

1 THE EAGLE LAW FIRM  
Omar Serrato, SBN #295975

2 [REDACTED]

3 T: [REDACTED]  
4 [REDACTED]

5 Attorney for Respondent, MICHAEL MARRACCINI

6 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO (Civic Center Courthouse)

7 LAURA OWENS

) Case No: FDV-18-813693

8 Petitioner

9 vs.

10 MICHAEL MARRACCINI

11 Respondent

) RESPONDENT MICHAEL MARRACCINI'S  
) MOTION FOR ATTORNEY FEES AND COSTS;  
) MEMORANDUM OF POINTS AND  
) AUTHORITIES

) Hearing Date: July 20, 2026

) Time: 9:00 a.m.

) Dept: 405A Judge: Hon. Carolyn Gold

16 NOTICE OF MOTION

19 TO PETITIONER LAURA OWENS, IN PROPRIA PERSONA:

21 PLEASE TAKE NOTICE that on July 20, 2026, at 9:00 a.m., or as soon thereafter as the matter  
22 may be heard in Department 405A of the above-entitled Court, Respondent Michael Marraccini will,  
23 and hereby does, move this Court for an order awarding attorney fees and costs against Petitioner  
24 Laura Owens in the total sum of \$109,633.98.

26 This Motion is made under Family Code section 6344, subdivisions (b) and (c), on the  
27 ground that Petitioner's Request to Renew Restraining Order was frivolous and solely intended to  
28 abuse, intimidate, or cause unnecessary delay, and that Petitioner has, or is reasonably likely to

1 have, the ability to pay the fees and costs sought. Costs are independently sought under Code of  
2 Civil Procedure sections 1032 and 1033.5.

3  
4 This Motion is based on this Notice of Motion, the accompanying Memorandum of Points  
5 and Authorities, the Declaration of Omar R. Serrato and exhibits thereto, the Exhibit Package filed  
6 concurrently, the papers and records on file, and such further argument and evidence as may be  
7 presented at the hearing.

8  
9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **I. PROCEDURAL HISTORY AND BACKGROUND**

11  
12 **A. The 2018 Stipulated Order.**

13 Petitioner Laura Owens filed a Request for Domestic Violence Restraining Order on January  
14 9, 2018. (Ex. 18.) A temporary order issued January 10, 2018. The parties entered a stipulated  
15 Restraining Order After Hearing on or about July 10, 2018. The stipulated order contained no  
16 judicial finding that Respondent committed domestic violence.

17  
18 **B. The 2020 Renewal.**

19 On July 10, 2020, Petitioner filed a renewal request. On September 11, 2020, the Honorable  
20 Sharon Reardon, Department 403, held a contested hearing at which both parties appeared pro per.  
21 The court applied the reasonable-apprehension-of-future-abuse standard and granted the request  
22 to renew for five years. (Ex. 13, 9/11/2020 Reporter's Transcript at p. 7, lines 25 through p. 8, line  
23 10.) The record contains no finding of any DVRO violation by Respondent; the 2020 renewal was  
24 based on Petitioner's subjective statement of fear.

25  
26 **C. The 2025 Renewal Petition.**

27 On July 9, 2025, Petitioner filed a second Request to Renew Restraining Order on Form  
28 DV-700. (Ex. 18.) On the form, Petitioner left blank Section 4(a) (the box stating, "I am afraid or

1 worried that the person in (2) might abuse me in the future"). She marked only Section 4(b)  
2 (alleged violations). Respondent retained The Eagle Law Firm on or about July 9, 2025. Between  
3 July and October 2025, Respondent filed a Response to the Renewal Request with fifteen exhibits,  
4 an Opposition to Petitioner's Motion to Proceed by Declaration, a Motion to Disqualify Petitioner's  
5 Counsel David Gingras, a Motion to Vacate the 2018 Order under Code of Civil Procedure section  
6 473, Motions in Limine, a Trial Brief, an Opposition to David Gingras's Motion to Intervene and for  
7 Sanctions, witness and exhibit lists, and supporting declarations. (Serrato Decl., para. 5; Ex. 1,  
8 Billing Statement.)  
9

10 **D. October 10, 2025: Pretrial Motions Resolved; Trial Confirmed.**

11 On October 10, 2025, the Court resolved all pretrial motions and confirmed trial for October  
12 21 and 22, 2025. (Ex. 2, 10/10/2025 Mini-Minutes.) The Court denied David Gingras's Motion to  
13 Intervene ("Intervention requires direct and immediate interest in the litigation. This matter is  
14 from a witness to the litigation and is ancillary."); denied Respondent's Motion to Disqualify Gingras  
15 without prejudice as premature; and ruled the Motion to Strike and Sanctions moot. The Court  
16 further noted that, on Petitioner's representation of defective service, Respondent withdrew the  
17 Code of Civil Procedure section 473 Motion. The withdrawal was a strategic election to preserve the  
18 trial dates and avoid bifurcating the proceeding; the motion had been fully prepared, briefed, and  
19 supported by exhibits, and remained substantively viable. (Serrato Decl., para. 6.)  
20

21 **E. October 21, 2025: "Life Threatening" Travel Representation.**

22 On October 21, 2025, Petitioner appeared by Zoom only and represented to the Court that  
23 travel to San Francisco for trial would be "life threatening." (Ex. 2, 10/21/2025 Mini-Minutes.) The  
24 Court admonished Petitioner that she had been previously ordered to appear in person and stated  
25 her motion was "improper and not before the Court today." Because no court reporter was  
26 available, the Court continued the matter to October 22, 2025, with both parties ordered to appear  
27 in person. The Court stated: "This Court will not extend or continue request to renew restraining  
28 order with an indefinite period." (Id.) Petitioner's October 21, 2025 email to the Court invoking a

1 "life-threatening risk" representation, supported by letters from a nurse practitioner styling herself  
2 "Dr. Colleen Green, DNP" and from a Dr. Amr Nasef, is at Exhibit 14.

3  
4 **F. October 22, 2025: In Camera Continuance to November 5,**

5 On October 22, 2025, the Court held an in camera hearing on Petitioner's accommodation  
6 request. The Court noted: "The Court notes that request is improper and untimely." (Ex. 2,  
7 10/22/2025 Mini-Minutes.) The Court nonetheless exercised its discretion to grant a brief  
8 continuance to November 5, 2025, and "ordered Petitioner to be in San Francisco, and to be in the  
9 Courthouse, in person for the trial." (Id.)

10  
11 **G. October 22 through 26, 2025: Scottsdale Fall Classic 2,**

12 Petitioner was registered as Entry No. 570 in the 2025 Scottsdale Fall Classic 2, a USEF  
13 National "A"-rated hunter/jumper competition held October 22 through 26, 2025 at WestWorld of  
14 Scottsdale, Arizona, with an entry closing date of October 6, 2025. (Ex. 5-1; Ex. 5-2.) The full factual  
15 record of Petitioner's competition activity, including her placements and the contemporaneous  
16 eyewitness observations of Kristin Hardin, is set out at Section III.B.5 below.

17  
18 **H. November 5, 2025: Petitioner's Non-Appearance and Dismissal,**

19 On November 5, 2025, Petitioner did not appear. Respondent appeared in person with  
20 counsel Omar R. Serrato and associated counsel Rachael E. Juarez. (Ex. 2, 11/5/2025 Mini-Minutes.)  
21 The Court ruled: "Because of the non-appearance of Petitioner, Petitioner's request to Renew  
22 Restraining Order is dismissed. The temporary restraining order against Respondent is dissolved."  
23 (Id.) No written order was prepared.

24  
25 **I. Post-Dismissal Procedural Conduct.**

26 Petitioner's post-dismissal procedural conduct is set out in detail at Section III.C below. The  
27 factual sequence includes filings in this Court, the California Court of Appeal (Case No. A175236),  
28 the United States Bankruptcy Court for the District of Arizona (Case No. 2:25-bk-11801-BKM), and

1 the Maricopa County Superior Court (CV2026-002304). (Exs. 6-1 through 6-3; Exs. 16-1 through  
2 16-4; Ex. 19; Ex. 20; Ex. 21.)

3  
4 **J. Antecedent Criminal Proceedings.**

5 On May 1, 2025, a Maricopa County grand jury indicted Petitioner on seven felony counts  
6 including fraudulent schemes, four counts of perjury, forgery, and tampering with physical  
7 evidence, arising from her conduct in Owens v. Echard (Maricopa Sup. Ct. Case No. FC2023-  
8 052114). (Ex. 4.) On November 4, 2025, a Maricopa County grand jury returned a second  
9 indictment adding six additional felony counts arising from similar conduct against another victim  
10 prior to her meeting Mr. Echard. (Ex. 20, Adversary Complaint, para. 29.) The original charges were  
11 dismissed without prejudice and brought again in consolidation with the November 4, 2025  
12 indictment, plus one additional charge relating to Echard. The consolidated case number is CR2025-  
13 007905 (Maricopa County). (Id.)

14  
15 **K. The Bankruptcy Filing and its Disposition.**

16 On December 8, 2025, thirty-three days after the dismissal of her renewal petition,  
17 Petitioner filed a Chapter 7 voluntary petition in the United States Bankruptcy Court for the District  
18 of Arizona, Case No. 2:25-bk-11801-BKM. (Ex. 16-1.) On the same date, Petitioner signed under  
19 penalty of perjury an Application to Have the Chapter 7 Filing Fee Waived, declaring: "I currently  
20 have no income and no ability to pay the filing fee. I am fully dependent on family for basic living  
21 expenses and cannot afford to make payments now or within 120 days." (Ex. 21.) The Honorable  
22 Brenda K. Martin granted the fee waiver on December 27, 2025.

23  
24 On January 9, 2026, creditor Clayton Echard filed an Adversary Complaint for  
25 Nondischargeability of Debt against Petitioner (Adv. Proc. No. 2:26-ap-00007-BKM), pleading two  
26 counts: (i) nondischargeability of the \$196,076.32 in fee judgments under 11 U.S.C. section 523(a)  
27 (6) for willful and malicious injury, and (ii) ineligibility for any discharge under 11 U.S.C. section  
28 727(a)(2)(A), (a)(3), (a)(4), and (a)(5) for asset transfer and concealment, destruction or

1 falsification of financial records, knowing and fraudulent false claims, and unexplained loss of  
2 assets. (Ex. 20, paras. 31 through 42.)  
3

4 On February 12, 2026, the United States Trustee filed an Application for FRBP 2004  
5 Examination and lodged a proposed order, seeking to compel three years of tax returns, financial-  
6 account statements, asset-sale records, insurance, loan, storage, trust, and Cherry Tech debt  
7 records, identifying by name accounts held by Quartet Farms LLC, LizMax Investments LLC,  
8 Keybacker Inc., and Stylete LLC. (Ex. 16-2 and Ex. A thereto; Ex. 16-3; Ex. 20, paras. 4, 37.) On  
9 February 23, 2026, the Bankruptcy Court (Hon. Brenda K. Martin) signed an order extending the  
10 United States Trustee's deadline to file an adversary complaint under 11 U.S.C. section 727 to deny  
11 discharge. (Ex. 16-4.)  
12

13 On April 15, 2026, before the Rule 2004 examination occurred and before the United States  
14 Trustee filed its section 727 complaint, Petitioner stipulated with the United States Trustee and Mr.  
15 Echard to dismiss the bankruptcy case with prejudice and not to refile any bankruptcy petition for  
16 one year. (Ex. 19.) The Court retains jurisdiction to reinstate the case if Petitioner violates the bar  
17 period, in which event the United States Trustee retains the right to conduct the Rule 2004  
18 examination and file the section 727 complaint within sixty days. (Id., paras. 5(c), 5(f).) Petitioner  
19 did not obtain a discharge.  
20

## 21 **II. THE CASE LAW IMPLICATING PETITIONER'S CONDUCT**

### 22 **A. The Governing Statute: Family Code Section 6344,**

23 Family Code section 6344, subdivision (a), provides that the court "shall issue an order for  
24 the payment of attorney's fees and costs for a prevailing petitioner." Subdivision (b) provides that  
25 the court "may issue an order for the payment of attorney's fees and costs for a prevailing  
26 respondent only if the respondent establishes by a preponderance of the evidence that the petition  
27 or request is frivolous or solely intended to abuse, intimidate, or cause unnecessary delay."  
28 Subdivision (c) requires the court to first determine, pursuant to Family Code section 270, that the

1 party ordered to pay "has, or is reasonably likely to have, the ability to pay." The amended statute  
2 became operative January 1, 2023. Respondent proceeds under subdivisions (b) and (c).

3  
4 **B. The Amended Section 6344 Applies Retroactively to This Case,**

5 *Dragones v. Calkins* (2024) 98 Cal.App.5th 1075 holds that the amended version of Family  
6 Code section 6344 applies retroactively to all cases pending on its January 1, 2023 effective date.  
7 (Id. at p. 1082.) Petitioner filed her renewal petition on July 9, 2025. The amended statute governs  
8 this motion.

9  
10 **C. The Frivolousness Standard Under Section 6344(b),**

11 The two prongs of subdivision (b) are disjunctive: a fee award may issue on either  
12 frivolousness or improper purpose. The reigning California definition of frivolousness is the two-  
13 prong test of *In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 650, which holds that conduct is  
14 frivolous if it is either prosecuted for an improper motive (to harass or to delay) or indisputably has  
15 no merit, meaning any reasonable attorney would agree it is "totally and completely without merit."  
16 The Legislature adopted materially identical language in Code of Civil Procedure section 128.5,  
17 subdivision (b)(2). The parallel statutory language supports applying the *Flaherty* test to the  
18 section 6344(b) inquiry.

19  
20 **D. The Lodestar Method Governs Reasonableness; Withdrawn-Motion Hours Are**  
21 **Compensable.**

22 Reasonable fees under section 6344 are calculated by the lodestar method: the number of  
23 hours reasonably expended multiplied by a reasonable hourly rate. (*PLCM Group, Inc. v. Drexler*  
24 (2000) 22 Cal.4th 1084, 1095; *Serrano v. Priest* (1977) 20 Cal.3d 25, 48; *Ketchum v. Moses* (2001)  
25 24 Cal.4th 1122, 1132.) Fees incurred in preparing the fee motion itself are compensable.  
26 (*Ketchum, supra*, 24 Cal.4th at p. 1141; *Serrano v. Unruh* (1982) 32 Cal.3d 621, 635 through 637.)  
27  
28

1 The attorney hours devoted to the prepared but withdrawn Code of Civil Procedure section  
2 473 motion remain compensable. Those hours were reasonably expended in the defense of this  
3 proceeding when they were performed. Withdrawal was a tactical election to preserve the October  
4 21 and 22 trial dates after Petitioner advanced a service-of-process argument that the Court  
5 rejected on the record. (Ex. 2, 10/10/2025 Mini-Minutes.)  
6

7 **E. Fees Incurred Notwithstanding Charitable Funding.**

8 Under California law, fees are "incurred" for fee-shifting purposes even where a party is not  
9 personally out-of-pocket. (Lolley v. Campbell (2002) 28 Cal.4th 367, 373.) A public crowdfunding  
10 campaign is squarely within the Lolley rule. Respondent's GoFundMe campaign is disclosed in  
11 candor to the Court in the Serrato Declaration. Respondent remains contractually obligated on the  
12 fee balance. Any sums recovered will be applied first to the outstanding balance with the Firm;  
13 there will be no duplicate recovery.  
14  
15

16 **F. The Bankruptcy Filing Does Not Bar This Motion.**

17 Petitioner's Chapter 7 bankruptcy was dismissed with prejudice on April 15, 2026, by  
18 stipulation with the United States Trustee and Mr. Echard. (Ex. 19.) Petitioner did not obtain a  
19 discharge and is barred from refile for one year. (Id., paras. 5(a), 5(b).) Without a discharge, no  
20 section 524 discharge injunction has issued. The automatic stay terminated on dismissal. (See 11  
21 U.S.C. § 362(c)(2)(B).) The pending appeal in A175236 does not divest this Court of jurisdiction  
22 over a post-judgment fees motion, which is a collateral matter under Code of Civil Procedure  
23 section 916 and California Rules of Court, rule 3.1702. The fees motion is properly before this Court.  
24  
25

26 **G. The Motion Is Timely.**

27 The Motion is timely. No written order signed by the Court has been filed or served in this  
28 matter, as Department 405A confirmed in writing on April 13, 2026 (Ex. 22), and under Code of

1 Civil Procedure section 581d a court-ordered dismissal constitutes a judgment only when so  
2 reduced to writing. The DVRO renewal was dismissed on November 5, 2025 orally on the record.  
3 The deadline for filing this Motion under California Rules of Court, rule 3.1702(b)(1) and rule  
4 8.104(a)(1)(C) is therefore May 4, 2026, and this Motion is filed before that date.

5  
6 **III. PETITIONER'S CONDUCT IS WORTHY OF SECTION 6344(b) FEES**

7  
8 The two prongs of section 6344(b) are disjunctive. Respondent establishes both by a  
9 preponderance of the evidence.

10  
11 **A. Objective Frivolousness: Any Reasonable Attorney Would Agree the Renewal**  
12 **Petition Was Totally and Completely Without Merit.**

13  
14 **1. The Petition Omitted the Core Element of Renewal.**

15 Under Family Code section 6345 and *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1290,  
16 a DVRO renewal required Petitioner to prove an objectively reasonable apprehension of future  
17 abuse. Petitioner failed to do so.

18  
19 Petitioner's DV-700 left Section 4(a) blank (the "I am afraid or worried that the person in  
20 (2) might abuse me in the future" box) and checked only Section 4(b) (alleged violations). (Ex. 18,  
21 7/9/2025 DV-700, Section 4.) The accompanying fifteen-page declaration is titled "SUMMARY OF  
22 RECENT VIOLATIONS BY MR. MARRACCINI." (Ex. 18, decl. at p. 2.) Its forty-six paragraphs address  
23 past conduct. The closing paragraphs describe how Respondent's past acts "have been absolutely  
24 terrifying" (id., para. 42) and "caused [Petitioner] severe emotional distress" (id., para. 44). The  
25 declaration's final substantive request is for "criminal prosecution based on [Respondent's]  
26 violation of 18 U.S.C. section 2262." (Id., para. 46.)

27  
28 **2. The 2025 Petition Alleges No Direct Interaction Between the Parties.**

1 The alleged "recent violations" recited in Petitioner's 2025 declaration do not arise from  
2 any direct interaction between the parties. They center on Petitioner's own Arizona paternity case,  
3 Owens v. Echard: Mr. Marraccini's identification as a witness in that proceeding, his presence at a  
4 June 10, 2024 evidentiary hearing as a named witness (where, on Petitioner's own account, court  
5 security and the sitting Arizona judge declined to exclude him), and the May 2024 release of 2016  
6 through 2017 messages. (Ex. 18, decl. paras. 8, 13 through 37.)

7  
8 **3. Petitioner Declined the Witness Stand and the Cross-Examination It Required.**

9 The renewal turned on whether Petitioner could establish, under *Ritchie v. Konrad* (2004)  
10 115 Cal.App.4th 1275, 1290, an objectively reasonable apprehension of future abuse measured  
11 against conduct since the 2020 renewal. To carry that burden in the contested evidentiary hearing  
12 she herself had set, Petitioner would have testified live and been subject to cross-examination. (See  
13 Fam. Code § 217; *Ross v. Figueroa* (2006) 139 Cal.App.4th 856, 866 [confirming live testimony  
14 rights in DVPA proceedings].) Her direct examination would have anchored to the post-2020  
15 conduct alleged in her July 2025 declaration, conduct centered entirely on her own Arizona  
16 paternity case, *Owens v. Echard*. (Ex. 18, decl. ¶¶ 8, 13–37.)

17  
18 Direct examination on that subject would have placed Petitioner's credibility squarely in  
19 issue and opened the door to impeachment material Mr. Marraccini had assembled and disclosed in  
20 trial preparation. (Evid. Code §§ 780, 1101(c).) That material included two purported Sutter Health  
21 MyChart messages Petitioner had produced as inbound provider correspondence — one dated  
22 8/13/2016 from "John Chung Kai Chan, MD" confirming a "Stage IA" ovarian cancer diagnosis, the  
23 other dated 8/31/2016 from "Rebecca Yee, MD" confirming an oophorectomy and surgical  
24 abortion, both identified as forgeries by forensic examination. (Ex. 23; Ex. 3, Forensic Report, ref.  
25 only.)

26 It also included contemporaneous equestrian-competition records establishing Petitioner's  
27 active participation in show jumping during the very period she has represented as one of  
28 continuing trauma, including her Champion finish at the Scottsdale Fall Classic 2 within days of her

1 "life threatening" representation to this Court. (Ex. 5, sub-exs. 5-1 to 5-4; Ex. 11, Hardin Decl. ¶¶ 4-  
2 21.) Petitioner had docket notice of the forgery exhibit from Mr. Marraccini's 8/25/2025 Response,  
3 over two months before the trial she had set; she did not appear at the hearing she herself had set.  
4

#### 5 **4. The Federal and State Records Independently Confirm the Pattern,**

6 Following a June 10, 2024 bench trial, the Honorable Julie Mata of the Maricopa County  
7 Superior Court found in *Owens v. Echard* that Petitioner "brought the paternity action without basis  
8 or merit, testified falsely, misled the court, altered documents introduced into evidence, and acted  
9 with improper purpose." (Ex. 20, para. 22; see also Ex. 18, decl. para. 32.) On August 19, 2024, the  
10 court entered judgment for Echard in the amount of \$149,219.76. (Ex. 20, para. 23.) The Arizona  
11 Court of Appeals affirmed and awarded an additional \$40,259.50 in appellate fees and costs by  
12 judgments entered May 6 and May 28, 2025. (Ex. 20, para. 24.) The Arizona Supreme Court denied  
13 review and awarded an additional \$6,597.06 by judgment entered September 19, 2025. (Ex. 20,  
14 para. 25.) Petitioner's total fee-judgment exposure on the Echard litigation is \$196,076.32. (Ex. 20,  
15 para. 26.)  
16

17 On May 1, 2025, a Maricopa County grand jury indicted Petitioner on seven felony counts in  
18 CR2025-006831. (Ex. 20, para. 28.) On November 4, 2025, a grand jury returned a second  
19 indictment in CR2025-007905, adding six felony counts arising from conduct against another  
20 victim prior to Petitioner's meeting Echard, dismissing the original indictment, and re-charging  
21 those counts in consolidation. (Ex. 20, para. 29.) On January 9, 2026, creditor Echard filed an  
22 adversary complaint in the United States Bankruptcy Court for the District of Arizona alleging that  
23 Petitioner is ineligible for discharge under 11 U.S.C. section 727(a)(2), (a)(3), (a)(4), and (a)(5). (Ex.  
24 20, paras. 37 through 42 and prayer for relief paragraph B.) On April 15, 2026, the Stipulated  
25 Motion to Dismiss with Prejudice was entered, expressly preserving the United States Trustee's  
26 right to file a section 727 denial-of-discharge complaint upon reinstatement. (Ex. 19.) No  
27 reasonable attorney aware of this record would have prosecuted this DVRO renewal.  
28

1                    **B. Subjective Improper Purpose: The October 2025 Timeline Proves the Renewal**  
2                    **Was Prosecuted to Abuse, Intimidate, and Cause Unnecessary Delay.**

3  
4                    **1. October 6, 2025: Entry Closing Date for the Scottsdale Fall Classic 2,**

5                    The 2025 Scottsdale Fall Classic 2, a USEF "A"-rated equestrian competition at WestWorld  
6 of Scottsdale, Arizona, set Monday, October 6, 2025 as its entry closing date. (Ex. 5-2.) The  
7 competition was scheduled for October 22 through 26, 2025. (Ex. 5-1; Ex. 5-2.)

8  
9                    **2. October 10, 2025: Trial Confirmed for October 21 and 22.**

10                    The Court resolved pretrial motions, including denial of the Gingras Motion to Intervene  
11 and Respondent's withdrawal of his CCP § 473 motion, and confirmed trial dates of October 21 and  
12 22, 2025. (Ex. 2, 10/10/2025 Mini-Minutes.)

13  
14                    **3. October 21, 2025: "Life Threatening" Travel Representation.**

15                    Petitioner appeared by Zoom and represented to the Court that travel to San Francisco was  
16 "life threatening." (Ex. 2, 10/21/2025 Mini-Minutes; Ex. 14, 10/21/2025 email.) The Court ruled  
17 the motion was "improper and not before the Court today" and ordered Petitioner in person for the  
18 following day.

19  
20                    **4. October 22, 2025: In Camera Continuance to November 5; Same Day Petitioner**  
21 **Began Competing.**

22                    The Court granted a brief accommodation continuance, finding the request "improper and  
23 untimely," and ordered Petitioner to appear "in San Francisco, and to be in the Courthouse, in  
24 person for the trial." (Ex. 2, 10/22/2025 Mini-Minutes.) The Scottsdale Fall Classic 2 began on this  
25 same date.

26  
27                    **5. October 22 Through 26, 2025: Petitioner Competed and Won.**

1 Petitioner was present at the Scottsdale Fall Classic 2 on the very trial dates from which she  
2 had obtained a continuance based on a representation that travel was life threatening. She entered  
3 multiple hunter and equitation divisions, was photographed wearing back number 570 mid-class  
4 (Ex. 5-4), and was named Champion of the OR CEP Hunter Derby 2'6"/2'9" riding Scirocco 91, a  
5 horse owned by Petitioner (Ex. 5-3; Ex. 11, ¶ 6). The show producer's official Instagram account  
6 documented her on the winner's podium. (Ex. 5-3.) Eyewitness Kristin Hardin, a professional  
7 equestrian, observed Petitioner at the WestWorld facility on October 21, 22, 24, 25, and 26, 2025  
8 and declared under penalty of perjury that at no time during that window did Petitioner appear  
9 "fatigued, distressed, in despair or experiencing any physical issues"; rather, she appeared "happy,  
10 energetic, and smiling." (Ex. 11, ¶¶ 4-21.)  
11

12 **6. November 5, 2025: Petitioner Did Not Appear on the Continued Date She Herself**  
13 **Obtained.**

14 On November 5, 2025, Petitioner failed to appear at the trial she had set, twice been  
15 ordered to attend in person, and successfully continued to that date based on her representation  
16 that travel was life threatening. The Court dismissed the renewal. (Ex. 2, 11/5/2025 Mini-Minutes.)  
17 Petitioner registered for an out-of-state athletic competition by no later than October 6, 2025,  
18 fifteen days before her October 21 representation to this Court that in-person travel posed a life-  
19 threatening risk. (Ex. 5-2; Ex. 2, 10/21/2025 Mini-Minutes; Ex. 14.) She competed at that  
20 competition on October 22 through 26, 2025. (Ex. 5-3; Ex. 5-4; Ex. 11, ¶¶ 4-21.) She failed to appear  
21 on the continued date she had obtained on a medical-incapacity record. (Ex. 2, 11/5/2025 Mini-  
22 Minutes.)

23 Petitioner's claim that travel to San Francisco was "life threatening" is further contradicted  
24 by her established pattern of obtaining travel authorization through proper channels in other  
25 proceedings. The Maricopa County Superior Court (Hon. Jeffrey A. Rueter) granted Petitioner's  
26 motion to modify conditions of release for travel to California on September 4-8, September 10-15,  
27 and September 23-26, 2025, and granted a second travel-modification motion on September 18,  
28 2025 for travel to California on September 18-26, 2025. (Ex. 12.) Petitioner was thus demonstrably

1 capable of seeking and obtaining travel authorization in advance through proper channels when  
2 she chose to do so.

3  
4 **C. Petitioner Has Formally Announced Her Intent to File a New DVRO.**

5 Petitioner filed a Notice of Appeal on December 4, 2025, a Chapter 7 voluntary bankruptcy  
6 petition on December 8, 2025 (supported by a sworn indigency declaration), papers in the  
7 appellate court on January 20, 2026, and an Arizona Injunction Against Harassment against a third-  
8 party content creator on January 20, 2026 (Maricopa Sup. Ct. Case No. CV2026-002304; judicial  
9 notice respectfully requested under Evidence Code section 452(d)). (Exs. 6, 16, 21.)

10 On April 23, 2026, Petitioner filed an Ex Parte Application for Extension of Time to File  
11 Opening Brief in A175236, which the First District Court of Appeal granted the same day. (Ex. 24.)  
12 The filing is a twelve-page, single-spaced document drafted and signed by Petitioner personally, in  
13 pro per. The Application's Conclusion at Section VIII contains a formal written notice of intent to  
14 initiate further DVPA litigation against Respondent: "Petitioner hereby advises this Court, and  
15 places Respondent on formal notice, that independent of the outcome of this application, she  
16 intends to seek a new domestic violence protective order arising from Respondent's recent and  
17 ongoing conduct." (Ex. 24, § VIII.)

18  
19 **D. Petitioner Has the Ability to Pay.**

20 Section 6344(c) and Family Code section 270 require a determination that Petitioner has, or  
21 is reasonably likely to have, the ability to pay. (Dragones v. Calkins (2024) 98 Cal.App.5th 1075,  
22 1081.) The record reflects the following:

23 Respondent's ability-to-pay showing is necessarily circumstantial. Full financial discovery  
24 against Petitioner has not been undertaken; the cost of doing so in a post-dismissal posture would  
25 itself exceed the fee award sought, defeating the purpose of section 6344(c). Direct disclosure from  
26 Petitioner is also not a reliable record. Petitioner has a documented pattern of misrepresenting her  
27 financial position when it serves her interests, including her sworn declaration of "no income and  
28 no ability to pay" the \$338 Chapter 7 filing fee on December 8, 2025 (Ex. 21), a representation

1 contradicted by her contemporaneous discretionary expenditure on USEF National "A"-rated  
2 equestrian competition six weeks earlier (Ex. 5; Ex. 11). The Court should therefore assess  
3 Petitioner's ability to pay by reference to what Petitioner has actually been observed to do with  
4 resources, what assets she has been federally alleged to control, and the demonstrated capacity to  
5 acquire and deploy resources across multiple simultaneous proceedings. The record on those  
6 metrics is substantial:

7  
8 (i) Petitioner's October 22 through 26, 2025 participation in USEF National "A"-rated  
9 hunter/jumper competition at the Scottsdale Fall Classic 2, on the very dates she had told this Court  
10 were too life-threatening to travel for, demonstrates discretionary expenditure capacity. (See §  
11 III.B.5, supra.) Hunter/jumper competition at the USEF National "A" tier carries entry, stall, hauling,  
12 training, and lodging fees, supported by ongoing horse board, veterinary, farrier, insurance, and  
13 transportation expenses for the horse Scirocco 91 owned by Petitioner. (Ex. 5; Ex. 11, paras. 4  
14 through 21.)

15  
16 (ii) Petitioner's December 8, 2025 Voluntary Petition checked "No" at Schedule A/B Part 5  
17 (Business-Related Property) and disclosed no interest in any business entity. (Ex. 16-1.) Five weeks  
18 later, Echard's adversary complaint identified Quartet Farms LLC, LizMax Investments LLC,  
19 Keybacker Inc., and Stylete LLC as four entities Petitioner controls or holds beneficial interests in,  
20 and pleaded the non-disclosure as a basis for section 727 ineligibility. (Ex. 20, paras. 4, 37.) On  
21 February 12, 2026, the United States Trustee filed an Application for FRBP 2004 Examination  
22 identifying the same four entities by name and demanding three years of records on each. (Ex. 16-2  
23 and Ex. A thereto.) The bankruptcy case was dismissed with prejudice on April 15, 2026, before any  
24 Rule 2004 production occurred and before any section 727 adjudication. The Stipulated Order  
25 preserved the United States Trustee's right to file a section 727 denial-of-discharge complaint upon  
26 any reinstatement; Petitioner did not obtain a discharge. (Ex. 19.)

1 (iii) On December 8, 2025, Petitioner swore under penalty of perjury that she "currently  
2 ha[s] no income and no ability to pay the filing fee" and was "fully dependent on family for basic  
3 living expenses." (Ex. 21, Part 1, line 5.) The same sworn application disclosed average monthly  
4 expenses of \$4,077.63 (Part 2, line 6) and recurring family contributions of \$2,750 per month (Part  
5 2, line 8). Echard's adversary complaint expressly contrasts that representation with Petitioner's  
6 "previous statements made under oath." (Ex. 20, para. 40(b).)

7  
8 (iv) Petitioner has retained private criminal defense counsel in State of Arizona v. Owens,  
9 Maricopa Sup. Ct. Case No. CR2025-007905. Joshua Kolsrud of Kolsrud Law entered a Notice of  
10 Appearance on May 28, 2025 and represented Petitioner on a private-pay basis until his Motion to  
11 Withdraw was filed on November 17, 2025, the period encompassing Petitioner's July 9, 2025 filing  
12 of the DVRO renewal at issue here, the October 21 and 22, 2025 trial-readiness hearings before this  
13 Court, and the November 5, 2025 trial date. Christian Lueders of Guardian Law Group, a private  
14 Phoenix criminal defense firm, has appeared as Petitioner's counsel of record by Notice of  
15 Stipulated Substitution of Defense Counsel filed March 3, 2026, and remains counsel of record to  
16 date. (Maricopa Sup. Ct. docket, CR2025-007905; judicial notice respectfully requested under  
17 Evidence Code section 452(d).)

18  
19 (v) Petitioner has continuously prosecuted and defended litigation across the San Francisco  
20 Superior Court (the matter at bar), the California Court of Appeal (Case No. A175236), the Maricopa  
21 County Superior Court (criminal CR2025-007905, family FC2023-052114, civil harassment  
22 CV2026-002304), and the United States Bankruptcy Court for the District of Arizona,  
23 simultaneously. (Exs. 6-1 through 6-3; Exs. 16-1 through 16-4; Ex. 19; Ex. 20; Ex. 24.)

#### 24 25 **IV. THE FEES ACCUMULATED**

26 From Respondent's retention of The Eagle Law Firm on or about July 9, 2025 through the  
27 date of this filing, Respondent has incurred merits attorney fees of \$90,100.00 (180.2 hours by  
28 Omar R. Serrato, Esq., SBN 295975, at \$500.00 per hour), fees-on-fees of \$5,850.00 (11.7 hours at

1 the same rate), and paralegal fees of \$9,825.00 (65.5 hours by the firm's paralegal at \$150.00 per  
2 hour). (Ex. 1; Serrato Decl. paras. 10 through 15.) Documented costs total \$3,858.98 and consist of:  
3 (a) firm-advanced costs of \$637.70 (OneLegal filing fees, printing and postage, certified copies,  
4 medical records); (b) court filing fees of \$140.00; (c) Behmke Reporting & Video Services Invoice  
5 No. 78515AC of \$837.94 (court reporter cancellation fee for the October 22, 2025 trial date); (d)  
6 Combs Reporting, Inc. Invoice No. 28284 of \$2,000.00 (full-day in-person court reporter services by  
7 Heather Bautista for the November 5, 2025 trial date); and (e) Wheels of Justice Invoice No.  
8 13007820 of \$243.34 (court filing of the Ex Parte RFO Package on October 1, 2025). (Exs. 7, 8, 9.)  
9 The total fees and documented costs sum to \$109,633.98.

10 Fees sought in this motion reflect substantial voluntary downward adjustments before  
11 submission. A substantial amount of additional work was performed but was not billed, including  
12 the independently-incurred attorney fees of co-counsel Rachael E. Juarez of Bersch & Juarez LLP,  
13 which are not reflected in this Firm's billing and are not being requested as part of this motion.  
14 Counsel-incurred travel and lodging expenses for the in-person trial appearances are not reflected  
15 in the costs sought and are not being requested, notwithstanding their potential recovery under  
16 Family Code section 6344(b).

#### 17 V. CONCLUSION

18 Respondent respectfully requests that the Court enter the [Proposed] Order filed  
19 concurrently:

- 20 (1) finding Respondent the prevailing party under Family Code section 6344 and Code of Civil  
21 Procedure section 1032(a)(4);
- 22 (2) finding under Family Code section 6344(b) that Petitioner's Request to Renew Restraining  
23 Order was frivolous and solely intended to abuse, intimidate, or cause unnecessary delay;
- 24 (3) determining under Family Code section 6344(c) and Family Code section 270 that  
25 Petitioner has, or is reasonably likely to have, the ability to pay;
- 26 (4) awarding Respondent \$90,100.00 in merits fees, \$5,850.00 in fees-on-fees, \$9,825.00 in  
27 paralegal fees, and \$3,858.98 in documented costs, for a total of \$109,633.98;

- 1 (5) reserving Respondent's right to seek additional fees and costs incurred in responding to any  
2 opposition and in preparing and filing a reply;  
3 (6) ordering post-judgment interest at the legal rate from the date of entry until paid in full; and  
4 (7) granting such other and further relief as the Court deems just.  
5  
6

7 Dated: April 29, 2026

THE EAGLE LAW FIRM

8  
9 *Omar R. Serrato*

10 \_\_\_\_\_  
11 Omar Serrato  
12 Attorney for Respondent,  
13 MICHAEL MARRACCINI  
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