

CH-116**Order on Request to Continue Hearing**

Complete items ①, ②, and ③ only.

① Protected PersonFull Name: Deborah Franklin**② Restrained Party**Full Name: George David Ellis**③ Party Seeking Continuance**I am the ☒ protected party ☐ restrained party

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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: 1077 E Hoffer StCity: Banning State: CA Zip: 92220Telephone: 951 990-2721

Fax: _____

E-Mail: debbiefranklin44@hotmail.com

The court will complete the rest of this form.

④ Order on Request for Continuancea. The hearing in this matter is currently scheduled for (date): 8/22/17 at (time): 8:30b. ☐ The request for a continuance is DENIED for the reasons set forth ☐ below ☐ on Attachment 4b

The hearing shall be held as currently scheduled in a, above. The Temporary Restraining Order (Form CH-110) issued on (date): _____ remains in full force and effect until the hearing date.

c. ☒ The request for a continuance is GRANTED as set forth below.**⑤ Order Granting Continuance and Notice of New Hearing**

The court hearing on the Request for Civil Harassment Restraining Orders (form CH-100) is continued and rescheduled as follows:

**New
Hearing
Date**Date: 9/5/17 Time: 8:30
Dept.: H1 Room: _____

Name and address of court if different from above:

The extended Temporary Restraining Order (form CH-110) expires at the end of this hearing.

This is a Court Order.

Clerk stamps date here when form is filed.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 07 2017

D. Builey

AUG 07 2017

Fill in court name and street address:

Superior Court of California, County of

Superior Court of California
County of Riverside
630 N. State Street
Riverside, CA 92543

Fill in case number:

Case Number:

HEC1701436

6 Reason for the Continuance

a. The continuance is needed because:

- (1) ☐ The person in (2) was not served before the current hearing date.
 (2) ☐ The person in (2) asked for a first continuance of the hearing.
 (3) ☐ The person in (2) asked for more time to hire a lawyer or prepare a response.
 (4) ☒ Other good cause as stated ☐ below ☐ on Attachment 6a(4)

Conflict with City Council Meeting

b. ☐ The court finds good cause and orders a continuance in its discretion.**7 Extension of Temporary Restraining Order**a. ☒ No Temporary Restraining Order was issued in this case.b. ☐ Extension of the *Temporary Restraining Order* (TRO; Form CH-110) issued on (date): _____ until the new hearing date is:

- (1) ☐ GRANTED. There are no changes to the TRO except for the expiration date. The TRO remains in effect until the end of the hearing in (5).
 (2) ☐ GRANTED AS MODIFIED. The TRO is modified. See the attached amended Form CH-110, *Temporary Restraining Order*. All orders on the attached Order remain in effect until the end of the hearing in (5).
 (3) ☐ DENIED and the TRO is TERMINATED for the reasons stated:
☐ below ☐ on Attachment 7b(3)

Warning and Notice to the Person in (2)

If (7) b(1) or b(2) is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in (5).

8 ☐ Other Orders (specify):

☐ Other orders are attached at the end of this Order on Attachment 8.

This is a Court Order.

9 Service of Order

- a. ☐ No further service of this Order is required because both parties were present at the initial hearing in item 4a, and both were given a signed copy of this Order.
- b. ☒ The court granted the person in (1)'s request to continue the hearing date. A copy of this Order must be served on the person in (2) at least 5 days before the hearing in (5).
- (1) ☒ All other documents requesting civil harassment restraining orders as shown in Form CH-109, *Notice of Court Hearing*, item (5) must be personally served on the person in (2).
- (2) ☐ The *Temporary Restraining Order* (Form CH-110) has been modified and must be personally served on the person in (2).
- (3) ☐ A copy of the *Temporary Restraining Order* must NOT be served because extension of the order is denied in item 7b(3).
- c. ☐ The court granted the person in (2)'s request to continue the hearing date. A copy of this Order must be served on the person in (1) at least _____ days before the hearing in (5). A copy of the *Temporary Restraining Order* (form CH-110) must be personally served if it was modified by the court in item 7b(2).
- d. ☐ All documents must be personally served unless otherwise specified below.

10 Mandatory Entry of Order Into CARPOS Through CLETS

If a continuance is granted, the court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date: 8/7/17


Judicial Officer

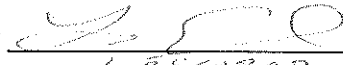
**Request for Accommodations**

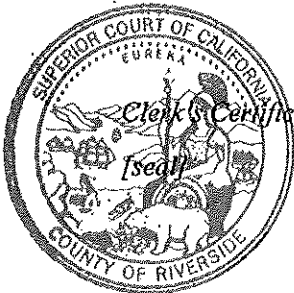
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Order on Request to Continue Hearing* is a true and correct copy of the original on file in the court.

Date: 8-9-17 Clerk, by , Deputy
L. ESCOBAR

This is a Court Order.

Clerk stamps date here when form is filed.

AUG 1 2017

AUG 01 2017

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 01 2017

A. Cochran

Fill in court name and street address:

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

Court fills in case number when form is filed.

Case Number:

HEC 170 1436

① Person Seeking Protection

a. Your Full Name:

Deborah Lucille Weir Franklin

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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: 1077 E Hoffer St

City: Banning State: CA Zip: 92220

Telephone: 951.990.2721 Fax: _____

E-Mail Address: debbiefranklin4u@hotmail.com

② Person From Whom Protection Is Sought

Full Name: George David Ellis

The court will complete the rest of this form.

③ Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in ②:

Name and address of court if different from above:

Hearing
Date

Date: 08-22-17 Time: 8:30am

Dept.: H1

Room: _____

④ Temporary Restraining Orders (Any orders granted are on Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

(1) ☐ All GRANTED until the court hearing.(2) ☒ All DENIED until the court hearing. (Specify reasons for denial in b, below.)(3) ☐ Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are:

(1) ☒ The facts as stated in Form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.

(2) ☐ Other (specify): ☐ As set forth on Attachment 4b.

⑤ Service of Documents by The Person in ①

At least ☒ five ☐ _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this Form CH-109, to the person in ② along with a copy of all the forms indicated below: *Notice of Court Hearing*.

- a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b. ☐ CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. CH-250, *Proof of Service of Response by Mail* (blank form)
- f. ☐ Other (specify): _____

Date:

8/1/17



Judicial Officer

To the Person in ①:

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read Form CH-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use Form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

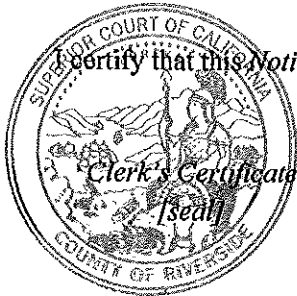
To the Person in ② :

- If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—not you or anyone to be protected—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms that you own or possess.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: 8/1/17

Clerk, by [Signature], Deputy

CH-100**Request for Civil Harassment Restraining Orders**

Clerk stamps date here when form is filed.

Read *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
AUG 01 2017
R. Bannister

AUG 01 2017

1 Person Seeking Protection

a. Your Full Name: Deborah Lucille Weir Franklin Age: 66

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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: P O Box 47

City: Banning State: CA Zip: 92220

Telephone: 951.990.2721 Fax: _____

E-Mail Address: debbiefranklin4u@hotmail.com

Fill in court name and street address:

Superior Court of California, County of
Riverside
880 N State St
Hemet, CA 92543

Court fills in case number when form is filed.

Case Number:

HEC 170 1436**2 Person From Whom Protection Is Sought**

Full Name: George David Ellis Age: 66

Address (if known): 324 Meadowlark

City: Banning State: CA Zip: 92220

3 Additional Protected Persons

a. Are you asking for protection for any other family or household members? ☒ Yes ☐ No If yes, list them:

Full Name	Sex	Age	Lives with you?	How are they related to you?
Roy Gene Franklin	m	75	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	spouse
Mary E. Franklin	f	30	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	daughter
Dorothy Liggett	f	38	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	daughter
Brenda Liggett	f	2	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	granddaughter

☒ Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

This is the second time Mr. Ellis has stalked my person, this time coming to my residence. I feel like my life and that of my family members are being threatened by his harassment

Oral comments are a part of my job as a city council member but he has now taken it to another level

This is not a Court Order.

CH-100

Additional protected persons
(3a-)

Name

Sex

Age

Lives w/you

Relation

William Liggett

M

35

NO

SON-IN-LAW

4 Relationship of Parties

How do you know the person in (2)? (Explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

Mr Ellis has declared he wants to replace me on the city council

5 Venue

Why are you filing in this county? (Check all that apply):

- a. ☒ The person in (2) lives in this county.
 b. ☒ I was harassed by the person in (2) in this county.
 c. ☐ Other (specify):

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

☐ Yes ☒ No If yes, check each kind of case and indicate where and when each was filed:

	Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1)	<input type="checkbox"/> Civil Harassment			
(2)	<input type="checkbox"/> Domestic Violence			
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation			
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody			
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse			
(6)	<input type="checkbox"/> Eviction			
(7)	<input type="checkbox"/> Guardianship			
(8)	<input type="checkbox"/> Workplace Violence			
(9)	<input type="checkbox"/> Small Claims			
(10)	<input type="checkbox"/> Criminal			
(11)	<input type="checkbox"/> Other (specify):			

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? ☒ No ☐ Yes If yes, attach a copy if you have one.

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

(1) When did it happen? (provide date or estimated date): Thursday, July 27, 2017 approximately 4:45pm

(2) Who else was there?

I was alone but I think he had a child with him

This is not a Court Order.

(3) How did the person in (2) harass you? (Explain below):

- ☒ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

(4) Did the person in (2) use or threaten to use a gun or any other weapon?

- ☐ Yes ☒ No (If yes, explain below):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

- ☒ Yes ☐ No (If yes, explain below):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

I felt threatened by him coming that close to me with no one else around. My house is the only one on the block and I do not have any close neighbors

(6) Did the police come? ☒ Yes ☐ No

If yes, did they give you or the person in (2) an Emergency Protective Order? ☐ Yes ☒ No

If yes, the order protects (check all that apply):

- a. ☐ Me b. ☐ The person in (2) c. ☐ The persons in (3)

Attach a copy of the order if you have one.

b. Has the person in (2) harassed you at other times?

- ☒ Yes ☐ No (If yes, describe prior incidents and provide dates of harassment below):

- ☒ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

This is not a Court Order.

Check the orders you want. ☒**8 ☒ Personal Conduct Orders**

I ask the court to order the person in (2) **not** to do any of the following things to me or to any person to be protected listed in (3):

- a. ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. ☒ Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

- c. ☒ Other *specify*):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.

Approach my residence or any member of my family

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

9 ☒ Stay-Away Orders

- a. I ask the court to order the person in (2) to stay at least 100 yards away from (check all that apply):

(1) ☒ Me

(8) ☒ My vehicle

(2) ☒ The other persons listed in (3)

(9) ☐ Other (specify):

(3) ☒ My home

(4) ☒ My job or workplace

(5) ☐ My school

(6) ☐ My children's school

(7) ☐ My children's place of child care

- b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☒ Yes ☐ No (If no, explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

10 ☐ Guns or Other Firearms and Ammunition

Does the person in (2) own or possess any guns or other firearms? ☐ Yes ☐ No ☒ I don't know

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession or control.

This is not a Court Order.

11 Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? ☒ Yes ☐ No (If you answered yes, explain why below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11—Immediate Orders" for a title.

I would like him to stay away from me, my family and my home

12 ☒ Request to Give Less Than Five Days' Notice

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

I feel like Mr. Ellis is not stable and may take retribution on me or my family for filing for this action and because he did this after I voted against his appointment to the Planning Commission

13 ☒ No Fee for Filing or Service

- a. ☒ There should be no filing fee because the person in ② has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. ☒ The sheriff or marshal should serve (notify) the person in ② about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. ☐ There should be no filing fee and the sheriff or marshal should serve the person in ② for free because I am entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver of Court Fees and Costs.)

14 ☐ Lawyer's Fees and Costs

I ask the court to order payment of my: a. ☐ Lawyer's fees b. ☐ 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 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order.



15 ☐ **Possession and Protection of Animals**

I ask the court to order the following:

- a. ☐ That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.
(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because (specify good cause for granting order):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

- b. ☐ That 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 animals listed above.

16 ☒ **Additional Orders Requested**

I ask the court to make the following additional orders (specify):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

17 Number of pages attached to this form, if any: 3

Date: _____

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: July 31, 2017

Deborah Franklin
Type or print your name

Deborah Franklin
Sign your name

This is not a Court Order.

Attachment 7a (3) Describe Harassment

I was sitting in my driveway in my car talking on the phone. Mr. Ellis drove his truck up to my driveway, blocking it, leaned over the passenger side of his truck, looked at me in my car, then sped off when I started exiting my car. I knew it was him because I was looking in the rear view mirror to see who was pulling up to my driveway.

I called the police and explained what happened. Incident number 17 - 2515.

Police Sargent Bennett came back to my house and told me he had spoken with Mr. Ellis who admitted to him he had stopped at my house. He advised me to file for the restraining order.

Attachment 7b Previous Harassment

Mr. Ellis comes to many of our city council meetings and is verbally abusive. Please see the three attached copies of minutes showing some of his comments directed at me.

He also uses social media such as next door neighbor to express his opinions about me, my attire, my car, and my vacations. He does not direct these same type of comments at any other council member.

In addition, on Saturday, March 19, 2016, I was working on a project at our police station. I was the only one entering and leaving the building repeatedly to pick up supplies. Mr. Ellis sat in his car watching my every move. I got nervous and called the police chief who then spoke with Mr. Ellis. He left the premises.

Both of Mr. Ellis's physical approaches have come about the time I have voted against his appointment to the city's Planning Commission.

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

05/23/17
REGULAR MEETING

A regular meeting of the Banning City Council, a joint meeting of the Banning City Council and the Banning Utility Authority; and a Scheduled Meeting of the Banning Utility Authority was called to order by Mayor Moyer on May 23, 2017 at 5:10 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Andrade
Councilmember Franklin
Councilmember Peterson
Councilmember Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: John C. Cotti, Interim City Attorney
Rochelle Clayton, Deputy City Manager/Administrative Services Dir.
Alex Diaz, Police Chief
Fred Mason, Electric Utility Director
Art Vela, Public Works Director
Tim Chavez, Battalion Chief
Philip Southard, Public Information Officer
Patty Nevins, Interim Community Development Director
Ted Shove, Economic Development Manager
Gina Boehm, Customer Service/Billing Manager
Suzanne Cook, Finance Manager
Art Chacon, Code Enforcement Officer
Sonja De La Fuente, Executive Assistant/Deputy City Clerk
Marie A. Calderon, City Clerk

The invocation was given by Suffragan Bishop Preston Norman Jr., Praise Tabernacle Community Church. Mayor Moyer led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

Interim City Attorney Cotti stated that there were seven items on the closed session agenda with Item No. 2 regarding Conference with Real Property Negotiators APN No. 540-202-001 being pulled from the closed session items and the Council considered the six items: 1) Existing litigation regarding City of Banning v. Vanir Group of Companies; 2) Conference with Legal Counsel regarding anticipated litigation Banning Library District's challenge to the City's approval of the Rancho San Geronimo Project; 3) Under Labor Negotiations pursuant to Government Code Section 54957.6 the Council gave direction to its labor Negotiators; 4) The Council discussed Public Employee Discipline/Dismissal Release pursuant to Government Code

Section 54957(b) Title: City Manager; 6) The Council also discussed Public Employee Appointment/Employment pursuant to Government Code section 54957 (b) Title Interim City Manager; and 7) Under anticipated litigation the Council discussed the claim filed by Claimant Don Peterson. There were no reportable actions taken although the Council did accept the resignation of City Manager Michael Rock.

PUBLIC COMMENTS

Ellen Carr, Tender Loving Critters Animal Rescue addressed the Council stating that Animal Action League will be here June 26th and 27th. They have been doing a great service for Banning having spayed or neutered approximately 300 critters and that it a lot when you think about how many critters and procreate from a single pair. You can call Animal Action League at 760-366-1100 for information and you will need to set an appointment for spay and neutering. She went over the pricing for the various shots and other procedures and expressed the need for licensing and microchipping of your animals.

David Ellis addressed the Council stating that he would like to talk about the \$30 million dollars that went up in smoke. Get on board, there is plenty for everybody, everybody. He said on Friday, May 19th Mr. Fred Sakuari wrote a letter to the editor of the Record Gazette titled "Grandstanding". It appears from the article that Mr. Sakuari is tired of watching Councilman Peterson going after the mismanagement of this City. Mr. Sakuari feels that Councilmember Peterson should move on to other and more important things. So far because of Councilman Peterson's due diligence nearly \$10,000 has been billed to Diamond Hills Chevrolet which otherwise the taxpayers would have never received. He only wishes that Councilman Peterson would have been "grandstanding" on the City Council in 2006 when Fred Sakuari's wife Charlene Sakurai was President of the Banning Cultural Alliance. Just maybe, just maybe Councilman Peterson could have "grandstanded" and saved the taxpayers \$1.4 million. Councilman Art Welch at the time gave Charlene Sakuari and Bob Botts the first \$250,000; Fred Sakuari had to love it. With Bob Botts as Charlene's second Vice President, God only knows where the first \$1.4 million went. It certainly didn't go into improving the city. When it comes to the "good ole Boy Club" and giving away tax dollars you can bet that Fred and Charlene Sakuari, Bob Botts, Debbie Franklin and Art Welch do not like a lot of questions.

Ed Miller, resident said sadly he is here because he was greatly disturbed by Councilmember Franklin's statement at the last meeting that she was interested in having a special meeting to plan the future of Banning. Unfortunately, we all know that there is already a plan, a Master Plan for the City, and that cost over \$2 million to prepare. And besides that there was a long meeting for developing the Housing Element to take care of the fact that the State wanted us to have low income housing and we had so much input from the people of this city for that particular plan. But in regard to those plans that exist for the City, Debbie Franklin has ignored those important documents completely always voting without question for whatever a developer wants for Banning. He said the question he always asks himself is, "Why, why not try to get a better deal for the City". The existing Master Plan called for low density housing in the north east corner of Sunset but Debbie along with Welch and Moyer ignored the Master Plan and voted for higher density, lower cost housing, desired by the developer. Why, why not try to get the best deal for the City. Similarly, the Master Plan calls for low density housing in the city's large south east

the street from Sun Lakes on Highland Springs at the Pass Hospital but he is not from Sun Lakes. All the people that he knows and has lived here in Banning do not live in Sun Lakes. They see Sun Lakes from the freeway and Sun Lakes grows and his city struggles. Why do I see them on my City's page? This is his city and he wants to see his city on his city's page. Please make that happen.

David Ellis said that it is so good to see all the citizens here in the audience tonight. He said for clarity, for the people who are here so that they understand, we had a citizen talk about money collected and actually this City collects about \$100,000 a day which is about \$12,500 an hour and that is a lot of money and so when we ask for audits and ask for certain things there is a reason when there is that much money going. ~~Last week he had councilmember Franklin say that everything that Mr. Ellis said is not true, she doesn't need to elaborate on it and just say every single thing he said is untrue this evening and she feels sorry for him and prays that he gets the opportunity to get the information.~~ He said that her prayers have been answered because he was able to get some information to back up what he said. ~~Here it says that he said that Debbie Franklin acts above the law and she was involved with the gymnasium that no other Councilmembers knew about.~~ Her comment was, "it's done, what are you going to do about it". He said he is not going to get into that but it is on tape when the other Councilmembers were questioning what was going on. We are talking about integrity now. Do we have integrity? He doesn't know. He said that he had made a claim that if she would have gotten a permit for the party and not acted above the law, would the man have been alive today. He referred to the incident that happened with a member of a party that Debbie had and here is a lawsuit from the Superior Court of the State of California, County of Riverside, Case No. RIC1308649 and it is for the Fire Museum, Inc. a California Corporation and Debbie Franklin, an individual. Now, where did he lie because here it is? The charges are wrongful death due to neglect, neglect, neglect, infliction of emotion distress and they are demanding a jury trial. He knows that this has been settled. This is a wrongful death action that occurred when Dr. Roy was struck by an on-coming car while he was crossing a four-lane highway with his wife. Further in the documents defendant's breach their duty. They were required to have a temporary use permit which they didn't have. He said that it is all in the court documents so he is not lying. Defendant's failed to provide parking for the hundred invited guests and had prior knowledge that there was only alternative parking across the four-lane street with no reasonable passage. Item 3 says that if the defendants has fulfilled their obligation to provide adequate parking for the birthday celebration, the doctor would probably be alive today. So he expects an apology for being called a liar and he said that she was above the law on this issue. The next issue that he has is that he asked what is going on with the non-profit and he is reading how the FBI was investigating her. He has an email dated 2/27/17 at 2:20 p.m. and this email is from Debbie Franklin and the subject is the Holiday Wish. It is from an Agent, C. J. Sanders and it goes on to explain what is going on with Holiday Wish and that it was reviewed by the FBI. Where is the lie there? Here is the document that says it was and the document did in fact say that there were no problems which is good but in 6/25/11 Councilmember Franklin engaged in illegal fundraising for suspended unregistered charity, Pass Area Support Soldiers run by President, Banning City Councilmember Debbie Franklin is the latest edition to the growing list of highly questionable charities operating throughout the Pass Area. So he has the documentation with the email that there was an investigation and he is very upset with what went on in this email but he is not going to discuss it now because it will create problems with his family. But he has an official letter from Kamala Harris who was the Attorney General and on July 28, 2011 they sent a warning that the fees were late and you were going to be suspended or your registration status would be pulled.

Dorothy Familetti-McLean said that when she retired from teaching high school she joined Pass Area Supporting Soldiers and became the Treasurer when Debbie was the President. She said she didn't know that she was supposed to file the taxes and we were almost being suspended or were suspended but it was not Debbie's fault, it was her fault. She said she needed to say something about this because it was not Debbie's fault. Mrs. McLean said she was the one that didn't know what she was doing and she resolved it as soon as she could to get them back on track. She doesn't think it is fair to hold that against Debbie.

CORRESPONDENCE:

Fred Sakurai, resident submitted a letter that was in the "Letters to the Editor" section of the Record Gazette which mirrored his thoughts exactly about the City Council meetings. The letter was written by Melinda McNabb of Banning and at this time Deputy City Clerk De La Fuente read a letter (attached Exhibit "A").

REPORT BY CITY MANAGER

- Last week work crews completed the paving of Ramsey Street between 4th and San Geronio Ave. along downtown. Paving was also completed on Nicolet Street between McGovern Ave. and 16th Street. These improvements are all part of the City's road improvement project that will see improvements made at over 200 locations throughout the city.
- The City will be launching its profile page on "Next Door" which is a very popular social media application used by neighborhoods to discuss local issues. Residents are encourage to engage the City through this application. The City is also very active on Facebook and Twitter and encourage you to follow us on those platforms as well to receive news and information about the City. In regards to "Next Door" you have to live in the city and you have to identify where you live in order to communicate. It is not anonymous and you cannot make up who you are and you have to have an address and only people in your neighborhood will be able to communicate with you and the City can also communicate to those neighborhoods through "Next Door". It is very effective and it is a very quick way to get information to the community.

Mayor Moyer thanked all of those people who came out for the Roosevelt Williams Park item and spoke their minds tonight. It was really impressive and he thanked them for letting the Council hear what they had to say.

SCHEDULE MEETINGS

1. Mid-Term Budget Workshop – May 23rd – 2:30 p.m.

Mayor and City Councilmembers confirmed this date.

2. Study Session on the Utility Rates – possible dates: May 15, 16, 18, 22

There was Council and staff discussion about the possible dates and times.

David Ellis said we sit here meeting after meeting and we have Councilmembers say they want to make it a better community and they want to do this and do that. Well we have a rotten apple or two in the bushel and rotten apples ruin everything. Our City Manager was fired from a \$160,000 dollar job and now he is making \$260,000 a year and why was he fired; go Google him and you will find out everything. He said he has a copy of the screen shot from Bob Botts who still runs our City. Desperate people do desperate things. While he completely understands the rational of trimming on the freeway and exposure, it is excellent. He spent 35 years selling real estate so he knows the importance of the freeway and the tax dollars it can produce for us but to act above the law and know it is going to cause a problem if you don't do it right, we need to alleviate those things. ~~He said he has to ask himself if we can get a worse Council Member than Debbie Franklin and he says no.~~ He said that Debbie Franklin acts above the law, she was involved with the gymnasium that no other Councilmembers knew about and he has to ask himself why she wouldn't just tell everybody. What is the big secret, is something going on. He asked her if she acted above the law when a gentleman was killed at un-permitted party on Wilson Street at the fire department. If she would have gotten a permit for the party and not acted above the law, would the man be alive today. Can you imagine standing and watching your spouse hit on a street at night; read the Banning Informer. He said he asked himself and others have asked him if Debbie Franklin is an opportunist; yes she is. She has become wealthy as a Council Member. He remembers the days when Debbie Franklin drove her little Datsun around and now she dresses real nice and drives a fancy car and she does fancy things and she has done well and she is successful as a politician. But she is an opportunist; she is pre-committed. We have seen her numerous times act in an irrational manner with things like the Diversified Pacific's meeting till 1:00 a.m. and he is asking why. Is she in bed with the developer? He keeps on asking. In regards to this Vanir deal and we get to Pearlman he heard disturbing things the other day and he asks himself if it is true or not but Debbie Franklin had dinner with Art Pearlman and had special time up in Sacramento and it is said that he was promised an exclusive on this building and he was told that Councilmember Franklin has known all the time that there would never be a hotel built there. Our problem as he sees it is that we have a divided Council. We have got old people that are on the Council and he asks himself what is their problem and he thinks the problem stems from good ole Barbara Hanna. Get on board, there is plenty for everybody. We spend money like there is no value for the dollar. The water bond money - Councilmember Franklin was the Mayor when she took \$20 million dollars of water bond money, Prop 28 money, and spent it on a police department. She is into non-profits. He asks himself what is going on with non-profits and he is reading emails about non-profits and how the FBI was investigating her and said that there is no further need for investigations. You want to make it a better city, leave like Bob Botts did.

Councilmember Franklin said everything that Mr. Ellis said is not true. She doesn't need to elaborate on it and would just say every single thing he said was untrue this evening and she feels sorry for him and prays for him that he has an opportunity to get his information correct.

CORRESPONDENCE:

City Clerk read letter from Ed Miller regarding the City's purchasing procedures (attached Exhibit "F").

REPORT BY CITY MANAGER

- We had a great turnout for the community clean-up event on Saturday with a new record of 537 cars that came through the drop off line for the bulky items, household batteries, and document shredding event. Special thanks to Carl Szoyka and his crew for all their hard work in the Public Works Department, our PIO for handing out oil cans and funnels to residents and answering questions about their waste and recycling service. Any residents who missed this event can always call Waste Management to schedule up to three curb-side bulky item pickups per year.
- The City will be hosting a Community Town Hall Meeting next Tuesday, April 18th at 6 p.m. at the Banning Senior Center. Residents are encouraged to attend and share their thoughts and concerns on the City's operations and priorities and refreshments will be provided.
- The State Legislature approved SB 1 just a few days ago, a comprehensive transportation funding package. This bill is projected to add about \$700,000 a year of new revenue to the Gas Tax Fund. The City is also expecting about \$100,000 in new revenue for its transit operation for the ten-year period.
- He reminded the Council that they did schedule for Monday, May 8th a Strategic Planning Workshop to begin at 1:00 p.m. and if the Council would also like to use that same day to go over the City's Mission, Vision and Core Value Statements and the staff will present those statements to the Council for discussion and also to review the City's Code of Conduct, Robert's Rules of Order and the Brown Act. We can do all of that on May 8th since the meeting will begin at 1:00 p.m.

Councilmember Peterson said he is not interested in attending any Robert's Rules of Order or covering our Manual of Procedures meeting until the City Manager goes through a course from the ICMA on a Code of Ethics and he has made that clear in previous Council meetings and unless it is included he is not going to attend.

Councilmember Peterson said why is it that on the agenda when we look at Item No. 4, which is Announcements and Reports, forever our agenda was organized that the City Council, the City Manager and the City Attorney was always under Item 4. Why is it that the City Manager is now separated from there?

City Manager said that he did that because he felt it gave him an opportunity to respond to public comments and previously the way it was organized on the agenda it came before public comments so he couldn't respond to public comments. This gives us an opportunity to actually respond in a way that meets the Brown Act.

SCHEDULE MEETINGS

1. Mid-Term Budget Workshop – May 23rd – 2:30 p.m. (There was no discussion on this item.)

CONSENT ITEMS

Consent Items 6 and 7 were pulled for discussion.

1. Approval of Minutes – Special Meeting – 03/28/17

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
880 North State Street
Hemet, CA 92543
www.riverside.courts.ca.gov

NOTICE OF DEPARTMENT ASSIGNMENT

FRANKLIN VS ELLIS

CASE NO. HEC1701436

This case is assigned to the Honorable Commissioner Kathleen M. Jacobs in Department H1 for all purposes.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

The filing party shall serve a copy of this notice on all parties.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

The court follows California Rules of Court, Rule 3.1308(a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law and motion matter are posted on the Internet by 3:00 pm on the court day immediately before the hearing at <http://www.riverside.courts.ca.gov/tentativerulings.shtml>. If you do not have internet access, you may obtain the tentative ruling by telephone at (760)904-5722.

To request oral argument, not later than 4:30 pm on the court day before the hearing you must (1) notify the judicial secretary at (760)904-5722 and (2) inform all other parties. If no request for oral argument is made by 4:30 pm, the tentative ruling will become the final ruling on the matter effective the date of the hearing.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Date: 08/01/17

by: 

REBECCA BANNISTER, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Deborah Franklin, 1077 E Hoffer St Banning, CA 92220		FOR COURT USE ONLY
TELEPHONE NO.: 951.990.2721 FAX NO.: ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 880 N State St, Hemet, CA 92543 MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: Hemet		
CASE NAME: FRANKLIN VS. ELLIS		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: HEC 170 1436 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input checked="" type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date:

July 31, 2017 Deborah Franklin

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

Service
COPY**What is a civil harassment restraining order?**

It is a court order that prohibits you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any guns as long as the order is in effect

Who can ask for a civil harassment restraining order?

A person who is worried about safety because he or she has been or is being:

- Stalked
- Harassed
- Assaulted, including sexually, or
- Threatened with violence

I've been served with a request for civil harassment restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. You can get the forms from legal publishers or on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—not you—mail a copy of completed Form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out Form CH-250, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

Yes. You should go to court on the date listed on Form CH-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

CH-109 Notice of Court Hearing

1. Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):
Name: _____ State: _____
Firm Name: _____

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. This is not how to get telephone, fax, or e-mail):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
E-Mail Address: _____

2. Person From Whom Protection Is Sought

Full Name: _____

3. Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in (2):
Name and address of court if different from above: _____

Hearing Date: _____ Time: _____
Dept: _____ Room: _____

4. Temporary Restraining Orders (If orders granted are as Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-110.
Request for Civil Harassment Restraining Orders, are (check only one, list below):

(1) ☐ ALL GRANTED until the court hearing.

(2) ☐ ALL DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3) ☐ Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)



How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use Form MC-030 for this.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

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): _____

② Person From Whom Protection Is Sought

a. Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

- 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: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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):

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.

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

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: _____ Time: _____
 Dept.: _____ 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.



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.

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: _____

Date: _____

*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: _____

*Type or print your name*_____
Sign your name

Clerk stamps date here when form is filed.

1 Person Seeking Protection

Name: _____

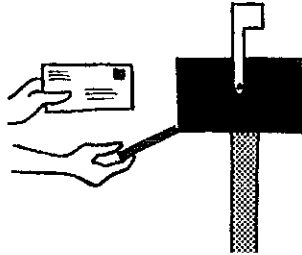
2 Person From Whom Protection Is Sought

Your Name: _____

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 _____

Fill in case number:

Case Number: _____

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