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SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

DATE: 08/08/2018

TIME: 08:30:00 AM

DEPT: C-61

JUDICIAL OFFICER PRESIDING: Richard S. Whitney

CLERK: Jerry Montano

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: J. Jones

CASE NO: 37-2018-00036217-CU-PT-CTL CASE INIT. DATE: 07/20/2018  
CASE TITLE: Lih-Bin Shih vs Nathan Brooks Parnell [IMAGED]  
CASE CATEGORY: Civil - Unlimited CASE TYPE: Petitions - Other

EVENT TYPE: Hearing on Petition to Stop Elder/Dependent Adult Abuse

APPEARANCES

Lih-Bin Shih, self represented Petitioner, present.  
Nathan Brooks Parnell, self represented Respondent, present.  
Julie Parnell, self represented Respondent, present.  
Attorney Christopher Mordy for respondent.  
Attorney Sammer Zakhour for petitioner.

Parties, as noted above, are sworn to testify on their behalf.

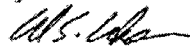
Court notes matter is heard along with related case #18-3816.

At the direction of the Court, the matter is trailed for counsel to confer off the record.

Counsel inform the Court that an agreement cannot be reached. The Court proceeds to hear the matter.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Restraining order as requested is denied with in its entirety.



Judge Richard S. Whitney

DATE: 08/08/2018

MINUTE ORDER

DEPT: C-61

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Calendar No.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

DATE: 08/08/2018

TIME: 08:30:00 AM

DEPT: C-61

JUDICIAL OFFICER PRESIDING: Richard S. Whitney

CLERK: Jerry Montano

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: J. Jones

CASE NO: 37-2018-00033816-CU-HR-CTL CASE INIT DATE: 07/10/2018

CASE TITLE: Parnell vs. Shih [Imaged]

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

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**EVENT TYPE:** Hearing on Restraining Order

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**APPEARANCES**

Nathan Brooks Parnell, self represented Petitioner, present.

Lih Bin Shih, self represented Respondent, present.

Julie Tucker Parnell, Protected Person is present.

Attorney Christopher Mordy for petitioner.

Attorney Sammar Zakhour for respondent.

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Parties, as noted above, are sworn to testify on their behalf.

Court hears this matter with related case #18-36217.

At the direction of the Court, the matter is trailed so counsel can confer off the record.

Counsel inform the Court they cannot reach agreement. The Court proceeds to hear the matter.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The Matter Comes Before the Court for a Hearing on Restraining Order.

The Court informs the parties that this matter is not being reported by a court reporter or recorded electronically.

After careful review of the entire record, the Court now rules as follows:

The Court finds that the Petitioner has met the high burden of proof that is required. The Petitioner has

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DATE: 08/08/2018

DEPT: C-61

MINUTE ORDER

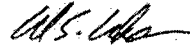
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Calendar No.

proved the case by a Clear and Convincing Evidence under CCP Sec. 527.6 et seq. **Therefore, the request for injunction is GRANTED.**

The Court's decision is based on the law that governs CCP 527.6 et seq. Petitioner is told that if an extension beyond the expiration date is requested the Petitioner must make that request at least three months prior to the expiration of the restraining order.

Restraining order as requested against Lih Bin Shih is granted with a 5 yards stay away order to expire 08/07/2021.

The formal order was signed this date.



Judge Richard S. Whitney

**CH-130****Civil Harassment Restraining Order After Hearing**

Person in ① must complete items ①, ②, and ③ only.

**① Protected Person**a. Your Full Name: NATHAN BROOKS PARNELL

Your Lawyer (if you have one for this case)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 11040 CAMINITO VISTA PACIFICACity: SAN DIEGO State: CA Zip: 92131

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**② Restrained Person**Full Name: LIH-BIN SHIH

Description:

Sex: <input type="checkbox"/> M <input checked="" type="checkbox"/> F	Height: <u>5'1</u>	Weight: <u>200</u>	Date of Birth: <u>UNK</u>
Hair Color: <u>BLK</u>	Eye Color: <u>BRN</u>	Age: <u>70</u>	Race: <u>ASIAN</u>
Home Address (if known): <u>11042 CAMINTO VISTA PACIFICA</u>			
City: <u>SAN DIEGO</u>		State: <u>CA</u>	Zip: <u>92131</u>
Relationship to Protected Person: <u>NEIGHBOR</u>			

**③ ☒ Additional Protected Persons**

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
<u>JULIE TUCKER PARNELL</u>	<u>F</u>	<u>33</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>WIFE</u>
<u>CASON GEORGE PARNELL</u>	<u>M</u>	<u>2</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>SON</u>

☐ Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.**④ Expiration Date**

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

Time: \_\_\_\_\_ ☐ a.m. ☐ p.m. ☒ midnight on (date): 8/7/2021

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

**This is a Court Order.**Judicial Council of California, www.courts.ca.gov  
Revised January 1, 2018, Mandatory Form  
Code of Civil Procedure, §§ 527.6 and 527.9  
Approved by DOJ**Civil Harassment Restraining Order After Hearing**  
**(CLETS-CHO)**  
(Civil Harassment Prevention)

CH-130, Page 1 of 6



**5 Hearing**

- a. There was a hearing on (date): Aug 8, 2018 at (time): 08:30am in Dept.: 61 Room: \_\_\_\_\_  
(Name of judicial officer): R. WHITNEY made the orders at the hearing.
- b. These people were at the hearing:
- (1) ☒ The person in ①. (3) ☐ The lawyer for the person in ① (name): \_\_\_\_\_
- (2) ☒ The person in ②. (4) ☐ The lawyer for the person in ② (name): \_\_\_\_\_
- ☐ 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): \_\_\_\_\_

**To the Person in ②:**

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.

**6 ☒ Personal Conduct Orders**

- a. You must not do the following things to the person named in ①
- ☐ and to the other protected persons listed in ③:
- (1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☒ 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.
- (3) ☒ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) ☐ Other (specify): \_\_\_\_\_
- ☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).

- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

**7 ☒ Stay-Away Orders**

- a. You must stay at least 5 yards away from (check all that apply):
- (1) ☒ The person in ①. (7) ☒ The place of child care of the children of the person in ①.
- (2) ☒ Each person in ③. (8) ☒ The vehicle of the person in ①.
- (3) ☒ The home of the person in ①. (9) ☐ Other (specify): \_\_\_\_\_
- (4) ☒ The job or workplace of the person in ①. \_\_\_\_\_
- (5) ☒ The school of the person in ①. \_\_\_\_\_
- (6) ☒ The school of the children of the person in ①. \_\_\_\_\_

- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**

**8 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:
- Within 24 hours of being served with this Order, 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.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-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.
- d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

**9 ☐ Lawyer's Fees and Costs**

The person in \_\_\_\_\_ must pay to the person in \_\_\_\_\_ the following amounts for

- ☐ lawyer's fees      ☐ costs:

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

- ☐ Additional items and amounts are attached at the end of this Order on Attachment 9.

**10 ☐ Possession and Protection of Animals**

- a. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.  
(Identify animals by, e.g., type, breed, name, color, sex.)
- \_\_\_\_\_
- \_\_\_\_\_

- b. ☐ The person in (2) must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**11 ☐ Other Orders (specify):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- ☐ 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 person in ① or his or her 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 Restrained Person**

- a. ☒ The person in ② personally attended the hearing. No other proof of service is needed.
- b. ☐ The person in ② did not attend the hearing.
- (1) ☐ Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② 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 CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

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

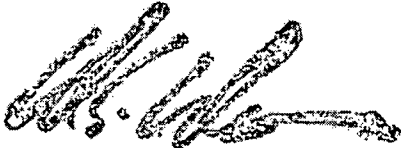
The sheriff or marshal will serve this Order without charge because:

- a. ☒ The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. ☐ The person in ① is entitled to a fee waiver.

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

Date: August 8, 2018

Judicial Officer

  
RICHARD S. WHITNEY

**This is a Court Order.**



## Warning and Notice to the Restrained Person in 2

### You Cannot Have Guns or Firearms

Unless item 8d is checked, 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 ⑧ above. 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 ④ on page 1.

### 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 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 order. 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 of 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 *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: August 8, 2018 Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

NATHAN BROOKS PARNELL,

Plaintiff and Respondent,

v.

LIH BIN SHIH,

Defendant and Appellant.

D074805

(Super. Ct. No. 37-2018-00033816-  
CU-HR-CTL)

APPEAL from a judgment of the Superior Court of San Diego County, Richard S. Whitney, Judge. Affirmed in part and remanded with directions.

Law Offices of Rosemary Leonard and Rosemary Meagher-Leonard for Plaintiff and Respondent.

Taylor Anderson and Christopher R. Mordy for Defendant and Appellant.

Plaintiff Nathan Parnell petitioned for a restraining order against his neighbor, defendant Lih Bin Shih. Shih filed a cross-petition for a restraining order against Nathan

and his wife, Julie Parnell.<sup>1</sup> After a hearing, the court granted a restraining order to the Parnells against Shih and denied Shih's restraining order against the Parnells. Shih appeals from the order granted against her.

## BACKGROUND

The court held a hearing on the cross-petitions on August 8, 2018. Nathan, Julie and Shih all testified. The court admitted scores of e-mails from Shih to the Parnells, Nathan's Marine Corps commanders, the Parnells' landlord, the homeowners' association (HOA), and open letters to the entire HOA community about the Parnells. Shih's e-mails to the landlord and the HOA generally copied each other and the Parnells. Shih sent numerous e-mails directly or indirectly by copy to the Parnells from November 2017 through July 2018.

At the conclusion of the hearing the court granted the Parnells' request for a permanent restraining order and denied Shih's request for a similar order. Shih was ordered not to harass or contact the Parnells and to stay five yards away from the Parnells and their son, and 100 yards away from their dog. The court also ordered Shih not to contact the Marine Corps, which was Nathan's employer. The order is in effect for three years.

The oral proceedings were not recorded or transcribed. Shih changed attorneys after the hearing and her new attorney, who had not been present at the hearing, prepared

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<sup>1</sup> Nathan Parnell and Julie Parnell will be identified by their first names where appropriate. We refer to them collectively as the Parnells.

and submitted a proposed settled statement of facts. The court found the proposed settled statement generally not accurate. The court issued an order with the following findings:

The court found credible evidence, by a clear and convincing standard, that Shih "was reaching a level of unhealthy obsession in monitoring almost every movement and action taken by [the Parnells] and was clearly invading [the Parnells'] privacy through stalking, harassment and the filing of unwarranted complaints with the HOA and the Marine Corps." She was interfering in the Parnells' life and with Nathan's work. "The evidence established, in part, approximately 300 unwanted e-mails from [Shih] on issues that were mundane and designed to simply inflict distress/harassment upon [the Parnells]. The evidence also showed that [Shih] consistently invaded [the Parnells'] personal space in common areas of the complex that was unreasonable and unwarranted. [¶] The evidence supported a clear cut case of harassment by [Shih]. The Court concluded [Shih] . . . appeared to show very little . . . ability to correct her harassing actions. [¶] . . . [¶] The court was doubtful upon conclusion of the proceedings that [Shih] had the ability to abide by the court's order."

The court thus issued the order restraining Shih from going near the Parnells, their child or their dog, and from contacting the Marine Corps.

## DISCUSSION

### *Civil Harassment*

A person who has suffered harassment may seek an injunction prohibiting further harassment. (Code Civ. Proc.,<sup>2</sup> § 527.6, subd. (a)(1).) As relevant here, "harassment is . . . a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." (*Id.*, subd. (b)(3).) "'Course of conduct' is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose" and includes sending harassing e-mails. (*Id.*, subd. (b)(1); *Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 496 (*Harris*); *R.D. v. P.M.* (2011) 202 Cal.App.4th 181, 188 (*R.D.*).)

The court must issue a restraining order if it "finds by clear and convincing evidence that unlawful harassment exists." (§ 527.6, subd. (i).) "An injunction restraining future conduct is only authorized when it appears that harassment is likely to recur in the future." (*Harris, supra*, 248 Cal.App.4th at p. 496.)

### *Standard of Review*

"We review the trial court's decision to grant the restraining order for substantial evidence." (*Harris, supra*, 248 Cal.App.4th at p. 497.) Under the substantial evidence standard of review, "we resolve all conflicts in evidence in favor of the prevailing party

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<sup>2</sup> Further statutory references are to the Code of Civil Procedure.

and indulge all legitimate inferences to uphold the judgment if possible. [Citation.]" (*Ricasa v. Office of Administrative Hearings* (2018) 31 Cal.App.5th 262, 276 (*Ricasa*).)

" '[W]hether the facts, when construed most favorably in [the respondent's] favor, are legally sufficient to constitute civil harassment under section 527.6, and whether the restraining order passes constitutional muster, are questions of law subject to de novo review.' " (*Harris, supra*, 248 Cal.App.4th at p. 497; *R.D., supra*, 202 Cal.App.4th at p. 188.)

"[T]he absence of a court reporter at trial court proceedings and the resulting lack of a verbatim record of such proceedings will frequently be fatal to a litigant's ability to have his or her claims of trial court error resolved on the merits by an appellate court. This is so because it is a fundamental principle of appellate procedure that a trial court judgment is ordinarily presumed to be correct and the burden is on an appellant to demonstrate, on the basis of the record presented to the appellate court, that the trial court committed an error that justifies reversal . . . . 'In the absence of a contrary showing in the record, all presumptions in favor of the trial court's action will be made by the appellate court. "[I]f any matters could have been presented to the court below which would have authorized the order complained of, it will be presumed that such matters were presented." ' [Citation.]" (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608–609 (*Jameson*).)

We accept the court's order describing the oral proceedings and the exhibits that were admitted as the basis for our review. We reject Shih's proposed settled statement. The trial court stated, "[Shih's proposed] Settled Statement does appear to this court to contain inaccuracies of what occurred and what was said by this bench officer, but

unfortunately due to the absence of record cannot address with specificity many of these issues. [¶] . . . [¶] The remainder of the [proposed] Settled Statement is also called into question due to the above misquotes but unfortunately this court cannot provide further comment in the absence of a record or distinct recollection of the proceedings." "[W]hen the litigant fails to convince the trial judge that his proposed [settled] statement accurately reflects the proceedings in question, the action of the judge who heard and tried the case must be regarded as final." (*Cross v. Tustin* (1951) 37 Cal.2d 821, 826; *Burns v. Brown* (1946) 27 Cal.2d 631, 634–635 [we do not determine if appellant's statement of evidence is accurate when trial court found it was not].) We rely on the court's order and on the exhibits as the basis for our review.

Shih contends that the trial court had no time to review the e-mails, stating that the court received the exhibits at the beginning of the oral hearing and rendered its decision at the end of the hearing, which lasted only 45 minutes. We accept the court's statement that it made its ruling after "careful review of the entire record." We presume that the court performed its duties and reviewed all the evidence before making its decision. (Evid. Code, § 664; *J.H. McKnight Ranch, Inc. v. Franchise Tax Bd.* (2003) 110 Cal.App.4th 978, 984 (*McKnight Ranch*).) Even if we accept Shih's timeline as true, the court had time to peruse the exhibits while listening to the testimony of the parties. The nature of the e-mails is evident upon a quick review. Insulting and derogatory comments are frequent and noticeable. Many of the e-mails are two or more pages long, single-spaced and typed in a small font. The language, length and frequency with which Shih sent these missives to the Parnells, their landlord, the HOA, other tenants and finally to



Nathan's commanders support the presumption that the court performed its duties because the court's ruling comports with the written evidence. (*McKnight Ranch*, at p. 984.) Shih has presented no reliable evidence that rebuts the presumption that the court reviewed and considered the exhibits. We thus rely on the admitted exhibits as well as on the court's statement of the oral proceedings in our review.

*Factual Sufficiency*

Shih raises four questions about the sufficiency of the evidence: 1) the number of e-mails; 2) the authenticity of the e-mails; 3) the internal consistency of documents generated by the Parnells; and 4) whether her e-mails were designed to harass or were a result of her right to report violations of the HOA regulations. We agree with Shih that there were probably fewer than 300 e-mails, but we find the exact number immaterial. There were scores of e-mails that were sent to the Parnells either directly or by copy. The number and length of e-mails that Shih sent over a period of seven months was large and burdensome, whether that number is 300 or something less. We accept the authenticity of the e-mails that were admitted. There is no evidence the e-mails were not authentic. Also, there is no record that Shih contested authenticity at trial. The failure to object below forfeits the argument on appeal. (Evid. Code, § 353, subd. (a); *Crouch v. Trinity Christian Center of Santa Ana, Inc.* (2019) 39 Cal.App.5th 995, 1020.) Regarding inconsistencies in the e-mails, we accept the court's implicit determinations of credibility that support its findings. (*Ricasa, supra*, 31 Cal.App.5th at p. 282; *Jameson, supra*, 5 Cal.5th at pp. 608–609.)

We conclude as a matter of independent judgment that the oral testimony as described by the court combined with the barrage of e-mails was sufficient to support the court's finding of harassment. (See *Harris, supra*, 248 Cal.App.4th at p. 497.) The court found as matters of fact that Shih had "a level of unhealthy obsession in monitoring almost every movement and action taken by [the Parnells] and was clearly invading [the Parnells'] privacy through stalking, harassment and the filing of unwarranted complaints with the HOA and the Marine Corps. . . . [Shih] consistently invaded [the Parnells'] personal space in common areas of the complex that was unreasonable and unwarranted." Such behavior is seriously alarming, annoying, harassing, and served no legitimate purpose. (§ 527.6, subd. (b)(3).) The e-mails, as well, are seriously alarming, annoying, harassing, and, for the most part, served no legitimate purpose. (*Ibid.*)

Ensuring enforcement of the rules and regulations of a community association is a legitimate purpose, and the order does not prevent Shih from continuing to contact the HOA. Shih had no legitimate purpose in the manner in which she notified the HOA in the e-mails that were admitted as exhibits here, however. Her daily, lengthy, derogatory e-mails to the HOA were seriously harassing and had no legitimate purpose. She had no legitimate purpose in sending daily abusive e-mails to the Parnells' landlord with copies to Nathan, and it appeared that she intended to have him evicted. Her 28-page letter to Nathan's employer was clearly intended to interfere with his employment. The e-mails support the court's finding that Shih was interfering with the Parnells' life and her actions were designed to inflict distress and harassment on the Parnells. We accept the court's

implicit finding that Shih's behavior as a whole was motivated by an intent to cause substantial emotional distress and did actually cause substantial emotional distress to the Parnells.

We conclude as a matter of law that Shih's complaints to the HOA went beyond a legitimate scope and her other actions were without legitimate purpose. Her actions as a whole were legally sufficient to constitute harassment. (*Harris, supra*, 248 Cal.App.4th at p. 497.)

#### *Judicial Bias*

Shih contends that the trial court was biased in favor of Nathan because he was a Marine, and that the court's bias impaired its ability to fairly consider Shih's evidence. We conclude no evidence supports this claim.

Every litigant has a due process right to an impartial decisionmaker. (*People v. Peoples* (2016) 62 Cal.4th 718, 788; *Today's Fresh Start, Inc. v. Los Angeles County Office of Educ.* (2013) 57 Cal.4th 197, 212.) Due process requires judicial disqualification only under the "most 'extreme facts.'" (*People v. Cowan* (2010) 50 Cal.4th 401, 456–457.) To establish a due process violation, the appellant has the burden of showing " 'the probability of actual bias on the part of the judge.' " (*Id.* at p. 456; *Peoples*, at p. 787.) "The appellate court's role is not to examine whether the trial judge's behavior left something to be desired, or whether some comments would have been better left unsaid, but to determine whether the judge's behavior was so prejudicial it denied the party a fair . . . trial. [Citation.] Mere expressions of opinion, based on observation of the witnesses and evidence, do not demonstrate judicial bias. [Citation.] Numerous and

continuous rulings against a party are not grounds for a finding of bias. [Citation.] [¶] A constitutional finding of judicial . . . bias is appropriate only when 'extreme facts' demonstrate a probability of actual bias. [Citation.]" (*Schmidt v. Superior Court* (2020) 44 Cal.App.5th 570, 589.)

There is no reliable evidence that supports Shih's claim that the court was biased. Shih relies only on her proposed settled statement, but we have rejected that statement as inaccurate. It is Shih's burden to show that the court was biased, and we cannot assume that the court was either unfair or appeared unfair without some credible evidence in the record supporting that charge. Without a record substantiating Shih's claims, we presume the court was impartial. (*Jameson, supra*, 5 Cal.5th at pp. 608–609; *McKnight Ranch, supra*, 110 Cal.App.4th at p. 984.)

#### *Insufficient Time to Present Case*

Shih contends that the court failed to give her enough time to present her case, claiming the court spent "an inordinate amount of focus, and time, on the fact that [Nathan] was in the Marine Corps." She also claims that the length of the hearing—45 minutes—was not enough time to try the cross-petitions.

The court granted Shih a continuance of the hearing over the Parnells' objection on August 2, 2018. Shih states in her proposed settled statement that she requested another continuance at the beginning of the hearing on August 8, and the court denied it. A trial court has broad discretion to grant or deny a continuance and its ruling will be reversed only when an abuse of discretion is clear. (*Link v. Cater* (1998) 60 Cal.App.4th 1315,

1321.) Shih has not shown an abuse of discretion because she has not provided an offer of proof as to what she would have submitted if given more time.

Without a record of the proceedings, we find no evidence supporting Shih's claim that the court spent too much time on Nathan's military career. (*Jameson, supra*, 5 Cal.5th at p. 608.) There is no evidence that the hearing was too short. We presume no error occurred. (*Id.* at pp. 608–609.)

#### *First Amendment*

Shih contends that the e-mails she sent were simply a result of her exercise of her First Amendment rights and her right to address the Parnells' harassment. We review the record and ruling de novo to determine if the restraining order violated Shih's First Amendment rights to petition for redress of grievances. (*R.D., supra*, 202 Cal.App.4th at p. 188.)

Shih first claims that the settlement discussion sought to restrict her right to redress grievances. She cannot complain about something that was not ordered, however, as the discussion alone did not restrict her rights. She also contends that the order prohibiting her from contacting the Marine Corps deprived her of her constitutional right to petition for redress.

" 'The right to free speech is . . . one of the cornerstones of our society,' and is protected under the First Amendment of the United States Constitution and under an 'even broader' provision of the California Constitution." (*Evans v. Evans* (2008) 162 Cal.App.4th 1157, 1166.) "It is speech on ' "matters of public concern" ' that is 'at the heart of the First Amendment's protection.' [Citations.]" [Citation.] . . . "In contrast,

speech on matters of purely private concern"—while "not totally unprotected"—"is of less First Amendment concern." [Citation.] When such speech causes damage—as in defamation or the intentional infliction of emotional distress—civil sanctions may be imposed because "[t]here is no threat to the free and robust debate of public issues; there is no potential interference with a meaningful dialogue of ideas concerning self-government; and there is no threat of liability causing a reaction of self-censorship by the press. . . ." ( *Parisi v. Mazzaferro* (2016) 5 Cal.App.5th 1219, 1228 ( *Parisi*).) In California, "speech that constitutes 'harassment' within the meaning of section 527.6 is not constitutionally protected, and the victim of the harassment may obtain injunctive relief." ( *Huntingdon Life Sciences, Inc. v. Stop Huntingdon Animal Cruelty USA, Inc.* (2005) 129 Cal.App.4th 1228, 1250; *R.D.*, *supra*, 202 Cal.App.4th at p. 191.) The right to free speech "does not include the right to repeatedly invade another person's constitutional rights of privacy and the pursuit of happiness through the use of acts and threats that evidence a pattern of harassment designed to inflict substantial emotional distress." ( *People v. Borrelli* (2000) 77 Cal.App.4th 703, 716.) "[A]n injunctive order prohibiting the repetition of expression that ha[s] been judicially determined to be unlawful [does] not constitute a prohibited prior restraint of speech." ( *Parisi*, at p. 1230.)

The court implicitly found, and we affirm, that there was no legitimate purpose for Shih's communications to the Marine Corps about Nathan and restrained her from all communications with the Marine Corps. A restraint that implicates the First Amendment must be narrowly tailored. "An order issued in the area of First Amendment rights

must be couched in the narrowest terms that will accomplish the pin-pointed objective permitted by constitutional mandate and the essential needs of the public order." ' ' "  
(*Parisi, supra*, 5 Cal.App.5th at p. 1231; *R.D., supra*, 202 Cal.App.4th at p. 192.) A restraining order's infringement of a respondent's speech should be no broader or more restrictive than is necessary to prevent the respondent's harassment of a petitioner. (*DVD Copy Control Association, Inc. v. Bunner* (2003) 31 Cal.4th 864, 882–883; *R.D.* at p. 192.)

The order restraining Shih from contacting the Marine Corps is overly broad in restricting all communication with the Marine Corps. It should be modified to restrict only Shih's communications concerning the Parnells. (*Parisi, supra*, 5 Cal.App.5th at p. 1228.) The Marine Corps is a large and public entity that engages in many activities beyond employing Nathan. Shih could be aggrieved by actions other than its employment of Nathan. The order should be modified so that Shih continues to have the opportunity to complain to the Marine Corps about any topic other than the Parnells.

## DISPOSITION

The case is remanded to the trial court with the direction to modify the order restraining Shih from communicating with the Marine Corps to restricting her only from contacting the Marine Corps about the Parnells. The judgment is affirmed in all other respects. Costs awarded to the Parnells.

BENKE, Acting P. J.

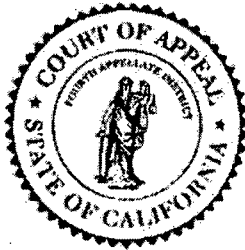
WE CONCUR:

KEVIN J. LANE, Clerk of the Court of Appeal, Fourth Appellate District, State of California, does hereby Certify that the preceding is a true and correct copy of the Original of this document/order/opinion filed in this Court, as shown by the records of my office.

IRION, J.

WITNESS, my hand and the Seal of this Court.

GUERRERO, J.



03/25/2020

KEVIN J. LANE, CLERK

By

Deputy Clerk



NOT TO BE PUBLISHED IN OFFICIAL REPORTS

Court of Appeal  
Fourth Appellate District

FILED ELECTRONICALLY

05/07/2020

Kevin J. Lane, Clerk  
By: Rita Rodriguez

certified for  
for publication

California Rules of Court, rule 8.1115(a), prohibits courts and parties from publishing or ordered published, except as specified by rule 8.1115(b), or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

NATHAN BROOKS PARNELL,

Plaintiff and Respondent,

v.

LIH BIN SHIH,

Defendant and Appellant.

D074805

(Super. Ct. No. 37-2018-00033816-  
CU-HR-CTL)

ORDER MODIFYING OPINION  
AND DENYING REHEARING

THE COURT:

It is ordered that the opinion filed on March 25, 2020, is hereby modify as follows:

1. On page 1, the counsel listing is deleted and replaced with the following:

Taylor Anderson and Christopher R. Mordy for Plaintiff and Respondent.  
Law Offices of Rosemary Leonard and Rosemary Meagher-Leonard for Defendant and Appellant.

Appellant's petition for rehearing is denied.

There is no change in judgment.

BENKE, Acting P. J.

Copies to: All parties

SUPREME COURT  
FILED

JUN 17 2020

Court of Appeal, Fourth Appellate District, Division One - No. D074805

Jorge Navarrete Clerk

S262093

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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NATHAN BROOKS PARNELL, Plaintiff and Respondent,

v.

LIH BIN SHIH, Defendant and Appellant.

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The petition for review is denied.

The request for an order directing publication of the opinion is denied.

CANTIL-SAKAUYE

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*Chief Justice*

California Code of Civil Procedures § 527.6 on Civil Restraining Order.

(a) (1) A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an order after hearing prohibiting harassment as provided in this section.

(b) (1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or email. *Constitutionally protected activity is not included within the meaning of "course of conduct."*

(i) At the hearing, the judge shall receive any testimony that is relevant, and may make an independent inquiry. If the judge finds *by clear and convincing evidence* that unlawful harassment exists, an order shall issue prohibiting the harassment.

California Rules of Court 8.137 and 8.124 on oral record and Settled Statement in the absence of a court reporter.

### California Rule of Court 8.137 – Relevant Sections

#### (a) Description

A settled statement is a summary of the superior court proceedings approved by the superior court. An appellant may either elect under (b)(1) or move under (b)(2) to use a settled statement as the record of the oral proceedings in the superior court, instead of a reporter's transcript.

(1) *An appellant may elect in his or her notice designating the record on appeal under rule 8.121 to use a settled statement as the record of the oral proceedings in the superior court without filing a motion under (2) if:*

(A) *Within 10 days after the appellant serves either a notice under (1) or a motion under (2), the respondent may serve and file a notice indicating that he or she is electing to provide a reporter's transcript in lieu of proceeding with a settled statement. The respondent must also either:*

#### (c) Time to file proposed statement

(1) *If the respondent does not file a notice under (b)(4)(A) electing to provide a reporter's transcript in lieu of proceeding with a settled statement, the appellant must serve and file a proposed statement in superior court within 30 days after filing its notice under (b)(1) or within 30 days after the superior court clerk sends, or a party serves, an order granting a motion under (b)(2).*

#### (e) Respondent's response to proposed statement

*Within 20 days after the appellant serves the proposed statement, the respondent may serve and file either:*

(1) *Proposed amendments to the proposed statement; or*

(2) *A notice indicating that he or she is electing to provide a reporter's transcript in lieu of proceeding with a settled statement. The respondent must also either:*

#### (f) Review of appellant's proposed statement

(1) *No later than 10 days after the respondent files proposed amendments or the time to do so expires, whichever is earlier, a party may request a hearing to review and correct the proposed statement. No hearing will be held unless ordered by the trial court judge, and the judge will not ordinarily order a hearing unless there is a factual dispute about a material aspect of the trial court proceedings.*

## California Rule of Court 8.124 Appendix – Relevant Sections

### (a) Notice of election

(1) Unless the superior court orders otherwise on a motion served and filed *within 10 days after the notice of election is served*, this rule governs if:

(A) The appellant elects to use an appendix under this rule in the notice designating the record on appeal under rule 8.121; or

(B) The respondent serves and files a notice in the superior court electing to use an appendix under this rule within 10 days after the notice of appeal is filed and no waiver of the fee for a clerk's transcript is granted to the appellant.

## Department of Defense Instruction 1334.01 (October 26, 2005)

SUBJECT: Wearing of the Uniform

### 1. REISSUANCE AND PURPOSE

This Instruction reissues reference (a) as a DoD Instruction as prescribed by reference (b) and continues to set limitations on wearing of the uniform by members of the Armed Forces. It also continues to establish policy on wearing of the uniform by former members of the Armed Forces.

### 2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

### 3. POLICY

It is DoD policy that: 3.1. The wearing of the uniform by members of the Armed Forces (including retired members and members of Reserve components) is prohibited under any of the following circumstances: DoD 1334.01, October 26, 2005

3.1.1. At any meeting or demonstration that is a function of, or sponsored by an organization, association, movement, group, or combination of persons that the Attorney General of the United States has designated, under Executive Order 10450 as amended (reference (c)), as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of Government of the United States by unconstitutional means.

3.1.2. During or in connection with furthering political activities, private employment or commercial interests, when an inference of official sponsorship for the activity or interest may be drawn.

3.1.3. Except when authorized by the approval authorities in subparagraph 4.1.1., when participating in activities such as unofficial public speeches, interviews, picket lines, marches, rallies or any public demonstration, which may imply Service sanction of the cause for which the demonstration or activity is conducted.

3.1.4. *When wearing of the uniform may tend to bring discredit upon the Armed Forces*

**1003. RESTRICTIONS ON WEARING UNIFORMS**

1. Members of the Marine Corps and Marine Corps Reserve, including retired Marines, are prohibited from wearing the Marine Corps uniform while engaged in any of the following activities, functions or circumstances unless specifically authorized by the CMC (PA):

a. Soliciting funds for any purpose from the public outside of a military base or establishment.

b. Participating in any type of show or event which is commercially sponsored for advertising purposes, where it could be implied or construed that the Marine Corps "endorses" the product advertised.

c. "Endorsing" commercial products in such ways as to involve the uniform, title, grade or rate, or in any way establish or imply their military affiliation with such products.

d. *Appearing or participating in any event in public that would compromise the dignity of the uniform.*

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**FILED**  
Clerk of the Superior Court

**OCT 19 2018**

By: V. Rodriguez, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO-CIVIL DIVISION

NATHAN BROOKS PARNELL,  
PETITIONER

VS.

LIH BIN SHIH,  
RESPONDENT

LIH BIN SHIH,

PETITIONER

VS.

NATHAN BROOKS PARNELL,  
RESPONDENT

CASE NO.: 37-2018-00033816-CU-HR-CTL

SETTLED STATEMENT ON APPEAL

Respondent and Appellant, LIH-BIN SHIH, sets forth her Settled Statement on appeal  
as follows:

The initial hearing was set for August 2, 2018 but continued to August 8, 2018.

1- SETTLED STATEMENT- APPEAL PARNELL V. SHIH



1 On August 8, 2018, Judge Richard S. Whitney ("Judge Whitney") called the case  
2 at 10:00am. Petitioner, Nathan Brooks Parnell ("Petitioner") appeared with his  
3 attorney, Christopher Mordy. Respondent Lih-Bin Shih ("Respondent") appeared with  
4 her attorney, Sammer Zakhour. Also, appearing was Julie Parnell, wife of Petitioner and  
5 Co-Respondent in Respondent's Cross-Petition to Stop Elder/Dependent Adult Abuse.  
6 Respondent's Petition, while not the subject of the within appeal is part of this settled  
7 statement as the two cases were tried together per Judge Whitney.  
8

9 After the Petitioner Counsel made his opening statement, Judge Whitney  
10 inquired as to whether the parties were willing to participate in mediation. Counsel for  
11 Petitioner declined to participate. Judge Whitney asked both attorneys to discuss  
12 settlement and the court recessed.  
13

14 The Court resumed at 11:15am. Judge Whitney spoke with counsel for both  
15 parties. Counsel for both parties advised Judge Whitney that there was an agreement.  
16 However, Respondent advised the Court that she was not in agreement. Judge Whitney  
17 instructed Respondent to talk to Counsel. Respondent told Counsel she did not agree  
18 with the terms. Judge Whitney instructed the parties to continue to discuss settlement  
19 and asked all parties to return to the court at 1:30pm.  
20

21 The Court reconvened at 1:30 pm. Judge Whitney asked both attorneys whether  
22 the parties had reached a settlement. Both Petitioner's Counsel and Respondent's  
23 Counsel responded by saying yes. Respondent reminded Counsel that she was not in  
24 agreement. Judge Whitney then conferred with both attorneys at a sidebar.  
25

26 After the sidebar concluded and all were back on the record, Petitioner Counsel  
27 provided Respondent Counsel with a hand-written settlement agreement that listing  
28

2- SETTLED STATEMENT- APPEAL PARNELL V. SHIH

1 several conditions in order for Respondent to agree to settle the case. The conditions  
2 required that the Respondent agree to the following: to never contact the Marine Corps,  
3 never contact landlord, never write another open letter and never report to Animal  
4 Control again concerning the Petitioner and his family. After reviewing the document,  
5 Respondent advised her Counsel that she would not agree to any of these terms and that  
6 she would not sign a document like this. Judge Whitney advised all parties that they  
7 need to learn to live with each other. Judge Whitney then said he would start the  
8 hearing. At that time, Petitioner, Respondent, and Petitioner's wife, the Co-Respondent  
9 in the Stop Elder/Dependent Adult Abuse Cross-Petition were sworn in.  
10

11 Respondent requested a continuance, which was denied. At that time, the  
12 Petitioner provided a three-inch binder of exhibits, one copy for Respondent and one  
13 copy for court for trial. Respondent's Counsel provided a set of Respondent's Exhibits  
14 to Petitioner's Counsel before the hearing. However, for unknown reasons,  
15 Respondent's Counsel did not question Respondent about any of these exhibit on direct  
16 examination nor did he ask to enter any exhibits into  
17

18 Petitioner's exhibits list referenced the following:  
19

- 20 A. Over 300<sup>1</sup> unwanted emails from Lih-Bin Shih  
21 B. Documents submitted to various USMC leadership seeking disciplinary  
22 action C. 3 "open-letters" distributed throughout the Promontory Community  
23 D. 2 Separate Police Reports  
24 E. San Diego Humane Society Notice of Complaint by Lih-Bin Shih on  
25 7/7/18.  
26

27 <sup>1</sup> The number of emails contained in the exhibit notebook was closer to 122 than to the 300 that Petitioner  
28 represented to the Court.

1 Except for item E., all of these Exhibits were admitted into evidence.

2  
3 Petitioner's Counsel began his opening statement by describing how Respondent  
4 began to harass Petitioner in November 2017. Counsel further stated that Respondent  
5 sent 300 emails and other communications in order to harass Petitioner. Respondent's  
6 Counsel did not make an opening statement.

7  
8 After Petitioner's opening statement, Petitioner testified that parties were  
9 friendly in the first few years, but in October 2016, Respondent wanted Petitioner's son  
10 to call Respondent "nana". Petitioner testified that the child already had four  
11 grandmothers and it would be confusing to the child. Petitioner further testified that he  
12 and his wife wanted to keep their distance from Respondent and that angered  
13 Respondent, and that Respondent started harassment in November 2017. Petitioner  
14 then read an email sent from Petitioner on January 23, 2018 to Homeowners  
15 Association ("HOA") and copied to Respondent. In the email read by Petitioner,  
16 Petitioner addressed the alleged violations of the HOA's covenants and conditions.  
17 Petitioner also read an email from Respondent to Petitioner on July 3, 2018 on the flag  
18 and testified that the United States flag angered Respondent. Petitioner testified that  
19 Respondent contacted their landlord to try to get him and his wife evicted. Petitioner  
20 testified that Respondent sent complaint letters to the Marine Corps attempting to get  
21 Petitioner disciplined or kicked out of the Marines. Judge Whitney asked to whom these  
22 letters were sent. Petitioner testified to the Marine Corps Air Station (MCAS) Miramar  
23 and the leadership of Marine Corps.  
24  
25  
26  
27

28 4. SETTLED STATEMENT- APPEAL PARNELL V. SHIH

1 Judge Whitney asked Petitioner questions about his role in the Marine Corps.,  
2 including what division and squadron the Petitioner was in, his rank, his duties, and  
3 type of helicopter Petitioner was part of. Petitioner answered all these questions, which  
4 included the fact that he had the rank of captain. Petitioner testified about Respondent's  
5 report to the Marine Corps. and that the report by Respondent hurt Petitioner's  
6 reputation and standing in the military. Judge Whitney asked Petitioner how many  
7 meetings he had to attend as a result of the report. Petitioner testified that it was eight.  
8 Judge Whitney asked whether Petitioner was concerned about being kicked out of the  
9 Marines. Plaintiff testified that he was. Petitioner testified that he and his wife were  
10 fearful of Petitioner and that he had not deployed with his squadron recently because he  
11 was worried about wife and child and because of Respondent's harassment of him and  
12 his family. Petitioner testified that Respondent reporting to Animal Control in April and  
13 again in July 2018 and that Respondent took picture of their child within a foot to the  
14 child's face.  
15

16  
17 After the direct examination of Petitioner, Judge Whitney advised Respondent's  
18 Counsel that he should proceed with his cross-examination. Respondent again asked  
19 Respondent Counsel to submit her exhibits to the court but Respondent's Counsel  
20 would not do so.  
21

22 Respondent's Counsel asked Petitioner about Petitioner's allegation that  
23 Respondent had sent 300 emails. Respondent's Counsel asked Petitioner if it was true  
24 that there were only 149 emails, not 300. Petitioner agreed that there were only 149  
25 emails. Respondent's Counsel asked Petitioner if the majority of the emails were to HOA  
26 and copied to Petitioner and his wife, and if only very few directly to Petitioner and his  
27

28 5- SETTLED STATEMENT- APPEAL PARNELL V. SHIH

1 wife. Petitioner answered yes to each one of these points. Respondent's Counsel asked  
2 Julie Parnell, the Co-Respondent, in the Stop Elder/Dependent Adult Abuse Cross-  
3 Petition, who was it who sent police to do a "welfare check" on Respondent on January  
4 31, 2018, Cross Co-Respondent answered, and said, "Police called PERT and PERT sent  
5 police".  
6

7       Next, Respondent's Counsel called Respondent as a witness and asked her about  
8 Petitioner and his wife's harassment of Respondent. Respondent testified that there  
9 were no harassment in the first four years that they all lived in close proximity to each  
10 other until Respondent could no longer tolerate Petitioner and his wife's lifestyle and, as  
11 a result, she reported them to the HOA in November 2017 for the first time for violations  
12 of the rules and regulations of the associations' covenants, conditions and restrictions  
13 ("CC&R"). Respondent then testified that Petitioner called 911 the day after HOA  
14 informed Respondent that a warning letter was sent from HOA to Petitioner.  
15 Respondent testified that in the 911 call, Petitioner claimed that there was a "night  
16 prowler" Respondent testified that she made her first report to the HOA in four years  
17 and that in the 911 call, Petitioner claimed that there was a "night prowler", causing the  
18 police to knock on Respondent's door. Respondent testified that Petitioner's wife again  
19 called 911 again on January 31, 2018, this time claiming that a welfare check of  
20 Respondent was needed. Respondent testified that this second call to 911 came after  
21 Respondent made a second report to HOA for violations of the CC&Rs. Respondent  
22 further testified that the 911 call again resulted in the police knocking on Respondent's  
23 door at night. Respondent testified that the second time the false pretense was "welfare  
24 check". Respondent testified there was no night prowler on November 28, 2017 and  
25  
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28

6- SETTLED STATEMENT- APPEAL PARNELL V. SHIH

1 that there was no need for a welfare check on January 31, 2018. Respondent testified  
2 that she had not been sick or injured. Judge Whitney said anyone can call police.  
3 Respondent testified that she was very fearful of such retaliatory action involving false  
4 police reports and false 911 calls, and did not know what would happen the next time the  
5 police were called.  
6

7 Respondent testified that she did not report Petitioner to Animal Control in April  
8 as Petitioner testified. Respondent testified that she reported Petitioner's dog to Animal  
9 Control on July 5, 2018 only after their German shepherd dog was unleashed again on  
10 July 3, 2018, and Petitioner and his wife had been given many warnings about that.  
11 Respondent testified that Respondent had not taken any pictures of Petitioner's child,  
12 let alone one a foot from the child's face, as Respondent testified. Respondent testified  
13 that Petitioner's claim that the American flag angered Respondent was false as no such  
14 emails exist. Respondent testified that America is Respondent's country too and the flag  
15 is Respondent's flag too. Respondent also testified that Petitioner told her to "go home"  
16 and that Petitioner should not have done so. Respondent testified that she had never  
17 initiated any verbal contact or interactions with Petitioner for the past two years and  
18 that all offense and harassment were initiated by Petitioner, and in each case,  
19 Respondent always walked away. Respondent testified that Petitioner's characterization  
20 of the October 2016 issue concerning what name Petitioner's child should call  
21 Respondent was false and inconsistent with Petitioner's own exhibit emails. Respondent  
22 further testified that Petitioner did not claim that they were being harassed-until in  
23 November 2017, more than a year after Respondent's reported Petitioner's CC&R  
24 violations. Respondent testified that the January 23, 2018 email from Petitioner which  
25  
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27  
28 7- SETTLED STATEMENT- APPEAL PARNELL V. SHIH

1 provided their reasons for violating the rules and regulations contained many factual  
2 errors. Respondent testified that for example Petitioner did not return from  
3 deployment in September 2016 when his son was nine months old, Petitioner returned  
4 in April 2016 when son was four months old.

5  
6 Judge Whitney asked Respondent whether she knew that her complaints may  
7 cause Petitioner to be kicked out of Marine Corps. Respondent testified that was never  
8 her intention. Respondent testified that she just wanted to have Respondent and his  
9 wife to stop retaliating against and intimidating Respondent when Respondent reported  
10 violations to the HOA regarding Petitioner's repeated and various CC&R violations.  
11 Respondent testified that the report to the Marine Corps. was done through the proper  
12 channels available to civilians in such situations. Judge Whitney asked Respondent  
13 whether she knew she could destroy Petitioner's 16-year Marine Corps career.  
14 Respondent testified that that was never her purpose in contacting the Marine Corps.  
15 Respondent testified that she contacted the Marine Corps after months of retaliatory  
16 actions and intimidation by Petitioner and his wife, and that Petitioner had failed to  
17 heed the HOA warning and his landlord's request to cure violations of the rules and  
18 regulations. Respondent testified she was also concerned with her own safety.  
19 Respondent testified that Petitioner did not spend 16 years in Marines Corps, but had  
20 also been in Air Force and in National Guard before joining Marine Corps. Judge  
21 Whitney said it was even better.

22  
23 Judge Whitney said Marines Corps had codes of conduct and he could not believe  
24 Petitioner did what Respondent said he did. Respondent answered, yes, there are codes  
25 of conduct and one in fact would immediately conjure up an image of an upstanding and  
26  
27  
28 8- SETTLED STATEMENT- APPEAL PARNELL V. SHIH

1 outstanding soldier in uniform, but that we all know how an image is often not the same,  
2 or even contrary to, what is really inside, and sometimes the image can be deceptive or  
3 entirely wrong. Respondent testified that although Petitioner wants the Court to believe  
4 he is a victim, he is in fact the aggressor.  
5

6 Judge Whitney said these were HOA issues and needed to report to the HOA.  
7 Respondent answered yes, and that was why she reported them to the HOA.  
8 Respondent testified that the problem was Petitioner's immediate retaliation, involving  
9 police, hate email, and other means, causing fear in Respondent. Respondent testified  
10 that if there were no HOA violations by Petitioner, there would have been no emails  
11 reporting violations. Respondent also testified that all of the emails could have stopped  
12 if Petitioner and his wife would just obey the rules and regulations. Respondent also  
13 testified that CC&R required residents to approach the offender first. Respondent  
14 testified that after the harassment by Petitioner and his wife on March 8, 2018,  
15 Respondent continued to be nice and asked Petitioner for a way to resolve the hostility,  
16 but Petitioner did nothing. Judge Whitney asked Respondent whether she had reported  
17 other neighbors for violations to the HOA. Respondent said yes, the most she could  
18 recall was two in the past 10 years, one involving a cat not leaving Respondent's front  
19 door and one involving water from upstairs balcony. Respondent testified that all  
20 resolved right away and not recurring. Judge Whitney asked Respondent if she thought  
21 the dog was friendly with Respondent. Respondent answered yes, but the German  
22 shepherd is extremely aggressive to strangers and that had been her concern. Judge  
23 Whitney asked Respondent why she knew Petitioner threw trash and why she knew it  
24  
25  
26  
27

28 9- SETTLED STATEMENT- APPEAL PARNELL V. SHIH



1 was their trash. Respondent answered it was two big wads of dog hair that was carried  
2 by wind to Respondent's balcony.

3 Respondent testified that Petitioner and his wife sent her a vile, hate-filled email  
4 to her and, that although Petitioner claimed the email was from a third party,  
5 Respondent had evidence to show that the email was from Petitioner and his wife.  
6 Respondent testified that Petitioner came next to her bedroom window during the night  
7 to place trash there. Respondent testified that the Petitioner and his wife would come  
8 out of their home whenever they would see Respondent leave hers and follow her closely  
9 behind her down the walkway or towards the parking area. Respondent testified that  
10 she felt scared.  
11

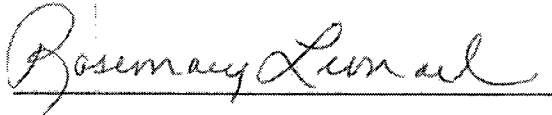
12 Judge Whitney asked Respondent what she would consider the worst harassment  
13 by Petitioner. In response, Respondent testified that it was Plaintiff's habit of  
14 ambushing, stalking, stomping, and following closely behind her when she left the  
15 residence. Judge Whitney said that that did not constitute harassment.  
16

17 After Respondent finished her testimony about the harassment she experienced,  
18 Judge Whitney made his ruling. As to Respondent's Cross-Petition, Judge Whitney  
19 found that Petitioner's harassment of Respondent rated a "1", on a scale of 1 to 10, and  
20 found that the Respondent had not met her burden of proof and that her request for a  
21 restraining order was denied. As to Petitioner's Petition, Judge Whitney found that  
22 Petitioner had met his burden of proof as to his request for a restraining order and  
23 granted-that request. Judge Whitney ruled that Respondent must stay 5 feet from the  
24 Petitioner and his family and the designated locations. Judge Whitney further ordered  
25 that Respondent never contact MCAS and the landlord and that his order would be in  
26  
27  
28

10- SETTLED STATEMENT- APPEAL PARNELL V. SHIH

1 effect for 3 years. Respondent asked Judge Whitney why she was restricted from  
2 contacting the landlord, a fellow homeowner. Judge Whitney stated that Respondent  
3 had too many rights, and that he had the right to wave the flag outside of the White  
4 House, but no one would see the Judge doing that. Judge Whitney asked Respondent  
5 whether she owns a gun. Respondent answered that she does not. The issued written  
6 order was for 5 years and no restriction on contacting the Marine Corps. Judge Whitney  
7 amended his order on August 27, 2018.  
8

9  
10 Dated: October 18, 2018

  
11  
12 Rosemary Meagher-Leonard

13  
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28 11- SETTLED STATEMENT- APPEAL PARNELL V. SHIH

## EXHIBIT 2

**Lih-Bin Shih**

---

**From:** Saddler LtCol Michael J <michael.saddler@usmc.mil>  
**Sent:** Thursday, May 31, 2018 8:24 AM  
**To:** Lih-Bin Shih  
**Cc:** Walton SgtMaj Michael N  
**Subject:** RE: [Non-DoD Source] Continuing Harassment and Terrorizing by Parnell

Dr. Shin,

Good morning. The Marine in question belongs to my unit. We have opened an investigation, and an investigating officer has been assigned. I ask for your patience in this matter. Military investigations, as with all investigations, take time and can be a slow process. The Marines Corps Officer assigned will do a full inquiry into this matter and provide his report to the command for recommendation and action. Until then, I re-iterate SgtMaj Walton's comments, this matter ultimately falls into the civil jurisdiction lane and if you have any safety concerns I recommend you report this to local law enforcement so they may conduct a parallel investigation. Have a wonderful day.

Respectfully,

Michael J. "MOTS" Saddler  
LtCol, USMC  
MAG-16 Executive Officer  
(W) 858-577-1645  
(M) 361-549-7393  
(BB) (858) 837-0852  
NIPR: michael.saddler@usmc.mil  
SIPR: michael.j.saddler@usmc.smil.mil

-----Original Message-----

**From:** Walton SgtMaj Michael N  
**Sent:** Wednesday, May 30, 2018 6:14 PM  
**To:** Lih-Bin Shih <lbshih@san.rr.com>  
**Subject:** RE: [Non-DoD Source] Continuing Harassment and Terrorizing by Parnell

Dr. Shih, as I stated in my last e-mail the Marines chain of command has received all previous correspondence and has for action. While the individuals leadership looks into his conduct you still have the ability to address violations with the landlord and HOA. Being a civil jurisdiction, any concerns you have for safety now or in the future should be reported to local law enforcement. This email will also be sent to the Marines leadership.

Thank you.

**lbshih**

---

**From:** Michael O'Brien <uphillbaker-stuff@yahoo.com>  
**Sent:** Thursday, June 21, 2018 12:13 PM  
**To:** Lih-Bin Shih  
**Subject:** Re: Your USLESS "reminders" - useless to these world-record breaker renters

Peri,

Have we sent courtesy letters out to the large-vehicle unit owners we know of advising them that these vehicles are banned from the complex under the current rules and that the HOA may start enforcing the ban pending the outcome of the parking rules review?

We need to get on with that as best we can - I recall being able to attribute at least 3 such vehicles. Please let me know the status.

thanks

---

**From:** Lih-Bin Shih <lbshih92131@gmail.com>  
**To:** uphillbaker-stuff@yahoo.com; 'craig dodson' <craigsdodson@yahoo.com>  
**Cc:** 'Peri Sword' <psword@nnj.com>; kristin@rayderlaw.com; lpoole@adamsstirling.com; avillanueva@nnj.com; gwwbasi@msn.com; 'Parnell Capt Nathan B' <nathan.parnell@usmc.mil>; 'Julie Parnell' <julie.tucker03@yahoo.com>  
**Sent:** Thursday, June 21, 2018 9:11 AM  
**Subject:** Your USLESS "reminders" - useless to these world-record breaker renters

Mr. O'Brien and Mr. Dodson:

## ATTACHMENT A-1

### NO 300 EMAILS & EMAIL CONTENTS NOT HARASSMENT THE SOURCE OF ALL "HARASSMENT" – THEIR VIOLATIONS OF CC&R & LAWS

**Our Count:**           A.    Counting only from November 24, 2017-July 9, 2018  
                          B.    not separating two Parnells

Total	Both Parnells	129
Direct	Julie Parnell only	17 (last day 5/1/18)
	Nathan Parnell only	5 (last day 5/1/18)
	Both	7 (last day 5/1/18)

#### Discrepancy

In the original restraining order, it was "over 300". In the Response to Cross-Restraining order, it was 250 (Page 10 on EA-115 Nathan Parnell), and it was 300 pages and blocking email since January 2018 (Julie Parnell EA-120, Attachment 12, Reasons I Disagree, Page 1 of 1).

Julie Parnell claims to have blocked my emails in January 2018, then any alleged harassment stopped in January 2018. If Julie Parnell wants to "protect her family", she should have asked Nathan Parnell to do the same. Further, after April 28, 2018, it was daily report of daily violations. If no violation, no email.

EMAIL COUNT

TO (directly addressed)

Julie: 28

Nathan: 20

CC'd (indirectly addressed)

Julie: 121

Nathan: 115

TOTAL

Julie: 149

Nathan: 135

TOTAL: 284

On Wednesday, April 18, 2018 3:15 PM, Lih-Bin Shih <lbshih92131@gmail.com> wrote:

Mr. Dodson:

I went out for an errand and took these pictures. These images were taken 2:00pm today. I can show you the actual jpg files where there are a time stamps in "property".

I hope you do not transmit this email to your renters. It is not that I have anything to hide, but I think if you deal with this matter in the background, it may not agitate further this very explosive situation. They are vindictive people – if they can turn on me to the extent, after what I did for them, there is nothing they will not do. No one wants to be associated (or renting to) those "there is nothing they will not do" to get their way. But if you think it is better you forward them this email to these bullies, it is ok with me. I have nothing to hide.

Have you been here before? The first photo is as you drive down the driveway. The complex is always quiet, peaceful, clean (not Harley, F-150 truck and smelly garage type of community). To the right, it is the driveway turning down to your home and my home. At the end of the street, there are several guest parking (one truck there now).

The second image is when I turned right and walked down the driveway. You immediately see the eyesore of the huge F-150 blocking the lake view. That is the guest parking space shared by 4 homeowners, you included. Your home and mine are to the right, and two other homeowners to the left. I took the 3rd photo by standing between my garage and your garage. The third photo has a big car outside of a building 10's owner. I believe that car (actually a jeep) provides home care service to one of the homeowners. So, it comes and goes. Before this F-150 permanently taking up that shared guest space, that home care service car would park on the guest space when they visit, but now no one can use that space except the illegal full-size truck by this young marine. All senior citizens and their guests just go to hell.

Their aggression did not stop there. Last Christmas, the woman's relative drove from Texas with another even bigger F-150. For 3 weeks, that visiting F-150 never moved once. And the young wonderful marine took up a space in the upper level meant to be the apron parking of upstairs neighbor, permanently for 3 weeks. It is the

Blatant breaking the rules every single day - who is allowed to do that??? - Message (HTML)

LIB-BIN SHIH <libshih92131@gmail.com>  
Blatant breaking the rules every single day - who is allowed to do that???

To: 'Lisa, Deborah';  
Cc: 'Yol Shieh', 'yolforweather.com', 'libshih92131@gmail.com', 'yolshieh.studio@yol.com', 'weather.com';  
You replied to this message on 4/18/2018 5:00 PM.  
This message was sent with HighImportance.


Hi, Ladies:

I went out for an errand and took these pictures. These images were taken 2:00pm today. I can show you the actual jpg files where there are a time stamp in "property".

I hope you do not transmit this email to your renters. It is not that I have anything to hide, but I think if you deal with this matter in the background, it may escalate further this very explosive situation. They are vindictive people - if they can turn on me to the extent, after what I did for them, there is nothing they will not do. No one wants to be associated (or renting to) those "there is nothing they will not do" to get their way. But if you think it is better you forward them this email to these bullies, it is ok with me. I have nothing to hide.

Have you been here before? The first photo is as you drive down the driveway. The complex is always quiet, peaceful, clean (not Harley, F-150 truck and empty garage type of community). To the right, it is the driveway turning down to your home and my home. At the end of the street, there are several guest parking (one truck there now).

The second image is when I turned right and entered down the driveway. You immediately see the entrance of the huge F-150 blocking the lot's view. That is the guest parking space shared by 4 homeowners, you included. Your home and mine are to the right, and not other homeowners to the left. I took the 3rd photo by standing between my garage and your garage. The third photo is a big car outside of a building 30's north. I believe that car (actually a jeep) provides home care service to one of the homeowners. So, Riccax and Gary. Before, this F-150 permanently taking up that shared guest space, that home care service car would park on the guest space when they visit, but now no one can use that space except the illegal full-size truck by this young marine. All service children and their guests just go to hell.



Their aggression did not stop there. Last Christmas, the woman's relative drove from Texas with another even bigger F-150. For 3 weeks, that visiting F-150 never moved once. And the young wonderful marina took up a space in the upper level meant to be the spare parking of upstairs neighbor, permanently for 3 weeks. It is the closest and most convenient, to these bullies, next to this prime real estate parking already taken by them. Just take it! End of story! At the holiday time, we all have guests (and other drives, we have service people), no one can use it at all! In my email to them, I also told them there are homeowners, including me, would walk to that area to take in the view. If you live here, you would do that too. No, the big ugly truck ruled! Fast there day and night and night and day. Hell with rule!

LIB-BIN SHIH

There are 2 items in "Attachments".



-----Original Message-----

From: Lih-Bin Shih [mailto:lbshih@san.rr.com]  
Sent: Monday, May 14, 2018 7:28 AM  
To: avillanueva@nnj.com; 'craig dodson' <craigsdodson@yahoo.com>  
Cc: 'Peri Sword' <psword@nnj.com>; lpoole@adamsstirling.com; uphillbaker-stuff@yahoo.com;  
gwwbasi@msn.com; Parnell Capt Nathan B <nathan.parnell@usmc.mil>; 'Julie Parnell'  
<julie.tucker03@yahoo.com>  
Subject: [Non-DoD Source] A miracle - Another F-150 BUT IN THE GARAGE!!!!  
Importance: High

HOA and Mr. Dodson:

Come one and come all to enjoy the daily violation of eyesore and community nuisance.

IT HAS COME TO THE BOARD'S AND MY ATTENTION THAT THE F-150 CAN FIT INTO THE GARAGE!!!!

A owner of a F-150 in this complex has always garaged his truck!!!! Did I say these renters are aggressive, selfish and entitled? For

Insisting on taking up common space that does not belong to them! Yes, if you can find better words (not aggressive, not selfish,

not entitled), please let me know. I will stand corrected.

The picture on the right was taken on 05/06/18, the male renter was supposedly "cleaning" his eyesore. You can see the width fit.

And the garage IS long enough to fit the length. The garage may become "crowded" and it will require renters to do "physical work"

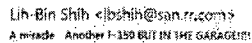
(not watching TV) to remove things (or even throwing out things) to garage the eyesore. But I DO know that after male

renter's unsuccessful fixing the old Harley for 1 year (which was later replaced by an insurance-paid new Harley), I have never seen

male renters working in the garage. That does not mean they do not clean garages, but I DO KNOW cleaning garage is not their

favorite work (I can quote words from both shortly after male renter came back from Japan in April 2016):

Space Delete Copy Paste Undo Redo Find Print Zoom  
 Back Forward Home Stop Reload Full Screen Help  
 Address Bar Search Bar Bookmarks Bar Tabs Bar Status Bar



• For response to this message on 5/25/2012 6:50 PM.

နိုင်ငံတော်အတွက် အကျိုးအမြတ်ရှိစေရန် အစိုးရက အကူအညီပြုလုပ်ခဲ့သည်။

Come one and come all to enjoy the daily violation of eyesore and community nuisance

IT HAS COME TO THE BOARD'S AND MY ATTENTION THAT THE F-150 CAN FIT INTO THE GARAGE!!!



The FACT that F-350 anyone can be actually garaged (they're not against it) length, w/ width, & wheelbase never may ever excuse to be a more wept-up excuse. Also, the CCMA is dead that "the f350 can be as "normal" or "small". I am sure these renters are busy coming up with some more wept-up excuse: "this is the third car... No idiot on this earth will think a F-350 is a "normal" size vehicle even some insist on calling it "just a truck". The garage is big enough (without their tons of "stuff" for it) their vehicle (tons). Some people call things in other people's garage as "junk" - I am sure others will call my stuff in my garage Junk. And junk can go for anyone.

The Board from time to time would remind residents that garage is not for storage so that residents use the common space for parking. Apparently, these "reminders", like all other warnings, went right over these renters' heads.

Mr. Dodson:—you are such a lucky landlord! You need to go buy a lottery ticket because in some cultures, good luck will compensate for endless nightmares. I should consider lottery ticket too.

**Life-Ethics Shifts**

-----Original Message-----

From: Lih-Bin Shih [mailto:lbshih@san.rr.com]

Sent: Monday, June 4, 2018 8:30 AM

To: uphillbaker-stuff@yahoo.com; 'craig dodson' <craigsdodson@yahoo.com>

Cc: 'Peri Sword' <psword@nnj.com>; kristin@rayderlaw.com; lpoole@adamsstirling.com; avillanueva@nnj.com; gwwbasi@msn.com; Parnell Capt Nathan B <nathan.parnell@usmc.mil>; 'Julie Parnell' <julie.tucker03@yahoo.com>

Subject: [Non-DoD Source] RE: NEIGHBORHOOD TERROR

Importance: High

Mr. O'Brien and Mr. Dodson:

Your daily enjoyment of eyesore, and your daily reminder of your incompetence in enforcing the CC&R and daily failure (as the landlord) to control your renters.

The world record of community bullies! They are "good" for something!

Lih-Bin Shih, Ph.D.

-----Original Message-----

From: Lih-Bin Shih [mailto:lbshih@san.rr.com]

Sent: Tuesday, June 5, 2018 6:23 AM

To: uphillbaker-stuff@yahoo.com; 'craig dodson' <craigsdodson@yahoo.com>

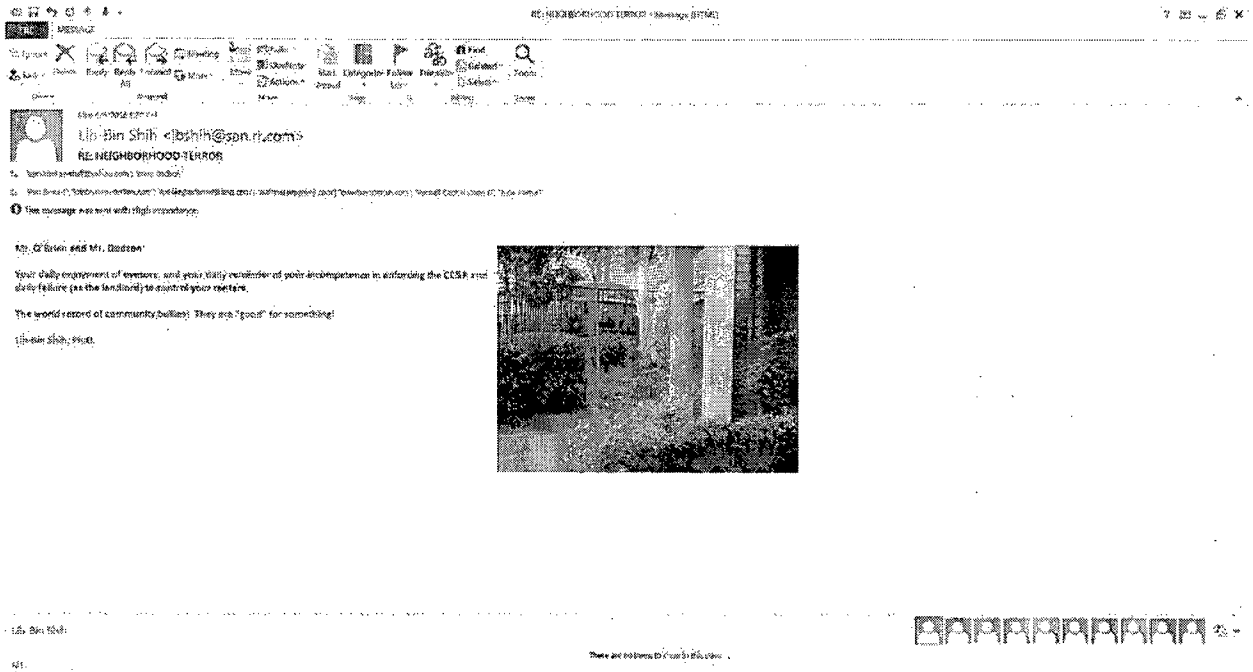
Cc: 'Peri Sword' <psword@nnj.com>; kristin@rayderlaw.com; lpoole@adamsstirling.com; avillanueva@nnj.com; gwwbasi@msn.com; Parnell Capt Nathan B <nathan.parnell@usmc.mil>; 'Julie Parnell' <julie.tucker03@yahoo.com>

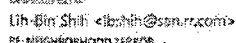
Subject: [Non-DoD Source] RE: NEIGHBORHOOD TERROR

Importance: High

Mr. O'Brien and Mr. Dodson:

Your daily enjoyment of eyesore, and your daily reminder of your incompetence in enforcing the CC&R and daily failure (as the landlord) to control your renters.





RE-PRODUCED FROM THE  
FBI LABORATORY

\*.02. இந்தியாவின் கிடைக்கக்கூடிய வளங்கள் : இரண்டு பகுதிகள்

10. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of Nevada:

● **မှတ်ချက်:** အချက်အလက်များကို အောက်ဖော်ပြပါအတိုင်း ဖော်ပြထားပါသည်။

Mr. Dwyer and Mr. Chaffee

Your daily enjoyment of others, and your daily reminder of your incompetence in enforcing the CC&B and daily failure as the landlord, to control your system.

**Abstract** *Mytilus* spp. and *Macoma* spp. were collected from 10 sites in the coastal waters of the Adriatic Sea (Italy) and analyzed for the presence of 11 heavy metals (Cd, Cr, Cu, Fe, Pb, Mn, Ni, Zn, Co, V, and As) by electrothermal atomic absorption spectrometry (ETAAS). The results were compared with the values of the Italian and European legislation. The mean concentrations of the metals in the studied molluscs were: Cd 0.001–0.003 mg kg<sup>-1</sup>, Cr 0.001–0.003 mg kg<sup>-1</sup>, Cu 0.001–0.003 mg kg<sup>-1</sup>, Fe 0.001–0.003 mg kg<sup>-1</sup>, Pb 0.001–0.003 mg kg<sup>-1</sup>, Mn 0.001–0.003 mg kg<sup>-1</sup>, Ni 0.001–0.003 mg kg<sup>-1</sup>, Zn 0.001–0.003 mg kg<sup>-1</sup>, Co 0.001–0.003 mg kg<sup>-1</sup>, V 0.001–0.003 mg kg<sup>-1</sup>, and As 0.001–0.003 mg kg<sup>-1</sup>. The results showed that the concentrations of the metals in the studied molluscs were generally low and within the limits of the Italian and European legislation.

Information yesterday just earned you: additional descriptions of deception, dishonesty, negligence, "evil" or sin, perhaps particularly so. It's been wrong to be treated with kindness and respect, but you cannot treat others with deception, dishonesty, and abuse, and want others to "respect" you. The world does not

You are indeed exceptionally competent and are charged to turn a parking violation report into such a big deal.

Life-Span Study, 2010



1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

\* 77-4359-0000 123-456789 101-234567 111-345678

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

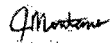
Central  
330 West Broadway  
San Diego, CA 92101

**SHORT TITLE:** Parnell vs. Shih [Imaged]

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:**  
**37-2018-00033816-CU-HR-CTL**

I certify that I am not a party to this cause. I certify that a true copy of the Amended CH-130 Civil Harrassment Restraining Order After Hearing was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 08/27/2018.

Clerk of the Court, by:  J. Montano, Deputy

NATHAN B PARNELL  
11040 CAMINITO VISTA PACIFICA  
SAN DIEGO, CA 92131

LIH BIN SHIH  
11042 CAMINITO VISTA PACIFICA  
SAN DIEGO, CA 92131

☐ Additional names and address attached.

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

Page: 1

Amended

CH-130

Civil Harassment Restraining Order After Hearing

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

- a. Your Full Name: NATHAN BROOKS PARNELL  
Your Lawyer (if you have one for this case)  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_
- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)  
Address: 11040 CAMINTO VISTA PACIFICA  
City: SAN DIEGO State: CA Zip: 92131  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

② Restrained Person

Full Name: LIH-BIN SHIH

Description:

Sex: ☒ M ☐ F Height: 5-11 Weight: 200 Date of Birth: UNK  
Hair Color: BLK Eye Color: BRN Age: 70 Race: ASIAN  
Home Address (if known): 11042 CAMINTO VISTA PACIFICA  
City: SAN DIEGO State: CA Zip: 9131  
Relationship to Protected Person: NEIGHBOR

③ ☒ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
<u>JULIE TUCKER PARNELL</u>	<u>F</u>	<u>35</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>WIFE</u>
<u>CASON GEORGE PARNELL</u>	<u>M</u>	<u>2</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>SON</u>

☒ Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

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

Time: \_\_\_\_\_ ☐ a.m. ☐ p.m. ☒ midnight on (date): 8/07/2021

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

This is a Court Order.

Judicial Council of California, www.courts.ca.gov  
Revised January 1, 2018, Mandatory Form  
Code of Civil Procedure, §§ 527.6 and 527.9  
Approved by DOJ

Civil Harassment Restraining Order After Hearing  
(CLETS-CHO)  
(Civil Harassment Prevention)

CH-130, Page 1 of 6



Clerk stamps date here when form is filed.

FILED

AUG 08 2018

Fill in court name and street address:

Superior Court of California, County of  
SAN DIEGO  
330 W BROADWAY  
SAN DIEGO CA 92101  
CENTRAL

Court fills in case number when form is filed.

Case Number:  
37-2018-00033816 -cu-hr-ctl

Case Number:

37-2018-00033816 -cu-hr-ctl

**5 Hearing**

- a. There was a hearing on (date): Aug 8, 2018 at (time): 08:30am in Dept.: 61 Room: \_\_\_\_\_  
(Name of judicial officer): R. WHITNEY made the orders at the hearing.
- b. These people were at the hearing:
- (1) ☒ The person in (1). (3) ☐ The lawyer for the person in (1) (name): \_\_\_\_\_
- (2) ☒ The person in (2). (4) ☐ The lawyer for the person in (2) (name): \_\_\_\_\_
- ☐ 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): \_\_\_\_\_

**To the Person in (2):**

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.

**6 ☒ Personal Conduct Orders**

- a. You must **not** do the following things to the person named in (1)
- ☒ and to the other protected persons listed in (3):
- (1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☒ 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.
- (3) ☒ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) ☐ Other (specify): \_\_\_\_\_
- ☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

**7 ☒ Stay-Away Orders**

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

**This is a Court Order.**

Revised January 1, 2018

**Civil Harassment Restraining Order After Hearing**  
(CLETS-CHO)  
(Civil Harassment Prevention)

CH-130, Page 2 of 6





**8 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:
- Within 24 hours of being served with this Order, 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.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form CH-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.
- d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm *(specify make, model, and serial number of firearm(s))*:

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

**9 ☐ Lawyer's Fees and Costs**

The person in \_\_\_\_\_ must pay to the person in \_\_\_\_\_ the following amounts for

☐ lawyer's fees      ☐ costs:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

☐ Additional items and amounts are attached at the end of this Order on Attachment 9.

**10 ☒ Possession and Protection of Animals**

- a. ☒ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.  
*(Identify animals by, e.g., type, breed, name, color, sex.)*

- b. ☒ The person in (2) must stay at least 100 yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**11 ☒ Other Orders (specify):**

COURT ORDERS LIH BIN SHIH TO NO CONTACT THE MARINE CORPS

☐ 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 person in ① or his or her 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 Restrained Person**

- a. ☒ The person in ② personally attended the hearing. No other proof of service is needed.
- b. ☐ The person in ② did not attend the hearing.
- (1) ☐ Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② 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 CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

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

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

- a. ☒ The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. ☐ The person in ① is entitled to a fee waiver.

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

Date: August 8, 2018

  
Judicial Officer **RICHARD S. WHITNEY**

**This is a Court Order.**

**Warning and Notice to the Restrained Person in ②:****You Cannot Have Guns or Firearms**

Unless item 8d is checked, 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 ⑧ above. 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 ④ on page 1.

**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 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 order. 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 of 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(h).)

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

(Clerk will fill out this part.)

**—Clerk's Certificate—**

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

Date: 8-27-18 Clerk, by [Signature], Deputy

**This is a Court Order.**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 08/08/2018                      TIME: 08:30:00 AM              DEPT: C-61  
JUDICIAL OFFICER PRESIDING: Richard S. Whitney  
CLERK: Jerry Montano  
REPORTER/ERM: Not Reported  
BAILIFF/COURT ATTENDANT: J. Jones

CASE NO: 37-2018-00033816-CU-HR-CTL CASE INIT.DATE: 07/10/2018  
CASE TITLE: **Parnell vs. Shih [Imaged]**  
CASE CATEGORY: Civil - Unlimited      CASE TYPE: Harassment

---

**EVENT TYPE:** Hearing on Restraining Order

---

**APPEARANCES**

Nathan Brooks Parnell, self represented Petitioner, present.  
Lih Bin Shih, self represented Respondent, present.  
Julie Tucker Parnell, Protected Person is present.  
Attorney Christopher Mordy for petitioner.  
Attorney Sammar Zakhour for respondent.

---

Parties, as noted above, are sworn to testify on their behalf.

Court hears this matter with related case #18-36217.

At the direction of the Court, the matter is trailed so counsel can confer off the record.

Counsel inform the Court they cannot reach agreement. The Court proceeds to hear the matter.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The Matter Comes Before the Court for a Hearing on Restraining Order.

The Court informs the parties that this matter is not being reported by a court reporter or recorded electronically.

After careful review of the entire record, the Court now rules as follows:

The Court finds that the Petitioner has met the high burden of proof that is required. The Petitioner has

---

DATE: 08/08/2018  
DEPT: C-61

MINUTE ORDER

Page 1  
Calendar No.

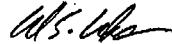
proved the case by a Clear and Convincing Evidence under CCP Sec. 527.6 et seq. **Therefore, the request for injunction is GRANTED.**

The Court's decision is based on the law that governs CCP 527.6 et seq. Petitioner is told that if an extension beyond the expiration date is requested the Petitioner must make that request at least three months prior to the expiration of the restraining order.

Restraining order as requested against Lih Bin Shih is granted with a 5 yards stay away order to expire 08/07/2021.

The Court further orders respondent Lih Bin Shih to not contact the Marine Corps.

The formal order was signed this date.



Judge Richard S. Whitney

**CH-130****Civil Harassment Restraining Order After Hearing**

Clerk stamps date here when form is filed.

**F I L E D**

Clerk of the Superior Court

**AUG 08 2018**

By: J. Montano, Deputy

Person in (1) must complete items (1), (2), and (3) only.

**(1) Protected Person**a. Your Full Name: NATHAN BROOKS PARNELL

Your Lawyer (if you have one for this case)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 11040 CAMINITO VISTA PACIFICACity: SAN DIEGO State: CA Zip: 92131

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of  
SAN DIEGO  
330 W BROADWAY  
SAN DIEGO CA 92101  
CENTRAL

Court fills in case number when form is filed.

Case Number:

37-2018-00033816 -cu-hr-ctf

**(2) Restrained Person**Full Name: LIH-BIN SHIH

Description:

Sex: ☐ M ☒ F Height: 5'1 Weight: 200 Date of Birth: UNK  
 Hair Color: BLK Eye Color: BRN Age: 70 Race: ASIAN  
 Home Address (if known): 11042 CAMINTO VISTA PACIFICA  
 City: SAN DIEGO State: CA Zip: 92131  
 Relationship to Protected Person: NEIGHBOR

**(3) ☒ Additional Protected Persons**

In addition to the person named in (1), the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
JULIE TUCKER PARNELL	F	33	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	WIFE
CASON GEORGE PARNELL	M	2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SON

☐ Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

**(4) Expiration Date**

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

Time: \_\_\_\_\_ ☐ a.m. ☐ p.m. ☒ midnight on (date): 8/7/2021

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

**This is a Court Order.**

Judicial Council of California, www.court.ca.gov  
 Revised January 1, 2018, Mandatory Form  
 Code of Civil Procedure, §§ 527.6 and 527.9  
 Approved by DOJ

**Civil Harassment Restraining Order After Hearing**  
**(CLETS-CHO)**  
**(Civil Harassment Prevention)**

CH-130, Page 1 of 6



**5 Hearing**

- a. There was a hearing on (date): Aug 8, 2018 at (time): 08:30am in Dept.: 61 Room: \_\_\_\_\_  
(Name of judicial officer): R. WHITNEY made the orders at the hearing.
- b. These people were at the hearing:
- (1) ☒ The person in ①. (3) ☐ The lawyer for the person in ① (name): \_\_\_\_\_
- (2) ☒ The person in ②. (4) ☐ The lawyer for the person in ② (name): \_\_\_\_\_
- ☐ 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): \_\_\_\_\_.

**To the Person in ②:**

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.

**6 ☒ Personal Conduct Orders**

- a. You must not do the following things to the person named in ①
- ☐ and to the other protected persons listed in ③:
- (1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☒ 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.
- (3) ☒ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) ☐ Other (specify): \_\_\_\_\_
- ☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).

- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

**7 ☒ Stay-Away Orders**

- a. You must stay at least 5 yards away from (check all that apply):
- (1) ☒ The person in ①. (7) ☒ The place of child care of the children of the person in ①.
- (2) ☒ Each person in ③. (8) ☒ The vehicle of the person in ①.
- (3) ☒ The home of the person in ①. (9) ☐ Other (specify): \_\_\_\_\_
- (4) ☒ The job or workplace of the person in ①. \_\_\_\_\_
- (5) ☒ The school of the person in ①. \_\_\_\_\_
- (6) ☒ The school of the children of the person in ①. \_\_\_\_\_

- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**





**8 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:
- Within 24 hours of being served with this Order, 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.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-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.
- d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

**9 Lawyer's Fees and Costs**

The person in \_\_\_\_ must pay to the person in \_\_\_\_ the following amounts for

<input type="checkbox"/> lawyer's fees	<input type="checkbox"/> costs:		
<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

☐ Additional items and amounts are attached at the end of this Order on Attachment 9.

**10 Possession and Protection of Animals**

- a. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.  
(Identify animals by, e.g., type, breed, name, color, sex.)

- b. ☐ The person in (2) must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**11 Other Orders (specify):**

☐ 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 person in ① or his or her 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 Restrained Person**

- a. ☒ The person in ② personally attended the hearing. No other proof of service is needed.
- b. ☐ The person in ② did not attend the hearing.
- (1) ☐ Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② 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 CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

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

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

- a. ☒ The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. ☐ The person in ① is entitled to a fee waiver.

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

Date: August 8, 2018

Judicial Officer

  
RICHARD S. WHITNEY

**This is a Court Order.**

Revised January 1, 2018

**Civil Harassment Restraining Order After Hearing  
(CLETS-CHO)  
(Civil Harassment Prevention)**

CH-130, Page 4 of 8  
→

**Warning and Notice to the Restrained Person in 2:**

**You Cannot Have Guns or Firearms**

Unless item 8d is checked, 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 8 above. 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 4 on page 1.

**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 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 order. 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 of 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 *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: August 8, 2018 Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

DATE: 12/13/2018

TIME: 10:24:00 AM

DEPT: C-68

JUDICIAL OFFICER PRESIDING: Richard S. Whitney

CLERK: Richard Cersosimo

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: 37-2018-00033816-CU-HR-CTL CASE INIT.DATE: 07/10/2018

CASE TITLE: Parnell vs. Shih [Imaged]

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

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**APPEARANCES**

This court trial was conducted on August 2, 2018. There was no official record made of the proceedings. The court upon conclusion of the evidence granted a permanent injunction to expire on August 7, 2021. This court has very little recollection of the evidence but does point out at least 2 statements on the Settled Statement of Appeal of Respondent which appear inaccurate. This court no longer sits in Department 61 and since the above hearing date has been reassigned to an Independent Calendar assignment in Department 68.

The Settled Statement does appear to this court to contain inaccuracies of what occurred and what was said by this bench officer, but unfortunately due to the absence of record cannot address with specificity many of these issues. The language used in this Settled Statement does appear in part to be inconsistent with the court's minute order. The court ordered as part of the decision that Respondent NOT contact the Marine Corps as part of this order as reflected in the courts minute order. There is an inaccuracy in the Settled Statement of Respondent which indicates on the signature page, line 6, "The issued written order was for 5 years and no restriction on contacting the Marine Corps...." This is inaccurate and inconsistent with the court minute order.

The court also questions the accuracy of the comment contained on the signature page, line 2, "Judge Whitney stated that Respondent had too many rights, and that he has the right to wave the flag outside of the White House, but no one would see the Judge doing that." The court has no recollection of that exact verbiage and appears to have been misquoted and completely taken out of context.

The remainder of the Settled Statement is also called into question due to the above misquotes but unfortunately this court cannot provide further comment in the absence of a record or distinct recollection of the proceedings.

The court found that by a clear and convincing standard credible evidence of harassment by Respondent towards Petitioner by stalking, making unwarranted phone calls to Marine Command and repeated attempts to harass the Petitioner and his wife by unfounded complaints to the Home Owners Association and the U.S. Marine Corps. It appeared to the court that Respondent was reaching a level of unhealthy obsession in monitoring almost every movement and action taken by Petitioner and his wife

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DATE: 12/13/2018

DEPT: C-68

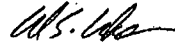
MINUTE ORDER

Page 1  
Calendar No.

and was clearly invading his privacy through stalking, harassment and the filing of unwarranted complaints with the HOA and the Marine Corps. The Respondent was admonished to STOP having any contact with Petitioners and to leave them alone and not contact Petitioner's Marine Command so as to stop interfering with Petitioners life and work. The evidence established, in part, approximately 300 unwanted emails from Respondent on issues that were mundane and designed to simply inflict distress/harassment upon Petitioner and his wife. The evidence also showed that Respondent consistently invaded Petitioners personal space in common areas of the complex that was unreasonable and unwarranted.

The evidence supported a clear cut case of harassment by Respondent. The court concluded Respondent did not understand the nature and consequences of her harassing actions and appeared to show very little remorse or ability to correct her harassing actions. The court was concerned that Respondent had made Petitioners the target of some form of harassment obsession and did not appear willing or able to redirect her actions elsewhere in a more positive manner to allow Petitioners to live in peace.


The court admonished Respondent on numerous occasions during the hearing to leave Petitioners alone and stop all communications with them. The court was doubtful upon conclusion of the proceedings that Respondent had the ability to abide by the court's order.



Judge Richard S. Whitney

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> Central 1100 Union St, Rm 218 San Diego, CA 92101	
<b>SHORT TITLE:</b> Parnell vs. Shih [Imaged]	
<b>CLERK'S CERTIFICATE OF SERVICE BY MAIL</b>	<b>SUPERIOR COURT CASE NUMBER:</b> <b>37-2018-00033816-CU-HR-CTL</b>
	<b>COURT OF APPEAL CASE NUMBER:</b> <b>D074805</b>

I certify that I am not a party to this cause. I certify that a true copy of NOTICE OF COMPLETION OF THE RECORD ON APPEAL was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The certification occurred at San Diego, California on 12/26/2018. The mailing occurred at Gardena, California on 12/27/2018.

Clerk of the Court, by: , Deputy

ROSEMARY MEAGHER-LEONARD  
 LAW OFFICE OF ROSEMARY MEAGHER-LEONARD  
 4456 FLORIDA STREET  
 SAN DIEGO, CA 92116

CHRISTOPHER R MORDY  
 TAYLOR ANDERSON  
 3655 NOBEL DRIVE, SUITE 650  
 SAN DIEGO, CA 92122

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**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

Page: 2

**526**

**70a**

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input checked="" type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3 <sup>RD</sup> AVE., CHULA VISTA, CA 91910		FOR COURT USE ONLY <b>FILED</b> Clerk of the Superior Court <b>DEC 26 2018</b>
RESPONDENT NATHAN BROOKS PARNELL	By: G. Hohman, Deputy	
APPELLANT LIH BIN SHIH	SUPERIOR COURT CASE NUMBER 37-2018-00033816-CU-HR-CTL	
<b>RECEIPT FOR RECORD ON APPEAL</b>		COURT OF APPEAL CASE NUMBER D074805

Received from the Clerk of the Superior Court:	Number of Volumes
Administrative Record(s)	
Clerk's Transcript(s)/File	Rule 8.124
Confidential Envelope(s) (DCA Only)	
Deposition Transcript(s)	
Marsden	
Notice of Intent to File Writ/Petition	
Preliminary Hearing Transcript	
Reporter's Master Index	
Reporter's Transcript(s)	
Reporter's Transcripts on Disk(s)	
Sealed Clerk's Transcript(s)/File	
Sealed Reporter's Transcript(s)	
Sealed Reporter's Transcripts on Disk(s)	
Settled Statement	1

NOTE: Sign receipt and return to address indicated in header, Attention: Appeals.

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

FILE COPY



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <b>APPEALS SECTION</b> STREET ADDRESS: 1100 Union St, Rm 218 MAILING ADDRESS: 1100 Union St, Rm 218 CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 844-2348 APPELLANT: Lin Bin Shih RESPONDENT: Nathan Brooks Pamell Short Title: Pamell vs. Shih [imaged]	<b>FOR COURT USE ONLY</b>
<b>NOTICE OF COMPLETION OF THE RECORD ON APPEAL</b>	SUPERIOR COURT CASE NUMBER: 37-2018-00033816-CU-HR-CTL  COURT OF APPEAL CASE NUMBER: D074805

NOTICE IS HEREBY GIVEN that the Record on Appeal has been completed and certified to the higher court. An additional copy of the record will be distributed to the appellant(s), and respondent(s) if applicable, as required by the Cal. Rules of Court.

- ☐ The Record on Appeal is enclosed.
- ☐ Original/Lodged transcript(s) sent to the Appellate Division/Court of Appeal. The attorney has a copy.
- ☐ Prepaid copies of the record may be obtained in the Appeals Section of the court indicated above.  
 Request log number \_\_\_\_\_
- ☐ A refund of \$ is due from the amount deposited with the Clerk of the Superior Court for the estimated costs of the record on appeal.
- ☐ Enclosed is a Request for Payment of Trust Funds (SDSC Form #CIV-180) for your use in claiming your refund. Please complete the form and submit the original and one copy to the Accounting Division of the Superior Court.

CLERK OF THE SUPERIOR COURT

Date: 12/26/2018

G. Hahnman  
 G. Hahnman

, Deputy

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input checked="" type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3 <sup>RD</sup> AVE., CHULA VISTA, CA 91910		FOR COURT USE ONLY
RESPONDENT NATHAN BROOKS PARNELL		
APPELLANT LIH BIN SHIH		SUPERIOR COURT CASE NUMBER 37-2018-00033816-CU-HR-CTL
RECEIPT FOR RECORD ON APPEAL		COURT OF APPEAL CASE NUMBER D074805

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Settled Statement	1

NOTE: Sign receipt and return to address indicated in header, Attention: Appeals.

Date: \_\_\_\_\_ Court of Appeal \_\_\_\_\_