CH-120 Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed.

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN - 9 2010

By _____ Deputy

(1) Name of person asking for protection:
Bertha (Bea) Cortes

Address *(skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):*
22187 De Berry Street

City: Grand Terrace State: Ca Zip: 92313

Your telephone number *(optional):* (909) 825-8517

Your lawyer *(if you have one): (Name, address, telephone number, and State Bar number):*

Fill in court name and street address:

Superior Court of California, County of
Superior Court of San Bernardino
San Bernardino District, Civil Division
303 West 3rd Street
San Bernardino, CA 92415

(2) Name of person to be restrained:
~~Jan~~ Kay Moore

Description of that person:

Court fills in case number when form is filed.

Case Number:
CIVDS 1008023

Sex: ☐ M ☑ F Height: 5'5" Weight: 150 Race: White
Hair Color: BROWN Eye Color: BROWN Age: 65 Date of Birth: UNK
Home Address *(if known):* 23238 West Brook
City: Grand Terrace State: Ca Zip: 92313
Work Address *(if known):*
City: State: Zip:

To the person in (2):

(3) **Notice of Hearing**

A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing Date → Date: 6/30/10 Time: 8:30am
Dept.: S-31 Rm.:

Name and address of court if different from above:

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

(4) **Court Orders**

The court *(check a or b):*

a. ☐ Has scheduled the hearing stated in (3). No orders are issued against you at this time.

b. ☑ Has scheduled the hearing stated in (3) **and** has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to $1,000, or both.

6-9-10 8:30am S-31

This is a Court Order.

Your name: Bertha (Bea) Cortes

Case Number: CIVDS 1068023

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Kay Moore

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ ☑ Personal Conduct Orders

You must **not** do the following things to the people listed in ① and ⑩:

☑ a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.

☑ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.

☑ c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. *(If item c is not checked, the court has found good cause not to make this 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.

⑥ ☑ Stay-Away Order

You **must** stay at least *(specify):* 100 yards away from:

a. ☑ The person listed in ①

b. ☑ The people listed in ⑩

c. ☑ The home of the persons in ① and ⑩

d. ☑ Jobs or workplaces of the persons in ① and ⑩

e. ☑ Vehicle of person in ① ☑ Vehicles of persons in ⑩

f. ☐ The protected children's school or child care

g. ☑ Other *(specify):* Grand Terrace council meetings, city hall, city events, city forums/events when I'm representing the city. And in public places.

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ No Guns or Other Firearms

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ Turn In or Sell Guns or Firearms

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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. *(You may use Form CH-145 for this.)*

⑨ ☑ Other Orders *(specify):* I do not want her to get near me where ever I'm at. I don't want her to speak to me, e-mail me, call me, text me. I don't want her to acknowledge me where ever I may be.

This is a Court Order.

Your name: Bertha (Bea) Cortes

Case Number: CIVDS 1008023

(10) ☐ Other Protected Persons

List of the full names of all family or household members protected by these orders:

_____

_____

_____

Instructions for the Protected Person

To the person in (1): *(Write the name of the person in (1)):* Bertha (Bea) Cortes

(11) Service of Order on Law Enforcement

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:	Address (City, State, Zip)
San Bernardino County Sheriff	655 E Third Street, San Bernardino, Ca 92415

(12) Service of Documents

You must have someone personally deliver to the person in (2) a copy of all the documents checked below:

a. ☑ CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)

b. ☑ CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)

c. ☑ CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)

d. ☑ CH-145, *Proof of Firearms Turned In or Sold* (blank form)

e. ☐ CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*

f. ☐ Other *(specify)*. _____

You must file with the court before the hearing a proof of service of these documents on the person in (2).

(13) Time for Service *(check a, b, or c)*

a. ☑ A copy of the documents listed in (12) must be served in person to the person in (2) at least 5 days before the hearing.

b. ☐ A copy of the documents listed in (12) must be served in person to the person in (2) at least 2 days before the hearing.

c. ☐ A copy of the documents listed in (12) must be served in person to the person in (2) at least _____ days before the hearing.

(14) ☑ No Fee for Filing

Filing fees are waived.

This is a Court Order.

Your name: Bertha (Bea) Cortes

Case Number: CIVDS 1008023

(15) ☑ **No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because:

a. ☐ The Order is based on stalking.

b. ☑ The Order is based on a credible threat of violence.

c. ☐ The person in (1) is entitled to a fee waiter.

Date: JUN 09 2010

▶ *Judicial Officer*

Warnings and Notices to the Restrained Person in (2)

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this 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 police any guns or firearms that you have or control in accordance with item (8) above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to *www.courtinfo.ca.gov/forms* for *Request for Accommodations by Persons With Disabilities and Order* (Form *MC-410*). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

#7

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):	TELEPHONE NO.:	FOR COURT USE ONLY
JOHN R. MARCUS ATTORNEY AT LAW P.O. BOX 1317 RUNNING SPRINGS, CA 92382	(909) 867-5445	
BAR NO.: 26782 ATTORNEY FOR (Name):		

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

- [ ] 351 North Arrowhead Avenue, San Bernardino, CA 92415-0210
- [ ] 8303 Haven Avenue, Rancho Cucamonga, CA 91730
- [ ] 14455 Civic Drive, Victorville, CA 92392
- [ ] 235 East Mountain View, Barstow, CA 92311
- [ ] 6527 White Feather Road, Star Route 1, Box 60, Joshua Tree, CA 92252
- [ ] 216 Brookside Avenue, Redlands, CA 92373
- [ ] 17780 Arrow Highway, Fontana, CA 92335
- [ ] 13260 Central Avenue, Chino, CA 91710

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
JUN - 9 2010
By _____ Deputy

PLAINTIFF: BERTHA (BEA) CORTES
DEFENDANT: KAY MOORE

DECLARATION REGARDING EX PARTE NOTICE TO OPPOSING PARTY

CASE NUMBER: CIVDS 1008023

- BLACK INK ONLY -

The undersigned hereby declares that I gave notice as follows:

Name of Party Notified: Kay MOORE

Time of Notification: 6:05 [ ] A.M. [X] P.M.

Date of Notification: 06-08-2010

Form of Notification: [X] Oral [X] Written

Information Given: That at 8:30 [X] A.M. [ ] P.M., on 6/9/10,

the moving party would appear at the Superior Court, located at Superior Court of San Bernardino
San Bernardino District, Civil Division, California
303 West 3rd Street
San Bernardino, CA 92415

~~Room~~/Department S-31 to ask for immediate temporary relief orders regarding:

- [ ] Custody
- [ ] Temporary Guardianship
- [ ] Visitation
- [X] Restraining
- [ ] Residence Exclusion
- [ ] Property Control
- [ ] Other _____

I have received the following response to said notice: DO YOU HAVE ONE FOR MY HUSBAND? WHY ISN'T THE MARSHALLS DEPT SERVICING THIS? IS IT BECAUSE SHE IS A CITY COUNSEL PERSON SLEEPING WITH D.A RAMOS?

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

Dated 06-08-2010

_____, DEPUTY
Signature of Declarant

SBSD #01 | CENTRAL STATION
Street Address

City, State, Zip Code

SB-19447

In rare instances you may be able to have your court hearing for immediate temporary orders without the opposing party being notified. You must fill out one of the paragraphs on this page. Also, be prepared to explain your reason(s) to the judge.

( ) 1. I have made a good-faith attempt to inform the opposing party, _____ _____, *(name)* but was unable to do so. The efforts I have made are: _____

_____

_____

_____

_____

_____

_____

_____

OR

( ) 2. Great or irreparable injury would result before the matter could be heard on notice. Explanation:

_____

_____

_____

_____

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

Dated: 6-9-10

John R. Mulcas
Signature of Declarant

P.O. Box 1317
Street Address

Rancho Sp., Ca. 92382
City, State, Zip Code