

Petitioner and Appellant in Pro Per

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT**

LAURA OWENS,
Petitioner and Appellant.

V.

MICHAEL MARRACCINI,
Respondent.

**Court of Appeal No. A175236
(San Francisco County Superior Court
No. FDV-18-813693, Hon. Carolyn
Gold)**

**APPELLANT'S REQUEST FOR
VOLUNTARY DISMISSAL OF
APPEAL**

[Cal. Rules of Court, rule 8.244(c)]

*Notice of appeal filed
December 4, 2025*

TO THE HONORABLE PRESIDING JUSTICE AND ASSOCIATE JUSTICES:

I. INTRODUCTION

Appellant Laura Michelle Owens respectfully requests, pursuant to California Rules of Court, rule 8.244(c), that this Court dismiss this appeal and issue the remittitur in due course. The rule provides that, after the record is filed, “the appellant may serve and file in that court a request ... to dismiss the appeal,” whereupon “the court may dismiss the appeal and direct immediate issuance of the remittitur.” (Rule 8.244(c)(1), (2).)

Because the request follows closely upon this Court's August 20, 2026 order resolving appellant's motion to augment and correct the record

on appeal, appellant sets forth below the procedural history of this matter, the considerations upon which the request rests, and a statement of the matters this dismissal does not adjudicate.

Appellant's appellate contentions have at all times depended upon the events of November 4 and 5, 2025, when a medical emergency culminated in appellant's hospitalization on the morning of the trial of her petition to renew a domestic violence restraining order, and upon the contemporaneous written communications by which she notified the superior court, before the matter was called, that she could not appear. The petition was dismissed for non-appearance that morning.

By its order of August 20, 2026, this Court determined that those communications are not properly part of the record on appeal. Appellant seeks no reconsideration of that determination. Nor did the record reach this posture for want of effort on her part: she sought correction in the superior court within twenty-eight days of the judgment, renewed those efforts after the transcript was certified, filed in this Court within days of being directed here, and litigated the question through a reply this Court granted leave to file and reviewed.

Within the record as the August 20 order settles it, however, three practical consequences follow for a self-represented litigant: the appeal must be briefed without the primary evidence of the circumstances at its center; the low-cost and pro bono representation appellant has diligently pursued is, upon that record, no longer available to her; and appellant, appearing in *propria persona*, would be left to brief substantial questions of constitutional and statutory law without the assistance those questions require. In these circumstances, and for the further reasons stated in Part III,

appellant has concluded that the responsible course is to dismiss the appeal rather than to present it inadequately.

II. BACKGROUND

This case began in January 2018 with appellant's petition for a domestic violence restraining order.

On March 29, 2018, the petition was supported by the filed declarations of percipient witnesses, among them Karen Ilmberger, a stranger to both parties who had been seated near them on a December 2016 flight and who declared of respondent's conduct toward appellant: "He was so menacing that I felt her life was at stake were she to stay with him." (Decl. of Karen Ilmberger in Support of Request for Restraining Order, Super. Ct., filed Mar. 29, 2018; see Register of Actions, 1 CT 4–13.) Some three months after those declarations were filed, and with the matter set for hearing, respondent stipulated to entry of a two-year restraining order against him. (Super. Ct. minutes, July 10, 2018 ["parties agreed on a 2 year restraining order"].) Nothing in that stipulated disposition rejected appellant's allegations or her witnesses' accounts.

In 2020, after a contested hearing at which, in the words of the superior court's minutes, the "[p]arties were sworn and testified," the court (Hon. Sharon Reardon) found, "[a]fter hearing testimonies, review of file, pleadings, argument and submission, ... that there is reasonable apprehension of future abuse," and renewed the order for five years, through July 10, 2025. (Super. Ct. minutes, Sept. 11, 2020; see 1 CT 4–13.)

Neither order has ever been vacated, reversed, or set aside.

In July 2025, before the renewal expired, appellant timely petitioned to renew it. (1 CT 4–13.) The petition was never heard. On October 22,

2025, the superior court continued the trial to November 5, 2025 as, in the words of its own minutes, a continuance “based on reasonable request for accommodation,” and ordered appellant to appear in person. (Super. Ct. minutes, Oct. 22, 2025; see 1 CT 12.)

Early on the morning of trial, November 5, 2025, appellant was admitted to a hospital through the emergency department. Before the 9:00 a.m. calendar call she twice notified the superior court and all counsel in writing that she was hospitalized and could not appear, asked for a continuance, and offered signed authorizations so that the court and opposing counsel could verify her condition with the hospital. Court staff acknowledged both messages in writing, at 7:11 a.m. and again at 7:33 a.m. At 9:26 a.m. the court dismissed the petition for non-appearance and dissolved the temporary restraining order. Appellant had surgery the next day. All of this is, with the communications quoted, in her December 3, 2025 declaration in the clerk's transcript. (3 CT 680–706.) Respondent told this Court the same thing in his opposition to her record motion: the declaration “recounts, with quotations,” the November communications, and appellant's account is “already visible on the face of the record.” (Opposition, July 24, 2026, pp. 2–3, 10.)

Appellant began trying to complete the record twenty-eight days after the judgment, when she moved in the superior court to correct and augment it, and she pursued that relief without interruption thereafter. She filed that motion December 3, 2025, noticed this appeal December 4, and designated the record, including the minute order under review, on December 18. (3 CT 680–706, 707, 712–715.)

After the transcript was certified on March 19, 2026, she sought relief again in the superior court; when that court's clerk directed her on

July 9, 2026 to proceed in this Court, she filed here four days later. The Court deferred ruling on July 15 and reset her brief to fifteen days after its decision. The composition of the record thus remained unresolved until August 20, 2026, fifteen days before the opening brief fell due. The chronology forecloses any suggestion of a want of diligence on appellant's part.

The Court's August 20 orders resolved the question in two parts. The first denied the motion under rules 8.155 and 8.252 and Code of Civil Procedure section 909, after granting leave for and reviewing appellant's reply. The second, entered on the Court's own motion the same day, found that the November 5, 2025 minute order had been designated but omitted from the clerk's transcript, and directed the superior court to supply it.

III. GROUNDS FOR DISMISSAL

A. The August 20, 2026 Order Defines the Appellate Record, and the Record as Defined Cannot Support the Appeal as Noticed.

Appellant's assignments of error proceed from the following circumstances: that the superior court was advised in writing, before the hearing, that appellant was hospitalized and unable to appear; that court staff acknowledged those advisements in writing; and that the court nonetheless dismissed the petition for non-appearance twenty-six minutes after the matter was called, without reference to the emergency of which it had been advised. The evidentiary foundation for those contentions lies principally in the November 2025 communications themselves.

The August 20, 2026 order establishes that those communications are not part of the appellate record; what remains is the secondary account set forth in appellant's declaration. (3 CT 680–706.) This Court framed the resulting posture with precision, assuming “arguendo that the proffered materials offer her some help in the instant appeal” while concluding that

the rules supplied no vehicle for their addition. (Order, Aug. 20, 2026.) Appellant does not employ this request to relitigate that ruling. Its consequence, however, is that the appeal noticed on December 4, 2025 would now be briefed without the primary evidence upon which its assignments of error depend.

In appellant's considered judgment, an appeal so constrained cannot adequately be prosecuted without counsel. That conclusion reflects no criticism of this Court; it reflects the limits of what a self-represented litigant can responsibly undertake within the record as settled.

B. Counsel Cannot Be Obtained on the Record as Constituted, and the Questions Presented Require Counsel.

Appellant cannot afford private appellate counsel; the market rates for such representation are documented in this very case by respondent's own public statements. (See Part III.C, post.) Her realistic path to representation therefore ran through the low-cost and pro bono programs that serve domestic violence litigants, to which her earlier applications to this Court referred. Such programs evaluate a case on the record that will support it. While the record included, or could yet be corrected to include, the November 2025 communications, appellant's appeal was one such a program could responsibly undertake; on a record from which those communications are excluded, it is not, and that has been appellant's experience in her inquiries.

The August 20, 2026 order thus resolved not only the scope of the record but, as a practical matter, the availability of counsel.

C. Dismissal Serves the Interests of Proportionality and Judicial Economy.

A final consideration is proportionality. On the record as the August 20, 2026 order defines it, and without counsel, the prospects of the appeal

are materially diminished. Prosecuting it to decision would nonetheless require substantial further expenditure by this Court and by both parties.

The anticipated expense on respondent's side is a matter of public record. Since July 2025, respondent has maintained a GoFundMe campaign to fund his legal costs in this matter. In a May 6, 2026 update to donors, he stated that “my appeal costs are going to be extensive,” that the quotations he had received for appellate counsel ranged “anywhere from \$20K for a brief response up to \$85K for a brief plus oral argument,” and that “every attorney” he consulted advised that counsel was essential.

As of September 3, 2026, the campaign reports \$103,436 raised toward a \$105,000 goal, from approximately 2,100 donations. To date, respondent has appeared in this appeal without counsel.

Weighing the diminished prospects of a narrowed appeal against the certain cost of litigating it to decision, appellant has concluded that dismissal is the more responsible course. Dismissal ends the matter before the anticipated expense of appellate briefing and argument is incurred by either side, and it permits the contributions raised by respondent for that purpose to be returned to the GoFundMe donors who made them.

IV. SCOPE AND EFFECT OF THE DISMISSAL

The merits of appellant's 2025 renewal petition have never been decided by any court, and this dismissal does not decide them. The judgment appealed from was entered, in this Court's words, “at an ostensibly contested hearing where she was not present and no evidence was introduced.” (Order, Aug. 20, 2026.) No findings were made under Family Code section 6345, and the renewal standard of *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1290 was never applied. California law does not regard a judgment of that kind as a determination of the merits.

(Shamblin v. Brattain (1988) 44 Cal.3d 474, 478 [“It is the policy of the law to favor, whenever possible, a hearing on the merits”].)

The dismissal likewise leaves undisturbed the orders and findings previously entered in appellant's favor. The 2018 restraining order and its 2020 renewal, which rests on the superior court's express finding, made after both parties testified under oath, “that there is reasonable apprehension of future abuse” (Super. Ct. minutes, Sept. 11, 2020), remain in the record exactly as entered.

V. CONCLUSION

For the foregoing reasons, appellant respectfully requests that this Court dismiss the appeal upon her voluntary request pursuant to rule 8.244(c), and that it exercise its discretion under rule 8.278, subdivision (a) (5), to order each party to bear that party's own costs on appeal.

Respectfully submitted,

Dated: September 4, 2026

/s/ Laura Michelle Owens
Laura Michelle Owens
Petitioner and Appellant, In Pro Per

STATE OF CALIFORNIA California Court of Appeal, First Appellate District	PROOF OF SERVICE STATE OF CALIFORNIA California Court of Appeal, First Appellate District
Case Name: L.O. v. Marraccini	
Case Number: A175236	
Lower Court Case Number: FDV18813693	

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: [REDACTED]

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
PROOF OF SERVICE - PROOF OF SERVICE	Proof of Service
REQUEST - REQUEST FOR DISMISSAL	Request for Voluntary Dismissal

Service Recipients:

Person Served	Email Address	Type	Date / Time
Laura Owens	[REDACTED]	e-Serve	9/4/2026 1:36:07 PM
Michael Marraccini	[REDACTED]	e-Serve	9/4/2026 1:36:07 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

9/4/2026

Date

/s/Laura Owens

Signature

Owens, Laura (Pro Per)

Last Name, First Name (PNum)

Law Firm