

Workplace Violence Restraining Order After Hearing

UCS Clerk stamps date here when form is filed.

CCPDR FILED 2014 JUL 30 P 3: 21 David L. Karpis, Clerk of the Superior Court County of Santa Clara By: B. ADENIWA

1 Petitioner (Employer)

a. Name: Via View Inc. Lawyer for Petitioner (if any, for this case): Name: Jay Leiderman State Bar No.: 203,336 Firm Name: Law Offices of Jay Leiderman

b. Your Address (If you have a lawyer, give your lawyer's information.): Address: 5740 Ralston St., 300 City: Ventura State: CA Zip: 93003 Telephone: (805) 654-0200 Fax: (805) 654-0280 E-Mail Address: jay@crininal-lawyer.me

Fill in court name and street address:

Superior Court of California, County of Santa Clara 191 N. First Street San Jose, CA 95113 CIVIL DIVISION

2 Employee (Protected Person)

Full Name: James McGibney

Court fills in case number when form is filed.

Case Number: 114CH005460

3 Respondent (Restrained Person)

Full Name: Thomas Christopher Retzlaff

Description:

Sex: [X] M [ ] F Height: Unkn Weight: Unkn Date of Birth: 3-14-1966 Hair Color: brown Eye Color: brown Age: 48 Race: White Home Address (if known): 8312 W. Elm Street City: Phoenix State: AZ Zip: 85037 Relationship to Employee:

4 [X] Additional Protected Persons

In addition to the employee, the following family or household members or other students are protected by the temporary orders indicated below:

Table with 5 columns: Full Name, Sex, Age, Household Member?, Relation to Employee. Rows include Brittany Retzlaff and Jason S. Leiderman.

[ ] Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Date: 28 July, 2017 Time: 11:59:00 AM [ ] a.m. [X] p.m.

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

6 Hearing

- a. There was a hearing on (date): 7-29-14 at (time): 9:00am in Dept.: 19 Room: \_\_\_\_\_  
 (Name of judicial officer): Socrates P. Manoukian made the orders at the hearing.
- b. These people were at the hearing:
- (1)  The petitioner/employer representative (name): \_\_\_\_\_
- (2)  The lawyer for the petitioner/employer (name): Jason S. Leiderman
- (3)  The employee (4)  The lawyer for the employee (name): \_\_\_\_\_
- (5)  The respondent\* (6)  The lawyer for the respondent (name): Katrina Saleen (Specially Appearing)
- Additional persons present are listed at the end of this Order on Attachment 5.
- c.  The hearing is continued. The parties must return to court on (date): \_\_\_\_\_ at (time): \_\_\_\_\_.

*Spm \* via skype  
Spm (partially)*

**To the Respondent.**

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

7 Personal Conduct Orders

- a. You are ordered not do the following things to the employee  
 and to the other protected persons listed in (4):
- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during work hours or while going to or from the place of work.
- (4)  Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- (5)  Enter the person's workplace.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (specify):  
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).
- \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**



**8 Stay-Away Order**

- a. You must stay at least 1,000 yards away from (check all that apply):
- (1)  The employee
  - (2)  Each other protected person listed in **4**
  - (3)  The employee's workplace
  - (4)  The employee's home
  - (5)  The employee's school
  - (6)  The employee's children's school
  - (7)  The employee's children's place of child care
  - (8)  The employee's vehicle
  - (9)  Other (specify): \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**9  No Guns or Other Firearms and Ammunition**

- a. You 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. If you have not already done so, you must:
- (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
  - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns have been turned in, sold, or stored. (You may use Form WV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.)
- c.  The court has received information that you own or possess a firearm.

**10  Costs**

You must pay the following amounts for costs to the petitioner

Item	Amount	Item	Amount
3 TRO Hearings	\$ 7,500.00		\$ _____
1 TRO Hearing	\$ 2,500.00		\$ _____
	\$ _____		\$ _____

Additional amounts are attached at the end of this Order on Attachment 10.

**11  Other Orders (specify):**

Counsel to submit invoice for attorney fees.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment 11.

**This is a Court Order.**



**To the Person in 1**

**12 Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, the petitioner or the petitioner's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

**13 Service of Order on Respondent**

- a.  The Respondent personally attended the hearing. *via Skype (partial). Order served on Respondent's counsel. SPm*
- b.  The respondent did not attend the hearing.
  - (1)  Proof of service of Form WV-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form WV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
  - (2)  The judge's orders in this form are different from the temporary restraining orders in Form WV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

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

The sheriff or marshal will serve this Order without charge because the Order is based on unlawful violence, a credible threat of violence, or stalking.

**15** Number of pages attached to this Order, if any: 1

Date: 30 July 2014  
*none pro tunc to 29 July 2014*

*Socrates P. Manoukian*  
Judicial Officer  
**SOCRATES P. MANOUKIAN**

**This is a Court Order.**

### Warning and Notice to the Respondent

#### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item (9). The court will require you to prove that you did so.

### Instructions for Law Enforcement

#### Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

#### Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item (5) on page 1.

#### Arrest Required If Order Is Violated

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

#### Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person served (given notice) if (Pen. Code, § 836(c)(2)):

- 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.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

#### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains 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).)

**This is a Court Order.**



**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate  
[seal]

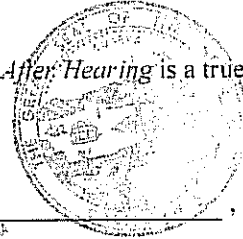
(Clerk will fill out this part.)  
—Clerk's Certificate—

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

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

Clerk, by JUL 30 2014

, Deputy



THE CLERK SHALL SIGN AND FILE THIS COPY  
A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS COURT  
ATTEST: DAVID H. YAMASAKI

CHIEF EXECUTIVE DEPUTY CLERK  
SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA  
BY *[Signature]*  
DAVID H. YAMASAKI

**This is a Court Order**

SHORT TITLE: Via View Inc. vs. Retzlaff	CASE NUMBER: 114CH005460
--------------------------------------------	-----------------------------

ATTACHMENT (Number): 1

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

Additional protected persons

Full Name	SEX	AGE	Lives with you	How are they related to you
Christina McGibney	F	32	Yes	wife
Aiden McGibney	M	4	Yes	son
<del>Kade McGibney</del>	<del>M</del>	<del>2</del>	<del>Yes</del>	<del>son</del>
Liam McGibney	M	17 weeks	Yes	son

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

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 (Add pages as required)