

**Response to Request for Civil Harassment Restraining Orders**

*Clerk stamps date here when form is filed.*

**Use this form to respond to the Request (form CH-100)**

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO), to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use form CH-250, Proof of Service of Response by Mail.)

**① Person Seeking Protection**

Name of person seeking protection (see form CH-100, item ①):  
Deborah Franklin

**② Person From Whom Protection Is Sought**

a. Your Name: George David Ellis  
 Your Lawyer (if you have one for this case):  
 Name: Matt H Morris Esq State Bar No.: 132056  
 Firm Name: Law Office of Matt H. Morris

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

Address: 47040 Washington Street, Suite 3201  
 City: La Quinta, State: CA Zip: 92253  
 Telephone: 760.777.7941 Fax: 760.777.8533  
 E-Mail Address: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**  
 Riverside  
 880 N. State Street  
 Hemet, CA 9253

*Court fills in case number when form is filed.*

**Case Number:**  
 HEC 1701436

**③  Personal Conduct Orders**

- a.  I agree to the orders requested.  
 b.  I do not agree to the orders requested.  
 c.  I agree to the following orders (specify):  
 \_\_\_\_\_  
 \_\_\_\_\_

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:

**Hearing Date** → Date: 09.05.17 Time: 8:30 am  
 Dept.: H-1 Room: \_\_\_\_\_

**If you were served with a Temporary Restraining Order, you must obey it until the hearing.** At the hearing, the court may make orders against you that last for up to five years.

**④  Stay-Away Orders**

- a.  I agree to the orders requested.  
 b.  I do not agree to the orders requested.  
 c.  I agree to the following orders (specify): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**⑤  Additional Protected Persons**

- a.  I agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.  
 b.  I do not agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.

**6 Guns or Other Firearms and Ammunition**

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use form CH-800, *Proof of Firearms Turned In, Sold or Stored*, for the receipt.

- a.  I do not own or control any guns or firearms.
- b.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.  
A copy of the receipt  is attached.  has already been filed with the court.

**7 Possession and Protection of Animals**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested.
- c.  I agree to the following orders (*specify*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8 Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested.
- c.  I agree to the following orders (*specify*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9 Denial**

I did not do anything described in item 7 of form CH-100. (*Skip to 10.*)

**10 Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons (*explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.  
See Attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**11**  **No Fee for Filing**

- a.  I request that I not be required to pay the filing fee because the person in **1** claims in form CH-100 item **13** to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

**12**  **Lawyer's Fees and Costs**

- a.  I ask the court to order payment of my  Lawyer's fees  Court costs  
The amounts requested are:

| <u>Item</u> | <u>Amount</u> | <u>Item</u> | <u>Amount</u> |
|-------------|---------------|-------------|---------------|
| _____       | \$ _____      | _____       | \$ _____      |
| _____       | \$ _____      | _____       | \$ _____      |
| _____       | \$ _____      | _____       | \$ _____      |

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 12—Lawyer's Fees and Costs" for a title.
- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**13** Number of pages attached to this form, if any:   1  

Date:   August 22, 2017  

  Matt H. Morris, Esq.    
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date:   August 22, 2017  

  Matt H. Morris    
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

|   |                             |
|---|-----------------------------|
| SHORT TITLE:<br>Deborah Franklin v George David Ellis | CASE NUMBER:<br>HEC 1701436 |
|---|-----------------------------|

ATTACHMENT (Number): ONE*(This Attachment may be used with any Judicial Council form.)*

This attempt to have a restraining order put in place is simply a political attempt to discredit me and have me not only removed from the Commission, but also have me barred from being able to attend Banning City Council meetings and stop me from talking at those meetings. While I have publicly objected to Ms. Franklin's voting record and other political activities at some Council meetings, there have never been any threats of physical or mental violence, as can be verified by reading the minutes of the Banning Council meetings Ms. Franklin provided.

I am currently on the Banning Planning Commission, and have often disagreed with Ms. Franklin on her blanket approval of developer's requests. That is strictly a political difference, and her claim that my comments at City Council meetings were harassment are unsubstantiated, and her claim is strictly politically motivated. While on the Planning Commission, I have objected to plans submitted by developers which require excessive zoning changes, and which did not agree with the Banning Master Plan. Ms. Franklin has been in favor of those developer's plans and the necessary zoning changes, and approved the developers requests. As a result, she has often expressed a strong desire to not have me on the Planning Commission, and actually voted successfully to remove me from the Commission at one point (last December). When another opening on the Commission was announced, I reapplied and was reappointed. Ms. Franklin voted against me, and again openly expressed her strong desire to not have me on the Commission.

As to Councilwoman Franklin's allegation that I pulled into her driveway and blocked her car: I was driving on the street where she lives. As I approached her car, I slowed down to wave. My dispute with Councilwoman Franklin is merely over City Planning issues and is not personal. Therefore, it seemed appropriate for me to slow down and wave to her.

I do express my opinion about Councilwoman Franklin on Next Door Neighbor. That is a website available only to residents of Banning. My opinions are limited to Councilwoman Franklin's voting record and other political activities and the correlation between her apparent increased wealth since becoming a councilwoman and voting to give a developer whatever he wants in contravention to the Master Plan.

As to Councilwoman Franklin's allegation that I was harassing and stalking her at the Banning Police Station on March 19, 2016. I did watch her for a very short time because I wondered what she was doing and why she was removing items from the Police Station. I did not approach her or say anything to her. My car was parked on a public street and I was visible to anyone the entire time. I left with the Police Chief indicated my presence was making Councilwoman Franklin nervous. I paid attention only because her conduct appeared unusual. My presence did not intimidate Councilwoman Franklin as she waited over 16 months before filing this Restraining Order Request.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page one of two*(Add pages as required)*

|                                       |              |
|---------------------------------------|--------------|
| SHORT TITLE:                          | CASE NUMBER: |
| Deborah Franklin v George David Ellis | HEC 1701436  |

ATTACHMENT (Number): One

(This Attachment may be used with any Judicial Council form.)

As a citizen of the City of Banning and a member of the Planning Commission, I have the right to attend City Council meetings and speak openly about my opinions concerning City Governance and conduct of elected councilpersons. As long as I am not violent, which I have never been, I cannot be denied my right merely because an elected Councilperson feels uncomfortable when her political decisions are scrutinized and questioned.

I respectfully request this Court deny Councilwoman Franklin's Request for a Civil Harassment Restraining Order.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page two of two

(Add pages as required)

Clerk stamps date here when form is filed.

**1 Person Seeking Protection**

Name: Deborah Franklin

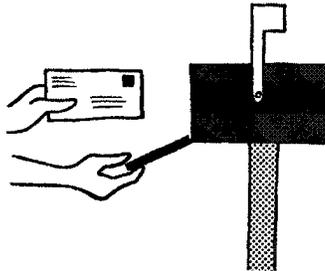
**2 Person From Whom Protection Is Sought**

Your Name: George David Ellis

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items ① or ③ of Form CH-100.
- Mail a copy of all documents checked in ④ to the person in ①.
- Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

**Superior Court of California, County of Riverside**  
 880 N. State Street  
 Hemet, CA 92543

Fill in case number:

**Case Number:**  
 HEC 1701436

**PROOF OF SERVICE BY MAIL**

**4** I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

a. Form CH-120, *Response to Request for Civil Harassment Restraining Orders*

b.  Other (specify): \_\_\_\_\_

**5** I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

a. Mailed to (name): \_\_\_\_\_

b. To this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

c. On (date): \_\_\_\_\_ Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print server's name

▶ \_\_\_\_\_  
Server to sign here