

1/26/18 403.

DV-120


Response to Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

FILED
 Superior Court of California
 County of San Francisco

JAN 22 2018

CLERK OF THE COURT

BY:  Deputy Clerk

1 Name of Person Asking for Protection:
 (See Form DV-100, item ①):
 LAURA OWENS

2 Your Name:
 MICHAEL MARRACCINI

Your lawyer in this case (if you have one):
 Name: RANDY SUE POLLOCK State Bar No.: 64493
 Firm Name: LAW OFFICES OF RANDY SUE POLLOCK
 Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):
 Address: 286 SANTA CLARA AVENUE
 City: OAKLAND State: CA Zip: 94610
 Telephone: 510-763-9967 Fax: 510-380-6551
 E-Mail Address: rsp@rspollocklaw.com

Fill in court name and street address:

Superior Court of California, County of
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN FRANCISCO
 UNIFIED FAMILY COURT
 400 McAllister Street
 SAN FRANCISCO, CA. 94102

Fill in case number:

Case Number:
 FDV 18-813693

3 Use this form to respond to the Request for Domestic Violence Restraining Order (Form DV-100).

- Fill out this form and take it to the court clerk.
- Have the person in ① served by mail with a copy of this form and any attached pages. (See Form DV-250, Proof of Service by Mail.)
- For more information, read Form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
- This form is for a response to a restraining order request. For more information about how to request your own restraining order, read Form DV-505-INFO and Form DV-120-INFO (see the section called "What if I need a restraining order against the other person?")

The judge will consider your Response at the hearing.
 Write your hearing date, time, and place from Form DV-109, Notice of Court Hearing, item ③, here:

Hearing Date → Date: JANUARY 26, 2018 Time: 9 A.M.
 Dept.: 403 Room: 403

You must obey the orders in Form DV-110, Temporary Restraining Order, until the hearing. At the hearing, the court may make restraining orders against you that could last up to five years and could be renewed.

4 **Relationship to Person Asking for Protection**

a. I agree to the relationship listed in item ④ on Form DV-100.
 b. I do not agree that the other party and I have or had the relationship listed in item ④ on Form DV-100 because: _____

5 **Other Protected People**

a. I agree to the order requested.
 b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

This is not a Court Order.

6 **Personal Conduct Orders**

a. I agree to the orders requested.

b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

7 **Stay-Away Order**

a. I agree to the order requested.

b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

8 **Move-Out Order**

a. I agree to the order requested.

b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

9 **Guns or Other Firearms or Ammunition**

If you were served with Form DV-110, Temporary Restraining Order, you must turn in any guns or firearms in your immediate possession or control. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form DV-110.

a. I do not own or have any guns or firearms.

b. I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because (specify): _____

c. I have turned in my guns and firearms to law enforcement or sold them to, or stored them with, a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored my firearms (check all that apply):

is attached has already been filed with the court.

10 **Record Unlawful Communications**

a. I agree to the order requested.

b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

11 **Care of Animals**

a. I agree to the order requested.

b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

This is not a Court Order.



12 **Child Custody and Visitation**

- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 25, page 5, of this form.)*
- c. I am not the parent of the child listed in Form DV-105, *Request for Child Custody and Visitation Orders.*
- d. I ask for the following custody order *(specify):* _____
- e. I do I do not agree to the orders requested to limit the child's travel as listed in Form DV-108, *Request for Order: No Travel with Children.*

You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

13 **Child Support** *(Check all that apply):*

- a. I agree to the order requested.
- b. I do not agree to the order requested. *(Specify your reasons in item 25, page 5, of this form.)*
- c. I agree to pay guideline child support.

Whether or not you agree to pay support, you must fill out, serve, and file Form FL-150, Income and Expense Declaration, or Form FL-155, Financial Statement (Simplified).

14 **Property Control**

- a. I agree to the order requested.
- b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

15 **Debt Payment**

- a. I agree to the order requested.
- b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

16 **Property Restraint**

- a. I agree to the order requested.
- b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

17 **Spousal Support**

- a. I agree to the order requested.
- b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.

This is not a Court Order.



18 **Rights to Mobile Device and Wireless Phone Account**

- a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

19 **Insurance**

- a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

20 **Lawyer's Fees and Costs**

- a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

- c. I request the court to order payment of my lawyer's fees and costs.

Whether or not you agree, you must fill out, serve, and file Form FL-150, Income and Expense Declaration.

21 **Payments for Costs and Services**

- a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

22 **Batterer Intervention Program**

- a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

23 **Other Orders** (see item 22 on Form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested, but I would agree to: _____

(Specify your reasons in item 25, page 5, of this form.)

24 **Out-of-Pocket Expenses**

I ask the court to order payment of my out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:

Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____

You must fill out, serve, and file Form FL-150, Income and Expense Declaration.

This is not a Court Order.



25 **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each of the orders requested (*give specific facts and reasons*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write, "DV-120, Reasons I Do Not Agree" as a title.

For approximately 8-9 months, from April 2016 until March 2017, I was involved in a dating relationship with Petitioner. During that time Petitioner wanted a far more committed relationship than I was interested in. The allegations she has made are total fabrication from a young woman who has threatened suicide multiple times, been hospitalized for depression and been on anxiety/depression medications. For the sake of her mental and emotional stability I tried to work things out with her and have a friendship but she has been continued to be focused on having a permanent relationship with me which I did not want. As shown in Attachment 1, text messages between Jan Black, petitioner's mother and myself, Petitioner has suffered from emotional issues that necessitated her placement in an inpatient facility followed by outpatient treatment and multiple medications. Attachment 2, test messages between Ronn Owens, petitioner's father, and myself, he also acknowledges Petitioner's mental and emotional instability. Mr. Owens, in a text message dated December 2016, told me "Please call Laura and promise her anything. She wants to keep her alive and I promise to help you get out of it as soon as she's safe. Please NOW." Additionally, the texts from Petitioner to my sister (Attachment 3), in December 2016 show Petitioner as a person consumed with her love for me and her desire to make our relationship work. I ended the relationship and wanted to move on with my life.

Regarding her specific claims, Question 2 (pg.5 of 6), I was leaving a restaurant with my sister which was 300 ft. from my sister's apartment. When we were exiting Petitioner was outside and immediately confronted us and called me a liar, rapist and thief. I asked her to leave me alone and to stay out of my life but she kept arguing. Following this encounter she wrote my present girlfriend and made accusations about me.

Regarding #4: Since before we dated, Petitioner has taken multiple medications to help with depression and anxiety. The texts in all of the attachments confirm this. Towards the end of our relationship, Petitioner told me she would take horse tranquilizers to calm down.

26 Number of pages attached to this form, if any: 22

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

Date: January 21, 2018

MICHAEL MARRACCINI
Type or print your name


Sign your name

Date: 1/22/2018

RANDY SUE POLLOCK
Lawyer's name, if you have one


Lawyer's signature

This is not a Court Order.

Owens v. Marraccini, FDV 18-813639

ATTACHMENT 1

Texts Between Petitioner's Mother and Respondent

10:25 ↗



Jan

Message
Dec 9, 2009, 7:20 PM

Mike, it's Jan. I got this text from Laura who asked me to contact you and ask if you will give her another chance. She is terribly upset and feels you played her like a fool. I have to admit that Ronn and I both believed you at the North Beach restaurant when you said you were taking responsibility for the pregnancy and that the timing was wrong. I can see how she didn't think you were lying and didn't intend to end the relationship when the pregnancy was over. Please read the text she wrote and consider giving her another chance.

Mike recently made the comment to me that he would have said anything in the world to get out of having a child. That he agreed to whatever I want just to not have to have it. This has been weighing on me like a ton of bricks lately and I absolutely cannot live with myself anymore. The child



11:00 AM



10:25



< 341



Jan

Please let me know if you got this.

Again, my words get
misconstrued. I was 100%
truthful with you and Robin
when we talked at JB
restaurant. I was supportive
throughout the entire process
and when we were at Tony
Robbins I told her that "if I
didn't say that I was going to
get married or have a child
later on with you, you would of
kept the child." She replied with
that's absolutely true. I never
said that I was appeasing her at
the time, I just told her that she
was always giving me an
ultimatum and I was tired of
receiving the threats. I've been
100% honest throughout this
entire process and am still here
today months after the
operation even though I'm
incredibly unhappy with where
we stand. I've been at my
breaking point for a long time
and have been honest and
truthful with her about my



Message



10:25



341



Jan



feelings. We told her that the
 relationship was not unworkable
 and that I don't feel like I'm the
 right fit for her. Though she
 would disagree with me, we
 tried.

And sometimes I've been thinking
 keeps getting on my mind. I told
 her that we have different
 expectations when it comes to
 boyfriend and girlfriend. I also
 told her we need to work on
 being happy rather than
 focusing on a title.

I have never once asked for
 Iceland nor did I know she had
 purchased it. She wanted it to
 be a surprise for me and never
 asked me what I was doing
 over that period of time. I had
 already purchased a trip a year
 ago that I was really looking
 forward to and cancelled it
 because she made me feel
 guilty.

Bottom line is this shouldn't be
 a surprise to Laura considering



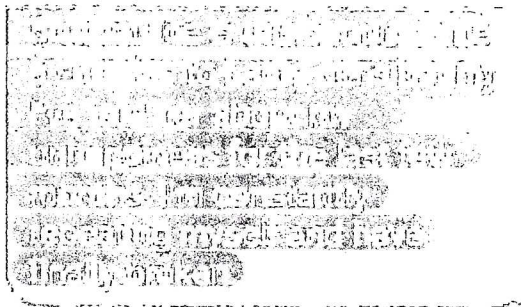
Message



10:25



Jan



I understand what you're saying, but could you please call her and be gentle and hear what she is saying. It would mean a lot to all of us. She wants you to forgive her for whatever she's done that's gotten you two to this point.

I told her that if she betters herself that I would contemplate a future with her. She is again threatening to commit suicide. Did you go and see her today? She said she has been in her car for the last 4 hours

So you did call her?

I'm still on the phone with her



Messages



10:26



< 341



i

Jan

I've been thinking about
how sad that I would
be if I could have someone
like you in my life. I'm
sorry about the way I
am. I'm not sure if I
can help you. I'm not
sure if I can help you.
I'm not sure if I can help you.

So you did call her?

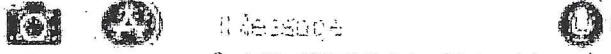
Yes, I did call her.

Okay, great!

No, it's not great. She is threatening to kill herself and jump off the bridge.

We truly appreciate it.

I think she will be in a better mindset if she gets the medication adjusted, gets some rest and is off of gluten for awhile. If you can calm her, we would be eternally grateful. She is not acting like herself and I am certain it is because



10:26



341



Jan



I think she will be in a better mindset if she gets the medication adjusted, gets some rest and is off of gluten for awhile. If you can calm her, we would be eternally grateful. She is not acting like herself and I am certain it is because of meds and gluten and exhaustion.

Dec 10, 2016, 9:47 AM

Hi Mike, are you with Laura? We haven't heard anything from you or her since last night.



Dec 10, 2016, 9:00 PM

Did I get the correct report that she is heading home and you two are back together? She just called us and Ronn and I are looking up hospitals to meet her at.

I followed what Ronn told me to



10:30



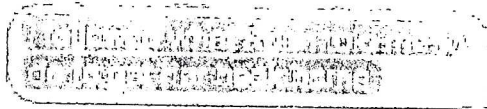
10:26



Jan



meet her at.



Dec 11, 2016, 10:35 AM

Hi Mike, we wanted to thank you so much for what you did for us and Laura this weekend. You saved her and we will forever be grateful to you. She is getting treated as an inpatient right now and then will continue to be treated as an outpatient. They are going to change the medication they put her on for anxiety. We would love to take you out to thank you later this week or the following if you are available; does that work? We also know this took a big toll on your family this weekend and we would love to take everyone out to the House of Prime Rib this holiday season if your mom and sister are in SF.

Dec 12, 2016, 11:04 AM



10:04 AM



10:27



Jan

Dec 12, 2016, 11:04 AM

I'm glad Laura got treatment for a day, but she just informed me she is checking out and is back to the way she was before. Yesterday she told me that she was here which is very concerning. She somehow still doesn't get that I have been with someone that is

ACTUALLY dying and wants to live another day, yet she wants to end her life out of selfishness.

The reason I'm writing you is to let you that the statements I told Laura this weekend were logical and out of compassion. I was given an ultimatum of "if we are not together, then I'm going to kill myself." Nobody ever wants to be given an ultimatum especially when death is involved. Ronn and I said we needed to do whatever we could to make sure your



Write message



10:27



347



Jan



When I said I was lying, you said
 that you had the same feeling
 and I said that was the same
 feeling and you said I was
 given an ultimatum of "If
 we are not together, then I'm
 going to kill myself." Nobody
 ever wants to be given an
 ultimatum especially when
 death is involved. Ronn and I

**said we needed to do whatever
 we could to make sure your
 daughter came home safely,
 yet you told her I was lying to
 her. I get being a mom you
 want to protect your daughter,
 but i don't get why you do that
 when Laura was suicidal all
 weekend. Like I said I
 understand your her mother,
 but relaying that message
 caused an incredible amount of
 stress on me and in turn i took
 it out on my family.**

With all of that being said, I
 appreciate your offer for dinner
 and even including my family,
 but I'm going to have to pass. I
 care, love and appreciate
 Laura, you, Ronn, Sarah and



Message



10:28



Jan

choice for her in the first place and may have compounded her feelings by being increased today.

Mon, Mar 13, 12:00 PM

Keeping all of you in our thoughts and prayers, Mike. So sorry for your loss. Please let us know if there is anything we can do.

Mon, Mar 13, 5:16 PM

Thank you very much Jan. Also I want to thank you, Rob and Lauren for the beautiful plants. I also ate my mother's favorite so she started crying when she received them.

Read 3/13/12

You are very welcome! I am glad your mom likes azaleas; they are one of my favorites, too, because they last a long time. I'm glad you are all able to be together and support one another at a time like this. Stay strong!



Photo Library



10:27



Jan

When she started taking
 the medicine she was
 anxious and she was
 not sleeping. She was
 very nervous and she
 was not eating. She
 was very upset and
 she was crying. She
 was very nervous and
 she was not sleeping.
 She was very upset and
 she was crying. She
 was very nervous and
 she was not sleeping.

They increased her dosage of Cymbalta and I think it has had a very bad effect on her.

I think it wasn't a good idea and has made her very anxious and upset.

Please be kind and patient with her.

It is all because of the drug.

And she hasn't eaten

I understand that and have
 been kind and patient, but
 when she doesn't like an
 answer she gets thoroughly



Message



10:27



Jan

been kind and patient, but
 when she doesn't like an
 answer, she gets thoroughly
 upset.

Again she just called and asked
 why I would be so angry with
 her. I told her I was angry because
 she was asking me to be a part of
 her life when I was already a part
 of her life. I told her I was
 angry because she was asking me
 to be a part of her life when I
 was already a part of her life.
 You tell me something that
 doesn't mean I tell Laura. There
 are some things she doesn't
 need to know especially the
 state that she is in. I didn't say I
 never want to see anyone
 again. I respectfully declined
 the kind invitation because it's
 still too fresh and my family is
 focused on someone who is ill.

I totally understand and feel
 very sorry for what your family
 is going through right now. I
 am truly sorry that this has
 been a distraction. I would just
 ask for your continued
 understanding and patience as



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10:27



Jan

I totally understand and feel very sorry for what your family is going through right now. I am truly sorry that this has been a distraction. I would just ask for your continued understanding and patience, as I feel strongly that her current state of mind and tearfulness is due to the medication, which may not have been the right choice for her in the first place and may have compounded her feelings by being increased today.

Mon, Mar 13, 10:06 PM

Keeping all of you in our thoughts and prayers, Mike. So sorry for your loss. Please let us know if there is anything we can do.

Mon, Mar 13, 5:16 PM

Thank you very much Jan. Also I want to thank you, Ronn and Laura for the beautiful plant. Azaleas are my mothers favorite so she started giving



10:06 PM



Owens v. Marraccini, FDV 18-813639

ATTACHMENT 2

Texts Between Petitioner's Father and Respondent

12:06 ↗

LTE 

< 342



Rona



Dec 10, 2016, 10:13 AM

Please call Laura and promise her anything
She wants to keep her alive and I promise to help you get out of it as soon as she's safe.

Please. NOW

She sends me to voicemail every time

We're now telling her that by text

Done

Text Message

Please also remember she suffered a concussion last week and between that and the pills she is not herself.

iMessage

No excuses for these types of



iMessage



12:06 ↗

LTE 

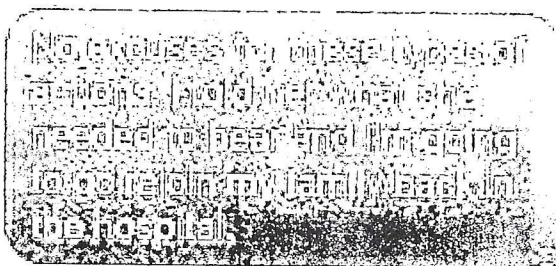


Ronn

Text Message

Please also remember she suffered a concussion last week and between that and the pills she is not herself.

Message



Dec 10, 2010, 3:53 PM

We are desperate to get a hold of her and nothing yet. She said you are talking. Can you please respond to her? We need her back.

Dec 10, 2010, 5:00 PM

Ronn, I've done everything for you guys all day while my step father is dying yet you both don't have the decency to call me back



Message



12:07

LTE



Ronn

please respond to her? we
need her back

Dec 10, 2016, 4:30 PM

Hi Ronn I'm so sorry about your
father's death. I hope you
don't have any more bad
news.

This is getting ridiculous

I feel like absolute shit reading
your text. I am so, so, so sorry.
I had no idea that your
stepfather was dying and you
are absolutely right. I didn't
realize my ringer was off until
now. I will call you tonight
when she is safe back in SF.

Dec 23, 2016, 11:36 AM

And thank you for sending the
flowers to my family. That
means a lot

Dec 23, 2016, 0:22 PM



WhatsApp



Owens v. Marraccini, FDV 18-813639

ATTACHMENT 3

Texts Between Petitioner's Petitioner and Respondent's Sister

AT&T

12:43 PM

28%



Laura

He has mentioned that you both don't see eye to eye on being present in the moment and not focusing on the future. When I frustrate him or cause unnecessary family drama he pushes away and hates turmoil.

I really appreciate the advice. I've noticed that with him too. It's just been a very hard day and the more I try to do the right thing, the more I seem to do the wrong thing, even though that's obviously the opposite of my intention. I will listen to what you said and move forward.

I'm sorry it's been a difficult day. Just take some deep breathes and now that he cares about you and your well being

I really appreciate it. I genuinely want nothing more in my life than to work on my relationship with him and I seem to keep messing it up.



iMessage

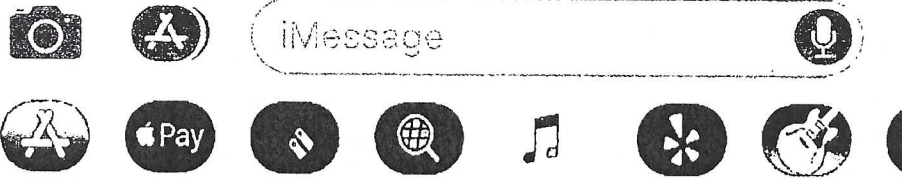




Laura

Hi! I just got my phone back for a couple minutes tonight and wanted to say I am here for you if you ever want to talk about the depression stuff because clearly I get it! I will be praying for you to feel better, that feeling is the worst. I also just wanted to reiterate my gratefulness and apologies to your family and to your brother. My big goal is to come out of this as the best possible partner for him and would give him the world if I could - he truly deserves him and I so treasure him and our relationship, I just need to show him that rather than only use the words all the time. He is my motivation and you should be really proud to call him your brother. Hope you are doing better and sleep well!

Hi Laura. Thank you for your kind message. I am proud, he is a good, and kind soul, and so are you ❤️. I am thinking about you, and hope you get a good night's sleep. Night





Laura

Dec 31, 2016, 4:11 PM

Thank you so much for listening to me. I have just hoped he would believe in me that my heart is genuinely in the best place and I am trying to understand/get these emotional issues under control. It breaks my heart that I know he doesn't believe I can change. Thank ti for believing in me and helping me. You have been such a bright light. I have just fucked everything up with the person I cared about most. I just wish he understood and could support me while I've been struggling rather than seem so doubtful about my abilities. I will miss you guys and my daily tremendously. Thank you for trying. I'm just not enough. I don't deserve another chance and God has no reason to keep me on this earth any longer. And I'm totally ok with that. Mike deserved the best and it wasn't me

Laura, you are an amazing person.



iMessage



AT&T

12:45 PM

27%



Laura

Is everything okay today? Did you two work it out

I think so. He is definitely trying and I am really taking what you said to heart. I also think he and I are (unfortunately) very similar where when our buttons get pushed, we end up saying just about the worst things to each other that we don't actually mean. Then I immediately regret it and want reassurance, but he needs time. I think I just need to accept him for every absolutely fantastic quality he has and realize that what has caused our fights has largely been 1) social media (which you brought up and is really true - it doesn't matter at all, I just was sad that he didn't want me posting pics together but I totally believe what you said that he just doesn't do that with anyone) and 2) my anxiety and depression and I am 100% sure whatever drugs I am on for it are making it way worse for me. He's sleeping next to me on the bus right



iMessage



AT&T

12:48 PM

26%



Laura

My family had a long call with me because I asked their honest opinions about what I should do. I feel like things are really up in the air with us and that we need to smooth a couple things over. We have talked a lot about feelings and what comes up over and over is how I love him and he doesn't have those feelings for me. I have been praying to get the answer I need - do I stay with someone that I love with all of my heart, even though there is a good chance he will never love me? I wanted to tell him how much he meant to me. He was just not nice on the phone. I've done a lot to be there for Mike and support him and I wouldn't dream of ignoring him or not talking his calls

My heart is telling me that I shouldn't be with someone who treats me like this and ignores me when I am upset. I don't think he cares if I stay or if I go so I guess I have my answer, which is just hard



iMessage



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PROOF OF SERVICE

OWENS VS. MARRACCINI
FDV-18-813693

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I, Randy Sue Pollock, am employed in the aforesaid County, State of California; I am over the age of 18 years and not a party to the within action; my business address is 286 Santa Clara Avenue, Oakland, CA 94610

On, I caused to be served on the interested party in this action by serving a true copy thereof, via messenger, addressed as follows:

RESPONSE TO DVRO -DV-120]

LAURA OWENS
3330 Pierce Street, #305
San Francisco, CA 94123

I declare under penalty of perjury that the above is true and correct. Executed this 22 day of January, 2018, at Oakland, California.

Randy Sue Pollock
RANDY SUE POLLOCK