the chain.

At 10:10 a.m., Respondent's counsel asked Court staff:

"May we have a remote court reporter if we can't find someone in person?"

Petitioner was not included.

At 3:32 p.m., Court staff emailed Respondent's counsel:

"Is this reporter certified??"

Petitioner was not included.

At 3:42 p.m., Respondent's counsel wrote back:

"We have successfully secured a court reporter for the proceedings tomorrow."

Petitioner was not included.

These conversations went directly to whether the hearing could legally proceed under § 68086. Petitioner had already made clear she did not consent to a private reporter. Yet she was excluded from every reporter-related discussion until 4:40 p.m.—after the reporter had already been effectively approved.

This exclusion constitutes ex parte-effect communication because:

- It deprived Petitioner of notice;
- It deprived her of the opportunity to object in real time;
- It concerned the precise issue that determined whether the trial could proceed.

Such exclusion violates basic due process and the procedural protections built into § 68086 and CRC 2.956.

B. Petitioner relied on the Court's 11:05 directive and canceled her November 4 travel

At the time the Court issued the 11:05 a.m. directive, Petitioner had already planned to drive from Scottsdale to San Francisco on November 4 in order to comply with Judge Gold's in-person appearance order.

Upon receiving the directive that there was a "high chance" of no reporter and that the trial "needs to be continued" if any party did not waive, Petitioner reasonably concluded—correctly—that the matter would not proceed on November 5 unless she somehow waived her rights.

Because Petitioner did not waive, and because she was entitled to rely on the Court's own representation, she canceled her travel. She documented this reliance immediately in her 11:51 a.m. email, stating (**Exhibit A**):

"In reliance on the Court's statement that the matter must be continued if any party does not waive, I am canceling my travel plans..."

This demonstrates diligence, good faith, and compliance with the Court's instruction—not avoidance.

The Mini-Minutes fail to reflect any of this.

C. Petitioner immediately objected and expressly refused to waive once finally added at 4:40 p.m.

Petitioner was added to the reporter-related communications for the first time at 4:40 p.m. Arizona time, after Respondent's counsel had already secured a reporter and after the Court had engaged in credential vetting (**Exhibit A**).

Upon receiving these communications, Petitioner immediately emailed at 4:25–4:40 p.m. (depending on time zone):

"I respectfully object to the Court's appointment of Heather Bautista (CSR #11600) as the reporter pro tempore."

"I was excluded from earlier communications between the Court and opposing counsel regarding the proposed reporter."

"I was not notified until approximately 4:40 p.m. Arizona time that one might be secured, and not until 5:08 p.m. that one definitively had been."

"I do not waive my right to a court reporter and will not consent to a privately retained reporter."

Under CRC 2.956(c)(1), the Court must reflect on the record whether a party waived or refused to waive.

Petitioner's refusal was clear, in writing, and submitted immediately.

Despite its legal significance, the Mini-Minutes omit this entirely, creating the false appearance that no objection existed.

D. Petitioner booked last-minute travel at 5:08 p.m. upon learning the hearing might proceed

Once Petitioner received confirmation at 5:08 p.m. that a privately retained reporter had been secured and that the Court was considering accepting that reporter, she immediately attempted to comply with the Court's original in-person order.

She booked a last-minute flight from Scottsdale to San Francisco for early November 5 and sent the flight confirmation to the Court (**Exhibit B**).

This action demonstrates her:

- good faith,
- desire to comply,
- and immediate corrective effort once excluded information was finally provided to her.

The Mini-Minutes omit this entirely.

E. Petitioner notified the Court twice of a sudden medical emergency and hospitalization

In the early morning hours of November 5, 2025, Petitioner experienced a sudden and severe medical emergency involving vomiting blood, prompting immediate admission to the emergency department at HonorHealth Hospital (**Exhibit C**).

At 6:21 a.m., Petitioner emailed the Court and all counsel (**Exhibit A**):

"I am writing to inform the Court that I am unable to appear for today's DVRO trial due to a sudden and serious medical emergency."

"I experienced multiple severe medical episodes involving vomiting blood."

"My physicians have emphasized that this symptom is serious and that any recurrence would require immediate emergency care."

"I am at the emergency room now and they are admitting me."

Within minutes, at 7:11 a.m., the Court responded:

"Email received. Thanks."

(Frances Yokota, Court Manager)

At 6:53 a.m., Petitioner sent a second update:

"Just wanted to provide the update that I am being admitted and will require the under-anesthesia procedure to be done. They are expecting I will not be released until tomorrow if that is helpful in determining a continuance."

At 7:33 a.m., the Court again confirmed receipt:

"Good morning Ms. Owens. Email received. Thanks."

Thus, the Court received:

- notice of a life-threatening medical episode,
 - notice of hospital admission,
 - notice of a likely procedure under anesthesia,
 - notice of an expected overnight hospitalization,
 - and both of Petitioner's emergency communications were *affirmatively acknowledged* by Court administration before the 9:00 a.m. hearing.
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F. Petitioner offered HIPAA authorization to both the Court and opposing counsel

In her early-morning November 5 email, Petitioner expressly offered **(Exhibit A)**:

"I am more than willing to execute HIPAA releases... for the Court and opposing counsel."

She also wrote:

"I can provide medical documentation confirming this as soon as it becomes available."

Despite the offer, neither the Court nor counsel requested verification before obtaining a dismissal.

The Court therefore acted without seeking the very confirmation Petitioner offered and without considering the uncontroverted evidence of a medical emergency. Petitioner's records from the hospital visit can be seen in **Exhibit D**.

G. Bar complaints were pending against Respondent's counsel

- Complaint No. 25-O-29980 (Juarez) filed November 2, 2025 (**Exhibit E**)
- Complaint No. 25-O-29607 (Serrato) filed November 3, 2025 (**Exhibit F**)

These complaints involved conduct arising from this litigation and are contextually relevant to assessing candor, omissions at the hearing, and completeness of the record.

H. Post-dismissal interviews distorted the record and caused further "disturbing the peace"

Following dismissal, Respondent and his attorneys appeared on:

- Inside Edition (which received more than one million views)
- The Megan Fox Show
- The Tilted Lawyer (YouTube)

In these appearances, Respondent and counsel:

1. Implied the 2018 and 2020 DVROs had been "vacated," which was false.

2. Presented the dismissal as an adjudication on the merits, which was false.
3. Made statements contradicting the actual record, including the nature and duration of the relationship.
4. Mocked or dismissed Petitioner's medical emergency.
5. Disseminated alleged facts that were not presented at the hearing.
6. Triggered thousands of harassing or threatening messages directed at Petitioner.

This evidence is directly relevant because:

- DVRO renewals require assessment of ongoing disturbance of the peace, including post-dismissal conduct.
- The dismissal caused actual prejudice.
- The public dissemination of misleading characterizations of the hearing heightens the need for a precise record.

I. Post-Dissmissal Statements Confirm Prejudice Resulting from the Incomplete Record

In addition to the post-dismissal media appearances described above, Respondent's counsel made statements on November 18, 2025 during a public interview titled "*Mike Marraccini: In His Own Words | Life After Laura Owens*" (The Tilted Lawyer, YouTube) (**Exhibit G**). At approximately 44:11–44:24, Respondent's attorney, Omar Serrato, stated:

"I'm not worried about her appeal. Let her appeal. Luckily because the judge didn't make us make a record, her options for appeal are severely limited. An uphill battle for her."

This statement is directly relevant to the present motion because:

(1) It confirms the record is incomplete.

Counsel explicitly acknowledges a lack of record made at the November 5 hearing — including the absence of any reference to Petitioner's non-waiver, objections, or medical emergency — and identifies this omission as strategically beneficial to Respondent.

(2) It confirms the incompleteness prejudices Petitioner's appellate rights.

By stating Petitioner's "options for appeal are severely limited," counsel concedes that the omissions in the Mini-Minutes materially affect Petitioner's ability to seek meaningful appellate review.

(3) It demonstrates awareness and exploitation of the procedural irregularities.

Counsel's statement that it is "lucky" there is no record demonstrates that the incomplete record is being used as an affirmative litigation advantage. This further underscores the necessity of correcting and augmenting the record pursuant to CRC 8.137 and 8.155.

(4) It reinforces the need for accuracy and completeness before the Clerk's Transcript is prepared.

This motion seeks to correct omissions that, if left unresolved, would improperly limit the appellate court's ability to review the dismissal. Counsel's admission provides additional evidence of prejudice and the importance of ensuring the record is complete.

IV. THE RECORD MUST BE CORRECTED FOR APPELLATE REVIEW

The November 5, 2025 Mini-Minutes state only:

"Because of the non-appearance of Petitioner, the request is dismissed."

Standing alone, that entry is materially incomplete and misleading. It does not reflect (1) Petitioner's written non-waiver of her statutory right to a court reporter; (2) the documented medical emergency that caused her inability to appear; (3) the Court's express acknowledgment of her early-morning emails reporting hospitalization and an under-anesthesia procedure; (4) the ex parte-effect reporter communications between Court staff and Respondent's counsel from which Petitioner was excluded; (5) Petitioner's reliance on the Court's 11:05 a.m. November 4 directive regarding continuance absent waiver; (6) her last-minute efforts to appear, including booking urgent air travel once new information was finally provided; (7) her offer to execute HIPAA

authorizations and provide medical documentation; or (8) the prejudice flowing from these omissions and from subsequent public statements by Respondent and his counsel.

Without correction and augmentation to include these materials, the appellate court will be left with a record that suggests an unexplained, unexcused non-appearance, rather than what actually occurred: a self-represented petitioner who relied on the Court's own written directive, was excluded from critical communications, experienced a documented medical emergency, promptly notified the Court and opposing counsel, and was dismissed despite those facts. An appellate court cannot meaningfully evaluate whether the dismissal constituted an abuse of discretion, or whether due process was violated, on a record that omits these central procedural events. Correction and augmentation are therefore necessary to ensure an accurate record and to safeguard Petitioner's right to appellate review.

V. REQUEST FOR RELIEF

For the reasons set forth above, Petitioner respectfully requests that the Court issue an order:

1. **Correcting and augmenting the record** to include all written communications referenced in this motion, including but not limited to Petitioner's November 4 non-waiver, her objections to the privately retained reporter, and the November 4 and 5 email exchanges relating to reporter availability and continuance.

2. **Including in the record the Court's acknowledgments** of Petitioner's November 5 medical-emergency notifications.
3. **Including Petitioner's offer to execute HIPAA authorizations**, as stated in her November 5 communications, as well as all medical documentation she attached or referenced in those communications.
4. **Including documentation of Petitioner's canceled November 4 travel and the 5:08 p.m. booked flight** demonstrating her efforts to appear.
5. **Including notice of pending State Bar complaints** against Respondent's counsel, as context relevant to candor and omissions before and after the hearing.
6. **Including evidence of post-dismissal media conduct** by Respondent and his attorneys that materially mischaracterized the dismissal and contributed to "disturbing the peace" under Family Code section 6320.
7. **Directing the clerk to include all corrected and augmented materials** in the Clerk's Transcript pursuant to California Rules of Court 8.122, 8.137, and 8.155.

Petitioner submits that these corrections and additions are necessary to ensure the record reflects the actual procedural events surrounding the November 5 dismissal and to permit meaningful appellate review.

Dated: December 3, 2025

Laura Michelle Owens /s/

Petitioner, In Pro Per