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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9

10 Damon A. Duval
11 Claimant/Complainant,

12 v.

13 ROY L. KIGHT; AMY L. NEIMAN; ALAN
14 SELTZER; THE HON. COMMISSIONER
15 DAVID J. COWAN; THE HON. JUDGE
16 BRUCE G. IWASAKI; LOS ANGELES
17 COUNTY SHERIFF / SGT. EDMUND
18 LEONARD; COUNTY OF LOS ANGELES;
19 SUPERIOR COURT OF THE STATE OF CA;
20 STATE BAR OF CA; CA COMMISSION ON
21 JUDICIAL PERFORMANCE; CA
22 ADMINISTRATOR OF THE COURTS; CA
23 JUDICIAL COUNCIL
24 JOHN DOES 1-100

25 DEFENDANTS

26 In Re: Los Angeles County Superior
27 Court Case No. SD 023 958

28 **:FOR CLAIM OF & COMPLAINT FOR:**

29 ****VIOLATIONS OF THE CIVIL RIGHTS
ACT OF 1964 - [42 U.S.C. §§ 1983, 1985,
1986];**

****VIOLATIONS OF PROTECTED
CONSTITUTIONAL CIVIL RIGHT TO
DUE PROCESS;**

****REQUEST FOR DECLARATIVE AND
INJUNCTIVE RELIEF PURSUANT TO:
38 U.S.C. 1343(a)(1,2,3); 42 U.S.C. 21 et
seq., 1985; 2000a-6, 2000aa-12, Subchapter
Xii09k- 3796jj;**

****POTENTIAL BIVENS CLAIM FOR
BRADY VIOLATIONS**

**REQUEST FOR RULE 23 CLASS
ACTION CERTIFICATION**

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33 It bears emphasizing from the outset that I am a pro per father fighting for a
34 heightened liberty interest. In such circumstances, Federal Courts are called upon
35 to be particularly liberal in construing "inartful pleading" by parties appearing in
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:FOR THE CLAIM OF & COMPLAINT FOR:/VERIFIED ACCUSATION

1 *pro se* (or *pro per*, i.e. without counsel). *Erickson v. Pardus* (2007) 551 US 89, 94,
2 127 S.Ct. 2197, 2000; *Glendora v. Cablevision Systems Corp.* (2nd Cir. 1995) 45
3 F3d, 36, 37 – rule particularly applicable in *pro se* civil rights actions *Hebbe v.*
4 *Pliler* (9th Cir. 2010) 627 F3d 338, 341-342. [emph. added]

6 JURISDICTION AND VENUE

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8 1. This Court has jurisdiction pursuant to the following statutes:

9 A. Federal Question Jurisdiction: Title 28 United States Code § 1331;

10 B. Federal Regulation of Commerce Jurisdiction: Title 28 United States Code §
11 1337;

12 C. Federal Supplemental Jurisdiction: Title 28 U.S.C. § 1367(a);

13 D. Federal Declaratory Judgment Act of 1946: Title 28 United States Code §§
14 2201-2202;

15 E. Federal Supplemental Jurisdiction: Title 28 United States Code §§ 1367(a)-
16 (b);

17 F. Rules 57 and 65 of the Federal Rules of Civil Procedure;

18 G. The general legal and equitable powers of this Court.

19 H. Title 42 U.S.C. §§1983, 1985, 1986; Title 38 U.S.C. § 1343(a)(1,2,3)

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21 2. **Venue** is proper under 28 U.S.C. § 1391(b) as one or more Defendants are
22 located or reside in this District, and a substantial part of the events and omissions
23 giving rise to Complainant's claims occurred in this District.

24 3. **Constitution and Laws of the United States: The Family Federal Rights**
25 Well-established United States law, **including case law**, securing parents' and
26 children's civil and other rights (Federal Family Rights or "FFR") which
27 PLAINTIFFS shall exercise, enforce, support, and advocate for.
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1 **4. Subject-Matter Jurisdiction** for Declaratory Relief – Ripeness Required

2 “In short, the adversarial relationship must have *crystalized* to the point that there
3 is a specific need for the court to declare the parties’ rights and obligations” *J.N.S.,*
4 *Inc. v. State of Indiana* (7th Cir. 1983) 712 F2d 303, 305; *Texas Central Business*
5 *Lines Corp. v. City of Midlothian* (5th Cir. 2012) 669 F3d 525, 534; to point “... the
6 opposition is obligated to honor mine and my children’s rights, which have been
7 shattered.” *Alsager v. DISTRICT COURT OF POLK COUNTY, IOWA (JUVENILE*
8 *DIVISION), et al.*, 518 F.2d 1160. “Here the Alsagers are properly in the federal
9 court seeking to protect their federal constitutional rights even though they do not
10 claim to have exhausted all state remedies. *Steffel v. Thompson*, 415 U.S. 452, 472-
11 473, 94 S.Ct. 1209, 39 L.Ed.2d 505 (1974); *Monroe v. Pape*, 365 U.S. 167, 183, 81
12 S.Ct. 473, 5 L.Ed.2d 492 (1961). They are entitled to have the federal court find
13 those facts necessary for a decision on their constitutional claim. *England v.*
14 *Louisiana State Board of Medical Examiners*, 375 U.S. 411, 416-417, 84 S.Ct.
15 461, 11 L.Ed.2d 440 (1964). *The mere fact that the state court found that the*
16 *Alsagers were unfit to be parents under the Iowa standard does not oust the*
17 *federal district court of **subject-matter jurisdiction** to adjudicate those facts*
18 *necessary to resolve the claim that that state standard is unconstitutional as*
19 *written and as applied.*

20
21 The two principal criteria guiding the policy in favor of rendering declaratory
22 judgments are (1) when the judgment will serve a useful purpose in clarifying and
23 settling the legal relations in issue, and (2) when it will terminate and afford relief
24 from the uncertainty, insecurity, and controversy giving rise to the proceedings.

25 This disagreement is certainly not “nebulous or contingent”; the legal constitutional
26 issues are clearly drawn and are set in the context of a very real controversy. E.
27 Borchard, *Declaratory Judgments* 299 (2d ed. 1941). *See Maryland Casualty*
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1 *Co. v. Rosen*, 445 F.2d 1012, 1014 (2d Cir. 1971); *Broadview Chemical Corp. v.*
2 *Loctite Corp.*, *supra*, 417 F.2d at 1001; *Delno v. Market Street Ry.*, *supra*, 124
3 F.2d at 968.

4
5 “The usefulness of such a declaratory judgment is manifest, for it will ‘clear the
6 air’ and allow all the parties to deal with the affected children in a manner
7 consistent with their legal relationships to them. Here this is especially important
8 because the record reveals that these children have led harmfully unsettled lives—
9 being shifted among numerous foster homes—due, at least in part, to the fact that
10 the Alsagers’ legal relationship to them is still in question. Once the constitutional
11 argument is resolved it will be much easier for all the parties to develop a
12 permanent satisfactory solution for all the children—*Alsager v. DISTRICT COURT*
13 *OF POLK COUNTY, IOWA (JUVENILE DIVISION)*, *et al.*, 518 F.2d 1160
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15 **The Following Federal Family Civil and Other Rights “FFR” Citations:**

16 Parent-child autonomy, privacy, freedom of association, belief, thought, and
17 expression are fundamental Constitutional rights: “There is perhaps no more
18 delicate constitutional barrier protecting individual freedom from governmental
19 interference than that which protects against state interference with parental
20 autonomy.” Presumption of Parental Fitness; Parental Autonomy to determine best
21 interests. *Troxel v. Granville*, 530 U.S. 57 (2000); *Parham v. J. R.*, 442 U.S. 584,
22 602; *Reno v. Flores*, 507 U.S. 292, 304; *Jensen v. Wagner*, 603 F. 3d 1182 (2010)
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25 Parenting rights are a liberty interest protected by due process and equal
26 protection: “[t]he fundamental liberty interest of natural parents in the care,
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1 custody, and management of their child.” *Santosky v. Kramer*, 455 U.S. 745, 753
2 (1982)

3 **Facial invalidity of any state law interfering with a parent’s fundamental**
4 **rights to parental autonomy –**

5 **Heightened protection against government interference with certain**
6 **fundamental rights and liberty interests, including parents’ fundamental right**
7 **to make decisions concerning the care, custody, and control of their children -**
8 *Washington v. Glucksberg*, 521 U.S. 702, 720; *Stanley v. Illinois*, 405 U.S. 645,
9 651(1972); *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923); *Pierce v. Society of*
10 *Sisters*, 268 U.S. 510, 535 (1925); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972);
11 *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Parham v. J. R.*, 442 U.S. 584, 602
12 (1979); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982)

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15 “We have recognized on numerous occasions that the relationship between parent
16 and child is constitutionally protected.” *Quilloin v. Walcott*, 434 U.S. 246, 255
17 (1978)

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19 Any state attempt—statutes, laws, rules, acts, policies, procedures, or formwork—
20 to deprive parents of their fundamental parent-child rights is presumed invalid, and
21 must overcome strict scrutiny to be enforceable: “parents have a fundamental
22 constitutional right to rear their children, including the right to determine who shall
23 educate and socialize them. The opinions of the plurality, Justice Kennedy, and
24 Justice Souter recognize such a right, but curiously none of them articulates the
25 appropriate standard of review. I would apply strict scrutiny to infringements of
26 fundamental rights.” “To say the least (and as the Court implied in *Pierce*), parental
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1 choice in such matters is not merely a default rule in the absence of either
2 governmental choice or the government's designation of an official with the power
3 to choose for whatever reason and in whatever circumstances." *Troxel*, supra
4 (Thomas, J., concurring)

5 Parental Autonomy Prohibits State Interference in the home, values, education,
6 direction, guidance of children absent parental consent: "The "liberty" protected by
7 the Due Process Clause includes the right of parents to "establish a home and bring
8 up children" and "to control the education of their own." *Meyer v. Nebraska*, 262
9 U.S. 390, 399, 401 (1923)
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12 The right to be free from state action is one of the "family unit"—i.e., both parents
13 equally, including the rights of children: "Our jurisprudence historically has
14 reflected Western civilization concepts of the family as a unit with broad parental
15 authority over minor children. Our cases have consistently followed that course"
16 *Parham v. J. R.*, 442 U.S. 584, 602 (1979)
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18 "The fundamental theory of liberty upon which all governments in this
19 Union repose excludes any general power of the State to standardize its children by
20 forcing them to accept instruction from public teachers only. The child is not the
21 mere creature of the State; those who nurture him and direct his destiny have the
22 right, coupled with the high duty, to recognize and prepare him for additional
23 obligations. It would be anomalous, then, to subject a parent to any individual
24 judge's choice of a child's associates from out of the general population merely
25 because the judge might think himself more enlightened than the child's parent."
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1 The “liberty of parents and guardians” includes the right ‘to direct the upbringing
2 and education of children under their control.’ The child is not the mere creature of
3 the State; those who nurture him and direct his destiny have the right, coupled with
4 the high duty, to recognize and prepare him for additional obligations.”

5 *Pierce v. Society of Sisters*, 268 U.S. 510, 534—535 (1925)

6 There is a constitutional dimension to the right of parents to direct the upbringing
7 of their children. “It is cardinal with us that the custody, care and nurture of the
8 child reside first in the parents, whose primary function and freedom include
9 preparation for obligations the state can neither supply nor hinder.” *Prince v.*
10 *Massachusetts*, 321 U.S. 158 (1944)
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13 Any state interest in directing decision-making for the care, custody, and control of
14 a child is subordinate to those of the parents: In subsequent cases also, we have
15 recognized the fundamental right of parents to make decisions concerning the care,
16 custody, and control of their children. “It is plain that the interest of a parent in the
17 companionship, care, custody, and management of his or her children ‘come[s] to
18 this Court with a momentum for respect lacking when appeal is made to liberties
19 which derive merely from shifting economic arrangements.’ ” (citation omitted))
20 *Troxel, supra*, quoting *Stanley v. Illinois*, 405 U.S. 645, 651 (1972)
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23 “The history and culture of Western civilization reflect a strong tradition of
24 parental concern for the nurture and upbringing of their children. This primary role
25 of the parents in the upbringing of their children is now established beyond debate
26 as an enduring American tradition.” *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972)
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1 “In a long line of cases, we have held that, in addition to the specific freedoms
2 protected by the Bill of Rights, the ‘liberty’ specially protected by the Due Process
3 Clause includes the righ[t] ... to direct the education and upbringing of one’s
4 children.” (citing *Meyer* and *Pierce*) “In light of this extensive precedent, it cannot
5 now be doubted that the Due Process Clause of the Fourteenth Amendment
6 protects the fundamental right of parents to make decisions concerning the care,
7 custody, and control of their children.” *Washington v. Glucksberg*, 521 U.S. 702,
8 720 (1997)
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11 Free Expression is a fundamental right; state laws infringing free expression are
12 presumed invalid; to overcome the presumption of invalidity the state must prove
13 the interference falls within one of the limited “historic and traditional categories
14 long familiar to the bar”:

15 “[A]s a general matter, the First Amendment means that government has no power
16 to restrict expression because of its message, its ideas, its subject matter, or its
17 content.” As a result, the Constitution “demands that content-based restrictions on
18 speech be presumed invalid . . . and that the Government bear the burden of
19 showing their constitutionality.” *United States v. Alvarez*, 567 U.S. ____ (2012);
20 *Ashcroft v. American Civil Liberties Union*, 535 U. S. 564, 573 (2002)
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23 **Strict Scrutiny Supremacy of Constitution and laws of the United States,**
24 **invalidates “free floating” standards hindering Free Expression**

25 “In light of the substantial and expansive threats to free expression posed by
26 content-based restrictions, this Court has rejected as ‘startling and dangerous’ a
27 ‘free-floating’ test for First Amendment coverage . . . [based on] an ad hoc
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balancing of relative social costs and benefits.” *United States v. Stevens*, 559 U. S. ____ (2010) (slip op., at 7) “content-based restrictions on speech have been permitted, as a general matter, only when confined to the few “ ‘historic and traditional categories [of expression] long familiar to the bar,’ ” *Id.*, at ____ (slip op., at 5) (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 127 (1991) (Kennedy, J., concurring in judgment)).

The limited “historical and traditional categories” of permissive restrictions on free speech include only:

1. Advocacy intended, and likely, to incite imminent lawless action; See *Brandenburg v. Ohio*, 395 U. S. 444 (1969) (per curiam);
2. Obscenity, see, e.g., *Miller v. California*, 413 U. S. 15 (1973); Defamation, see, e.g., *New York Times Co. v. Sullivan*, 376 U. S. 254 (1964) (providing substantial protection for speech about public figures); *Gertz v. Robert Welch, Inc.*, 418 U. S. 323 (1974) (imposing some limits on liability for defaming a private figure);
3. Speech integral to criminal conduct, see, e.g., *Giboney v. Empire Storage & Ice Co.*, 336 U. S. 490 (1949) ; so-called “fighting words,” see *Chaplinsky v. New Hampshire*, 315 U. S. 568 (1942);
4. Child pornography, see *New York v. Ferber*, 458 U. S. 747 (1982);
5. Fraud, see *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U. S. 748, 771 (1976);
6. True threats, see *Watts v. United States*, 394 U. S. 705 (1969) (per Curiam);
7. Speech presenting some grave and imminent threat the government has the power to prevent, see *Near v. Minnesota ex rel. Olson*, 283 U. S.

1 697, 716 (1931), although a restriction under the last category is most difficult to
2 sustain, see *New York Times Co. v. United States*, 403 U. S. 713 (1971) (*per*
3 *curiam*). ~*Alvarez*, *supra*
4

5 Content-based restrictions on speech in electronic communications are presumed
6 invalid unless the state can prove that technological means for regulating speech
7 are impossible: In addition, when the Government seeks to regulate protected
8 speech, the restriction must be the “least restrictive means among available,
9 effective alternatives.” *Ashcroft v. American Civil Liberties Union*, 535 U. S. 564,
10 666 (2002); *Alvarez*, *supra*.
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CAUSES OF ACTION

Comes Now, The Claimant/Complainant, now so moved from what can only be described as a complete loss of public trust, having witnessed, upon his being arbitrarily silenced, thus ceasing all due process, and then threatened with *vexatious litigant* status for merely presenting the court with proof of court-ordered compliance by Honorable Bruce G. Iwasaki. This, in concert with court-appointed Minor's Counsel, Amy L. Nieman, who knowingly and willingly misled the court, The Claimant/Complainant herein alleges, asserts, and avers crimes of moral turpitude – crimes involving the depravity with respect to a person's duty to another - violations including but not being limited to 42 U.S.C. §§ 1983, 1985, and 1986 (Civil Rights Act), and seeks *at minimum* declaratory relief under 28 U.S.C. 2201 (Declaratory Judgment Act).

More specifically, in the interests of justice, the causes of action are as follows:

CAUSE OF ACTION #1

A Denied Constitutional Right to Due Process.

[See averred Statement of Fact #8, pg. 17 below]

Rule 201. Judicial Notice of Adjudicative Facts-

(e) Opportunity to Be Heard. On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard. Add'l: *Subdivision (e)*. Basic considerations of procedural fairness demand an opportunity to be heard on the propriety of taking judicial notice and the tenor of the matter noticed. The rule requires the granting of that

1 opportunity upon request. That request to be heard was denied by Honorable Bruce
2 G. Iwasaki. The conclusive presumption that the complainant be allowed to be
3 heard re: the judicial notice request filed pre-hearing on 4/18/14, pursuant to FRE
4 201(e), which prevented him from being heard to present adjudicative facts as
5 evidence on the issue is a denial of Due Process and implicates a constitutionally
6 protected right. *Vlandis v. Kline* (1973) 412 U.S. 441, 93 S.Ct. 2230, 2236, 37
7 L.Ed.2d 63, 71.

10 **CAUSE OF ACTION #2**

11 **18 U.S. Code § 1512 (c)(1)**

12 [See averred Statement of Fact #7, pg. 16 below]

14 **1512 (c)** Whoever corruptly— (1) alters, destroys, mutilates, or conceals a
15 record, document, or other object, or attempts to do so, with the intent to impair the
16 object's integrity or availability for use in an official proceeding. [See averred
17 allegation #7 below]

19 **CAUSE OF ACTION #3**

21 **42 U.S.C. Section 1983**

22 [See averred Statement of Facts]

23 "Every person who, under color of any statute, ordinance, regulation, custom, or
24 usage, of any State or Territory or the District of Columbia, subjects, or causes to
25 be subjected, any citizen of the United States or other person within the jurisdiction
26 thereof to the deprivation of any rights, privileges, or immunities secured by the
27 Constitution and laws, shall be liable to the party injured in an action at law, suit in
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1 equity, or other proper proceeding for redress, except that in any action brought
2 against a judicial officer for an act or omission taken in such officer's judicial
3 capacity, injunctive relief shall not be granted unless a declaratory decree was
4 violated or declaratory relief was unavailable.”
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7 **CAUSE OF ACTION #4**

8 **42 U.S.C. Section 1985(3)**

9 [See averred Statement of Facts]

10 **(3) Depriving persons of rights or privileges**

11 “If two or more persons in any State or Territory conspire or go in disguise on the
12 highway or on the premises of another, for the purpose of depriving, either directly
13 or indirectly, any person or class of persons of the equal protection of the laws, or
14 of equal privileges and immunities under the laws; or for the purpose of preventing
15 or hindering the constituted authorities of any State or Territory from giving or
16 securing to all persons within such State or Territory the equal protection of the
17 laws; or if two or more persons conspire to prevent by force, intimidation, or
18 threat, any citizen who is lawfully entitled to vote, from giving his support or
19 advocacy in a legal manner, toward or in favor of the election of any lawfully
20 qualified person as an elector for President or Vice President, or as a Member of
21 Congress of the United States; or to injure any citizen in person or property on
22 account of such support or advocacy; in any case of conspiracy set forth in this §, if
23 one or more persons engaged therein do, or cause to be done, any act in furtherance
24 of the object of such conspiracy, whereby another is injured in his person or
25 property, or deprived of having and exercising any right or privilege of a citizen of
26 the United States, the party so injured or deprived may have an action for the
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1 recovery of damages occasioned by such injury or deprivation, against any one or
2 more of the conspirators.”
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4 **CAUSE OF ACTION #5**

5 **42 U.S.C. Section 1986**

6 [See averred allegations 3-35 below]

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8 “Every person who, having knowledge that any of the wrongs conspired to be
9 done, and mentioned in § 1985 of this title, are about to be committed, and having
10 power to prevent or aid in preventing the commission of the same, neglects or
11 refuses so to do, if such wrongful act be committed, shall be liable to the party
12 injured, or his legal representatives, for all damages caused by such wrongful act,
13 which such person by reasonable diligence could have prevented; and such
14 damages may be recovered in an action on the case; and any number of persons
15 guilty of such wrongful neglect or refusal may be joined as defendants in the
16 action; and if the death of any party be caused by any such wrongful act and
17 neglect, the legal representatives of the deceased shall have such action therefor,
18 and may recover not exceeding \$5,000 damages therein, for the benefit of the
19 widow of the deceased, if there be one, and if there be no widow, then for the
20 benefit of the next of kin of the deceased. But no action under the provisions of this
21 § shall be sustained which is not commenced within one year after the cause of
22 action has accrued.”
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24 **CAUSE OF ACTION #6**

25 **Bivens Claim?**

26 - Do Brady violations, leading to 8th Amendment Violations, Cruel and
27 Unusual Punishment, apply in this case?
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PARTIES & THE AVERRED STATEMENT OF FACTS

Entries are written in first and/or third person, third person being either *complainant* or *father*. Argument is supplied for the sake of judicial economy.

1. I, Claimant and Complainant, Damon A. Duval, the natural father of two children, my son, Jazz (b. 9/28/01), and my daughter, Maya (b. 12/21/03), hold the belief that all three of us have, through a denial of several of our constitutional rights [See all below], been severely *harmed* through malicious and retaliatory acts, personal agendas to deny a well-established father-children bond, and punitive litigation. Certain standards, the best interest of the child for one applicable example, by which particular named defendants have used them, have brought to light so it may be seen, when either arbitrarily interpreted or supported by insufficient evidence, they may be rendered constitutionally insufficient. **It is these standards themselves that are being challenged – not the deplorable findings of the lower court.** There are so many facts to support this - these allegations have irrefutably given way to what is no less than cruel and unusual punishment *for no crime ever committed by the claimant – and indirectly, collaterally if you will, the two minor children become the victims as well.*

2. I, Complainant and Complainant Damon A. Duval, having completely lost all public trust at this point in time, am a 53 year-old disabled father of two children, a son, Jazz (b. 9/28/01), and a daughter, Maya (b. 12/21/03). I am a sovereign member and tax payer of these United States of America. I reside in Santa Monica, California. I am disabled as a result of three automobile accidents, all occurring in the last five years. On 4/18/2014, I effectively had my constitutionally protected right to due process violated.

1 Subsequently my parental rights and privileges have been “chiseled” from
2 me by the “legal” actions of *at least* two persons: Judge Bruce G. Iwasaki
3 and Court-appointed minor’s counsel, Amy L. Neiman: These represent
4 violations of **42 U.S.C. Section 1985(3)**.

5 Acting In Good Faith, in paralleled adherence to the ethical standards so
6 clearly and concisely written and defined within the very oaths of office
7 sworn to be supported, upheld, and maintained by any and every officer of
8 our courts, the complainant prays herein to the federal court for remedy, and,
9 AT THE VERY LEAST, declaratory relief from the forth-mentioned
10 egregious and reprehensible acts of members of both the American Bar
11 Association and the California Superior Court Judiciary as well as the
12 unwillingness of the State Bar and Commission on Judicial Performance to
13 take corrective action.

- 14 3. In a 4/18/2014 decision, it was ruled by the superior court, Honorable Bruce
15 G. Iwasaki presiding, that any further filing by the father [i.e. a simple notice
16 of the completion of a court requested action] would be tried and declared
17 vexatious. [See Exhibit 1] With a chilling effect, this effectively removes
18 the father’s first amendment right to petition the court.
19 Vexatious Litigation definition: *“A legal action or proceeding initiated*
20 *maliciously and without Probable Cause by an individual who is not acting*
21 *in Good Faith for the purpose of annoying or embarrassing an opponent.”*
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23 Note: “Frivolous” **cannot** be correctly derived out of a bereaved father’s
24 pleadings: Brought before the court on 4/18/14 was merely the notification
25 of a completion of court-ordered counseling, doctor’s letters to that effect,
26 and the request for a court-guaranteed reinstatement of parenting time that
27 had arguably been unconstitutionally removed by a “conditional
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contingency” – i.e. *a counseling order “rider” attached to a domestic violence restraining order*. [See Exhibit 3, pg. 46, item 14]

4. On 11/27/13 (technically on 12/2/14 as the decision made soon thereafter as the petition/application was technically taken under submission) the permanent “renewal” of a Domestic Violence Restraining Order, [See Court Minutes 12/2/2013; Exhibit 2] - known as a “DVRO” from here on out – had been asserted as *void-on-its-face* by the father [See Exhibit 3 entire pleadings]. The permanency of the DVRO carries with it a **lifetime 2nd Amendment restriction**: i.e. the father’s ability to protect himself, his residence, and when ultimately given parenting time in the future, the added inability to protect his own two children as well. This lifetime of the father’s being restricted from owning a firearm is a violation of a constitutionally protected right granted to him in the 2nd Amendment of the U.S. Constitution. Although brought before the lower court in pleadings only by the mother, no facts in evidence were provided by the mother of the father ever having: 1) committed any acts of domestic violence, 2) ever having owned a firearm, 3) ever having “borrowed” a firearm, or 4) ever even having *shot* a firearm. That is because the fact is the father has never owned a firearm in his 53+ years of his life.
5. All four “renewals” of the DVRO prior to 11/27/13, “renewals” that were made on: **a)** 12/4/08 for one-year; **b)** twice in December of 2009 [once for only a week and once again for one year]; and **c)** on 12/16/10 for three years, [See Exhibit 3, pgs. 40-74]. These were *made outside of statute* [CA Family Code §6345(a)] which clearly states renewals can only be for 5 years or permanently. The last time the complainant checked; laws and statutes aren’t arbitrarily made *from the bench* in any court at any level of proceedings.

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6. On 11/27/13, although the father had *both in pleadings and orally* requested for such a continuance, as the father did not yet have the evidence needed to refute the claims of the mother, Honorable Bruce Iwasaki refused to continue the matter before the court and arbitrarily proceeded directly into an evidentiary hearing. The restraining order, although declared void by the father this day, was supposedly up for renewal, [See Exhibit 3 entire pleadings] and did not “expire” until the 16th of December, 2013 [See Exhibit 3, pg. 68] the following month, 19 days later. Neither party would have been prejudiced for any such continuance. The father **could have** provided evidence *as to why* he went to the school to get the children’s grades: because it was *at the school’s request*. [See Exhibit 4, pg. 6]. The prior years’ grades had always been sent to the father by U.S. or email. The complainant even admits in the email correspondence with the school that “this is my only means to get them.” [See Exhibit 4, pg. 5] Also at the school’s request, the father met with the Vice-Superintendent of the school system when he went to the school and she supplied him with school policy re; such circumstances and documented the morning. [See Exhibit 4, pgs. 1-2] Honorable Iwasaki, in denying the request for a continuance, arbitrarily found that, although it was merely to obtain the minor children’s grades ***and after school had let out for summer***, the father had “gone to the school” and this was therefore in violation of the restraining order. Yet, Iwasaki arbitrarily renewed the restraining order “permanently.” Such a harsh penalty is abominable, effectively stripping a father of invaluable and constitutionally protected parenting rights, but additionally denying a person’s 2nd Amendment Right ***for life***. **Furthermore, this is arguably cruel and unusual punishment.** Along with being another violation of the Due Process Clause in disallowing substantiated evidence to protect a

1 constitutional right, this is in concert an equal encroachment of the father's
2 protection granted by the Eighth Amendment of the United States
3 Constitution which prohibits cruel and unusual punishment.

- 4
5 7. Again on 4/18/14, Honorable Iwasaki arbitrarily chose to not address the
6 FACTS, even with provided evidence in the moving papers that Mr. Duval
7 had in fact been to "intake" at the court-ordered requested counseling
8 facility and *could not afford* the counseling costs there [See letter from
9 Sheryl Sims dated 7/21/09; Exhibit 5, pgs. 45, 46]. Also within the father's
10 moving papers was clear evidence that, *pursuant to court orders*, minor's
11 counsel, Amy L. Neiman, *had in fact been notified* on 8/18/2011 as to his
12 commencement of the court-ordered counseling with one Dr. Jack B. Share.
13 [See Exhibit 5, pg. 50 lines 5-10], **No opposition to the newly chosen**
14 **counselor was ever made by the minor's counsel, Amy L. Neiman.** Yet
15 on 4/18/14, Honorable Iwasaki found that the father had "not followed court
16 orders" and inferred that the father "did whatever he wanted," even going as
17 far as declaring the treating physician's letter of compliance "hearsay." [See
18 Exhibit 6(a) C.R.T. 4/18/14 pg. 5 lines 15-17]. Minors Counsel, Amy L.
19 Neiman, also stated on the record this day that the father just "has not
20 complied with the court orders." In stating so, Ms. Nieman *concealed the*
21 *fact* that the father had sufficiently notified her of the counseling change and
22 commencement, [See Exhibit 6(a); C.R.T. 4/18/14; pg. 3 lines 2-17], Ms.
23 Nieman herein had fraudulently, negligently, as well as clearly and
24 convincingly misled the court. This is a violation pursuant to **18 U.S. Code §**
25 **1512 (c)(1)**. Additionally, and no less egregious, in reviewing Ms. Nieman's
26 own words, she had verbally *altered* the complainant's moving papers
27 before the court stating that the complainant/father had attended the
28 "therapeutic perhaps experience with *two* other providers" and that they had
29

1 been determined by Commissioner David J. Cowan to be unsatisfactory.
2 **FACT IN EVIDENCE:** Commissioner Cowan was NEVER ONCE aware
3 of Dr. Jack B. Share's existence or participation in Superior Court Case No.
4 SD 023958. In as simple terms that cannot be over stressed here, Dr. Share's
5 name, counseling sufficiency, or participation *was never* brought before
6 Commissioner David J. Cowan for *any* adjudication.

- 7
8 8. On 4/18/14, the violation that shall clear and convincingly herein denote the
9 complainant's deprivation of his constitutional rights secured by the United
10 States Constitution and/or federal statutes: that specifically being committed
11 by the Court and Honorable Bruce G. Iwasaki; this being specifically The
12 Fourteenth Amendment Due Process Clause.
13 Against this backdrop, to state a claim for a deprivation of Due Process, a
14 plaintiff must show: (1) that he possessed a constitutionally protected
15 property interest [that property being the complainant's two minor children
16 and the relationship therein], and (2) that he was deprived of that interest
17 without due process of law.
18 On this day, 4/18/14, in court, **Honorable Iwasaki, already having**
19 **admitted that he did not have the entire file before him** [See Exhibit 6(a)
20 pg. 2 line 19], **committed the violation by depriving the claimant of his**
21 **opening statement, i.e. his right to be heard,** [See Exhibit 6(a) pg. 3 lines
22 20-22], **which was to notify the court of: 1) a request for judicial notice**
23 **filed that very morning before the hearing and 2) announce a request**
24 **for a statement of decision; both of which were served upon all parties**
25 **that morning as well** [See Exhibits 6 (This document being requested
26 judicial notice thereof was NOT a part of SD 023 958 Case File) & 6(b)].
27 **Thus the court violated the claimant's right to due process - to be heard**
28 **re: judicial notice a right granted to him by Federal Rules of Evidence**
29

1 Rule 201(e) - which, in turn, prevented him from being able to present
2 adjudicative facts as evidence on the issue which is in turn a denial of
3 Due Process as it implicates a constitutionally protected right. As
4 stated, copies had properly been served on the opposing parties that
5 morning. [See Exhibit 6; pg. 21] This denial to be heard was not a harmless
6 error. Additionally, on this day Honorable Iwasaki even furthered his errant
7 decision by stating on the record to the claimant that he [the claimant] would
8 only be "answering questions." [See Exhibit 6(a) pg. 3 lines 20-22]. At no
9 time later in the hearing was the complainant asked to make his opening
10 statement that he had originally asked time for and was instead later in the
11 hearing threatened by the court with vexatious litigant status [See exhibit 1]
12 if he again filed a document [supposedly without merit?]. The complainant
13 will state herein that any document or moving paper showing that one has
14 complied with any court order is quite on the contrary, and is one **with**
15 merit. "The conclusive presumption that the complainant be allowed to be
16 heard re: the judicial notice request filed pre-hearing on 4/18/14, pursuant to
17 FRE 201(e), which prevented him from being heard to present adjudicative
18 facts as evidence on the issue is a denial of Due Process and implicates a
19 constitutionally protected right." *Vlandis v. Kline* (1973) 412 U.S. 441, 93
20 S.Ct. 2230, 2236, 37 L.Ed.2d 63, 71.

- 21 9. On 12/18/09, and although not adjudicated in ANY of the seven plus years
22 of proceedings thus far in SD 023 958, and certainly NOT on this day nor on
23 any of the petitioner/mother's moving papers [See Exhibit 8; CRT for entire
24 proceeding], on the so-called "renewed" DVRO, someone had blatantly
25 "scribbled out" and "inked in," i.e. **sneak in**, a change of joint legal custody
26 into the petitioner/mother's sole legal custody. [See Exhibit 7, pg. 6] This is
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1 nothing short of a heinous arbitrary act from the bench. The father, from that
2 point on, effectively, had lost his parental rights.

3 Note: 'The court "believes" that the father is unstable' is not a sufficiently
4 backed finding. The court is a trier of facts and **not** a medical expert. [See
5 Exhibit 10; pg. 2 – court "believes" Mr. Duval to be unstable] Again, no
6 request for sole joint legal custody was made in the mother's application for
7 *the outside-of-statute* DVRO renewal on 12/18/09.... Nor was it ever
8 adjudicated at the hearing!

9 [Again See Exhibit 8 entire day's (12/18/09) CRT].

10 Note: Calling them "review hearings" by Cowan and Kight is completely
11 outside of statute and subverts the **requirement** to use Judicial Council
12 forms in Family Law hearings. No DV-700 application for renewal was ever
13 filed by the mother for this 12/18/09 hearing either.... Nor was one ever
14 filed for the 12/4/08 hearing. December 10th, 2009 has yet another outside-
15 of-statute restraining order renewal this time for one week. [See Exhibit 10]

16 10. On December 16th, 2010, after hearing the domestic violence restraining
17 order renewal testimony from the petitioner mother, who was errantly asking
18 for a two-year *outside-of-statute* renewal, Commissioner David J. Cowan,
19 without ANY sufficient evidence whatsoever, ordered a *three-year*
20 *extension*. This was ordered although the father had been in **perfect**
21 **compliance** to the already existing, unjustified *outside-of-statute* D.V.R.O.
22 for well over two years,

23 NOTE: Again, this "renewal" along with the "renewals" on 12/4/08; two
24 "renewals" in December of 2009 (one for one-week and the next for a year);
25 are all **outside of statute**.

26 NOTE: Again, restraining order renewals may only be by law/by statute for
27 five years or permanent. Both the request for a two year "extension" and the
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ordered three-year “extension” are both outside of statute. [CA Family Code §6345(a)] [See Exhibit 9; entire CRT 12/16/10].

11. On or about 4/12/10, Assistant Superior Court Clerk, Dwayne Geter, threw **into the trash** can my courtesy copy of Commissioner David J. Cowan’s peremptory challenge. This is as atrocious an act as possible, shows contempt towards a party to the proceeding, and is an act that cannot be found by the complainant within any Rule of Professional Conduct, Rule of Court, or Business and Professional Code. It is a crime [18 USC 1512 which makes it a crime to obstruct the flow of that paper].

12. Commissioner David J. Cowan was instrumental at the very least in enabling all these criminal acts surrounding Dept. E Room 111 at the Santa Monica Courthouse.

13. Commissioner David J. Cowan has allowed himself to become so personally embroiled in this case it has bent his actions to the point of blatant criminality. Honorable Bruce Iwasaki, like a bird of a feather, has furthered the same partial court posturing.

14. 4/26/10 – Commissioner David J. Cowan files an order “denying and striking notice of disqualification and limiting the complainant’s rights to future filings.” This is a violation of the complainant’s constitutional rights and it suppresses the complainant’s inalienable rights to remedy these harmful acts. Again, Judge Bruce Iwasaki furthered these acts on 4/18/14.

15. 4/14/10 – On or about this day Commissioner David J. Cowan strikes on its face a 170.1 peremptory challenge and calls it a verified answer. This is another violation of 170.3 c (5) that: requires a written verified answer to ADMIT OR DENY EACH ALLEGATION.

1
2 16. 4/08/2010- Commissioner David J. Cowan, with only the complainant in
3 court, denies motion for both an injunction and a peremptory challenge with
4 new cause.

5 17. 3/12/10 – On or about this day Commissioner David J. Cowan strikes on its
6 face a 170.1 peremptory challenge and calls it a “verified answer.” This is in
7 violation of 170.3 c (5) that requires a written verified answer to ADMIT
8 OR DENY EACH ALLEGATION.

9 18. On or about June 3, 2009, with two of the now three thorough psychiatric
10 evaluations by Dr. William C. Wirshing having been submitted to the court,
11 all signed under penalty of perjury, and again all showing clear and concise
12 the complainant’s mental stability **and** the lowest possible threat of violence
13 from him as a person OR a father, [See Exhibit 11] Commissioner David J.
14 Cowan would deny this evidence for a second time, and would demand an
15 appearance from said evaluating physician, Dr. William C. Wirshing. A
16 clinical director of no less than three psychiatric treatment clinics, Dr.
17 Wirshing would be on or about this day errantly surmised by Commissioner
18 David J. Cowan as “just an emergency doctor.” Also on this day David J.
19 Cowan would personally, orally, in open court, for the second time, inform
20 the entire courtroom, all parties present, that the complainant had been
21 protesting out in front of the courthouse, seriously violating his judicial
22 canon of impartiality. It is neither the judicial officer’s responsibility nor is it
23 the officer of the court’s requirement to do any investigative reporting for
24 either side of any matter before him or her. [See Exhibit 12, lines 15-22]
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1 19. July 20, 2009, Dr. William C. Wirshing would appear on the complainant's
2 behalf. He states under oath clearly and concisely the specifics about his
3 credentials, both of the complainant's evaluations, and that he was there in
4 court because "he felt it was necessary." Dr. Wirshing also testified clearly
5 and concisely that the complainant does not need any counseling. [See
6 Exhibit 13, pg. 1, lines 21-25 and page 4, lines 12-21]. Commissioner David
7 J. Cowan denied the doctor's written and signed declaration, and, arbitrarily
8 alters, yes *alters*, **TWICE**, this witness's court testimony from "could
9 potentially benefit" to "would benefit." [See Exhibit 13, pg. 2, lines 1-4 and
10 pg. 5, lines 6-9] This altering was after, of course, *after* the witness had
11 left the courtroom. **Altering witness testimony is a violation of U.S. Code**
12 **Title 18 § 1519**. This could now be clearly assessed and argued as a
13 retaliatory action *a cause de* the father still actively protesting the
14 commissioner's decisions . And as stated before, on the record on this day in
15 court the opposing party was informed BY THE COMMISSIONER
16 HIMSELF, that the complainant had been out protesting the court's prior
17 decisions. [See Exhibit 12, lines 15-22] Any judicial officer "teaming up"
18 with one party against another party to the proceedings is in no way proper
19 judicial conduct. At the time, the complainant had not seen his children for
20 eight months, and in being consistent with his retaliatory actions, David J.
21 Cowan on this day would order phone contact with children cut in half,
22 further alienating a father from his children. No facts-in-evidence was
23 provided to the court for limiting the parent-child contact nor was any
24 evidence requested by Honorable Cowan for this reduction in contact.
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2 20. December 18, 2009. Commissioner David J. Cowan would alter witness
3 testimony for the second time. He would state on the record that just months
4 prior on July 20th, that the neutral and unpaid witness, Dr. William C.
5 Wirshing, had stated that *the father needed counseling* [See Exhibit 13, pg.
6 6, lines 18-20]. This is a 100% 180 degree fabrication. Testimony here was
7 not only altered ***but reversed*** by Commissioner Cowan to fit Commissioner
8 Cowan's personal ***desires*** and not what was actually said by Dr. Wirshing.
9 [See Exhibit 13, pg. 4, lines 12-21]. Cowan also denied the father's right to
10 due process: does not hear ex-parte motion from 11/24/09 continuance
11 effectively vacating the complainant's request for counseling for children's
12 safety sake, calls actual new evidence in a motion to reconsider "no new
13 evidence", refuses to hear reminded testimony about child molestation and
14 recidivism rates, thus continuing the endangerment of the children, denying
15 the complainant's right to protect them now for an entire year, and renews,
16 without evidence, an outside-of-statute *one-year* extension [pursuant to CA
17 Family Code §6345(a)] of a DVRO. This, after 18 months of perfect
18 compliance.
19

20
21 21. June 3rd, 2008, **the original restraining order** was placed on the father
22 without any sufficient evidence. It was hearsay that prompted the order.

23 22. The start of this entire due process denying and arbitrary ruling snowball:

24 December 4th, 2008, Commissioner David J. Cowan with his "bias and
25 partiality" under appeal [CA 2nd App. Dist. Case No. B207343], completely
26 denied due process and disregarded § 916 of the CA C.C.P. and continued to
27 make rulings in light of a stay of proceedings that had to be enforced by law.
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1 Just following that error, an outside-of-statute [pursuant to CA Family Code
2 §6345(a)] *one-year* restraining order renewal was to be placed on the
3 complainant. This effectively removed the complainant from his children's
4 lives, along with any contact with their doctors, their teachers, and ANY
5 indirect contact.... thus effectively removing from the minor children the
6 only person that could truly protect them, their natural father.
7

8 23. August 11th, 2008, five blatant contempt charges with sufficient evidence
9 against the mother are dismissed as being "not proven beyond a reasonable
10 doubt." Any reasonable person would have found the mother guilty.
11

12 24. Again, and this cannot be stressed enough , on four separate occasions, this
13 domestic violence restraining order has been renewed – "extended" if you
14 will - **outside of statute** [pursuant to CA Family Code §6345(a)] for lengths
15 of one year / one week / one year / and three years. [See Exhibit 3, pgs. 40-
16 74] By statute and by law, a restraining order can only be renewed for five
17 years or permanently. [CA Family Code §6345(a)]
18

19 25. On or about April 3rd, 2008, Commissioner David J. Cowan, by stopping the
20 mother's on-the-record admissions of wrongdoing through the misconduct
21 of her attorney and by *not enforcing* the joint legal custody agreement
22 between the mother and the father, allowed the mother of the two minor
23 children *to kidnap* them out of their respective schools, keep them out of
24 school for two weeks after Spring Break, and re-enroll **only one of the two**
25 in another school district, all without the father's consent. Commissioner
26 Cowan by denying/dismissing the contempt of court charges brought by the
27 father thereby enabled a blatant contempt of court act against the joint legal
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1 custody agreement co-signed in the divorce judgment on 8/30/07. [See
2 Exhibit 14 page 1; line 14- line 9 of page 2]
3

4 26. January 16th, 2008 - Violation of Canon 3(d)(2) – With two physical threats
5 already made upon the father, Commissioner David J. Cowan, refused to
6 impose sanctions against the mother's attorney, Roy L. Kight, and enabled
7 Roy L. Kight to commit perjury, thus allowing an open-threat of bodily
8 harm to the father, made on that day in open court, [See Exhibit 15 page 1;
9 line 14 through line 23 page 2] to remain in place unabated.

10 27. Child Endangerment – February 7th, 2008 and additionally prior, the
11 molesting incidents occurring as far back reported in July 2007, to
12 Commissioner David J. Cowan was made aware that my daughter, Maya
13 Duval (b. 12/21/03) had been inappropriately touched **by at least one**
14 **person**, that being one Marcus A. Boesch, the live-in boyfriend and now
15 "husband," while in the custody of her mother, Tammy L. Williams. [See
16 video interview – to be provided to the court upon demand]
17

18 28. Child endangerment, denial of evidence – In early 2008, Commissioner
19 David J. Cowan, was orally notified of the serious concern re: Joanna
20 Gardner, the mother's chosen "babysitter" for the two minor children would
21 deny evidence provided by myself that the children had been left under the
22 care of a known person with a criminal record, history of heroin pipe
23 possession, and outstanding warrants, that person being one Joanna Gardner.
24 [See Exhibit 16 page 1 lines 21-27] That evidence was just handed back to
25 me in court by Commissioner Cowan and not put on record. [See Exhibit 16
26
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pages 2-8(criminal court record of Joanna Gardner filed later by the father in a request for judicial notice on 3/9/10 to make sure it was in the record)].

29. Child Endangerment – in the Spring of 2007, with my son “suddenly” and consistently unable to control his bowels, Commissioner David J. Cowan would not consider this an “emergency” and would not have allowed contempt charges to stand against me for “taking my children to free counseling.” Any reasonable parent/person/judicial officer would have considered this to have been an emergency and sought the proper care. In this case the counseling *was offered free* through the child’s elementary school.

30. Collusion and conspiring against a natural father, THE natural guardian of the children as a natural parent. For any court to conspire with an attorney(s) and effectively remove and/or violate any father’s inalienable constitutional rights in a United States court of law is arguably TREASON.

31. Defendant Amy L. Neiman violated § 6043.5 of the Bus. And Prof. Code by providing falsified oral reports on July 20th, 2009, stating that the father, Damon A. Duval, was “constantly badgering the children” on the phone during his 10 minute phone call window each night. She was successful in again misleading the court and obtained a 50% reduction of the father’s already bare minimal contact with his children.

NOTE: If any father “constantly badgers his children” on the phone, then he should not be permitted to talk to them at all. Minors Counsel Amy L. Neiman would be enabling child abuse if this were true. Additionally, the answer to why the mother gave the father *full custody* of Jazz and Maya back in 2007, before Amy L. Neiman was ever appointed is because she knew the children were well cared for. The perjury charges that were

1 brought against Ms. Neiman by the father were answered in a document
2 wherein Ms. Neiman claims to have the right, through litigation privilege
3 and CA Civil Code § 47, "regardless of malice," "extending even to civil
4 actions based on perjury," to falsify reports. [See Exhibit 17, page 3, lines
5 10-16]

6
7 ***NOTICE:** The constitutionality of CA Civil Code § 47 and the case
8 authority that supposedly "grants" what is in effect an
9 unconstitutionality, i.e. *Silberg v. Anderson* (1990) 50 Cal.3d 205 and
10 *Jacob B. v. Shasta County* (2007) 40 Cal.4th 948 and *Pettit v. Levy* (1972)
11 28 Cal.App.3d 484, is *en masse* formally herein brought before the
12 Federal Court's review. [See Exhibit 17, page 3, lines 10-16]
13

14 32. Defendant Amy L. Neiman, since becoming a court-appointed minors
15 counsel [1/16/ 2008] to Damon A. Duval's two children, has been a bias,
16 partial, and destructive force to not only Mr. Duval's relationship with his
17 children but a more than willing destructive force to disrupt the stability and
18 continuity of these two children that existed while under this father's care. In
19 SD 023 958, **these two minor children are her clients, no one else.**
20 California Family Law prohibits these destructive acts upon a family bond as
21 does her sworn oath as an officer of the court. [Sect 6068 Bus. and Prof.
22 Codes]. Ms. Neiman has shown her egregious bias towards Mr. Duval, even
23 for some reason trying to "warn" other Judicial Officers about him; Judicial
24 Officers that are presiding IN SEPARATE cases, in other courthouses. [See
25 Exhibit 18, page 2, lines 15-19], interfering with his rights to his children's
26 medical records pursuant to CA Family Code 3025 [See Exhibit 19], and use
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1 personal information about him, including photographs, throughout
2 pleadings in other cases as well [See Exhibit 20; pg. 6 line 13 thru pg. 8 line
3 21].

4 33. Alienating any child[ren] from a perfectly fit and capable parent is now
5 clearly and concisely medically recognized by licensed physicians as
6 emotional abuse. This, done with intent, is tortious in nature. Assisting this
7 behavior as a sworn officer of the court, as Roy L. Kight has, is a violation
8 of the attorney's oath of office and duties [Sect 6068 Bus. and Prof. Codes].
9

10 34. Defendant Roy L. Kight, also in this offensive and retaliatory guise, has
11 aided and abetted in the perjury, subornation of perjury, fraud on the court,
12 contempt, and the neglectful abuse that my children have had to endure
13 under the custody of the alienating mother and a live in boyfriend, Marcus
14 [Markus] Boesch. As a court-ordered restrained natural guardian, kept at a
15 distance where protecting my children has been rendered impossible, he
16 cannot YET prove the crimes of all of these perpetrators: The biological
17 mother and father of the petitioner/mother, Tammy L. Williams (Charles
18 Jones and Janice Pomeroy), Unja (old Korean roommate of the mother),
19 Tom, (an ex-employer of the petitioner/mother), Ken Arkwell, (ex-husband
20 of the petitioner/mother), Bobby Lee, (ex DJ turned tattoo artist and "friend"
21 of the petitioner/mother) from Florida and some person named "Rachel"
22 (mentioned by the three year old daughter in the interview tape now held as
23 evidence at the El Segundo Police Department), Derek Geter, Court Clerk,
24 Helen Storm, Court Reporter, and possibly several other John Does who
25 have yet to be deposed and would have to be subpoenaed for testimony.

26 35. Somehow, the complainant's parental rights, *without a finding of unfitness*,
27 have been stripped. One may ask, "How can this happen?" Roy L. Kight, a
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1 member of the American Bar Association, in person, face to face, promised
2 the father, in a hallway of a Los Angeles Superior Courthouse in Santa
3 Monica by stating, "I'm going to take away every visitation right you have
4 as a father away from you." All these actions made by Kight from this point
5 on have been and are offensive, improper, malicious, and, when confronted
6 by an asserted defense by the father in the form of any petition, are
7 retaliatory in nature. He, without question, has made it his personal agenda
8 to attempt to destroy a dyed in the wool, written in stone, watered-everyday-
9 for-five-years parent-child bond between a father and his two children.
10 Note: This is a "sworn-to-oath" officer of the court. No officer of the court
11 may, in diligently fighting for his client's wishes, violate the constitutional
12 rights of another person.

13 36. On 2/24/15, the complainant was before the court of appeal. Two appeals
14 were heard this day. They were orally argued by attorney Rosario Perry.
15 [See Exhibit 22; Transcript of oral argument]. No response brief was filed
16 for either appeal nor was there an appearance by the opposing parties on
17 2/24/15. These points, in addition to the appellant's briefs, which were
18 *completely uncontested both written and orally*, are thus tantamount to an
19 admission of guilt by silence by the opposing and interested parties
20 involved. Case authority* has demonstrated that in order to take an
21 admission as admission by silence it must appear:

- 22
- 23 (1) that the party heard and understood the act or declaration;
- 24 (2) that the party was at a liberty to make a denial of such act or declaration;
- 25 (3) that the act or declaration was in respect to some matter affecting the
26 party's rights, to which s/he had interest, and which naturally calls for an answer;
- 27 (4) that the facts were within the party's knowledge; and
- 28
- 29

1 (5) that the inference to be drawn from the party's silence would be material
2 to the issue.

3 * "Silence can only be equated with fraud where there is a legal or moral duty
4 to speak, or where an inquiry left unanswered would be intentionally misleading. . .
5 We cannot condone this shocking behavior... This sort of deception will not be
6 tolerated and if this is routine it should be corrected immediately." -- U.S. v.
7 Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032;
8 Carmine v. Bowen, 64 A. 932.

9
10 * "Allegations in affidavit in support of motion must be considered as true in
11 absence of counter-affidavit." [Group v Finletter, 108 F. Supp. 327 Federal case of
12 Group v Finletter, 108 F. Supp. 327]

13 *In People v. Cihak, 169 Ill. App. 3d 606 (Ill. App. Ct. 1988), the court
14 observed that "to qualify as an admission by silence or an implied admission, it is
15 essential that the accused heard the incriminating statement and that it was made
16 under circumstances which allowed an opportunity for the accused to reply, and
17 where a man similarly situated would ordinarily have denied the accusation".
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ARGUMENT & DISCUSSION: OFFERED -
WHAT IS SOUGHT HEREIN BY COMPLAINANT:
AT MINIMUM- DECLARATORY RELIEF

There is no lawful/factual basis to preclude Mr. Duval from parenting his two minor children. The right of a biological, fit, custodial father WITHIN the everyday lives of his own natural and biological children is a standard inalienable right and is a basic liberty interest that can be diluted or abrogated only under extraordinary circumstances and only after stringent due process proceedings yield a finding of unfitness. Because the State has denied basic due process rights and has denied Mr. Duval equal protection under the law, it has not satisfied this burden, it simply cannot act arbitrarily nor can it issue unconstitutional, sans proper, statutory, and procedural due process restrictions. When judicial "discretion" crosses the line into arbitrary legislation directly from the superior court bench, a red distress flag must be raised... and one is being raised here.

To state a § 1983 claim, a plaintiff must establish that the defendant deprived him of a federal or constitutional right while acting under the color of state law. *Haywood v. Drown*, ___ U.S. ___, 129 S.Ct. 2108, 2111, 173 L.Ed.2d 920 (2009). "Choices about marriage, family life, and the upbringing of children" are "of basic importance in our society." *M.L.B. v. S.L.J.*, 519 U.S. 102, 116, 117 S.Ct. 555, 136 L.Ed.2d 473 (1996) (internal quotation marks omitted). The interest of natural parents "in the care, custody, and management of their child" is a "fundamental liberty interest protected by the Fourteenth Amendment." *Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982). "[F]amily members have, in general terms, a substantive right under the Due Process Clause to remain together without the coercive interference of the awesome power of the state." *Anthony v. City of New York*, 339 F.3d 129, 142 (2d Cir.2003) (internal quotation marks omitted). This right is amplified by the more general substantive

1 due process right of all people to be free of government action that is "arbitrary,
2 conscience-shocking, or oppressive in a constitutional sense." *Kaluczkys v. City of*
3 *White Plains*, 57 F.3d 202, 211 (2d Cir.1995).

4
5 **A. Due Process as a Constitutional Right – A Potential *Bivens* Claim for**
6 **Brady Violations by both The Court and minor’s counsel, Amy L. Nieman.**

7 “There exists more than a sheer possibility that a defendant acted unlawfully.”
8 *Bell Atlantic Corp. v. Twombly* 550 U.S. 544 (2007); *Ashcroft v. Iqbal* 556 U.S.
9 662 (2009)

10
11 Mr. Duval was unable to present evidence at both hearings [denied emails from
12 the school and witness testimony by the court on 11/27/13; suppressed and
13 misleading evidence by Amy L. Nieman on 4/18/14]. This is clearly and concisely
14 a denial of due process. *Brady v. Maryland*, 373 U.S. 83 (1963). In *Brady*, the
15 Supreme Court held that “suppression by the prosecution of evidence favorable to
16 an accused upon request violates due process where the evidence is material either
17 to guilt or to punishment, irrespective of the good faith or bad faith of the
18 prosecution.” 373 U.S. at 87. The Court later held that the prosecution has an
19 obligation to disclose such information even in the absence of a defense request.
20 *See Banks v. Dretke*, 540 U.S. 668, 695–96 (2004); *Kyles v. Whitley*, 514 U.S. 419,
21 433 (1995); *United States v. Agurs*, 427 U.S. 97, 107, 110–11 (1976).

22
23 **There are three elements of a *Brady* violation:**

- 24 (1) the information must be favorable to the accused;
25 (2) the information must be suppressed—that is, not disclosed—by the
26 government, either willfully or inadvertently; and
27 (3) the information must be “material” to guilt or to punishment. *See Strickler*

1 v. *Greene*, 527 U.S. 263, 281–82 (1999).

2 Minor's Counsel Amy L. Nieman's actions on 4/18/14, in concert with the
3 judge's admitted not having the complete file and the silencing of the father to
4 make his statement, fit these violations like a glove. The court's declaring Dr.
5 Share's letters hearsay on this day [and 11/27/13 as well] were also Brady
6 violations. "Most circuits have held that information may be favorable even if it is
7 not admissible as evidence itself, as long as it reasonably could lead to admissible
8 evidence." *See, e.g., United States v. Triumph Capital Group, Inc.*, 544 F.3d 149,
9 162–63 (2d Cir. 2008) (*Brady* information "need not be admissible if it 'could lead
10 to admissible evidence' or 'would be an effective tool in disciplining witnesses
11 during cross-examination by refreshment of recollection or otherwise'" (quoting
12 *United States v. Gil*, 297 F.3d 93, 104 (2d Cir. 2002))).
13

14 Additionally and not to digress, Minor's Counsel Amy L. Nieman's actions are
15 defended by her own claim that whatever she is able to do, albeit done with malice,
16 if she perjures herself, or even if she provides false reports is a privilege - and that
17 privilege is "absolute" under CA Civil Code Section 47. [See Exhibit 17; pg. 3,
18 lines 10-14].
19

20
21 ***NOTICE: The constitutionality of CA Civil Code § 47 and the case**
22 **authority that supposedly "grants" what is, in effect, an**
23 **unconstitutionality, i.e. *Silberg v. Anderson* (1990) 50 Cal.3d 205 and**
24 ***Jacob B. v. Shasta County* (2007) 40 Cal.4th 948 and *Pettit v. Levy* (1972)**
25 **28 Cal.App.3d 484, is *en masse* formally herein brought before the**
26 **Federal Court's review. [See Exhibit 17, page 3, lines 10-16]**
27
28
29

1 **Note: Supervisory Authority of the District Court** - “[I]t must be
2 remembered that *Brady* is a constitutional mandate. It exacts the *minimum* that the
3 prosecutor, state or federal, must do” to avoid violating a defendant’s due process
4 rights. *United States v. Beasley*, 576 F.2d 626, 630 (5th Cir. 1978) (emphasis
5 added).

6 These violations all have led to an Eighth Amendment violation that prohibits cruel
7 and unusual punishment. [See G below].

8 To state a claim for a violation of this substantive due process right of custody, a
9 plaintiff must demonstrate that the state action depriving him of custody was "so
10 shocking, arbitrary, and egregious that the Due Process Clause would not
11 countenance it even were it accompanied by full procedural
12 protection." *Tenenbaum v. Williams*, 193 F.3d 581, 600 (2d Cir.1999)

13 The 2007 Supreme Court decision *Wilkie v. Robbins* created a two-step analysis
14 to determine “whether to authorize an implied right of action for damages against a
15 federal official for a constitutional violation[.]” The two-step inquiry asks:

- 16 (1) “whether any alternative, existing process for protecting the interest amounts to
17 a convincing reason for the Judicial Branch to refrain from providing a new and
18 freestanding remedy in damages;” and
19 (2) “whether ‘special factors’ counseled against recognizing an implied right of
20 action.”
21
22

23 Additionally, Mr. Duval’s standing remains from the assertion that the State has
24 not satisfied any of the due process requirements necessary to negate either the
25 *presumption* that he knows the best interest of his two minor children or his
26
27
28
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1 *authority to exercise* the parental prerogatives that reside both in the clutch of his
2 liberty interest and the orders themselves.

3 This argument is founded on the general principle that fundamental liberty
4 interests warrant heightened due process protection. (*Santosky v. Kramer* (1982)
5 455 U.S. 755, a landmark decision recognizing the ascendancy of parenting
6 interests found that: "When the State brings a criminal action to deny a defendant
7 liberty or life, however, "the interests of the defendant are of such magnitude that
8 historically and without any explicit constitutional requirement they have been
9 protected by standards of proof designed to exclude as nearly as possible the
10 likelihood of an erroneous judgment." The stringency of the "beyond a reasonable
11 doubt" standard bespeaks the "weight and gravity" of the private interest affected,
12 society's interest in avoiding erroneous convictions, and a judgment that those interests
13 together require that "society impose almost the entire risk of error upon itself." [emphasis added]. Mr. Duval reminds the District Court that the restraining order
14 placed upon him carries with it a CLETS order, thus applying the "criminal action"
15 brought against him wherein law enforcement and criminal justice agencies are on
16 alert *ad infinitum* for this father that has done nothing wrong and has never
17 endangered anyone.

18 Mr. Duval has never been *accused* of a crime. Yet he is suffering from what
19 *Santosky* described as "a punishment as great [as], if not greater, than a **criminal**
20 penalty... [citation]." [*Id.* at p. 769] [emphasis added] The right to impart life to one's
21 children, after all, arguably deserves higher protection than the right to life itself. Mr.
22 Duval has neither seen, nor spoken with, either of his children in almost six years.
23 The mother's own words, the mother's attorney, Roy L. Kight, the minors counsel,
24 Amy L. Neiman, and even the court for some reason sounding off in concert with
25 these "words," even furthering them at times, all bring forth **a functional**
26 **equivalent of a parental rights termination**. Mr. Duval has, in effect, no parental
27 rights. He is restricted from:

28 1) Seeing the minor children *at any time*,
29

1 2) Meaningful conversations with them, i.e. *ten minutes* every other night if the
2 mother lets them answer the phone,

3 3) *Any* involvement in their education and health care maintenance or
4 prevention,

5 4) And now: *Petitioning the court*: Threatened with vexatious litigant status if
6 he were to further petition the lower court as a self-represented parent - which is all
7 he can afford.

8 “This loss is incalculable and immeasurable.” [*Santosky*, *supra* fn.11].
9

10 The State’s interest in preventing this from happening and corresponds
11 with stringent due process requirements. “... the [State’s] *parens patriae* interest
12 favors preservation, not severance, of natural familial bonds.... [and] registers no
13 gain towards its declared goals when it separates children from the custody of fit
14 parents. [*Santosky*, *supra* at 766-67]

15 This Argument’s is framed in terms of the *Eldridge* factors required by
16 *Santosky* in parental termination proceedings: a) the privacy interest affected by
17 the procedure purporting to further the State’s interest; b) the risk of error created
18 by the procedure, and, c) the countervailing State interest supporting the procedure’s
19 use. (*Santosky*, *supra* at 748 holding ultimately that “due process requires that the
20 State support allegations that threaten parental rights by *at least* clear and
21 convincing evidence.” [citations] [italics added]). At bar all of *Eldridge*’s factors
22 are at their extremes: “[Mr. Duval’s] interests [are] at their strongest, the State’s
23 interests [are] at their weakest, and the risk of error [is] at [its] peak...” (*Lassiter v.*
24 *Department of Social Services* (1981) 452 U.S. 18, 31)

25 *Santosky*, pertained to termination proceeding. To dismiss it as inapposite to the case at bar (which
26 is what I’m afraid Petitioner might try) would ignore the overarching principle embodied in
27 *Santosky*, *Lassiter*, *Glucksberg*, etc. which is this: if you’re going to subject the exercise of a
28 heightened liberty interest to the whims of the overseer of an invasive, expensive and subjective
29 procedure, you’ve effectively imposed a severe restriction on that right. The State can’t do this
unless there is a REALLY good reason.

1 Furthermore, an order that only purports to further the State's interest of
2 preventing physical abuse cannot be used to broadly regulate non-physical
3 activities, which is all Mr. Duval requests at this time. *Washington v. Glucksberg*
4 (1997) 521 U.S. 702, 721 [The Fourteenth Amendment "forbids the government to
5 infringe ... 'fundamental' liberty interests *at all*, no matter what process is provided,
6 unless the infringement is narrowly tailored to serve a compelling state interest."].
7 Mr. Duval's liberty interest implicated at bar is substantial. (*Id.* at 720 ["In a long
8 line of cases, we have held that, in addition to the specific freedoms protected by
9 the Bill of Rights, the "liberty" specially protected by the Due Process Clause
10 includes the rights . . . to **direct the education** and upbringing of one's children."].
11 Due process requires that the procedures by which laws are applied must be
12 evenhanded, so that individuals are not subjected to the arbitrary exercise of
13 government power. Thus, where a litigant had the benefit of a full and fair trial in
14 the state courts, and his rights are measured, not by laws made to affect him
15 individually, but by general provisions of law applicable to all those in like
16 condition, he is not deprived of property without due process of law, even if he can
17 be regarded as deprived of his property by an adverse result. *Marchant v.*
18 *Pennsylvania R.R.*, 153 U.S. 380, 386 (1894)

19 **B. Liberty Interest**

20 **1. Complainant's Liberty Interest is Exceedingly High**

21 The risk of compromising Mr. Duval's liberty interest *astronomically*
22 outweighs the State's interest. As if this is not enough, Mr. Duval's request
23 actually furthers the State's interest by furthering his children's fundamental
24 interest in receiving a quality education.

25 "We are convinced that the distinctive and priceless function of education in
26 our society warrants, indeed compels, our treating it as a fundamental interest."
27 *Serrano v. Priest* (1971) 5 Cal.3d 584, 608-09.

1 A fit, biological parent's privacy interest is transcendent .

2 "The liberty interest in family privacy has its source, and its contours are
3 ordinarily to be sought, not in state law, but in intrinsic human rights, as they have
4 been understood in "this Nation's history and tradition."].) Deeply imbedded in this
5 understanding is the recognition of a natural bond of affection (possibly created by
6 the chemical Oxytocin). *Smith v. Organization of Foster Families* (1977) 431 U.S.
7 816, 845

8 "... historically it has recognized that *natural* bonds of affection lead parents to
9 act in the best interests of their children." (*Parham v. J.R.* (1979) 442 U.S. 584,
10 602 see also, *Lehr v. Robertson* (1983) 463 U. S. 248, 262 (1983) "the biological
11 connection . . . offers the natural father an opportunity that no other male possesses
12 to develop a relationship with his offspring."; *Adoptive Couple v. Baby Girl* (2013)
13 570 U.S., Sotomayor dissenting "Many jurisdictions apply a custodial preference
14 ***for a fit natural parent*** over a party lacking this biological link." [emph. added]

15 This biological connection is sufficient to compel a liberty interest to unwed
16 fathers. "The private interest here, that of a man in the children he has sired and
17 raised, undeniably warrants deference and, absent a powerful countervailing
18 interest, protection." [*Stanley v. Illinois* (1972) 405 U.S. 645, 651].

19 "Since the right of parents to the custody of their minor children is both a natural
20 and legal right, the law should not disturb the parent/child relationship except for
21 the strongest reasons and only upon a clear showing of a parent's gross misconduct
22 or unfitness or of other extraordinary circumstances affecting the welfare of the
23 child. See 59 [Am.Jur.2d] Parent and Child, § 25 at 107-108 (1971). [Watkins,
24 supra, 163 N.J. at 245, 748 A.2d 558 (quoting *In re D.T.*, supra, 200 N.J.Super. at
25 176-77, 491 A.2d 7)].

26 How powerful does this countervailing interest have to be? Strong enough to
27 satisfy the most stringent due process burdens, lest the law of land be aggrieved.
28 "We have little doubt that the Due Process Clause would be offended if a State
29

1 were to attempt to force the breakup of a natural family, over the objections of the
2 parents and their children, without some showing of unfitness and for the sole
3 reason that to do so was thought to be in the children's best interest." [*Quilloin v.*
4 *Walcott* (1978) 434 U.S. 246, 255 - emphasis added]

5 The critical fact at bar is that this breakup, this "irreparable shatter[ing]", has
6 been made possible by this Court's exceeding its jurisdiction.

7 "There is normally no reason for the State to inject itself into the private realm of
8 the family to further question fit parents' ability to make the best decisions
9 regarding their children." Then, later on, "Our cases leave no doubt that parents
10 have a fundamental liberty interest in caring for and guiding their children and a
11 corresponding privacy interest—absent exceptional circumstances—in doing so without
12 the undue interference of strangers to them and to their child." [*Troxel, supra* at 58,
then 87].

13 It's one thing for a judicial officer to say, "Hey, you need to take a time-out, attend a
14 few meetings..." It's quite another thing, and this absent a fitness hearing, to piece-
15 meal-strip a fit father of his parental rights and/or the presumption that he knows what
16 is in the best interest of his own children.

17 18 **2. Relevancy is High**

19 The Court's "belief" of Mr. Duval being unstable displayed a presumption of
20 unfitness when it had no legal basis to do so. **To point**, this procedure is
21 unconstitutional as-applied because it overrides due process which requires, first,
22 that there be a *clear and convincing* degree of fact finding that "pits the State
23 directly against the parents" [See *Santosky, supra* at 759]. It's a two-step process.
24 Significantly, the first step does not allow the best interest of the child to be an
25 issue! (*Id.* at 760 ["At the fact-finding, the State cannot presume that a child and
26 his parents are adversaries. After the State has established parental unfitness at that
27 initial proceeding, the court may assume at the dispositional stage that the interests
28
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1 of the child and the natural parents do diverge. But until the State proves parental
2 unfitness, the child and his parents share a vital interest in preventing erroneous
3 termination of their natural relationship.”].) Nothing even approaching such a
4 finding has been made.

5
6 At this point, the law speaks for itself. Interposing the specifics at bar, here is
7 *Troxel*, unplugged:

8
9 [CA] effectively permits a court to disregard and overturn *any* decision by a fit
10 custodial parent concerning visitation ... based solely on the judge's determination
11 of the child's best interest. A parent's estimation of the child's best interest is
12 accorded no deference. ... A combination of several factors compels the
13 conclusion that, as applied here, exceeded the bounds of the Due Process Clause.
14 Firstly- no court has made the finding that Mr. Duval was or is an unfit parent.
15 Only a disputed counseling order, one attached at the hip to a domestic violence
16 order stood between the father and the two children - one that now has been fully
17 complied with. There is a presumption that fit parents act in their children's best
18 interests; there is normally no reason for the State to inject itself into the private
19 realm of the family to further question fit parents' ability to make the best
20 decisions regarding their children. The problem here is not that the Superior Court
21 intervened, but that when it did so, it gave no special weight to Mr. Duval's
22 determination of his children's best interests. More importantly, it appears that the
23 Superior court applied the opposite presumption, favoring one side only.

24
25 In effect, it placed on Mr. Duval the burden of *proving* that being an active
26 parent in his children's lives would be in his children's best interest and therefore
27 failed to provide any protection for Mr. Duval's fundamental right(s). Again, when
28
29

1 compared with the Superior Court's slender findings, these factors show they
2 involve nothing more than a mere disagreement between the court and Mr. Duval.
3 That which concerns his children's best interests, the "effective" but not "formal"
4 *removing of this father's parental rights*, becomes a clear unconstitutional
5 infringement on Natural Father Duval's right to make decisions regarding the
6 rearing of his two minor children.
7

8 Minor children, by contrast, possess fewer rights. *Vernonia School District 47J*
9 *v. Acton* (1995) 515 U.S. 646, 655 ["...un-emancipated minors lack some of the
10 most fundamental rights of self-determination – including even the right of liberty
11 in its narrow sense, i.e., the right to come and go at will."] This is as it should be.
12 (*Parham v. J.R.* (1979) 442 U.S. 584, 602 ["...parents possess what a child lacks in
13 maturity, experience, and capacity for judgment required for making life's difficult
14 decisions."].) **To point**, like most pre-teenagers, Jazz and Maya would prefer not
15 to, and **NO child should ever**, have to choose between either parent in a separation
16 or divorce. The court, by effectively *removing* one parent from the children in the
17 way it has done here is a nothing short of a draconian [See Exhibit 21, Affidavit of
18 Mr. Tom Erspamer, state bar member and court-watcher] of resolving the
19 children's burden *to have to choose* when in the custody of an alienating parent.
20 We're not talking about something rational here, such as the State limiting Mr. Duval's
21 parental rights for a weekend and requiring him to attend a parenting class.
22
23

24 **The constitution presumes that fit, biological parents know their children's**
25 **best interest and act accordingly.** (*Troxel v. Granville* (2000) 530 U.S. 57, 68
26 ["...there is a presumption that fit parents act in the best interests of their
27 children."].)
28
29

1 A court has the subject matter jurisdiction to issue an ex parte restraining order.
2 There's nothing out of line about erring on the side of caution. But after the dust
3 settles, the due process requirement increases as time goes by, marked by the
4 precious time that is disappearing on the CHILDREN'S biological clocks – Yet
5 this Court has already crossed this line.
6

7 8 **3. The State's Interest in Limiting Complainant's Access to His** 9 **Children is Exceedingly Low**

10
11 The *Eldridge Factor* is the State's interest in "protecting Jazz and Maya".
12 Four considerations render this interest microscopic, if not non-existent.

13 **First**, consistent with *Santosky, supra* at 766-67, California's interest is for
14 Jazz and Maya to be with their natural father, lest we forget frequent and
15 continuous contact pursuant to CA Family Code §3020 : "The Legislature finds
16 and declares that it is the public policy of this state to assure that children have
17 frequent and continuing contact with both parents after the parents have separated
18 or dissolved their marriage, or ended their relationship, and to encourage parents to
19 share the rights and responsibilities of child rearing in order to effect this policy,
20 except where the contact would not be in the best interest of the child, as provided
21 in § 3011."
22

23 **Second**, The two minor children adore their father. The Best Interest
24 Standard has no force. The only snag in CFC §3020 is the best interest standard.
25 Up until now, it has been used to neutralize all countervailing due process
26 requirements. But this is very illegal.
27
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1 The highest level of judicial review – **strict scrutiny** – must be used in
2 determining the scope of applicability of the best interest standard with respect to
3 CFC 3020. Given Mr. Duval’s fundamental liberty interest as a biological, fit,
4 custodial parent, it is questionable as to whether the best interest standard has *any*
5 practical relevance. (*Lassiter v. Department of Social Services* (1981) 452 U.S. 18
6 [“This Court more than once has adverted to the fact that the “best interests of the
7 child” standard offers little guidance to judges, and may effectively encourage
8 them to rely on their own personal values.”].) Mr. Duval is distressed that this
9 Court has transmitted the presumption to others. It is patently illegal, absent a
10 finding of unfitness. (*Troxel*, *supra* at 72-3 [“The Due Process Clause does not
11 permit a State to infringe on the fundamental right of parents to make childrearing
12 decisions simply because a state judge believes a 'better' decision could be made.
13

14 To the extent that the best interest standard offers *any* guidance to this Court,
15 it must be subjected to the strict scrutiny standard to further a compelling
16 government interest that is “narrowly confined [and] precise in its application” and
17 does not sweep indiscriminately [*Sugarman v. Dougall* (1973) 413 U.S. 634, 643].
18 But there is no government interest. The two minor children adore their father.
19 There is nothing in the record suggesting that Mr. Duval was violent toward them
20 OR the mother. However, *in arguendo*, if there was a scintilla of justification to
21 trigger the injection of a mere *consideration* of government interest into the matter
22 at bar (*Troxel*, *supra* at 58), the State’s interest arrays *not against* Mr. Duval, but
23 behind Mr. Duval: his request is entirely consistent with California’s statutory
24 scheme relating to parental involvement in CFC 3020. His involvement will
25 promote an immediate and positive impact upon the two minor children’s interest
26 in receiving a quality education [*Serrano v. Priest* (1971 5 Cal.3d 584, 609).
27
28
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1 Given the aggregation of factors in support of Mr. Duval's custodial rights,
2 the best interest standard, as applied to §3020, is more likely a red herring that
3 "raises the repugnant sceptre of governmental interference in matters implicating
4 our most fundamental notions of privacy, and confuses concepts of parentage and
5 custody....." [*Johnson v. Calbert* (1993) 5 Cal.4th 84, 93] rather than an instrument
6 to further the ends of justice. At best, it is a factor, not a focus.
7

8 "The best interests of the child," a venerable phrase familiar from divorce
9 proceedings, is a proper and feasible criterion for making the decision as to which
10 of two parents will be accorded custody. But it is not traditionally the sole
11 criterion-much less the sole constitutional criterion-for other, less narrowly
12 channeled judgments involving children... [unfortunately] So long as certain
13 minimum requirements of child care are met, the interests of the child may be
14 subordinated ... even to the interests of the parents or guardians themselves."
15 [*Reno v. Flores* (1993) 507 U.S. 292, 303-04 (emph. added)].

16 It is wrong to inject the best interest standard too soon. (Santosky, supra at
17 760) At the fact-finding, the State cannot presume that the child and his parents
18 are adversaries. After the state has established parental unfitnessThe court
19 may assume that the interests of the child and the natural parent do diverge.
20

21 **Third**, "The State's primary interest is truth and justice." [*Standish v.*
22 *Superior Court* (1999) 84 Cal Rptr.2d 350]. Child safety is good; domestic
23 violence is bad. But other things are bad, too. "We recognize that in the area of
24 domestic violence, as in some other areas in our law, some people may attempt to
25 use the process as a sword rather than as a shield. The judicial system must once
26 again rely on the trial courts as the gatekeeper." *State v. Hoffman* (1997) 146 N.J.
27 564
28
29

1 **Fourth**, the state's court system is going to lose credibility if it continues to
2 allow *pro per* litigants to be railroaded in family courts. "This is the essence of
3 equal and fair treatment, and it is not only important to serve the ends of justice,
4 but to maintain public confidence in the judicial system." [*Gamet v. Blanchard*
5 (2001) 91 Cal.App.4th 1276, 1284]. Errors of fact or in law in the State's case may
6 go unchallenged and thus unfortunately **uncorrected**. Given the weight of the
7 interests at stake, this risk of error assumes extraordinary proportions. By
8 intimidation, inarticulateness, or confusion, a parent can lose forever all contact
9 and involvement with his or her offspring.
10

11
12 Just one look at the width and breadth of Mr. Duval's verified complaint would
13 most likely push any reasonable person to an extreme. Many parents have ended
14 their own lives as a result of this type of treatment. One father, Thomas Ball, self-
15 immolated, i.e. *lit himself on fire* on the steps of a New Hampshire Courthouse and
16 died, leaving a heartfelt suicide note explaining that he couldn't take the legal
17 abuse anymore. This is not opinion. This happened.

18 See: [http://www.businessinsider.com/new-hampshire-man-lights-himself-on-fire-](http://www.businessinsider.com/new-hampshire-man-lights-himself-on-fire-to-protest-americas-decline-2011-6)
19 [to-protest-americas-decline-2011-6](http://www.businessinsider.com/new-hampshire-man-lights-himself-on-fire-to-protest-americas-decline-2011-6)
20

21 **4. The Court Did Not Satisfy a Burden Necessary to Transfer the** 22 **Presumption of Fitness from the Father to the Mother**

23 "*Until the State proves parental unfitness, the child and his parents share a vital*
24 *interest in preventing erroneous termination of their natural relationship.*"
25 [*Santosky* (760)]
26
27
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1 We have recognized on numerous occasions that the relationship between parent
2 and child is constitutionally protected. See, e.g., Wisconsin v. Yoder, 406 U.S.
3 205, 231-233, 92 S.Ct. 1526, 1541-42 L.Ed.2d 15 (1972); Stanley v. Illinois, *supra*;
4 Meyer v. Nebraska, 262 U.S. 390, 399-401, 43 S.Ct. 625, 626-27, 67 L.Ed. 1042
5 (1923). "It is cardinal with us that the custody, care and nurture of the child reside
6 first in the parents, whose primary function and freedom include preparation for
7 obligations the state can neither supply nor hinder." Prince v. Massachusetts, 321
8 U.S. 158, 166, 64 S.Ct. 438, 442, 88 L.Ed. 645 (1944). And it is now firmly
9 established that "freedom of personal choice in matters of... family life is one of the
10 liberties protected by the Due Process Clause of the Fourteenth Amendment."
11 Cleveland Board of Education v. LaFleur, 414 U.S. 632, 639-640, 94 S.Ct. 791,
12 796, 39 L.Ed.2d 52 (1974).

13 14 15 **C. The Risk of Error is Exceedingly High**

16
17 Being established that a) Mr. Duval's liberty interest in directing his children's
18 education is high, and b) that the State's interest in protecting the two minor
19 children from any harmful effects of said "education" is low, the question is now
20 whether the reliability of the procedure set in place to purportedly protect the
21 children represents a substantial risk of this Court being led to an erroneous
22 decision. Put another way: Is the procedure 99% sure to further the ends of justice?
23 The answer is clearly "no". Distinguished forensic evaluators *themselves* have
24 expressed strong concerns. (e.g. David A. Martindale, Ph.D., A.B.P.P. ["...some
25 forensic work is so profoundly deficient as to be an outrage."].) Dr.
26 **Martindale's opinion is emblematic of widespread concern, not just about the**
27 **reliance upon evaluations ["the court's belief" in Mr. Duval's case], but the**
28
29

1 dangers that result from their overuse. A custody evaluation [“the court’s
2 belief” in Mr. Duval’s case] for as fit a parent is like prescribing open heart
3 surgery for high blood pressure.”

4
5 is transposed [for clarity] into psych language....

6 “Acknowledging the serious deficits in custody evaluations [“the court’s
7 belief” in Mr. Duval’s case], particularly the flimsy grounds (ethically,
8 empirically, and legally) for making recommendations on the ultimate issue,
9 leads one to question the appropriateness of this tool for developing clarity
10 and dispute resolution for many cases in family court. Clearly, evaluations [or
11 court beliefs] can be more solidly grounded when they are investigating
12 serious allegations of physical abuse, sexual abuse, and neglect of the child as
13 well as mental illness, substance abuse, and domestic violence on the part of
14 the parents. In these domains, community standards and values are more
15 clearly defined and the empirical research literature is more extensive and
16 robust in its findings of what is not in children’s best interests.

17
18 As the article continues, it implicates the Fifth Amendment and the Equal
19 Protection Clause:

20 In this quest, custody evaluations [“court belief” in Mr. Duval’s case] may
21 have inadvertently produced de facto double standards, where those held up
22 for parents in family courts are far more stringent than those forced by parents
23 in dependency courts. The result is that custody evaluators [superior court
24 *judicial officers* in Mr. Duval’s case] are now producing exhaustive, intrusive,
25 negatively biased assessments, psychological testing, and written reports in
26 which separating parents are scrutinized and held to a higher standard of
27 accountability than those in non-disputing divorces and intact families. This
28
29

1 seems unfair, unnecessarily stressful for already vulnerable families, and may
2 even constitute grounds for claiming violations of parents' civil rights. It is the
3 search for the elusive "better or best parent" that personal values and cultural
4 beliefs are likely to infiltrate and contaminate what is supposed to be a
5 scientifically defensible investigative process and report.
6

7 When the only standard necessary to trigger the State's interest is "possible
8 harm to the child", then a free for all ensues - Child Protective Services becomes
9 the 21st Century embodiment of Robespierre's Committee of Public Safety. A lot
10 of fit parents are losing their custodial heads.

11 When an evaluation comes directly from the bench in the form of a mere
12 belief, it arguably threatens to violate the Equal Protection Clause. (((((Red Lights
13 Flashing))))))

14 The United States Supreme Court has affirmed the right of a parent in the care,
15 custody, and education of his or her child. This is an enumerated right which is
16 possibly the oldest liberty interest protected by the United States Constitution. It is
17 a right that the state cannot dilute absent exceptional circumstances. Any such
18 dilution is subject to the most stringent due process consideration, which combines
19 three critical factors: first, private interest of the parent; second, the interest of the
20 state; third, the risk of error. At bar, all factors are at their peak in favor of Mr.
21 Duval. The net result is that Mr. Duval's interest astronomically outweighs the
22 State's:

- 23 1. Mr. Duval is the biological father of the two minor children. By virtue
24 of this alone, absent countervailing factors, this is a compelling liberty
25 interest that merits heightened protection.
- 26 2. There is no countervailing evidence and, thus, no evidence to support
27 of the state limiting Mr. Duval's parental rights:
28
29

- a. Mr. Duval is a fit parent. There has been no finding even remotely suggesting that Mr. Duval is unfit;
- b. Mr. Duval has never been accused of a crime;
- c. Mr. Duval **has never** committed a direct violation of the current restraining order In regard to the protected parties "safety." Thus no reasonable fear has ever been established.
- d. Mr. Duval's permanent restraining order was assigned [clearly renewed from a void order] solely because he went to his children's school after school had let out for the summer to get the child's grades.

3. The state's risk of error is enormous.

In sum, Mr. Duval's interests are at his strongest; the state's interests are at their weakest; and the risk of error is at its peak. These factors, from a legal standpoint, overcome any other considerations.

D. The Right of a Parent in the Care, Custody and Education of His Child[ren] is: Because Mr. Duval should be, at present, sharing legal custody of the two minor children. Again, because:

1. Mr. Duval is a fit parent; and
2. Mr. Duval has never been accused of a crime; and
3. Mr. Duval has never even been accused and found to have harmed the two minor children, ever.

E. California Statutory Authority Prescribe that Both Parents Should Be Involved if They Are Both Fit

California Family Code § 3020 (b) specifies that "[t]he Legislature finds and declares that it is the public policy of this state to assure that children have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, or ended their relationship, and to encourage parents to

1 share the rights and responsibilities of child rearing in order to effect this policy,
2 except where the contact would not be in the best interest of the child, as provided
3 in § 3011.”

4
5
6 **F. The Court Record Contains Only Allegations - No Professional**
7 **Findings Implicating Mr. Duval's Fitness... Only "Beliefs" Directly**
8 **"From The Bench"**

9 To state a claim for a violation of this substantive due process right of
10 custody, a plaintiff must demonstrate that the state action depriving him of
11 custody was "so shocking, arbitrary, and egregious that the Due Process

12 Clause would not countenance it even were it accompanied by full
13 procedural protection." *Tenenbaum v. Williams*, 193 F.3d 581, 600 (2d

14 Cir.1999)

15
16 The burden on the State to justify the use a given procedure is thus a
17 function of the liberty interest weighed against the State's interest. While it's true
18 that "[t]he State has an urgent interest in the welfare of the child" (*Lassiter, supra*
19 at 27) this interest is minimal absent a finding of parental unfitness. (*Quilloin v*
20 *Walcott* (1978) 434 U.S. 246, 247-48 ["In *Stanley v. Illinois*, 405 U. S. 645 (1972),
21 this Court held that the State ... was barred, as a matter of both due process and
22 equal protection, from taking custody of the children of an *unwed* father, absent a
23 hearing and a particularized finding that the father was an unfit parent. The Court
24 concluded, on the one hand, that a father's interest in the "companionship, care,
25 custody, and management" of his children is "cognizable and substantial,"[citation]
26 and, on the other hand, that the State's interest in caring for the children is "*de*
27 *minimis*" if the father is in fact a fit parent."[citation.] [emphases added].) *Quilloin*
28

1 is on point: denying a fit, biological, custodial parent the right to exercise a limited
2 scope of his parental rights is tantamount to taking custody of the child. The State's
3 has not fulfilled the requirements of due process to do this. It never has had the
4 legal basis to transmit the presumption of knowing the two minor children's best
5 interest to anyone. The Order, as-applied, is thus unconstitutional. Nothing
6 approaching a particularized finding has occurred. In essence, an agent of the
7 State.... is not legally binding when there is no evidence that the particularized
8 exercise of a right will cause any harm. But even if there was, it would be
9 unsubstantial. (Parham v. J.R. [*"Simply because the decision of a parent is not*
10 *agreeable to a child or because it involves risks does not automatically transfer the*
11 *power to make that decision from the parents to some agency or officer of the*
12 *state. (603)* This is particularly grave given that the proscribed procedure – a
13 custody evaluation, especially coming from the bench – is merely subjective.

14
15 99.9% certainty is needed when "the parent's interests were at their strongest, the
16 State's interests were at their weakest, and the risks of error were at their peak..."
17 (*Lassiter, supra* at 31.) All three extremities exist at bar: on a ten-point scale, Mr.
18 Duval's interest is a 10, the State's interest is 1, and the risk of error is close to 10.
19 "Given the weight of the interests at stake, this risk of error assumes extraordinary
20 proportions. We must balance these elements against each other, and then set their
21 net weight in the scales against the presumption...." (*Id.* at 27.)

22
23 Just a few months before *Santosky*, the Court issued a related decision,
24 *Lassiter v. Department Of Social Services* (1981) 452 U.S. 18. It is possible to
25 read too much into things. But you can almost sense an aching, even a groping,
26 among the justices – all loving parents in their own right – for a procedural tool to
27 yield an actual number reflecting not merely justice's requirement 99.99%
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certainty - where “the parent's interests were at their strongest, the State's interests were at their weakest, and the risks of error were at their peak...” (*Id.* at 31.) But other permutations: “Given the weight of the interests at stake, this risk of error assumes extraordinary proportions. We must balance these elements against each other, and then set their net weight in the scales against the presumption.....” (*Id.* at 27.)

At bar, this presumption is that Mr. Duval does not have the right to meaningfully communicate with his children. Mr. Duval, in all humility, asserts that a simple formula can be created that will produce a reliable “ballpark” number expressing the judicial certainty warranted to overturn the presumption that Mr. Duval is not entitled to parent his children. Indeed a countervailing presumption, which in this case is 99% wrong.

In so doing, Mr. Duval wishes to add an additional factor to *Eldridge*: the scope of request parental involvement in terms of the liberty interest. All factors are expressed on a scale of 0 to 10 and are as follows:

Judicial Certainty = LE, where E represents the degree of judicial certainty

1. Liberty interest (**L**) – a fit, biological parent with full legal custody has a higher interest than a grand, foster, or step parent.
2. State’s interest (**S**) – “The State has an urgent interest in the welfare of the child”. (*Lassiter*, supra at 27.) But this interest is mediated and is a function of the liberty interest. By definition, if an interest has to be triggered; it can’t be injected. (*Troxel*, supra) It correlates to the degree and the timing of purported abuse, and diminishes over time.
3. Need to avoid erroneous error (**RE**) (1-100) –
4. Degree requested (**D**) (0 – 1)

1 When a biological parent commits a serious crime, two things happen: the
2 state's interest increases; the threshold of admissibility of evidence that can be
3 used to limit the exercise of his right decreases. So let's add a fourth factor – the
4 *degree* to which movant wishes to exercise his liberty interest - and create the
5 *Eldridge-Walker* Formula
6

7 **Judicial certainty = LI/SI X RE/D**

8 Whereby the numeric values are assigned according to legally-based
9 considerations.

10 It is 99.9% certain that the ends of justice will be served by this Court
11 granting Mr. Duval's relief.

12 So here's the point....

13 As with Santosky, Mr. Duval is challenging the procedure. His parental rights
14 have been effectively, through piece meal chiseling, terminated. Reunification can
15 now only occur through a Minor's Counsel who not only refuses to acknowledge
16 his compliance with a court order **but conceals evidence and alters facts** to
17 achieve this refusal? Is this yet another one of her "litigation privileges"?????

18 **When will this runaway train be stopped?**

19 Id at 27; "Given the weight of the interests at stake, this risk of error assumes
20 extraordinary proportions. We must balance these elements against each other, and
21 then set their net weight in the scales against the presumption that there is a right to
22 appointed counsel only where the indigent, if he is unsuccessful, may lose his
23 personal freedom. This was *the* point of *Santosky v. Kramer*

24 **G. There Comes a Point Where Natnral Rights Transcend**
25 **"Legal" Mechanisms; Mechanisms that, Left Unchecked, Easily Lead**
26 **to Cruel and Unusual Punishment**
27
28
29

1 *"The liberty interest in family privacy has its source, and its contours are*
2 *ordinarily to be sought, not in state law, but in intrinsic human rights, as they have*
3 *been understood in "this Nation's history and tradition."*

4 A pacifist Noble Peace Prize candidate moving to speak on the phone with his
5 biological child commands higher vigilance than a convicted felon wishing to take
6 his stepson on a deep-sea fishing excursion. But both have custodial rights. The
7 question is their extent, and the means to assure that they are realized. Towards
8 this end, it created the Eldridge Principle.

9 "This loss is incalculable and immeasurable." [*Santosky*, supra fn.11]

12 CONCLUSION

13 **Ceasing and desisting the court's enabling this winner-take-all approach to**
14 **parenting time in America is beyond overdue. The defenseless child is the**
15 **loser-take-all in this family-court-of-law turned "arena."**

16 Federal statistics from the U.S. Centers for Disease Control, the U.S.
17 Department of Justice and the U.S. Census Bureau for the 35 percent of children
18 who are raised by single parents show that these children account for:

- 19 • 63 percent of teen suicides;
- 20 • 70 percent of juveniles in state-operated institutions;
- 21 • 71 percent of high school dropouts;
- 22 • 75 percent of children in chemical abuse centers;
- 23 • 85 percent of those in prison;
- 24 • 85 percent of children who exhibit behavioral disorders; and
- 25 • 90 percent of homeless and runaway children.

26 The Federal Courts MUST intervene to achieve this.

1 "In some cases, however, this Court has held that the federal
2 constitution supersedes state law and provides even greater protection for certain
3 formal family relationships." *Lehr v. Robertson* 463 U.S. 248 (1983)

4 To date, the growing list of states with active shared-parenting legislation
5 includes Colorado, Florida, Hawaii, Kentucky, Maine, Maryland, Massachusetts,
6 Michigan, Missouri, Nebraska, Nevada, New York, South Carolina, Utah,
7 Vermont, Washington and Wyoming.

8 These children's passing by lives do not have time for the snail pace of legislation.
9 This father has all but exhausted EVERY path of relief sought.

10 CA Civil Code 3527 states "The law helps the vigilant, before those who sleep on
11 their rights."

12 **Please, on behalf of these voiceless children, do the just, fair, and proper thing**
13 **and - intervene.**

14 INCESSANT CASE AUTHORITIES

- 15 1. "Erroneous denial of parent/child visitation compromises a parent's due
16 process rights to litigate and establish [maintain] the beneficial parent/child
17 relationship...."[U.S.C.A. Const. Amend 14; West's Ann. Cal. Wel. & Inst.
18 Code 366.26(c)(1)(a)].
- 19 2. Tort action is predicated on visitation interference. [*Minot v. Eckardt-Minot*
20 13 F.3d 590; *Ankenbrandt v. Richards* (91-367), 504 U.S. 689 (1992);
21 *Friedlander v. Friedlander* 149 f 3rd 739].
- 22 3. Constitutional Rights for Jurisdiction – A private party may seek
23 injunctive/declaratory relief against a state action on the basis of *Federal*
24
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1 *Preemption* where a federal right exists. *Bernhardt v. Los Angeles County*
2 (9th Cir. 2003) 339 F3d 920, 929

3 4. "The State's right to protect the child does not give it the power to interfere
4 with the natural liberty of parents to direct the upbringing of their children."
5 *O'Dell v. Lutz* Cal. App. 2d 104; 177 P.2d 688 (2d Dist. 1947)

6 5. The U.S. Court of Appeals for the 9th Circuit (California) held that the
7 parent-child relationship is a constitutionally protected liberty interest.
8 *Quilloin v. Walcott*, 98 S Ct 549; 434 US 246, 255-56, (1978)

9 6. "*Held.* Although the state may be correct in asserting that most unmarried
10 fathers are unsuitable and neglectful parents, not all are unfit. If petitioner is
11 a fit parent, the goals of the state law are not achieved by separating him
12 from his children."
13 [92 S.Ct. 1215, 31 L.Ed.2d 559]

14 7. Object of declaratory judgment law is to secure repose in controversies and
15 to accelerate determination of rights where prospective litigation causes
16 unrest and is disturbing. [*Myers v. Mutual Life Ins. Co. of N. Y.*,
17 *W.D.Mo.*(1952), 12 F.R.D. 447].

18 8. In *Furman v. Georgia*, 408 U.S. 238 (1972), Justice Brennan wrote, "There
19 are, then, four principles by which we may determine whether a particular
20 punishment is 'cruel and unusual'."

21 a) The "essential predicate" is "that a punishment must not by its severity be
22 degrading to human dignity," especially torture.

23 b) "A severe punishment that is obviously inflicted in wholly arbitrary
24 fashion."

1 c) "A severe punishment that is clearly and totally rejected throughout society."

2 d) "A severe punishment that is patently unnecessary."

3
4 9. "There is no crueler tyranny than that which is exercised under cover of law
5 and with the colors of justice." *U.S. v. Janotti* 673 F.2d 578, 614 (3d Cir.
6 1982).

7
8 **STATUTORY PROVISIONS INVOLVED/CASE AUTHORITY**

9 I. Federal Rules of Evidence Rule 201(e)

10 II. § 35 of the Judiciary Act of 1789, 28 U.S.C. 1654, provides that "[i]n all
11 courts of the United States the parties may plead and conduct their own
12 cases personally or by counsel as, by the rules of such courts,
13 respectively, are permitted to manage and conduct causes therein

14 III. Judiciary Act of 1789, Ch. 20, § 35, 1 Stat. 92 (Now codified as 28
15 U.S.C. § 1654 (1970)).

16
17 IV. The U.S. Court of Appeals for the 9th Circuit (California) held that the
18 parent-child relationship is a constitutionally protected liberty interest.
19 (See; Declaration of Independence --life, liberty and the pursuit of
20 happiness and the 14th Amendment of the United States Constitution --
21 No state can deprive any person of life, liberty or property without due
22 process of law nor deny any person the equal protection of the laws.
23 *Kelson v. Springfield*, 767 F 2d 651; US Ct App 9th Cir, (1985)

24 V. The Enforcement Acts; including but not limited to 42 U.S.C. § 1983
25 "Every person who under color of any statute, ordinance, regulation,
26 custom, or usage, of any State or Territory or the District of Columbia,
27
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1 subjects, or causes to be subjected, any citizen of the United States or
2 other person within the jurisdiction thereof to the deprivation of any
3 rights, privileges, or immunities secured by the Constitution and laws,
4 shall be liable to the party injured in an action at law, Suit in equity, or
5 other proper proceeding for redress, except that in any action brought
6 against a judicial officer for an act or omission taken in such officer's
7 judicial capacity, injunctive relief shall not be granted unless a
8 declaratory decree was violated or declaratory relief was unavailable. For
9 the purposes of this §, any Act of Congress applicable exclusively to the
10 District of Columbia shall be considered to be a statute of the District of
11 Columbia."
12

- 13 VI. 8th Amendment to the U.S. Constitution - In Robinson v. California,
14 370 U.S. 660 (1962), the Court ruled that it did apply to the states
15 through the Fourteenth Amendment. *Robinson* was the first case in which
16 the Supreme Court applied the Eighth Amendment against the state
17 governments through the Fourteenth Amendment.
18
- 19 VII. Section 1 of the 14th Amendment and the 5th Amendment to the U.S.
20 Constitution and their respective Due Process Clauses.
- 21 VIII. 2nd Amendment to the U.S. Constitution. The Right to bear arms.
- 22 IX. 1st Amendment to the U.S. Constitution. The Petition Clause.
- 23 X. Altering witness testimony is a violation of U.S. Code Title 18 § 1519.
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CONCLUSION

WHEREFORE, Plaintiff Damon A. Duval Requests and Prays that this Court enter judgment as follows:

- a) Apply, AT THE VERY LEAST, Injunctive and Declaratory Relief pursuant to 42 U.S.C. §§ 21et seq, 1985, 2000a-6, 2000aa-12, Subchapter Xii09k- 3796jj
- b) Confirm and Affirm all averred allegations, all alleged breaches of Duty of Care by these sworn-by-oath officers of the court [and named individuals] as Fraud -On-The-Court having harmed the Constitutional Rights granted to the complainant and his two children pursuant by the specific Amendments of The United States Constitution as stated above.
- c) Apply a cessation and desisting of these tortious acts that are not only destroying a father's healthy and well-established "first 5-year" bond with his two biological children, but are in scope, destroying the very fabric, the dynamic institutional weave of Common Law and Order, the very bedrock of our nation: The Bill of Rights, The United States Constitution, and The Judicial Branch of Our Government.
- d) Vacate and Declare the permanent restraining order and it's restrictions as cruel and unusual.
- e) Declare collusion or any acts even predicated collusion shall be tried as R.I.C.O. Act violations.
- f) Declare that any crime against a well-established and healthy parent/child bond is a crime against God and deem punishment as seen fit.

Respectfully Submitted on:

5-11-15
Date

By:


Damon A. Duval

1 **AFFIDAVIT IN SUPPORT/ CALL FOR JUSTICE**

2 **-AVERRED & VERIFIED ACCUSATION-**

3 Aggrieved party in this matter, Damon Anthony Duval, who knowing the laws and
4 Penalties of Perjury within the State of California, hereby deposes and says:

5 *a) That I have read and know the contents to the above Claim For and*
6 *Complaint Re: the Averred and Verified Accusation, and know them to be true.*

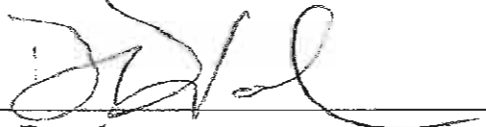
7 *b) That if I am so commanding to give the truth of the contents so stated*
8 *hereby, I will stand on my word where my yay means yay and my nay means nay*
9 *and give testimony to the truth thereto.*

10 *c) That of the items submitted that I have personal knowledge of the events*
11 *subscribed herein, and as to those items I submit upon information and/or belief*
12 *as to those items I also believe them to be true.*

13 *d) That I, and my two children, son, Jazz (b. 9/28/01) and daughter, Maya*
14 *(b. 12/21/03) have been severely harmed by the above mentioned accusations.*
15 *The monetary value of said tortious violations / parental deprivation was set at*
16 *frugally at \$500,000/year pursuant to the VCGCB claim [Exhibit 27].*

17 *e) That I stand with a complete loss of all public trust in preparation of this*
18 *document as a direct result of the aforementioned.*

19 I, Damon Anthony Duval, under penalty of perjury, the laws of the State of
20 California and These United States, declaring before Almighty God, that all
21 statements are truthful and sworn testimony, as set forth herein.

22 Signed: 
23 Damon A. Duval
24 2461 Santa Monica Blvd. #801
25 Santa Monica, California 90404

Dated: 5-11-15
NOTARY:

26 SEE ATTACHED
27 NOTARIZED CERTIFICATE
28 Date: May 11, 2015
29 Initial: SC

Exhibit

1

Replaces

Ex 12 - pg 111 7/20/09

~~Ex 14~~ - Exh 16 from Supra

Ex 15 - 3 pgs. Same 1/16/08

Ex 16

Ex 21 - Ex 13 from Supra

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

NO FILE

Date 04-18-14

Honorable BRUCE G. IWASAKI

Honorable

8 C. CABRERA

Judge

Judge Pro Tem

Deputy Sheriff

M. FERRARA

F. CORONA

SANDRA GECO - CSR NO. 3806

Dept: Dept.

CE 63

[CE63]

Deputy Clerk

Court Assistant

Reporter

8:30 am

SD023958

Tammy Ladonna Duval (X)

VS.

Damon Anthony Duval (X)

Counsel For
Petitioner:

Roy Kight (X)

Counsel For
Respondent:

In Pro Per (X)

MINOR'S COUNSEL: Amy Neiman (X)

**Nature of Proceedings: RESPONDENT'S REQUEST FOR ORDER FOR
MODIFICATION RE: CHILD CUSTODY, VISITATION, ATTORNEY FEES AND COSTS,
AND OTHER: NOTICE OF MOTION; FILED 03/13/2014**

The matter is called for hearing.

Both parties are sworn and testify.

Request for order is denied for lack of admissible evidence showing any grounds for
modification.

Court warns the Respondent that he may be reported as a vexatious litigant pursuant to
Code of Civil Procedure section 391 if he continues to file similar requests without merit.

Minor's counsel is to prepare the Order After Hearing.

Exhibit

2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-02-13		Dept. Dept.
			CE 63
			[CE63]
Honorable	BRUCE G. IWASAKI	Judge	Deputy Clerk
Honorable		Judge Pro Tem	Court Assistant
None	M. OLIVER	Deputy Sheriff	Reporter
			A. HASSAN
			F. CORONA
			NOT REPORTED

3:30 am

SD023958

Tammy Ladonna Duval (N/A)

Counsel For
Petitioner:

No Appearance

VS.

Damon Anthony Duval (N/A)

Counsel For
Respondent:

No Appearance

Nature of Proceedings: RULING ON SUBMITTED MATTER

Petitioner Mother Tammy LaDonna Williams Boesch seeks an order pursuant to Family Code section 6345(a) to renew a December 2010 Domestic Violence Prevention Act (DVPA) order after hearing. This matter was heard and placed under submission on November 27, 2013. The Court now issues its ruling as follows:

The Court finds that Respondent's conduct, including going to the children's school, gives Petitioner a reasonable apprehension of future harm from Respondent that justifies renewal of the protective order. Respondent insists he will not attempt to contact or communicate with Petitioner Boesch and does not object to a permanent renewal of the protective order in her favor. He states he wants to be able to spend time with his children.

The Court renews the DVPA order permanently. The parties' children remain protected parties. However, nothing in this renewal prevents either party from seeking modification of the parenting plan provided it is in the best interests of the children. The Court cautions the parties that all existing orders, including custody and visitation orders, shall remain in place until further order of the Court.

The Court modifies slightly the existing arrangement under which Respondent may telephone the children on alternate days between 7 p.m. and 7:10 p.m. because of confusion on what is an "alternate" day. The Court orders that Respondent may telephone the minor children between 7 p.m and 7:10 p.m. on odd-numbered dates of the month.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-02-13		Dept: Dept.
			CE 63
			[CE63]
Honorable	BRUCE G. IWASAKI	Judge	Deputy Clerk
Honorable		Judge Pro Tem	Court Assistant
None	M. OLIVER	Deputy Sheriff	Reporter
		A. HASSAN	
		F. CORONA	
		NOT REPORTED	

9:30 am

SD023958

Tammy Ladonna Duval (N/A)
VS.

Counsel For
Petitioner: No Appearance

Damon Anthony Duval (N/A)

Counsel For
Respondent: No Appearance

CERTIFICATE OF MAILING

I, Sherri R. Carter, Executive Officer/Clerk of the Superior Court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order upon the parties and/or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered document in a separate sealed envelope to each address shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Roy Kight
P.O. Box 3382
El Segundo, CA. 90245

Damon Duval
2461 Santa Monica Blvd. #801
Santa Monica, CA. 90404

Dated: 12-2-13

Sherri R. Carter, By _____ Deputy


A. HASSAN

Exhibit

3

[40 pgs.]

1 **Mr. Damon A. Duval *In Propria Persona***

2 2461 Santa Monica Blvd. #801
3 Santa Monica, California 90404

4 All Rights Reserved Without Prejudice

FILED

Superior Court of California
County of Los Angeles

NOV 25 2013

CONFIRMED COPY
Superior Court of California
County of Los Angeles

NOV 25 2013

John A. Clarke, Executive Officer/Clerk

By: Fernando Corona
Fernando Corona

John A. Clarke, Executive Officer/Clerk
By: F. Corona, Deputy
F. Corona, Deputy

5 **THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
6 **IN AND FOR THE COUNTY OF LOS ANGELES**

7
8) Case No. SD 023 958

9
10)
11 Tammy L. Williams-Boesch)

12 Petitioner,)

13) **ASSERTION OF VOID ORDER**

14) **-Declaration in Support**

15 v.)

16) **Attachments: Exhibits and Order After Hearing**

17 Damon A. Duval,)

18 Respondent)

19) **HEARING DATE: 11/27/13**

20) **TIME: 8:30 am**

21) **DEPT: 63**

22
23 To Petitioner Tammy Williams-Boesch, To The Honorable Court, All parties, and
24 their attorneys of record:

25 **Attn: THIS IS NOT A REQUEST TO TERMINATE OR MODIFY, NOR A
MOTION TO VACATE OR RECONSIDER.
THIS IS AN ASSERTION OF A VOID ORDER.**

Assertion of VOID Order

Legal Arguments Citing Relevant Statutes and Case Authority

On December 16th, 2010, the Court renewed the restraining order in the instant case for three years. The moving party, petitioner Tammy L. Williams Boesch, is attempting now to renew a restraining order that is in fact, by statute and under clear case law, an absolutely void order. The void-ness of this order lies in the fact that it was *a three-year renewal* [not the either *five-year or lifetime* order as required by statute (Family Code Section 6345 (a))]. See Exhibit A

"A party may request renewal of the protective order for five years or permanently, without a showing of any further abuse since the issuance of the original order." Fam C §6345(a). See *Avalos v Perez* (2011) 196 CA4th 773, 127 CR3d 106. The court has authority to renew an order either for five years or permanently, not any other time period." ~CA Bench Guide 2012

The California Court of Appeal, in the case of *Polin v. Cosio* (1993) 16 Cal.App.4th 1451, addressed the issue of statutory authority and jurisdiction, concluding that trial courts are not permitted to act outside of clear statutory boundaries and, if a court issues such an order not compatible with statutory authority, that order is void on its face..

"A party may request renewal of the protective order for five years or permanently, without a showing of any further abuse since the issuance of the original order." (Fam C §6345(a)). The court has authority to renew an order either for five years or permanently, NOT ANY OTHER TIME PERIOD. (*Avalos v Perez* (2011) 196 Cal.App.4th 773).

The INITIAL issuance of the restraining order, on June 10th, 2008, was for a six

1 month period, with a set expiration date of December 10th, 2008. See Exhibit C.
2 All subsequent orders, ostensibly “renewal” orders, were made outside the scope of
3 the clear statutory authority of Family Code section 6345(a). Each subsequent
4 “renewal” orders were for time periods *other than* five years or permanently. The
5 last “renewal” order was made on December 16th, 2010, See Exhibit H, and was
6 ordered for three years and thus did not comply with the clear statutory language in
7 FC 6345(a); Therefore, The Court exceeded its jurisdiction and issued a VOID
8 order, in clear violation of Family Code section 6345(a). Not only did the court
9 exceed its jurisdiction on 12/16/10, but the the request by the petitioner herself,
10 made on 10/19/10, See Exhibit G, *constructed* a void order, because had the court
11 merely gone by petitioner’s request, the renewal would have been for only *two*
12 *years*. The court still voided the renewal by giving the *three-year* “extension”.

13 Therefore, the restraining order “renewal” issued by the Court on December 16th,
14 2010, was VOID upon its inception. As a matter of law, there is no *valid*
15 restraining order now which to renew and the current request by the Petitioner is
16 wholly MOOT.

17 *Avalos v. Perez* 196 Cal.App.4th 773 (2011), made this crystal clear in an
18 exactly on-point statutory legal analysis of renewal time period. The Court of
19 Appeal held that trial court lacked discretion and the statutory authority to renew
20 a restraining order against a former boyfriend for any period other than five years
21 or permanently.

22 “As set forth above, upon finding that renewal of a protective order is warranted,
23 the court may renew the order under section 6345 for either five years or
24 permanently. The plain language of the statute does not authorize renewal for
25 only two years. While the court has the discretion to determine the length of an

1 INITIAL stay-away order for up to five years, the sentence authorizing an
2 extension of the order omits the "not more than" terminology of the preceding
3 sentence and requires that the extension be either for five years or permanently. In
4 2005, the renewal period under section 6345 was extended from three years to five
5 years. (Stats. 2005, ch. 125, § 1.)" (Avalos v. Perez (2011) 196 Cal.App.4th 773,
6 777) (emphasis added)

7 Additionally, on the judicial council form DV-710, filed by the petitioner
8 Williams-Boesch on 11/5/13, it is stated in Section 4 on page 2 that the person in
9 #1, i.e. the person seeking protection [petitioner Williams-Boesch] must
10 personally serve the person in #2, i.e. the restrained person [Respondent Duval].
11 Respondent Damon A. Duval, the person named in #2 was never personally served
12 this document by the moving party. The matter before the court might be dismissed
13 here upon these grounds of failed personal service.

14 15 Points and Authorities Surrounding Void Orders

16
17 ".....but this power is not limited to the court that issued the order. A
18 void order can be attacked in **any** proceeding in **any** court **where the**
19 **validity of the judgment comes into issue.** (See *Rose v. Himely* (1808) 4
20 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565;
21 *Thompson v. Whitman* (1873) 18 Wall 457, 21 I ED 897; *Windsor v. McVeigh*
22 (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct
23 17 343, 61 L ed 608. *U.S. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985) **This**
24 **includes an appeal.**

25 **"However, a court may set aside a void order at any time. An appeal**

1 will not prevent the court from at any time lopping off what has been
2 termed a dead limb on the judicial tree--a void order."

3 (*MacMillan Petroleum Corp. v. Griffin* (1950) 99 Cal. App. 2d 523, 533 [222
4 P.2d 69]; accord: *People v. West Coast Shows, Inc.* (1970) 10 Cal. App. 3d 462,
5 467 [89 Cal. Rptr. 290]; *Svistunoff v. Svistunoff* (1952) 108 Cal. App. 2d 638,
6 641-642 [239 P.2d 650]; and SEE: 6 Witkin, Cal. Procedure (2d ed. 1971)
7 Appeal, § 7, pp. 4024-4025.)

8 The California Appellate Court case of *Polin v. Cosio* (1993) 16 Cal.App.4th 1451
9 addressed the issue of jurisdiction, concluding that trial courts are not permitted to
10 act outside statutory boundaries, and when they do, any order is void.

11 Additionally, "A judgment is void on its face if the court which rendered the
12 judgment lacked personal or subject matter jurisdiction or exceeded its
13 jurisdiction in granting relief which the court had no power to grant." (*Becker*
14 *v. S.P.V. Construction Co.* (1980) 27 Cal.3d 489, 493 [165 Cal.Rptr. 825, 612 P.2d
15 915]; *Jones v. World Life Research Institute* (1976) 60 Cal.App.3d 836, 840-848
16 [131 Cal.Rptr. 674].)

17
18 Again, The Family Code Section 6345 clearly states that restraining orders are to
19 be renewed for either five years or permanently. The petitioner cannot by law
20 request an order, now determined to be void on its face, be renewed.

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Conclusion

The respondent hereby requests the honorable court to deny the request of the petitioner to renew the restraining order from 12/16/10, which was void on its face at its inception, because the court doesn't have jurisdiction to renew a void order.

"A judgment is void on its face if the trial court exceeded its jurisdiction by granting relief that it had no power to grant." (*Summers v. Superior Court* (1959) 53 Cal. 2d 295, 298 [1 Cal. Rptr. 324, 347 P.2d 668]; *Roberts v. Roberts* (1966) 241 Cal. App. 2d 93, 101 [50 Cal. Rptr. 408].)

If the court were to somehow find and rule *against* both statute and supporting recent case law in this renewal matter here before the court and the court is prepared to actually renew the petitioner's request, the respondent respectfully and formally asks here and now for a 1) a statement of decision and 2) a Ritchie Hearing – i.e. a contested hearing, which the respondent has a right to request.

"A protected party is entitled to a renewal of the protective order merely upon request if that request is not contested by the restrained party. If the restrained party does contest, then mere request is not sufficient for renewal. This case [*Ritchie v. Konrad* 115 Cal.App.4th 1275 (2004)] defines "reasonable apprehension" by means of several factors."

~CA 2012 Bench Guide

"When a petition for renewal of a domestic violence restraining order is contested by the respondent, the trial court should renew the order if, and only if, it finds by a preponderance of the evidence that the protected party entertains a "reasonable

1 apprehension" of future abuse; the trial court need not find that it is more likely
2 than not that future abuse will occur, but only that the evidence demonstrates it is
3 more probable than not there is a sufficient risk of future abuse to find the
4 protected party's apprehension is genuine and reasonable."

5 ~West's Ann. Cal. Fam. Code § 6345.

6
7 Dated: 11/21/13

8 Signed: 

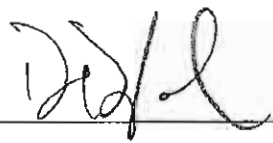
Declaration

I, Damon Anthony Duval declare that:

1. I am the respondent in this matter before the court.
2. The initial restraining order was issued on 6/10/08 valid thru 12/4/08.
3. The restraining order renewal request for 12/16/10 was for only two years. The court issued a three-year renewal on that date. These, both the request AND the renewal, were outside of the statutory boundaries clearly defined under CA Family Code Section 6345(a) See Exhibit A.
4. I haven't *seen* my children since 12/4/08.
5. I haven't had a meaningful conversation with either my son, Jazz [b. 9/28/01] or my daughter, Maya [b. 12/21/03] since about March of 2009.
6. The renewal dates for the restraining order were 12/4/08 See Exhibit D; 12/10/09 See Exhibit E; 12/18/09 See Exhibit F; and 12/16/10 See Exhibit H. None of the renewals ordered by the court were by statute, for either five years or permanent.
7. This is the first time that I have asserted this order void.

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

Dated: 11/21/13

Signed: 

1 The Court hereby finds, pursuant to CA Family Code 63459(a), the DVRO
2 renewal of 12/16/13, void on its face as a matter of law. The Court also finds that
3 from its inception, on the petitioner's request on 10/19/10, to its renewal and
4 issuance by the court on 12/16/10 was acted and was enacted, respectively, outside
5 the statutory bounds that are clearly defined by CA Family Code 6345(a) and
6 supported by case law [*Avalos v Perez* (2011) 196 CA4th 773, 127 CR3d 106].


7 A party may request renewal of the protective order for five years or permanently,
8 without a showing of any further abuse since the issuance of the original order.
9 Fam C §6345(a). See *Avalos v Perez* (2011) 196 CA4th 773, 127 CR3d 106.

10
11 "The court has authority to renew an order either for five years or permanently, not
12 any other time period." ~CA Bench Guide 2012

13
14 The Respondent Damon A. Duval, therefore, as of 12/16/10, has no active
15 protective orders, including CLETS, restraining him from any person, place, or
16 thing.

17 ***this order has been prepared by the Respondent, Damon A. Duval with copies
18 made for all parties present and/or for proper service, if need be, by U.S. Mail.

19
20 Dated: 11/21/13

Signed: 
Damon A. Duval

21
22 Dated: _____

Signed _____
Judicial Officer

23
24 Seal:

25
Order After Hearing - Assertion of VOID Order

THIS IS A COURT ORDER

Exhibit
A

Volume 2

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

2005

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Special Statewide Election, November 8, 2005

General Laws, Amendments to the Codes,
and Resolutions passed by the
California Legislature

2005-06 Regular Session .
2005-06 First Extraordinary Session



Compiled by
DIANE F. BOYER-VINE
Legislative Counsel

013

contained in a court order issued after notice and a hearing under this article, including, but not limited to, orders for custody, visitation, support, and disposition of property, shall be governed by the law relating to those specific subjects.

(c) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

SEC. 2. Section 6361 of the Family Code is amended to read:

6361. If an order is included in a judgment pursuant to this article, the judgment shall state on its face both of the following:

(a) Which provisions of the judgment are the orders.

(b) The date of expiration of the orders, which shall be not more than five years from the date the judgment is issued, unless extended by the court after notice and a hearing.

CHAPTER 126

An act to amend Sections 21456.2 and 21456.3 of, and to amend and repeal Section 21450 of, the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 2005. Filed with
Secretary of State July 25, 2005.]

The people of the State of California do enact as follows:

SECTION 1. Section 21450 of the Vehicle Code, as amended by Section 1 of Chapter 277 of the Statutes of 1999, is amended to read:

21450. Whenever traffic is controlled by official traffic control signals showing different colored lights, color-lighted arrows, or color-lighted bicycle symbols, successively, one at a time, or in combination, only the colors green, yellow, and red shall be used, except for pedestrian control signals, and those lights shall indicate and apply to drivers of vehicles, operators of bicycles, and pedestrians as provided in this chapter.

SEC. 2. Section 21450 of the Vehicle Code, as added by Chapter 277 of the Statutes of 1999, is repealed.

SEC. 3. Section 21456.2 of the Vehicle Code is amended to read:

21456.2. (a) Unless otherwise directed by a bicycle signal as provided in Section 21456.3, an operator of a bicycle shall obey the provisions of this article applicable to the driver of a vehicle.

(b) Whenever an official traffic control signal showing different colored lights, color-lighted arrows, or color-lighted bicycle symbols, successively, one at a time, or in combination, only the colors green, yellow, and red shall be used, except for pedestrian control signals, and those lights shall indicate and apply to drivers of vehicles, operators of bicycles, and pedestrians as provided in Section 21456.3.

SEC. 4. Section 21456.3 of the Vehicle Code is amended to read:

21456.3. (a) An operator of a bicycle shall proceed straight through or turn right on a red light if a sign prohibits a U-turn. An operator of a bicycle shall yield the right-of-way to other traffic within the intersection or an adjacent crosswalk.

(b) An operator of a bicycle facing a red light, warned that the related signal is about to change to a red indication will be shown immediately.

(c) Except as provided in subdivision (b), an operator of a bicycle facing a steady red bicycle signal shall stop at the stop line, if none, before entering the crosswalk or, if none, then before entering the intersection until an indication to proceed is shown.

(d) Except when a sign is in place prohibiting a bicycle, after stopping as required by a red bicycle signal, may turn right, or turn left on a one-way street. An operator of a bicycle shall yield the right-of-way to pedestrians lawfully within the intersection.

(e) A bicycle signal may be used on a street if it meets the geometric standards or traffic volume standards of the Department of Transportation.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution that may be incurred by a local agency or the State because this act creates a new crime or infraction, or changes the penalty for a crime, or changes the meaning of a crime within the meaning of the California Constitution.

SEC. 6. This act is an urgency statute necessary for the preservation of the public peace, health, or safety, within the meaning of Article IV of the Constitution and shall take effect immediately upon its enactment.

015

Assembly Bill No. 99

CHAPTER 125

An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

[Approved by Governor July 25, 2005. Filed with
Secretary of State July 25, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 99, Cohn. Protective orders: expiration.

Under existing law, in the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing may have a duration of not more than 3 years, subject to termination or modification by further order of the court, as specified. These orders may be renewed either for 3 years or permanently.

This bill would provide that these protective orders may have a duration of not more than 5 years, in the discretion of the court, and may be renewed either for 5 years or permanently. The bill would make an additional conforming change.

The people of the State of California do enact as follows:

SECTION 1. Section 6345 of the Family Code is amended to read:

6345. (a) In the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing under this article may have a duration of not more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party.

(b) Notwithstanding subdivision (a), the duration of any orders, other than the protective orders described in subdivision (a), that are also contained in a court order issued after notice and a hearing under this article, including, but not limited to, orders for custody, visitation, support, and disposition of property, shall be governed by the law relating to those specific subjects.

(c) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

SEC. 2. Section 6361 of the Family Code is amended to read:

AMENDED IN ASSEMBLY MARCH 1, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 99

Introduced by Assembly Member Cohn
(Principal coauthor: Senator Alquist)
(Coauthors: Assembly Members Levine, Lieber, and Montanez)

January 11, 2005

An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as amended, Cohn. Protective orders: expiration.

Under existing law, in the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing may have a duration of not more than 3 years, subject to termination or modification by further order of the court, as specified. *These orders may be renewed either for 3 years or permanently.*

This bill would provide that these protective orders may have a duration of not more than ~~10~~ 5 years, in the discretion of the court, *and may be renewed either for 5 years or permanently.* The bill would make an additional conforming change.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6345 of the Family Code is amended to
2 read:

1 6345. (a) In the discretion of the court, the personal conduct,
2 stay-away, and residence exclusion orders contained in a court
3 order issued after notice and a hearing under this article may
4 have a duration of not more than ~~10~~ *five* years, subject to
5 termination or modification by further order of the court either on
6 written stipulation filed with the court or on the motion of a
7 party. These orders may be renewed, upon the request of a party,
8 either for ~~three~~ *five* years or permanently, without a showing of
9 any further abuse since the issuance of the original order, subject
10 to termination or modification by further order of the court either
11 on written stipulation filed with the court or on the motion of a
12 party.

13 (b) Notwithstanding subdivision (a), the duration of any
14 orders, other than the protective orders described in subdivision
15 (a), that are also contained in a court order issued after notice and
16 a hearing under this article, including, but not limited to, orders
17 for custody, visitation, support, and disposition of property, shall
18 be governed by the law relating to those specific subjects.

19 (c) The failure to state the expiration date on the face of the
20 form creates an order with a duration of three years from the date
21 of issuance.

22 SEC. 2. Section 6361 of the Family Code is amended to read:

23 6361. If an order is included in a judgment pursuant to this
24 article, the judgment shall state on its face both of the following:

25 (a) Which provisions of the judgment are the orders.

26 (b) The date of expiration of the orders, which shall be not
27 more than ~~10~~ *five* years from the date the judgment is issued,
28 unless extended by the court after notice and a hearing.

Exhibit
B

DV-100**Request for Order**

- 1 Your name (person asking for protection):

TAMMY LADONNA DUVAL

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): ROY L. KIGHT, ESQ. #49558115 Sheldon Street,El Segundo, California 90245310 535 0000

- 2 Name of person you want protection from:

DAMON ANTHONY DUVALDescription of that person: Sex: ☒ M ☐ F Height: 6'1"Weight: 180 Race: Cauc Hair Color: brownEye Color: blue Age: 46 Date of Birth: 10-6-61

- 3 Besides you, who needs protection? (Family or household members):

Full Name

BANTU JAZZ DUVAL

Age

7

Lives with you?

☒ Yes ☐ No

How are they related to you?

sonMAYA DUVAL4☒ Yes ☐ NodaughterMARCUS ANDREW BOESCH52☒ Yes ☐ NoBianche ~~FRANCE~~ FRANCE☐ Yes ☐ NoFRANCE☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

- 4 What is your relationship to the person in (2)? (Check all that apply):

a. ☐ We are now married or registered domestic partners.b. ☒ We used to be married or registered domestic partners.c. ☐ We live together.d. ☐ We used to live together.e. ☐ We are relatives, in-laws, or related by adoption (specify relationship): _____f. ☐ We are dating or used to date.g. ☐ We are engaged to be married or were engaged to be married.h. ☒ We are the parents together of a child or children under 18:Child's Name: above children

Date of Birth: _____

Child's Name: _____

Date of Birth: _____

Child's Name: _____

Date of Birth: _____

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.i. ☐ We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)**This is not a Court Order.**

Clerk stamps date here when form is filed.

FILED
LOS ANGELES SUPERIOR COURT**APR 1 6 2008**

JOHN A. CLARKE, CLERK

BY J. DENHAM, DEPUTY

Fill in court name and street address.

Superior Court of California, County of

Superior Court
1725 Main Street, Rm. 102
Santa Monica, CA 90401

Clerk fills in case number when form is filed.

Case Number:

SD073958

021

Case Number:

Your name: TAMMY LADONNA WILLIAMS

5) Other Court Cases

a. Have you and the person in (2) been involved in another court case? ☐ No ☒ Yes

If yes, where? County: Los Angeles State: California

What are the case numbers? (If you know): SD 023 958

What kind of case? (Check all that apply):

- ☐ Registered Domestic Partnership ☒ Divorce/Dissolution ☐ Parentage/Paternity ☐ Legal Separation
☐ Domestic Violence ☐ Criminal ☐ Juvenile ☐ Child Support ☐ Nullity ☐ Civil Harassment
☐ Other (specify): _____

b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

☒ No ☐ Yes If yes, attach a copy if you have one.

What orders do you want? Check the boxes that apply to your case. ☒

6) ☒ Personal Conduct Orders

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

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

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

7) ☒ Stay-Away Order

I ask the court to order the person in (2) to stay at least 200 yards away from (check all that apply):

- a. ☒ Me
b. ☒ The people listed in (3)
c. ☒ My home
d. ☒ My job or workplace
e. ☒ The children's school or child care
f. ☒ My vehicle
g. ☒ Other (specify): areas of El Segundo re: shopping--he has no business in town

If the person listed in (2) is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? ☒ Yes ☐ No (If no, explain): _____

8) ☐ Move-Out Order

I ask the court to order the person in (2) to move out from and not return to (address): _____

I have the right to live at the above address because (explain): _____

9) ☐ Child Custody, Visitation, and Child Support

I ask the court to order child custody, visitation, and or child support. You must fill out and attach Form DV-105.

10) ☐ Spousal Support

You can make this request only if you are married to, or are a registered domestic partner of, the person in (2) and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.

This is not a Court Order.

Request for Order
(Domestic Violence Prevention)

Case Number: _____

Your name: _____

What orders do you want? Check the boxes that apply to your case. ☒

11) ☒ Record Unlawful Communications

I ask for the right to record communications made to me by the person in (2) that violate the judge's orders.

12) ☐ Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here: _____

13) ☐ Debt Payment

I ask the court to order the person in (2) to make these payments while the order is in effect:

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 13—Debt Payment" by your statement.

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

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

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

14) ☐ Property Restraint

I am married to or have a registered domestic partnership with the person in (2). I ask the judge to order that the person in (2) not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in (2) to notify me of any new or big expenses and to explain them to the court.

15) ☐ Attorney Fees and Costs

I ask that the person in (2) pay some or all of my attorney fees and costs.

You must complete and file Form FL-150, Income and Expense Declaration.

16) ☐ Payments for Costs and Services

I ask that the person in (2) pay the following:

You can ask for lost earnings or your costs for services caused directly by the person in (2) (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.

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

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

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

17) ☐ Batterer Intervention Program

I ask the court to order the person listed in (2) to go to a 52-week batterer intervention program and show proof of completion to the court.

18) No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.

023

DV-101**Description of Abuse**

Case Number: _____

☒ This form is attached to DV-100, Item 21.1 Your name: TAMMY LADONNA WILLIAMS2 Name of person you want protection from (restrained person): DAMON ANTHONY DUVAL

3 Describe the 2nd most recent abuse.

a. Date of 2nd most recent abuse: _____
Continuing hostile attitude which has become more threatening at every contact. Police incident at Elb. Who was there? Segundo Police department incident #9642
is but one of several incidents.c. What did the person in 2 do or say to you that made you afraid? DAMON ANTHONY DUVAL
has made repeated reference to the children in front of me
that I am going to jail and my finance is a child molester..
(he made that charge which was investigated by El Segundo
police Dept & Children Services--result: coaching by DAMON
of minor child MAYA --charge was false.) Current rage:
Judge COWAN in dissolution action, Minor's Counsel AMI L.
NEIMAN, Esq., Child Therapist MICHELLE HARRIMAN, El Segundo
School officials and my Attorney are conspiring to keep the
children away from him.I am deeply afraid that he will snap and resort to more
active violence against me. I do fear for my physical
safety and my children's safety when they are with him
during Court ordered visitation. He has threatened tod. Violate the Court Orders because he does not agree with them.
Describe any use or threatened use of guns or other weapons:No weapon has been used YET--but as he gets more angry,
I believe he may resort to the use of a weapon.

e. Describe any injuries. _____

f. Did the police come? ☐ No ☐ YesIf yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know
Attach a copy if you have one.

024

March 16, 2008

RE: Incident # 9642

Presented by: Officer Gibson, El Segundo Police Department

On March 16, 2008 at approximately 8:50am I arrived at the El Segundo Police Department to make the scheduled exchange for the children's visitation with their father. Damon's motor home was parked on the street in front of the Police Department. I went inside the lobby with the children. Damon was inside the lobby as well. I said goodbye to them and told them that I would see them at 1 o'clock. Damon then said in a disturbing and aggressive tone, "NO, 3 o'clock."

I then told the children to sit down and I stepped outside to speak to Damon so that the children could not hear us. He said, "You said the other day that I could have 2 extra hours." I said, "I offered that as a compromise during spring break only, but you did not agree to that as a compromise. Are you agreeing to that now then?" He said, "No, I'm agreeing to having 2 extra hours today, and we are going to court on Wednesday." I said, "then you are not going to have them for an additional 2 hours, we will stick to the court ordered visitation schedule." He then said that he "wasn't" going to bring them back at 1:00. I told him if he did not have them back at 1:00 then I would call the police. He became very irate and began harassing me verbally, yelling at me, telling me to "use some brains, that I'd lost my marbles, that I needed some common sense." Then he said, "go ahead and call the police, I'll see you in court on Wednesday."

I asked again "are you going to bring them back at 1:00?" He said, "I don't know, Maybe!" We walked back inside the lobby. I walked up to the window to speak to the officer at the desk. Damon started using a very angry and loud tone of voice and saying repeatedly, "you need to apologize to the children, tell that you were wrong, tell them that you made a mistake!" He then told the kids to come with him and they walked outside.

I then asked the officer what I should do if he did not return the children on time. She told me to come back with a copy of the court order and that I could file a report. I told her about my concerns of him being a potential flight risk (no job, homeless and living on the streets, no family ties).

Damon and the children came back inside and he said that Jazz did not want to go, so he was going to leave Jazz and take Maya. I said, "no, you need to take both of them. I'm not going to let you take just Maya. (I have concerns about him being alone with my daughter due to him manipulating her, coaching her and telling her on several previous occasions not to hug or kiss or get close to my fiancé Markus). He then started exclaiming in a loud voice "didn't you pay any attention in the parenting without conflict course? Weren't you there? I can't believe you! You do this in front of the children?" He kept repeating this over and over in a very loud and threatening voice. I remained at the desk with the officer. I said, "Damon, you started this." After that, I remained silent as he continued berating me loudly in front of the children. I hugged the children and told

them both that it was ok and they could go with their dad. Jazz was crying. Damon then said loudly, "fine, you keep them today!" he then stormed out of the lobby.

I stayed behind and spoke the officer at the desk for a few minutes. I was crying, and she told me that she knew how hard it was, but I had to be strong for my children's sake. I then took the children with me and we exited the lobby and walked to my car which was parked on the street by the rear entrance to the police department. As I was putting the children in the car an officer in his patrol car pulled up behind me. I closed the car door and stepped a few feet away, so that I could speak to the officer without the children hearing our conversation. He wanted to know if I was ok. I gave him a brief description of the situation and our court order. He suggested that I document the incident and notify my attorney as well as minor's counsel immediately. He gave me an incident number to use.

He confirmed that Damon was no longer on the premises and asked if I was going home. I said "yes." He said ok and told me again to document everything. I got back in my car and assured the children that everything was ok, that it was not their fault. I told them that, "Mommy and Daddy have a hard time communicating sometimes."

Jazz then told me that his father had told them that he was going to take them in the motor home up to the Monterey Bay Aquarium and that they were going to stay overnight. There was never any mention of this before in any recent conversations I had with Damon. When we got home Maya told Markus the same thing. Given the fact that he showed up at the Police Department in his motor home, which normally he would be driving his car, I fear that he had intentions of leaving with them. This confirms and reinforces my fears of Damon being a flight risk, and his behavior at the police department reinforces my fears of his mental instability.

DV-130**Restraining Order After Hearing
(Order of Protection)**

Clerk stamps date here when form is filed.

FILED

LOS ANGELES SUPERIOR COURT

APR 17 2008

JOHN A. CLARKE, CLERK

BY T. RANDALL, DEPUTY

① Protected person's name:

TAMMY LADONIA WILLIAMS
(first) (middle) (last)

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

c/o Roy Kibitz, 350 - 115 Sheldon Street

City: El Segundo State: CA Zip: 90247

Telephone number (optional): 310 535 0000

Lawyer (if any): (Name, address, telephone number, and State Bar number): Roy L. Kibitz, 350 # 49558

115 Sheldon Street - El Segundo CA 90245
310-535-0000

② List the full names of all family or household members protected by this order:

Bento Jazm Duval

Mouja Lilienne Duval

Markus Andrews Bresch

③ Restrained person's name:

DAMON ANTHONY DUVAL
(first) (middle) (last)Description of that person: Sex: ☒ M ☐ F Height: 6' Weight: 180 Race: Black

Hair Color: Brown Eye Color: Blue Age: 41 Date of Birth: 10-6-61

Relationship to protected person: EX-HUSBAND

④ The court orders are on pages 2 and 3 and attachment pages (if any).

The hearing was on (date): 4-17-08 with (name of judicial officer): DAVID J. COMMISSIONER COWAN

The orders end on (date): JUNE 10, 2008 at (time): 8:45 AM

- If no end date is written, the restraining order ends 3 years after the date of the hearing.
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

⑤ ☒ The people in ① and ③ must return to court/department E on (date): JUNE 10, 2008at (time): 8:45 ☒ a.m. ☐ p.m. to review (specify issues): CONTINUATION OF

RESTRAINING ORDER

Certificate of Compliance With VAWA

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

This is a Court Order.

000028

027

Your name:

Tammy Laddona David

Case Number:

SD 023958

6 ☒ **Personal Conduct Orders**

The person in **(3)** must not do the following things to the protected people listed in **(1)** and **(2)**:

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☒ Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
 - ☒ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. ☒ Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

☐ A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____ *(If more orders, list them in item (17))*

7 ☒ **Stay-Away Order**

The person in **(3)** must stay at least 100 yards away from:

- a. ☒ The person listed in **(1)**
- b. ☒ The people listed in **(2)**
- c. ☒ Home ☒ Job ☒ Vehicle of person in **(1)**
- d. ☒ The children's school or child care
- e. ☐ Other (specify): _____

8 ☐ **Move-Out Order**

The person in **(3)** must move out immediately from (address): _____

9 ☐ **Child Custody and Visitation**

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

10 ☐ **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): _____

11 ☐ **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): _____

12 **No Guns or Other Firearms or Ammunition**

The person in **(3)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

13 **Turn in or sell guns and firearms.**

The person in **(3)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

This is a Court Order.

Your name: Tranny Labadie David

Case Number:

5D 023958

14 ☒ **Record Unlawful Communications**

The person in (1) has the right to record communications made by the person in (3) that violate the judge's orders.

15 ☐ **Batterer Intervention Program**

The person in (3) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

16 **No Fee to Notify (Serve) Restrained Person**

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

17 ☐ **Other Orders**

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (specify other form): _____

18 **Service**

a. ☒ The people in (1) and (3) were at the hearing or agreed in writing to this order. No other proof of service is needed.

b. ☐ The person in (1) was at the hearing. The person in (3) was not.

(1) ☐ Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in (3) must be served. This order can be served by mail.

(2) ☐ Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are different from the orders in Form DV-110. Someone—not the people in (1) or (2)—must personally "serve" a copy of this order to the person in (3).

19 **Attached pages are orders.**

• Number of pages attached to this 5-page form: 0

• All of the attached pages are part of this order.

• Attachments include (check all that apply):

☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ DV-160 ☐ DV-170 ☐ FL-343

☐ Other (specify): _____

Date: 4/17/08


Judge (or Judicial Officer)

David J. Cowan
Judge Pro Tem

This is a Court Order.

Your name: _____

Case Number:

JD 023958

Instructions for Law Enforcement

20 Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end 3 years from the hearing date.

21 Arrest Required If Order Is Violated

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

22 Notice/Proof of Service

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

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

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

23 If the Protected Person Contacts the Restrained Person

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

24 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- Forms DV-100 and DV-105 are not orders. Do not enforce them.

25 Enforcing the Restraining Order in California

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

26 Conflicting Orders

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

This is a Court Order.

Case Number: _____

Your name: _____

Warnings and Notices to the Restrained Person in ③

- ②⑦ If you do not obey this order, you can be arrested and charged with a crime.
- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
 - If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
 - If you do not obey this order, you can go to prison and/or pay a fine.

- ②⑧ You cannot have guns, firearms, and/or ammunition.



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

(Clerk will fill out this part)

—Clerk's Certificate—

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	04-17-08			Dept: WEE
Honorable		Judge	T. RANDALL	Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	D. GETER	Court Assistant
4	D. JEFFERSON	Deputy Sheriff	H. STORM #2222	Reporter

8:45 am

SD023958

Tammy Ladonna Duval (X)

Counsel For
Petitioner: ROY KIGHT (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent: In Pro Per (X)

AMY NEIMAN APPEARS AS MINORS'
COUNSEL

NATURE OF PROCEEDINGS: RESPONDENT'S ORDER TO SHOW CAUSE RE
MODIFICATION OF VISITATION [DATE FILED 02-25-08]

REVIEW HEARING ADVANCED FROM APRIL 10, 2008 (CONCILIATION
COURT APPOINTMENT SCHEDULED FOR APRIL 15, 2008 AT 1:30 P.M.)

Matter is called for hearing.

Petitioner is sworn and testifies on her own behalf.

Respondent is sworn and testifies on his own behalf.

Both sides argue and the matter is submitted.

Respondent's order to show cause is denied as to increased visitation. The court modifies the existing visitation as follows: The court orders the exchange of the minor children, Bantu Jazz Duval, born September 28, 2001 and Maya Lilienne Duval, born December 21, 2003, to be in the lobby of the police station and not outside. Respondent is ordered to not show up at the minor children's school unless specifically invited, as a parent, by the school. Respondent is ordered to not hang out at the school at any given time.

Respondent is given oral notice of petitioner's intention to take the minor children out of the state during the summer break.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	04-17-08		Dept: WEE
Honorable		Judge	Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	Court Assistant
+	D. JEFFERSON	Deputy Sheriff	Reporter

T. RANDALL
D. GETER
H. STORM #2222

8:45 am

SD023958

Tammy Ladonna Duval (X)

Counsel For
Petitioner: ROY RIGHT (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent: In Pro Per (X)

AMY NEIMAN APPEARS AS MINORS'
COUNSEL

With the agreement of the respondent, the court orders the respondent to seek mental health counseling at the St. John's Child and Family Development Center or through the Family Services Department of Santa Monica pursuant to the provisions of section 3190 of the Family Code. Respondent is ordered to complete a minimum of one session every two weeks.

Respondent is ordered to provide proof of enrollment of counseling to minors' counsel by May 1, 2008.

The issue of child support is continued to May 21, 2008 at 8:45 a.m. in this department.

The court is informed by petitioner's counsel that the Child Support Services Department has opened a case, case number BY0867575. The court orders case BY086757 to be consolidated into case SD023958. Case SD023958 is the lead case. All further documents shall be filed in case SD023958 and bear the case number SD023958 consolidated with BY0867575.

A copy of this minute order is sent to Susan Jaeger, Staff Attorney of the County of Los Angeles, Child Support Services Department.

Petitioner's request for a restraining order is granted until June 10, 2008.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	04-17-08		Dept: WEE
Honorable		Judge	Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	Court Assistant
+	D. JEFFERSON	Deputy Sheriff	Reporter
			T. RANDALL
			D. GETER
			H. STORM #2222

8:45 am

SD023958

Tammy Ladonna Duval (X)

Counsel For
Petitioner:

ROY KIGHT (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent:

In Pro Per (X)

AMY NEIMAN APPEARS AS MINORS'
COUNSEL

The court finds the petitioner has sustained her burden of proof for a restraining order to be issued against the respondent.

The court grants a restraining order against the respondent as reflected in the Restraining Order After Hearing filed this date. The order expires June 10, 2008 at 8:45 a.m.

The court announces its orders with both parties present. The orders are effective forthwith.

A copy of the Restraining Order After Hearing is delivered to the Sheriff's Department this date with a DV-260 form.

Petitioner's request to limit respondent's phone calls to the minor children is granted as follows: Court will allow the respondent to have phone visits with the minor children on his non-custodial days from 7:00 p.m. to 7:10 p.m.

Respondent's request to give the minor children a phone is continued to the June 10, 2008 hearing at 8:45 a.m. in this department.

Minors' counsel to prepare Order After Hearing.

Clerk to give notice to Susan Jaeger, Staff Attorney for the Child Support Services Department.

CLERK'S CERTIFICATE OF MAILING/NOTICE OF ENTRY OF ORDER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 04-17-08		Dept: WEE
Honorable	Judge	Deputy Clerk
Honorable DAVID J. COWAN	Judge Pro Tem	Court Assistant
4 D. JEFFERSON	Deputy Sheriff	Reporter

T. RANDALL
D. GETER
H. STORM #2222

8:45 am

SD023958

Tammy Ladonna Duval (X)
VS.

Counsel For
Petitioner: ROY KIGHT (X)

Damon Anthony Duval (X)

Counsel For
Respondent: In Pro Per (X)

AMY NEIMAN APPEARS AS MINORS'
COUNSEL

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of April 17, 2008 upon each party or counsel named below by depositing in the United States mail at the courthouse in Santa Monica, California, one copy of the original entered herein in a separate sealed envelope for each, addresses as shown below with the postage thereon fully prepaid.

Date: April 18, 2008

John A. Clarke, Executive Officer/Clerk

By: T. Randall, Deputy Clerk

SUSAN JAEGER
STAFF ATTORNEY
COUNTY OF LOS ANGELES
CHILD SUPPORT SERVICES DEPARTMENT
15531 VENTURA BLVD.
ENCINO, CA 91436-3157

Exhibit
C

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	06-10-08			Dept: WEE
Honorable		Judge	T. RANDALL	Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	D GETER	Court Assistant
S	D. JEFFERSON	Deputy Sheriff	SANDY MACNEIL, CSR 9013	Reporter

8:45 am

SD023958

Tammy Ladonna Duval (X)

Counsel For
Petitioner:

ROY KIGHT (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent:

In Pro Per (X)

NATURE OF PROCEEDINGS: HEARING RE REVIEW OF RESTRAINING ORDER
FILED APRIL 17, 2008; MINORS' SUMMER SCHEDULE

SD023958 DUVAL JUNE 10 08

Matter is called for hearing.

Petitioner is sworn and testifies on her own behalf.

Respondent is sworn and testifies on his own behalf.

Amy Neiman, minors' counsel, appears and gives the court an oral report.

The court does not change the present custody and visitation orders in place for the minor children, Bantu Duval, born September 28, 2001 and Maya Duval, born December 21, 2003. The current custody and visitation orders remain in full force and effect.

The court finds that the respondent has not complied with the court's previous order to attend counseling. The respondent is given a copy of the order directing him to the Family Services of Santa Monica.

The court extends the restraining order for six months until December 10, 2008. The court announces its orders with both parties present. The orders are effective forthwith with no further proof of service required.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 06-10-08		Dept: WEE
Honorable	Judge	Deputy Clerk
Honorable DAVID J. COWAN	Judge Pro Tem	Court Assistant
5 D. JEFFERSON	Deputy Sheriff	Reporter

T. RANDALL

D GETER

SANDY MACNEIL, CSR 9013

8:45 am

SD023958

Tammy Ladonna Duval (X)

Counsel For
Petitioner:

ROY KIGHT (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent:

In Pro Per (X)

The court will allow the petitioner to take the minor children to visit her parents with no objection by the respondent.

The court sets a review hearing on December 4, 2008 at 10:30 a.m. in this department re respondent's counseling, the minor's counseling with Dr. Harriman and report from minors' counsel.

Minors' counsel to prepare Order After Hearing.

Exhibit
D

DV-130**Restraining Order After Hearing
(Order of Protection)**

Clerk stamps date here when form is filed.

FILED

LOS ANGELES SUPERIOR COURT

DEC 04 2008

JOHN A. CLARKE, CLERK

BY D. MCKINNEY, DEPUTY

- ① Protected person's name:

TAMMY WILLIAMS
(first) (middle) (last)

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Telephone number (optional): _____

Lawyer (if any): (Name, address, telephone number, and State Bar number): ROY L. KIGHT SBN 44558

115 SHELTON ST. EL SEGUNDO, CALIF 90245
310-535-0000

- ② List the full names of all family or household members protected by this order: BANTU JAZZ DUVAL

MAYA LILIZENNE DUVAL
MARKUS ANDREW BOESCH

- ③ Restrained person's name:

DAMON ANTHONY DUVAL
(first) (middle) (last)Description of that person: Sex: ☒ M ☐ F Height: 6' Weight: 180 Race: CAUC
Hair Color: Brown Eye Color: Blue Age: 40 Date of Birth: 10-6-61
Relationship to protected person: EX-HUSBAND

- ④ The court orders are on pages 2 and 3 and attachment pages (if any).

The hearing was on (date): 12-4-08 with (name of judicial officer): DAVID J. COVANO COMMISSIONER

The orders end on (date): DECEMBER 10, 2009, at (time): 10:30 AM

- If no end date is written, the restraining order ends 3 years after the date of the hearing.
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

- ⑤
- ☒
- The people in ① and ③ must return to court/department E on (date): DEC 10, 2009 at (time): 10:30
- ☒
- a.m.
- ☐
- p.m. to review (specify issues): CONTINUATION OF RESTRAINING ORDER / REVIEW OF
- ~~HEARD~~
- RESPONDENT'S CONDITION

Certificate of Compliance With VAWA

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

This is a Court Order.

000075

040

Case Number:

SD 023958

Your name:

Tammy Lynn Williams

6 ☒ **Personal Conduct Orders**The person in **(3)** must not do the following things to the protected people listed in **(1)** and **(2)**:

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☒ Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
☒ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. ☐ Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

☐ A criminal protective order on Form CR-160 is in effect. Case Number: _____
 County (if known): _____ Expiration Date: _____ (If more orders, list them in item **(17)**)
7 ☒ **Stay-Away Order**The person in **(3)** must stay at least 100 yards away from:

- a. ☒ The person listed in **(1)** d. ☒ The children's school or child care
- b. ☒ The people listed in **(2)** e. ☐ Other (specify): _____
- c. ☒ Home ☒ Job ☒ Vehicle of person in **(1)**

8 ☐ **Move-Out Order**The person in **(3)** must move out immediately from (address): _____**9** ☒ **Child Custody and Visitation**

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

10 ☐ **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): _____

11 ☐ **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): _____

12 **No Guns or Other Firearms or Ammunition**The person in **(3)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.**13** **Turn in or sell guns and firearms.**The person in **(3)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

This is a Court Order.

000076

041

Your name:

Tammy Williams

Case Number:

JD 023958

☒ 14 Record Unlawful Communications

The person in (1) has the right to record communications made by the person in (3) that violate the judge's orders.

☐ 15 Batterer Intervention Program

The person in (3) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

☐ 16 No Fee to Notify (Serve) Restrained Person

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

☐ 17 Other Orders

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (specify other form):

☐ 18 Service

a. ☐ The people in (1) and (3) were at the hearing or agreed in writing to this order. No other proof of service is needed.

b. ☐ The person in (1) was at the hearing. The person in (3) was not.

(1) ☐ Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in (3) must be served. This order can be served by mail.

(2) ☐ Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are different from the orders in Form DV-110. Someone—not the people in (1) or (2)—must personally "serve" a copy of this order to the person in (3).

☐ 19 Attached pages are orders.

• Number of pages attached to this 5-page form: 2

• All of the attached pages are part of this order.

• Attachments include (check all that apply):

☒ DV-140 ☐ DV-145 ☐ DV-150 ☐ DV-160 ☐ DV-170 ☐ FL-343

☐ Other (specify):

Date: December 4, 2008

Judge (or Judicial Officer)

This is a Court Order.

Revised July 1, 2007

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

DV-130, Page 3 of 5

000077

042

Case Number: _____

Your name: _____

Instructions for Law Enforcement

(20) Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end 3 years from the hearing date.

(21) Arrest Required If Order Is Violated

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

(22) Notice/Proof of Service

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

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

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

(23) If the Protected Person Contacts the Restrained Person

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

(24) Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items (3) and (4). They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- Forms DV-100 and DV-105 are not orders. Do not enforce them.

(25) Enforcing the Restraining Order in California

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

(26) Conflicting Orders

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

This is a Court Order.

000078

043

Case Number: _____

Your name: _____

Warnings and Notices to the Restrained Person in ③

- ②⑦ If you do not obey this order, you can be arrested and charged with a crime.
- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
 - If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
 - If you do not obey this order, you can go to prison and/or pay a fine.

- ②⑧ You cannot have guns, firearms, and/or ammunition.



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

(Clerk will fill out this part)

—Clerk's Certificate—

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-140**Child Custody and Visitation Order**

Case Number:

SD 023958

This form is attached to (check one): ☐ DV-110 ☒ DV-1301 Protected person's name: Tammy Williams (Duval) ☐ Mom ☐ Dad ☐ Other2 Other parent's name: _____ ☐ Mom ☐ Dad ☐ Other**The Court Orders:**3 ☒ Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. <u>Banah Duval</u>	<u>9-28-01</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <u>Maya Duval</u>	<u>12-21-03</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* If more children, check here. Attach a sheet of paper and write "DV-140, Item 3 — Child Custody" at the top.

* If Other, specify relationship to child and name of person: _____

4 ☒ Child Visitation is ordered as follows:a. ☒ No visitation to ☐ Mom ☒ Dad ☐ Other (name): Pending, See below #14b. ☐ See the attached _____ - page document, dated: _____c. ☐ The parties must go to mediation at: _____d. ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other _____ will be:(1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of monthfrom _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.

(day of week)

(time)

(day of week)

(time)

(2) ☐ Weekdays (starting): _____from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.

(day of week)

(time)

(day of week)

(time)

(3) ☐ Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-140, Item 4 — Visitation" at the top.

5 ☐ Supervised Visitation — Follow orders on attached Form DV-150.6 ☐ Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

a. ☐ Mom ☐ Dad ☐ Other (name): _____ to the visits.b. ☐ Mom ☐ Dad ☐ Other (name): _____ from the visits.c. ☐ Drop-off / pick-up of children will be at (address): _____**This is a Court Order.**

000030

045

Protected person's name: Jammy William (Duval)

Case Number: SD 023958

☐ Travel With Children

☐ Mom ☐ Dad ☐ Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:

a. ☐ The State of California

b. ☐ Other place(s) (list): _____

☐ Child Abduction

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145 are attached and must be obeyed. (Fill out and attach DV-145 to this form.)

☒ Other Orders #14 Below

Check here and attach any other orders to this form. Write "DV-140, Item 9 — Other Orders" on the orders.

☐ Jurisdiction

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400).

☐ Notice and Opportunity to Be Heard

The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

☐ Country of Habitual Residence

The country of habitual residence of the child or children in this case is ☒ the United States of America or ☐ other (specify): _____

☐ Penalties for Violating This Order

If you violate this order, you may be subject to civil or criminal penalties, or both.

14 Respondent's visitation suspended pending proof to Minor's Counsel of enrollment & commencement of therapy as required per court of April 17, 2008. Therapy shall be on a weekly basis. L order

Following six weeks of therapy (consistency), visits reinstated on a once a week basis for 4 hours on one weekend day per week.

All Visits to be monitored at a SAFE for children facility.

After 6 months of weekly therapy this matter shall be reviewed to address increasing Respondent's visitation. Review hearing on 6/1/09 10:30 am in same court.

Minor's counsel to receive confirmation from S.M. Family Services that Respondent has enrolled in & commenced therapy. Weekly confirmation of attendance to be provided to Minor's counsel.

This is a Court Order.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-04-08					Dept: WEE
Honorable		Judge	N. ESTRADA			Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	D. GETER			Court Assistant
9	D. JEFFERSON	Deputy Sheriff	H. STORM, CSR # 2222			Reporter

10:30 am	SD023958					
	Tammy Ladonna Duval (X)	Counsel For	In Pro Per (X)			
	VS.	Petitioner:				
	Damon Anthony Duval (X)	Counsel For	ROY L. KIGHT			
		Respondent:				
			MINOR'S COUNSEL, AMY L. MEIMAN (X)			

NATURE OF PROCEEDINGS: HEARING;

Matter is called for hearing.

It has been previously stipulated that Commissioner David J. Cowan may hear matters as Judge Pro Tem.

Request that a stay applies in this matter is denied. The Court finds that pursuant to California Code of Civil Procedure section 170.6(d), there can be no appeal from an order denying the disqualification of a judge. The challenge must be by writ petition. No writ petition has been submitted, therefore, the case is going forward.

Minor's counsel, Amy Neiman, appears and submits to the court an updated written report on behalf of Bantu Duval, born September 28, 2001 and Maya Duval, born December 21, 2003.

Court makes orders pursuant to recommendations set forth in Ms. Neiman's updated written report as follows:

047

~~000032~~

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-04-08	Judge	N. ESTRADA	Dept: WEE
Honorable		Judge Pro Tem	D. GETER	Deputy Clerk
Honorable	DAVID J. COWAN	Deputy Sheriff	H. STORM, CSR # 2222	Court Assistant
9	D. JEFFERSON			Reporter

10:30 am

SD023958

Tammy Ladonna Duval (X)

Counsel For
Petitioner:

In Pro Per (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent:

ROY L. KIGHT

MINOR'S COUNSEL, AMY L. MEIMAN (X)

Additionally, the Court orders the restraining order against
Damon Anthony Duval extended from December 10, 2008 to
December 10, 2009 at 9:00 a.m.

All orders are effective forthwith.

Review Hearing is set for June 1, 2009 at 10:30 a.m. in
Department WE-E.

Exhibit
E

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-10-09				Dept: WEE
Honorable		Judge	T. RANDALL		Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	D. GETER		Court Assistant
16	D. JEFFERSON	Deputy Sheriff	H. STORM, CSR 2222		Reporter

9:30 am

SD023958

Tammy Ladonna Duval (N/A)

Counsel For
Petitioner:

ROY KIGHT (X)

VS.

Damon Anthony Duval (N/A)

Counsel For
Respondent:

NATURE OF PROCEEDINGS: REVIEW HEARING

Matter is called for hearing.

The parties stipulate to extend the Restraining Order to December 18, 2009 at 10:30 a.m. in this department.

The court finds the petitioner has sustained her burden of proof for the restraining order to be issued against the respondent.

The court grants a restraining order against the respondent as reflected in the Restraining Order After Hearing filed this date. The order expires December 18, 2009.

The court announces its orders with both sides present. The orders are effective forthwith.

A copy of the Restraining Order After Hearing is delivered to the Sheriff's Department this date with a DV-260 form.

A further review hearing re restraining order is set December 18, 2009 at 10:30 a.m. in Department WE-E.

2:11

1 ROY L. KIGHT, Esquire SBN: 49558
2 Law Office of ROY L. KIGHT
3 Post Office Box 3382,
4 El Segundo, California 90245
5 File 60601

6 Telephone: (310) 535-0000

7 Attorney for Petitioner
8 TAMMY LADONNA DUVAL WILLIAMS

FILED
LOS ANGELES SUPERIOR COURT

DEC 10 2009

JOHN A. CLARKE, CLERK
Handall
BY T. RANDALL, DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES - WEST DISTRICT

11 In re: Marriage of DUVAL) Lead Case No: SD 023 958
12)
13 Petitioner: TAMMY LADONNA DUVAL) REVIEW HEARING RE:
14) DOMESTIC VIOLENCE RESTRAINING
15 Respondent: DAMON ANTHONY DUVAL) RESTRAINING ORDER RESPONDENT
16) DAMON ANTHONY DUVAL;

17 DATE: December 10, 2009
18 TIME: 10:30 p.m.
19 DEPARTMENT: West E

20 Honorable DAVID J. COWAN,
21 Commissioner

22 To The Court, and all interested parties:

23 Pursuant to Court Order of Hearing on December 4, 2008, review of the
24 DOMESTIC VIOLENCE RESTRAINING ORDER ON RESPONDENT DAMON ANTHONY DUVAL is set
25 for review on December 10, 2009 at 10:30 a.m. in Department E, the Honorable
26 DAVID J. COWAN, Commissioner, presiding. Petitioner request the Court review
27 the December 4, 2008 Review Hearing documents.

28 DOMESTIC VIOLENCE RESTRAINING ORDER RESPONDENT DAMON ANTHONY DUVAL:

Attached is Petitioner TAMMY LADONNA DUVAL WILLIAMS's review of conduct
and concerns regarding the conduct and actions of DAMON ANTHONY DUVAL with
the telephone contact with the children and the conduct of internet postings
reflecting the mental stability of DAMON ANTHONY DUVAL.

Petitioner requests continuance of said DOMESTIC VIOLENCE RESTRAINING

000229

1
DECLARED Before 10:30 AM 12/10/09

052

1 ORDER ON RESPONDENT DAMON ANTHONY DUVAL, for a minimum of two (2) years from
2 date of this hearing.

3 Respondent's Mental Health per Family Code 3190.

4 No report has been received from Saint John's Child and Family
5 Development Center nor Family Services of Santa Monica regarding the Court
6 ordered enrollment in psychological/psychiatric treatment program.

7 Telephone.

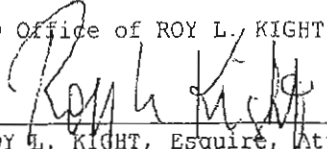
8 Petitioner submits telephone contact, now being alternative days, be
9 restructured to specific days of the week as DAMON ANTHONY DUVAL manipulates
10 the schedule to his desires, not actual alternative days. Three time per
11 week schedule should be set.

12 DAMON ANTHONY DUVAL's attempts to coerce the children, use of tension
13 and dramatic presentations with the children does upset them. This Court has
14 authorized the recording of the telephone messages via the existing DOMESTIC
15 VIOLENCE RESTRAINING ORDER, (Item 14, Page 3) and authority to continue to
16 record should be continued due to DUVAL's posturing of his discussions with
17 the children that cause them to reject the calls. He is constant in trying
18 to coerce them and play on their emotions.

19 The requested order for a DOMESTIC VIOLENCE RESTRAINING ORDER is based
20 upon the papers and documents on file herein, and such further oral and/or
21 documentary evidence presented at time of hearing.

22 Dated: December 9, 2008

Law Office of ROY L. KIGHT

23 
24 ROY L. KIGHT, Esquire, Attorney for
Respondent TAMMY LADONNA DUVAL WILLIAMS

25
26
27
28 ~~000240~~

Your name:

Tammy L. Brown Duvall

Case Number:

SD 023958

Warnings and Notices to the Restrained Person in ③

- ②⑦ If you do not obey this order, you can be arrested and charged with a crime.
- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
 - If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
 - If you do not obey this order, you can go to prison and/or pay a fine.

- ②⑧ You cannot have guns, firearms, and/or ammunition.



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

(Clerk will fill out this part)

—Clerk's Certificate—

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

000236

058

DV-140**Child Custody and Visitation Order**

Case Number:

SD 023958

This form is attached to (check one): ☐ DV-110 ☒ DV-130Protected person's name: Tammy Williams (Duval) ☐ Mom ☐ Dad ☐ OtherOther parent's name: _____ ☐ Mom ☐ Dad ☐ Other**The Court Orders:**☒ Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. <u>Bantha Duval</u>	<u>9-28-01</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <u>Maya Duval</u>	<u>12-21-03</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If more children, check here. Attach a sheet of paper and write "DV-140, Item 3 — Child Custody" at the top.

* If Other, specify relationship to child and name of person: _____

☒ Child Visitation is ordered as follows:

- a. ☒ No visitation to ☐ Mom ☒ Dad ☐ Other (name): Pending, See below #14
- b. ☐ See the attached _____ - page document, dated: _____
- c. ☐ The parties must go to mediation at: _____
- d. ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other _____ will be:
- (1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month
 from _____ at _____ a.m. ☐ p.m. to _____ at _____ a.m. ☐ p.m.
 (day of week) (time) (day of week) (time)
- (2) ☐ Weekdays (starting): _____
 from _____ at _____ a.m. ☐ p.m. to _____ at _____ a.m. ☐ p.m.
 (day of week) (time) (day of week) (time)
- (3) ☐ Other Visitation
 Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events.
 List dates and times. Write "DV-140, Item 4 — Visitation" at the top.

☐ Supervised Visitation — Follow orders on attached Form DV-150.☐ Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. ☐ Mom ☐ Dad ☐ Other (name): _____ to the visits.
- b. ☐ Mom ☐ Dad ☐ Other (name): _____ from the visits.
- c. ☐ Drop-off / pick-up of children will be at (address): _____

This is a Court Order.

000237



059

Protected person's name: Jessamy William (Duval)

Case Number: SD 023958

☐ Travel With Children

☐ Mom ☐ Dad ☐ Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:

a. ☐ The State of California

b. ☐ Other place(s) (list): _____

☐ Child Abduction

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145 are attached and must be obeyed. (Fill out and attach DV-145 to this form.)

☒ Other Orders #14 Below

Check here and attach any other orders to this form. Write "DV-140, Item 9 — Other Orders" on the orders.

☐ Jurisdiction

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400).

☐ Notice and Opportunity to Be Heard

The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

☐ Country of Habitual Residence

The country of habitual residence of the child or children in this case is ☒ the United States of America or ☐ other (specify): _____

☐ Penalties for Violating This Order

If you violate this order, you may be subject to civil or criminal penalties, or both.

14 Respondent's visitation suspended pending proof to Minor's Counsel of enrollment & commencement of therapy as required per court of April 17, 2008. Therapy shall be on a weekly basis. Order

Following six weeks of therapy (consistently), visits reinstated on a once a week basis for 4 hours on one weekend day per week.

All visits to be monitored at a SAFE for Children facility.

After 6 months of weekly therapy this matter shall be reviewed to address increasing Respondent's visitation. Review hearing on 6/1/09 10:30 am in same court.

Minor's counsel to receive confirmation from S.M. Family Services that Respondent has enrolled in & commenced therapy. Weekly confirmation of attendance to be provided to Minor's counsel.

This is a Court Order.

000238

060

Exhibit
F

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-18-09			Dept: WEE
Honorable		Judge	E. GOLDSTEIN	Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	G. VILLAREAL	Court Assistant
3	T. REINHART	Deputy Sheriff	H. STORM CSR 2222	Reporter

10:30 am

SD023958

Tammy Ladonna Duval (X)

Counsel For
Petitioner:

ROY L. KIGHT (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent:

In Pro Per (X)

AMY NEIMAN (X) minors' counsel

NATURE OF PROCEEDINGS: RESPONDENT'S MOTION FOR RECONSIDERATION
OF THE ORDER FILED AUGUST 24, 2009; [date filed 9/2/09]

RESPONDENT'S ORDER TO SHOW CAUSE REQUESTING COUNSELING FREE
OF CHARGE TWO TIMES PER WEEK AT UCLA STUART HOUSE;

NOTICE OF RENEWAL OF RESTRAINING ORDER

Matter is called for hearing.

Respondent is sworn and testifies.

Respondent's motion for reconsideration is timely filed,
argued and denied. The parental alienation occurred after
August 24, 2009 from not following court orders.

There is good cause for recording the phone calls.

On the request for renewal of the restraining order, the
court has reviewed the attachment.

The Court grants the request for ~~renewal~~ of the ~~restraining~~
order. Order expires on December 18, 2010. The Court
believes Mr. Duval is unstable.

Counsel for petitioner is to give notice.

Exhibit
G

DV-700

Request to Renew Restraining Order

Clerk stamps below when form is filed.

Your name (protected person):

TAMMY LADONNA WILLIAMS BOESCH

Your address (skip this if you have a lawyer). (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your phone # (optional): (____) _____

Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

ROY L. KIGHT, Esquire SBN: 49558

Post Office Box 3382,

El Segundo, California 90245

Name of person you want protection from (restrained person):

DAMON ANTHONY DUVAL

Describe that person: Sex: ☒ M ☐ F Ht.: 6' Wt.: 180

Race: Cauc Hair Color: Brown

Eye Color: Blue Age: 49 Date of Birth: 10-06-61

I ask the court to renew the Restraining Order After Hearing (DV-130).

- a. The order was first made on (date:) 4-17-08
b. The order ends on (date:) 12-18-10
c. The order has been renewed 2 times.
d. I want the order to be renewed for 2 years.
e. The order is attached.

I ask the court to renew the order because: *(Check all that apply)*

- a. ☒ The person in 3) has abused and/or harassed me since the order was made.
- b. ☒ I am afraid of the person in 3).
- c. ☐ Other: (Explain below or attach an additional page. Write "Form DV-700, Item 4c" at the top. The court can renew the order even if there has been no abuse since your last request.)

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

Date: October 19, 2010

TAMMY LADONNA WILLIAMS BOESCH

Type of print used: none

→ Lloyd Miller Bush

This is not a Court Order.

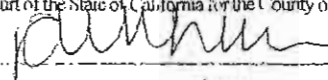
064



The document to which this certificate is attached is a full, true and correct copy of the original on file and of record.

Attest this OCT 19 2010, 20

John A. Clarke, Executive Officer/Clerk of the Superior Court of the State of California for the County of Los Angeles.

By 

J. Donham

065

DV-710

**Notice of Hearing to Renew
Restraining Order**

Clerk stamps below when form is filed.

FILED
LOS ANGELES SUPERIOR COURT
OCT 19 2010
JOHN A. CLARKE, CLERK
BY [Signature]
DEPUTY

Protected person's name:

TAMMY LADONNA WILLIAMS BOESCH

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your phone # (optional): (_____) _____

Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

ROY L. KIGHT, Esquire sBN: 49558

Post Office Box 3382,

El Segundo, California 90245

Tel: 310 535 0000

Restrained person's name:

DAMON ANTHONY DUVAL

Describe that person: Sex: ☒ M ☐ F Ht.: 6' Wt.: 180

Race: Cauc Hair Color: Brown

Eye Color: Blue Age: 49 Date of Birth: 10-06-61

Court name and street address:

Superior Court of California, County of
Los Angeles
West District
1725 Main Street
Santa Monica CA 90401

Case Number:

SD 023 958

Court Hearing

The judge has set a court hearing date.

Court will fill in box below.

The current restraining orders stay in effect until the hearing date.

Name and address of court if different from above:



Date: 12/16/10 Time: 8:30 AM
Dept.: E Rm.: 111

To the person in ②: At the hearing, the judge can make restraining orders that last forever. At the hearing, you can tell the judge if you do not want the orders against you. Also, you can file a written answer on Form MC-030. Even if you do not attend the hearing, you *must* obey the restraining orders.

Service and Answer

A To: Person Asking for Order

Someone 18 or over — not you or anyone else protected by the restraining order — must personally "serve" a copy of this order and a copy of the original Restraining Order After Hearing to the person in ② at least 5 days before the hearing.

B To: Person Served With Order

Have someone 18 or over — not you — "serve" a copy of your answer on the person in ① by mail and file it with the court at least 2 days before the hearing.

For help with Service or Answering, read Form DV-210 or DV-540.

Date: OCT 19 2010

Judge (or Judicial Officer)

[Signature]
David J. Cowan
Judge Pro Tem

This is a Court Order.

066

Exhibit
H

DV-130**Restraining Order After Hearing
(Order of Protection)**

Clerk stamps date here when form is filed.

FILED

LOS ANGELES SUPERIOR COURT

DEC 16 2010 *eg*

JOHN A. CLARKE, CLERK

E Goldstein
GOLDSTEIN, DEPUTY

1 Protected person's name:

TAMMY LADONNA WILLIAMS BOESCH

(first) (middle) (last)

Protected person's address (skip this if you have a lawyer) (If you want your home address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Telephone number (optional): _____

Lawyer (if any) (Name, address, telephone number, and State Bar number): ROY L. KIGHT, Esquire SBN: 49558

Post Office Box 3382, El Segundo, CA 90245

Tel: 310 535 0000

2 List the full names of all family or household members protected by this order: BANTU JAZZ DUVAL

MAYA LILIEENNE DUVAL

MARKUS ANDREW BOESCH

Fill in court name and street address:

Superior Court of California, County of

SUPERIOR COURT

1725 MAIN ST.

SANTA MONICA, CA 90401

Clerk fill in case number when form is filed.

Case Number:

SD 023 958

3 Restrained person's name:

DAMON

ANTHONY

DUVAL

(first)

(middle)

(last)

Description of that person: Sex: ☒ M ☐ F Height: 6' Weight: 180 Race: Cauc
Hair Color: brown Eye Color: blue Age: 49 Date of Birth: 10-06-61
Relationship to protected person: Ex husband

4 The court orders are on pages 2 and 3 and attachment pages (if any).

The hearing was on (date): 12-16-10 with (name of judicial officer): DAVID J. COWAN

Commissioner

The orders end on (date): 12/16/13 at (time): 7:00 AM

- If no end date is written, the restraining order ends three years after the date of the hearing.
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

5 ☐ The people in 1 and 3 must return to court/department _____ on (date): _____
at (time): _____ ☐ a.m. ☐ p.m. to review (specify issues): _____**Certificate of Compliance With VAWA**

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

This is a Court Order.

090520

068

Case Number:

SD 023 958

Your name: TAMMY LADONNA WILLIAMS BOESCH

6 ☒ **Personal Conduct Orders**

The person in **(3)** must not do the following things to the protected people listed in **(1)** and **(2)**:

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☒ Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
☒ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. ☒ Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

☐ A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____. (If more orders, list them in item **(17)**.)

7 ☒ **Stay-Away Order**

a. The person in **(3)** must stay at least (specify): 100 yards away from the person in **(1)** and:

- (1) ☒ Home ☒ Vehicle ☒ School of person in **(1)** (4) ☒ The children's school or child care
(2) ☒ The job or workplace of person in **(1)** (5) ☐ Other (specify): _____
(3) ☒ The persons in **(2)**

b. ☐ Brief and peaceful contact as required for court-ordered visitation of children is allowed unless a criminal protective court order says otherwise.

8 ☐ **Move-Out Order**

The person in **(3)** must move out immediately from (address): _____

9 ☒ **Child Custody and Visitation**

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

10 ☐ **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): _____

11 ☐ **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): _____

12 ☐ **Animals: Possession and Stay-Away Order**

The person in **(1)** is given the sole possession, care, and control of the animals listed below. The person in **(3)** must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

This is a Court Order.

090571

069

Case Number:

SD 023 958

Your name: TAMMY LADONNA WILLIAMS BOESCH

13 No Guns or Other Firearms or Ammunition

- a. The person in (3) cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in (3) must:
- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (Form DV-800, Proof of Firearms Turned In or Sold may be used for the receipt.)
- c. ☐ The court has received information that the person in (3) owns or possesses a firearm.

14 ☒ Record Unlawful Communications

The person in (1) has the right to record communications made by the person in (3) that violate the judge's orders.

15 ☐ Batterer Intervention Program

The person in (3) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

16 No Fee to Notify (Serve) Restrained Person

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

17 ☐ Other Orders

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (specify other form): _____

18 Service

- a. ☒ The people in (1) and (3) were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. ☐ The person in (1) was at the hearing. The person in (3) was not.
- (1) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in (3) must be served. This order can be served by mail.
- (2) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. Someone—not the people in (1) or (2) — must personally "serve" a copy of this order to the person in (3).

19 Attached pages are orders.

- Number of pages attached to this five-page form: 2
- All of the attached pages are part of this order.
- Attachments include (check all that apply):
 - ☒ DV-140 ☐ DV-145 ☐ DV-150 ☐ DV-160 ☐ DV-170 ☐ FL-343
 - ☐ Other (specify): _____

Date: 12/18/10

Judge (or Judicial Officer)

David J. Cowan
Judge Pro Tem

This is a Court Order.

070

Your name: TAMMY LADONNA WILLIAMS BOESCH**Instructions for Law Enforcement****Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

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

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Enforcing the Restraining Order in California

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

Conflicting Orders

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

This is a Court Order.

000573

071

Case Number:
SD 023 958

Your name: TAMMY LADONNA WILLIAMS BOESCH

Warnings and Notices to the Restrained Person in ③

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

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

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



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


(Clerk will fill out this part)

—Clerk's Certificate—



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

DATE 03 2013

Date: _____ Clerk, by  Deputy

This is a Court Order.

000574

072

This form is attached to (check one): ☐ DV-110 ☒ DV-130

1 Protected person's name: TAMMY LADONNA WILLIAMS BOESCH ☒ Mom ☐ Dad ☐ Other

2 Other parent's name: DAMON ANTHONY DUVAL ☐ Mom ☒ Dad ☐ Other

The Court Orders:

3 ☒ Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health, education, etc. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. <u>JAZZ BANTU DUVAL</u>	<u>9-28-01</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <u>MAYA DUVAL</u>	<u>12-21-03</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ If more children, check here. Attach a sheet of paper and write "DV-140, Item 3 — Child Custody" at the top.

* If Other, specify relationship to child and name of person: _____

4 ☒ Child Visitation is ordered as follows:

- a. ☒ No visitation to ☐ Mom ☒ Dad ☐ Other (name): Prnding, see #14
- b. ☐ See the attached _____ - page document, dated: _____
- c. ☐ The parties must go to mediation at: _____
- d. ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other _____ will be:

(1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month
 from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time) (day of week) (time)

(2) ☐ Weekdays (starting): _____
 from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
 (day of week) (time) (day of week) (time)

(3) ☐ Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-140, Item 4 — Visitation" at the top.

5 ☐ Supervised Visitation — Follow orders on attached Form DV-150.

6 ☐ Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. ☐ Mom ☐ Dad ☐ Other (name): _____ to the visits.
- b. ☐ Mom ☐ Dad ☐ Other (name): _____ from the visits.
- c. ☐ Drop-off / pick-up of children will be at (address): _____

This is a Court Order.

000-75

073

Case Number:

SD 023 958

Protected person's name: TAMMY LADONNA WILLIAMS BOESCH

7

☐ Travel With Children

☐ Mom ☐ Dad ☐ Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:

a. ☐ The State of California

b. ☐ Other place(s) (list): _____

8

☐ Child Abduction

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145 are attached and must be obeyed. (Fill out and attach DV-145 to this form.)

9

☒ Other Orders #14 below

Check here and attach any other orders to this form. Write "DV-140, Item 9 — Other Orders" on the orders.

10

Jurisdiction

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400).

11

Notice and Opportunity to Be Heard

The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

12

Country of Habitual Residence

The country of habitual residence of the child or children in this case is ☐ the United States of America or ☐ other (specify): _____

13

Penalties for Violating This Order

If you violate this order, you may be subject to civil or criminal penalties, or both.

14. Respondent's visitation suspended pending proof to Minor's Counsel of enrollment and commencement of therapy as required per Court of Order of April 17, 2008. Therapy shall be on a weekly basis. Following six weeks of therapy (consistently), visits reinstated on a once a week basis for four (4) hours on one weekend day per week. All visits to be monitored at a SAFE for Children Facility. After Six (6) months of weekly therapy this matter shall be reviewed to address increasing Respondent's visitation.

Minor's Counsel to receive confirmation from Santa Monica Family Services that Respondent has enrolled in and commenced therapy. Weekly confirmation of attendance to be provided to Minor's counsel.

This is a Court Order.

000526

074



The document to which this certificate is attached is a full, true and correct copy of the original on file and of record.

Attest this 9th day of DECEMBER, 2010

John A. Clarke, Executive Officer/Clerk of the Superior Court of the State of California for the County of Los Angeles.

By [Signature]

J. Benham

075

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-16-10	
Honorable		Judge E. GOLDSTEIN
Honorable	DAVID J. COWAN	Judge Pro Tem M. MOHAMMADI
1	D. ALBERS	Deputy Sheriff S. MacNEIL CSR# 9013
		Dept: WEE Deputy Clerk Court Assistant Reporter

8:30 am

SD023958

Tammy Ladonna Williams (X)

Counsel For
Petitioner:

Roy L. Kight (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent:

In Pro Per (X)

Amy Neiman (x) minors' counsel

NATURE OF PROCEEDINGS: 1. PETITIONER'S ORDER TO SHOW CAUSE RE: RENEWAL OF DOMESTIC VIOLENCE RESTRAINING ORDER [date filed 10-19-10]

2. RESPONDENT'S ORDER TO SHOW CAUSE RE: CONTEMPT; ARRAIGNMENT; [date filed 11-2-10]

3. RESPONDENT'S ORDER TO SHOW CAUSE RE: MODIFICATION OF CHILD CUSTODY AND VISITATION; [date filed 11-2-10]

4. RESPONDENT'S MOTION FOR MODIFICATION RE: CUSTODY; [date filed 11-2-10]

Matter is called for hearing.

Petitioner, respondent and Mark Boesch are sworn and testify.

This is the arraignment on respondent's Order to Show Cause re: contempt. Counts 1 through 19 relate to denial of access to the children. The remaining counts relate to recording of phone calls.

Respondent acknowledges that his only access to the children is through telephone calls.

The February 7, 2008 minute order states, "Both parties are ordered to allow the minor children to speak to the non-custodial parent on the telephone whenever the non-custodial parent calls."

076

000577

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 12-16-10		Dept: WEE
Honorable	Judge	Deputy Clerk
Honorable DAVID J. COWAN	Judge Pro Tem	Court Assistant
1 D. ALBERS	Deputy Sheriff	Reporter

E. GOLDSTEIN
M. MOHAMMADI
S. MacNEIL CSR# 9013

8:30 am

SD023958

Tammy Ladonna Williams (X)
VS.

Counsel For
Petitioner: Roy L. Kight (X)

Damon Anthony Duval (X)

Counsel For
Respondent: In Pro Per (X)

Amy Neiman (x) minors' counsel

The December 4, 2008 minute order states, "Until Father complies with the Court order and enrolls in counseling, his visits are suspended."

There is no order prohibiting recording of telephone calls.

Petitioner's response to the Order to Show Cause re:
Contempt is timely.

Petitioner's demurrer to the Order to Show Cause re:
Contempt is sustained with 10 days leave to amend as follows: Each count needs to state what Ms. Williams did wrong, what order was violated, and how.

There is a civil case, SC109325 involving the same parties, before Judge Tarle.

Minors' counsel reports to the court.

There is still a requirement for Mr. Duval to attend counseling.

Petitioner's request for renewal of restraining order is granted for a period of three years. Restraining Order After Hearing is signed and filed this date. Order expires on 12/16/2013.

Mr. Duval refuses to attend counseling.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	12-16-10			Dept: WEE
Honorable		Judge	E. GOLDSTEIN	Deputy Clerk
Honorable	DAVID J. COWAN	Judge Pro Tem	M. MOHAMMADI	Court Assistant
1	D. ALBERS	Deputy Sheriff	S. MacNEIL CSR# 9013	Reporter

8:30 am

SD023958

Tammy Ladonna Williams (X)

Counsel For
Petitioner:

Roy L. Kight (X)

VS.

Damon Anthony Duval (X)

Counsel For
Respondent:

In Pro Per (X)

Amy Neiman (x) minors' counsel

Respondent's Order to Show Cause re: modification of custody and visitation and motion for modification of visitation are denied.

Respondent requests a statement of decision.

The Court's statement of decision is as stated on the record. Parties are not entitled to a written statement of decision on hearings lasting less than 8 hours.

The Court announces its decision in open court. Orders are effective forthwith. No further notice is required.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action.

My Business address is: 3317 Pico Blvd.
Santa Monica, Ca.

On 11/21/13, I served the following document(s) described as:

Assertion of Void Order + Attachments & exhibits

on the interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

- 1) Roy L. Kight, Esq. P.O. Box 3382 El Segundo, CA 90245;
- 2) Amy L. Neiman 1717 4th Street Third Floor Santa Monica, California 90401;

On the above date,

xxx (by express mail) I then caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Santa Monica, California.

____ (by personal service) I then caused such envelope to be delivered by hand to the offices of the addressee.

____ (Federal Only) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

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

Date: 11/21/13

Signed:

Print name:

Jeff Priest
Jeff Priest

EK 079972257 US

Exhibit

4

Emails

From

Schools

January 2, 2014


To Whom It May Concern:

This letter serves as confirmation that Mr. Damon Duval visited my office (Assistant Superintendent, Educational Services for El Segundo Unified School District) at 641 Sheldon, El Segundo, CA. on June 14, 2013.

Mr. Duval requested educational records pertaining to his two children, Jazz and Maya. Per ESUSD's Board Policy (see attached), I printed out the grade reports for both of his children from our Power School database so he could be aware of his children's academic progress.

As of July 1, 2013, I have retired from the El Segundo School District and am living out of state and consequently have no further information regarding this matter.

Sincerely,


Janice Hickey
(Former) Assistant Superintendent
Educational Services
El Segundo Unified School District



Book	A. Board Policies
Section	5000 Students
Title	Noncustodial Parents
Number	BP5021
Status	Active
Legal	<u>EDUCATION CODE</u> : EC49061 Definitions; EC49069 Absolute Right to Access; <u>FAMILY CODE</u> : 3025 Parental Access to Records; CSBA 10/1995
Adopted	October 8, 1995

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.

Upon request, the district shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.

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ABC Santa Monica

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Sent: Tuesday, May 27, 2014 10:44 AM
To: ABC Santa Monica
Subject: Fwd: Jazz and Maya's grades from last year

----- Forwarded message -----

From: **Damon Duval** <damon.voltaire@gmail.com>
Date: Mon, Aug 27, 2012 at 4:57 PM
Subject: Re: Jazz and Maya's grades from last year
To: mjanicek@esud.k12.ca.us

Dear Ms. Janicek,

I hop you enjoyed your summer!

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Santa Monica, California 90404

Sincerely, Damon A. Duval

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Sent: Tuesday, May 27, 2014 10:45 AM
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To: Damon Duval <damon.voltaire@gmail.com>

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El Segundo Middle School :-)

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I must be getting old LOL - We all went to elementary school until 6th grade back in the sixties!

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ABC Santa Monica

From: Damon Duval [damon.voltaire@gmail.com]
Sent: Tuesday, May 27, 2014 10:42 AM
To: ABC Santa Monica
Subject: Fwd: Mail from El Segundo Middle School

----- Forwarded message -----

From: **Damon Duval** <damon.voltaire@gmail.com>
Date: Wed, Jun 12, 2013 at 10:20 AM
Subject: Re: Mail from El Segundo Middle School
To: Carol Baker <cbaker@esusd.k12.ca.us>

Friday or Monday works for me.

On Wed, Jun 12, 2013 at 9:47 AM, Damon Duval <damon.voltaire@gmail.com> wrote:
Thank you. Can I come in after Thursday [6/13]?

On Wed, Jun 12, 2013 at 9:21 AM, Carol Baker <cbaker@esusd.k12.ca.us> wrote:
You would need to come in person and sign a release for records. Report cards are sent out 1-2 weeks after we get out of school otherwise.

Carol Baker
El Segundo Middle School
332 Center Street
El Segundo, CA 90245
310-615-2690 ext. 3101
cbaker@esusd.k12.ca.us

On Wed, Jun 12, 2013 at 7:01 AM, Damon A. Duval <automailer@edlio.com> wrote:
From: Damon A. Duval <damon.voltaire@gmail.com>

Dear El Segundo Middle School

I hope you had a successful and productive year!

If you would oblige, I would like a copy of Jazz's grades [mid-terms and final grades, please] pursuant to Section 3025 of the Family Code: "Notwithstanding any other provision of law, access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because that parent is not the child's custodial parent."

6

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----- Forwarded message -----

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To: Marisa Janicek <mjanicek@esUSD.k12.ca.us>

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To: "Damon A. Duval" <damon.voltaire@gmail.com>

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[Any updated school photos would be appreciated. I don't know what my children even look like in lieu of the insidious family court manipulations].

Damon A. Duval
2461 Santa Monica Bl. #801
Santa Monica, California 90404

Sincerely, Damon A. Duval, father of Jazz Duval b. 9/28/01

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Exhibit

4

Emails

From

Schools

January 2, 2014

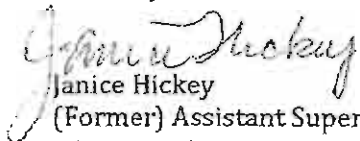
To Whom It May Concern:

This letter serves as confirmation that Mr. Damon Duval visited my office (Assistant Superintendent, Educational Services for El Segundo Unified School District) at 641 Sheldon, El Segundo, CA. on June 14, 2013.

Mr. Duval requested educational records pertaining to his two children, Jazz and Maya. Per ESUSD's Board Policy (see attached), I printed out the grade reports for both of his children from our Power School database so he could be aware of his children's academic progress.

As of July 1, 2013, I have retired from the El Segundo School District and am living out of state and consequently have no further information regarding this matter.

Sincerely,



Janice Hickey
(Former) Assistant Superintendent
Educational Services
El Segundo Unified School District



Book	A. Board Policies
Section	5000 Students
Title	Noncustodial Parents
Number	BP5021
Status	Active
Legal	<u>EDUCATION CODE</u> : EC49061 Definitions; EC49069 Absolute Right to Access; <u>FAMILY CODE</u> : 3025 Parental Access to Records; CSBA 10/1995
Adopted	October 8, 1995

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.

Upon request, the district shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.

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Exhibit

5

[151 Pgs.]

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		<small>Reserved for Clerk's File Stamp</small>	
COURTHOUSE ADDRESS: Stanley Mosk - Central Courthouse 111 North Hill Street Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles	
PETITIONER: <i>Tammy L. Williams - Boesch</i>		MAR 13 2014	
RESPONDENT: <i>Samon A. Suval</i>		John A. Clark, Executive Officer, Clerk By <i>[Signature]</i> , Deputy D. WARD	
ORDER TO ATTEND MEDIATION APPOINTMENT		CASE NUMBER: <i>80023958</i>	

ORDER: The Court orders both parties to attend mediation to discuss any disagreements about the custody and/or visitation of the child(ren) as required by Family Code Section 3170.

You are ordered to attend mediation on *April 8, 2014* at *12⁴⁵* a.m. (p.m.) at the Family Court Services Mediation Office, Room 241, of the Los Angeles Superior Court located at 111 North Hill Street, Los Angeles, CA 90012.

You are required to serve this Order on the other parent.

Both parties must appear promptly on the above date and time. A mediator will meet with you and the other party to assist in developing a parenting plan that is in the best interest of the child(ren) and mutually agreeable to both parties. By developing your own plan, you can avoid the time and cost that can result from litigating this issue through a Court proceeding. Parties may request that the mediator speak with each of them individually.

Prior to the mediation appointment, both parties must complete a mediation orientation program and bring a certificate of completion to the mediation session. The program can be completed through the Internet (www.lasuperiorcourt.org, click on Our Children First, under on-line services), or by attending the Parents and Children Together Program held on the first Thursday of each month at the Stanley Mosk Courthouse (8:30 a.m. for English and 1:30 p.m. for Spanish).

You are also required to complete a Petition for Conciliation form which is available on the Court's website (www.lasuperiorcourt.org) and bring it to your mediation appointment.

Violation of any part of this order may result in imposition of monetary sanctions pursuant to Section 177.5, Code of Civil Procedure.

Dated: MAR 13 2014

[Signature]
Supervising Judge, Family Law Division

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date of Mediation: 4-18-14

Time: 8:15 AM

☒ Appointment ☐ Walk-In

Family Court Services Specialist: N. Heretino

District: Central

Hearing/Trial Date: 4-18-14

Department: CE-63

☐ Voluntary Appointment

Legal Case #: SD 023958

BG #: 175224

In Regards to the Matter of:

Petitioner/Plaintiff: Tammy Boesch

Respondent/Defendant: Damon Duval

NATURE OF PROCEEDINGS: FAMILY COURT SERVICES MEDIATION

- ☐ Mediation session continued to: _____
- ☐ Mediation occurred and agreement is attached.
- ☒ Mediation occurred but no agreement was reached.
- ☐ Mediation occurred and proposed agreement is attached for the Court's approval and signature pending review of the Dependency Court exit order.
- ☐ Case referred to DCFS.
- ☐ Case was investigated or is currently under investigation by DCFS.
- ☐ The child(ren) and/or the parties are/were involved in a case in:
- ☐ Probate Court ☐ Delinquency Court ☐ Dependency Court
- ☐ A criminal restraining order is in effect.
- ☐ A child custody evaluation (pursuant to Family Code §3111 or Evidence Code §730) is indicated.
Case is appropriate for:
- ☐ A One-day Parenting Plan Assessment
- ☐ A Two-day Parenting Plan Assessment
- ☐ A Child Interview
- ☐ Appointment of minor's counsel is indicated.
- ☐ Mediation did not occur for the following reason:
- ☐ No conference due to non-appearance by: _____
- ☐ Mediator was not available. Appointment set for: _____
- ☐ The child(ren) at issue are involved in a Juvenile Dependency action:
Case Number: _____ Dept: _____
Next Dependency Court Hearing Date: _____
- ☐ Case is not amenable to mediation at this time.
- ☐ Parties report no custody and/or visitation issues to resolve at this time.
- ☐ Our Children First On-line Program or PACT was completed by: ☐ Petitioner ☐ Respondent

DISTRIBUTION: Court-File - BLUE

FCS Mediation Office - YELLOW

Parties - WHITE

2



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Damon A. Duval 2461 Santa Monica Blvd. #801 Santa Monica, California 90404 TELEPHONE NO.: 310-740-7185 FAX NO. (Optional): E-MAIL ADDRESS (Optional): damon.voltaire@gmail.com ATTORNEY FOR (Name): Self		FOR COURT USE ONLY CONFIRMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles DEC 09 2013 John A. Clarke, Executive Officer/Clerk By: I. Labry, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 No. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		
PETITIONER/PLAINTIFF: Tammy L. Williams-Boesch RESPONDENT/DEFENDANT: Damon A. Duval OTHER PARENT/PARTY:		
REQUEST FOR ORDER <input type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input checked="" type="checkbox"/> Attorney Fees and Costs <input checked="" type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support <input type="checkbox"/> Temporary Emergency Court Order <input type="checkbox"/> Other (specify):		CASE NUMBER: SD 023 958

1. TO (name): Tammy L. Williams-Boesch; Roy L. Kight; Amy L. Neiman
2. A hearing on this Request for Order will be held as follows: If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or at the same time as the hearing (see Item 7.)

a. Date: 1/8/14	Time: 8:30	<input type="checkbox"/> Dept.: 603	<input type="checkbox"/> Room:.
-----------------	------------	-------------------------------------	---------------------------------

b. Address of court ☐ same as noted above ☐ other (specify):

3. Attachments to be served with this Request for Order:

- a. A blank Responsive Declaration (form FL-320)
- b. ☒ Completed Income and Expense Declaration (form FL-150) and a blank Income and Expense Declaration
- c. ☐ Completed Financial Statement (Simplified) (form FL-155) and a blank Financial Statement (Simplified)
- d. ☒ Points and authorities
- e. ☒ Other (specify): CA J.C. Forms 311, 320; 341c,d; 319, 158; +

Date: 12/9/13

Damon A. Duval
(TYPE OR PRINT NAME)

(SIGNATURE)

☒ COURT ORDER

4. ☒ YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED.
5. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):
6. Any responsive declaration must be served on or before (date):
7. The parties are ordered to attend mandatory custody services as follows:
8. ☐ You are ordered to comply with the Temporary Emergency Court Orders (form FL-305) attached.
9. ☐ Other (specify):

Date:

JUDICIAL OFFICER

To the person who received this Request for Order: If you wish to respond to this Request for Order, you must file a Responsive Declaration to Request for Order (form FL-320) and serve a copy on the other parties at least nine court days before the hearing date unless the court has ordered a shorter period of time. You do not have to pay a filing fee to file the Responsive Declaration to Request for Order (form FL-320) or any other declaration including an Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155).

PETITIONER/PLAINTIFF: Tammy L. Williams-Boesch	CASE NUMBER:
RESPONDENT/DEFENDANT: Damon A. Duval	SD 023 958
OTHER PARENT/PARTY:	

REQUEST FOR ORDER AND SUPPORTING DECLARATION

☐ Petitioner ☒ Respondent ☐ Other Parent/Party requests the following orders:

1. ☐ CHILD CUSTODY ☐ To be ordered pending the hearing
- a. Child's name and age b. Legal custody to (name of person who makes decisions about health, education, etc.) c. Physical custody to (name of person with whom child will live)
- B.U. Jazz E. Duval 12 years
Maya L. Duval 9 years

- d. ☒ As requested in form ☒ Child Custody and Visitation Application Attachment (form FL-311)
- ☐ Request for Child Abduction Prevention Orders (form FL-312)
- ☒ Children's Holiday Schedule Attachment (form FL-341(C))
- ☒ Additional Provisions—Physical Custody Attachment (form FL-341(D))
- ☐ Joint Legal Custody Attachment (form FL-341(E))
- ☒ Other (Attachment 1d)

- e. ☐ Modify existing order
- (1) filed on (date):
- (2) ordering (specify):

2. ☒ CHILD VISITATION (PARENTING TIME) ☐ To be ordered pending the hearing
- a. As requested in: (1) ☐ Attachment 2a (2) ☒ Child Custody and Visitation Application Attachment (form FL-311)
- (3) ☐ Other (specify):
- b. ☐ Modify existing order
- (1) filed on (date): existing order has been asserted void**
- (2) ordering (specify):
- **order under appeal as of 12/6/13; stayed pursuant to CA C.C.P. 916(a)
- c. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one.) The orders are from the following court or courts (specify county and state):
- (1) ☐ Criminal: County/state: Case No. (if known):
- (2) ☐ Family: County/state: Case No. (if known):
- (3) ☐ Juvenile: County/state: Case No. (if known):
- (4) ☐ Other: County/state: Case No. (if known):

3. ☐ CHILD SUPPORT (An earnings assignment order may be issued.)
- a. Child's name and age b. ☐ I request support based on the child support guidelines c. Monthly amount requested (if not by guideline)
- \$

- d. ☐ Modify existing order
- (1) filed on (date):
- (2) ordering (specify):

Notice: The court is required to order child support based on the income of both parents. It normally continues until the child is 18. You must supply the court with information about your finances by filing an *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155). Otherwise, the child support order will be based on information about your income that the court receives from other sources, including the other parent.

PETITIONER/PLAINTIFF: Tammy L. Williams-Boesch RESPONDENT/DEFENDANT: Damon A. Duval OTHER PARENT/PARTY:	CASE NUMBER: SD 023 958
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4. ☐ SPOUSAL OR PARTNER SUPPORT (*An earnings assignment order may be issued.*)
- a. ☐ Amount requested (*monthly*): \$
- b. ☐ Terminate existing order
(1) filed on (*date*):
(2) ordering (*specify*):
- c. ☐ Modify existing order
(1) filed on (*date*):
(2) ordering (*specify*):
- d. ☐ The *Spousal or Partner Support Declaration Attachment* (form FL-157) is attached (*for modification of spousal or partner support after judgment only*)
- e. An *Income and Expense Declaration* (form FL-150) must be attached
5. ☒ ATTORNEY FEES AND COSTS are requested on *Request for Attorney Fees and Costs Order Attachment* (form FL-319) or a declaration that addresses the factors covered in that form. An *Income and Expense Declaration* (form FL-150) must be attached. A *Supporting Declaration for Attorney Fees and Costs Order Attachment* (form FL-158) or a declaration that addresses the factors covered in that form must also be attached.
6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. ☒ OTHER RELIEF (*specify*):
- a) Restore Parenting Time between Respondent Father and the 2 minor children.
- b) Pursuant to CA Family Code 2030, I request that The Petitioning Party cover the costs of legal representation for the Responding Party so that, pursuant to CA FC 2030, "the court shall ensure that each party has access to legal representation."

NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100), *Temporary Restraining Order (Domestic Violence)* (form DV-110), and *Notice of Court Hearing (Domestic Violence)* (form DV-109).

PETITIONER/PLAINTIFF: Tammy L. Williams-Boesch	CASE NUMBER:
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OTHER PARENT/PARTY:	

9. ☐ I request that time for service of the *Request for Order* and accompanying papers be shortened so that these documents may be served no less than (specify number): _____ days before the time set for the hearing. I need to have this order shortening time because of the facts specified in item 10 or the attached declaration.

10. ☒ FACTS IN SUPPORT of orders requested and change of circumstances for any modification are (specify):
☒ Contained in the attached declaration. (You may use Attached Declaration (form MC-031) for this purpose. The attached declaration must not exceed 10 pages in length unless permission to file a longer declaration has been obtained from the court.)

1) The Court's Counseling Order, regardless of voidness of related court orders, has been complied with in full and then some by The Respondent Father. In the court's possession are: three statements from Dr. William C. Wirshing, compliance letters from Dr. Jack Share, and an amicus curiae brief signed by both doctors.

2) The 11/27/13 order "renewing" the 12/16/2010 restraining order, herein stands officially as appealed by the respondent on 12/6/2013. The 12/16/2010 restraining order has been asserted as void on its face. No order can remain "in effect" that is asserted and deemed void on its face by law, regardless of stipulation, and subsequently remains stayed and unenforceable while under appeal pursuant to CA C.C.P. 916(a). CA C.C.P. 917.7 allows for minor child custody proceedings to be heard by the trial court which is the sole reason for these pleadings.

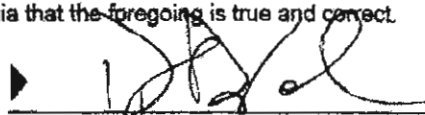
3) Pursuant to CA FC 2030, the court need consider having the petitioning party cover the costs of "seeing to it the Respondent has legal representation," as stated in the statute: "the court shall ensure that each party has access to legal representation." Proper documents have been attached for this request herein.

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

Date: 12/9/13

Damon A. Duval

(TYPE OR PRINT NAME)


 (SIGNATURE OF APPLICANT)



Requests 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 proceeding. 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). (Civil Code, § 54.8.)

PETITIONER/PLAINTIFF: Williams-Boesch	CASE NUMBER:
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CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

TO ☐ Petition, Response, Application for Order or Responsive Declaration ☒ Other (specify):
☐ To be ordered now and effective until the hearing FL 300

1. ☐ **Custody.** Custody of the minor children of the parties is requested as follows:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Legal Custody to</u> (person who makes decisions about health, education, etc.)	<u>Physical Custody to</u> (person with whom the child lives)
B.U. Jazz E. Duval	9-28-2001	Mother	Mother
Maya L. Duval	12-21-2003	Mother	Mother

2. ☒ **Visitation.**

- a. ☐ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
b. ☐ See the attached _____-page document dated (specify date):
c. ☐ The parties will go to mediation at (specify location):
d. ☐ No visitation
e. ☒ Visitation for the ☐ petitioner ☒ respondent will be as follows:

- (1) ☐ **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

- (a) ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent having the initial fifth weekend, which starts (date):

- (b) ☐ The petitioner will have fifth weekends in ☐ odd ☐ even months.

- (2) ☒ **Alternate weekends starting (date): immediately**

The ☐ petitioner ☒ respondent will have the children with him or her during the period

from Saturday at 9 ☒ a.m. ☐ p.m.
(day of week) (time)

to Sunday at 6 ☐ a.m. ☒ p.m.
(day of week) (time)

- (3) ☐ **Weekdays starting (date): immediately**

The ☐ petitioner ☒ respondent will have the children with him or her during the period

from Tuesday&Thursday at 3:30 ☐ a.m. ☒ p.m.
(day of week) (time)

to Tuesday&Thursday at 7:00 ☐ a.m. ☒ p.m.
(day of week) (time)

- (4) ☒ **Other (specify days and times as well as any additional restrictions):**

see FL-341(D)

☐ See Attachment 2e(4).

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3. ☐ **Supervised visitation.**
 I request that (name): have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by (name): who is a ☐ professional ☐ nonprofessional supervisor. The supervisor's phone number is (specify):

I request that the costs of supervision be paid as follows: petitioner: percent; respondent: percent.

If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be bad for your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.

4. ☒ **Transportation for visitation and place of exchange.**
- a. ☒ Transportation to the visits will be provided by (name): The Petitioner Tammy Williams-Boesch
 - b. ☒ Transportation from the visits will be provided by (name): The Petitioner Tammy Williams-Boesch
 - c. ☒ Drop-off of the children will be at (address): E.S.P.D. or Malibu Sheriff Station's Lobby
 - d. ☒ Pick-up of the children will be at (address): E.S.P.D. or Malibu Sheriff Station's Lobby
 - e. ☒ The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
 - f. ☐ During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
 - g. ☒ Other (specify):

Petitioner or Respondent shall walk the children to the door of either lobby while the awaiting parent remains inside. Parallel Parenting Plans seek minimum contact between parents at this point. Review hearings shall determine the feasibility of future communications between parents.

5. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other (name): must have written permission from the other parent or a court order to take the children out of
- a. ☐ the state of California.
 - b. ☐ the following counties (specify):
 - c. ☐ other places (specify):
6. ☐ **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.
7. ☒ **Children's holiday schedule.** I request the holiday and visitation schedule set out on the attached ☒ form FL-341(C) ☐ other (specify):
8. ☒ **Additional custody provisions.** I request the additional orders regarding custody set out on the attached ☒ form FL-341(D) ☐ other (specify):
9. ☐ **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached ☐ form FL-341(E) ☐ other (specify):
10. ☐ **Other.** I request the following additional orders (specify):

PETITIONER: Williams-Boesch	CASE NUMBER:
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ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

TO ☒ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. ☐ **Notification of parent's current address.** Each parent must notify the other parent of his or her current address and telephone number within (specify number): _____ days of any change in his or her
 - a. address for ☐ residence ☐ mailing ☐ work.
 - b. telephone/message number at ☐ home ☐ work ☐ the children's schools.

Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.
2. ☒ **Notification of proposed move of child.** Each parent must notify the other parent (specify number): 45 days prior to any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
3. ☒ **Child care**
 - a. ☒ The children must not be left alone without age-appropriate supervision.
 - b. ☒ The parents must let each other know the name, address, and phone number of the children's regular child-care providers.
4. ☒ **Right of first option of child care.** In the event either parent requires child care for (specify number): 3 hours or more while the children are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a parent is working.
5. ☒ **Canceled parenting time**
 - a. ☒ If the noncustodial parent fails to arrive at the appointed time and fails to notify the custodial parent that he or she will be late, then the custodial parent need wait for only (specify number): 15 minutes before considering the visitation canceled.
 - b. ☒ In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity.
 - c. ☒ The custodial parent must give the noncustodial parent as much notice as possible if the children are ill and unable to participate in scheduled time with the other parent. ☒ A doctor's excuse is required.
6. ☒ **Phone contact between parents and children**
 - a. ☒ The children may have telephone access to the parents ☒ and the parents may have telephone access to the children at reasonable times, for reasonable durations.
 - b. ☐ The scheduled phone contact between parents and the children is (specify): _____
 - c. ☒ Neither parent nor any other third party may listen to or monitor the calls.
7. ☒ **No negative comments.** Neither parent will make or allow others to make negative comments about the other parent or the other parent's past or present relationships, family, or friends within hearing distance of the children.
8. ☒ **No use of children as messengers.** The parents will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
9. ☒ **Alcohol or substance abuse.** The ☒ petitioner ☒ respondent may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (specify number): _____ hours prior to or during periods of time with the children ☒ and may not permit any third party to do so in the presence of the children.
10. ☒ **No exposure to cigarette smoke.** The children will not be exposed to secondhand cigarette smoke while in the home or car of either parent.

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11. ☒ **No interference with schedule of other parent without that parent's consent.** Neither parent will schedule activities for the children during the other parent's scheduled parenting time without the other parent's prior agreement.
12. ☒ **Third-party contact**
 - a. ☐ The children will have no contact with (specify name):
 - b. ☒ The children must not be left alone in the presence of (specify name): Joanna Gardner - former babysitter
13. ☒ **Children's clothing and belongings**
 - a. ☒ Each parent will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
 - b. ☒ The children will be returned to the other parent with the clothing and other belongings they had when they arrived.
14. ☐ **Log book.** The parents will maintain a "log book" and make sure that the book is sent with the children between their two homes. Using businesslike notes (no personal comments), parents will record information related to the health, education, and welfare issues that arise during the time the children are with them.
15. ☒ **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.
16. ☒ **Other (specify):**

This is a Parallel Parenting Plan designed to have minimum contact between parents.

The Parenting Time for the Respondent Father will commence immediately with the Tues/Thurs 3:30pm- 7:30 pm exchanges taking place at the El Segundo Police Department Lobby. The Children will have dinner with the Respondent Father during this parenting time.

The Every Other week-end shall commence immediately. All exchanges shall be at the Malibu Sheriff's Station Lobby, located at 27050 Agoura Road, Lost Hills, CA 91301.

As stated above, all phone contact between the Respondent Father, now extended from the ten minute window to at least a thirty minute window [7pm-7:30pm]. This order will place the burden to be now shared by BOTH parents. It is BOTH parents' responsibility to see that contact is made between either the custodial and non-custodial parent and the children.

A three-month review hearing shall be held to determine the progress of this parallel parenting plan.

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PETITIONER: Williams-Boesch RESPONDENT: Duval	CASE NUMBER: SD 023 958
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CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☒ Petition or Application for Order ☐ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Pet" or "Resp" to specify each parent's years—odd, even, or both ("every year")—and under "Time" specify the starting and ending days and times.

Holiday	Time (from when to when) (Unless otherwise noted, all single-day holidays start at 9 a.m. and end at 7:30 p.m.)	Every Year <i>Petitioner/ Respondent</i>	Even Years <i>Petitioner/ Respondent</i>	Odd Years <i>Petitioner/ Respondent</i>
January 1 (New Year's Day)			Pet	Resp
Martin Luther King's Birthday (weekend)			Resp	Pet
Lincoln's Birthday			Resp	Pet
President's Day (weekend)			Resp	Pet
Spring Break, first half		Pet		
Spring Break, second half		Resp		
Mother's Day		Pet		
Memorial Day (weekend)			Resp	Pet
Father's Day		Resp		
July 4th			Resp	Pet
Labor Day (weekend)			Resp	Pet
Columbus Day (weekend)			Resp	Pet
Halloween			Resp	Pet
Veteran's Day (weekend)			Resp	Pet
Thanksgiving Day			Resp	Pet
Thanksgiving weekend			Resp	Pet
Winter Break, first half		Pet		
Winter Break, second half		Resp		
New Year's Eve			Resp	Pet
Child's birthday			Resp	Pet
Mother's birthday		Pet		
Father's birthday		Resp		
Breaks for year-round schools	n/a			
Summer Break, first half	modify parenting plan			
Summer Break, second half	modify parenting plan			
Other (specify):				

☒ Any three-day weekend not specified above will be spent with the parent who would normally have that weekend.

☒ Other (specify):

Any overnights with the Respondent Father will be at a National or State Park with full facilities.

2. **Vacations.** The ☐ petitioner ☐ respondent may take a vacation of up to (specify number): ☐ days ☐ weeks with the children the following number of times per year (specify): ☐. They must notify the other parent in writing of their vacation plans a minimum of (specify number): ☐ days in advance and provide the other parent with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.
- ☐ The other parent has (specify number): ☐ days to respond if there is a problem with the schedule.
- a. ☐ This vacation may be outside California.
- b. ☐ Any vacation outside ☐ California ☐ the United States requires prior written consent of the other parent or a court order.
- c. ☐ Other (specify):

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OTHER PARTY:	

REQUEST FOR ATTORNEY'S FEES AND COSTS ATTACHMENT

1. I am completing this form because:

- a. ☐ I need to have enough money for attorney's fees and costs to present my case adequately;
☐ I am receiving free legal services from an attorney at a nonprofit legal services agency or a volunteer attorney.
- ☒ b. I have less money or limited access to funds to retain or maintain an attorney compared to the party that I am requesting pay for my attorney's fees and costs; and
- ☒ c. the party that I want the court to order to pay for my attorney's fees and costs has or is reasonably likely to have the ability to pay for attorney's fees and costs for me and himself or herself.

2. I am asking the court to order that (check all that apply): ☐ petitioner/plaintiff ☐ respondent/defendant
☒ other party (specify): anyone paying her bills pay for my attorney's fees and costs in this legal proceeding as follows:

- a. ☒ Fees: \$ as accrued in the future
b. ☒ Costs: \$ as accrued in the future

3. The requested amount includes (check all that apply):

- a. ☒ a fee in the amount of \$ t.b.a. to hire an attorney in a timely manner before the proceedings in the matter go forward.
- b. ☐ attorney's fees and costs incurred from the beginning of representation until now in the amount of: \$
- c. ☐ estimated attorney's fees and costs in the amount of: \$
- d. ☐ attorney's fees and costs for limited scope representation in the amount of: \$

4. Have attorney's fees and costs been ordered in this case before?

- a. ☒ No.
- b. ☐ Yes. If so, describe the order:
- (1) The ☐ petitioner/plaintiff ☐ respondent/defendant ☐ other party must pay: \$ for attorney's fees and costs.
- (a) This order was made on (date):
- (b) From the payment sources of (if known):
- (c) The payments ☐ have been made ☐ have not been made ☐ have been made in part since the date of the order.
- (2) ☒ Additional information (specify):

The Petitioner has had professional representation since the outset. It's overdue that the court apply this statute [CA F.C. 2030] for equal representation.

5. Along with this Request form, you must complete, file and serve:

- a. A current *Income and Expense Declaration* (form FL-150). It is considered current if you have completed form FL-150 within the past three months and no facts have changed since the time of completion; and

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5. b. A personal declaration in support of your request for attorney's fees and costs that explains why you need an award of attorney's fees and costs (either *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in form FL-158).
6. The party requesting attorney's fees and costs must provide the court with sufficient information about the following factors:
- a. The attorney's hourly billing rate;
 - b. The nature of the litigation, its difficulty, and the skill required and employed in handling the litigation;
 - c. Fees and costs incurred until now; anticipated attorney's fees and costs; and why the fees and costs are just, necessary, and reasonable;
 - d. The attorney's experience in the particular type of work demanded; and
 - e. If it is a limited scope fee arrangement, the scope of representation.

Notice to Responding Party

7. To respond to this request, you must complete, file, and serve:
- a. A *Responsive Declaration* (form FL-320);
 - b. A current *Income and Expense Declaration* (form FL-150). It is considered current if you have completed form FL-150 within the past three months and no facts have changes since the time of completion; and
 - c. A personal declaration explaining why the court should grant or deny the request for attorney's fees and costs (either *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in form FL-158).
8. Number of pages attached to this *Request* form: _____

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: 12/9/13

Damon A. Duval
(TYPE OR PRINT NAME)


(SIGNATURE)

PETITIONER/PLAINTIFF: Williams-Boesch RESPONDENT/DEFENDANT: Duval OTHER PARTY:	CASE NUMBER: SD 023 958
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SUPPORTING DECLARATION FOR ATTORNEY'S FEES AND COSTS ATTACHMENTTo: ☒ **Request for Attorney's Fees and Costs Attachment (form FL-319)**☐ **Responsive Declaration (form FL-320)**

1. I am

- a. ☐ the petitioner/plaintiff.
b. ☒ the respondent/defendant.
c. ☐ the other party.

2. I request that the court ☒ grant ☐ grant in part ☐ deny the request for attorney's fees and costs.3. I am providing the following information ☒ in support of ☐ in opposition to the request for attorney's fees and costs.a. The ☐ petitioner/plaintiff ☐ respondent/defendant ☐ other party has the ability to pay

- (1) ☐ my attorney's fees and costs.
(2) ☐ his or her own attorney's fees and costs.
(3) ☐ both my and his or her own attorney's fees and costs.
(4) ☒ other (specify):

My need for equal representation in these proceedings pursuant to CA Family Code 2030.

The Petitioner has had professional representation since the outset. It's overdue that the court apply this statute for equal representation.

b. The attorney's fees and costs can be paid from the following sources:

From wherever the court determines is the source of the petitioner's obvious ability to pay an attorney for the past seven years.

c. The court should consider the following facts in deciding whether to grant, grant in part, or deny the request for attorney's fees and costs (describe):

☐ See Attachment 3c.

1) The Respondent Father is disabled and on a fixed income. See attached Income and Expense Declaration.

2) The fact that the Respondent's financial status will not change anytime soon with more surgeries and treatment pending.

3) The Court's preference in Attorneys over parties in propria persona.

d. If appropriate, describe the reasons why a non-spouse party or domestic partner is involved in the case and whether he or she should or should not pay attorney's fees and costs:

☐ See Attachment 3d.

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OTHER PARTY:	

4. Has an order already been made for payment of child support in this case?

a. ☒ No.b. ☐ Yes. If so, describe the order:(1) The ☐ petitioner/plaintiff ☐ respondent/defendant ☐ other party must pay: \$
per month for child support.

(a) This order has been in effect since (date):

(b) The payments ☐ have been made ☐ have not been made ☐ have been made in part
since the date of the order.(2) ☒ Additional information (specify):The petitioner has been notified by the Social Security Office of her qualifying, as being the
present custodial parent, of the subsequent monthly benefits that are available to her. See
Exhibit E.

5. Has an order already been made for payment of spousal, partner, or family support in this case?

a. ☒ No.b. ☐ Yes. If so, describe the order:(1) The ☐ petitioner/plaintiff ☐ respondent/defendant ☐ other party must pay: \$
per month for ☐ spousal support ☐ partner support ☐ family support.

(a) This order has been in effect since (date):

(b) The payments ☐ have been made ☐ have not been made ☐ have been made in part
since the date of the order.(2) ☒ Additional information (specify):Although no marriage license has been disclosed to the court, the petitioner claims to be
the wife of Markus A. Boesch.

6. If you are or were married to, or in a domestic partnership with, the person you are seeking fees from, the court must consider the factors in Family Code section 4320 in determining whether it is just and reasonable under the relative circumstances to award attorney's fees and costs. Complete and attach *Spousal or Partner Support Declaration Attachment* (form FL-157) or a comparable declaration to provide the court with information about the factors described in section 4320.

7. You must complete, file, and serve a current *Income and Expense Declaration* (form FL-150). It is considered current if you have completed form FL-150 within the past three months and no facts have changed since the time of completion.

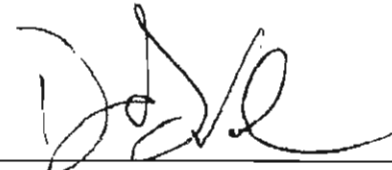
8. Number of pages attached to this *Supporting Declaration*: 0

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: 12/9/13

Damon A. Duval

(TYPE OR PRINT NAME)



(SIGNATURE)

CASE NUMBER:

SD 023 958

 PETITIONER/PLAINTIFF: Tammy L. Williams-Boesch
 RESPONDENT/DEFENDANT: Damon A. Duval
 OTHER PARENT/CLAIMANT:

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. Income (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)
- | | Last month | Average monthly |
|---|------------|-----------------|
| a. Salary or wages (gross, before taxes) | \$ _____ | _____ |
| b. Overtime (gross, before taxes) | \$ _____ | _____ |
| c. Commissions or bonuses | \$ _____ | _____ |
| d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving | \$ _____ | _____ |
| e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage | \$ _____ | _____ |
| f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership | \$ _____ | _____ |
| g. Pension/retirement fund payments | \$ _____ | _____ |
| h. Social security retirement (not SSI) | \$ 922.00 | 922.00 |
| i. Disability: <input checked="" type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance | \$ _____ | _____ |
| j. Unemployment compensation | \$ _____ | _____ |
| k. Workers' compensation | \$ _____ | _____ |
| l. Other (military BAQ, royalty payments, etc.) (specify): | \$ _____ | _____ |

6. Investment income (Attach a schedule showing gross receipts less cash expenses for each piece of property.)
- | | | |
|---------------------------------|----------|-------|
| a. Dividends/interest | \$ _____ | _____ |
| b. Rental property income | \$ _____ | _____ |
| c. Trust income | \$ _____ | _____ |
| d. Other (specify): | \$ _____ | _____ |

7. Income from self-employment, after business expenses for all businesses. \$ _____
- I am the ☐ owner/sole proprietor ☐ business partner ☐ other (specify): _____
- Number of years in this business (specify): _____
- Name of business (specify): _____
- Type of business (specify): _____

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.

8. ☐ Additional income. I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): _____
9. ☐ Change in income. My financial situation has changed significantly over the last 12 months because (specify): _____

10. Deductions
- | | Last month |
|---|------------|
| a. Required union dues | \$ _____ |
| b. Required retirement payments (not social security, FICA, 401(k), or IRA) | \$ _____ |
| c. Medical, hospital, dental, and other health insurance premiums (total monthly amount) | \$ _____ |
| d. Child support that I pay for children from other relationships | \$ _____ |
| e. Spousal support that I pay by court order from a different marriage | \$ _____ |
| f. Partner support that I pay by court order from a different domestic partnership | \$ _____ |
| g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g") | \$ _____ |

11. Assets
- | | |
|---|----------------|
| a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts | Total \$ 65.00 |
| b. Stocks, bonds, and other assets I could easily sell | \$ _____ |
| c. All other property. <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe) | \$ _____ |

PETITIONER/PLAINTIFF: <u>Tammy L. Williams-Boesch</u>	CASE NUMBER:
RESPONDENT/DEFENDANT: <u>Damon A. Duval</u>	<u>SD 023 958</u>
OTHER PARENT/CLAIMANT:	

12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. <u>Damon A. Duval</u>	<u>52</u>	<u>self</u>	<u>922.00</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
b.				<input type="checkbox"/> Yes <input type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses ☒ Estimated expenses ☐ Actual expenses ☐ Proposed needs

a. Home:	h. Laundry and cleaning	\$ <u>30.00</u>
(1) <input type="checkbox"/> Rent or <input type="checkbox"/> mortgage... \$ _____	i. Clothes	\$ _____
If mortgage:	j. Education	\$ _____
(a) average principal: \$ _____	k. Entertainment, gifts, and vacation.	\$ _____
(b) average interest: \$ _____	l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.)	\$ <u>350.00</u>
(2) Real property taxes	m. Insurance (life, accident, etc.; do not include auto, home, or health insurance) ...	\$ _____
(3) Homeowner's or renter's insurance (if not included above)	n. Savings and investments.	\$ _____
(4) Maintenance and repair	o. Charitable contributions.	\$ _____
b. Health-care costs not paid by insurance. ...	p. Monthly payments listed in item 14 (itemize below in 14 and insert total here) ...	\$ _____
c. Child care	q. Other (specify): <u>Storage fee/Mailbox</u>	\$ <u>181.00</u>
d. Groceries and household supplies.		
e. Eating out.		
f. Utilities (gas, electric, water, trash)	r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b))	\$ <u>903.00</u>
g. Telephone, cell phone, and e-mail	s. Amount of expenses paid by others	\$ _____

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
<u>Rosario Perry</u>	<u>Legal Services</u>	<u>\$ 100.00</u>	<u>\$ 966.50</u>	<u>10/21/13</u>
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

- a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 2,330.00
- b. The source of this money was (specify): disability refund - now depleted
- c. I still owe the following fees and costs to my attorney (specify total owed): \$ 966.50
- d. My attorney's hourly rate is (specify): \$ 350.00

I confirm this fee arrangement.

Date: 12/9/13Damon A. Duval

(TYPE OR PRINT NAME OF ATTORNEY)



(SIGNATURE OF ATTORNEY)

PETITIONER/PLAINTIFF: Williams-Boesch	CASE NUMBER:
RESPONDENT/DEFENDANT: Duval	SD 023 958

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO ☐ Findings and Order After Hearing (form FL-340) ☐ Judgment (form FL-180)
☐ Stipulation and Order for Custody and/or Visitation of Children (form FL-355)
☒ Other (specify): FL-300

- Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
- Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
- Country of habitual residence.** The country of habitual residence of the child or children in this case is
☒ the United States ☐ other (specify):
- Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

5. ☐ **Custody.** Custody of the minor children of the parties is awarded as follows:

<u>Child's name</u>	<u>Date of birth</u>	<u>Legal custody to</u> (person who makes decisions about health, education, etc.)	<u>Physical custody to</u> (person with whom the child lives)
B.U. "Jazz" E. Duval	9-28-2001	Mother	Mother
Maya L. Duval	12-21-2003	Mother	Mother

6. ☐ **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. (*Child Abduction Prevention Orders Attachment* (form FL-341(B)) must be attached and must be obeyed.)

7. ☒ **Visitation (parenting time)**

- ☐ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
- ☐ See the attached _____-page document.
- ☐ The parties will go to mediation at (specify location):
- ☐ No visitation
- ☒ Visitation (parenting time) for the ☐ petitioner ☒ respondent ☐ other (name):
will be as follows:

- (1) ☐ **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ at _____ a.m. _____ p.m.
(day of week) (time)

to _____ at _____ a.m. _____ p.m.
(day of week) (time)

- (a) ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent
☐ other (name): having the initial fifth weekend, which starts (date):

- (b) ☐ The petitioner will have fifth weekends in ☐ odd ☐ even months.

THIS IS A COURT ORDER.

**CHILD CUSTODY AND VISITATION (PARENTING TIME)
ORDER ATTACHMENT**

PETITIONER/PLAINTIFF: Willams-Boesch	CASE NUMBER:
RESPONDENT/DEFENDANT: Duval	SD 023 958

7. e. (2) ☒ **Alternate weekends starting (date):** immediately
 The ☐ petitioner ☒ respondent ☐ other (name): will have the children

with him or her during the period
 from Saturday at 9 ☒ a.m. ☐ p.m.
 (day of week) (time)
 to Sunday at 6 ☐ a.m. ☒ p.m.
 (day of week) (time)

- (3) ☒ **Weekdays starting (date):** immediately
 The ☐ petitioner ☒ respondent ☐ other (name): will have the children
 with him or her during the period

from Tuesday & Thursday at 3:30 ☐ a.m. ☒ p.m.
 (day of week) (time)
 to Tuesday & Thursday at 7:30 ☐ a.m. ☒ p.m.
 (day of week) (time)

- (4) ☒ **Other (specify days and times as well as any additional restrictions):**
 see attached FL 341(C); FL 341(D)

☐ See Attachment 7e(4).

8. ☐ **The court acknowledges** that criminal protective orders in case number (specify):
 in (specify court): relating to the parties in this case are in effect
 under Penal Code section 136.2, are current, and have priority of enforcement.

9. ☐ **Supervised visitation.** Until ☐ further order of the court ☐ other (specify):
 the ☐ petitioner ☐ respondent ☐ other (name): will have supervised visitation with
 the minor children according to the schedule

set forth on page 1. (You must attach **Supervised Visitation Order (form FL-341(A))**.)

10. ☒ **Transportation for visitation**
- The children must be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
 - ☒ Transportation to the visits will be provided by the ☒ petitioner ☐ respondent
☐ other (specify):
 - ☒ Transportation from the visits will be provided by the ☒ petitioner ☐ respondent
☐ other (specify):
 - ☒ The exchange point at the beginning of the visit will be at (address): either ESPD or L.A. County Sheriff's lobbies
 - ☐ The exchange point at the end of the visit will be at (address): the same as above
 - ☐ During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
 - ☒ Other (specify):

Petitioner or Respondent shall walk the children to the door of either lobby while the awaiting parent remains inside. Parallel Parenting Plans seek minimum contact between parents at this point. Review hearings shall determine the feasibility of future communications between parents.

11. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other (name):
 must have written permission from the other parent or a court order to take the children out of
- the state of California.
 - the following counties (specify):
 - other places (specify):

THIS IS A COURT ORDER.

PETITIONER/PLAINTIFF: Williams-Boesch	CASE NUMBER:
RESPONDENT/DEFENDANT: Duval	SD 023 958

12. ☒ **Holiday schedule.** The children will spend holiday time as listed ☐ below ☒ in the attached schedule.
(*Children's Holiday Schedule Attachment* (form FL-341(C)) may be used for this purpose.)

see FL 3421(C) attached

13. ☒ **Additional custody provisions.** The parents will follow the additional custody provisions listed ☐ below ☐ in the attached schedule. (*Additional Provisions—Physical Custody Attachment* (form FL-341(D)) may be used for this purpose.)

see FL 341(D) attached

14. ☐ **Joint legal custody.** The parents will share joint legal custody as listed ☐ below ☐ in the attached schedule.
(*Joint Legal Custody Attachment* (form FL-341(E)) may be used for this purpose.)

15. ☐ **Other (specify):**

THIS IS A COURT ORDER.

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	
OTHER PARTY:	

5. ☐ ATTORNEY'S FEES AND COSTS

- a. ☐ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

6. ☐ PROPERTY RESTRAINT

- a. ☐ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

7. ☐ PROPERTY CONTROL

- a. ☐ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

8. ☐ OTHER RELIEF

- a. ☐ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

9. ☐ SUPPORTING INFORMATION

☐ Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

NOTE: To respond to domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100), you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

23

1 **Mr. Damon A. Duval *In Propria Persona***

2 2461 Santa Monica Blvd. #801

3 Santa Monica, California 90404

4 All Rights Reserved Without Prejudice

5
6 **THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **IN AND FOR THE COUNTY OF LOS ANGELES**

8) **Case No. SD 023 958**

9)

10) **Attachment 1(d) to FL-300 Request For Order**

11 **Tammy L. Williams-Boesch**)

-Declaration in Support

12 **Petitioner,**)

-Attachments

13)

14 **v.**)

15)

16 **Damon A. Duval,**)

Respondent)

) HEARING DATE:

) TIME:

) DEPT:

19 _____
20
21 **To all parties and attorneys of record:**
22
23
24
25

Request For Order

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I. INTRODUCTION

"The truth is that most American children seem to be suffering from too much mother and too little father."

(GLORIA STEINEM, OP-ED, THE WASHINGTON POST, [SUNDAY, JUNE 7, 1970])

Gloria Steinem's prescient musing regarding the importance a father in the lives of his children was right on point. Even Ms. Steinem, an avowed feminist, who was never known as man's best friend, understood that children need active and engaged mothers and fathers to best give them an opportunity to develop and thrive.

The respondent father asserts here that it is way past due and time for his children, Jazz and Maya, to have *a little more father* in their lives, along with all the positive benefits that the precious time spent with their Dad will undoubtedly confer upon them. Hence, the Respondent's simple prayer before this court is that two children be allowed their right to spend more quality time with their own father – time rife with experience, strength, and hope - not an extraordinary or overreaching request, given the relevant facts as they now lay.

II. NO CHANGE OF CIRCUMSTANCES IS REQUIRED FOR THE REQUESTED PARENTING ORDER.

In re Marriage of Lucio (2008) 161 Cal.App.4th 1068, 74 Cal.Rptr.3d 803, the court determined that the change-of-circumstances rule does not apply to a request to modify parenting plan to provide for *unmonitored visitation, longer time*

1 with children, up to and including *alternate weekends with overnight visits*. It is
2 exactly these three items that are being requested by the Respondent. Though
3 overcoming a change of circumstance burden would be easily achieved by the
4 Respondent, it is not necessary in the instant case in front of the court.

5
6 **III. PARENTING TIME WITH THE RESPONDENT/FATHER IS**
7 **IN THE BEST INTERESTS OF HIS TWO CHILDREN, JAZZ AND**
8 **MAYA**

9 The Respondent's declaration of facts included to support his *FL-300*
10 *Request for Order* is short and to the point. Such facts are directly applicable
11 to the "best interests" of both the Respondent's minor children.

12
13 A review of the current and relevant facts vis-à-vis the "best interests" of the
14 children, where such interests intersect with increased visitation to the Respondent,
15 follows while comprehending that admissible, *highly questionable* evidence of
16 matters occurring years ago, or before, that are too remote to be considered (*In re*
17 *Marriage of Carney* (1979) 24 Cal.3d 725, 157 Cal.Rptr. 383) and in some cases,
18 *even admissible evidence* of acts years prior is irrelevant to the consideration of
19 custody and visitation arrangements (*In re Marriage of Mentry* (1983) 142
20 Cal.App.3d 260, 190 Cal.Rptr. 843). [emph. added]

21
22 1) The health, safety, and welfare of the child. (*Family Code* § 3011(a)).

23 | The record is lacking of any admissible evidence or finding of fact
24 that the Respondent has ever endangered the *physical* health, safety,
25 and welfare of any of his minor children. Likewise, there exists

1 V. COSTLY AND INTRUSIVE
2 PROFESSIONALLY MONITORED VISITATION
3 IS UNWARRANTED AND IS LIKELY A VIOLATION OF THE
4 EQUAL PROTECTION CLAUSE OF THE FOURTEENTH
5 AMENDMENT,
6 GIVEN THE FACTS OF THE INSTANT CASE.

7
8 The California Judges BenchGuide 2000, CUSTODY AND VISITATION,
9 [REVISED 2011] instructs the court as follows: "*The process of obtaining*
10 *appropriate supervised visitation is one of the most difficult problems for a court.*
11 *In many situations, an order for supervised visitation is tantamount to an order for*
12 *no visitation. If the parties cannot afford a professional or therapeutic visitation*
13 *supervisor or cannot agree on a nonprofessional supervisor, then there will be no*
14 *visitation. Judges should determine what resources are available in their county*
15 *for no cost or low cost supervisory services to ensure contact between the child*
16 *and the noncustodial parent.*"

17
18 Along with the case authority, *In re Marriage of Lucio* (2008) 161
19 Cal.App.4th 1068, 74 Cal.Rptr.3d 803, such instruction is a clear violation of the
20 *Equal Protection Clause of the Fourteenth Amendment* as it connotes that all other
21 variables being equal, parties who are perceived to be in a lower economic station
22 are given special and preferential treatment over parties who are believed to be
23 financially stronger. Such preferential treatment is patently unfair, unjust, and
24 unsupported by case law. The California Supreme Court spoke when it stated that,
25

“The court's reliance upon the economic position of the parties is impermissible.”(*Burchard v. Garay* (1986) 42 Cal.3d 535)

Also pertinent to custody issues, Division Six of the Second District Court of Appeal echoed the same concern when it said,

"The trial court here improperly based its decision on such factors. It expressly relied on Michael's superior economic position." (In re Marriage of Fingert (1990) 221 Cal. App. 3d 1580)

The principal is compelling – economic position, or lack thereof, should not be a relevant factor in custody and visitation decisions such as whether or not to assign a costly Professional Visitation Monitor to a party. In the United States of America, justice is to be applied equally and consistently – black or white, male or female, rich or poor . . .

More importantly, the record is devoid of any recent, relevant, and admissible evidence that would indicate the need for a costly and intrusive Professional Supervised Monitor. Hence, the need any type of monitoring over the Respondent's parenting time with his children should be a non-issue in granting the Respondent his requested orders.

VI. CONCLUSION

The Respondent hereby requests, based on the “best interests” of his two minor children and the facts presented, that this Honorable Court grant his prayers contained in his *FL-300 Request for Order*.

MEMORANDUM OF POINTS AND AUTHORITIES

CA Code of Civil Procedure Section 916(a) Except as provided in Sections 917.1 to 917.9, inclusive, and in Section 116.810, the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.

(b) When there is a stay of proceedings other than the enforcement of the judgment, the trial court shall have jurisdiction of proceedings related to the enforcement of the judgment as well as any other matter embraced in the action and not affected by the judgment or order appealed from.

917.7. The perfecting of an appeal shall not stay proceedings as to those provisions of a judgment or order which award, change, or otherwise affect the custody, including the right of visitation, of a minor child in any civil action, in an action filed under the Juvenile Court Law, or in a special proceeding, or the provisions of a judgment or order for the temporary exclusion of a party from a dwelling, as provided in the Family Code. However, the trial court may in its discretion stay execution of these provisions pending review on appeal or for any other period or periods that it may deem appropriate. Further, in the absence of a writ or order of a reviewing court providing otherwise, the provisions of the judgment or order allowing, or eliminating restrictions against, removal of the minor child from the state are stayed by operation of law for a period of seven calendar days from the entry of the judgment or order by a juvenile court in a dependency hearing, or for a period of 30 calendar days from the entry of judgment or order by any other trial court. The periods during which these provisions

1 allowing, or eliminating restrictions against, removal of the minor child from the
2 state are stayed, are subject to further stays as ordered by the trial court or by the
3 juvenile court pursuant to this section. An order directing the return of a child to a
4 sister state or country, including any order effectuating that return, made in a
5 proceeding brought pursuant to the Uniform Child Custody Jurisdiction and
6 Enforcement Act (Part 3 (commencing with Section 3400) of Division 8 of the
7 Family Code), the Parental Kidnapping Prevention Act of 1980(28 U.S.C. Sec.
8 1738A), or the Hague Convention on the Civil Aspects of International Child
9 Abduction (implemented pursuant to the International Child Abduction Remedies
10 Act (42 U.S.C. Secs. 11601-11610)) is not a judgment or order which awards,
11 changes, or otherwise affects the custody of a minor child within the meaning of
12 this section, and therefore is not subject to the automatic stay provisions of this
13 section.

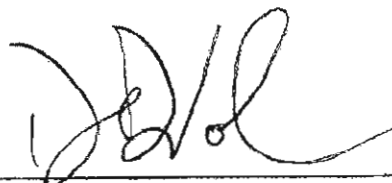
14 AFFIDAVIT IN SUPPORT

15
16 See Amicus Curiae Brief from Drs. Share and Wirshing filed "received" on
17 12/5/2013.
18
19
20

21
22 Date:

12/9/13

Signed:



Damon A. Duval¹

Declaration

I, Damon Anthony Duval declare that:

1. I am the respondent in this matter SD 023 958 before the court.
2. The 12/2/13 order was appealed on 12/6/13.
3. The formal request for stay of proceedings was filed with the Appellate Court.
See Exhibit H.
4. I haven't *seen* my children since 12/4/08.
5. I haven't had a meaningful conversation with either my son, Jazz [b. 9/28/01]
or my daughter, Maya [b. 12/21/03] since about March of 2009.
6. All court-ordered counseling was complied with in full without objection.
7. The presently acting Minor's Counsel, Amy L. Neiman, was notified about Dr.
Jack Share conducting counseling on 8/18/2011 and was re-informed, through the
respondent's own declaration attached in the motion that was filed by the
respondent on 8/15/2012. See Exhibit D
8. Court-Ordered Counseling proceeded and was completed with Dr. Jack Share
without any objection from petitioner's attorney, Roy Kight, or Minor's Counsel,
Amy Neiman.

1 9. Petitioner Mother has been notified for benefits re: the father's disability. See
2 Exhibit E.

3 10. According to the Bureau of Criminal Information, The Respondent Father is
4 void of any wrongdoing. See Exhibit F
5


6 11. Declarations of character witnesses are attached as Exhibit G. They are from
7 friends, Attorneys, and Medical Professionals.

8 12. Petitioner Tammy Williams-Boesch lied four (4) times in her responsive
9 pleadings for the 11/27/13 hearing that claimed that phone calls weren't made by
10 the father to the children. That is just one month out of five years, hundreds of
11 calls, that never made it through to the children from the father.
12

13 For the sake of judicial economy I submit only the month of August 2012 to
14 factually support this claim. See Exhibit I
15
16
17

18 I declare under penalty of perjury, under the laws of the State of California that the
19 foregoing is true and correct.
20
21

22
23 Dated: 12/9/13

Signed: 

24 Damon A. Duval
25

Exhibit A

CHILD(REN) NAME
Maya Duval
Jazz Duval

CHILD I.D. #
1274-1807-7757-9044422
0336-5315-3546-7044422

Referral Number: 0335-4208-4055-5023291
Referral Date: 11/29/2007

Children's pediatrician is Dr. Russell at Brotman Hospital, but father stated he has not taken the children there since this allegation. Father stated that Jazz and Maya are due for their shots this month. Father stated that he is concerned that Maya has been fondled.

Father stated he was born in Santa Monica, but studied in France since 7th grade.

Father got Maya. Father stated that the children will be with him the whole weekend, and supported the CSW's returning on Monday to talk to Maya during the school day. CSW introduced herself to Maya, and father encouraged Maya to talk alone with the CSW as a "Safety First Person," but she clung to father and would not separate from him.

(Father called numerous times to ask about this investigation and give updates about the Family Law Court proceedings. CSW gave father the phone number for the Office of County Counsel.)

Jazz, age 6

12-7-07 FTF at Roosevelt ES:

When Jazz arrived at the office, he chose to have Ms. Hurst to stay in the room for the interview. She left briefly and then returned.

Asked about his name, Jazz stated that his last name is spelled Duval and pronounced "DooVEIL," "because it's a French name." He stated he is 6 years old, his birthday was on Sept. 28 and they went camping in Santa Barbara, and he is in the 1st grade. Jazz stated that when they went camping, they were in the RV "and the train was loud."

Asked how he lost his upper teeth, Jazz stated he knocked them out and explained that his friends Nicholas and Gig had the stick used in the classroom for pointing at the calendar, he was trying to take it away, but Nicholas was too strong, so Jazz put his weight on it and demonstrated that he fell forward with the stick coming up as he fell onto a wooden bookshelf. He stated there was a little blood and they put the teeth in water. He stated he did not go to a dentist for this. Asked when he last saw a dentist, he showed the CSW that his 2 upper teeth had cavities for which he got a shot, and his left molar had a silver cap which was done when he was 4 years old.

Asked about school last year, Jazz stated he went to kindergarten near where his mom used to live, but then she moved to Santa Monica or West LA with her boyfriend. Asked where he lives most of the time: "With my mom." Asked about when he is with his dad, Jazz stated that the house where his mom lives is "pretty small," they had to sleep on the ground, so now they always are at "Daddy's for nights and Mommy's for days."

Asked what happens when Daddy thinks he did something wrong, he says "He grows mad. He talks really fast." Asked what happens when Daddy thinks he did something wrong. "She gives me a spanking." Asked how. "She smacks my butt with her hand." Asked about mother and his sister, he said mom "spanks" his sister the same way. Asked about father and his sister, he said "He smacks her."

Referral Number: 0335-4208-4055-5023291
Referral Date: 11/29/2007

██████████ Asked about Mom's boyfriend, Jazz stated his name is Marcus. Asked how Marcus treats him: "Nice."

Asked about whether he takes a bath or shower, Jazz stated a bath at his mom's, but they don't sleep there. Asked about getting any help with a bath, Jazz stated, "Mom washes my hair." Asked about getting help when using the bathroom, Jazz said, "No." Asked about taking a bath at Dad's, he said no. Asked if they ever change clothes at Dad's: "Yes." Asked about the rules of privacy at Dad's, if he gets help: "No." At Mom's: "No."

Asked if he's ever seen naked people: "No." Pictures of naked people: "No." Asked if someone ever tried to touch his private areas, what would he do, Jazz said he'd say "Stop!" and tell the teacher.

Maya, age 4

12-7-07 FTF at McKinley ES Preschool:

Father got Maya. Father stated that the children will be with him the whole weekend, and supported the CSW's returning on Monday to talk to Maya during the school day. CSW introduced herself to Maya, and father encouraged Maya to talk alone with the CSW as a "Safety First Person," but she clung to father and would not separate from him.

12-10-07 FTF at McKinley ES preschool program:

Upon arrival, Maya's classroom was waking up from nap time. The CREST director gave the CSW a copy of El Segundo Police Department Crime Report DR# 07-2843 dated 7-30-07, saying father left this for the CSW.

Maya chose to talk with the CSW with her teacher, Miss Lety, present. Actually, she was tearful and whining and sat in the teacher's lap, saying several times, "I don't want to go." CSW talked with her about what she would be doing with father after school. She talked a bit about picking up her brother from school, but did not answer a question about her favorite food. Maya was not responsive to questions about the color of her shirt or truth or lie. Asked if talking a lie is bad, she stated, "I don't know."

Asked if she saw her mom yesterday, she stated no. Asked if at her Dad's, anyone helps her take a bath, Maya stated, "He doesn't have a bath, but my mommy does." Asked where she lives with her Daddy: "At the RV." Asked if it has a bathroom: "Yes." Asked where she sleeps: "On the bed." Asked where her brother sleeps: "With me and Daddy." Asked if in one big bed: "Yes." Asked if anyone at her mom's helps her take a bath: "I don't know." Asked if her mom does: "Yes." Asked if Marcus does: "No." Asked if anyone helps her when she uses the toilet at her mom's, she did not answer. Asked if Marcus helps her use the toilet: "Only my mom."

William C. Wirshing, M.D.
Medical Director
Exodus Inc.
3828 Delmas Terrace
Culver City, CA 90232
(310) 253-9494

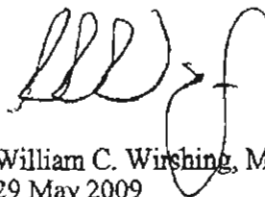
29 May 2009

Re: Damon Duval

This letter is written at the request of the above referenced patient. I am a physician who has been licensed to practice medicine in the state of California since 1983. I am Board Certified in Psychiatry and Neurology and have added qualification in Geropsychiatry. Mr. Duval underwent a comprehensive psychiatric evaluation by me on 23 Apr 2008. I again examined Mr. Duval in May of this year in a briefer follow up interview/examination. It is my considered medical opinion that Mr. Duval suffers from no acute psychopathology and that there is no medical reason to believe that he could not perform customary parenting responsibilities. Further, based on his history and characterologic makeup he has a much lower than average future risk of engaging in interpersonal violence.

I have arranged to make myself available to the court via telephone (Cell Number 310 413-4200) on Monday 1 Jun 2009 should my further testimony be deemed necessary or helpful.

I swear under the usual penalties of perjury that the forgoing is an accurate and complete accounting of my medical opinion. Please feel free to contact me with any questions you might have concerning this correspondence.



William C. Wirshing, M.D. Culver City, CA
29 May 2009

000113

42

William C. Wirshing, M.D.
Vice President Exodus Recovery, Inc
Exodus Recovery Inc.
3828 Delmas Terrace
Los Angeles, CA 90232
(310) 253-9494

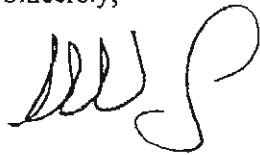
17 Dec 2012

Re: Damon Duval

To Whom It May Concern:

I am a physician who has been licensed to practice medicine in the state of California since 1983. I am Board Certified in Psychiatry and Neurology and am a Clinical Professor of Psychiatry at the Keck School of Medicine at USC. I am also Director of Continuing Medical Education and Research at Exodus Recovery Inc., in Los Angeles. I am writing this letter at the request of the above referenced patient who I have seen on an irregular basis over the last four years (the latest being today). It is my opinion to a reasonable degree of medical certainty that Mr. Duval does not suffer from any significant psychiatric syndrome other than the occasional adjustment reaction to the stress of his ongoing efforts to be granted parental access to his children. It is further my opinion that there exists no psychiatric reason why he should not be granted usual parental privileges and responsibilities at this time.

Sincerely,

A handwritten signature in black ink, appearing to be 'W. Wirshing', written in a cursive style.

William C. Wirshing, M.D.

Jack B. Share, Ph.D.

Licensed Psychologist, PSY #283
4419 Van Nuys Blvd., Suite 402,
Sherman Oaks, California 91403

office: (818) 501-0895

email: ajoshare@me.com

fax: (818) 789-4088

October 24, 2011

RE: DUVAL, DAMON A.
Case #: SD 023 958

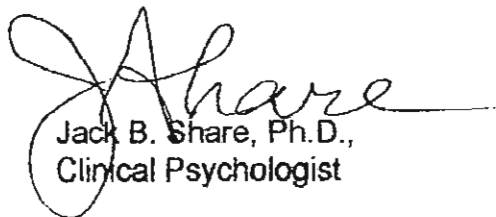
To Whom It May Concern:

This is to confirm that Mr. Damon A. Duval has been coming in for psychotherapy on a weekly basis, as of 9/22/2011. He has been on time for all his appointments and has actively and openly participated in therapy. Today was his 6th consecutive session.

On 10/18/11, I spoke with William C. Wirshing, MD, psychiatrist, who saw Mr. Damon A. Duval in the past. Dr. Wirshing reported that he had seen Mr. Duval several times at different time periods, and did not find him to have any outstanding psychopathology. Dr. Wirshing reported that he had informed the court that Mr. Duval does not present a threat to himself or others. He found him to be under a great deal of stress in his attempts to see his children.

In the sessions leading up to my call to Dr. Wirshing, I found Mr. Duval to be stressed and most anxious to have a relationship and see his children. I concur with Dr. Wirshing's findings, that Mr. Duval does not appear to present a danger to his children or others. I have seen no evidence or reason why he cannot resume visitations with his children, as per No. 14 in the Court-issued Restraining Order from 12/18/2010.

Respectfully,


Jack B. Share, Ph.D.,
Clinical Psychologist

CONFIDENTIAL

Jack B. Share, Ph.D.

Licensed Psychologist, PSY #283
4419 Van Nuys Blvd., Suite 402,
Sherman Oaks, California 91403

office: (818) 501-0895

email: ajoshare@me.com

fax: (818) 789-4088

January 21, 2013

To Whom It May Concern,

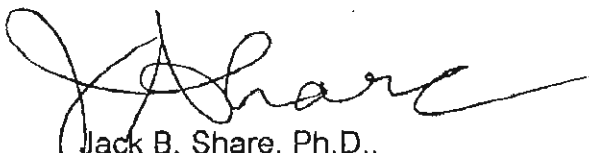
This to confirm that **Mr. Damon A. Duval** has been coming in for psychotherapy on a weekly basis, as of September 22, 2011. He has been on time for all his appointments and has actively and openly participated in therapy.

On October 18, 2011, I spoke with one **William C. Wirshing, MD**, psychiatrist, who has seen and evaluated **Mr. Duval** in the past. Dr. Wirshing reported to me that he had evaluated **Mr. Duval** several times at different time periods, and did not find him to have any outstanding psychopathology. Dr. Wirshing further reported that he had informed the court that **Mr. Duval** does not present a threat to himself or others. Dr. Wirshing also found **Mr. Duval** to be under a great deal of distress in his attempts to see his children.

In the sessions leading up to my call to Dr. Wirshing, I found **Mr. Duval** to be stressed and most anxious to be able to see and have a re-unified relationship with his two children. I concur with Dr. Wirshing's findings, that **Mr. Duval** does not present a danger to himself, his children, or others. I have seen no evidence or reason why he cannot resume parenting time with his children, as per item #14 in the court-issued restraining order from December 16, 2011.

On **Mr. Duval's** request, I have continued to see him on an irregular basis even after his court ordered 6 months of sessions had been satisfied. He has come to these sessions on-his-own-accord just to "check-in" in regards to his completed term of counseling. The dates of these sessions after March 27, 2012 include August 6, 2012; August 13, 2012; September 1, 2012; and a telephone session on January 10, 2013. In the year plus since I have met **Mr. Duval**, I remain convinced that there is no reason why he cannot resume parenting time with his children. I have been most impressed with his patience in dealing with what appears to be a "broken family court system."

Respectfully,



Jack B. Share, Ph.D.,
Clinical & Educational Psychologist

Date 11/24/09 Time 4:40 pm. Referred by WALK-IN

INTAKE SHEET

Call taken by

Name of Caller Damon Duval

Name of person seeking therapy Same

Age 47

Address P.O. Box 3313

Age 47 Sex M F

City SM. CA 92408

Zip

Therapy: IND. COUPLE FAMILY CHILD

Home phone 310 463 2371

OK to say FSSM when we call back: YES NO

Work phone Same

OK to say FSSM when we call back: YES NO

Marital Status: SINGLE MARRIED DIVORCED SEPARATED WIDOWED DOMESTIC PARTNERSHIP

If divorced & seeking child/family therapy, legal custody is: SOLE JOINT Define: Joint Legal Custody

Occupation: Artist Monthly gross household income (before taxes): 0

NOTE: PROOF OF INCOME LE., FIRST PAGE 1099, RECENT PAY STUB, CANCELED CHECK, OR SOME KIND OF INCOME STATEMENT WILL BE REQUIRED AT FIRST CONSULTATION.

Do you or a family member live work or attend school in Santa Monica? (Please circle all that apply)

If so, please indicate who, Damon Duval Household size: 1

What school does your child attend? El Segundo

Insurance / Medi-cal Information

Do you have outpatient mental health insurance coverage? YES NO Name of insurance:

Name of Insured Person:

If therapy is for a child, is child covered by Medi-Cal? YES NO (FSSM DOES NOT ACCEPT MEDI-CAL FOR ADULTS)

Name on card

Card #

Issue date

Date of birth

MEDICAL CARD AND PROOF OF INCOME MUST BE PROVIDED AT FIRST CONSULTATION

Have been seen at FSSM before? YES NO Are any family members currently being seen at FSSM? YES NO

Are you court ordered for counseling? YES NO Define: Court ordered to attend sessions

What is the reason for your call? above

How long has this been going on? Court order today 1/20/09 2/1/09 DEBIL

Any Current/Previous treatment? Where Exodus - Psych Eval When 2008/2009 Whirling

The following are screening questions and we want to get as much specific information as possible:

What is your experience with alcohol or drugs SABER nine years

Have you ever in the past, or now ...

...had episodes of violence/aggression? YES NO Define:

If yes, did this involve the law? YES NO Define:

...been hospitalized for emotional troubles? YES NO Define:

...received medication for emotional troubles? YES NO Define:

Are you depressed? YES NO Are you suicidal now? YES NO Have you attempted suicide in the past? YES NO

DAYS/TIMES YOU CAN COME FOR APPOINTMENT? M - Sun 7 days (6 sessions ASAP)

SCHEDULED:

Day Date Time Therapist Fee

46



FAMILY SERVICE
OF SANTA MONICA

21 July 2009

To Whom It May Concern:

Family Service of Santa Monica provides services on a sliding scale basis. We are not able to provide services gratis, but can slide considerably when we have openings.

Sincerely,

Sheryl Sims, LCSW 15608

Sheryl Sims, LCSW
Intake Coordinator
(310) 451-9747

45

Exhibit D

Copy of Declaration from
Filed 8/15/12 Motion

Declaration in Support

I, Damon Anthony Duval, declare the following:

1. I am the Respondent/Father in the case No. SD 023 958, before the court.
2. I am a father of Ms. Neiman's minor clients, Jazz [b. 9/28/01] and Maya [b. 12/21/03] Duval.
3. On March 24th of 2010, in a Van Nuys courtroom, in an unrelated case, upon seeing me in the audience, Ms. Amy L. Neiman acting on her own volition, disrupted the day's proceedings and asked the Judge, The Honorable Louis Meisenger, to take notice of me. This outburst included but was not limited to stating aloud, "I think you should know who he is your honor." [See Exhibit 3] After what must have been an extremely embarrassing exchange between Ms. Neiman and the Honorable Meisenger, His Honor clarified that what was before the Van Nuys court *had nothing to do with me at all* and continued the day's proceedings.
4. On or about January 16th, 2012, I became aware that Ms. Neiman disclosed the details of my case (SD 023958) in an unrelated criminal case, wherein Amy L. Neiman was a defendant. Ms. Neiman made different allegations against me adding photographs of me and even my vehicle. In her pleadings Ms. Neiman admitted sending her agents to follow me, taking pictures of me, and searching for my car parked in different places. [See Exhibit 2; pg. 6 (footnote); declaration on pgs. 17, 18, 19; vehicle photo on page 42, and photo of Mr. Duval on page 25]
5. On or about February 12th, 2012, I noticed Deputy City Attorney Alan Seltzer sitting in the audience alongside me in the Van Nuys Courtroom. He

1 stood out because he was passing notes up to the four lawyers that were
2 contentiously involved in the proceedings before the court. His wife Amy L.
3 Neiman was one of the defendants before the court. Mr. Seltzer was
4 reprimanded and warned this day by the judicial officer for passing notes up
5 from the audience, and when I introduced myself to him after the hearing,
6 stating it was nice to have finally met him, he stated to me, "YOU'RE NOT
7 GOING TO FIND IT TO BE SO NICE." Witnesses heard more precise
8 threats as he left the room, but I have not yet been able to depose them for
9 their testimony as to what he added.

10 "Accordingly, there was a conflict of interest where a criminal defendant's
11 appointed counsel was a city attorney, even if the attorney did not have
12 prosecutorial responsibilities for the type of crime for which defendant was
13 charged." [People v. Rhodes (1974) 12 Cal.3d 180, 115 Cal.Rptr. 235, 524
14 P.2d 363]

- 15 6. Over the past few years, once in early 2009, and again in August 2011, my
16 vehicle was broken into, and my personal items stolen. **Those items were**
17 **related ONLY to me and my children and had highly sentimental value**
18 **for the parent who has had no contact with his children since 12/3/08.**
- 19 7. Since August 2011, I was attempting to get copies of my children's medical
20 files from a time when upon I was the sole custodial parent. I was sent back
21 and forth for about 9 (nine) months. On or about April 18th, 2012, I was told
22 firsthand by Martha Andreani, the Quality Assurance Specialist of St. John's
23 Child Development Center, that "parents who have lost their parental rights
24 aren't able to access their children's files. That's what happens when you
25 lose them." When asked who told her that I had lost my parental rights, she

1 replied, "The Court." After obtaining the permission of St. John's CEO, Ms.
2 Lou Lazatin, Ms. Andreani was able to clarify for me that Amy L. Neiman
3 was the one who provided that misinformation to the hospital. [See Exhibit
4 4]

5 8. On August 18th, 2011, I informed Amy L. Neiman that I was commencing
6 court-ordered counseling with Dr. Jack B. Share in Van Nuys. A few days
7 prior, when making the appointment to see Ms. Neiman, I told her the same
8 information. Pursuant to both contacts with Ms. Neiman as being met
9 without concern and hostility, I continued with my therapy, and continue to
10 see Dr. Share on a monthly basis.

11 9. As a result of Amy L. Neiman's advances, albeit out of the
12 DOCUMENTED personal animosity or personal affection towards me, not
13 to mention those of her legally conflicting husband, SHE HAS BEEN
14 UNABLE TO COMMUNICATE TO ME ABOUT MY CHILDREN IN A
15 RESPONSIBLE AND LAWFUL MANNER. THUS, RENDERING HER
16 ABILITY TO PERFORM HER APPOINTED FUNCTION AND DUTIES
17 NULL IN REGARDS TO THE BEST INTERESTS OF MY CHILDREN.

18
19 I declare under penalty of perjury under the laws of the State of California, laws of
20 these United States, and Almighty God that the foregoing is true and correct.

21
22 Date:

9/3/12

Signed:



Damon A. Duval

Exhibit E

Social Security Administration
Retirement, Survivors and Disability Insurance

SOCIAL SECURITY
230 EAST SPRUCE AVENUE
INGLEWOOD, CA 90301-9954
Date: January 15, 2013
Claim Number: 548-45-7618C
205

TAMMY WILLIAMS BOESCH
FOR BANTU & MAYA DUVAL
206 E IMPERIAL AVE
#3
EL SEGUNDO, CA 90245

Dear TAMMY WILLIAMSBOESCH

Please call to discuss filing for benefits for your children on their father's account.

I left a message for you regarding this today.

Robin 866 964 5766 x 10311

If you have any questions, you should call, write, or visit any Social Security office. If you visit an office, please bring this letter. It will help us answer your questions.

Social Security Administration

52

Exhibit
F



CHILD ABUSE CENTRAL INDEX SELF INQUIRY REQUEST

Pursuant to California Penal Code section 11170(f)*, any person may request a self inquiry of the Child Abuse Central Index (CACI) from the Department of Justice based upon the required information below.
There is currently no fee for a self inquiry.

DOJ USE ONLY

Document Archive Number

In order to make a self inquiry:

1. Complete this form to the best of your knowledge.
2. Have the form notarized by an official Notary Public.
3. Mail the completed form to: Department of Justice, BCIA - Record Review Unit
P.O.Box 903417, Sacramento, CA 94203-4170

* California Penal Code section 11170(f):

(1) Any person may determine if he or she is listed in the Child Abuse Central Index by making a request in writing to the Department of Justice. The request shall be notarized and include the person's name, address, date of birth and either a social security number or a California identification number. Upon receipt of a notarized request, the Department of Justice shall make available to the requesting person information identifying the date of the report and the submitting agency. The requesting person is responsible for obtaining the investigative report from the submitting agency pursuant to paragraph (11) of subdivision (b) of section 11167.5.

(2) No person or agency shall require or request another person to furnish a copy of the record concerning himself or herself, or notification that a record concerning himself or herself exists or does not exist, pursuant to paragraph (1) of this subdivision.

Applicant Name	Last DUVAL	First DAMON	Middle ANTHONY
Current Address	Street Address or PO Box 2461 Santa Monica Blvd #801		City Santa Monica
	County Los Angeles	State or Country California, USA	ZIP Code 90404
Personal Information	Date of Birth 10-6-61 <input checked="" type="radio"/> Male <input type="radio"/> Female	Social Security Number 548-45-7618	Driver's License or Identification Number CA D.L.N7900555
Previous Names (Alias, Maiden, & AKA)	Last	First	Middle
	Last	First	Middle
	Last	First	Middle
Previous California Residences	Street Address 1320 Franklin St #B	City Santa Monica	County Los Angeles ZIP Code 90404
	Street Address General Delivery	City Santa Monica	County Los Angeles ZIP Code 90408
	Street Address " "	City " "	County " " ZIP Code 90401
	Street Address	City	County ZIP Code

THE FOLLOWING SECTION IS TO BE COMPLETED IN THE PRESENCE OF AN OFFICIAL NOTARY ONLY

In the State or Country of California County of Los Angeles on (Date) 05/07/2012
before me, (Name and Title of Notary Public) JC Joochang Lee, Notary Public
personally appeared (Applicant Name, Printed) Damon A. Duval

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed in this document and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the document the person executed this document.

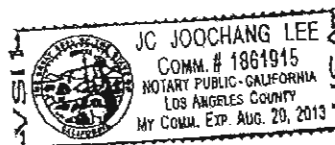
Applicant Signature

Official Seal of Notary (Below)

I certify under penalty of perjury that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Signature



PRIVACY NOTICE

Information requested on this form is being requested by the State of California, Department of Justice (DOJ), Bureau of Criminal Information and Analysis, Record Review Unit, for the purpose of requesting a self inquiry of the Child Abuse Central Index (CACI). The maintenance of the information collected on this form is authorized by California Penal Code section 11170(f). All information requested on this form is mandatory. Failure to provide the requested information will result in denial of your request, rejection of the application, and the action requested not being processed. Information provided on this form may be disclosed to any requesting person identifying the date of the report and the submitting agency who reported the information. Pursuant to Civil Code Section 1798.30 et seq., individuals have the right (with some exceptions) to access records containing the personal information about themselves that are maintained by the agency. The CJIS Forms Coordinator is the agency official responsible for the system of records that maintains the information provided on this form. For more information regarding the location of your records and the categories of any persons who use the information in those records, you may contact the BCIA, Record Review Unit, Department of Justice, at P.O. Box 903417, Sacramento, CA 94203-4170, or via telephone at (916) 227-3835.

0961 9208 2000 0002 1102

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Return Receipt Fee (Endorsement Required)		SANTA MONICA, CA 90407
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	
Sent To D.O.J.-BCIA-Record Review Unit		
Street, Apt. No., or PO Box No. P.O. Box 903417		
City, State, ZIP+4 [®] Sacramento, CA 95833-4170		
PS Form 3800, August 2006		See Reverse for Instructions

55

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

Record Review Unit

P.O. Box 903417

SACRAMENTO, CA 94203-4170

Telephone: (916) 227-3835

Facsimile: (916) 227-1964

May 9, 2012

Damon Anthony Duval

2461 Santa Monica Blvd., Apt #801

Santa Monica, CA 90404

RE: Child Abuse Central Index Name Search - Damon Anthony Duval

The Department of Justice has received your notarized letter requesting a search of the Child Abuse Central Index (CACI). Using your name and other personal descriptor information, the search results did not match any report on file.

If you have further questions, please contact our agency at (916) 227-3835.

Record Review Unit

Exhibit G

FILED
LOS ANGELES SUPERIOR COURT

JUL 17 2009

JOHN A. CLARKE, CLERK

DAVID B. BETER, DEPUTY

LAW OFFICES OF PHILIP L. NADLER
Philip L. Nadler SBN 51222
823 19TH STREET #D
SANTA MONICA, CA 90403-1931
Tel. (310) 828-2109 Fax (310) 828-6715

LAW OFFICES OF JOHN RIBARICH
John M. Ribarich SBN 183883
10573 Pico Blvd. Suite 223
Los Angeles, CA 90064
Tel. (310) 475-9703 Fax (310) 475-9703

LAW OFFICES OF MERRITT L. McKEON
Merritt L. McKeon, Esq. PLC, SBN 187983
932 N. French Street
Santa Ana, CA 92701
Tel. (714) 558-7922 Fax (714) 558-7929

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES WEST DISTRICT
UNLIMITED JURISDICTION

In re the Marriage of) Case No.: SD 023958
)
Tammy Ladonna Duval,) Declaration of Rosario Perry, Esq.
)
Petitioner,) Date: July 20, 2009
)
and) Time: 1:30 P.M.
)
Damon Anthony Duval,) Place: Dept. WE E
)
Respondent)

I, Rosario Perry hereby declare:

1- I am an attorney-at-law licensed to practice for over 35 years.

2- I have known Damon Duval for over 30 years. He is a good citizen and an honorable man.

1 3- At one time he was a tenant in an apartment in a building owned by me. He was an
2 excellent tenant.

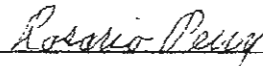
3 4- I have seen him in the extraordinarily good father-child relationship with his two
4 beautiful children. They obviously adored him and were happy and secure with him.

5 5- Damon is not one to initiate an argument or continue. He prefers peace and
6 understanding and I'm sure he could and would get along well with his former wife if
7 that preference was reciprocated by his former wife or the subject of a court order in
8 which they were equally directed to maintain a harmonious relationship.

9 6- Knowing Damon as a good man who does not initiate unpleasantness and an excellent
10 father I hope the court restores equal legal custody of his children to him

11 The foregoing declaration by me, Rosario Perry, is true of my own knowledge. If called
12 upon to testify under oath as to the matters herein I could and would competently do so as
13 above set forth.

14 I declare under penalty of perjury under the laws of the State of California at Santa
15 Monica, California on this 9th day of July, 2009, that the foregoing is true and correct.

16
17 
18 Rosario Perry

1 3-- My Curriculum Vitae, consisting of 53 pages is attached hereto and incorporated herein
2 by reference, but I will discuss certain aspects of it later in this declaration by way of explanation.

3 4-- I have been informed that Ms. Amy Nieman, an attorney appointed to report on the
4 welfare of the children of Damon Duval has informed the court that my position as the Medical
5 Director of Exodus Recovery Acute Treatment Center, a medical healing and curing facility for
6 predominantly indigent psychiatrically ill patients, somehow indicates a lack of qualification to
7 assess and evaluate Damon Duval in stressful situations, including those arising out of interaction
8 with his former wife during the handing over and return of their children. I am also advised that
9 she (Ms. Nieman) has reported to the court my probable lack of qualification to evaluate Damon
10 Duval as a parent.

11 5-- Psychiatry is the ultimate behavioral science, because it includes study and medical
12 practice relating to the human mentality. It incorporates neurology, the study of the human brain
13 the nervous system, the mind and everything that affects the mind. It encompasses every manner
14 of stimulus and response. It encompasses every medication and substance that affects the mind
15 and its function. IT ENCOMPASSES AND INCLUDES THE STUDY OF EVERY FORM OF
16 HUMAN BEHAVIOR IN EVERY CONDITION OF AND STATE OF MIND FROM SERENITY
17 TO EXTREME STRESS.

18 6-- The path to learning all that is necessary TO BEGIN a career in psychiatry is long and
19 difficult. After I became a licensed physician in 1983 I entered a three year residency to 1986, in
20 psychiatry, at the U.C.L.A. Neuropsychiatric Institute. During this period I began, initially under
21 fairly close supervision, the medical practice of treating every nature of mental illness or disorder,
22 from very young children to very old adults, from drug abuse to dementia, from excessively
23 controlling or domineering personality to excessively submissive personality to split or multiple
24 personality, to obsession and obsessive behavior. It included mental illness caused by tumors, in-
25 jury to the brain or other organs, treatment by medication, by education, by psychotherapy,
26 which is an interactive process by which the patient is caused to voluntarily speak of himself or

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1 herself and eventually realizes the nature of and may be able to control the causes and effects of
2 undesirable and previously uncontrollable mental attitudes or conditions. We study and treat
3 depression, matters of self-image, psychotic illnesses, suicidal tendencies, sexual behavior
4 including deviant and criminal sexual behavior, pedophiles and other sexual predators and
5 criminal minds generally.

6 7-- The above description barely scratches the surface. In my case, from 1986 through
7 1988 I did research under a Post-Doctoral Fellowship in the UCLA Department of Psychology and
8 earned the qualifications to be admitted as a Diplomat of the American Board of Psychiatry and
9 Neurology.

10 8-- In the past 25 years I have probably examined and/or treated and/or overseen the
11 treatment of several thousand patients. I have been honored by selection to teach psychology and
12 psychiatry to physicians and others and to be selected as a reviewer of articles submitted for
13 publication in many authoritative peer-review professional publications.

14 9-- I refer again to my curriculum vitae, which speaks for itself and is incorporated herein
15 by reference, only to point out that in the invited presentation section of my C.V. there are
16 duplications because there were invitations to give the same presentations to several different
17 medical societies or other groups.

18 10-- In addition to these work-related tasks I have given expert testimony, relied upon in
19 both criminal and tort cases for more than 20 years. I have testified in more than 100 cases at
20 almost every state and federal level. In addition, I have given expert testimony in Canada in a
21 number of tort matters in my areas of expertise.

22 11-- I have examined Damon Duval on two occasions in a psychiatric treatment facility
23 accepted by professional qualifying groups as a teaching facility. On both occasions two post-
24 doctoral persons were present for the clinical experience of observing the examinations.

25 12-- I was informed that Mr. Duval had lost the benefits of equal legal and physical
26 custody of two small pre-school and very early school age children because of:

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1 a-- a declaration under penalty of perjury by his former wife, most probably
2 inadequately substantiated, but also inadequately contradicted, to the effect that
3 Mr. Duval had initiated a loud and threatening brawl on an occasion of picking up
4 his children for a restricted period of visitation.
5 b-- Mr. Duval's version was that his former wife had, in negotiations as to his time
6 of physical custody of the children, had promised that he could have two additional
7 hours on that date. Voices were raised on both sides but there was no threat of any
8 nature. To avoid on-going confrontation Mr. Duval gave up his entire period of
9 visitation that day and left the scene.
10 c-- This was followed by the court action, including the declaration described in
11 paragraph a) *supra*, and a purported corroborative declaration by a police officer,
12 which apparently was not read by the court and was accepted for what his former
13 wife's attorney said it was;
14 d-- a claim by the former wife and her attorney that Mr. Duval was a "flight risk";
15 e-- a report by Ms. Nieman to the effect that --Mr. Duval's love for his children
16 arises out of hatred for his former wife;
17 f-- resentment over Mr. Duval's expressed fears that the man his former wife lives
18 with inappropriately touches his (Mr. Duval's) pre-school age daughter.
19 g-- the court ordered Mr. Duval to attend certain educational sessions provided by a
20 social agency presumably teaching the duties of divorced or separated parents to
21 each other, managing anger and resentment, and how to care for the children.
22 h-- Mr. Duval did not obey the court's order because he felt that it was very wrong
23 and an affront to his proven ability to be an excellent father during a one year
24 period during which he was the custodial parent.
25 i-- as a result of all of the foregoing the court deprived Mr. Duval of all physical
26 custody and visitation with his children and limited his communication with them to

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1 a telephone call during a 10 minute window of time every evening. (the children
2 have a cellular telephone and their mother can carry it with her without difficulty)

3 13-- My conclusions from two examinations, one fairly extensive, the other sufficient
4 to verify the first and I found no reason to change my initial opinion, are:

5 a-- Mr. Duval was direct, highly intelligent, perfectly clear and straightforward in
6 everything he said.

7 b-- He was suffering and continues to suffer great anguish at being deprived of his
8 right and his children's right to his equal parenting of his children;

9 c-- He appears to be a truly loving and caring, knowledgeable and excellent parent
10 of his children.

11 d-- He is in excellent health and knows very well what it takes to keep his children
12 healthy, happy and well adjusted;

13 e-- He DOES NOT NEED any kind of counseling, anger management, education in
14 parenting, particularly for separated and divorced people.

15 14-- There is no medical or psychiatric reason why Mr. Duval should not have equal legal
16 custody of his children.

17 The foregoing declaration includes my opinion as an expert witness. Where it asserts facts they
18 are fact known to me to be true. Where the context includes facts or allegations of others, I believe
19 them to be true and such portions of this declaration are made on information and belief. If called
20 upon to testify under oath as to the matters herein I could and would competently do so as set
21 forth herein. I AM PREPARED TO TESTIFY IN OPEN COURT IN THIS CASE BUT WILL
22 BE OUT OF THE STATE UNTIL JULY 20th and Mr. Duval, his attorneys and I request

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1 that the court reschedule this case including my appearance to July 20th, 2009 at 1:30 P.M..

2 I declare under penalty of perjury under the laws of the State of California at Culver City,

3 California on this day of July 2009 that the foregoing declaration is true and correct.

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6 William C. Wirshing, M.D.

7 Diplomat, American Board of Psychiatry and
8 Neurology
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CURRICULUM VITAE

WILLIAM C. WIRSHING, M.D.

Address

Work: Exodus Recovery Acute Treatment Center

3828 Delmas Terrace

Culver City, CA 90232

Tel (310) 253-9494

Home: 6433 Topanga Canyon Blvd. #429

Woodland Hills, CA 91303

Tel (310) 413-4200

Home Fax (818) 595-1367

E-mail: WIRSHING@UCLA.EDU

Birthdate 11 June, 1956

Birthplace Palo Alto, CA

Education

1982 M.D. - UCLA

1978 B.S. Electrical Engineering & Computer Science, University of CA, Berkeley

Internship, Residency, & Fellowship

1986-88 Postdoctoral Research Fellowship in Schizophrenia Research, UCLA,
Department of Psychology, Los Angeles, CA

1983-86 Resident in Psychiatry, UCLA Neuropsychiatric Institute, Los Angeles, CA

1982-83 Intern in Medicine, UCLA Center for the Health Sciences & Wadsworth VA
Medical Center, Los Angeles, CA

Licensure

1983 California License No. G 50986, DEA No. FW0654447

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Certification

- 1991 Added Qualification in Geriatric Psychiatry, American Board of Psychiatry and Neurology (#000479)
1988. Diplomat, American Board of Psychiatry and Neurology (#30125)

Academic Appointments/Positions

- 2008- Medical Director Real Recovery. Agoura Hills, CA
- 2007- Vice President in charge of continuing medical education and research Exodus Corp. Los Angeles, CA
- 1996-06 Professor of Clinical Psychiatry, Department of Psychiatry and Biobehavioral Sciences, UCLA School of Medicine
- 1993-06 Chief, Schizophrenia Treatment Unit, West Los Angeles VA Medical Center, Brentwood Division
- 1993-96 Associate Professor of Clinical Psychiatry, Department of Psychiatry and Biobehavioral Sciences, UCLA School of Medicine
- 1987-06 Director, Brentwood Movement Disorders Laboratory, West Los Angeles VA Medical Center
- 1988-93 Co-Chief, Schizophrenia Treatment Unit, West Los Angeles VA Medical Center, Brentwood Division
- 1986-93 Adjunct Assistant Professor of Psychiatry, Department of Psychiatry & Biobehavioral Sciences, UCLA School of Medicine
- 1986-88 Postgraduate Research Scholar, Department of Psychology, UCLA
- 1986-88 Co-Chief, Geropsychiatry Treatment Unit, West Los Angeles Veterans Administration Medical Center
- 1985-86 Chief Resident, Geropsychiatry Treatment Unit, West Los Angeles Veterans Administration Medical Center, Brentwood Division

Awards & Honors

2006. Nominated for Golden Apple Award for Clinical years by graduating class of 2006
- 2003 Award in Recognition of Dedication in Teaching Excellence from the Graduating Class of 2003, David Geffen School of Medicine at UCLA
- 1999 Departmental Teaching Award, UCLA School of Medicine, Department of

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Psychiatry & Biobehavioral Sciences

1999 Lucien B. Guze Golden Apple Award for Outstanding Teaching Class of 2001, UCLA School of Medicine

1998 Certificate of Excellence. West Los Angeles Success 98 Award Program, West Los Angeles Veterans Administration Medical Center

1996 Distinguished Educator Award, UCLA School of Medicine, Department of Psychiatry & Biobehavioral Sciences

1994 Departmental Teaching Award, UCLA School of Medicine, Department of Psychiatry & Biobehavioral Sciences

1993 UCLA Medical School. Class of 1995 - Outstanding Teacher Award

1991 Departmental Teaching Award, UCLA School of Medicine, Department of Psychiatry & Biobehavioral Sciences

1988 Travel scholarship to attend the 4th Biannual Workshop on Schizophrenia in Badgastein, Austria.

1982 Sandoz Award for Excellence in the Behavioral Sciences

1982 Alpha Omega Alpha

1978 Tau Beta Pi (Engineering National Honor Society)

1978 Phi Beta Kappa

1978 B.S. Summa Cum Laude

Major Teaching Experience

2007. Weekly Continuing Medical Education Lecture Exodus Urgent Care Center, Culver City, CA.

6. Case Conference: Diagnostic Dilemmas - Psychiatry (#425 Sec. 5) This weekly case conference focuses on differential diagnosis, with an emphasis on the various etiologies of psychotic symptoms including schizophrenia, substance-induced psychosis, malingering, and other disorders.

1995-06 Movement Disorders Seminar - Psychiatry (#446) a weekly, clinical based, interactive seminar focusing on the examination and treatment of patients with a broad range of movement disorders for psychiatry residents, neurobehavior fellows, medical students, and research staff (with DA Wirshing, M.D., CS Saunders, M.D., and JM Pierre, M.D.). (1.5 hrs/week)

1992-2004 Course director - Psychopathology (#201) for 2nd-year medical students. (6 hrs/week)

1991-2002 Faculty sponsor - Student Research Program. (1-8 hrs/week)

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Biobehavioral Sciences, UCLA School of Medicine

1992-94 Ad Hoc Committee for Dementia, UCLA School of Medicine

1992-96 Student Affairs Committee, UCLA School of Medicine

1992-94 Human Subjects Protection Committee, Veterans Affairs

1991-93 Residency Fellowship Nominating Committee, UCLA

1991 Chief of Psychiatry Search Committee, Veterans Affairs

1990-93 Residency Education Curriculum Committee, UCLA

1988-90 Human Subjects Protection Committee, Veterans Affairs

1988-03 Pharmacy and Therapeutics Committee, Veterans Affairs

Grants Awarded

2005-06 "Management of Antipsychotic Medication Associated Obesity"

Co-Principal Investigator Donna A. Wirshing, M.D. PI

VA Merit Review

2005-06 "Relapse Prevention: Long Acting Atypical Antipsychotics"

Co-Investigator , Donna A. Wirshing, M.D. PI

NIMH RO1 (Multicenter Collaborative)

2002-05 Veterans Affairs Merit Review

"Cigarette Smoking by Schizophrenic Patients (Phase II)"

Collaborator. Jarvik Murray, M.D., Ph.D. - P.I.

2000-02 National Institute of Mental Health, MH41573-11A1

"Management for Risk of Relapse in Schizophrenia"

Co-Investigator. Stephen R. Marder, M.D. - P.I.

2000-03 National Institute of Mental Health, MH59750-01A1

"Treatment of Negative Symptoms and Cognitive Impairments"

Co-Investigator. Stephen R. Marder, M.D. - P.I.

1998-00 Veterans Affairs Merit Review

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"Brief Hospitalization for Schizophrenia: Strategies to Improve Treatment Outcome"

Co-Investigator. Donna A. Wirshing, M.D. - P.I.

1997-02 Veterans Affairs Merit Review

"Quetiapine vs. Haloperidol Decanoate for the Long-Term Treatment of Schizophrenia and Schizo-Affective Disorder"

Co-Investigator. Stephen R. Marder, M.D. - P.I.

1995-98 National Institute of Health, 1R01-DA09570-01A1

"Dopaminergic Modulation of Nicotine Reinforcement"

Co-Investigator. Murray E. Jarvik, MD, PhD - P.I.

1995-99 National Institute of Health, 1R01-MH46484-01

"New Antipsychotics: Clinical Trials and Naturalistic Follow-up."

Co-Investigator. Stephen R Marder, MD - P.I.

1993-95 Veterans Affairs Merit Review to examine cigarette smoking by schizophrenic patients.

Co-Investigator. Murray E. Jarvik, MD, PhD - P.I.

1993-96 Veterans Affairs Merit Review to examine the risks and benefits of typical and atypical antipsychotic drugs in the treatment of acute psychotic episodes.

P.I.

1992-95 National Institute of Health: MH46484-03

"Clozapine - Treatment Response and Disability."

Co-Investigator.

1990-92 NARSAD (National Alliance for Research on Schizophrenia and Depression) Young Investigators Grant to develop a method of quantifying drug-induced akathisia and to apply this method of determining the relative akathisic liability of the atypical neuroleptic clozapine.

1986-05 National Institute of Health: MH41573

"Management of Risk of Relapse in Schizophrenia."

Co-Investigator. Stephen R Marder, MD and Robert P. Liberman, MD Co-P.I.s

1988-90 Veterans Affairs Merit Review to examine the feasibility of using a battery of electromechanical instruments to prospectively follow patients with tardive dyskinesia.

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Co-Investigator. J.L. Cummings, MD, P.I.

1988-89 NARSAD Young Investigators Grant to continue research on the instrumentation of drug-induced movement disorders.

1987-88 Biomedical Research Support Grant from the Department of Psychiatry, UCLA School of Medicine, to develop a system to measure and analyze the movements of the human larynx.

Industry Sponsored

Investigator Designed and Initiated

1999-03 Janssen Pharmaceutica: Investigator designed protocol.

"Brief Hospitalization for Schizophrenia: Strategies to Improve Treatment Outcome"

Co-Investigator. Donna A. Wirshing, M.D. - P.I.

2000-05 Eli Lilly, Inc.: Investigator designed protocol.

"Olanzapine vs. Risperidone in Treatment Refractory Schizophrenia"

Co-Investigator. Donna A. Wirshing, M.D. - P.I.

Industry Designed and Initiated

1998-99 Merck & Company, Inc.

"A Double-Blind, Active and Placebo-Controlled, Safety Tolerability, and Preliminary Antipsychotic Activity Study of MK-0869 in Hospitalized Schizophrenia Patients"

P.I. William C. Wirshing, M.D.

1998-99 Hoechst Marion Roussel, Inc.

"A Multicenter, Placebo and Active Control, Double-Blind Randomized Study of the Efficacy, Safety and Pharmacokinetics of M100907 (10 and 20 mg/d in Schizophrenic and Schizoaffective Patients."

Co-Investigator. Donna A Wirshing, M.D. - P.I.

1997-00 Organon 041002

"A Double Blind, Five-Armed, Fixed Dose, Active and Placebo Controlled Dose-Finding Study With Sublingual ORG 5222 in Subjects With Acute

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Phase Schizophrenia"

P.I. William C. Wirshing, M.D.

1997-99 Otsuka America: 42,776

"An Open Label Follow-on Study on the Long-Term Safety of Aripiprazole
in Patients with Psychosis"

P.I. William C. Wirshing, M.D.

1997-99 Otsuka America: 31-97-202

"A Phase III Double-Blind Study of Aripiprazole and Risperidone in the Treatment of
Psychosis"

P.I. William C. Wirshing, M.D.

1997-98 Janssen Pharmaceutica: RIS-USA-112

"A Multicenter, Randomized, Double Blind, Parallel Group Trial Comparing the Safety and
Efficacy of Risperidone and Olanzapine in the Treatment of Psychosis in Patients with
Schizophrenia and Schizoaffective Disorder."

Co-Investigator. Donna A. Wirshing, M.D. - P.I.

1997-99 Janssen Pharmaceutica: RIS-USA-113

"A Multicenter, Randomized, Double Blind, Parallel Group Trial Comparing the Safety and
Efficacy of Risperidone and Olanzapine in the Treatment of Psychosis in Patients with
Schizophrenia and Schizoaffective Disorder."

Co-Investigator. Donna A. Wirshing, M.D. - P.I.

1995-98 Hoechst Marion Roussel

"An Open-Label, Follow-Up, Multicenter, Long-Term Maintenance Study of MDL 100, 907
in Patients with Schizophrenia."

Co-Investigator. Donna Ames, M.D. - P.I.

1995-98 Otsuka: 31-95-201

"OPC-14597: An Open-Label Tolerability Study in Schizophrenic Patients."

P.I. William C. Wirshing, M.D.

1995-96 Hoechst Marion Roussel: IND# 47,372

"A Randomized, Double-Blind, Placebo-Controlled, Parallel, Multiple Dose, Multicenter

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Study to Determine the Safety, Tolerability, Pharmacokinetics, and Biochemical Activity of MDL 100,907 in Patients with Schizophrenia."

Co-Investigator. Donna Ames, M.D. - P.I.

1995-96 Merck & Company, Inc.

"A Double-Blind, Placebo-Controlled, Safety, Tolerability and Preliminary Antipsychotic Activity Study of L-745,870 in Hospitalized Schizophrenic Patients"

P.I. William C. Wirshing, M.D.

1995-96 Otsuka: 31-94-202

"A Dose Ranging Study of the Efficacy and Tolerability of OPC-14597 in Acutely Relapsing Hospitalized Schizophrenic Patients."

P.I. William C. Wirshing, M.D.

1993-97 Eli Lilly Incorporated: F1D-MC-HGAP

"Fixed Dose Olanzapine versus Placebo in the Treatment of Schizophrenia."

Co-Investigator. Donna Ames, M.D. - P.I.

1994-99 Pfizer, Inc.: 128-116B

"A 52-Week, Open Extension Study Evaluating the Safety and Outcome of 40-80 mg BID of Oral Ziprasidone (CP-88,059-1) Daily in the Treatment of Subjects Who Have Participated in Previous Ziprasidone Clinical Trials."

Co-Investigator. Donna Ames, M.D. - P.I.

1993-94 R.W. Johnson: M92-083

"Multi-Center, Randomized, Double-Blind, and Controlled, 4 Week, Multiple Oral Rising Dose Study to Determine Safety Tolerability, Pharmokinetics and Behavioral Activity of RWJ-37796 in Male Schizophrenic Subjects Phase II."

P.I. William C. Wirshing, M.D.

1992-98 Abbott Laboratories - Neuroscience Venture: M92-795

"An Open Label Assessment of the Long Term Safety of Sertindole in the Treatment of Schizophrenic Patients."

Co-Investigator. Donna Ames, M.D. - P.I.

1994-96 Pfizer, Inc.: 128-115

"Phase III, Six Week, Double Blind, Multi-Center, Placebo Controlled Study Evaluating the Efficacy and Safety of Three Fixed Doses of Oral Ziprasidone (CP-88,051-1) and

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Haloperidol in the Acute Exacerbation of Schizophrenia and Schizo-Affective Disorder."

Co-Investigator. Donna Ames, M.D. - P.I.

1992-94 Glaxo, Inc.: S3B-201

"A Randomized, Double-Blind, Placebo-Controlled, Crossover Evaluation of the Effects of GR68755C on Serum Levels of Haloperidol in Patients with a Diagnosis of Schizophrenia."

Co-Investigator. Stephen R. Marder, M.D. - P.I.

1992-93 Abbott Laboratories - Neuroscience Venture: M92-762

"A Double-Blind, Placebo-Controlled Study of the Safety and Efficacy of Sertindole in Schizophrenic Patients."

Co-Investigator. Stephen R Marder, M.D. - P.I.

1992-93 Schering Plough Research Corporation: SCH39166

"Safety, Tolerance and Pilot Efficacy of Rising Multiple Doses of SCH39166: An Open Label Trial."

Co-Investigator. Stephen R Marder, M.D. - P.I.

1988-89 Astra Pharmaceuticals

"Raclopride in Schizophrenia: a Haloperidol-Controlled, Double-Blind, Dose-Finding Clinical Trial."

Co-Investigator. Theodore Van Putten, M.D. - P.I.

1990-91 Sandoz Pharmaceuticals

"A Randomized, Double-Blind, Placebo-Controlled, Multi-Center, Multi-Stage, Dose-Finding Study of SDZ HDC 912 in DSM-III-R Defined Hospitalized Schizophrenic Patients."

Co-Investigator. Theodore Van Putten, M.D. - P.I.

Reviewer / Editor

Reviewer:

American Journal of Psychiatry

Archives of General Psychiatry

Biological Psychiatry

Brain Dysfunction

CNS Spectrums

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Comprehensive Psychiatry

International Journal of Psychiatry in Medicine

Journal of Clinical Psychiatry

Journal of Psychiatric Research

Journal of Clinical Psychopharmacology

Neuropsychiatry, Neuropsychology, and Behavioral Neurology

Psychiatry Research

Psychopharmacology

Psychopharmacology Bulletin

Psychosomatics

Schizophrenia Bulletin

Invited Presentations

04/07 "Schizophrenia and Related Psychoses" Grand Rounds Northridge Hospital, Northridge CA
15 Apr 2007

08/06 "Tailored Management of Schizophrenia in the Real World: A Naturalistic Approach"
Presented at Evansville State Hospital, Evansville, IN, 17 Aug 06

08/06 "The Metabolic Mayhem of Atypicals: The TD of the New Millennium" Grand Rounds
Antelope Valley Hospital 11 Aug 06.

08/06 "Use of Atypical Antipsychotics in Bipolar Illness" 1 Aug 06 Honolulu, HI.

03/06 "Treatment of Agitation with Behavioral Interventions and Atypical Antipsychotics in
Schizophrenia" Presented at American Association for Geriatric Psychiatry, San Juan, Puerto
Rico, 11 Mar 06.

02/06 "Addressing Metabolic Disturbances with Antipsychotic Treatments" Presented at San
Francisco General Hospital, Dept of Psychiatry, San Francisco, CA, 24 Feb 06

12/05 "Metabolic Impact of Atypical Antipsychotics: The View from Two Decades of
Experience" Presented at Eden Medical Center, Castro Valley, CA 7 Dec 2005

11/05 "Clinical Management of Behavioral and Psychological Symptoms in Dementia" Presented
at Salem Hospital, Salem, OR, 16 Nov 05

10/05 "Marketing Atypical Antipsychotics and the Opacity of Adiposity" Presented at Grand
Rounds. Sepulveda VA, Los Angeles, CA, 26 Oct 05

07/05 "Treatment of Agitation in Elderly Demented Patients" Presented at Grand Rounds, Hawaii

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State Hospital, Kaneohe, HI, 12 Jul 05

07/05 "Metabolic Disturbances During Antipsychotic Treatment" Presented at Grand Rounds, Castle Medical Center, Kailua, HI, 12 Jul 05

04/05 "Metabolic Disturbances During Antipsychotic Treatment" Presented at Grand Rounds, Battle Creek VA Med Center, Battle Creek, MI, 7 Apr 05

12/04 "Considerations in Long-Term Management of Schizophrenia" Presented at Grand Rounds, Corcoran State Prison, Corcoran, CA 1 Dec 04

12/04 "Management of Associated Comorbidities of Schizophrenia" Presented at Grand Rounds, Atascadero State Hospital, Atascadero, CA 1 Dec 04

09/04 "Pharmacological Treatment of Psychosis and Agitation in Dementia of the Elderly" Presented at Grand Rounds, Scripps Mercy Hospital, San Diego, CA, 7 Sep 04

08/04 "Metabolic Disorder" Presented at Grand Rounds, Kedren Hospital, Los Angeles, CA 16 Aug 04

06/04 "Atypical Antipsychotics in Special Populations" Presented at Grand Rounds Terrell State Hospital, Terrell, TX, 21 Jun 04

06/04 "The Many Faces of 'Wartime' PTSD" Presented at Grand Rounds, Mountain Crest Hospital, Fort Collins, CO, 15 Jun 04

05/04 "Pharmacology Treatment of Psychosis and Agitation in Dementia of the Elderly" Presented at Grand Rounds, Utah State Hospital, Provo, UT, 20 May 04

05/04 "Psychiatric Research Ethics" Presented at NIH Neuroscience Center, Bethesda, MD, 17 May 04

05/04 "Lab Science to Clinical Practice: Neurochemical Model of Antipsychotic Effects" Presented at Grand Rounds, Metropolitan State Hospital, Norwalk, CA, 12 May 04

04/04 "New Indications for Antipsychotics for Bi-Polar Disorders" Presented at Grand Rounds, Cedars Sinai, Los Angeles, CA, 29 Apr 04

03/04 "A Century after Bleuler, What Do We Really Know About Schizophrenia, Its Origin, Cause, and Treatment?" Presented at WASP (World Association of Social Psychiatry), 1st Regional Congress of Social Psychiatry in Africa; Johannesburg, Gauteng, 24 Mar 04

03/04 "The Antipsychotics: Their Developmental History, Clinical Limitations, Major Toxicities, and Anticipated Future." Presented at WASP (World Association of Social Psychiatry), 1st Regional Congress of Social Psychiatry in Africa; Johannesburg, Gauteng, 24 Mar 04

02/04 "Consideration in the Long-term Management of Schizophrenia" Presented at Grand Rounds, Stanford University Hospital, Stanford, CA, 19 Feb 04

02/04 "The Marketing of Atypical Antipsychotic Drugs: A War for Our 'Loyalties' Moves Into its Guerilla Phase" Presented at Grand Rounds, Sepulveda VA Mental Health Center, Los Angeles, CA, 11 Feb 04

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02/04 "Drug Induced Metabolic Symptoms with Antipsychotic Paradigm Shift in an Approach to Patient Care" Presented at Grand Rounds, Atascadero State Hospital, Atascadero, CA, 4 Feb 04

01/04 "Risperdal Consta" Presented at Grand Rounds, Indianapolis VA, Indianapolis, IN, 15 Jan 04

12/03 "Strategies for Controlling Psychotic Symptoms" Presented at Grand Rounds, Riverside County Department of Mental Health, Hemet CA, 9 Dec 03

12/03 "The Side Effects of the Atypical Antipsychotics: Marketing Mischief, Metabolic Mayhem, or Mechanistic Magic?" Presented at Grand Rounds, Castle Medical Center, Kailua, HI, 2 Dec 03

11/03 "Monitoring Patients on Antipsychotic Drugs for Glucose Intolerance and Other Features of the Metabolic Syndrome" Presented at Alexandria, VA, 19-20 Nov 03

11/03 "Antipsychotics: Overcoming Side Effect Treatment Barriers" Presented at Grand Rounds, Long Beach VA Medical Center, Long Beach, CA, 12 Nov 03

11/03 "The Side Effects of the Atypical Antipsychotics: Marketing Mischief, Metabolic Mayhem, or Mechanistic Magic?" Presented at Grand Rounds, Fresno, CA, 11 Nov 03

11/03 "A Broad Spectrum in Psychotropics" Presented at Grand Rounds, Golden Valley Health Center-Corner of Hope, Modesto, CA, 6 Nov 03

10/03 "The Mechanistic Similarities and Distinctions Among Antipsychotics: A Treatment Refractory Model" Presented at Grand Rounds, Hawaii State Hospital Auditorium, Oahu, HI, 24 Oct 03

10/03 "The Side Effects of the Atypical Antipsychotics: Marketing Mischief, Metabolic Mayhem, or Mechanistic Magic?" Presented at Grand Rounds, San Francisco Clinic, San Francisco, CA, 4 Oct 03

10/03 "Kaiser/Group Health Cooperative AP Advisory Board" Presented at San Francisco, CA, 4 Oct 03

10/03 "Improvement in Cognitive Function, Dosing and Titration" Presented at Grand Rounds, Olive View Hospital, Sylmar, CA, 2 Oct 03

09/03 "Strategies for Controlling Psychotic Symptoms" Presented at Grand Rounds, Seattle Hospital, Seattle, WA, 11 Sep 03

08/03 "Neurocognition and Schizophrenia Including Issues on Nicotine Receptors" Presented at Grand Rounds, Ventura County Behavioral Health Inpatient Unit, Ventura, CA, 13 Aug 03

05/03 "Switchover from Clozapine to Quetiapine: Mixed Results" Presented at Biological Psychiatry, San Francisco, CA, 15 May 03

05/03 "Effects of Novel Antipsychotics on Glucose and Lipid Levels" Presented at Grand Rounds, Eugene VA Clinic, Eugene, OR, 13 May 03

05/03 "Effects of Novel Antipsychotics on Glucose and Lipid Levels" Presented at Grand Rounds, VA Medical Center, Portland, OR, 12 May 03

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05/03 "Atypical Antipsychotics: Marketing Mischief or Metabolic Mayhem" Presented at Grand Rounds, Harbor-UCLA Medical Center, Torrance, CA, 6 May 03

04/03 "Metabolic Consequences of Antipsychotic Therapy" Presented at Grand Rounds, Atascadero State Hospital, Atascadero, CA, 30 Apr 03

03/03 "Metabolic Toxicities of Atypical Antipsychotic Agents: Speculations, Etiology, and Treatment" Presented at Grand Rounds, RJ Donovan Correctional Facility, San Diego, CA, 12 Mar 03

03/03 "Aripiprazole" Presented at Grand Rounds, Patton State Hospital, Patton, CA, 5 Mar 03

02/03 "Applied Neuropsychopharmacology: The Spectrum of Clinical Outcomes with Atypical Antipsychotics" Presented at the CNS Advisory Summit, Scottsdale AZ, 22 Feb 03

02/03 "The Use of Atypical Antipsychotics in Mood Disorders" Presented at Grand Rounds, Region IV Parole Headquarters, Diamond Bar, CA, 21 Feb 03

01/03 "Metabolic Side Effects of Atypical Antipsychotics" Presented at Grand Rounds, King Drew Medical Center, Los Angeles, CA, 28 Jan 03

01/03 "TD - What if Anything is New?" Presented at Grand Rounds, VA Hospital, Neurology Department, Los Angeles, CA, 24 Jan 03

01/03 "Metabolic Toxicities of Atypical Antipsychotic Agents: Speculations, Etiology, and Treatment" Presented at Grand Rounds, Sepulveda VA, Los Angeles, CA, 22 Jan 03

12-02 "Aripiprazole" Presented at Grand Rounds, Loma Linda University, Redlands, CA 20 Dec 02

12-02 "Aripiprazole" Presented at Grand Rounds, Arrowhead Regional Medical Center, Colton, CA, 17 Dec 02

12-02 "Treatment Emergent Movement Disorders in Current Clinical Practice" Presented at Grand Rounds, Queens Hospital, Honolulu, HI, 13 Dec 02

12-02 "Advancement in Treatment of Schizophrenia" Presented at Grand Rounds, Tripler VA Army Hospital, Honolulu, HI, 11 Dec 02

11-02 "Evolution of Antipsychotic Therapies: A Pathophysiologic Approach" Presented at National Network of Psychiatric Educators, Laguna Niguel, CA, 15 Nov 02.

10-02 "Side Effects Involving Newer Antipsychotic Medications Including Risk of Cardiovascular Disease and Diabetes" Presented at Grand Rounds, Bakersfield Memorial Hospital, Bakersfield CA, 24 Oct 02.

03-02 "The Atypical Antipsychotic Compounds: What is the Crucial Difference Among Them?" Presented at Psychopharmacology Course, Stanford University, Stanford CA, 9 Mar 02.

03-02 "The Relative Metabolic Toxicities Among the Newer Antipsychotic Compounds." Presented at Grand Rounds, Waco, TX, 7 Mar 02

03-02 "The Relative Metabolic Toxicities Among the Newer Antipsychotic Compounds." Presented at Grand Rounds, Dallas VA Medical Center, Dallas, TX, 7 Mar 02

11-01 "Aripiprazole: Is anything Really New in the Wold of Antipsychotic Medications?" Presented at Abilitat Investigators Meeting, Scottsdale, AZ, 29 Nov 01.

09-01 "The Past, Present, and (Near) Future of Antipsychotic Medications: The Under-appreciated Role of Luck!" Presented at The Annual Meeting of the Northern California Psychiatric Society, Saratoga, CA, 19 Sep 01.

07-01 "The Metabolic Side Effects of the Newer Antipsychotic Compounds: The TD of the New Millennium." Presented at Grand Rounds, UC Irvine, Irvine, CA, 17 Jul 01.

05-01 "The Toxicities of the So-Called 'Atypical Antipsychotics'--Focus on Dyslipidemia." Presented at Grand Rounds, Utah Neuropsychiatric Institute, Salt Lake City, Utah, 22 May 01.

04-01 "Prodromal Phase of Schizophrenia: Diagnosis and Treatment." Presented at W. Covina Mental Health Office, W. Covina, CA, 19 April 01.

03-01 "Risperidone: A Clinical Research Update." Presented at Le Royal Meridien, Toronto, Ontario, Canada, 31 Mar 01.

03-01 "Ziprasidone: A New Treatment Option for Schizophrenia." Presented at University Of Tennessee, Memphis, TN, 9 Feb 01

03-01 "Ziprasidone: A New Treatment Option for Schizophrenia." Presented at University Of Arkansas for Medical Science, Little Rock, AR, 8 Feb 01

02-01 "Use of Antipsychotic Drugs on Treatment Approach for Drug Induced Psychosis." Presented at San Quentin State Prison, San Quentin, CA, 21 Feb 01.

01-01 "EPA and TD with Novel Antipsychotics." Presented at Lanterman State Hospital, Pomona, CA, 25 Jan 01.

12-00 "Optimal Management of Psychosis and Agitation in the Elderly." Presented at VA Hospital, Seattle, WA, 15 Dec 00.

12-00 "Efficacy and Safety Data of the Atypical Antipsychotics." Presented at Atascadero State Hospital, Atascadero, CA, 14 Dec 00.

12-00 "Optimal Management of Psychosis and Agitation in the Elderly." Presented at Grand Rounds, VA Hospital Outpatient Clinic, Roseburg, OR, 12 Dec 00.

12-00 "Optimal Management of Psychosis and Agitation in the Elderly" Presented at Grand Rounds, USC Ingleside Hospital, Rosemead, CA, 8 Dec 00.

12-00 "Optimal Management of Psychosis and Agitation in the Elderly." Presented at Grand Rounds, University of Southern California, Los Angeles, CA, 6 Dec 00.

11-00 "Safety and Efficacy Among Atypicals; Treatment Refractory Schizophrenia." Presented at Los Angeles County Jail, Los Angeles, CA, 30 Nov 00.

11-00 "Optimal Management of Psychosis and Agitation in the Elderly." Presented at Olive View Hospital, Sylmar, CA, 16 Nov 00.

11-00 "Long-Term Outcomes with Antipsychotic Medications: The limitations of Our Current Technology." Presented at Ziprasidone National Consultants Forum, Scottsdale, AZ, 14 Nov 00.

11-00 "Optimal Management of Psychosis and Agitation in the Elderly." Presented at USC Ingleside Hospital, Rosemead, CA, 9 Nov 00.

10-00 "Newer Antipsychotics: Approaches to Treatment Refractory Patients." Presented at 2000 MIRECC Retreat, Los Angeles, CA, 25 Oct 00.

10-00 "Weight Gain and Atypical Antipsychotic Medications: The TD of the New Millennium?" Presented at MHC of Greater Manchester, Manchester, NH, 12 Oct 00.

09-00 "Side Effects of Typical and Atypical Antipsychotic Agents." Presented at the UCLA Medical Plaza, Los Angeles, CA, 11 Sep 00.

09-00 "Safety and Efficacy Among Atypicals." Presented at Sacred Heart Hospital, Spokane, WA, 12 Sep 00

09-00 "Safety and Efficacy Among Atypicals." Presented at Skagit Valley Mental Health, Mt. Vernon, WA, 13 Sep 00.

09-00 "Update on Atypical Antipsychotics." Presented at Porterville Developmental Center, Porterville, CA, 14 Sep 00.

07-00 "Schizophrenia: Treatment with Risperdal." Presented at the Office of Mental Health, New Orleans, LA, 25 Jul 00.

07-00 "Atypicals and Treatment Resistant Schizophrenia." Presented at Loma Linda Behavior Medicine Center, Redlands, CA, 21 Jul 00.

06-00 "Movement Disorders." Presented at Palacio de Exposiciones y Congresos, Seville, Spain, 16 Jun 00.

06-00 "Tools for Assessing Symptoms: Side Effect Scales." Presented at Palacio de Exposiciones y Congresos, Seville, Spain, 17 Jun 00.

05-00 "Optimal Management of Psychosis and Agitation in the Elderly." Presented at UC Irvine Medical Neuropsychology Center, Orange, CA, 30 May 00.

05-00 "Optimal Management of Psychosis and Agitation in the Elderly." Presented at Dave & Buster's, Orange, CA, 24 May 00.

05-00 "The Side Effects of Antipsychotic Compounds." Presented at Kaiser Permanente, Fontana, CA, 17 May 00.

04-00 "Atypical Antipsychotics" Presented at Riverside County Inpatient, Riverside, CA, 27 Apr 00.

03-00 "The Novel Antipsychotics." Presented at Loma Linda University, Loma Linda, CA, 29

Mar 00.

03-00 "The Cardiovascular Liabilities of the Atypical Antipsychotics: The Next 'Big' Thing." Presented at Grand Rounds, University of Hawaii, 24 Mar 00.

03-00 "The New Antipsychotic Compounds Really 'New'?" Presented at Grand Rounds, Contra Costa County Regional Medical Center, Martinez, CA, 14 Mar 00.

03-00 "Treatment Refractory Schizophrenia: Is there a rational approach?" Presented at American Psychiatric Association & Nevada Association of Psychiatric Physicians, Las Vegas, NV, Sat, 4 Mar 00.

02-00 "The Use of Risperidone in Acutely Psychotic Patients." Presented at Italian Society of Psychopathology (V SOPSI Congress), Rome, Italy, 23 Feb 00.

02-00 "The Differential Toxicities Among the Atypical Antipsychotics." Presented at Grand Rounds, Cedars Sinai Medical Center, Los Angeles, CA, 17 Feb 00.

12-99 Visiting Scholar-numerous presentations, Presented at University of Arkansas, Little Rock, AR, 5-8 Dec 99

11-99 "The Novel Antipsychotic Medications." Presented at Anaheim, CA, 12 Nov 99.

11-99 "The Side Effects of Antipsychotic Compounds." Presented at University of Kansas Medical Center, Kansas City, MO, 5 Nov 99.

11-99 "Atypicals Antipsychotics: Efficacy and Side Effects." Presented at The American Restaurant, Kansas City, MO, 4 Nov 99.

11-99 "Side Effects of Antipsychiatric Compounds." Presented at Colmery O'Neil V A M C, Topeka, KS, 4 Nov 99.

11-99 "The Side Effects of Antipsychotic Compounds." Presented at Western Missouri Mental Health South Auditorium, Kansas City, MO, 4 Nov 99.

10-99 "Is Clozaril still relevant?" Presented at Atascadero State Hospital, San Luis Obispo, CA, 14 Oct 99.

10-99 "Interested in Geriatric population & Economics of the drugs." Presented at Grand Rounds, Loma Linda University, Loma Linda, CA, 8 Oct 99.

09-99 "Side Effects of Atypical Antipsychotics: What can we expect in the short and long term?" Presented at Riverside, CA, 30 Sep 99.

09-99 "New Treatment Options in the Acute Management of Psychosis." Presented at New York, NY, 26 Sep 99

08-99 "How to Choose the Correct Medication Regimen for the Treatment of Psychotic Manifestations." Presented at Lanterman Developmental Center, Pomona, CA, 26 Aug 99.

07-99 "Schizophrenia and Overview Movement Disorders." Presented at UCLA School of Nursing, Westwood, CA, 26 Jul 99.

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07-99 "New and Novel Antipsychotics." Presented at Fairview Developmental Center, Costa Mesa, CA, 15 July 99.

06-99 "Schizophrenia-Current and New Treatment Trends." Presented at San Joaquin County Mental Health Services, Sacramento, CA, 24 Jun 99.

05-99 "Research Experience with the Newer Neuroleptics-Grand Rounds." Presented at Kaiser, San Francisco, CA, 25 May 99.

05-99 "New Treatment Options in the Acute Management of Psychosis." Presented at Boston Marriott Long Wharf, Boston, MA, 22 May 99.

05-99 "The Neurophysiology of Schizophrenia: Focus on the action of the Novel Antipsychotics." Presented at Kaiser, Woodland Hills, CA, 12 May 99.

04-99 "The New Generation of Antipsychotic Medications." Presented at Kaiser Sunset Family Practice, Los Angeles, CA, 26 Apr 99.

04-99 "Relative Efficacies and Toxicities of Risperidone and Olanzapine." Presented at Leeds, England, United Kingdom, 9 Apr 99.

04-99 "Relative Efficacies and Toxicities of Risperidone and Olanzapine." Presented at Southampton, England, United Kingdom, 8 Apr 99.

04-99 "The Neurophysiology of Schizophrenia: Focus on the Action of the Novel Antipsychotics." Presented at The Schizophrenic Patient: Profiles, Diagnosis and Treatment Conference, Loma Linda University, Loma Linda, CA, 7 Apr 99.

03-99 "Pharmacological Bases for the Putative Neurocognitive Enhancing Impact of Atypical Antipsychotic Agents." Presented at Neurocognitive Impairment in Schizophrenic and Alzheimer's Disorders: Therapeutic Approaches Workshop, International Academy for Biomedical and Drug Research, Paris, FR, 12-13 Mar 99.

02-99 "Antipsychotic Toxicity in the Elderly." Presented at 9th Annual Geriatric Psychiatry Conference, Dallas, TX, 13 Feb 99.

02-99 "Typical and Atypical Neuroleptics: A Geropsychiatric Perspective." Presented at 9th Annual Geriatric Psychiatry Conference, Dallas, TX, 13 Feb 99.

02-99 "Somatic Treatments of Psychotic Disorders" Given with course entitled "Recovery from Madness", Alex Kopelowicz, MD and Robert Liberman, MD--Course Chairs.

02-99 "The Comparative Toxicities of the New Antipsychotic Medications." Presented at Harbor UCLA, Torrance, CA, 2 Feb 99.

01-99 "The Treatment of Schizophrenia at the Turn of the Millennium: What Have We Learned?" Presented to local lay chapter of the California Alliance for the Mentally Ill, UCLA Medical Plaza, Los Angeles, CA, 14 Jan 99.

01-99 "Treatment Refractory Schizophrenia: The Role of the "New" Antipsychotic Compounds" Presented at Grand Rounds, UCI Medical Center, Irvine, CA, 5 Jan 99.

11-98 "Treatment of Schizophrenia." Presented at Grand Rounds, UC Davis Medical Center, Sacramento, CA, 11 Nov 98.

11-98 "Atypicals and Side Effects." Presented at Sutter Family Practice Residency Program, Sacramento, CA, 11 Nov 98.

11-98 "Treatment of Refractory Patients and Partial Response." Presented at Janssen-Cilag SpA Laboratories, Beerse, Belgium, 6 Nov 98.

10-98 "The Role of Novel Antipsychotics in the Control of the Acute Psychotic Symptoms." Presented at the WPA Symposium, Guadalajara, MX, 30 Oct 98.

10-98 "Efficacy of Risperdal and the Atypical Antipsychotics." Presented at Grand Rounds, Porterville State Hospital, Porterville, CA, 21 Oct 98.

10-98 "Treatment of the Refractory Patient." Presented at the Grand Geneva Resort Symposium, Lake Geneva, IL, 3 Oct 98.

10-98 "Treatment Resistant Schizophrenia" Presented at the APA-IPS Symposium, Los Angeles, CA, 2 Oct 98.

09-98 "Treatment Refractory Schizophrenia." Presented at Grand Rounds, Oregon Health Sciences University Department of Psychiatry, 29 Sep 98.

09-98 "The Second Generation of 'Anti-schizophrenic' Drugs." Presented at the 1998 William Rondeau Memorial Lecture, Oregon Health Sciences University Department of Psychiatry, 28 Sep 98.

09-98 "Movement Disorders in Psychiatry." Presented at VA Hines, IL, 23 Sep 98.

09-98 "The Role of Atypical Antipsychotics." Presented at Napa State Hospital, CA, 19 Sep 98.

09-98 "Atypical Antipsychotics and Schizophrenia." Presented at Grand Rounds, Menlo Park VAMC, Menlo Park, CA, 11 Sep 98.

08-98 "New Treatment Options in Schizophrenia." Presented at ComCare, Phoenix, AZ, 18 Aug 98.

07-98 "Schizophrenia Overview and Movement Disorders." Presented at the Neuropsychiatric Nurse Practitioner Program, UCLA School of Nursing, Los Angeles, CA, 27 Jul 98.

07-98 "New Treatment Interventions for Psychotic Disorders." Presented at San Joaquin County Mental Health Services, Stockton, CA, 16 Jul 98.

07-98 "Strategies for Rapidly Controlling Acute Psychotic Symptoms." Presented at Napa State Hospital, Napa, CA, 3 Jul 98.

06-98 "New Directions in Psychosis." Presented at Grand Rounds, San Francisco General Hospital, San Francisco, CA, 26 Jun 98.

06-98 "The Clinical Choice: Is an Algorithm Possible?" Presented at Riverview Hospital, Vancouver, BC, 12 Jun 98.

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06-98 "Treatment of Refractory Psychosis: Is There a Rational Approach?" Presented at Riverview Hospital, Vancouver, BC, 12 Jun 98.

06-98 "Drug Treatment of Schizophrenia" Presented as course number 63 with faculty S Marder, J Davis, P Janicak, at the 151st APA Annual Meeting in Toronto, Canada, 2 Jun 98.

05-98 "New Atypical Antipsychotics: Similarities and Differences" Presented via satellite program for Indio and Riverside County Mental Health Inpatient Treatment Facility, Riverside, CA, 28 May 98.

05-98 "New Advances in the Treatment of Schizophrenia" Presented by CME, Inc. at Sheraton Gateway, Los Angeles, CA, 17 May 98.

05-98 "Psychopharmacology Update: A Comparison of Current Antipsychotic Drugs" Presented at Merritau Memorial Hospital, Martinez, CA, 12 May 98.

05-98 "Management of Cognitive Disruption in Schizophrenia" Presented at University of Illinois at Chicago Symposium in Bloomington, IL, 5 May 98.

05-98 "Neurocognition, Schizophrenia, and the Role of the Novel Antipsychotic Medications" Presented at the Panhellenic Psychiatric Congress, Limnos, Greece, 2 May 98.

04-98 "Neurocognitive and Functional Assessment - Rationale for M100907 Superiority" Presented at second Neuropsychiatry Forum of Hoechst Marion Roussel in Bridgewater, NJ, 24 Apr 98.

04-98 "Treatment Resistant Schizophrenia: Is there a Rational Approach?" Presented at Bergen Pines County Hospital, Paramus, NJ, 23 Apr 98.

04-98 "Treatment Resistant Schizophrenia: Is there a Rational Approach?" Presented at Rockland Psychiatric Center, Orangeburg, NY, 22 Apr 98.

04-98 "Update on Anti-psychotic Medications." Presented at Alaska Psychiatric Association's 5th Annual Spring Education Meeting, Anchorage, AK, 18 Apr 98.

03-98 "Psychopharmacology Update: A Comparison of Current Antipsychotic Drugs." Presented at Washington State Psychiatric Association Spring Meeting in Vancouver, BC, 28 Mar 98.

03-98 "Schizophrenia and Cognitive Function - Approaching the New Millennium" Presented at National Schizophrenia Symposium, Scottsdale, AZ, 27 Mar 98.

03-98 "Challenge: Making the most of Therapy with Atypical Antipsychotics" Presented at Eastern State Mental Hospital, Williamsburg, VA, 20 Mar 98.

03-98 "Past, Present and Future of Antipsychotic Drugs" Presented for the Virginia State Psychiatric Society, Richmond, VA, 21 Mar 98.

03-98 "Pharmacologic Impact on Neurocognitive Deficits in Schizophrenia:" Presented at Grand Round, Long Beach VA Medical Center, 4 Mar 98.

02-98 "Neurocognition in Schizophrenia: Magnitude, Functional Correlates and Pharmacologic Responsivity" Presented at USC School of Medicine Grand Rounds, 10 Feb 98.

02-98 "Biological bases for Schizophrenia" Presented at the seminar course for undergraduates Psychiatry 98P Professional Schools Seminar Program, UCLA, CA, 4 Feb 98.

11-97 "The New Generation of Antipsychotic Medications: Similarities and Differences"
-Presented at V.A.Psychiatry Service Grand Rounds, Minneapolis, MI, 21 Nov 97.

11-97 "The New Generation of Antipsychotic Medications: Similarities and Differences"
-Presented at HCMC Psychiatry Grand Rounds, MI, 21 Nov 97.

11-97 "Neurocognition in Schizophrenia: Magnitude, Functional Correlates, and Pharmacologic Responsivity" Presented at the Atascadero State Hospital, Atascadero, CA, 19 Nov 97.

11-97 "Pharmacologic Approach to Chronic and Treatment Refractory Schizophrenia" Presented at the Vancouver BCPA Conference, in Vancouver, Canada, 15 Nov 97.

11-97 "New Serotonin/Dopamine Antagonist" - Presented for the Loma Linda Psychiatric Residency Program, Loma Linda, CA, 14 Nov 97

11-97 "The Role of New Generation Antipsychotics in Treatment-Resistant Schizophrenia"
-Presented in Grand Rounds at The Chicago Medical School Department of Psychiatry and Behavioral Sciences, Chicago, IL, 6 Nov 97.

10-97 "Beyond Conventional Symptoms" - Presented in Riyadh, Saudi Arabia, 20 Oct 97.

10-97 "Neurocognitive Changes in Schizophrenia" Clinical Pertinence and Impact of Pharmacotherapy" - Presented in Grand Rounds at the University of Nebraska Medical Center, Omaha, NE, 15 Oct 97.

09-97 "Treatment Resistance in Psychosis"- Presented at the Annual Meeting of the Huron Valley Medical Center in Ypsilanti, MI, 24 Sep 97.

09-97 "Toxic Side Effects of Antipsychotic Medications - Focus on Neuromotor Syndromes"
Presented at The Fall 1997 Symposium of Charter Behavioral Health Systems of New England, Nashua, New Hampshire, 20 Sep 97.

09-97 "Risperidone: Efficacy Beyond Conventional Symptoms" Presented at the 10th Annual Meeting of European College of Neuropsychopharmacology, Vienna, Austria, 15 Sep 97.

09-97 "Schizophrenia, Neurocognition, and Antipsychotic Meds" Presented in Grand Rounds at Oregon Health Science University, 9 Sep 97.

09-97 "Past, Present and Future of Antipsychotics" Presented at the Mendota Mental Health Institute Conference Center, Madison, WI, 29 Aug 97.

06-97 "Efficacy: A Clinician's Evidence from Experience" Presented at the Risperdal: Evidence from Experience Interactive Seminars in East Midlands, England, 19 Jun 97.

06-97 "Efficacy: A Clinician's Evidence from Experience" Presented at the Risperdal: Evidence from Experience Interactive Seminars in East Kilbride, England, 18 Jun 97.

06-97 "Efficacy: A Clinician's Evidence from Experience" Presented at the Risperdal: Evidence from Experience Interactive Seminars in Aberdeen, Scotland, 17 Jun 97.

06-97 "Antipsychotics: The Evidence from Experience" Presented at the Janssen Research Foundation in Beerse, Belgium, 16 Jun 97.

06-97 "Atypical Neuroleptics: Newer Antipsychotics" Presented at the Northampton VA Medical Center, Northampton, MA, 4 Jun 97.

05-97 "Beyond Conventional Symptoms: Focus on Risperidone" Presented in Grand Rounds at Vanderbilt University Medical Center, Nashville, TN, 27 May 97.

05-97 "Psychopharmacology in the Geriatric Patient: Utility and Limitations" Presented at the California Society of Internal Medicine annual meeting, San Diego, CA, 24 May 97.

05-97 "The Recognition and Management of Side Effects of Typical and Atypical Neuroleptics" Presented as course number 54 with faculty SR Marder, J Davis, G Simpson, P Janicak at the 150th APA Annual Meeting, San Diego, CA, 17-22 May 97.

05-97 "Overview of Treatment of Psychosis with New Atypical Antipsychotic Medications" Presented at the Psychiatric Institute, Washington, DC, 16 May 97.

05-97 "Overview of Treatment of Psychosis with New Atypical Antipsychotic Medications" Presented at the Commission on Mental Health, Washington, DC, 15 May 97.

05-97 "Practical Applications in Atypical Antipsychotics: Clients with Movement Disorders" Presented at Cambridge Hospital, Boston, MA, 14 May 97.

05-97 "The Newer Antipsychotics: Differences and Applications" Presented at Butler Hospital, Providence, RI, 13 May 97.

04-97 "Risperidone and Neurocognition". Presented at the Annual Meeting of the Dutch Psychiatric Society, Amsterdam, Netherlands, 18 Apr 97.

04-97 "Clozapine vs. Haloperidol: Drug Intolerance in a Controlled Six Month Trial" Presented at the International Congress on Schizophrenia Research, Colorado Springs, CO, 14 Apr 97.

04-97 "Antipsychotic Drug Side-Effects: Objective and Subjective". Presented at the International Congress on Schizophrenia Research, Colorado Springs, CO, 14 Apr 97.

03-97 "An Update on Atypical Antipsychotics". Presented in Hyannis, MA, 28 Mar 97.

03-97 "An Update on Atypical Antipsychotics". Presented in New Bedford, MA, 27 Mar 97.

03-97 "The Management of Acute Exacerbations in Chronic Schizophrenia". Presented at Evidence From Experience, Lisbon, Portugal, 21 Mar 97.

03-97 "Beyond the Conventional Symptoms". Presented at Evidence From Experience, Lisbon, Portugal, 21 Mar 97.

03-97 "The Efficacy of Risperidone: The Evidence from the Controlled Clinical Experience". Presented in Beijing, China, 17 Mar 97.

03-97 "The Efficacy of Risperidone: The Evidence from the Controlled Clinical Experience". Presented in Nanjing, China, 15 Mar 97.

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03-97 "The Efficacy of Risperidone: The Evidence from the Controlled Clinical Experience". Presented in Shanghai, China, 14 Mar 97.

03-97 "The Efficacy of Risperidone: The Evidence from the Controlled Clinical Experience". Presented in Wuhan, China, 12 Mar 97.

03-97 "The Efficacy of Risperidone: The Evidence from the Controlled Clinical Experience". Presented in Guangzhou, China, 11 Mar 97.

01-97 "Rational Approach to Antipsychotic Medications and Patient Selection". Presented at the Midwinter Program for Psychiatrists, Lake Tahoe, NV, 28 Jan 97.

01-97 "Current Therapy Options: Efficacy and Side Effects". Presented at the Reintegration: Therapeutic Horizons for Psychotic Disorders Symposium in Salt Lake City, UT, 25 Jan 97.

01-97 "Issues in Diagnosis of Schizophrenia". Presented at the Reintegration: Therapeutic Horizons for Psychotic Disorders Symposium in Salt Lake City, UT, 25 Jan 97.

12-96 "The New Generation of Antipsychotic Medications: Similarities & Differences". Presented to the Hawaii Psychiatric Medical Association, Waikiki, HI, 3 Dec 96.

12-96 "The New Generation of Antipsychotic Medications: Similarities & Differences". Presented at Hawaii State Hospital, Kaneohe, HI, 2 Dec 96.

11-96 "Risperidone: The Controlled Clinical Experience". Presented in Newcastle, England.

11-96 "Risperidone: The Controlled Clinical Experience". Presented in Glasgow, Scotland.

11-96 "Risperidone: The Controlled Clinical Experience". Presented in Birmingham, England.

11-96 "Risperidone: The Controlled Clinical Experience". Presented in Manchester, England.

11-96 "Risperidone: The Controlled Clinical Experience". Presented at Kyoto Prefectural University, Kyoto, Japan.

11-96 "Risperidone: The Controlled Clinical Experience". Presented at Hiroshima University, Hiroshima, Japan.

11-96 "Treatment Resistant Schizophrenia: Is There a Rational Approach?" Presented in Kurashiki (Okayama City), Japan.

08-96 "New Solutions to Treatment Resistant Schizophrenia". Presented at the 10th World Congress of Psychiatry, Madrid, Spain, 23 Aug 96.

07-96 "Critical Issues in Psychoses: Dementia, First-Break Patients, Refractory Cases, and Pharmacoeconomics of Schizophrenia". A CME presentation, Costa Mesa, CA.

06-96 "Critical Issues in Psychoses: Dementia, First-Break Patients, Refractory Cases, and Pharmacoeconomics of Schizophrenia". A CME presentation, San Francisco, CA.

06-96 "The New Generation of Antipsychotic Medications: How Are They Different?". A CME presentation, Staunton, VA.

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05-96 "Treatment Resistant Schizophrenia" an industry-sponsored symposium presented at the 149th APA Annual Meeting, New York, NY, May 4-9, 1996.

05-96 "The Recognition and Management of Side Effects of Typical and Atypical Neuroleptics" Presented as course number 61 with faculty SR Marder, J Davis, G Simpson, P Janicak at the 149th APA Annual Meeting, New York, NY, May 4-9, 1996.

03-96 "Treatment Resistant Schizophrenia: Is There a Rational Approach?" Presented at Evolving Attitudes Across the Spectrum of Schizophrenia, Amsterdam, Netherlands.

03-96 "The Natural History of the 'Schizophrenias'". Presented at Evolving Attitudes Across the Spectrum of Schizophrenia, Amsterdam, Netherlands.

03-96 "Update on New Antipsychotic Medications". Presented at University of California, Davis, Davis, CA.

03-96 "Special Populations with Psychoses: First Break Patients, Adolescents and Geriatric Patients". A CME presentation, Long Beach, CA.

02-96 "Psychopharmacology in the Elderly: Cognition and Psychosis". Presented at the Area 7 Symposium, Las Vegas, NV.

02-96 "Side Effects of Antipsychotics: Recognition and Treatment". Presented at Grand Rounds, Stanford University Medical Center, Palo Alto, CA.

01-96 "The History and Current Status of Antipsychotic Drug Development". Presented at Grand Rounds, The Palos Verdes Regional Psychiatric Hospital, Tucson, AZ.

01-96 "The Risk Benefit Profiles of the Serotonin-Dopamine Antagonists". Presented at the University of Arizona, Tucson, AZ.

12-95 "Rational Approaches to Antipsychotic Pharmacotherapy". Presented at the Quarterly Meeting of the County of San Diego Mental Health Services, San Diego, CA.

11-95 "Special Populations with Psychosis: Adolescents, Geriatrics, and First Break Patients". A CME presentation, Seattle, WA.

11-95 "Special Populations with Psychosis: Adolescents, Geriatrics, and First Break Patients". A CME presentation, San Francisco, CA.

10-95 "The New Serotonin/Dopamine Antagonists: Are They Really Different?" presented to the Hirosaki University Department of Neuropsychiatry, Hirosaki University, Hirosaki, Japan.

10-95 "The New Serotonin/Dopamine Antagonists: Are They Really Different?" presented to the Akita University School of Medicine Department of Psychiatry, Akita University, Akita, Japan.

10-95 "The New Serotonin/Dopamine Antagonists: Are They Really Different?" presented to the Hokkaido University Department of Psychiatry, Hokkaido University, Hokkaido, Japan.

10-95 "Polypharmacy in the Treatment of Psychosis: Is There a Rational Approach?" presented at the SinYang Park Hotel, KwangJu, Korea.

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10-95 "Polypharmacy in the Treatment of Psychosis: Is There a Rational Approach?" presented at the KwangJu Severance Mental Hospital, KwangJu, Korea.

10-95 "Update on Serotonin/Dopamine Antagonists: Are They Really Different?" presented to the Meeting of the Korean Neuropsychiatric Association at the Seoul Education Culture Center, Seoul, Korea.

09-95 "Pharmacologic Treatment of Depression" presented to the Quarterly Meeting of the Hawaii Psychiatric Association, Honolulu, Hawaii.

09-95 "Anti-psychotic Medications & Patient Selection: Is There a Rational Approach?" presented to the Hawaii Medical Association at the University of Hawaii, Honolulu, Hawaii.

08-95 "Side Effects of Antipsychotic Medications" presented at the Quarterly Meeting of the Memphis Psychiatric Association, Memphis, TN.

07-95 "Polypharmacy: When is it Reasonable?" Grand Rounds, Alameda County Psychiatric Hospital, Alameda, CA.

07-95 "Behavioral Skill Training in Schizophrenia: Utility and Limitation" Grand Rounds, Atascadero State Hospital, Atascadero, CA.

06-95 "Side Effects of Antipsychotic Medications" Grand Rounds, Loma Linda VA Hospital, Loma Linda, CA.

06-95 "The Treatment of Psychosis in the Elderly" Los Encinas Hospital Annual Symposium, Pasadena, CA.

06-95 "Update on the New Antipsychotic Medications" presented to the Annual Meeting of the California Department of Corrections Psychiatrists, Diamond Bar, CA.

05-95 "How to do research without an NIMH grant" presented at the 148th Annual Meeting of the American Psychiatric Association, Miami, FL, 20-25 May 95.

05-95 "The recognition and management of the side effects of typical and atypical neuroleptics" presented as Course 69 with Director SR Marder, and Faculty J Davis, G Simpson, Philip Janicek, and myself, at the 148th APA Annual Meeting, Miami, FL, 20-25 May 95.

05-95 "Behavioral Skills Training in Chronic Schizophrenia" presented at the Annual Conference of Western Reserve Psychiatric Hospital, Northfield, OH, 5 May 95.

03-95 "Dopaminergic Modulation of Cigarette Smoking" presented at the Society for Research on Nicotine and Tobacco with Murray E Jarvik, MD, PhD and Nicholas H Caskey, PhD, San Diego, CA.

03-95 "The Safety and Efficacy of Serotonin-Dopamine Antagonists" a Continuing Medical Education presentation, St. Louis, MO.

03-95 "The Safety and Efficacy of Serotonin-Dopamine Antagonists" a Continuing Medical Education presentation, Philadelphia, PA.

02-95 "The Next Generation of Antipsychotic Medications" presented at Grand Rounds, Veterans

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Affairs Hospital, Tuskegee, AL.

11-94 "Dosing Strategies with Antipsychotic Compounds: Conventional, SDAs, and Atypicals" presented at the Fall Symposium of New Approaches to Treating Schizophrenia, Chicago, IL, 12 Nov 94.

10-94 "Risperidone: Is It Really Different?" presented at the Fall Conference of the California Alliance For the Mentally Ill, San Francisco, CA, 29 Oct 94.

05-94 "The recognition and management of the side effects of typical and atypical neuroleptics" presented as Course 71 with Director SR Marder, and Faculty J Davis, G Simpson, Philip Janicek, and myself, at the 147th APA Annual Meeting, Philadelphia, PA, 24 May 94.

05-94 "Dementia and Movement Disorders in the Elderly," presented as Course 6 with Director JL Cummings, and Faculty WE Reichman, D Sultzer, and myself, at the 147th APA Annual Meeting, Philadelphia, PA, 20 May 94.

04-94 "Risperidone, is it really different?" presented at a Stanford University sponsored symposium on the treatment of schizophrenia Palo Alto, CA.

03-94 "The New Atypical Antipsychotics--Focus on Risperidone" presented to the Utah State Alliance for the Mentally Ill, Salt Lake City, Utah.

02-94 "The New Atypical Antipsychotics--Focus on Risperidone" presented to the Washington State mental health workers (psychiatrists and pharmacists), Seattle, WA.

01-94 "The Real Cost of Neuroleptic Treatments" presented to the California State Legislature, Sacramento, CA.

01-94 "The Rational Use of Neuroleptics" presented at the annual educational meeting of the Los Angeles Chapter of Family Practitioners, Santa Monica, CA.

10-93 "The Therapeutic Window--The Role of Subjective Experiences" presented at the Quarterly Meeting of the Royal College of Psychiatrists in London, England.

05-93 "Optimum Dosing in Maintenance Treatment." Marder SR, Van Putten T, Wirshing WC, Lebell MB, McKenzie J, Johnston-Cronk K, presented at the 146th APA Annual Meeting, San Francisco, CA, 26 May 93. In: 1993 CME Syllabus & Proceedings Summary, p. 238. (No. 87B)

05-93 "Combined Skills Training and Early Intervention." Marder SR, Wirshing WC, Van Putten T, Eckman TA, Liberman RP, presented at the 146th APA Annual Meeting, San Francisco, CA, 24 May 93. In: 1993 CME Syllabus & Proceedings Summary, p. 156. (No. 28D)

05-93 "Clinical Use of Neuroleptic Plasma Levels." presented at the 146th APA Annual Meeting, San Francisco, CA, 25 May 93.

05-93 "Dementia and Movement Disorders in the Elderly," presented as Course 2 with Director JL Cummings, and Faculty WE Reichman and myself, at the 146th APA Annual Meeting, San Francisco, CA, 22 May 93.

01-93 "Hyperkinetic Syndromes in the Elderly" presented at the Geriatric Supercourse in Marina

del Rey, CA, 20 Jan 93.

11-92 "Clinical Consequences of Akinesia and Akathisia", presented as first author with

T Van Putten and SR Marder at the Association of European Psychiatrists Congress, Barcelona, Spain, 5 Nov 92.

10-92 "The New Atypical Antipsychotics", presented to the South Coast Chapter of the Alliance for the Mentally Ill, Torrance, CA.

06-92 "Impact of Public Opinion and News Media on Psychopharmacology in the 1990's", with Louis Jolyon West, MD, at the College of International Neuropsychopharmacology Annual Meeting (CINP), 30 Jun 92, Nice, France.

05-92 "Drug-Induced Movement Disorders in the Elderly," presented at the 145th Annual American Psychiatric Association Meeting, Washington, DC.

03-92 "Fluoxetine-Induced Suicidality: Science, Spurious, or Scientology?" presented at the Daniel X. Freedman Journal Club, UCLA.

01-92 "The Placebo-Controlled Treatment of the Schizophrenic Prodrome," Biannual Winter Workshop on Schizophrenia, Badgastein, Austria.

01-92 "Management of the Neuroleptic-Intolerant Patient," presented with D Ames and T Van Putten at UCLA Grand Rounds, Los Angeles, CA.

01-92 "Akathisia with the New Atypical Neuroleptics," presented at Psychiatry Grand Rounds, UCLA-Harbor Medical Center, Torrance, CA.

12-91 "Management of Risk of Relapse in Schizophrenia," presented at the Annual Meeting of the American College of Neuropsychopharmacology, San Juan, Puerto Rico.

10-91 "Extrapyramidal Symptoms and the Atypical Antipsychotics," presented to the Southern California Chapter of the California Alliance for the Mentally Ill, Los Angeles.

06-91 "Neuroleptic-Induced Extrapyramidal Symptoms," presented at the Southern California Psychiatric Society, West Hollywood, CA.

05-91 "Pharmacokinetics of Long-Acting Neuroleptics," presented with SR Marder, T Van Putten, J Hubbard, M Aravagiri, and KK Midha, at the American Psychiatric Association 144th Annual Meeting, New Orleans, LA.

05-91 "Fluphenazine Dose in Chronic Schizophrenia," presented with SR Marder, T Van Putten, M Lebell, J McKenzie, and K Johnston-Cronk, at the American Psychiatric Association Annual Meeting, New Orleans, LA.

05-91 "Early Prediction of Schizophrenic Relapse," presented with SR Marder, T Van Putten, M Lebell, K Johnston-Cronk, and J Mintz, at the American Psychiatric Association Annual Meeting, New Orleans, LA.

04-91 "Instrumental Quantification of Akathisia," presented with T Van Putten, SR Marder, JL Cummings, G Bartzokis, and MA Lee at the International Congress on Schizophrenia Research,

Tucson, AZ.

04-91 "Antipsychotic Drugs of the Future: The Legacy of Clozapine," presented at the Annual Meeting of the Southcoast Alliance for the Mentally Ill, Fountain Valley, CA.

02-91 "Free Radicals, Movements Disorders, and their Possible Interrelationship," presented to the College of Pharmacy, University of Saskatchewan, Saskatoon, Canada.

11-90 "Primary and Secondary Effects of the Neuroleptics: An Historical Perspective." California Alliance for the Mentally Ill, Fall Conference, Ventura, CA.

11-90 "Antipsychotic Drugs of the Future: The Legacy of Clozapine." California Alliance for the Mentally Ill, Fall Conference, Ventura, CA.

10-90 "Instrumental Quantification of the Akathisia Liability of Clozapine." 2nd Annual NARSAD Scientific Symposium, Washington, DC.

06-90 "Instrumental Quantification of the Akathisia Liability of Clozapine." Regional Meeting of NARSAD Supporters, Pasadena, CA.

02-90 "Instrumentation of Drug-Induced Movement Disorders." Neurology Grand Rounds, West LA VAMC, Los Angeles, CA.

02-90 "Functional Versus Organic Psychoses." Psychiatry Grand Rounds, UCLA Harbor Medical Center, Torrance.

10-89 "Use of Quantitative Instruments in the Assessment of Neuroleptic-Induced Movement Disorders." Presented to regional representatives of NARSAD.

04-89 "Management of Risk of Relapse in Schizophrenia." The Annual Spring Scientific Meeting of the Southern California Psychiatric Society, Hollywood, CA.

03-89 "Quantitative Approaches to Drug-Induced Movement Syndromes." Medical Staff of Camarillo State Medical Facility, Camarillo, CA.

01-89 "Social Skills Training in the Chronic Schizophrenic: A Workshop." 2nd Annual Winter Conference of the American Assn. of Community Psychiatrists, Charleston, SC.

11-88 "Instrumentation of Drug-Induced Movement Disorders." Presented to California state legislators, their aides, and advocates of national mental health groups (NAMI and NARSAD).

08-88 "Classical Cases in Schizophrenia", with JA Talbot, MD, Professor and Chair, Department of Psychiatry, University of Maryland. Program produced with an educational grant from Boehringer Ingelheim Pharmaceuticals, Ridgefield, CT.

08-88 "Drug-Induced Extrapyrimalidal Syndromes in Psychiatric Patients." Texas State Hospital medical staff, Big Springs, TX.

06-88 "Role of Psychopharmacology in the Treatment of the Chronic Mental Patient." Department of Corrections at the California Medical Facility in Vacaville, CA.

04-88 "Psychosocial Rehabilitative Treatment of the Chronic Schizophrenic Patient." Presented to

the staff of the Roseburg VA Medical Center, Roseburg, OR.

03-88 "Behavioral Rehabilitation of the Chronic Mental Patient." Workshop presented at the First Annual Winter Conference of the American Society of Community Psychiatrists, Colorado Springs, CO.

01-88 "Electromechanical Characteristics of Tardive Dyskinesia." The Biannual Winter Workshop on Schizophrenia, Badgastein, Austria.

10-87 "Medication/Consent." Symposium with Drs. R Liberman, J Vaccaro, and J Kane, presented at the 1987 Institute on Hospital and Community Psychiatry, Boston, MA.

09-87 "Medication Management and Patient Education." Annual Department of Mental Health Conference at Michigan State University, East Lansing, MI.

05-87 "Quantitative Assessment of Extrapyrarnidal Symptoms and Involuntary Movement," presented at a symposium on Acute and Chronic Extrapyrarnidal Symptoms and Tardive Dyskinesia, at the Annual Meeting of the APA, Chicago, IL.

10-86 "The Affective Disorders Spectrum," presented to the Graduate School of Psychology of the California Lutheran College in Thousand Oaks, CA.

04-86 "Unique Issues of Older Adults with Chronic Mental Health Problems, Focus on Schizophrenia." Mental Health and Aging Conference in Los Angeles, CA.

02-86 "The Geriatric Patient with Cardiac and Psychiatric Problems: Pharmacologic Concerns." VA Nursing Service for their Continuing Education Series in Los Angeles, CA.

10-85 "Psychopharmacologic Treatment of the Geriatric Population," presented to the Psychology interns at the VA as part of their Continuing Education Series in Los Angeles, CA.

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Articles

98. Murphy D, Bailey K, Stone M, Wirshing WC. Addictive potential of quetiapine.

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