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*** GRANTED to June 29, 2026. ***
April 23, 2026 Humes, P.J.

LAURA OWENS,
Petitioner in Pro Per

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Laura Owens, Petitioner v. **Michael Marraccini, Respondent**	**PETITIONER-APPELLANT'S EX PARTE APPLICATION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** (Court of Appeal Case No. A175236 San Francisco Superior Court Case No. FDV-18-813693)

Petitioner-Appellant Laura Owens applies ex parte pursuant to California Rules of Court, rule 8.60, for a 60-day extension of time to file her Opening Brief, currently due April 28, 2026, to and including June 27, 2026.

I. INTRODUCTION

On November 5, 2025, Petitioner's request to renew a domestic violence restraining order was dismissed for non-appearance on a record that does not accurately reflect what occurred that morning. Since that dismissal, Petitioner has actively sought appellate

representation. In the weeks immediately preceding this filing, two sources of legal counsel who had each conducted substantive reviews of this matter declined to represent her — not because the appeal lacks merit, but because the facts underlying it are not in the official record. Both stated they would reconsider once that deficiency is corrected. The sixty days Petitioner requests are what is needed to correct that record, secure the representation these reviewers have confirmed this appeal warrants, and prepare a brief that accurately presents what this Court is being asked to decide.

The record deficiency is traceable to a specific and documented procedural problem. On December 3, 2025, Petitioner filed a Motion to Correct and Augment the Record in the San Francisco Superior Court. That motion was never contested and was never ruled upon. The following day, Petitioner filed her Notice of Appeal, which under settled California law divested the trial court of jurisdiction over the pending motion. (Varian Medical Systems, Inc. v. Delfino (2005) 35 Cal.4th 180, 189.) The motion has never been adjudicated in any court.

As a result, the facts underlying this appeal are not before this Court. The official record — five pages documenting a four-minute proceeding — reflects only that Petitioner did not appear and the matter was dismissed. It contains no reference to the two written pre-hearing notifications Petitioner sent the Court advising of a life-threatening medical emergency; the Court's written acknowledgments of those notifications, received before the hearing began; the medical documentation she submitted; her offer of HIPAA authorization that no one accepted; the ADA accommodation requests she raised and which were denied; the ex parte communications between Court staff and Respondent's counsel from which she was entirely excluded the day before the hearing; or her formal written refusal to waive her statutory right to an official court reporter — a refusal that, under the Court's own written directive, required the matter to be continued.

That record cannot support meaningful appellate review. An Opening Brief filed on it would misrepresent the proceeding it purports to address. Sixty days to correct the record, obtain counsel, and brief the actual issues presented — against a backdrop of active State Bar proceedings against both of Respondent's attorneys who appeared at the dismissal hearing, and new conduct by Respondent requiring legal investigation — is not a delay. It is the minimum necessary to proceed responsibly.

II. THE RECORD VERSUS WHAT ACTUALLY OCCURRED

A. The Official Record

The Reporter's Transcript on Appeal spans five pages and records the following: at 9:26 a.m. on November 5, 2025, the Court called the case, noted Petitioner's absence, appointed a privately retained reporter pro tempore because no official reporter was available, dismissed the matter for non-appearance, permitted Respondent's counsel to reserve on attorneys' fees, and adjourned. The entire proceeding lasted approximately four minutes.

B. November 4, 2025: The Day Before the DVRO Renewal Hearing

At 10:05 a.m. on November 4, the Court emailed all parties that there was a high chance no official court reporter would be available the following day and that, because this was a DVRO trial, the matter would need to be continued if any party declined to waive. Petitioner relied on that representation. She did not waive.

What followed was a series of communications from which she was entirely excluded. At 10:10 a.m. — five minutes after the Court's all-parties email — Respondent's counsel emailed the Court's department directly, without Petitioner, to inquire about securing a private reporter. That discussion continued throughout the afternoon: at 3:32 p.m., Court staff asked whether the proposed reporter was certified; at 3:42 p.m., Respondent's

counsel confirmed one had been secured; at 4:08 p.m., Court staff asked for her name and license number. Petitioner was not copied on any of it.

She was added to the chain at 4:40 p.m. — after the reporter had been identified and approved through a process conducted entirely between one party's counsel and the Court. Upon receiving that communication, Petitioner immediately filed a formal written objection invoking Government Code section 68086(d)(2) and California Rules of Court, rule 2.956(c)(1), documented her exclusion, and explicitly declined to waive her statutory right to an official reporter. Under rule 2.956(c)(1), the Court was required to reflect on the record whether each party waived or refused to waive. The mini-minutes are silent on the subject entirely.

At 5:08 p.m. — the first moment Petitioner had confirmation the hearing might proceed — her family purchased emergency last-minute air travel from Scottsdale, Arizona, where she currently resides, to San Francisco for the following morning. She transmitted the confirmation to the Court that evening.

C. November 5, 2025: The Morning of the DVRO Renewal Hearing

In the early morning hours of November 5, Petitioner suffered a sudden and severe medical emergency. She was vomiting blood and was transported to HonorHealth Hospital's emergency department, where she was admitted for a procedure under anesthesia.

At 6:21 a.m. — more than three hours before the matter was called — Petitioner emailed the Court and all counsel describing her condition, her hospital admission, and her physical inability to appear. She submitted medical documentation and offered without reservation to execute HIPAA authorizations permitting immediate independent verification by both the Court and Respondent's counsel.

Court Manager Frances Yokota replied at 7:11 a.m.: "*Email received. Thanks.*"

At 6:53 a.m., Petitioner sent a second notification: she was being formally admitted, the procedure under anesthesia was proceeding, she was expected to remain hospitalized overnight, and she requested a continuance.

Court Manager Yokota replied at 7:33 a.m.: "*Good morning Ms. Owens. Email received. Thanks.*"

The Court thus received written notice of a life-threatening medical emergency, accompanied by medical documentation and an offer of HIPAA verification, and acknowledged it in writing twice before the matter was called. No continuance was considered. The verification Petitioner offered was never requested. The case was dismissed in four minutes. The Reporter's Transcript contains no reference to any of this.

D. The Consequences

The record before this Court supports only one inference: Petitioner failed to appear without explanation. That inference is false, and it forecloses the appellate review this case requires. It is also the inference Respondent has been exploiting publicly. He has made statements — both while the restraining order was actively in force and continuing as recently as the date of this filing — characterizing himself as a victim of Petitioner, a finding no court has ever made, and implying that prior judicial findings have been vacated or reversed, which is likewise false. No prior finding has been vacated. The November 5 dismissal was purely procedural, entered without any evaluation of evidence or determination on the merits. The incomplete record provides no corrective account because it does not reflect the circumstances that actually produced the dismissal.

III. THE MOTION TO CORRECT AND AUGMENT THE RECORD HAS NEVER BEEN RULED UPON AND MUST BE ADDRESSED BEFORE BRIEFING

The Motion to Correct and Augment filed December 3, 2025, pursuant to California Rules of Court, rules 8.137 and 8.155, and Code of Civil Procedure sections 909 and 128, sought to place before this Court each of the categories of omitted material described in Section II. It was not opposed or denied. It became unreachable when the Notice of Appeal filed the following day divested the trial court of jurisdiction. It has never been adjudicated.

This Court has authority under California Rules of Court, rule 8.155 to augment the record to include materials necessary to the appeal's proper determination. The materials at issue — Petitioner's pre-hearing medical notifications and the Court's written acknowledgments; her medical documentation and HIPAA offer; her formal written non-waiver of her right to an official court reporter; her denied ADA accommodation requests; the ex parte communications from which she was excluded; and her emergency travel booking — are not peripheral. They are the factual predicate of every issue this appeal presents.

Preparing an adequate motion to augment requires identifying each item with specificity, establishing provenance and authenticity, and demonstrating relevance to each issue on appeal. Petitioner did not understand this to be the necessary path until legal counsel identified the record deficiency as the dispositive obstacle to representation in the weeks immediately preceding this filing. She has moved as promptly as circumstances allow. It is the foundational step without which no Opening Brief can responsibly be filed, and sixty days is the minimum time necessary to pursue it.

IV. BOTH ATTORNEYS WHO APPEARED AT THE DISMISSAL HEARING ARE THE SUBJECTS OF ACTIVE STATE BAR PROCEEDINGS ARISING FROM THEIR CONDUCT IN THIS LITIGATION

Prior to the November 5, 2025 hearing, Petitioner filed California State Bar complaints against both attorneys who appeared when she was dismissed: Omar Raul Serrato, Esq., lead counsel for Respondent, who secured the dismissal and immediately moved to reserve on attorneys' fees; and Rachel Elizabeth Juarez, Esq., associate counsel. Both complaints arose from conduct in connection with this litigation and were filed before the hearing occurred.

Both complaints have progressed beyond intake. Each has been assigned to a named State Bar Trial Counsel and has required the production of specific documentary evidence in furtherance of the State Bar's evaluation. The misrepresentations under investigation include public statements made by counsel about the DVRO renewal proceedings — specifically, statements about Petitioner's whereabouts, and about whether she offered or refused to provide medical verification, an offer the documentary record confirms she made.

The implications for this application are direct. Petitioner must prepare an appellate brief, without counsel, in a proceeding whose central facts are simultaneously under active State Bar investigation, against attorneys who are subjects of that investigation and who hold every structural advantage over an unrepresented party. Courts have recognized the fundamental fairness concerns this dynamic creates. (Elkins v. Superior Court (2007) 41 Cal.4th 1337, 1364.) Those concerns are materially heightened where, as here, the professional conduct of opposing counsel is under active regulatory review for alleged misrepresentations about the very facts at issue on appeal. The extension Petitioner requests is not dilatory. It is the minimum consistent with proceeding responsibly.

V. PETITIONER HAS DILIGENTLY PURSUED APPELLATE REPRESENTATION AND FACES DOCUMENTED FINANCIAL HARDSHIP

Petitioner's pursuit of appellate counsel has been continuous and in good faith. The written declinations she received in the weeks immediately preceding this filing — from two separate sources of legal counsel, each of whom reviewed this matter substantively before concluding that the incomplete record precluded representation — are evidence of that diligence, not its failure. Both expressly invited Petitioner to reapply once the record is corrected, confirming that the appeal is viable and that a clear path to representation exists.

Her inability to retain private counsel is not a matter of preference. Petitioner is currently a party to a bankruptcy proceeding with a hearing scheduled before the United States Bankruptcy Court for the District of Arizona on May 14, 2026. The financial circumstances that necessitated that filing are the same circumstances that have made private appellate representation inaccessible. A 60-day extension would allow her to address that hearing, continue her search for representation, and pursue the record augmentation that must precede any meaningful briefing.

VI. NEW CONDUCT BY RESPONDENT REQUIRES INVESTIGATION AND MAY WARRANT INDEPENDENT LEGAL RELIEF

Petitioner has identified conduct by Respondent raising questions on two distinct legal theories, neither of which she can adequately evaluate without counsel.

First, when a renewal petition is filed before an existing order's expiration, the order remains operative pending adjudication. (Fam. Code, § 6345; Nakamura v. Parker (2007) 156 Cal.App.4th 327, 334.) Petitioner filed her renewal petition on July 10, 2025. The order therefore remained in force through at least November 5, 2025. Respondent participated in public media appearances made during that period that were broadcast to a

substantial national audience. The then-active order expressly prohibited Respondent from disturbing Petitioner's peace, harassing her, and contacting her directly or indirectly by any means. Those recordings contain material falsehoods about Petitioner directly and irreconcilably contradicted by Respondent's own sworn deposition testimony of January 2018, by audio recordings in Petitioner's possession, and by contemporaneous text messages in Petitioner's possession reflecting Respondent's own words — establishing that the misrepresentations reflect not a difference in recollection but deliberate falsehood. Their broadcast foreseeably generated sustained harassment directed at Petitioner.

Second, and independently, Respondent has made public statements beginning in the period immediately following the November 5, 2025 dismissal and continuing as recently as the date of this filing, containing the same category of deliberate falsehoods — contradicted by the same deposition testimony, audio recordings, and contemporaneous text messages described above — distributed to a substantial national audience. The deliberate public dissemination of materially false statements about a person, made repeatedly and to a national audience in a manner that foreseeably generates sustained harassment directed at that person, constitutes conduct that destroys the mental or emotional calm of the subject of that conduct within the meaning of Family Code section 6320. (In re Marriage of Nadkarni (2009) 173 Cal.App.4th 1483, 1497.) California courts have held that such conduct need not occur within the context of an existing order to constitute abuse cognizable under the Domestic Violence Prevention Act; it is precisely this category of conduct that warrants the issuance of a new protective order. (Fam. Code, §§ 6203, 6320.) Determining the precise legal basis for relief and its full scope requires analysis Petitioner cannot responsibly undertake without counsel.

VII. THE BALANCE OF EQUITIES COMPELS RELIEF

On one side: a self-represented domestic violence survivor whose ADA accommodation requests were denied; who suffered a life-threatening medical emergency on the morning

of her hearing; who notified the Court in writing before the proceeding began; whose notifications were acknowledged in writing before the matter was called; who submitted medical documentation and offered HIPAA verification that no one accepted; who was dismissed despite all of this; who the day before the hearing was entirely excluded from ex parte communications between Court staff and Respondent's counsel regarding whether the hearing could legally proceed — communications that determined the outcome of that question without her knowledge or participation; who filed a formal written objection to the privately retained reporter and explicitly declined to waive her statutory right to an official court reporter, a refusal that under the Court's own written directive required the matter to be continued; who filed a motion to correct the record that was jurisdictionally stranded the following day and has never been adjudicated; who diligently pursued appellate representation for months and received declinations in the weeks before her deadline that identified a correctable path forward and invited reapplication once that path is taken; who faces documented financial hardship evidenced by a pending bankruptcy proceeding; who must proceed against attorneys under active State Bar investigation for alleged misrepresentations about these very proceedings; and who has been subjected to sustained and documented harassment as a direct and foreseeable result of Respondent's public conduct. She asks for sixty days — time that would allow her to correct the record, reapply for representation, and brief this appeal properly.

On the other side: a party who publicly solicited and raised in excess of $50,000 for his legal representation in this matter from an online community whose members have directed sustained harassment at Petitioner — harassment that flows directly from Respondent's public portrayal of himself as a victim, a portrayal the judicial record does not support. Respondent stipulated to the original domestic violence restraining order in 2018 rather than contest it. The San Francisco Superior Court granted the 2020 renewal on the merits. The order remained in force for seven years. Respondent has nonetheless made public statements — contradicted by his own sworn deposition testimony of

January 2018, by audio recordings in Petitioner's possession, and by contemporaneous text messages reflecting his own words — in which he portrays himself as the aggrieved party and implies that prior judicial findings have been vacated or reversed. Neither is true. No prior finding has been vacated. The public campaign built on those misrepresentations has generated the sustained harassment Petitioner now faces, financed in part by the same community that funded Respondent's legal representation in these proceedings. Respondent enters this appeal fully funded, fully represented, and facing no cognizable prejudice from a 60-day extension of time.

The 2018 restraining order — which Respondent stipulated to rather than contest — was supported by a sworn declaration from Karen Ilmberger, a complete stranger to both parties seated directly in front of them on their December 30, 2016 flight to Iceland. Ms. Ilmberger declared under oath that Respondent was "*emotionally and verbally abusing Ms. Owens for a long time*"; that "*he was so menacing that I felt her life was at stake were she to stay with him*"; and that she was so frightened of Respondent that she omitted her own name from the note she passed to Petitioner because she "*was afraid that he would come after me if he found the note.*" That account — from a disinterested witness who had never met either party — has never been challenged in any court. Respondent stipulated to the order it supported in 2018, contested the 2020 renewal and lost, and the order stood for seven years.

The Domestic Violence Prevention Act was enacted to prevent acts of domestic violence and their recurrence. (Fam. Code, § 6220.) Its provisions are construed liberally in favor of protection. Denying this application would forfeit — through procedural attrition — the appellate rights of a petitioner whose absence was caused by a documented medical emergency acknowledged by the Court itself, whose motion to correct the record was never ruled upon, and whose inability to meet the current deadline flows entirely from circumstances beyond her control. That outcome is inconsistent with every purpose the Act was enacted to serve.

VIII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant a 60-day extension of time to file her Opening Brief, extending the current deadline from April 28, 2026 to June 27, 2026;
2. Accept this application as timely filed prior to the April 28, 2026 deadline; and
3. Grant such other and further relief as the Court deems just and proper.

Petitioner hereby advises this Court, and places Respondent on formal notice, that independent of the outcome of this application, she intends to seek a new domestic violence protective order arising from Respondent's recent and ongoing conduct.

Dated: April 23, 2026

Respectfully submitted,

/s/ Laura Michelle Owens
LAURA MICHELLE OWENS
Petitioner-Appellant, In Pro Per