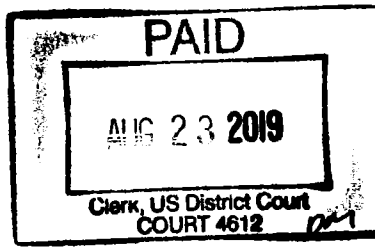


1 **Christopher Von Schlobohm**
2 **434 North Bedford Drive**
3 **Los Angeles, CA 90210**
4 **Tel.: +1(310) 228-2993**
5 **Email: cvonschl@gmail.com**



FILED

2019 AUG 23 PM 4:41

CLERK, US DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 **CHRISTOPHER VON SCHLOBOHM,**

16 **Plaintiff**

19 **v.**

22 **COUNTY of LOS ANGELES, MERCEDES**
23 **MENDOZA, ADRIANE HAWKINS, KIM NEMOY**
24 **NATALIE STONE, MARK JUHAS,**
25 **JOHN DOE, and JANE DOE**

27 **Defendants.**

29 **JURY TRIAL DEMANDED**

CV 19-7358-DOC (JC)
CASE NO.

COMPLAINT

32 **COMPLAINT FOR VIOLATION OF 42 U.S.C. §1983,**
33 **FOURTEENTH AMENDMENT, and SUPPLEMENTARY**
34 **CLAIMS**

36 **JURISDICTION**

1. This is an action for relief, proximately the result of conduct engaged in by the County of Los Angeles, Mercedes Mendoza, Adriane Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas in violation 42 U.S.C. §1983, Fourteenth Amendment, and Supplementary Claims.

2. This Court has personal jurisdiction over the Defendants because all factual allegations derive from violations of 42 U.S.C. §1983, Fourteenth Amendment, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other claims, brought now or ever, that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. §1367.

3. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §1331 and 1338 (federal question jurisdiction). Jurisdiction is premised upon the Federal defendants' violation of 42 U.S.C. §1983 and Fourteenth Amendment.

VENUE

4. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because the bulk of Plaintiff's business is transacted in the County of Los Angeles, California, and for the Defendants that do not, and for the sake of judicial expediency, this Court has supplemental jurisdiction over the

Defendants that are so related to claims in the actions of the parties within such original jurisdiction that they form the Court's jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343.

THE PARTIES

5. Plaintiff, Christopher Von Scholbohm (hereinafter "Plaintiff"), is a *sui juris* resident of Los Angeles, Cal. residing at:

434 North Bedford Drive
Los Angeles County
Los Angeles, California
Tel.: +1(310) 228-2993

6. Federal defendant County of Los Angeles (hereinafter "County") is a county in the U.S. State of California and is the most populous county in the United States, with more than 10 million inhabitants as of 2018 with a principal place of business at:

500 W. Temple St., Room 358
Los Angeles, CA, 90012
Tel.: +1 (213) 974-1234

7. Federal defendant Mercedes Mendoza (hereinafter "Mendoza") is a *sui juris* social worker in the Department of Children Family Services in the County sued in her individual capacity with a principal place of business at:

425 Shatto Place
Los Angeles, CA 90210
Tel.: +1 (800) 540-4000

8. Federal defendant Adriane Hawkins (hereinafter “Hawkins”) is a *sui juris* social worker in the Department of Children Family Services in the County sued in her individual capacity with a principal place of business at:

425 Shatto Place
Los Angeles, CA 90210
Tel.: +1 (800) 540-4000

9. Federal defendant Kim Nemoy (hereinafter “Nemoy”) is a *sui juris* Senior Deputy County Counsel in the Los Angeles County Counsel’s Office sued in her individual capacity with a principal place of business at:

500 W Temple St # 648
, Los Angeles, CA 90012
+1 (213) 974-1811

10. Federal defendant Natalie Stone (hereinafter “Stone”) is a *sui juris* judge in the Superior Court of California for the County sued in her individual capacity with a principal place of business at:

201 Centre Drive
Monterey, CA 01754
Tel. +1 (323) 307-8009

11. Federal defendant Mark Juhas (hereinafter “Juhas”) is a *sui juris* judge in the Superior Court of California for the County sued in his individual capacity with a principal place of business at:

111 111 North Hill Street
112 Los Angeles, CA 0012
113 Tel.: +1 (213) 830-0800
114

115 **STATEMENT OF FACTS**
116

117
118 12. Susan Spell, MD (“Spell”) and Dr. Brian Evans (“Evans”), a plastic
119 surgeon at the Grossman Burn Center, had been going through a divorce for
120 more than a year before the children, NE, LE, SE, and ZE were removed from
121 the custody of Spell. Throughout the divorce proceedings, Spell had custody of
122 all four children; Evans had visitation rights.

123 13. On May 11, 2016, Federal defendant Mendoza, a social worker, filed a
124 declaration on behalf of NE that contained or otherwise attributed to fabricated
125 evidence to implicate Plaintiff in child kidnap, serious physical child harm, and
126 emotional harm.

127 14. On June 6, 2017, by Federal defendant Evans own admission, social
128 workers and Federal defendants Mendoza and Evans failed to disclose to the
129 Superior Court judge and Federal defendant Stone, that NE would have been
130 under the influence of controlled substances, diagnosed as bipolar with
131 attention deficit hyperactivity disorder (ADHD), and in fear of physical harm
132 by Siena J.C. Coffey Cobb, a prostitute that lived with the children since 2014.

133 15. Formulated by Federal defendant Hawkins, Federal defendant Mendoza
134 sent the County a fabricated domestic violence restraining order (“DVRO”)

135 against Plaintiff and Spell, attached herein as Exhibit "A."

136 16. On May 11, 2016, Federal defendants Hawkins, Mendoza, and Nemoy
137 fabricated evidence that the Family Court ordered NE to Evans on November
138 6, 2013 and that Plaintiff kidnapped NE, notwithstanding the fact the Family
139 Court ordered NE to Spell's custody since June 2012, Evans had supervised
140 visits with Evans.

141 17. In the Juhas court on October 6, 2017 custody orders and restraining
142 orders were extended to include the children of Spell by Federal defendant
143 Stone and then in the Juhas court.

144 18. In the Superior Court of the State of California, Second Department,
145 County Prosecutor, Federal defendant Nemoy presented the filing of the
146 fraudulent DVRO against Plaintiff.

147 19. On May 11, 2016 and October 6, 2017, as a result of perjured testimony
148 by Federal defendants Mendoza and Nemoy combined with fabricated
149 evidence, Federal defendant Stone sustained allegations of abuse by Spell based
150 on finding Plaintiff kidnapped NE on November 1, 2013 and terminated Spell's
151 unmonitored visits and ordered a restraining order by Plaintiff.

152 20. Federal defendant Juhas last order of "stay away" by Plaintiff was on
153 October 6, 2017, it has not been 2 years and its ongoing that led to this
154 Complaint.

21. As of even date below, Plaintiff is denied his fundamental liberty rights of being with his wife and stepchildren.

22. Under the premises Plaintiff has been caused to suffer, fear, intimidation, public humiliation, public embarrassment, a denial of Due Process, emotional upset, anxiety, and they have otherwise been rendered sick and sore.

23. Plaintiff reluctantly sues for money damages as Federal defendants gave him no other choice.

42 U.S.C. 1983 -- LEGAL STANDARD

24. 42 U.S.C. §1983 provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, customer usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

25. The elements of a §1983 claim are:

a. a “person”;

b. acted under “color of law”; and

c. deprived another person of a constitutional right.

26. A State is not a person under 42 U.S.C. §1983, but a City is a person

under the law (*Will v. Michigan Department of State Police* 49 US 58 109 S. Ct. 2304 105 394 L. Ed 2d 45 [1989]).

27. State or City officials acting in their official capacities are not persons under 42 U.S.C. §1983, but State or City officials acting in their individual capacities are persons under the law.

28. Federal defendants Mendoza, Hawkins, Nemoy, Stone, and Juhas are persons who acted “under color of state law” when they perjured testimony, fabricated evidence, and brought a wrongful restraining order against Plaintiff.

29. Thus, Plaintiff maintains that liability under §1983 has been established as:

a. Federal defendants Mendoza, Hawkins, Nemoy, Stone, and Juhas were on duty;

b. Federal defendants Mendoza, Hawkins, Nemoy, Stone, and Juhas hold themselves out as public officials;

c. Federal defendants Mendoza invoked the authority of her office and in her individual capacities when she caused the removal of NE, LE, SE, and ZE from their home;

FOURTEENTH AMENDMENT – LEGAL STANDARD

30. Section One of the Fourteenth Amendment to the United States

Constitution provides:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law.

31. In the past thirty-five years, the case law reads and is authority that:

a. It is well settled that parents have a substantive due process right to the custody of their children and, except in emergency circumstances, a procedural due process right to a pre-deprivation child custody hearing;

b. The Fourteenth Amendment imposes a requirement that except in emergency circumstances, judicial process must be accorded both parent and child before removal of the child from his or her parent's custody may be effected;

32. “[A] parent may . . . bring suit under a theory of violation of his or her right to substantive due process Parents have a ‘substantive right under the Due Process Clause to remain together [with their children] without the coercive interference of the awesome power of the state.’”) (quoting *Tenenbaum v. Williams*, 193 F.3d 581, 600 (2d Cir. 1999) (second alteration in

original)); *Cox v. Warwick Valley Cent. Sch. Dist.*, 654 F.3d 267, 275 (2d Cir. 2011); and

33. “The interest of natural parents ‘in the care, custody, and management of their child is a ‘fundamental liberty interest’ protected by the Fourteenth Amendment.” (quoting *Santosky v. Kramer*, 455 U.S. 745, 483 753 (1982)).

34. In stating a claim of a violation of procedural due process, Plaintiff alleges:

(1) the existence of a property or liberty interest that was deprived (the husband and to be adoptee of the unlawfully removed and detained NE, LE, SE, and ZE) and

(2) deprivation of that interest without due process as a result of fabricated evidence, subornation of perjury, and a civil conspiracy to cover it up.

35. In stating a claim of a violation of substantive due process, Plaintiff alleges that: (1) he had a valid property or liberty interest (the husband and to be adoptee of the removed and detained NE, LE, SE, and ZE), and (2) that

interest was infringed upon in an arbitrary or irrational manner (the arbitrary allegation of “neglect”) contrary to the legal standard of neglect defined as:

Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation"; or
An act or failure to act which presents an imminent risk of serious harm."

(see 42 U.S.C.A. § 5106g, emphasis supplied).

36. Further, Plaintiff maintains that, quoting *Tenenbaum*, that the unlawful restraining order brought against him “was ‘so shocking, arbitrary, and egregious that the Due Process Clause would not countenance it even where it accompanied by full procedural protection.’” *Cox v. Warwick Valley Cent. Sch. Distr.*, 654 F.3d 2267, 275 (2d Cir. 2011) (quoting *Tenenbaum*, 193 F.3d at 600):

- a. So shocking in that Federal defendant Mendoza, a social worker, filed a declaration on behalf of NE that contained or otherwise attributed to fabricated evidence to implicate Plaintiff in child kidnap, serious physical child harm, and emotional harm.
- b. So arbitrary where in the Stone court on October 6, 2017 custody orders and restraining orders were extended to include the children of Spell by Federal defendant Stone and then in the Juhas court.
- c. So egregious in the Federal defendants Mendoza and Evans failed to disclose to the Superior Court judge and

Federal defendant Stone, that NE would have been under the influence of controlled substances, diagnosed as bipolar with attention deficit hyperactivity disorder (ADHD).

37. As a result, by a. to c. above, Plaintiff has suffered the shock of his conscience that persists to this day.

38. Upon information and belief, the once happy-go-lucky five some born of a Triple AAA rated mommy, a medical doctor, and graduate of Harvard Medical School Plaintiff, NE, LE, SE, and ZE suffer from the loss of consortium and violation of there Federally protected rights.

**FEDERAL DEFENDANTS MERCEDES MENDOZA, ADRIAN HAWKINS,
KIM NEMOY, NATALIE STONE, and MARK JUHAS ARE NOT
ENTITLED TO QUALIFIED IMMUNITY**

39. The United States Supreme Court has stated that qualified immunity is the norm, absolute immunity is the exception (*Harlow v. Fitzgerald*, 457 U.S. 800, 807, 810-11 (1982)).

40. In Balcerzak, Stephanie E. "Qualified Immunity for Government Officials: The Problem of Unconstitutional Purpose in Civil Rights Litigation." Vol. 95, No. 1 (Nov. 1985) pp. 126-147. The Yale Law Journal, the author stated:

In *Harlow*, the Supreme Court fundamentally altered the qualified immunity defense available to an official charged with a constitutional

violation in a civil rights action for damages. Under *Harlow*, an official is entitled to immunity unless his conduct violates a “clearly established” constitutional right (emphasis supplied).

41. All constitutional rights are expressly stipulated and written in the U.S. Constitution, which is the supreme law of the land, meaning that any other laws which are in contradiction with it are considered unconstitutional and thus regarded as invalid.

42. The Fourteenth Amendment to the U.S. Constitution provides:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law.

43. Then, while not a constitutional right, but important nonetheless, there is 42 U.S.C. §1983 which provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

44. In *Mirales v. Wako* 502 U.S. 9 (1991), the U.S. Supreme Court stated

...our cases make clear that the immunity is overcome in only two

sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. *Forrester v. White*, 484 U.S., at 227 -229; *Stump v. Sparkman*, 435 U.S., at 360 [502 U.S. 9, 12] Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. *Id.*, at 356-357; *Bradley v. Fisher*, 13 Wall., at 351.”

45. Respectfully, no matter what qualified immunity defense that Federal defendants Mendoza, Hawkins, Nemoy, Stone, and Juhas try to employ there is no getting around the Fourteenth Amendment, *Harlow*, §1983, and *Mirales*.

46. No matter what roadblock the State of California tries to erect in Social Services Laws to protect its social workers, the Fourteenth Amendment, *Harlow*, and §1983 remains to subject every person to its provisions, and the Supremacy Clause, Article Six, Clause 2 of the U.S. Constitution that trumps State laws

**FEDERAL DEFENDANT KIM NEMOY IS NOT ENTITLED TO
ABSOLUTE PROSECUTORIAL IMMUNITY**

47. This Court maybe persuaded that Federal defendant Nemoy is entitled to absolute prosecutorial immunity but, respectfully, Plaintiff requests this Court to think again. In blatant violation of 42 U.S.C. § 1983 and the Fourteenth Amendment, Federal defendant Nemoy conspired with DFCS and violated clearly established law of which a reasonable prosecutor should have known. *Buckley v. Fitzsimmons*, 509 US 259 at 268.

48. Congress intended to retain well-established common-law immunities

when it adopted §1983 in 1871. But even assuming Congress intended to retain the existing common-law immunities, absolute prosecutorial immunity was not the established law in 1871. In fact, the first case affording prosecutors absolute immunity was not decided until 1896. *Brown v. Walker*, 161 U.S. 591 (1896). Congress could not have intended to retain this immunity when it adopted §1983 because it simply did not exist at that time. Rather, in 1871 prosecutors would have been accorded qualified immunity, not absolute immunity. Thus, the historical argument for absolute prosecutorial immunity is an unfounded myth; therefore, Federal defendant Nemoy is not entitled to absolute prosecutorial immunity.

49. For all the reasons cited above in *Harlow*, Federal defendant Nemoy is not entitled to qualified immunity either as her unlawful conspiratorial actions provided the causal nexus that violated Plaintiff's federally protected rights.

COUNT ONE VIOLATION OF 42 U.S.C 1983

(Federal Defendants County of Los Angeles, Mercedes Mendoza, Adrian Hawkins,
Kim Nemoy, Natalie Stone, and Mark Juhas)

50. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "49" as though fully set forth herein.

51. As a result of the Defendants' acts, Plaintiff now suffers and will continue

to suffer injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **FIFTEEN MILLION DOLLARS** (\$15,000,000) as well as punitive damages, costs, and attorney's fees.

COUNT TWO
VIOLATION OF FOURTEENTH AMENDMENT

(Federal Defendants County of Los Angeles, Mercedes Mendoza, Adrian Hawkins,
Kim Nemoy, Natalie Stone, and Mark Juhas)

52. Plaintiff repeats and realleges each and every allegation contained in paragraph "16" through "49" as though fully set forth herein.

53. As a result of the Defendants' acts, Plaintiff now suffers and will continue to suffer injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **FIFTEEN MILLION DOLLARS** (\$15,000,000) as well as punitive damages, costs, and attorney fees.

WHEREFORE, a judgment is respectfully demanded:

a. Awarding against the individually named Federal defendant such punitive damages as the jury may impose, but not less than **THIRTY MILLION DOLLARS (\$30,000,000)**;

b. Awarding against the individually named Federal defendants such compensatory damages as the jury may determine, but not less than such punitive damages as the jury may impose, but not less than **THIRTY MILLION DOLLARS** (\$30,000,000);

c. Permanently enjoining the Federal defendants County of Los Angeles, Mercedes Mendoza, Adrian Hawkins, Kim Nemoy, Natalie Stone, and Mark Juhas from further violation of the violation of 42 U.S.C. §1983 and violation of the Fourteenth Amendment;

d. Declaratory relief to vacate orders of Case Number VQ22698 in Norwalk Superior Court, Norwalk, CA 90650 that issued DVRO against Plaintiff on November 7, 2013 based on alleged fabricated evidence;

e. Reasonable attorney's fees and costs, and;

f. Granting such other and further relief as this Court deems just and proper.

JURY TRIAL IS DEMANDED

Plaintiff demands a trial by jury on all claims so triable.

Dated: August 12, 2019

Los Angeles, Cal.

For Plaintiff:



Christopher Von Scholbohm

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EXHIBIT "A"

17/06/19 10:00 AM

Page 1

DV-130**Restraining Order After Hearing
(Order of Protection)****Name of Protected Person:**ERIN EVANS, M.D.**Your lawyer in this case (if you have one):**Name: Errol J. Gordon, Esq. State Bar No.: 45252Firm Name: GORDON | GORDON | LAWYERS, APC

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: 1200 Wilshire Boulevard, Suite 508City: Los Angeles State: CA Zip: 90017-1908Telephone: (213) 482-1200 Fax: (213) 482-4508E-Mail Address: info@gordon-gordon.com

Check stamp date here when form is filed.

0079

Fill in court name and street address.

Superior Court of California, County of
LOS ANGELES
Superior Court of California
111 North Hill Street
Los Angeles, California 90012
CENTRAL DISTRICT

Fill in case number.

Case Number:

BD 555 529

(2) Name of Restrained Person:SUSAN SPELL-EVANS**Description of restrained person:**

Sex: ☐ M ☒ F Height: 5'5" Weight: 110 Hair Color: Black Eye Color: Hazel
 Race: African-American Age: 47 Date of Birth: 10/28/1965
 Mailing Address (if known): 434 North Bedford Drive
 City: Beverly Hills State: CA Zip: 90210
 Relationship to protected person: Wife

(3) Additional Protected Persons

In addition to the person named in (1), the following persons are protected by orders as indicated in item (a) and (b) (family or household members):

Full name	Relationship to person in (1)	Sex	Age

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons" as a title.

(4) Expiration Date

The order, except as noted below, end on

on JULY 3, 2016 at (time): a.m. ☐ p.m. or ☒ midnight

- If this date is written, the restraining order ends three years after the date of the hearing in item (5)(a).
- If no date is written, the restraining order ends at midnight on the expiration date.
- Any orders on visitation, child support, and spousal support orders remain in effect after the restraining order ends except visitation and child support orders usually end when the child is 18.
- The court orders are on pages 2, 3, 4 and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.**This is a Court Order.**

UNIVERSITY OF CALIFORNIA
 RESEARCH AND COMMUNITY SERVICES
 400 UNIVERSITY AVENUE
 BERKELEY, CA 94720-1300

Restraining Order After Hearing (CLETS—OAH)
(Order of Protection)
 (Domestic Violence Prevention)

Legal Solutions
 Co. Plus
 DV-130, Page 1 of 5

7/13 10:58 AM

0090

Case Number:

BD 565 529

- 5 Hearings** 05/31/2013; 06/21/2013; 07/01/2013 and 07/03/2013 with (name of judicial officer): David S. Cunningham, III
- a. The hearing was on (date): 07/03/2013
- b. These people were at the hearing (check all that apply):
☒ The person in 1 ☒ The lawyer for the person in 1 (name): Errol J. Gordon/Christina J. Gordon
☒ The person in 2 ☒ The lawyer for the person in 2 (name): Fred D. Gordon, Jr.
- c. ☒ The people in 1 and 2 must return to court on (date): September 4, 2013
 at (time): 8:30 ☒ a.m. ☐ p.m. to review (specify issues): Attorney fees and costs

To the person in 1

The court has granted the orders checked below. Item **5** is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

- 6 ☒ Personal Conduct Orders**
- a. The person in 2 must not do the following things to the protected people in 1 and 3:
☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements.
☒ Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail or other electronic means.
☒ Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person as needed to serve legal paper is allowed and does not violate this order.
- c. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.
- 7 ☒ Stay-Away Order**
- a. The person in 2 must stay at least (specify): 100 yards away from:
☒ The person in 1 ☐ School of person in 1
☐ The persons in 3 ☐ The children's school or child care
☒ Home of person in 1 ☒ Other (specify): Exceptions: Peaceful entrance and access from her place of business located at 434 No. Bedford Dr., Beverly Hills, CA 90210.
☒ The job or workplace of person in 1
☒ Vehicle of person in 1
- b. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 ☐ Move-Out Order

The person in 2 must move out immediately from (address): _____

This is a Court Order.

Restraining Order After Hearing (CLETS—OAH)
 (Order of Protection)
 (Domestic Violence Prevention)

DV-130, Page 2 of 3

1/06/13 10:59 AM

Case Number: 00031
BD 665 529

9 No Guns or Other Firearms or Ammunition

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in ② must:
- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within ten or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (Form DV-800, Proof of Firearms Turned In or Sold, may be used for the receipt.)
- c. ☐ The court has received information that the person in ② owns or possesses a firearm.

10 ☐ Record Unlawful Communications

The person in ② has the right to record communications made by the person in ① that violate the judge's orders.

11 ☐ Animals: Possession and Stay-Away

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

12 ☐ Child Custody and Visitation

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (specify other form): _____

13 ☐ Child Support

Child support is ordered on the attached Form FL-342, *Child Support Information and Order Attachment* or (specify other form): _____

14 ☐ Property Control

Only the person in ① can use, control, and possess the following property: _____

15 ☐ Debt Payment

The person in ② must make these payments until this order ends:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

☐ Check here if more payments ordered. Attach a sheet of paper and write, "DV-130, Debt Payments" as a title.

16 ☒ Property Restraint

The ☐ person in ① ☒ person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (The person in ② cannot contact the person in ① if the court has made a "Personal Conduct" order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order

Revised January 1, 2013

Restraining Order After Hearing (CLETS—OAH)
(Order of Protection)
(Domestic Violence Prevention)

DV-130, Page 3 of 5

→

1/06/13 10:59 AM

Page 1

Case Number:	0082
BO 665 628	

(17) ☐ Spousal Support

Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment or (specify other form):* _____

(18) ☒ Lawyer's Fees and Costs [Reserved for further hearing]

The person in (1) must pay the following lawyer's fees and costs:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

(19) ☐ Payments for Costs and Services

The person in (1) must pay the following:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

☐ Check here if more payments ordered. Attach a sheet of paper and write, "DV-130, Payments for Costs and Services" as a title.

(20) ☐ Batterer Intervention Program

The person in (1) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

(21) ☒ Other Orders

Other orders (specify): See: Addendum entitled "OTHER ORDERS" attached hereto and incorporated herein.

(22) No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

(23) Service

a. ☐ The people in (1) and (2) were at the hearing or agreed in writing to this order. No other proof of service is needed.

b. ☐ The person in (1) was at the hearing. The person in (2) was not.

(1) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in (2) must be served. This order can be served by mail.

(2) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. Someone—not the people in (1) or (2)—must personally "serve" a copy of this order to the person in (2).

(24) ☐ Criminal Protective Order

a. ☐ Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.

Case Number: _____ County: _____ Expiration Date: _____

(If more orders, list them on extra sheet of paper and write, "DV-130, Other Criminal Protective Orders" as a title.)

b. ☐ No information has been provided to the judge about a criminal protective order.

This is a Court Order

Revised January 1, 2012

Restraining Order After Hearing (CLETS—QAM)
(Order of Protection)
(Domestic Violence Prevention)

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→

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Page

Case Number:

0083

BD 555 529

(28) ☒ Attached pages are orders.

- Number of pages attached to this six-page form: ~1~
- All of the attached pages are part of this order.
- Attachments include (check all that apply):
☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ FL-342 ☐ FL-343

☒ Other (specify): See Addendum entitled "OTHER ORDERS" attached hereto and incorporated herein.

Date: _____

Judge (or Judicial Officer) _____

Certificate of Compliance With VAWA

This restraining (protective) order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

Warnings and Notice to the Restrained Person (2)

If you do not obey this order, you can be arrested and charged with a crime.

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to hide or harbor a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

You cannot have guns, firearms, and/or ammunition.



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Instructions for Law Enforcement**Start Date and End Date of Orders**

The orders start on the earlier of the following dates:

- The hearing date in item (4) (a) on page 2 or
- The date next to the judge's signature on this page.

The orders end on the expiration date in item (4) on page 1. If no date is listed, they end three years from the hearing date.

THIS IS A COURT ORDER

Revised January 1, 2012

**Restraining Order After Hearing (CLETS—OAH)
 (Order of Protection)
 (Domestic Violence Prevention)**

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0004

Case Number:

BO 565 629

Arrest Required if Order is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person "served" (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ① and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- Forms DV-189 and DV-195 are not orders. Do not enforce them.

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(c)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk's Certificate—



I certify that this Restraining Order After Hearing (Order of Protection) is a true and correct copy of the original on file in the court.

Date: AUG 19 2013 Clerk, by [Signature] Deputy

K. SANDOVAL

This is a Court Order.

Revised January 1, 2012

Restraining Order After Hearing (CLETS—OAH)
(Order of Protection)
(Domestic Violence Prevention)

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