

No. _____

IN THE

Supreme Court of the United States

VIDALA AARONOFF,

Petitioner,

v.

CURTIS OLSON.

Respondent.

On Petition for Writ of Certiorari to
The Court of Appeal of the State of California
Second Appellate District

**APPENDIX TO PETITION FOR WRIT OF CERTIORARI
VOL. I**

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Court of Appeal, Second Appellate District, Division Two - No. B295388, B298224,
B298532, B305935, B309136, B314319

S278941

IN THE SUPREME COURT OF CALIFORNIA

En Banc

**SUPREME COURT
FILED**

VIDALA AARONOFF, Plaintiff and Appellant,

APR 26 2023

v.

Jorge Navarrete Clerk

CURTIS OLSON, Defendant and Appellant.

Deputy

(and five other cases.)

Petitioner's motion to file the unredacted petition for review under seal, filed on March 6, 2023, is denied. (See Cal. Rules of Court, rules 2.250, 2.551, and 8.46.) Petitioner must notify the Clerk of this court within 10 days if the unredacted petition for review (lodged conditionally under seal on March 7, 2023) should be filed unsealed as part of the public record. (See Cal. Rules of Court, rule 8.46(d)(7).)

The petition for review is denied.

GUERRERO

Chief Justice

Appellate Courts Case Information

2nd Appellate District

Change court ▾

Docket (Register of Actions)

Aaronoff v. Olson

Division 2

Case Number B295388

Date	Description	Notes
02/04/2019	Notice of appeal lodged/received.	Jan. 28, 2019: Vidala Aaronoff
02/04/2019	Filed proof of service.	to notice of appeal, overnight delivery
02/04/2019	Filed proof of service.	to notice of appeal personal service
02/04/2019	Received document entitled:	notice of filing of N/A
02/11/2019	Default notice sent-appellant notified per rule 8.100(c).	Denied SCLA waiver dated Feb. 5, 2019
02/11/2019	Civil case information statement filed.	Petitioner and Appellant: Vidala Aaronoff
02/14/2019	Order waiving filing fee.	GRANTED fee waiver dated Feb. 14, 2019
02/19/2019	Application filed to:	Application filed by appellant for extension of time to file designation of record
02/20/2019	Appellant's notice designating record on appeal filed in trial court on:	2/7/2019 designating clerk's transcript and reporter's transcript (RT to be lodged with COA)
06/14/2019	Record on appeal filed.	C-10 (1917 Pages)
07/10/2019	Requested - extension of time	to 8/23/19
07/11/2019	Granted - extension of time.	
08/02/2019	Requested - extension of time	to 9/21/19
08/05/2019	Granted - extension of time.	
09/17/2019	Stipulation of extension of time filed to:	60 day

11/14/2019	Requested - extension of time	to 12/23/19
11/15/2019	Granted - extension of time.	**no further extensions**
12/11/2019	Motion filed.	motion to consolidate appeals [w/B298224 + B298532] filed by appellant Vidala Aaronoff
12/16/2019	Filed letter from:	letter from Curtis Olson agreeing to motion to consolidate appeals
12/18/2019	Filed order consolidating with case:	The court has read and considered the motion to consolidate appeals filed by appellant Vidala Aaronoff on December 11, 2019, and the response thereto filed by cross-appellant Curtis Olson on December 16, 2019. Good cause appearing, the motion to consolidate appeals is hereby granted. The notices of appeal filed on June 17, 2019 (for case no. B298532 and the cross-appeal filed in case B298224 by Curtis Olson), and the notice of appeal filed on June 6, 2019 (for case no. B298224 by Vidala Aaronoff), are hereby consolidated into case B295388 (for the notice of appeal filed January 28, 2019). All previously filed documents filed in case B298532 and B298224 are re-filed into case B295388, and all future documents shall be filed in case B295388. An appellant's opening brief shall be due 40 days from the date of the outstanding records on appeal (in cases B298224 and B298532).
06/11/2019	Notice of appeal lodged/received.	June 6, 2019: Vidala Aaronoff*prev B298224*
06/11/2019	Default notice sent-appellant notified per rule 8.100(c).	No Fee Rcvd - (June 6, 2019: Appeal)*prev B298224*
06/19/2019	Order waiving filing fee.	GRANTED fee waiver dated Feb. 14, 2019: (Re: B295388)(Vidala Aaronoff)*prev B298224*
06/25/2019	Civil case information statement filed.	(June 6, 2019: Appeal)*prev B298224*
06/26/2019	Notice of appeal lodged/received.	June 17, 2019: Curt Olson (Cross Appeal)*prev B298224*
06/26/2019	Filing fee.	Check# 370131 for \$775 (Cross Appeal)*prev B298224*
06/28/2019	Appellant's notice designating record on appeal filed in trial court on:	Notice dated 6/25/19 for appeal filed 6/6/19. Clerk's & rep's trans*prev B298224*
07/02/2019	Notice per rule 8.124 - with reporter's transcript.	Notice dated 7/27/19*prev B298224*
07/03/2019	Civil case information statement filed.	(Cross Appeal)*prev B298224*
09/03/2019	Petition for writ of supersedeas filed.	***STAY REQUESTED****prev B298224*
09/03/2019	Exhibits filed in support of:	Petition for Writ of Supersedeas (1 volume)*prev B298224*
09/04/2019	Petition summarily denied by order.	Court read & considered petition for writ of supersedeas & immediate stay. Petition is denied. Petitioner fails to support her petition with an adequate record for review. (LCH)*prev B298224*
09/25/2019	Petition for writ of supersedeas filed.	*prev B298224*
09/25/2019	Exhibits filed in support of:	Supersedeas Vol 1 of 4*prev B298224*
09/25/2019	Exhibits filed in support of:	Supersedeas Vol 3 of 4*prev B298224*
09/25/2019	Exhibits filed in support of:	Supersedeas Vol 2 of 4*prev B298224*

09/25/2019	Exhibits filed in support of:	Supersedeas Vol 4 of 4*prev B298224*
09/30/2019	Order filed.	Court completed initial evaluation of petition. Resp shall have 10 days to submit OPO to petition. OPO shall include a summary of the proceedings in superior court that were scheduled to go forward on 9/26/19 & any related rulings made by the superior court.*prev B298224*
10/07/2019	Order waiving filing fee.	Court of Appeal filing fee (only).*prev B298224*
10/10/2019	Opposition filed.	Respondent's opposition to petition for writ of supersedeas*prev B298224*
10/28/2019	Order filed.	The court has read and considered the petition for writ of supersedeas filed September 25, 2019, and the exhibits thereto, including the trial court's orders of August 15, 2019, and September 4, 2019. The court has also reviewed the trial court's orders of September 26, 2019, attached to defendant's opposition to the petition. The petition is denied.*prev B298224*
12/11/2019	Motion filed.	motion to consolidate appeals [w/B298224 + B298532] filed by appellant Vidala Aaronoff
06/21/2019	Notice of appeal lodged/received.	June 17, 2019: Curt Olson (Appeal #1)*prev B298532*
06/21/2019	Original entry stricken - sequence no. not removed.	June 17, 2019: Curt Olson (Cross Appeal) - erroneous docket entry the notice of cross appeal is for B298224*prev B298532*
06/24/2019	Filing fee.	Check # 370132 for \$775 - (Appeal #1)*prev B298532*
07/03/2019	Civil case information statement filed.	(Appeal #1)*prev B298532*
12/11/2019	Note:	motion to consolidate appeals [w/B295388 + B298532] filed by appellant Vidala Aaronoff
12/11/2019	Note:	designation proc. w/clerks and reporters transcripts - per notice included in motion to consolidate appeals*prev B298532*
01/17/2020	Record on appeal filed.	*as to appeals: B298224/B298532*C-7 (1484 Pages) R-1
02/20/2020	Requested - extension of time	
02/21/2020	Granted - extension of time.	No further extensions
03/20/2020	Requested - extension of time	
03/20/2020	Substitution of attorneys filed for:	William T. Heywood substitutes in place of Vidala Aaronoff (as pro per)
03/23/2020	Granted - extension of time.	*FINAL EXTENSION* No further extensions of time will be granted.
05/21/2020	Motion filed.	Appellants' Joint Motion to Consolidate B295388 and B305935.
05/21/2020	Filed proof of service.	Appellant's proof of service of the joint motion to consolidate.
05/15/2020	Notice of appeal lodged/received.	Notice of Appeal filed on April 30, 2020 by Vidala Aaronoff(U1)*previously B305935*
05/15/2020	Default notice sent-appellant notified per rule 8.100(c).	No Fee Received for Notice of Appeal filed on April 30, 2020 App of Waiver filed on 2/13/19 (U1)*previously B305935*
05/15/2020	Notice of appeal lodged/received.	Notice of Appeal filed on April 30, 2020 by John Walkowiak (U2)*previously B305935*
05/15/2020	Default notice sent-appellant notified per rule 8.100(c).	No Fee Received for Notice of Appeal filed by John Walkowiak(U2)*previously B305935*
05/21/2020	Substitution of attorneys filed for:	Attorney William T. Heywood substitutes in as counsel of record for V. Aaronoff.*previously B305935*

05/21/2020	Application for waiver of filing fee filed.	V. Aaronoff*previously B305935*
05/21/2020	Substitution of attorneys filed for:	Attorney William T. Heywood substitute in as counsel of record for John Walkowiak.*previously B305935*
05/21/2020	Application for waiver of filing fee filed.	John Walkowiak*previously B305935*
05/21/2020	Application for waiver of filing fee filed.	V. Aaronoff.*previously B305935*
05/21/2020	Motion filed.	Claimant-Appellant's joinder in plaintiff-appellant's motion to consolidate B295388.*previously B305935*
05/22/2020	Order waiving filing fee.	Walkowiak*previously B305935*
05/22/2020	Order waiving filing fee.	V. Aaronoff*previously B305935*
06/09/2020	Filed order consolidating with case:	Appellant's motion to consolidate cases B295388 and B305935 is granted.
06/12/2020	Received document entitled:	received notice from appellant's counsel indicating he will be filing a case information statement for the consolidated appeal (B305935);
06/12/2020	Civil case information statement filed.	Petitioner and Appellant: Vidala Aaronoff Attorney: William Thomas Heywood re: B305935
06/12/2020	Filed letter from:	received notice from appellant's counsel indicating he will be filing a case information statement for the consolidated appeal (B305935); for appellant John Walkowiak
06/12/2020	Civil case information statement filed.	Claimant and Appellant: John Walkowiak Attorney: William Thomas Heywood
06/17/2020	Appellant's notice designating record on appeal filed in trial court on:	5/28/2020 designating CT and RT (to be lodged with Court Of Appeal) (for Notice of Appeal filed on April 30, 2020 by Vidala Aaronoff) (U1)
08/11/2020	Received default notice 8.121(a) designation not filed. Dated:	Non-compliance from lasc filed Aug 11, 2020 (April 30, 2020 by John Walkowiak (U2))
08/31/2020	Motion for relief from default filed.	motion for relief from default filed by appellant John Walkowiak
09/01/2020	Order granting rehearing petition filed.	Good cause appearing, appellant John Walkowiak's motion for relief from default filed August 31, 2020, for the appeal dated April 30, 2020 (U-2), is granted on condition that appellant (John Walkowiak), within ten (10) days from the date of this order, file an amended designation of record with the clerk of the superior court pursuant to Rules 8.120, 8.121, 8.130, and/or 8.147, California Rules of Court. The designation of record and any payment of statutory fees or deposits shall be made directly in the Civil Appeals Unit of the Los Angeles Superior Court at 111 N. Hill Street, Room 111A, Los Angeles, California 90012.
09/02/2020	Appellant's notice designating record on appeal filed in trial court on:	09/02/2020 designating CT and RT (to be lodged with Court Of Appeal) (for Notice of Appeal filed on April 30, 2020 by John Walkowiak) (U2)
11/10/2020	Substitution of attorneys filed for:	John Walkowiak substituted in place of William T. Heywood, Appellant is now in pro-per

11/10/2020	Substitution of attorneys filed for:	Vidala Aaronoff substitutes in place of William T. Heywood appellant now appearing in pro per
11/30/2020	Record on appeal filed.	B305935 for Vidala Aaronoff and John Walkowiak*APRIL 30, 2020 APPEALS*C-10 (2055 Pages)
12/30/2020	Requested - extension of time	
12/31/2020	Granted - extension of time.	
01/08/2021	Requested - extension of time	
01/12/2021	Denied - extension of time.	
01/13/2021	Motion filed.	Appellants Motion to Consolidate
01/15/2021	Requested - extension of time	
01/19/2021	Granted - extension of time.	Fina Extension- No Further
01/19/2021	Order filed.	Appellants' Motion to Consolidate cases B295388 and B309136 is Denied
02/04/2021	Requested - extension of time	
02/09/2021	Granted - extension of time.	
02/24/2021	Requested - extension of time	
02/25/2021	Granted - extension of time.	FINAL CONTINUANCE - NO FURTHER EXTENSIONS
03/12/2021	Requested - extension of time	
04/01/2021	Substitution of attorneys filed for:	Mitchell Keiter subs in for John Walkowiak a pro per
04/01/2021	Granted - extension of time.	Appellant's opening brief is due 30 days from the date of this order. The court does not, by this order, confirm the existence of a trust. The court does not anticipate granting further extensions of time without an exceptional showing of good cause.
04/09/2021	Appellant notified re failure to timely file opening brief.	AOB for John Walkowiak was due on 03/29/2021
04/16/2021	Requested - extension of time	
04/19/2021	Denied - extension of time.	Appellant John Walkowiak
04/23/2021	Requested - extension of time	
04/26/2021	Denied - extension of time.	
04/26/2021	Substitution of attorneys filed for:	Mitchell Keiter substitutes out as counsel John Walkowiak is now in pro per

04/28/2021	Order filed.	The court is in receipt of the opening brief submitted jointly by John Walkowiak and Brendon O'Connell. The court notes that Mr. O'Connell is not an appellant in the pending appeal and is therefore not entitled to file a brief. The court further notes that the opening brief cites to an appellant's appendix. However, pursuant to appellant's notice designation filed September 2, 2020 in the Los Angeles County Superior Court, this appeal is proceeding under California Rules of Court rules 8.122 and 8.130, with clerk's and reporter's transcripts. Good cause appearing therefor, IT IS HEREBY ORDERED that permission to file appellant's opening brief is denied. Appellant John Walkowiak shall file a brief that complies with the rules within 10 days from the date of this order. No further extensions of time will be provided for the filing of this brief.
04/30/2021	Requested - extension of time	
05/03/2021	Denied - extension of time.	re Vidala Aaronoff
05/10/2021	Substitution of attorneys filed for:	G. Scott Sobel substitutes in as counsel for John Walkowiak (specially appearing nonparty ATW Trust)
05/11/2021	electronic reporter's transcript filed	September 4, 2019 RT (lodged by appellant John Walkowiak)
05/11/2021	electronic reporter's transcript filed	February 28, 2020 RT (lodged by appellant John Walkowiak)
05/11/2021	electronic reporter's transcript filed	January 22, 2020 RT (lodged by appellant John Walkowiak)
05/11/2021	electronic reporter's transcript filed	December 11, 2019 RT (lodged by appellant John Walkowiak)
05/11/2021	electronic reporter's transcript filed	April 16, 2019 RT (lodged by appellant John Walkowiak)
05/10/2021	Appellant's opening brief.	Claimant and Appellant: John Walkowiak Attorney: G. Scott Sobel
05/11/2021	Email sent to:	email to Attorney G. Scott Sobel (c/o John Walkowiak); RTs should include a notice of lodging, and missing transcripts should be provided.
05/11/2021	Appellant notified re failure to timely file opening brief.	an AOB (for Vidala Aaronoff) was due by 5/3/21
05/12/2021	Motion filed.	motion for substitution of parties (for specially appearing nonparty trustee for the ATW Trust) Attorney: G. Scott Sobel Party: John Walkowiak/nonparty trustee for ATW Trust
05/12/2021	Received document entitled:	substitution of counsel received from Attorney G. Scott Sobel for Brendon O'Connell; NOTE - awaiting court's review and ruling of motion to substitute parties
05/13/2021	Email sent to:	email to respondent's counsel requesting opposition to motion for substitution of parties
05/17/2021	electronic reporter's transcript filed	January 15, 2020 RT (lodged by John Walkowiak)
05/17/2021	Filed document entitled:	notice of lodging (electronic reporter's transcripts) Attorney: G. Scott Sobel Party: John Walkowiak
05/18/2021	Order filed.	The court has reviewed appellant John Walkowiak's May 17, 2021 notice of lodging, including the request to withdraw the September 26, 2019 reporter's transcript. On the court's own motion, appellant's request to withdraw the September 26, 2019 hearing is granted on condition that appellant files an amended designation of record with the Civil Appeals Unit of the Los Angeles Superior Court. If the September 26, 2019 transcript is not lodged in this court within 30 days, appellant may move to amend the designation to withdraw that date. IT IS ORDERED.
05/20/2021	Opposition filed.	opposition to motion for substitution of parties filed by respondent/cross-appellant Curtis Olson
05/24/2021	Requested - extension of time	

05/24/2021	Granted - extension of time.	*FINAL EXTENSION*
05/24/2021	Order filed.	The court has read and considered appellant John Walkowiak's motion for substitution of parties filed May 12, 2021, and opposition thereto filed by respondent/cross-appellant Curtis Olson on May 20, 2021. Appellant John Walkowiak's motion to substitute parties is hereby denied for failure to establish a cognizable claim of standing to justify an order granting the substitution request by Brendon O'Connell. IT IS ORDERED.
06/01/2021	Requested - extension of time	AOB was timely filed per CRC 8.25 - extension request deemed moot.
06/01/2021	Appellant's opening brief.	Petitioner and Appellant: Vidala Aaronoff Ten extensions granted for a total of 356 days:**STRICKEN PURSUANT TO 7/16/21 ORDER**
06/02/2021	Filed document entitled:	appellant Vidala Aaronoff's notice of lodging; (*requests additional time to lodge 9/26/19 transcript)
06/01/2021	electronic reporter's transcript filed	November 15, 2018 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	November 14, 2018 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	November 19, 2018 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	April 2, 2018 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	April 16, 2019 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	February 28, 2020 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	January 22, 2020 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	September 4, 2019 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	December 11, 2019 RT (lodged by V. Aaronoff)
06/01/2021	electronic reporter's transcript filed	November 15, 2018 RT (PM SESSION) (lodged by V. Aaronoff)
06/03/2021	Order filed.	The court has reviewed appellant Vidala Aaronoff's June 2, 2021 notice of lodging, including the request to withdraw the September 26, 2019 reporter's transcript. On the court's own motion, appellant's request to withdraw the September 26, 2019 hearing is granted on condition that appellant files an amended notice designating the record with the Civil Appeals Unit of the Los Angeles Superior Court. If the September 26, 2019 transcript is not lodged in this court within 30 days, appellant may move to amend the designation to withdraw the hearing. IT IS ORDERED.
06/03/2021	electronic reporter's transcript filed	January 16, 2019 RT (lodged by V. Aaronoff)
06/03/2021	electronic reporter's transcript filed	January 15, 2020 RT (lodged by V. Aaronoff)
06/03/2021	electronic reporter's transcript filed	November 15, 2018 RT (*part 1 of 4*) - lodged by V. Aaronoff
06/03/2021	electronic reporter's transcript filed	November 15, 2018 RT (*part 2 of 4*) - lodged by V. Aaronoff
06/03/2021	electronic reporter's transcript filed	November 15, 2018 RT (*part 3 of 4*) - lodged by V. Aaronoff

06/03/2021	electronic reporter's transcript filed	November 15, 2018 RT (*part 4 of 4*) - lodged by V. Aaronoff
06/07/2021	Filed document entitled:	notice of lodging reporter's transcripts filed by V. Aaronoff
06/07/2021	electronic reporter's transcript filed	RT dated 11/16/18 (part 1 of 3) filed by V. Aaronoff
06/07/2021	electronic reporter's transcript filed	RT dated 11/16/18 (part 2 of 3) filed by V. Aaronoff
06/07/2021	electronic reporter's transcript filed	RT dated 11/16/18 (part 3 of 3) filed by V. Aaronoff
06/14/2021	Filing fee.	copy charge received from J.J Photocopy Service (for RT's)
06/28/2021	electronic reporter's transcript filed	September 26, 2019 RT (lodged by appellant John Walkowiak)
06/28/2021	Filed document entitled:	Claimant's errata notice of lodging; filed by G. Scott Sobel, counsel for appellant John Walkowiak
06/29/2021	electronic reporter's transcript filed	September 26, 2019 RT (lodged by appellant Vidala Aaronoff)
06/29/2021	Filed document entitled:	Appellant Aaronoff's Errata Notice of Lodging- filed by appellant Vidala Aaronoff
06/29/2021	Request filed to:	Appellant's request to strike the appellant's opening brief and replace with new opening brief.
07/16/2021	Order filed.	The court has read and considered appellant's June 29, 2021 request to strike the filing of appellant's opening brief and permit the filing of the corrected brief. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's request is granted. Appellant's opening brief filed June 1, 2021 is stricken. Appellant's corrected brief shall be filed on or before July 23, 2021. No further extensions of time will be granted for the filing of appellant's corrected brief. Respondent's brief shall be filed within 60 days from the filing of appellant's corrected opening brief.
07/20/2021	Confidential ADA Response	See ADA coordinator for details.
07/23/2021	Appellant's opening brief.	Petitioner and Appellant: Vidala Aaronoff **CORRECTED AOB**
09/17/2021	Requested - extension of time	
09/20/2021	Granted - extension of time.	
11/18/2021	Requested - extension of time	
11/19/2021	Granted - extension of time.	
12/23/2021	Requested - extension of time	
12/27/2021	Granted - extension of time.	*NO FURTHER EXTENSIONS*
01/10/2022	Respondent notified re failure to file respondent's brief.	RBF/X-AOB
01/25/2022	Respondent's brief.	Defendant and Appellant: Curtis Olson Attorney: Eric Michael Kennedy Three extensions granted for a total of 108 days:RBF/X-AOB
02/10/2022	Stipulation of extension of time filed to:	
02/14/2022	Stipulation of extension of time filed to:	

04/12/2022	Requested - extension of time	
04/12/2022	Requested - extension of time	
04/14/2022	Granted - extension of time.	*FINAL EXTENSION*
04/14/2022	Granted - extension of time.	*FINAL EXTENSION*
05/06/2022	Received copy of document filed in trial court.	notice of pendency of action (lis pendens) filed in LASC by counsel for appellant John Walkowiak;
05/10/2022	Substitution of attorneys filed for:	Paul Kujawsky substitutes in place of Scott Sobel for appellant John Walkowiak;
05/10/2022	Substitution of attorneys filed for:	Paul Kujawsky substitutes in place of appellant Vidala Aaronoff;
05/13/2022	Requested - extension of time	
05/18/2022	Denied - extension of time.	The court has read and considered appellants' application for extension of time to file appellants' reply brief filed on May 13, 2022. Appellants' application is hereby denied.
06/02/2022	ARB not filed (time elapsed or notice no brief).	Petitioner and Appellant: Vidala Aaronoff Attorney: Paul Kujawsky an ARB was due by 6/1/2022Two extensions granted for a total of 107 days:
06/02/2022	ARB not filed (time elapsed or notice no brief).	Claimant and Appellant: John Walkowiak Attorney: Paul Kujawsky an ARB was due by 6/1/2022Two extensions granted for a total of 107 days:
06/02/2022	Original entry stricken - sequence no. not removed.	
06/03/2022	Motion filed.	motion for relief from default and to file a late reply brief for appellant Aaronoff
06/03/2022	Motion filed.	motion for relief from default and to file a late reply brief for appellant Walkowiak
06/14/2022	Order filed.	The court has read and considered appellant's Aaronoff and Walkowiak's motion for relief from default and to file appellant's reply brief filed June 3, 2022. Appellant's motion is hereby granted on condition that appellants reply briefs are filed within 5 days from the date of this order.
06/14/2022	Appellant's reply brief.	Petitioner and Appellant: Vidala Aaronoff Attorney: Paul Kujawsky
06/14/2022	Appellant's reply brief.	Petitioner and Appellant: Vidala Aaronoff Attorney: Paul Kujawsky
06/15/2022	Letter sent to counsel re:	Dear Counsel: The above-named case is now fully briefed and a calendar notice advising the parties of the date and time scheduled for oral argument will be sent approximately 30 days prior to the hearing date. At this time counsel are directed to indicate whether oral argument is requested or waived and if requesting argument by which method you will appear.
06/15/2022	Letter sent to counsel re:	Through inadvertence and mistake, the court indicated that this matter was fully briefed on June 15, 2022. However, cross-appellant's reply brief is still pending and shall be due within twenty (20) days from the date of this notice. The letter indicating the case is fully briefed issued this date, is hereby vacated until the matter has officially been fully briefed.
06/15/2022	Original entry stricken - sequence no. not removed.	response to oral argument notice
06/28/2022	Motion filed.	appellant's motion to consolidate appeals (B295388, consolidated with B298532, B298224 and B305935; B309136; and B314319) for purposes of oral argument and decision.

06/29/2022	Stipulation of extension of time filed to:	
07/06/2022	Order filed.	The court has read and considered appellants' motion to consolidate appeals filed June 28, 2022. On the court's own motion, the court shall consider appeals B309136, B314319, and B315237 concurrently for purposes of oral argument and decision. Current briefing sequences for each appeal shall remain in place. IT IS ORDERED.
07/07/2022	Substitution of attorneys filed for:	Paul Kujawsky substitutes out in place of Vidala Aaronoff (appellant)
07/07/2022	Substitution of attorneys filed for:	Paul Kujawsky substitutes out in place of John Walkowiak (appellant)
07/11/2022	Request for stay filed.	appellant John Walkowiak request for STAY
07/11/2022	Request for stay filed.	appellant Vidala Aaronoff request for STAY
07/12/2022	Order filed.	The stay motions (filed July 11, 2022) are denied as unnecessary in that the court is waiting for Curtis Olson's cross-reply brief.
07/27/2022	Email sent to:	Dear counsel, The above-named case will be fully briefed on August 4, 2022 and a calendar notice advising the parties of the date and time scheduled for oral argument will be sent approximately 30 days prior to the hearing date. At this time counsel are directed to indicate whether oral argument is requested or waived. You must complete this form and return it with proof of service on all interested parties within 10 days from the date shown above.
07/27/2022	Response filed:	Robert Collings Little, counsel for respondent will request oral argument
08/02/2022	Request filed to:	notice requesting inclusion of previously designated material omitted from record on appeal filed by appellant Vidala Aaronoff
08/03/2022	Order filed.	The court has read and considered appellant's August 2, 2022 notice requesting inclusion of previously designated material omitted from the record. Appellant's request is hereby deferred to the panel for review and ruling. IT IS ORDERED.
08/04/2022	Appellant's reply brief.	Defendant and Appellant: Curtis Olson Attorney: Eric Michael Kennedy X-ARB
08/05/2022	Response filed:	Vidala Aaronoff, appellant - will appear for oral argument.
08/05/2022	Email sent to:	email to Attorney G. Scott Sobel: The court received a notice of limited scope representation from you in this matter. Unfortunately, the filing will be rejected because it is not a substitution of attorney, as required under Rule 8.36 of the California Rules of Court. The motion for judicial notice, request for leave to file a corrected reply brief, and request for oral argument are also rejected at this time.
08/04/2022	Case fully briefed.	
08/05/2022	Substitution of attorneys filed for:	G. Scott Sobel substitutes in for claimant-appellant John Walkowiak
08/05/2022	Response filed:	G. Scott Sobel, appellant's counsel for John Walkowiak, requests to argue.
08/05/2022	Request for judicial notice filed.	motion for judicial notice for specially appearing appellant ATW Trust*as to John Walkowiak*
08/05/2022	Motion filed.	motion for leave to file corrected reply brief by specially appearing ATW Trust*as to John Walkowiak*
08/08/2022	Order filed.	The court has read and considered the motion for leave to file a corrected reply brief filed by appellant John Walkowiak on August 5, 2022. Appellant's motion for leave to file a corrected reply brief is hereby denied. IT IS ORDERED.

08/08/2022	Request for judicial notice denied.	The court has read and considered the motion for leave to file a corrected reply brief filed by appellant John Walkowiak on August 5, 2022. Appellant's motion for leave to file a corrected reply brief is hereby denied. IT IS ORDERED.
08/09/2022	Substitution of attorneys filed for:	Aaron Meyers substitutes in as counsel for appellant Aaronoff
08/10/2022	Response filed:	Aaron Meyers, counsel for appellant request for oral argument
08/23/2022	Order filed.	On the Court's own motion, the July 6, 2022 order is implemented as follows: Appeals B295388, B298224, B298532, B305935, B309136, and B314319 shall be considered together for the Court's review, oral argument, and decision. Appeal B319786 has been abandoned. The motion to consolidate appeals filed in case B315237 on July 28, 2022, is denied. No other motion or requests to consolidate the appeals will be accepted without prior permission of the Court.
09/12/2022	Calendar notice sent electronically. Calendar date:	Thursday, October 20, 2022 at 12:45pm
09/12/2022	Letter sent to counsel re:	Dear Counsel: The Court requests that counsel for the appellants (Aaronoff) present their opening argument covering the issues in all appeals. Counsel for respondent/cross-appellant (Olson) will then present their argument, and both counsel will be entitled to a rebuttal argument. Pursuant to rule 8.256(c)(2), California Rules of Court, each side will be permitted up to 30 minutes to argue all issues in these matters (to be divided between opening argument and rebuttal). Thirty (30) minutes should be sufficient to address the issues - all of which have been the subject of extensive briefing. If counsel stipulate and jointly agree on a different approach to the presentation of oral argument, the Court will consider their suggestion.
09/19/2022	Received document entitled:	ONE: Supplemental Clerk (72 Pages)
09/20/2022	Order filed.	On the Court's own motion and good cause appearing therefor, IT IS HEREBY ORDERED that the filing of supplemental clerk's transcript dated September 19, 2022, is vacated. The transcript is received and deemed lodged as of September 19, 2022.
09/22/2022	Order filed.	The court has reviewed appellant Vidala Aaronoff's notice requesting inclusion of previously designated material omitted from record, filed on August 2, 2022. Good cause appearing, appellant's request is granted. The clerk's transcript received on September 19, 2022 was lodged and accepted in this court. IT IS ORDERED.
09/26/2022	Request for oral argument filed by:	Robert C. Little, respondent's counsel - argue (18 minutes)
10/20/2022	Oral argument rescheduled	
11/10/2022	Calendar notice sent electronically. Calendar date:	Wednesday, December 14, 2022 at 9:00am
11/10/2022	Request for oral argument filed by:	Aaron Myers, counsel for appellant- argue, 30 minutes;
11/28/2022	Request for oral argument filed by:	Robert Collings Little, respondent's counsel - argue (29 minutes)
12/12/2022	Oral argument rescheduled	Pursuant to the December 9, 2022, California Supreme Court's order in case B314319, this matter (and all consolidated cases - including B298224; B298532; B305935; B309136; and B314319) is hereby taken off the December 2022 calendar and rescheduled to the January 19, 2023, calendar at 9:00am IT IS ORDERED.

12/15/2022	Calendar notice sent electronically. Calendar date:	Friday, January 20, 2023, at 9:00am
12/27/2022	Association of attorneys filed for:	notice of association of counsel for oral argument filed by Attorney Mitchell Keiter - to represent appellant Vidala Aaronoff
12/27/2022	Request for oral argument filed by:	Mitchell Keiter for Vidala Aaronoff and Aaron Myers for ATW Trust (J. Walkowiak) - 30 minutes total
12/28/2022	Request for oral argument filed by:	Robert Collings Little, respondent's counsel - argue (24 minutes)
12/28/2022	Letter sent to counsel re:	Dear Counsel : The court requests that counsel for appellants present an opening argument covering the issues in all appeals. Counsel for respondent will then present their arguments, and appellants' counsel will be entitled to a rebuttal argument. The court believes a total of 30 minutes for appellants' counsel (to be apportioned by counsel among the appeals and divided between opening and rebuttal) and 30 minutes for respondent's counsel will be sufficient to address the issues - all of which have been the subject of extensive briefing. Pursuant to Calif. Rules of Court, rule 8.256(c)(3), only one counsel may argue for each separately represented party. If counsel for appellant Aaronoff and Walkowiak wish to divide oral argument between each counsel, they must submit a written request to this court specifying the order of presentation and the amount of time allocated for each counsel who intends to argue.
12/29/2022	Errata filed to:	notice of errata in appellant's notice of association of counsel
01/05/2023	Email sent to:	appellate counsel Aaron Myers and Mitchell re: oral argument presentation order and times if splitting
01/09/2023	Request filed to:	request regarding oral argument on January 20, 2023 filed by Attorney Aaron Myers (for appellant)
01/20/2023	Motion filed.	appellant's emergency motion to file an amended brief
01/20/2023	Cause argued and submitted.	9:49:57 - 10:20:11
01/23/2023	Request filed to:	Aaron Myers' request for copy of oral argument audio recording
01/24/2023	Opinion filed.	(Signed Unpublished) 18p./AFF/LCHThe judgment of dismissal following the denial of Aaronoff's restraining order petition (appeal B295388) and the orders awarding attorney fees to both parties (appeals B298224 and B298532) are affirmed. The order of November 6, 2019, amending the order awarding Olson attorney fees (appeal B305935) is reversed as void, and the order of April 16, 2021, further amending that order (appeal B314319) is vacated. Appeal B309136 is dismissed as moot. The parties are to bear all their own costs on appeal.
02/08/2023	Rehearing petition filed.	appellant Aaronoff's petition for rehearing [*awaiting a valid substitution of attorney*]
02/09/2023	Substitution of attorneys filed for:	Aaron Myers substitutes out as counsel for Vidala Aaronoff; *NOTE - Mitchell Keiter still in as associated counsel*
02/09/2023	Substitution of attorneys filed for:	Mitchell Keiter substitutes out; Vidala Aaronoff now self-represented.
02/09/2023	Errata filed to:	notice of errata re petition for rehearing filed by appellant
02/22/2023	Change of address filed for:	change of address and name filed by appellant (Jennifer Berge/Vidala Aaronoff)
02/23/2023	Petition for rehearing denied.	Appellant's petition for rehearing is denied.
03/07/2023	Service copy of petition for review received.	S278941- filed by appellant

03/09/2023	Received document entitled:	In the Supreme Court of the State of California S278941 MOTION TO STRIKE THE ORIGINAL REDACTED PETITION and REPLACE WITH CORRECTED REDACTED PETITION
03/09/2023	Received document entitled:	In the Supreme Court of the State of California S278941 Corrected Redacted PETITION FOR REVIEW
04/26/2023	Petition for review denied in Supreme Court.	Petitioner's motion to file the unredacted petition for review under seal, filed on March 6, 2023, is denied. (See Cal. Rules of Court, rules 2.250, 2.551, and 8.46.) Petitioner must notify the Clerk of this court within 10 days if the unredacted petition for review (lodged conditionally under seal on March 7, 2023) should be filed unsealed as part of the public record. (See Cal. Rules of Court, rule 8.46(d)(7).) The petition for review is denied. [S278941]
04/27/2023	Remittitur issued.	The parties are to bear all their own costs on appeal.
04/27/2023	Case complete.	
04/27/2023	Received copy of Supreme Court filing.	Service copy: Amici Curiae letter from SNAP- letter dated April 18, 2023

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NOT TO BE PUBLISHED IN THE 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.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO

VIDALA AARONOFF,
Plaintiff and Appellant,
v.
CURTIS OLSON,
Defendant and Appellant.
[And five other cases.*]

B295388

(Los Angeles County
Super. Ct. Nos.
17SMRO00308
17SMRO00368)

APPEALS from a judgment and orders of the Superior Court of Los Angeles County. Hank M. Goldberg, Michael J. Convey, Emily T. Spear, Gregory J. Weingart, and Wendy L. Wilcox, Judges. Affirmed (B295388, B298224, B298532), reversed (B305935), vacated (B314319), and dismissed (B309136).

Vidala Aaronoff, in pro. per.; Law Office of William T. Heywood, William T. Heywood; Law Office of Paul Kujawsky, Paul Kujawsky; The Appellate Law Firm, Gregg Aaron Myers; Keiter Appellate Law and Mitchell Keiter for Plaintiff and Appellant Vidala Aaronoff.

John Walkowiak, in pro. per.; Law Office of William T. Heywood, William T. Heywood; Law Office of Paul Kujawsky, Paul Kujawsky;

* *Aaronoff v. Olson* (No. B298224); *Olson v. Aaronoff* (No. B298532); *Aaronoff v. Olson* (No. B305935); *Aaronoff v. Olson* (No. B309136); *Aaronoff v. Olson* (No. B314319).

Law Office of G. Scott Sobel and G. Scott Sobel for Appellant John Walkowiak.

Buchalter, Eric Michael Kennedy and Robert Collings Little for Defendant and Appellant Curtis Olson.

A long-running feud between Vidala Aaronoff (Aaronoff) and Curtis Olson (Olson) has generated multiple lawsuits between them, some of which have yet to be resolved. The appeals now before us began with the parties' dueling petitions for a civil harassment restraining order. The trial court denied and dismissed the petitions of both parties. Aaronoff appealed from the judgment of dismissal. Shortly thereafter, the parties then moved for attorney fees, which the court granted. Both parties appealed. While this appeal was pending, Olson repeatedly attempted to enforce the fees award against Aaronoff. She strenuously resisted. As a result, at Olson's request, the trial court twice amended the order awarding Olson attorney fees, initially to add and later to delete certain judgment debtors.

More litigation followed from the judgment of dismissal and the amended attorney fees orders, all of which gave rise to the rest of these appeals. Although we briefly describe the litigation underlying all the appeals, we conclude only the challenges to the judgment of dismissal and the original attorney fees orders are cognizable on appeal.

We affirm the judgment denying and dismissing Aaronoff's restraining order petition against Olson and affirm the original orders awarding attorney fees. However, the trial court did not have jurisdiction to amend the order awarding attorney fees to Olson once Aaronoff's appeal from the order had been filed. Because they therefore are void, we reverse the initial order amending Olson's attorney fee award and vacate the second order. But as no practical purpose would be served by remanding the matter to the trial court, the remaining challenge to the void order amending Olson's award of attorney fees is dismissed as moot.

FACTUAL AND PROCEDURAL BACKGROUND

Aaronoff and Olson met in 2002 and worked together to acquire and preserve Chateau Colline, a historic apartment building. Olson became the building owner, converted the apartments into eight condominiums and resided part-time in one of the condominiums. Olson served as president of the Chateau Colline Homeowners Association from 2013 to 2016. Aaronoff resided in one of the condominiums.

Appeal B295388

At some point, the relationship between Aaronoff and Olson soured. In 2015, Aaronoff petitioned for a civil harassment restraining order against Olson, which was resolved through mediation. In December 2016, Aaronoff in propria persona filed at least one civil lawsuit. The defendants included Olson, other Chateau Colline residents, the homeowners association, and the property management company (2016 civil suit). Months earlier, Aaronoff had filed an administrative complaint with the United States Department of Housing and Urban Development (HUD). The complaint named Olson and the Chateau Colline Homeowners Association as respondents and alleged discrimination based on sex and gender. HUD referred the complaint to the California Department of Fair Employment and Housing (DFEH) for investigation.

In September 2017, Aaronoff again petitioned for a civil harassment restraining order against Olson. He soon petitioned for a civil harassment restraining order against her. On November 19, 2018, the consolidated petitions were denied and dismissed by the trial court. Aaronoff moved for reconsideration of the judgment and for a new trial. Both motions were denied. Aaronoff's appeal followed.

Appeals B298224 and B298532

Olson and Aaronoff each requested attorney fees for having successfully defended against the other's restraining order petition. Aaronoff also moved to strike or tax costs. On April 17, 2019, the trial court awarded attorney fees to both parties and partially granted

Aaronoff's motion to strike or tax costs. Aaronoff and Olson each appealed from the order to pay attorney fees.

Appeal B305935

Olson repeatedly attempted to enforce his award of attorney fees. Aaronoff refused to comply, claiming she was indigent and the condominium in which she resided did not belong to her but to the "ATW Trust." Olson applied ex parte to amend his attorney fees order to add the ATW Trust, as Aaronoff's alter ego, and its current and former trustees, including Aaronoff. His application was granted on November 6, 2019; the court ordered the amendment as requested. There was no appeal from this postjudgment order.

At a later hearing, John Walkowiak, an ATW Trustee, advised the trial court he was unable to comply with the court-ordered production of trust documents. The court found there was no ATW Trust, or if there were, it had been fraudulently created. Any property transfers into the trust were thus fraudulently made to avoid debt collection. Aaronoff and Walkowiak each appealed.

Appeal B309136

The trial court denied Aaronoff's motion, in which Walkowiak joined, to strike or tax costs in response to Olson's memorandum of postjudgment costs. The court also denied Walkowiak's motion to vacate as "void" the amendment of Olson's attorney fees order adding the ATW Trust and its trustees as judgment debtors. Appeals followed.

Appeal B314319

Olson moved again to amend his order of attorney fees. This time, he sought to delete the previously added ATW Trust and its trustees in order to lawfully enforce a writ of execution and foreclose on Aaronoff's condominium. Aaronoff filed opposition.

The trial court granted Olson's motion to amend the fees order as requested and denied Aaronoff's motion for reconsideration. Aaronoff appealed.

DISCUSSION

I. Aaronoff's July 23, 2021 Opening Brief Is Stricken as Deficient

Representing herself, Aaronoff's notice of appeal in B295388 challenged the trial court's (1) judgment of dismissal following its denial of her restraining order petition against Olson, (2) order denying her motion for reconsideration, and (3) order denying her motion for a new trial.¹ Orders denying motions for reconsideration and a new trial are not separately appealable, but may be reviewed as part of an appeal from the underlying judgment or order. (Code Civ. Proc.,² § 1008, subd. (g) [reconsideration]; § 906 [new trial].) In her notice of appeal in B298224, Aaronoff challenged the trial court's award of attorney fees against her. Both appeals are the subject of Aaronoff's opening brief. However, our review of Aaronoff's contested trial court rulings is hampered by serious deficiencies in Aaronoff's opening brief, which she submitted in *propria persona*.³

¹ In the underlying proceedings, Aaronoff sometimes represented herself or instead had retained counsel.

² Undesignated statutory references are to the Code of Civil Procedure.

³ At her request, Aaronoff's July 23, 2021 opening brief replaced her previously filed opening brief and covered appeals B295388, B298224, and B305935. Aaronoff also filed in *propria persona* a "corrected" opening brief for appeal B309136, which, like her July 23, 2021 brief, is deficient. Her appellate counsel filed an opening brief and a reply brief for appeal B314319 (which was amended on December 16, 2022), which we have reviewed. In light of our disposition, we do not reach the issues raised in Aaronoff's corrected brief for appeal B309136 and in her appellate counsel's briefs for appeal B314319. We deny Aaronoff's request for judicial notice filed with the reply brief in appeal B314319. The material that is the subject of the request is not necessary to our decision.

Remarkably, 47 minutes before oral argument, Gregg Aaron Myers, counsel for Aaronoff, filed an "emergency motion" seeking leave to file an amended brief for appeal B295388 with a higher word count. Myers claimed Aaronoff's former attorney Paul Kujawsky and an

California Rules of Court,⁴ rule 8.204(a)(2)(A) requires the appellant's opening brief to identify the relief sought in the trial court and the judgment or order appealed from. Rule 8.204(a)(2)(B) requires the appellant's opening brief to explain why the order appealed from is appealable. Rule 8.204(a)(1)(C) requires references to the record when discussing facts. This applies to all matters referred to in any portion of the brief, not just the statement of facts. (*Conservatorship of Kevin A.* (2015) 240 Cal.App.4th 1241, 1253.) Rule 8.204(a)(2)(C) requires the appellant's opening brief to provide a summary of the significant facts limited to matters in the record. Aaronoff's opening brief fails to comply with these rules. It contains few and incomplete citations to the record, most of which appear to reflect Aaronoff's own filings. The problem is compounded by the massive size of the record designated on appeal. Further, the 40-page statement of facts in the opening brief recites events that preceded and/or are extraneous to the litigation in this matter. It is also evident Aaronoff fails to comprehend that the trial court was required to make its ruling based solely on information relating to *this* case, not on issues in other cases in which the parties may be currently or previously involved.

We also note the statement of facts primarily consists of argument, rather than a summary of the facts, and embellishes in Aaronoff's favor evidence produced during the proceedings. The statement includes commentary on perceived reactions of the court, counsel, and witnesses to hearing testimony. The statement also contains information supposedly pertinent here that is outside the record.

unnamed clerk of this court purportedly misinformed Aaronoff as to the correct number of words permitted in an appellant's opening brief under California Rules of Court, rule 8.204(c). It appears the information provided by both Attorney Kujawsky and the clerk of the court was correct. The motion is denied.

⁴ Rule references are to the California Rules of Court.

Most troubling is the inclusion of a “corrected” excerpt of Olson’s testimony, labeled, “Accurate True Testimony, November 16, 2018.” There is no explanation as to the source of this excerpt, which is not part of the record, nor why it should supplant the excerpt of the official reporter’s transcript, which is characterized in the statement of facts as the “Altered Counterfeit Transcript, November 16, 2018.”

To be sure, a self-represented party’s understanding of the rules on appeal is generally more limited than an experienced appellate attorney’s. Whenever possible, we will not rigidly apply technical rules of procedure in a manner that deprives a party of a hearing. Nonetheless, we are obligated to apply the Rules of Court and substantive rules of appellate review to a self-represented party’s claims on appeal, just as we would to those parties who are represented by trained legal counsel. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984–985; *Stebley v. Litton Loan Servicing, LLP* (2011) 202 Cal.App.4th 522, 524.) We are compelled by these deficiencies to strike Aaronoff’s July 23, 2021 opening brief.

Even if we were to overlook the rule violations and accept the statement of facts as presented in Aaronoff’s opening brief, there are other insurmountable problems: For the first time on appeal, Aaronoff argues she was a victim of “a fraud on the court,” presumably extrinsic fraud. (See *Kimball Avenue v. Franco* (2008) 162 Cal.App.4th 1224, 1229.) Aaronoff maintains a bench officer, a court reporter, Olson’s trial counsel, and Olson either provided or were influenced to provide fraudulent documents or to commit fraudulent acts. Aaronoff did not ask the trial court to grant a new trial because of extrinsic fraud. Rather, her grounds at the time were newly discovered evidence, abuse of discretion and misapplication of law by the trial court, and reliance on the wrong standard of proof by her trial counsel, all of which the court rejected. Aaronoff has thus forfeited her fraud-on-the-court argument. “[O]nly those issues tendered in the trial court may be raised on appeal.” (*County of Sacramento v. Llanes* (2008) 168 Cal.App.4th 1165, 1173.) That is because “[a] party is not permitted to change his position and adopt a new and different theory on appeal. To

permit him to do so would not only be unfair to the trial court, but manifestly unjust to the opposing litigant.’ ” (*Cable Connection, Inc. v. DIRECTV, Inc.* (2008) 44 Cal.4th 1334, 1350, fn. 12.)

Another problem is that Aaronoff is claiming certain documents or statements Olson submitted in seeking attorney fees were false or fraudulent. Resolving questions of credibility is not within our purview. (*People v. Maury* (2003) 30 Cal.4th 342, 403.)

Finally, Aaronoff maintains her then trial counsel rendered ineffective assistance at the restraining order hearing. While Aaronoff strongly complained about the attorney’s performance in seeking a new trial, she cannot prevail on any claim of ineffective assistance of counsel. An ineffective assistance of counsel claim is not available in an ordinary civil proceeding because there is no constitutional right to counsel. (See *Chevalier v. Dubin* (1980) 104 Cal.App.3d 975, 978–979 [“It should be noted that the right to counsel constitutional provisions refer specifically to criminal prosecutions, and hence do not apply to civil proceedings”].)

Although we are striking Aaronoff’s opening brief, as discussed below, we have considered the claims made in her reply brief. When the reply brief was filed, Aaronoff was not self-represented and her appellate counsel drafted a reply brief that complied with the rules.

II. Hearing On Restraining Order Petitions

A. Summary of the hearing evidence

At the conclusion of the four-day hearing on their restraining order petitions, the trial court determined that Aaronoff had failed to demonstrate clear and convincing evidence of harassment within the meaning of section 527.6 and entered a judgment of dismissal.⁵

⁵ Section 527.6 allows “[a] person who has suffered harassment” to seek “an order after hearing prohibiting harassment.” (§ 527.6, subd. (a)(1).) “ ‘Harassment’ ” includes “unlawful violence, a credible threat of violence, or 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

The reply brief submitted on Aaronoff's behalf does not attack the sufficiency of the evidence in support of the trial court's judgment. Therefore, we only briefly summarize the facts, construing them in the light most favorable to the judgment of dismissal. (*People v. Curl* (2009) 46 Cal.4th 339, 342, fn. 3 [failure "to attack the judgment as unsupported by substantial evidence amounts to a concession that it is supported by such evidence"].)

Aaronoff petitioned for a civil harassment restraining order in September 2017 because she feared Olson. According to Aaronoff and other witnesses, Olson was suspected of embarking on a campaign, both directly and through third parties, to force her out of Chateau Colline. As proof, witnesses for Aaronoff testified: Olson confronted Aaronoff angrily and inquired about "a renter"; Aaronoff said Olson looked at and photographed her through her condominium windows; Aaronoff's condominium was being photographed and surveilled by strangers when she was away; a bathroom window lock and a backdoor lock and screen on Aaronoff's condominium were damaged; Aaronoff was upset by the removal of her lockbox containing her keys; and several strangers, escorted by Chateau Colline's general contractor, were behaving "suspicious[ly]" outside Aaronoff's condominium.

On cross-examination, witnesses acknowledged they never saw Olson engage in the alleged harassing conduct, and they denied harassing Aaronoff at Olson's behest. Olson testified and denied committing, or having others commit, any acts of harassment against

substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." (§ 527.6, subd. (b)(3).) " 'Course of conduct' " is defined as "a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose." (§ 527.6, subd. (b)(1).) "At the hearing, . . . [i]f the judge finds by clear and convincing evidence that unlawful harassment exists, an order shall issue prohibiting the harassment." (§ 527.6, subd. (i).) The determination that a restraining order should be granted rests in the sound discretion of the trial court. (*Biosense Webster, Inc. v. Superior Court* (2006) 135 Cal.App.4th 827, 834.)

Aaronoff. There was also testimony some of the recounted incidents were either tied in with the 2016 civil suit or served a legitimate purpose.

Aaronoff testified some documents pertaining to the 2016 civil suit were stolen from her condominium and Olson had security cameras installed at Chateau Colline. Olson told Aaronoff the camera facing her backdoor enabled him to “watch what [she] was doing.” Aaronoff also testified unknown men wearing black clothing had surveilled and stalked her outside Chateau Colline. On cross-examination, Aaronoff testified the actions of these men were “the basis” of her civil harassment petition, although she knew of no connection between them and Olson.

In declining to grant Aaronoff’s petition against Olson, the trial court concluded “there was sufficient clear and convincing evidence” that the alleged incidents were either not directed at Aaronoff and/or served a legitimate purpose related to the safety and security of Chateau Colline or could not be connected to Olson at all.⁶ The court also noted that some incidents were currently being litigated in the 2016 civil suit.

B. Contentions Concerning Attorney Lamdien T. Le

1. Background facts

Attorney Lamdien T. Le⁷ had been retained to represent Olson and other named defendants in Aaronoff’s 2016 civil suit. At the time, Aaronoff was self-represented. Le spoke with her multiple times, including in March 2017, as part of settlement negotiations.

In February 2018, Aaronoff subpoenaed Le to appear as a witness at the restraining order hearing. Aaronoff wanted to examine Le concerning their March 8, 2017 phone conversation, which she had purportedly memorialized in a follow-up e-mail to Le. During that

⁶ Neither party requested a statement of decision. However, in denying Aaronoff’s petition, the trial court issued a detailed, well-reasoned oral decision.

⁷ The record shows Attorney Le also gave his name as Dien Le.

conversation, Le suggested Aaronoff dismiss the 2016 civil case without prejudice and refile it, if necessary, following the DFEH investigation. According to her e-mail, Aaronoff declined, saying if she dismissed the suit, she feared Olson might hurt her or have someone run her over while she was walking her dog. Le told her it was more likely that Olson would harm her if she failed to dismiss the suit. Aaronoff wrote in her e-mail to Le that she had been traumatized by his threat.

Le moved to quash the subpoena on grounds of litigation privilege and attorney-client privilege. Aaronoff opposed the motion, relying primarily on her e-mail. The trial court concluded the subpoena sought irrelevant testimony and granted the motion to quash.

Later, at the hearing on the restraining order petitions, Aaronoff testified at length. Just before the end of her redirect examination, Aaronoff volunteered that Le had said that if she did not dismiss the 2016 civil suit, Olson would hurt her and run her over with a car while she was walking her dog. On reopened cross-examination, Aaronoff changed her testimony to coincide with her e-mailed version to Le. On reopened redirect, Aaronoff testified she believed Olson hired Le to harass her.

With no defense objection, the trial court allowed Olson to call Attorney Le as a rebuttal witness. Le testified and denied having threatened Aaronoff's life or saying that Olson would hurt or kill Aaronoff if she did not dismiss the 2016 civil suit. Aaronoff's trial counsel did not cross-examine Le.

In denying Aaronoff's petition, the trial court referred to her testimony about Le's alleged statement. The court stated it viewed Aaronoff's testimony with "distrust" and "skepticism." Although the statement Aaronoff attributed to Le was the "most succinct, clear evidence of a threat" to her safety, Aaronoff failed to mention it in her petition or while testifying until late in the hearing.

2. Trial court did not commit reversible error in allowing Attorney Le to testify

In her reply brief, Aaronoff contends that allowing Le to testify as a rebuttal witness was reversible error because her counsel was

unprepared to cross-examine “a surprise” witness, who had been permitted to remain in the courtroom unlike the other testifying witnesses.

This claim is not properly before us. At the hearing, Aaronoff’s counsel made no objection to Attorney Le testifying as a rebuttal witness for the reason she now raises on appeal—that Le should have been prohibited from testifying because the trial court had granted Olson’s motion to quash Aaronoff’s subpoena. (See Evid. Code, § 353, subd (a).) Even if we were to consider this claim on the merits, it fails for two reasons: First, Le was not a “surprise witness.” In this civil proceeding, there was no obligation for the parties to disclose rebuttal witnesses. (See rule 3.1548(b)(2).) Second, even if Le should have been prohibited from testifying, the “improper admission of evidence is not reversible error absent a demonstration of actual prejudice amounting to a miscarriage of justice.” (*Douglas v. Ostermeier* (1991) 1 Cal.App.4th 729, 739.) Aaronoff cannot show prejudice. Had his motion to quash not been granted, Le would have been called as a witness by Aaronoff. Le would then surely have denied, as he did at the hearing, that either he or Olson had threatened Aaronoff with harm. Accordingly, any error was harmless. (See *People v. Watson* (1956) 46 Cal.2d 818, 836; *Easterby v. Clark* (2009) 171 Cal.App.4th 772, 783 [*Watson* standard applies to evidentiary errors].)

III. Hearing on Motions for Attorney Fees

At the hearing on the motions for attorney fees, the trial court found Aaronoff and Olson were each the prevailing party in defending against the other’s restraining order petition and awarded them attorney fees.

On appeal, the parties attack the attorney fees they were each ordered to pay. “We review the trial court’s award of attorney fees for abuse of discretion, which we find only if no reasonable basis for the court’s action is shown.” (*Hoffman v. Superior Ready Mix Concrete, L.P.* (2018) 30 Cal.App.5th 474, 489.)

A. Aaronoff's Challenge to Olson's Attorney Fees Award

Aaronoff contends the trial court abused its discretion by failing to consider her ability to pay in determining Olson's award of attorney fees. We disagree.

Trial courts enjoy broad discretion in awarding attorney fees. Exercise of that discretion is guided by statute. Aaronoff is correct there can be a statutory obligation for the trial court to assess a party's ability to pay in awarding attorney fees. (See, e.g., Fam. Code, § 271, subd. (a).) But Code of Civil Procedure section 527.6, subdivision (s), upon which the trial court in this case expressly relied, contains no such requirement. The statute provides: "The prevailing party in an action brought pursuant to this section may be awarded court costs and attorney's fees, if any." Nonetheless, at the hearing the court advised it was taking into account each party's ability to pay "to do substantial justice," and Aaronoff, appearing in propria persona, argued to the court at length that she lacked the ability to pay any attorney fees.

B. Olson's Challenge to Aaronoff's Attorney Fees Award

1. Factual background

Prior to awarding attorney fees, the trial court explained how it had calculated them: The court had conducted a line-by-line examination of each party's billing statements and deducted those charges that were duplicative, unreasonable, or unnecessary to the objectives of the litigation. Using this approach, the court found Aaronoff had incurred \$40,295 in attorney fees after deducting \$6,790 from Aaronoff's total bill of \$47,085. As for Olson, the court determined his attorney fees were \$118,897.03 after deducting \$31,877. Aaronoff thus owed Olson \$78,602.03 in attorney fees.

The record shows the parties had an agreement concerning their requests for attorney fees. The parties realized the total fees charged by their trial counsel included overlapping or mixed fees for the defense and prosecution of the respective petitions. To ensure the trial court considered only the defense fees, the parties agreed to request half of

the total fees charged in moving for attorney fees. Aaronoff requested attorney fees in the amount of \$24,750, or roughly half of the \$47,085 of total fees charged. In awarding Aaronoff \$40,295 instead of \$24,750, the court explained it viewed cutting her total fees in half as a basis for determining her award was “an arbitrary decision.” The court stated, “[I]t is more fair and equitable that the court consider all of [Aaronoff’s] attorney’s fees and costs expended in this matter.”

**2. Trial court did not abuse its discretion in
awarding Aaronoff increased attorney fees**

Olson argues the trial court abused its discretion by “unilaterally and substantially” increasing Aaronoff’s fees beyond the maximum she requested pursuant to the parties’ agreement. Olson’s argument is without merit.

The trial court exercised its statutory authority to award Aaronoff attorney fees. Ample evidence supported the amount of the award as calculated by the court. Olson has provided no authority for the proposition the court was constrained by the parties’ agreement from exercising its authority under section 527.6 to impose attorney fees.

IV. Amendment to Olson’s Attorney Fees Award

Aaronoff timely appealed from the April 17, 2019 order that she pay Olson attorney fees. Thereafter, Olson applied ex parte to amend the order to add the ATW Trust and its trustees as judgment debtors. He argued the alter ego theory and/or the equitable principles theory supported his application.

On November 6, 2019, the trial court granted Olson’s application.⁸ As pertinent here, the court ruled the order awarding attorney fees to Olson be amended “to include Vidala Aaronoff, Trustee of the ATW Trust, With An Effective Date of January 1, 2012, Milder Arroliga, Trustee of the ATW Trust, With An Effective Date of January 1, 2012, any and all current trustees of the ATW Trust, With

⁸ The proceedings were not reported; the trial court issued the orders in chambers.

an Effective Date of January 1, 2012, and The ATW Trust, as additional judgment debtors.” Aaronoff did not appeal from the amended attorney fees order.

In her reply brief, Aaronoff contends the amended attorney fees order constituted reversible error because it violated the automatic stay provision triggered by an operative appeal. We agree.

Pursuant to section 916, “the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.” (§ 916, subd. (a).) “The purpose of the automatic stay . . . ‘is to protect the appellate court’s jurisdiction by preserving the status quo until the appeal is decided’ ” and to “ ‘prevent[] the trial court from rendering an appeal futile by altering the appealed judgment or order by conducting other proceedings that may affect it.’ ” (*Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 189; *LAOSD Asbestos Cases* (2018) 28 Cal.App.5th 862, 872 [§ 916 precludes the trial court from enforcing, vacating, or modifying an appealed judgment].) “[S]ection 916, as a matter of logic and policy, divests the trial court of jurisdiction over the subject matter on appeal—i.e. jurisdiction in its fundamental sense.” (*Varian Medical Systems, Inc. v. Delfino, supra*, at p. 198.) Accordingly, “any subsequent trial court proceedings on matters ‘embraced’ in or ‘affected’ by the appeal [are] void—and not merely voidable.” (*Ibid.*; *id.* at p. 196 [“any judgment or order rendered by a court lacking subject matter jurisdiction is ‘void on its face’ ”].)

Except for a brief reference in a footnote, Olson does not address the automatic stay provision of section 916. Instead, he argues we have no jurisdiction to review the amended attorney fees order of November 6, 2019, because Aaronoff failed to appeal from it.⁹ Olson is

⁹ In the footnote, Olson cites *Hearn Pacific Corp. v. Second Generation Roofing, Inc.* (2016) 247 Cal.App.4th 117 to suggest because Aaronoff failed to perfect her appeal from the amended attorney fees

correct that Aaronoff failed to appeal from this postjudgment order. He is also correct that the time for filing a notice of appeal is jurisdictional and once the deadline has expired, we have no power to entertain the appeal. (*Van Beurden Ins. Services, Inc. v. Customized Worldwide Weather Ins. Agency, Inc.* (1997) 15 Cal.4th 51, 56; see rule 8.104(a)(1).) But where, as here, an order or judgment lacks subject matter jurisdiction, it can be attacked at any time, even for the first time on appeal.¹⁰ (*People v. Lara* (2010) 48 Cal.4th 216, 225; accord, *Alliance for California Business v. State Air Resources Bd.* (2018) 23 Cal.App.5th 1050, 1060.)

Next, Olson contends, assuming Aaronoff has invoked appellate jurisdiction, the trial court properly amended the attorney fees order for the same two reasons Olson provided in his application: First, the trial court’s authority to amend a judgment “ ‘ ‘ ‘to add additional judgment debtors on the ground that a person or entity is the alter ego of the original judgment debtor . . . “ ‘is an equitable procedure based on the theory that the court is . . . inserting the correct name of the real defendant.’ ” ’ ’ ’ ” (*Favila v. Pasquarella* (2021) 65 Cal.App.5th 934, 942; accord, *Greenspan v. LADT LLC* (2010) 191 Cal.App.4th 486, 508.)

order, no automatic stay was possible. But in that case, the party filed an untimely appeal from the original attorney fees order, which meant the trial court still had jurisdiction to amend the attorney fees order as it did. (*Id.* at pp. 146–147.)

¹⁰ We also note Walkowiak moved to vacate the amended fee order as “void” for violating section 916, and he timely filed appeal B309136 from the trial court’s denial of his motion. Courts have long recognized a void judgment may be attacked “ ‘ ‘ ‘directly or collaterally . . . either by parties or strangers.’ ” ’ ’ ” (*OC Interior Services, LLC v. Nationstar Mortgage, LLC* (2017) 7 Cal.App.5th 1318, 1330, italics added.) Strangers to the action can attack the void judgment or order so long as they show their interests have been affected by it. (*Plaza Hollister Ltd. Partnership v. County of San Benito* (1999) 72 Cal.App.4th 1, 15–16.)

Olson argues because, under section 187,¹¹ the ATW Trust was Aaronoff's alter ego, the order awarding Olson attorney fees could be amended to include the trust as the true judgment debtor to carry out the order. Second, "an unnamed party may be included as a judgment debtor if 'the equities overwhelmingly favor' the amendment and it is necessary to prevent an injustice." (*Carolina Casualty Ins. Co. v. L.M. Ross Law Group, LLP* (2012) 212 Cal.App.4th 1181, 1188–1189.) Olson argues the evidence he presented that Aaronoff was using the ATW Trust to fraudulently shield assets from debt collection clearly justified the amendment.

Olson's arguments miss the point. There is no dispute a trial court generally has authority to amend a judgment to add a judgment debtor under the alter ego theory and equitable principles theory—but not after the party has perfected an appeal. Aaronoff's earlier and timely appeal from the original attorney fees order divested the trial court of jurisdiction to add the ATW Trust and its trustees as judgment debtors. The court acted contrary to section 916, which precluded it from amending the attorney fees order while the order was under review in this court. The amended attorney fees order is therefore void.

Because section 916 divested the trial court of jurisdiction over the subject matter of the attorney fee order, "any 'proceedings taken after the notice of appeal was filed are a nullity' " and "void—and not merely voidable." (*Varian Medical Systems, Inc. v. Delfino, supra*, 35 Cal.4th at pp. 197–198.) When " 'there is an appeal from a void judgment' "—or in this case, a void amended order—our jurisdiction " 'is limited to reversing the trial court's void acts.' " (*Id.* at p. 200.) That is what we are obligated to do here.

¹¹ Section 187 provides: "When jurisdiction is, by the Constitution or this Code, or by any other statute, conferred on a Court or judicial officer, all the means necessary to carry it into effect are also given; and in the exercise of this jurisdiction, if the course of proceeding be not specifically pointed out by this Code or the statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this Code."

DISPOSITION

The judgment of dismissal following the denial of Aaronoff's restraining order petition (appeal B295388) and the orders awarding attorney fees to both parties (appeals B298224 and B298532) are affirmed. The order of November 6, 2019, amending the order awarding Olson attorney fees (appeal B305935) is reversed as void, and the order of April 16, 2021, further amending that order (appeal B314319) is vacated. Appeal B309136 is dismissed as moot. The parties are to bear all their own costs on appeal.

NOT TO BE PUBLISHED.

LUI, P. J.

We concur:

CHAVEZ, J.

HOFFSTADT, J.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Family Division

Van Nuys East Dept. - D

17SMRO00308

Aaronoff, Vidala

vs

Olson, Curtis

January 16, 2019

8:30 AM

Honorable Michael J. Convey, Judge

Roxana Duron, Judicial Assistant

Frankiann Dalton (#8616), Court
Reporter

Darrol G Weber, Deputy Sheriff

NATURE OF PROCEEDINGS: RFO/MTN - Continue filed by Petitioner on December 5, 2018

The following parties are present for the aforementioned proceeding:

Vidala Aaronoff, Petitioner

Eric Kennedy, Attorney for Respondent

The matter is called for hearing.

The Court reads and considers the moving papers and opposition papers.

The Orders on Evidentiary Objections are signed, this date. Conformed copies of the order are provided to both sides, in open court.

The Petitioner's oral request for a continuance is denied.

The Court recites its tentative ruling on the Motion for Reconsideration and the Motion for New Trial, in open court.

The Court hears argument.

As to the Motion for Reconsideration pursuant to Code of Civil Procedure section 1008, the Court finds the motion was filed timely.

The Court having the inherent ability to reconsider, the Court finds grounds to deny the Motion for Reconsideration on the jurisdictional basis after the entry of dismissal on November 29, 2018.

As for the Motion for New Trial, the Court denies the request and finds insufficient grounds to grant the request for new trial, under Code of Civil Procedure 657. The Court finds there was insufficient proof of newly discovered evidence which could have been shown at the hearing.

The Court finds no error in the law or irregular in the proceeding. The Court finds it did not abuse its discretion.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Family Division

Van Nuys East Dept. - D

17SMRO00308

Aaronoff, Vidala

vs

Olson, Curtis

January 16, 2019

8:30 AM

The Court further finds the Plaintiff did not meet her burden of proof.

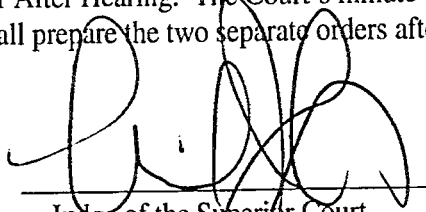
The Court adopts the findings stated on the record.

These orders shall take effect forthwith as recited in open court.

The Court's minute order shall serve as the Order After Hearing. The Court's minute order shall serve as the Order After Hearing. Counsel for Respondent shall prepare the two separate orders after hearing in accordance with California Rule of Court 5.125.

It is so ordered.

Dated: 1/16/2019


Judge of the Superior Court

MICHAEL J. CONVEY

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

I, Sherri R. Carter, Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of the above minute order of January 16, 2019 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States Mail at the courthouse in Van Nuys, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: January 18, 2019

By: /s/ Roxana Duron

Roxana Duron, Deputy Clerk

VIDALA AARONOFF
9461 CHARLEVILLE BLVD #259
BEVERLY HILLS, CA 90212

ERIC KENNEDY
1000 WILSHIRE BLVD., SUITE 1500
LOS ANGELES, CA 90017

01/22/19

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Family Division

Van Nuys East Dept. - D

17SMRO00308

Aaronoff, Vidala

vs

Olson, Curtis

January 16, 2019

8:30 AM

Honorable Michael J. Convey, Judge

Roxana Duron, Judicial Assistant

Frankiann Dalton (#8616), Court
Reporter

Darrol G Weber, Deputy Sheriff

NATURE OF PROCEEDINGS: RFO/MTN - Reconsideration Reconsideration filed by Petitioner on
December 5, 2018

The following parties are present for the aforementioned proceeding:

Vidala Aaronoff, Petitioner

Eric Kennedy, Attorney for Respondent

The matter is called for hearing.

The Court reads and considers the moving papers and opposition papers.

The Orders on Evidentiary Objections are signed, this date. Conformed copies of the order are provided to both
sides, in open court.

The Petitioner's oral request for a continuance is denied.

The Court recites its tentative ruling on the Motion for Reconsideration and the Motion for New Trial, in open
court.

The Court hears argument.

As to the Motion for Reconsideration pursuant to Code of Civil Procedure section 1008, the Court finds the
motion was filed timely.

The Court having the inherent ability to reconsider, the Court finds grounds to deny the Motion for
Reconsideration on the jurisdictional basis after the entry of dismissal on November 29, 2018.

As for the Motion for New Trial, the Court denies the request and finds insufficient grounds to grant the request
for new trial, under Code of Civil Procedure 657. The Court finds there was insufficient proof of newly
discovered evidence which could have been shown at the hearing.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

**Family Division
Van Nuys East Dept. - D**

**17SMRO00308
Aaronoff, Vidala
vs
Olson, Curtis**

**January 16, 2019
8:30 AM**

The Court finds no error in the law or irregular in the proceeding. The Court finds it did not abuse its discretion.

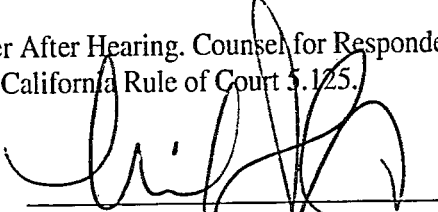
The Court further finds the Plaintiff did not meet her burden of proof.

The Court adopts the findings stated on the record.

These orders shall take effect forthwith as recited in open court.

The Court's minute order shall serve as the Order After Hearing. Counsel for Respondent shall prepare the two separate orders after hearing in accordance with California Rule of Court 5.125.
It is so ordered.

Dated: 1/16/2019



Judge of the Superior Court

MICHAEL J. CONVEY

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

I, Sherri R. Carter, Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of the above minute order of January 16, 2019 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States Mail at the courthouse in Van Nuys, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: January 18, 2019

By: /s/ Roxana Duron
Roxana Duron, Deputy Clerk

VIDALA AARONOFF
9461 CHARLEVILLE BLVD #259
BEVERLY HILLS, CA 90212

ERIC KENNEDY
1000 WILSHIRE BLVD., SUITE 1500
LOS ANGELES, CA 90017

01/22/19

1 BUCHALTER
A Professional Corporation
2 ERIC KENNEDY (SBN: 228393)
GEMMA KARAPETYAN (SBN: 313443)
3 1000 Wilshire Boulevard, Suite 1500
Los Angeles, CA 90017-1730
4 Telephone: 213.891.0700
Fax: 213.896.0400
5 ekennedy@buchalter.com
6 Attorneys for Curtis Olson

FILED
Superior Court of California
County of Los Angeles

APR 17 2019

Sherri R. Carter, Executive Officer/Clerk
By Bertha Becerra Deputy
Bertha Becerra

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, VAN NUYS COURTHOUSE EAST**
10

11 VIDALA AARONOFF, an individual,
12 Petitioner,

13 vs.

14 CURTIS OLSON, an individual,
15 Respondent.

CASE NO. ~~17SMRO00308~~
[Related to Case No. 17SMRO00368]

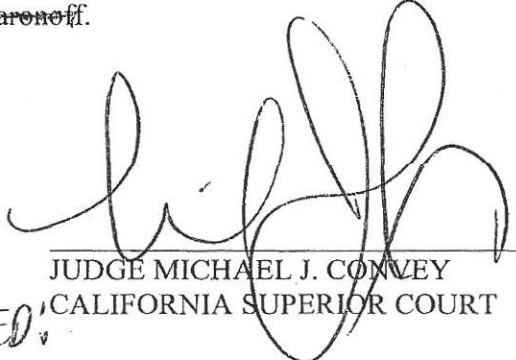
Assigned to Honorable Michael J. Convey
Department: U

**[PROPOSED] ORDER RE RESPONDENT
CURTIS OLSON'S MOTION FOR
ATTORNEY'S FEES AND COSTS
PURSUANT TO CODE OF CIVIL
PROCEDURE § 527.6**

1 The Court, having considered Respondent Curtis Olson's ("Olson") Motion for Attorney
2 Fees and Costs, any Opposition by Petitioner Vidala Aaronoff, other papers submitted by the
3 parties, as well as all oral arguments provided at the time of the hearing on the Motion, and good
4 cause appearing, the Court hereby **GRANTS** Olson's Motion for Attorney Fees and **orders** as
5 follows: *[See paragraphs below]. MR*

6 ~~Olson is awarded fees in the amount of 150,774.03, plus costs of \$1,718.19, for a total~~
7 ~~sum of \$152,492.22 against Petitioner Vidala Aaronoff.~~

8
9
10 Date: April 17, 2019


JUDGE MICHAEL J. CONVEY
CALIFORNIA SUPERIOR COURT

11
12 **IT IS SO ORDERED:**

13 On the cross-motions for attorneys' fees pursuant to
14 C.C.P. §527.6(s), THE COURT ORDERS AS FOLLOWS: *MR*

15 (1) in Case No. 17SMRO00308, Curtis Olson
16 (Respondent) is awarded attorney's fees as "prevailing party."
17 Vidala Aaronoff ~~is~~ ordered to pay to Curtis Olson
18 attorneys' fees in the amount of \$118,897.03. *MR*

19 (2) in Case No. 17SMRO00368, Vidala Aaronoff
20 (Respondent) is awarded attorney's fees as "prevailing party."
21 Curtis Olson is ordered to pay to Vidala Aaronoff attorneys'
22 fees in the amount of \$40,295. *MR*

23 The Court finds that the "net-net" of these awards
24 is that Vidala Aaronoff shall pay to Curtis Olson a "net-
25 net" for attorneys' fees in the amount of \$78,602.03 *MR*

26
27
28 **[PROPOSED] ORDER** *MR*

RECEIVED

FILED
Superior Court of California
County of Los Angeles

FEB 11 2019

APR 17 2019

LOS ANGELES SUPERIOR COURT

Sherri R. Carter, Executive Officer/Clerk
By Bertha Becerra Deputy

Vidala Aaronoff
9461 Charleville Blvd.#259
Beverly Hills, CA 90212
Tel: (310) 498-7975

Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - NORTHWEST DISTRICT

VIDALA AARONOFF,

Petitioner,

v.

CURTIS OLSON,

Respondent.

Case No. 17SMRO00308

(related to Case No. 17SMRO00368)

Assigned to the Honorable Michael J. Convey

~~PROPOSED~~ ORDER GRANTING
PETITIONER VIDALA AARONOFF'S
MOTION TO STRIKE OR TAX COSTS OF
\$1,718.19

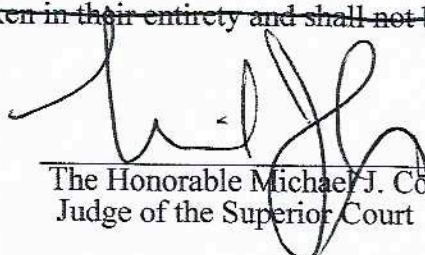
~~PROPOSED~~ ORDER

- 1 -

1 The Court, having considered petitioner Vidala Aaronoff's motion to strike or tax costs of
2 \$1,718.19 (the "Motion"), any opposition by respondent Curtis Olson ("Olson"), other papers
3 submitted by the parties, as well as all oral argument provided at the time of hearing on the Motion,
4 and good cause appearing therefor, hereby GRANTS the Motion and ORDERS as follows:

5 ~~* See below~~
6 ~~* The costs of \$1,718.19 sought by Olson are stricken in their entirety and shall not be awarded.~~

7 Dated: April 17, 2019

8 
9 The Honorable Michael J. Convey
Judge of the Superior Court

10
11 * THE COURT ORDERS THAT the Motion is granted in
12 part and denied in part. The Court orders costs of \$135.71
13 taxed against Respondent CURTIS OLSON. MTC

14
15 THE COURT further orders that CURTIS OLSON shall be and
16 is awarded costs of suit against Petitioner VIDALA
17 AARONOFF in the total amount of \$1,582.48.
18 MTC

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[PROCESSED] ORDER

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT VAN NUYS J	HON. MICHAEL CONVEY, JUDGE
VIDALA AARONOFF,)
)
PETITIONER,)
)
VS.) NO. 17SMRO00308
)
CURTIS OLSON,) CERTIFIED COPY
)
RESPONDENT.)
<hr/>	
CURTIS OLSON,)
)
PETITIONER,)
)
VS.) NO. 17SMRO00368
)
VIDALA AARONOFF,)
)
RESPONDENT.)
<hr/>	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
APRIL 16, 2019

APPEARANCES:

FOR RESPONDENT/PETITIONER OLSON:

BUCHALTER FIRM
BY: ERIC KENNEDY, ESQ.
1000 WILSHIRE BOULEVARD
SUITE 1500
LOS ANGELES, CALIFORNIA 90017
213-891-5257

FOR PETITIONER/RESPONDENT AARONOFF:

IN PROPRIA PERSONA

LESLIE CHISUM, CSR NO. 9682
OFFICIAL REPORTER

1 CASE NUMBER: 17SMRO00308
2 CASE NAME: VIDALA AARONOFF VS. CURTIS
3 OLSON
4 VAN NUYS, CALIFORNIA TUESDAY, APRIL 16, 2019
5 DEPARTMENT: VAN NUYS J HON. MICHAEL CONVEY
6 APPEARANCES: (AS HERETOFORE NOTED.)
7 REPORTER: LESLIE CHISUM, CSR NO. 9682
8 TIME: P.M. SESSION
9

10 ---OOO---

11
12 THE COURT: WE'RE BACK ON THE RECORD NOW, AND
13 WE'RE CALLING TWO CASES: AARONOFF VS. OLSON WHICH IS
14 CASE NO. 17SMRO00308 AND RELATED CASE FILED LATER,
15 17SMRO00368. STARTING ON MS. AARONOFF'S SIDE, PLEASE
16 JUST IDENTIFY YOURSELF FOR THE COURT REPORTER.

17 THE PETITIONER: VIDALA AARONOFF.

18 THE COURT: THANK YOU. AND WHO'S ALSO SEATED
19 AT THE TABLE WITH YOU?

20 THE PETITIONER: TITUS FOTSO IS MY SUPPORT
21 PERSON.

22 THE COURT: WOULD YOU PLEASE SPELL YOUR FULL
23 NAME.

24 MR. FOTSO: TITUS FOTSO.

25 THE COURT: SPELL IT, PLEASE.

26 MR. FOTSO: T-I-T-U-S F-O-T-S-O.

27 THE COURT: AND YOU'RE THERE AS A SUPPORT
28 PERSON. UNDER THE CIVIL HARASSMENT ACT, YOU'RE ALLOWED

1 TO BE THERE AT THE TABLE. BUT YOU'RE NOT ALLOWED TO
2 PASS NOTES TO THE PETITIONER OR RESPONDENT
3 MS. AARONOFF. YOU'RE NOT ALLOWED TO TALK TO HER.
4 YOU'RE NOT ALLOWED TO DO THINGS THAT WOULD BE CONSTRUED
5 TO BE PRACTICING LAW.

6 YOU'RE JUST THERE AS A SUPPORT PERSON, SO I
7 WATCH THAT. IT'S ALLOWED. I WATCH THAT. AND IF YOU
8 DON'T FOLLOW THE RULES THAT PERTAIN TO SUPPORT PERSONS,
9 THE COURT CAN ASK YOU TO STEP BACK INTO THE AUDIENCE.
10 YOU'RE ALLOWED TO BE HERE IN THE COURTROOM BECAUSE IT'S
11 NOT A CLOSED PROCEEDING. OKAY?

12 MR. FOTSO: YES, YOUR HONOR.

13 THE COURT: DO YOU UNDERSTAND?

14 MR. FOTSO: YES, YOUR HONOR.

15 THE COURT: AND ON THE RESPONDENT AND
16 PETITIONER SIDE?

17 MR. KENNEDY: GOOD AFTERNOON, YOUR HONOR.
18 ERIC KENNEDY ON BEHALF OF RESPONDENT AND PETITIONER
19 CURTIS OLSON.

20 THE COURT: WHO'S PRESENT?

21 MR. KENNEDY: HE IS NOT.

22 THE COURT: HE IS NOT PRESENT. AND?

23 MR. VOGT-LOWELL: GOOD AFTERNOON. RYAN
24 VOGT-LOWELL, V-O-G-T HYPHEN L-O-W-E-L-L.

25 THE COURT: THANK YOU. ARE YOU WITH THE
26 BUCHALTER FIRM?

27 MR. VOGT-LOWELL: NO, YOUR HONOR.

28 THE COURT: HAVE YOU APPEARED IN THIS CASE?

1 MR. VOGT-LOWELL: I APPEARED DURING THE TRIAL.

2 THE COURT: YOU DID SUBMIT A DECLARATION, SO
3 THAT MAKES YOU A WITNESS, NOT ATTORNEY OF RECORD.

4 MR. VOGT-LOWELL: TRUE, I GUESS.

5 THE COURT: YOU'RE NOT ABLE TO SIT THERE AT
6 THE TABLE. YOU HAVE TO STEP BACK INTO THE AUDIENCE.

7 MR. VOGT-LOWELL: OKAY. I CAN DO THAT.

8 THE COURT: MR. KENNEDY, IF YOU WISH TO
9 CONSULT OR TALK TO HIM OFF THE RECORD, YOU MAY IF YOU
10 HAVE TO GET SOME INFORMATION.

11 MR. KENNEDY: THANK YOU.

12 THE COURT: I DON'T THINK WE'LL NEED THAT, BUT
13 WE'RE NOT GOING TO HAVE WITNESSES HERE. THIS IS NOT A
14 LIVE-WITNESS HEARING. THIS IS A LAW AND MOTION
15 PROCEEDING.

16 MR. VOGT-LOWELL: UNDERSTOOD. AS A POTENTIAL
17 WITNESS, DO YOU NEED ME TO EXIT THE COURTROOM?

18 THE COURT: NO. THERE WILL NOT BE ANY
19 WITNESSES.

20 MR. VOGT-LOWELL: FAIR ENOUGH.

21 THE COURT: A, NO ONE HAS REQUESTED IT, AND,
22 B, AS THIS IS A LAW AND MOTION PROCEEDING ONLY, PARTIES
23 HAVE SUBMITTED THEIR DECLARATIONS. WE'RE GOING TO HEAR
24 ARGUMENTS TODAY.

25 MR. VOGT-LOWELL: OKAY. I WILL STEP BACK OUT.

26 THE COURT: THANK YOU.

27 MR. VOGT-LOWELL: THANK YOU.

28 THE COURT: BEFORE I GET TO THE MATTERS THAT

1 ARE ON THE CALENDAR, THERE WAS A MOTION FOR PROTECTIVE
2 ORDER ALSO ON THE CALENDAR. THE COURT RECEIVED A
3 NOTICE OF WITHDRAWAL OF THAT MOTION ON APRIL 8, 2019.
4 SO THE COURT IS INTENDING TO CAUSE THAT TO BE FILED
5 RIGHT NOW.

6 THE PETITIONER: WHAT IS THAT?

7 THE COURT: THERE WAS A MOTION FILED BY GLORIA
8 MARTINEZ OF THE MARTINEZ LAW GROUP FOR A PROTECTIVE
9 ORDER, AND THEN ON APRIL 8TH THE COURT RECEIVED A
10 NOTICE OF WITHDRAWAL OF THAT MOTION. SO IT GOES OFF
11 CALENDAR.

12 I'LL FILE -- I'LL CAUSE THIS TO BE FILED AND
13 WE'LL GET YOU BOTH CONFORMED COPIES BEFORE YOU LEAVE
14 TODAY. ALL RIGHT?

15 MR. KENNEDY: THANK YOU, YOUR HONOR.

16 THE PETITIONER: THANK YOU.

17 THE COURT: ALL RIGHT. SO ON OUR CALENDAR
18 TODAY IN THESE RELATED CASES ARE TWO REQUESTS.
19 MS. AARONOFF HAS A REQUEST IN CASE NUMBER ENDING IN 308
20 TO STRIKE OR TAX COSTS, AND THAT MOTION WAS FILED ON
21 FEBRUARY 11, 2019. IN THE 368 CASE SHE HAS A SEPARATE
22 MOTION FOR ATTORNEY'S FEES, AND THAT WAS FILED ON
23 FEBRUARY 19, 2019. IN THE 308 CASE, RESPONDENT
24 MR. OLSON HAS ON CALENDAR A MOTION FOR ATTORNEY'S FEES
25 AND COSTS FILED ON JANUARY 25, 2019.

26 THE COURT HAS READ THE MOVING PAPERS, THE
27 RESPONSIVE PAPERS, THE EVIDENTIARY OBJECTIONS, THE
28 REQUEST FOR JUDICIAL NOTICE, THE REPLY PAPERS, OTHER

1 SUPPLEMENTAL DECLARATIONS FILED, AND THE COURT ALSO --
2 THE COURT ALSO HAS RULINGS ON EVIDENTIARY OBJECTIONS TO
3 GIVE TO YOU. I'M GOING TO GIVE YOU MY TENTATIVE
4 THOUGHTS -- YES, MS. AARONOFF?

5 THE PETITIONER: CAN I -- CAN I -- I NEED TO
6 MAKE AN OBJECTION BEFORE WE START.

7 THE COURT: AN OBJECTION BEFORE WE START
8 REGARDING WHAT?

9 THE PETITIONER: YES. I'D LIKE TO -- THERE'S
10 AN ISSUE THAT NEEDS TO BE BROUGHT UP BEFORE WE START
11 THIS ACTUAL HEARING THAT I'D LIKE TO ADDRESS.

12 THE COURT: STATE YOUR OBJECTION.

13 THE PETITIONER: I'M -- THERE'S BEEN AN ISSUE
14 REGARDING DISPUTED EVIDENTIARY FACTS IN THIS CASE
15 REGARDING THE KURT OLSON TESTIMONY ON LENNY DYKSTRA.
16 AND I NEED TO ASK YOU DO YOU REMEMBER KURT OLSON
17 MENTIONING THAT HE PLAYED GOLF WITH LENNY DYKSTRA IN
18 MEXICO?

19 THE COURT: OKAY. THE QUESTION IS NOT AN
20 OBJECTION.

21 THE PETITIONER: OKAY. WELL --

22 THE COURT: WHAT'S YOUR EVIDENTIARY OBJECTION
23 AND I'LL RULE ON IT?

24 THE PETITIONER: OKAY. SO I NEED --

25 THE COURT: I'M NOT HERE TO RESOLVE DISPUTED
26 QUESTIONS OF FACT THAT PERTAIN TO THE UNDERLYING
27 RECORDS. THAT'S DONE.

28 THE PETITIONER: RIGHT. BUT YOU WERE A

1 WITNESS HERE AND YOU HEARD HIM --

2 THE COURT: I'M NOT A WITNESS.

3 THE PETITIONER: BUT YOU WERE A WITNESS --

4 THE COURT: NO. NO. NO. YOU DON'T GET TO DO
5 THIS.

6 THE PETITIONER: BUT --

7 THE COURT: PLEASE.

8 THE PETITIONER: -- DO YOU REMEMBER HIM SAYING
9 THAT?

10 THE COURT: I OVERRULE YOUR OBJECTION. IT'S
11 IMPROPER WHAT YOU JUST DID. IN COURT YOU DON'T PUT IT
12 ON THE JUDGE TO BE A WITNESS. SO PLEASE --

13 (SPEAKING SIMULTANEOUSLY.)

14 THE PETITIONER: OKAY. SO LET ME JUST --

15 THE COURT: THAT'S NOT AN OBJECTION, SO I
16 OVERRULE IT.

17 THE PETITIONER: OKAY.

18 THE COURT: I'M GOING TO GO ON TO MY AGENDA.
19 OKAY?

20 THE PETITIONER: NO. I HAVE TO SAY --

21 THE COURT: NO. MS. AARONOFF, STOP.

22 THE PETITIONER: -- I DISQUALIFY YOU UNDER
23 PENAL CODE 170.1. I HAVE A RIGHT TO DISQUALIFY THE
24 JUDGE BECAUSE IT STATES THAT A JUDGE MAY -- SHALL BE
25 DISQUALIFIED IF ANY ONE OR MORE OF THE FOLLOWING ARE
26 TRUE: THE JUDGE HAS PERSONAL KNOWLEDGE OF DISPUTED
27 EVIDENTIARY FACTS CONCERNING THE PROCEEDING. A JUDGE
28 SHALL BE DEEMED TO HAVE PERSONAL KNOWLEDGE WITHIN THE

1 MEANING OF THIS -- THIS PARAGRAPH IF THE JUDGE IS TO
2 THE JUDGE KNOWLEDGE TO BE A MATERIAL WITNESS IN THE
3 PROCEEDING.

4 IT IS NOW MADE PLAIN BY THE ARGUMENTS
5 SUBMITTED LAST WEEK BY RESPONDENT CURTIS OLSON IN HIS
6 REPLY PAPERS SUPPORTING HIS MOTION FOR ATTORNEY'S FEES
7 AGAINST AARONOFF, THERE IS NOW A FUNDAMENTAL DISPUTE
8 BETWEEN THE PARTIES AS TO THE EXACT TESTIMONY THAT
9 OLSON GAVE IN COURT ON NOVEMBER 16, 2018, REGARDING
10 OLSON'S RELATIONSHIP --

11 THE COURT: SLOW DOWN, PLEASE, FOR THE COURT
12 REPORTER.

13 THE PETITIONER: -- OF LENNY DYKSTRA AND AN
14 INDIVIDUAL KNOWN AS LENNY DYKSTRA.

15 THE COURT: MS. AARONOFF, A 170.1 MUST BE IN
16 WRITING, VERIFIED UNDER PENALTY OF PERJURY, AND IT MUST
17 BE SERVED ON THE JUDGE WHEN THE JUDGE IS AT THE COURT
18 ROOM.

19 THE PETITIONER: WE'RE SERVING IT NOW, YOUR
20 HONOR.

21 THE COURT: SO NOW, MR. FOTSO, YOU JUST
22 STEPPED OVER THE BOUNDARY OF BEING A SUPPORT PERSON. I
23 ORDER YOU TO GO SIT IN THE AUDIENCE. YOU CAN'T STAND
24 UP AND HAND PAPERS TO THE DEPUTY. MR. FOTSO, SIT IN
25 THE AUDIENCE.

26 THE PETITIONER: HERE. CAN YOU PLEASE HAND
27 THIS TO THE --

28 THE COURT: HE'S NOT PERMITTED TO DO THAT.

1 HAND THE PAPERS TO THE DEPUTY.

2 THE PETITIONER: HERE YOU GO.

3 THE COURT: THANK YOU.

4 THE PETITIONER: IF YOU COULD GIVE ONE TO THE
5 JUDGE AND GIVE ONE TO -- OR THE CLERK.

6 THE COURT: THANK YOU.

7 THE PETITIONER: SO --

8 THE COURT: STOP TALKING BECAUSE I CAN'T
9 ADDRESS IT. NOW THAT YOU FILED IT, WE'RE DONE TALKING.
10 I HAVE TO NOW RULE ON IT.

11 THE PETITIONER: I OBJECT. THERE'S NO RULING.

12 THE COURT: MS. AARONOFF --

13 THE PETITIONER: IT'S A NOTICE.

14 THE COURT: -- I COMMAND AND ORDER THAT YOU BE
15 QUIET BECAUSE YOU'RE IN VIOLATION OF MY ORDER. YOU'RE
16 NOT PERMITTED TO SPEAK AT THIS MOMENT. PLEASE WAIT.
17 THERE ARE PROTOCOLS AND RULES. WE'VE HAD THESE BEFORE.
18 I'M DOING WHAT I'M SUPPOSED TO DO WHICH IS YOU HAVE TO
19 THEN COMMUNICATE TO THE COURT IN THIS FASHION.

20 HAS A COPY BEEN GIVEN TO MR. KENNEDY?

21 THE PETITIONER: WHERE IS THE -- DID YOU HAND
22 MR. KENNEDY A COPY?

23 THE BAILIFF: THE CLERK.

24 THE COURT: DID YOU GET A COPY?

25 MR. KENNEDY: I DID NOT, YOUR HONOR.

26 THE COURT: DID A COPY GO TO THE CLERK? ALL
27 RIGHT. THANK YOU. IS THE ORIGINAL BEING FILED?

28 THE CLERK: OF THE NOTICE, YES. THE CONFORMED

1 COPIES ARE GIVEN TO THEM NOW.

2 THE COURT: ALL RIGHT. THANK YOU. MY
3 PROCEDURES REQUIRE THAT I NOW TAKE A RECESS TO RULE ON
4 THIS.

5 THE PETITIONER: THANK YOU.

6 THE COURT: WE ARE IN RECESS.

7 THE PETITIONER: THANK YOU, YOUR HONOR.

8

9 (WHEREUPON A RECESS WAS TAKEN.)

10

11 THE COURT: PLEASE COME BACK, BOTH PARTIES ON
12 AARONOFF-OLSON AND OLSON-AARONOFF. THANK YOU. PLEASE
13 BE SEATED. ONCE AGAIN ON THE RECORD CALLING
14 17SMRO00308 AND 17SMRO00368. PRESENT BEFORE THE COURT
15 ARE THE PETITIONER AND RESPONDENT VIDALA AARONOFF AND
16 MR. KENNEDY, COUNSEL FOR CURTIS OLSON WHO'S A
17 RESPONDENT AND PETITIONER.

18

19 THE COURT HAS REVIEWED THE PETITIONER
20 MS. AARONOFF'S DOCUMENT ENTITLED NOTICE AND STATEMENT
21 OF DISQUALIFICATION FILED TODAY AND CAUSED TO BE SERVED
22 TODAY ON JUDGE CONVEY.

23

24 SINCE THE STATEMENT OF THE DISQUALIFICATION
25 DOES NOT AS A MATTER OF LAW STATE THE GROUNDS FOR
26 DISQUALIFICATION FOR CAUSE, THE PLEADING DEMONSTRATES
27 ON ITS FACE NO LEGAL GROUNDS FOR DISQUALIFICATION. IT
28 IS STRICKEN PURSUANT TO CODE OF CIVIL PROCEDURE SECTION
170.4(B). A WRITTEN RULING ON THE STATEMENT WILL BE
FILED AS SOON AS IT'S PREPARED AND CAUSED TO BE SERVED

1 ON MS. AARONOFF AND MR. KENNEDY, COUNSEL FOR MR. OLSON.

2 AND WITH THAT RULING, THE COURT PROCEEDS
3 FORWARD ON THE MATTERS TODAY ON THE CALENDAR.

4 THE PETITIONER: I OBJECT JUST TO HAVE IT ON
5 THE RECORD, YOUR HONOR.

6 THE COURT: THANK YOU. YOUR OBJECTION IS ON
7 THE RECORD, BUT WE'RE PROCEEDING FORWARD.

8 AS I STATED THERE ARE SEVERAL MATTERS BEFORE
9 THE COURT TODAY WHICH I OUTLINED PREVIOUSLY. AND I
10 HAVE REVIEWED THE PAPERS AND WILL NOW GIVE THE PARTIES
11 MY TENTATIVE RULINGS ON THESE MATTERS AND THEN DIRECT
12 THAT YOU EACH ADDRESS THE COURT IN TURN.

13 WHEN I SAY TENTATIVE RULINGS, THAT MEANS THESE
14 ARE MY THOUGHTS BASED ON MY REVIEW OF THE LAW WHICH IS
15 CODE OF CIVIL PROCEDURE SECTION 527.6(S) AND THE PAPERS
16 THAT YOU FILED AND DECLARATIONS. AND IN THAT LAW THE
17 COURT IS -- MUST FIRST DETERMINE WHICH PARTY OR PARTIES
18 ARE PREVAILING PARTIES. THIS IS A PREVAILING PARTY
19 ATTORNEY FEES STATUTE.

20 EACH OF THE PARTIES, AARONOFF AND OLSON, WERE
21 BOTH PETITIONERS AND BOTH RESPONDENTS. THE RULINGS AT
22 THE TIME OF THE RESTRAINING ORDER REQUESTS AT THE END
23 OF THE HEARING WAS TO DENY EACH AND BOTH OF THOSE
24 REQUESTS, AND THE COURT NOW FINDS THAT MS. AARONOFF IS
25 A PREVAILING PARTY ON MR. OLSON'S REQUEST AND MR. OLSON
26 IS A PREVAILING PARTY ON MS. AARONOFF'S REQUEST.

27 ACCORDINGLY UNDER THAT CODE SECTION 527.6(S),
28 THE PREVAILING PARTY MAY BE ENTITLED TO REASONABLE AND

1 NECESSARY ATTORNEY'S FEES AND COSTS. SO THE COURT WILL
2 REVIEW, AND THE COURT DID REVIEW, THE EVIDENCE
3 SUBMITTED AND THE ARGUMENTS SUBMITTED BY BOTH SIDES ON
4 THIS QUESTION OF WHAT WERE THE REASONABLE AND NECESSARY
5 ATTORNEY'S FEES AND COSTS.

6 THE COURT ALSO LOOKS TO DO SUBSTANTIAL JUSTICE
7 BY DETERMINING WHETHER THERE IS OR IS NOT AN ABILITY TO
8 PAY, AND HERE THE COURT WAS BENEFITTED BY THE FILING BY
9 MS. AARONOFF OF AN INCOME AND EXPENSE DECLARATION BUT
10 MATCHED WITH EVIDENCE SUPPLIED BY MR. OLSON THAT SHE
11 HAS OTHER ASSETS OR ABILITY TO PAY.

12 SO MY CONCLUSION IS THAT BOTH SIDES HAVE THE
13 ABILITY TO PAY THESE FEE AWARDS.

14 THE EVIDENCE SUBMITTED IN SUPPORT OF MR. OLSON
15 AND ARGUED BY MS. AARONOFF AS WELL ALSO SHOWS MR. OLSON
16 HAS ABILITY TO PAY, BUT IT'S NOT THE SAME AS THE TYPE
17 OF ABILITY TO PAY THAT'S ANALYZED IN THE FAMILY LAW
18 CASE. THIS IS A LITTLE BIT DIFFERENT. THIS IS A CIVIL
19 INJUNCTIVE INJUNCTION STATUTE. SO THE COURT DOES TAKE
20 THAT INTO ACCOUNT, HOWEVER.

21 AND IN RULING ON THESE MATTERS, THE COURT IS
22 GOING TO TAKE UP THE CASE NO. 308 FIRST. THAT'S
23 MS. AARONOFF'S CASE. IT'S THE FIRST IN TIME FILED.
24 AND THEN THE COURT WILL TAKE UP THE 368 CASE, AND I'LL
25 ASK THAT YOU EACH ARGUE, AND I'LL GIVE EACH OF YOU TWO
26 CHANCES TO ARGUE. MS. AARONOFF FIRST, THEN
27 MR. KENNEDY, THEN MS. AARONOFF, THEN MR. KENNEDY BEFORE
28 I STATE A FINAL RULING.

1 WHAT I'M ABOUT TO SAY NOW IS MY TENTATIVE
2 RULING. SO YOUR PERSUASIVE ARGUMENT MAY BE OFFERED TO
3 CHANGE OR PERSUADE ME THAT I SHOULD NOT MAKE THESE
4 RULINGS AS I'M ABOUT TO STATE.

5 ADDRESSING CASE NO. 308 FIRST, MS. OLSON FILED
6 A MOTION -- EXCUSE ME -- MS. AARONOFF FILED A MOTION TO
7 TAX COSTS -- SORRY. THAT'S IN THE OTHER CASE. SORRY.

8 IN THE 308 CASE, MS. AARONOFF FILED A MOTION
9 FOR ATTORNEY'S FEES. IT WAS FILED TIMELY. THERE WAS A
10 DISPUTE IN THE OPPOSITION PAPERS ABOUT THE TIMELINESS.
11 THAT PERIOD OF TIME FOR TIMELY FILING A MOTION IS
12 EXTENDED BY THE PROCESS THAT THE COURT ENGAGED IN WITH
13 THE PARTIES, THE MOTIONS FOR RECONSIDERATION AND NEW
14 TRIAL.

15 IN ANY EVENT, RECENT CASES HAVE NOT SET FAST
16 AND HARD TIME DEADLINES FOR FILING ATTORNEY FEE
17 REQUESTS AFTER THESE TYPES OF HEARINGS. THE COURT IS
18 FAMILIAR IN THE DOMESTIC VIOLENCE ARENA THAT A CASE
19 CALLED FATON, F-A-T-O-N, ALLOWED THE REQUEST FOR
20 ATTORNEY'S FEES SEVERAL MONTHS AFTER THE CONCLUSION OF
21 THE HEARING. THIS IS MEANT TO FOLLOW THAT SAME TYPE OF
22 PROCESS.

23 IN THE MOTION THAT MS. AARONOFF FILED, SHE
24 ASKED FOR ONE HALF OF HER ATTORNEY'S FEES. HER
25 ATTORNEY BILLED A TOTAL OF \$47,085. SHE ASKS FOR IN
26 HER REQUEST \$24,750. MY CALCULATION WAS TO TAKE THE
27 \$47,085 AND THE ROUNDED OFF NUMBER SHE USED, \$23,000,
28 TO COME TO THE FIGURE OF \$24,085.

1 IN ANY EVENT, IN MY ANALYSIS OF THIS CASE, I
2 THINK IT IS MORE FAIR AND EQUITABLE THAT THE COURT
3 CONSIDER ALL OF MS. AARONOFF'S ATTORNEY'S FEES AND
4 COSTS EXPENDED IN THIS MATTER.

5 SO THE FIRST ATTORNEY WHO SHE RETAINED
6 ATTORNEY GALPERIN, G-A-L-P-E-R-I-N, THERE WAS NO
7 SUPPORTING DECLARATION. SO THERE IS INSUFFICIENT
8 EVIDENCE TO AWARD TO MS. AARONOFF ANY PORTION OF THOSE
9 FEES, AND SO THAT PORTION OF HER REQUEST IS DENIED.

10 HOWEVER, SHE DID PROVIDE A DECLARATION FROM
11 HER FORMER ATTORNEY KAHANI, K-A-H-A-N-I, REGARDING THE
12 \$47,085 FIGURE. THE COURT READ THAT DECLARATION, AND
13 THE COURT WENT THROUGH THAT DECLARATION. AND THE COURT
14 ALSO WENT THROUGH EVIDENTIARY OBJECTIONS WHICH I'LL GET
15 TO.

16 BUT WHEN THE COURT LOOKS AT THE BILLING -- AND
17 THIS APPLIES ON THE OTHER SIDE WHEN I GET THERE AS
18 WELL -- BILLING MUST BE REASONABLE AND NECESSARY TO THE
19 OBJECTIVES OF THE LITIGATION.

20 AND WHEN THE COURT LOOKS AT THE BILLING
21 STATEMENTS OF MS. AARONOFF'S FORMER COUNSEL, THE COURT
22 CALCULATED ON A LINE-BY-LINE BASIS A TOTAL OF \$6,790 IN
23 ATTORNEY'S FEES AND COSTS THAT WERE NOT REASONABLY
24 DEVOTED TOWARD THE PURPOSES OF THIS LITIGATION.

25 SO IT IS MY INTENTION TO DETERMINE HER
26 REASONABLE ATTORNEY'S FEES AND COSTS WILL BE LESS THAT
27 6,790 FIGURE.

28 SO IF THE COURT USES THE FIGURE PROPOSED BY

1 PLAINTIFF IN HER PAPERS, \$24,085, AND SUBTRACTS \$6,790
2 FROM THAT, HER REASONABLE AND NECESSARY ATTORNEY'S FEES
3 WOULD BE \$17,295.

4 IN HIS PAPERS MR. OLSON OBJECTS TO THE COURT
5 USING ANY TYPE OF A DIVIDER, AND I'M NOT SURE THAT ANY
6 OTHER THEORY IS ADVANCED. BUT IN THE OLSON PAPERS IT
7 IS ADVANCED THAT I LOOK AT ALL OF THE FEES AND COSTS
8 WHICH I THINK IS THE MORE REASONABLE PICTURE.

9 IN DOING SUBSTANTIAL JUSTICE, BOTH PARTIES AND
10 THEIR ATTORNEYS HAD RESTRAINING ORDERS AND THE REQUESTS
11 FOR RESTRAINING ORDERS THAT WERE INEXTRICABLY WOUND
12 TOGETHER AND OVERLAPPING. IT IS UNREASONABLE TO DEMAND
13 THAT THEY PARSE OUT WHETHER AN ACT OR BILLING OF AN
14 ATTORNEY IS FOR MS. AARONOFF'S CASE IN CHIEF OR FOR
15 MR. OLSON'S CASE IN CHIEF. THE TWO WORK TOGETHER.

16 SO IF THE COURT IS GOING TO FAIRLY CONSIDER
17 ALL OF MR. OLSON'S CHARGES, FEES, AND REQUESTED FEES,
18 IT IS ONLY FAIR THAT THE COURT ALSO CONSIDER ALL OF
19 MS. AARONOFF'S CHARGED FEES AS WELL, THAT FIGURE BEING
20 \$47,085. AND IF I SUBTRACT THE 6,790, THE TOTAL OF THE
21 REASONABLE AND NECESSARY FEES FOR THE ENTIRE LITIGATION
22 THAT MS. AARONOFF ENGAGED WAS \$40,295.

23 IN REVIEWING THE EVIDENCE IN SUPPORT, AS I
24 STATED, THE COURT WENT THROUGH THE KAHANI BILLING
25 STATEMENTS, AND I HAVE ABOUT TWO AND A HALF PAGES OF
26 NOTES OF WHERE I DISALLOWED ITEMS. THOSE DISALLOWED
27 ITEMS TOTAL \$6,790. I DID THE SAME ON THE BUCHALTER
28 BILLS AS YOU'LL SEE IN JUST A MOMENT.

1 IT'S ALSO INCUMBENT UPON THE COURT TO RULE ON
2 EVIDENTIARY OBJECTIONS AND THE REQUEST FOR JUDICIAL
3 NOTICE AS WELL.

4 IN SUPPORT OF MR. OLSON'S ARGUMENTS IN
5 OPPOSITION TO MS. AARONOFF'S MOTION, EVIDENTIARY
6 OBJECTIONS WERE SUBMITTED TO THE COURT, 29 PAGES IN
7 TOTAL. THE RULING -- THERE WAS NO SEPARATE RULING
8 SHEET FOR THE COURT TO WRITE ON. THE COURT WAS ABLE TO
9 PARSE OUT WHICH PORTIONS OF THE EVIDENCE PROVIDED BY
10 MS. AARONOFF WERE ARGUMENT OR NOT NECESSARY FOR THE
11 COURT'S DETERMINATION OF PREVAILING PARTY AND
12 REASONABLE ATTORNEY'S FEES AND COSTS.

13 BUT IT IS MY RULING ON THESE OBJECTIONS AS
14 FOLLOWS: TO THE AARONOFF DECLARATION, PARAGRAPH 3
15 OVERRULED; PARAGRAPH 5, OVERRULED; PARAGRAPH 9,
16 OVERRULED; PARAGRAPH 10, OVERRULED; PARAGRAPH 12,
17 SUSTAINED EXCEPT FOR THAT PORTION REGARDING EXHIBIT C
18 WHICH IS OVERRULED; PARAGRAPH 13, SUSTAINED EXCEPT FOR
19 THAT PART THAT DESCRIBES THE FACTUAL LITIGATION, THE
20 IDENTITY OF THE LITIGATION CASES IN SANTA MONICA, THAT
21 PORTION OVERRULED; PARAGRAPH 14, SUSTAINED; PARAGRAPH
22 15, SUSTAINED; PARAGRAPH 16, SUSTAINED EXCEPT FOR THAT
23 PORTION REGARDING DISCUSSIONS WITH LE, L-E, TOWARD THE
24 END OF THAT STATEMENT. THOSE ARE -- THAT PORTION
25 OVERRULED; PARAGRAPH 17, OVERRULED; PARAGRAPH 19,
26 SUSTAINED; PARAGRAPH 20, SUSTAINED; PARAGRAPH 21,
27 SUSTAINED; PARAGRAPH 22, SUSTAINED; PARAGRAPH 23,
28 SUSTAINED AS TO THE SECOND PORTION STARTING WITH THE

1 WORD "GIVEN THAT I," BUT THE FIRST PORTION STARTING
2 WITH "FIFTH, THE COURT SHOULD NOT FORGET," THAT PORTION
3 OVERRULED; PARAGRAPH 24, SUSTAINED; PARAGRAPH 25,
4 SUSTAINED; PARAGRAPH 26, SUSTAINED EXCEPT FOR THAT
5 PORTION AT THE -- I HAVE SUBMITTED CONCURRENTLY WITH
6 THIS DECLARATION, THAT SENTENCE, OVERRULED; PARAGRAPH
7 27, SUSTAINED.

8 AND THEN NEXT TO THE KANANI K-A-N-A-N-I -- I
9 APOLOGIZE FOR THE MISPRONUNCIATION OF THE NAME -- THE
10 KANANI DECLARATION, PARAGRAPH 5, OVERRULED; PARAGRAPH
11 6, OVERRULED; PARAGRAPH 7, SUSTAINED; PARAGRAPH 8,
12 SUSTAINED EXCEPT FOR THAT PORTION STARTING WITH
13 "KENNEDY REMARKED TO ME" AND TO THE END. THAT PART IS
14 OVERRULED; PARAGRAPH 9, SUSTAINED; PARAGRAPH 10,
15 OVERRULED; PARAGRAPH 11, OVERRULED; PARAGRAPH 12,
16 OVERRULED; PARAGRAPH 13, OVERRULED; PARAGRAPH 14,
17 OVERRULED; PARAGRAPH 15, OVERRULED; PARAGRAPH 16,
18 OVERRULED; PARAGRAPH 17, SUSTAINED; PARAGRAPH 17,
19 PART 2, SUSTAINED; PARAGRAPH 18, SUSTAINED; PARAGRAPH
20 19, SUSTAINED; PARAGRAPH 20, OVERRULED; PARAGRAPH 21,
21 OVERRULED; PARAGRAPH 22, OVERRULED; PARAGRAPH 23,
22 OVERRULED; PARAGRAPH 24, OVERRULED; PARAGRAPH 25,
23 OVERRULED; PARAGRAPH 26, SUSTAINED AS TO THE ENTIRETY
24 EXCEPT FOR THE WORDS, QUOTE, "MY PROFESSIONAL OPINION"
25 THROUGH THE END OF THAT SECTION. THAT PART IS
26 OVERRULED.

27 THAT IS NOW THE ORDER OF THE COURT ON THE
28 OBJECTIONS. THERE WAS A REQUEST FOR JUDICIAL NOTICE OF

1 TWO ITEMS --

2 THE PETITIONER: I OBJECT.

3 THE COURT: THERE WAS A REQUEST FOR JUDICIAL
4 NOTICE OF TWO ITEMS, AND THERE WERE NO TIMELY
5 OBJECTIONS FILED BY ANYONE. THE COURT, FINDING NO
6 OBJECTIONS BEING FILED AND THE COURT IN ITS DISCRETION
7 TAKING JUDICIAL NOTICE UNDER EVIDENCE CODE 452 OF
8 DOCUMENTS THAT ARE PART OF THE PUBLIC RECORD, GRANTS
9 THE REQUEST AND TAKES JUDICIAL NOTICE OF THE TWO
10 DOCUMENTS IDENTIFIED IN THE REQUEST FOR JUDICIAL NOTICE
11 FILED ON APRIL 9, 2019.

12 THE COURT ON THIS FIRST MOTION REVIEWED, AS I
13 STATED, THESE DECLARATIONS SUBMITTED BY BOTH PARTIES.
14 ON THIS FIRST MOTION MS. AARONOFF ALSO FILED
15 EVIDENTIARY OBJECTIONS ON APRIL 12, 2019. AND THE
16 COURT -- IT'S A PARAGRAPH AND SEEKS TO HAVE THE COURT
17 SUSTAIN AN OBJECTION THAT NEWLY FILED EVIDENCE IS
18 IMPROPER AND UNFAIR. AND THE COURT IS GOING TO
19 OVERRULE THIS OBJECTION. AND THE REASON FOR THAT IS
20 THAT IT IS OFFERED FOR PURPOSES OF IMPEACHMENT OR TO
21 CONTRADICT EARLIER EVIDENCE, AND IT IS SO ARGUED THAT
22 WAY IN THE REPLY PAPERS BY MR. KENNEDY.

23 SO IT IS APPROPRIATE FOR THE COURT TO CONSIDER
24 THE EVIDENCE AS IT IS PRESENTED FOR PURPOSES OF
25 IMPEACHING THE CREDIBILITY OR CHALLENGING THE VERACITY
26 OF INFORMATION PROVIDED BY MS. AARONOFF IN HER PAPERS.

27 SO THE COURT READ ALL OF THOSE DECLARATIONS
28 AND REPLIES. AND WHERE I'M INCLINED TO GO WITH THIS

1 TENTATIVELY IS THAT MS. AARONOFF RECOVER FROM MR. OLSON
2 ATTORNEY'S FEES IN THE AMOUNT OF \$40,295.

3 MS. AARONOFF ALSO FILED A MOTION TO TAX COSTS.
4 SHE DID NOT RECEIVE NOR DID THE COURT RECEIVE ANY
5 OPPOSITION TO THIS MOTION, AND THERE WAS A PROOF OF
6 SERVICE OF THIS MOTION. THE COURT NOTES THAT THIS
7 PROCEDURE UNDER THE CIVIL HARASSMENT ACT IS NOT IN THE
8 GREATER SENSE A TRIAL BUT A HEARING ON AN INJUNCTION,
9 AND THE MEMORANDUM OF COSTS IS NOT ESSENTIAL TO THE
10 COURT GRANTING COSTS BECAUSE 527.6(S) CONFERS THE
11 AUTHORITY FOR THE COURT TO AWARD COSTS.

12 HOWEVER, TAKING INTO ACCOUNT THE MERITS OF THE
13 REQUEST FOR RELIEF AND NOT THE TECHNICALITY OF THERE
14 NOT BEING A RESPONSE, THE COSTS REQUESTED BY MR. OLSON
15 TOTAL AMOUNT REQUESTED WAS \$1,718.19.

16 THE COURT REVIEWED CAREFULLY ALL OF THOSE
17 REQUESTED COSTS. THE COURT CAREFULLY REVIEWED
18 MS. AARONOFF'S MOVING PAPERS. AND WHEN I TOTALED UP
19 WHAT SHE OBJECTED TO OR ASKED THE COURT TO TAX OR
20 STRIKE, IT TOTALED MORE THAN \$1,718.19.

21 SO TO DO SUBSTANTIAL JUSTICE TO MS. AARONOFF'S
22 REQUEST, WHICH HAS MERIT IN PART, THE COURT WENT
23 THROUGH THE REQUESTED COSTS OF \$1,718.19 AND FOUND THAT
24 COSTS FOR PARKING AND COSTS FOR MEALS WERE NOT
25 ALLOWABLE COSTS, NOR WERE THEY REASONABLE AND NECESSARY
26 TO THE PROSECUTION OF THE CIVIL HARASSMENT CASES ON
27 BEHALF OF MR. OLSON.

28 SO THE COURT TOTALED THOSE FIGURES AT \$135.71.

1 SO, AS YOU'LL SEE IN A MOMENT, IT IS MY INTENDED RULING
2 THAT MR. OLSON IS ALSO A PREVAILING PARTY AND ENTITLED
3 TO FEES AND COSTS. THE COSTS WOULD BE TAXED.

4 MS. AARONOFF'S MOTION GRANTED IN PART -- THE MOTION TO
5 TAX COSTS -- MOTION GRANTED IN PART. AND MR. OLSON'S
6 ALLOWABLE COSTS WOULD BE AWARDED TO HIM AT \$1,582.48.

7 NEXT THE COURT ADDRESSED THE MOTION BY OLSON
8 FOR ATTORNEY'S FEES AND COSTS AS THE PREVAILING PARTY
9 IN CASE NO. 368. AS I STATED, IT'S MY FINDING THAT
10 MR. OLSON WAS ALSO A PREVAILING PARTY AND IS ENTITLED
11 TO RECOVER HIS FEES AND COSTS -- I'M SORRY. LET ME
12 BACK UP A BIT.

13 THE 368 CASE IS OLSON VS. AARONOFF. AARONOFF
14 SEEKS HER COSTS IN THAT CASE. SO MY ORDER IS CORRECTED
15 TO REFLECT THAT MS. AARONOFF'S ORDERS THAT I JUST SPOKE
16 ARE IN THE 368 CASE.

17 MR. OLSON SEEKS ORDERS IN THE 308 CASE IN
18 WHICH HE WAS THE RESPONDING PARTY. AND NOW I GIVE THAT
19 TENTATIVE RULING. HERE AGAIN I FOUND HIM TO BE THE
20 PREVAILING PARTY, AND I HAVE PAGES AND PAGES OF NOTES
21 WHERE I PARSED THROUGH THE BILLS, AND THERE WERE
22 SEVERAL BILLS AND SEVERAL PAGES OF BILLS.

23 THE REQUEST FOR FEES AND COSTS BY MR. OLSON IS
24 IN THE AMOUNT OF \$150,774.03. WHEN THE COURT LOOKED AT
25 THE BILLING STATEMENTS LINE BY LINE, ITEM BY ITEM WITH
26 A MIND TOWARD REDUCING OR ELIMINATING COSTS FOR
27 ATTORNEY'S FEES, CHARGES THAT WERE DUPLICATIVE,
28 UNNECESSARY, TOO REMEDIAL, SUCH AS NEWER ATTORNEYS

1 DOING DUPLICATIVE RESEARCH OR ATTORNEYS ON THE CASE
2 DOING DUPLICATIVE RESEARCH, THAT DID NOT ADVANCE THE
3 CASE FORWARD -- CERTAIN MODEST AMOUNTS FOR THINGS LIKE
4 RESEARCH ARE ALLOWED. CERTAIN MODEST AMOUNTS FOR ONE
5 OR MORE SETS OF EYES ON PLEADINGS ARE ALLOWED.

6 BUT PRINCIPALLY THE COURT LOOKED TO LEAD
7 COUNSEL MR. KENNEDY, AND HIS FEES AND COSTS ARE IN THE
8 LEAD AS TO WHAT'S ALLOWABLE, WHAT'S NOT ALLOWABLE.
9 PUTTING FURTHER FILTER ON THAT, THE COURT DETERMINED
10 THAT NOT ALL OF MR. KENNEDY'S FEES AND COSTS AS CHARGED
11 WERE THEMSELVES REASONABLE AND NECESSARY AND THAT IN
12 MANY INSTANCES THEY WERE, IN FACT, DUPLICATIVE.

13 THE COURT WENT THROUGH EACH AND EVERY PAGE OF
14 THE BILLING STATEMENTS, AS I SAID, AND CAME TO THE
15 CONCLUSION THAT, OF THE AMOUNTS BILLED, A TOTAL OF
16 \$31,877 WERE NEITHER REASONABLE NOR NECESSARY AND WOULD
17 BE DEDUCTED.

18 THIS WOULD LEAVE A NET FIGURE OF \$118,897.03.
19 AND SO THE COURT WOULD IN ITS TENTATIVE RULING AWARD TO
20 MR. OLSON ATTORNEY'S FEES AND COSTS IN THE AMOUNT OF
21 \$118,897.03.

22 THERE WAS A SET OF EVIDENTIARY OBJECTIONS
23 SUBMITTED BY MR. KENNEDY IN THE 368 CASE. THERE WERE
24 TWO OBJECTIONS AS TO PARAGRAPH 6 AND PARAGRAPH 7. BOTH
25 OF THOSE OBJECTIONS -- EXCUSE ME. THE FIRST ONE,
26 PARAGRAPH 6, IS SUSTAINED. THE SECOND ONE IS
27 OVERRULED.

28 IF YOU WANT ME TO, I CAN READ THROUGH MY

1 LINE-BY-LINE ANALYSIS. I SAVED THAT FOR YOU. BUT
2 UNDERSTAND THAT I MADE MARKINGS ON THE BUCHALTER BILLS
3 AS TO THE PLACES WHERE I THOUGHT FEES WERE DUPLICATIVE,
4 TWO ATTORNEYS DOING THE SAME TASK, TWO ATTORNEYS
5 TALKING TO EACH OTHER ABOUT THE SAME TASK, DOING
6 REMEDIAL RESEARCH ON THE LAW OF CIVIL HARASSMENT.

7 A CERTAIN AMOUNT OF REMEDIAL RESEARCH IS
8 PERMITTED AND REASONABLE. BUT SOME OF IT WAS
9 DUPLICATIVE, UNNECESSARY, AND EXORBITANT.

10 TO THE POINT RAISED BY MS. AARONOFF, THE PARTY
11 CURTIS OLSON IS ENTITLED TO HAVE THE ATTORNEY HE
12 CHOOSES TO HAVE, BUT A PORTION OF MS. AARONOFF'S
13 ARGUMENT IS PERSUASIVE IN THAT IT IS NOT FOR
14 MS. AARONOFF TO PAY FOR EDUCATION OF THE ATTORNEYS WHO
15 AREN'T FAMILIAR WITH OR REGULARLY HANDLE CIVIL
16 HARASSMENT CASES. SO THAT WAS TAKEN INTO ACCOUNT BY
17 THE COURT IN REMOVING FROM THE REASONABLE AND NECESSARY
18 CATEGORY CERTAIN OF THE BILL -- BILLING INFORMATION
19 PROVIDED.

20 SO PUTTING ALL THAT TOGETHER, IF THE COURT
21 WERE TO NET NET THESE AWARDS OUT, THAT WILL BE
22 MS. AARONOFF WOULD OWE TO MR. OLSON \$118,893.03 MINUS
23 WHAT OLSON OWES TO AARONOFF WHICH I DETERMINED TO BE
24 \$40,295. NET MS. AARONOFF WOULD OWE TO MR. OLSON
25 ATTORNEY'S FEES AND COSTS IN THE NET AMOUNT --
26 ATTORNEY'S FEES, RATHER, IN THE NET AMOUNT \$78,602.03,
27 AND MS. AARONOFF WOULD OWE TO OLSON COST OF LITIGATION
28 IN THE AMOUNT OF \$1,582.48.

1 THAT COMPRISES THE COURT'S TENTATIVE RULING.
2 I NOTICE THAT YOU PROVIDED PROPOSED ORDERS FOR ME. I
3 WOULD --

4 THE PETITIONER: COULD YOU REPEAT THE BOTTOM
5 NUMBER, PLEASE?

6 THE COURT: SURE. I'LL REPEAT THE WHOLE
7 THING. AARONOFF OWES OLSON \$118,897.03. OLSON OWES
8 AARONOFF \$40,295. THE NET OF THAT IS THAT AARONOFF
9 OWES OLSON \$78,602.03. COST OF LITIGATION AARONOFF
10 OWES OLSON \$1,582.48.

11 I THINK THE PROPOSED ORDERS BY MS. AARONOFF ON
12 HER MOTION TO TAX AND MR. KENNEDY ON HIS MOTION FOR
13 FEES I COULD USE. AND WHAT I WOULD PROPOSE TO DO IS TO
14 PUT MS. AARONOFF'S REQUEST FOR FEES AND COSTS WITHIN
15 THE MOTION -- WITHIN THE PROPOSED ORDER THAT
16 MR. KENNEDY SUBMITTED. I COULD HANDWRITE IN THOSE
17 ORDERS AND USE BOTH ORDERS TO COVER THE THREE PENDING
18 MATTERS. SO THAT'S MY TENTATIVE RULING.

19 MS. AARONOFF, I'LL LET YOU ARGUE FIRST, AND
20 THEN YOU'LL HAVE ANOTHER SET TO ARGUE JUST A MOMENT
21 AFTER MR. KENNEDY. GO AHEAD.

22 THE PETITIONER: OKAY. THANK YOU, YOUR HONOR.
23 I HAVE A COUPLE OF THINGS HERE. FIRST THE COURT
24 MENTIONED THAT I HAD AS THE PETITIONER THE ABILITY TO
25 PAY. THIS IS NOT TRUE. HE SUBMITTED SOME
26 DOCUMENTATION THAT I AM A TRUSTEE OF A.T.W. TRUST WHICH
27 IS AN IRREVOCABLE TRUST THAT WAS FOUNDED IN JANUARY
28 1ST, 2012.

1 AND THERE'S OTHER TRUSTEES ON THE BOARD, AND
2 AS A TRUSTEE YOU'RE NOT AN OWNER. THE INSTITUTION
3 A.T.W. IS THE OWNER. SO I'M NOT THE OWNER OF THE
4 PROPERTY. AND SO THE IDEA THAT HE'S SAYING I OWN A
5 PROPERTY AND I THEN HAVE THE ABILITY TO PAY IS NOT
6 TRUE. I --

7 THE COURT: HOLD ON A SECOND.

8 THE CLERK: DO I NEED TO SWEAR THEM IN?

9 THE COURT: NO. NO. THIS IS ARGUMENT. THIS
10 IS NOT TESTIMONY. SO YOU DON'T NEED TO BE SWORN IN.
11 YOU'VE GIVEN ME ALL YOUR TESTIMONY IN --

12 THE PETITIONER: I'LL SWEAR IN.

13 THE COURT: IT'S OKAY.

14 THE PETITIONER: IN FACT, I WOULD LIKE TO
15 SWEAR IN.

16 THE COURT: NO, YOU'RE NOT. YOU'RE NOT GIVING
17 ME EVIDENCE. YOU'RE ARGUING YOUR CASE.

18 THE PETITIONER: BUT I JUST -- BECAUSE I'M NOT
19 AN OFFICER OF THE COURT AND I AM -- MY UNDERSTANDING
20 IT'S ASSUMED THAT AN OFFICER OF THE COURT MIGHT HAVE
21 A -- THE IDEA THAT THEY'RE SUPPOSED TO BE TRUTHFUL.
22 BUT AS A PRO PER I'M NOT SO I'M GOING TO SAY ON THE
23 HOLY BIBLE --

24 THE COURT: NOT NECESSARY.

25 THE PETITIONER: -- IN JESUS CHRIST'S NAME I'M
26 TELLING THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
27 TRUTH.

28 THE COURT: I ACCEPT THAT BUT GO AHEAD. NO

1 NEED TO DO IT. WHAT I'M LOOKING FOR IS YOUR INCOME AND
2 EXPENSE DECLARATION. KEEP TALKING, PLEASE.

3 THE PETITIONER: SO I'M -- A TRUSTEE IS AN
4 OFFICER. IT'S LIKE SAYING IF SOMEBODY WORKS AT
5 STARBUCKS THAT IF YOU SUE STARBUCKS AND WIN A JUDGMENT,
6 THAT YOU CAN THEN GO AFTER AN EMPLOYEE.

7 I'M AN EMPLOYEE FOR A.T.W., AN IRREVOCABLE
8 TRUST. AND THIS WAS SET UP IN 2012 AND LONG BEFORE ANY
9 OF THIS -- ANY OF THESE THINGS STARTED HAPPENING WHICH
10 STARTED IN -- YOU KNOW, THE -- THE MAJOR -- THE SEXUAL
11 ASSAULT OF OLSON IN MAY OF 2015. SO -- WHICH KIND OF
12 STARTED THE WHOLE PROBLEM.

13 SO -- SO THE IDEA THAT, YOU KNOW, BECAUSE YOU
14 THINK A TRUSTEE IS AN OWNER, IT'S NOT. I HAVE NO
15 RIGHTS TO TAKE ANY MONEY OUT OF THE TRUST. I, WITH TWO
16 OTHER PEOPLE, MANAGE IT TO MAKE SURE THAT HOA AND
17 PROPERTY TAXES ARE PAID. AND, YOU KNOW, I HAVE DUTIES,
18 AND THEN THE TRUST PASSES ON TO -- IT'S IN AN
19 INSTITUTION. IT JUST GOES ON TO PEOPLE WHO ARE PART OF
20 THAT INSTITUTION.

21 SO THAT'S A HUGE ISSUE THAT IT'S
22 MISUNDERSTANDING THAT I HAVE THE ABILITY TO PAY.

23 ALSO I -- YOU KNOW, BECAUSE OF THESE CAR
24 ACCIDENTS -- AND RIGHT AFTER I FILED THE APPEAL ON THIS
25 CASE, MYSTERIOUSLY A WHITE TRUCK RAMMED INTO THE UBER I
26 WAS IN AND LEFT THE SCENE. THERE'S A POLICE REPORT.
27 SO IT WAS A HIT-AND-RUN.

28 AND I'M IN A -- IN A LOT OF PAIN AND I'M

1 SEEING A DOCTOR. AND I'VE BEEN GIVEN A DOCUMENT FROM
2 MY NEUROLOGIST NOT TO WORK. AND SO -- AND THEN, YOU
3 KNOW, I HAD OTHER HEALTH PROBLEMS EARLIER WITH A MAJOR
4 CAR ACCIDENT IN 2013 THAT REALLY HURT MY LOWER SPINE
5 WHICH THEN GOT AFFECTED AGAIN.

6 SO I'VE HAD HEALTH PROBLEMS, AND SO THAT'S --
7 SO THE IDEA THAT I HAVE THE ABILITY TO PAY, I DON'T. I
8 MEAN -- SO, YOU KNOW, THAT'S THE SITUATION WITH THAT.

9 NEXT -- OKAY. I THOUGHT I PUT SOMETHING
10 EITHER IN A DECLARATION OR SOME DOCUMENT FROM GALPERIN,
11 AND I WOULD ASK THE COURT TO CONSIDER THAT BECAUSE THE
12 COURT SHOULD KNOW THAT NO ATTORNEY WORKS FOR FREE. AND
13 GALPERIN, WHEN HE -- I THOUGHT I PUT IT -- I THOUGHT
14 I -- SOMEWHERE IN THESE PAPERS SUBMITTED A DOCUMENT HE
15 GAVE ME OR SOME SORT OF BILL FROM HIM. MAYBE IT GOT
16 MIXED IN WITH THE KANANI THINGS BUT HE --

17 THE COURT: THIS WOULD BE IN YOUR MOTION FOR
18 ATTORNEY'S FEES?

19 THE PETITIONER: YEAH. IT MIGHT HAVE GOTTEN
20 MIXED UP WITH THE KANANI, BUT IT WAS -- OR MAYBE IT WAS
21 AN OVERSIGHT. BUT MR. GALPERIN, HE CHARGED ME A FLAT
22 FEE OF 300 -- \$3,500, AND IT'S REASONABLE BECAUSE, WHEN
23 I FIRST STARTED LOOKING AT THESE TYPES OF ATTORNEYS WHO
24 SPECIALIZE IN THIS, THEY BASICALLY SAY THEY DO A FLAT
25 FEE BETWEEN 35 TO 5, MAYBE 10.

26 AND THE EXTRAORDINARY, YOU KNOW, PROBLEMS WITH
27 THIS CASE, KANANI DIDN'T WANT TO DO A FLAT FEE. BUT
28 GALPERIN DID DO A FLAT FEE. SO I WOULD ASK THE COURT

1 TO REASONABLY CONSIDER NO ATTORNEY IS GOING TO WORK FOR
2 FREE.

3 THE COURT: I JUST LOOKED AGAIN THROUGH YOUR
4 MOTION FOR ATTORNEY'S FEES, AND I DID NOT SEE A
5 GALPERIN DECLARATION.

6 THE PETITIONER: OKAY.

7 THE COURT: THERE'S INSUFFICIENT FACTUAL
8 SUPPORT FOR THAT REQUEST. THAT'S WHAT I SAID.

9 THE PETITIONER: I UNDERSTAND BUT I'M ASKING
10 THE COURT TO ADD IT, GRANT IT, BECAUSE IT WAS AN
11 OVERSIGHT PUTTING IT IN THERE. I REMEMBER HIM SENDING
12 ME SOMETHING LIKE A DECLARATION. AND MAYBE IT WAS
13 MENTIONED IN MY MOVING PAPERS AND MY -- BUT SOMEHOW IT
14 DIDN'T GET IN THERE.

15 THE COURT: IT DEFINITELY WAS MENTIONED.
16 THAT'S WHY I BRING IT UP.

17 THE PETITIONER: RIGHT.

18 THE COURT: BECAUSE YOU'RE ASKING FOR IT,
19 YOU'RE ASKING FOR THE AWARD, BUT THERE'S INSUFFICIENT
20 EVIDENCE TO SUPPORT IT.

21 THE PETITIONER: OKAY. I UNDERSTAND THERE'S
22 INSUFFICIENT EVIDENCE, BUT I WOULD ASK THE COURT TO
23 RECONSIDER THAT IN LIGHT OF THE FACT THAT ATTORNEYS
24 WOULDN'T WORK FOR FREE AND IT WAS -- I'M SORRY -- IT
25 WAS AN OVERSIGHT THAT THAT -- HIS BILL WASN'T IN THERE.
26 BUT I DID PAY HIM THAT.

27 THE COURT: OKAY. OTHER POINTS TO ARGUE?

28 THE PETITIONER: YEAH. LET ME GO THROUGH. I

1 WANT TO STEP BACK A MOMENT AND LOOK AT A COUPLE OF
2 THINGS HERE.

3 THE IDEA THAT A LOT OF OLSON'S PAPERS KIND OF
4 WAS BLAMING ME FOR MAKING THE CASE -- DRAWING THE CASE
5 OUT OR CREATING A LOT OF -- THAT THE CASE WAS GOING TO
6 GO ON LONGER THAN IT SHOULD HAVE. AND I JUST WANT TO
7 OBJECT TO THOSE THINGS AND IF THAT HAD ANY BEARING ON
8 THE WAY YOU LOOKED AT THIS BECAUSE A LOT OF THE THINGS
9 THAT I MENTIONED IN MY PAPERS -- MY MOVING PAPERS WAS
10 THAT HE WAS -- HE WAS THE ONE WHO ASKED FOR A
11 THREE-MONTH DELAY TO GO TO JAMS TO THE MEDIATION. HE
12 WAS THE ONE WHO TRIED TO REOPEN DISCOVERY, AND IT WAS
13 ULTIMATELY DENIED. SO HE WAS THE ONE WHO ASKED FOR AN
14 EXTENSION WITH GOLDBERG.

15 SO HE WAS DOING A LOT OF THINGS -- IT'S NOT
16 FAIR FOR HIM TO SORT OF SAY I WAS THE PROBLEM.

17 THE COURT: SO LET ME PERHAPS EXPLAIN A LITTLE
18 MORE. THAT MAY HELP ANSWER THAT QUESTION. IF IT
19 DOESN'T, TELL ME. PART OF THE -- PART OF THE BILLS
20 THAT I ATTACKED THE MOST WERE THOSE THAT PERTAINED TO
21 WHAT I FOUND TO BE EXORBITANT, UNNECESSARY, AND
22 UNREASONABLE EXPENSES TO DO RESEARCH AND PRESENT TO THE
23 COURT DISCOVERY REQUESTS WHEN --

24 THE PETITIONER: OKAY.

25 THE COURT: I ALLOWED SOME OF THAT BECAUSE AN
26 ATTORNEY ON BEHALF OF A CLIENT IS ALLOWED TO
27 INVESTIGATE IT. YOUR ATTORNEY RESPONDED TO IT AND
28 PRESENTED ARGUMENTS IN COURT, AND HE HAD TO DO

1 COMMENSURATE LEGAL WORK AS WELL. SO THAT WAS ALLOWED
2 TO A DEGREE.

3 IN THE CIVIL HARASSMENT CASES, THERE JUST IS
4 NO DISCOVERY. IT MAY EXPLAIN IN PART WHY THERE WAS
5 SUCH A LONG, UNNECESSARY, AND NEEDLESS DELAY FOR THIS
6 CASE TO GET TO HEARING. PART OF THAT IS ON THE COURT
7 FOR THE DELAY IN GETTING IT SCHEDULED. WE TAKE
8 OWNERSHIP OF THAT DELAY.

9 BUT THE OTHER DELAYS -- I QUESTIONED MANY
10 TIMES AT THE HEARING WHY IT TOOK SO LONG.

11 THE PETITIONER: SO IT --

12 THE COURT: I DID TAKE THAT INTO ACCOUNT IN
13 PART AS PART OF MY REDUCTION OF THE BUCHALTER BILLS.
14 WHAT WAS THE OTHER POINT YOU SAID? ABOUT ATTACKING YOU
15 FOR DELAYING THE THING AND GOING FORWARD?

16 THE PETITIONER: RIGHT.

17 THE COURT: I THINK THERE WAS ON BALANCE MORE
18 OF YOUR LITIGATION TACTICS IN PRESENTING EVIDENCE AT
19 THE LAST MINUTE, IN PRESENTING EVIDENCE OR TRYING TO
20 SERVE PAPERS AT THE MEDIATION, FOR EXAMPLE, THINGS THAT
21 REQUIRED EX PARTE RELIEF -- I THINK THAT CONDUCT WAS
22 MOSTLY ON YOUR SIDE OF THIS CASE. SO IT'S REASONABLE
23 AND APPROPRIATE FOR THE OPPOSING SIDE TO HAVE TO
24 ADDRESS IT.

25 IT WAS NOT TO THE PLACE WHERE I FOUND IT TO BE
26 EGREGIOUS OR OVERWROUGHT EXCEPT THAT THIS ENTIRE CASE
27 TOOK TOO LONG TO GET TO THE HEARING. AND THAT MAY
28 EXPLAIN IN PART WHY THERE WAS SO MUCH LEAD UP

1 LITIGATION -- TOO MUCH LEAD UP LITIGATION ON BOTH
2 SIDES.

3 AND IF THERE'S ANY BALANCE, MY VIEW FROM THE
4 EVIDENCE SUBMITTED IN THESE MOTIONS IS THAT ON BALANCE
5 MORE OF THAT CONDUCT WAS CAUSED BY YOU AND YOUR
6 ATTORNEY REQUIRING THE OTHER SIDE TO RESPOND TO IT.

7 THE PETITIONER: OKAY. I OBJECT TO THAT.

8 THE COURT: IT'S NOT LIKE AN IMBALANCE.

9 THE PETITIONER: RIGHT.

10 THE COURT: IT'S SLIGHTLY TIPPED IN FAVOR OF
11 THE OTHER SIDE.

12 THE PETITIONER: OKAY. WELL, I OBJECT TO
13 THAT. AND ONE OF THE THINGS I WANT TO PUT ON THE
14 RECORD HERE IS THAT THERE'S BEEN HALF A DOZEN OR MORE
15 ATTORNEYS -- I MEAN JUDGES INVOLVED IN THIS CASE AND
16 THE OTHER CASES. AND JUDGE ROSENBERG IN ONE OF THE
17 CIVIL CASES, NOT THE RESTRAINING ORDER CASE --

18 THE COURT: CORRECT.

19 THE PETITIONER: -- HE ORDERED ME TO SERVE
20 OLSON AT THE JAMS AND PARTIES THAT WERE INVOLVED. HE
21 GAVE ME AN ORDER BECAUSE WE WERE HAVING A HARD TIME
22 SERVING HIM. AND SO HE TOLD ME THAT -- I ASKED HIM
23 PERMISSION WHEN I WAS IN FRONT OF HIM IF I COULD SERVE
24 HIM AT THE MEDIATION.

25 AND HE SAID, WELL, IF YOU DON'T --

26 I SAID WE'RE GOING TO MEDIATION.

27 HE GOES, IF YOU DON'T RESOLVE IT, I WANT YOU
28 TO TAKE THAT OPPORTUNITY TO SERVE HIM.

1 SO IT'S UNFAIR TO SORT OF SAY YOU WERE SERVING
2 SOMEONE, BUT THAT WAS SOMETHING THE JUDGE REQUESTED
3 THAT I DO.

4 THE COURT: THE ARGUMENT MADE BY MR. KENNEDY
5 IS NOT THAT. THE ARGUMENT MADE BY MR. KENNEDY IS THAT
6 THE MEDIATION PROCESS WAS NOT PARTICIPATED IN IN GOOD
7 FAITH BUT WAS ARRANGED FOR THE PURPOSE OF CAUSING
8 SERVICE TO BE HAD WHICH IS A LITIGATION TACTIC THAT
9 INCREASED THE COST, INCREASED THE AMOUNT OF FEES THAT
10 HAD TO COME FROM THE OTHER SIDE TO MATCH THAT EFFORT.
11 THAT'S MY POINT.

12 THE PETITIONER: WELL, WHAT HAPPENED WAS THAT
13 WE -- SOME OF THE PEOPLE SERVED DIDN'T KNOW WE WERE
14 GOING TO SERVE THEM BECAUSE WE DIDN'T KNOW THEY WERE
15 THERE. THAT JUST HAPPENED BY ACCIDENT WHEN WE
16 DISCOVERED WE WERE THERE BECAUSE THEY HAD BEEN DODGING
17 SERVICE.

18 SO THE OTHER THING IS THAT WE DID GO INTO
19 MEDIATION IN GOOD FAITH. AND I'M ABSOLUTELY -- I
20 WENT -- I'VE WANTED TO SETTLE THIS CASE. WE'VE BEEN
21 WANTING TO SETTLE IT. THEY GIVE OFFERS AND TAKE THE
22 OFFERS BACK. SO IT MAKES IT VERY CONFUSING.

23 THE COURT: OKAY.

24 THE PETITIONER: AND OKAY. SO I'LL GO ON WITH
25 MY POINTS.

26 THE COURT: OKAY. GO AHEAD.

27 THE PETITIONER: OKAY. SO -- AND, YOU KNOW,
28 AS FAR AS THIS TIPPING THE SCALE ONE SIDE TO SIDE, THE

1 FACT THAT THEY DID NOT GIVE ME THE VIDEO AND WE HAD TO
2 GO THROUGH SO MUCH LITIGATION TO FINALLY GET IT, THAT
3 WAS ON THEM. THE FACT THEY WANTED -- YOU KNOW, SO
4 THAT -- THERE WAS SOME THINGS THAT WERE -- I MEAN I
5 WOULD LOOK AT IT THAT WAS TIPPED ON THEIR SIDE TO GO
6 THROUGH EVERYTHING.

7 NEXT -- ONE SECOND. OKAY. ONE OF THE THINGS
8 THAT OLSON SAYS -- I JUST WANT TO GO THROUGH -- SOME OF
9 THE -- SOME STATEMENT OF FACTS I HAVE TO RECTIFY HERE
10 IS THAT THE PETITIONER IN THE LARGER CASE ASKED FOR
11 MILLIONS OF DOLLARS OF MONEY.

12 HOWEVER, IF YOU LOOK AT BOTH OF THE
13 COMPLAINTS, IT JUST SAYS THAT WHATEVER AMOUNT IS TO BE
14 AWARDED WOULD BE AWARDED BY THE JURY. THERE WAS NEVER
15 ANY MENTION FOR MILLIONS OF DOLLARS. SO I DON'T REALLY
16 KNOW WHERE HE GETS THAT. THAT WAS JUST MADE UP. I
17 DIDN'T ASK FOR MILLIONS OF DOLLARS.

18 AND HE STATED THAT IN COURT HERE TOO. AND I
19 NEVER ASKED FOR MILLIONS OF DOLLARS. THE LAWSUITS
20 STATE THAT THE AMOUNT IS TO BE DETERMINED BY A JURY.

21 THE COURT: HAVE THOSE LAWSUITS GONE TO TRIAL
22 YET?

23 THE PETITIONER: NO. THEY'VE BEEN STAYED.

24 THE COURT: OKAY.

25 THE PETITIONER: OKAY. THEN THERE'S THIS
26 MENTION THERE'S BEEN NO DISCOVERY IN THE BIGGER TRIAL,
27 BUT DISCOVERY WAS STAYED. SO THAT'S NOT FAIR. HE
28 CRITICIZES ME I HAVE NO EVIDENCE OR ANYTHING, BUT WE

1 HAVEN'T EVEN HAD REAL DISCOVERY IN THE BIG CASE BECAUSE
2 IT'S BEEN STAYED.

3 THEN HE MENTIONS THAT I VOLUNTARILY DISMISSED
4 THE FIRST RESTRAINING ORDER I FILED IN 2015. THAT'S A
5 MISCHARACTERIZATION BECAUSE I AGREED TO SUBSTITUTE A
6 MUTUAL MEDIATED AGREEMENT, BUT I DID SO UNDER DURESS
7 BECAUSE I HAD NO ATTORNEY AND IT WAS A HORRIBLE
8 SITUATION.

9 AND WHEN WE DID THAT MEDIATED MUTUAL
10 AGREEMENT, HE USES THAT TO BRING UP THAT I'M LITIGIOUS
11 AND TRYING TO WHAT THEY CALL POISON THE WELL, MAKE AN
12 ACCUSATION THAT I'M A FICTITIOUS [SIC] LITIGANT? IS
13 THAT THE RIGHT WORD?

14 AND -- BUT AS A JUDGE IN THESE TYPES OF CASES,
15 RESTRAINING ORDER CASES, YOU WOULD KNOW THAT A MEDIATED
16 MUTUAL STAY-AWAY WITH A NONDISPARAGE DOES NOT STRIP A
17 PERSON'S CONSTITUTIONAL RIGHT TO REDRESS THEIR
18 GRIEVANCES OF LAW IN A -- THE GRIEVANCES IN A COURT OF
19 LAW.

20 WHEN YOU GET A RESTRAINING ORDER, YOU DON'T
21 WALK AWAY WITH THE RELEASE OF YOUR RIGHTS TO SUE
22 SOMEBODY FOR MONETARY DAMAGES. WHEN YOU GET A -- IN
23 THE SAME COURT WHEN YOU GET A MUTUAL STAY-AWAY, THESE
24 TYPICAL PRE-SIGNED MUTUAL STAY-AWAY OR SOMETHING
25 WRITTEN TO SIMULATE A MUTUAL STAY-AWAY NONDISPARAGE,
26 YOU'RE NOT GIVING UP YOUR RIGHT TO SUE THE PERSON
27 LATER. I MEAN IT STATES THAT IN ALL THE DOCUMENTS.
28 SO --

1 THE COURT: FOR DIFFERENT OR NEW FACTS WHICH I
2 THINK IS WHAT WE -- WHAT I DETERMINED WAS THE --

3 THE PETITIONER: NO. NO. THAT WAS THE --

4 THE COURT: -- WAS THE UNDERLYING THING GOING
5 ON HERE. THESE WERE NEW FACTS.

6 THE PETITIONER: BUT THAT'S FOR THE
7 RESTRAINING ORDER. BUT YOU'RE SAYING I STILL HAVE A
8 RIGHT BECAUSE YOU SAID ON THE RECORD THAT HE -- THAT HE
9 WAS TRYING TO SAY I'M LITIGIOUS, AND SO YOU SAID NO,
10 THAT YOU'RE CHILLING HER RIGHT. THAT'S THE WAY SHE HAS
11 TO ADDRESS HER GRIEVANCES. EVEN IF I HAVE A MUTUAL
12 STAY-AWAY AGREEMENT, I CAN STILL HAVE A LAWSUIT IN A
13 CIVIL CASE FOR -- LIKE IN FRONT OF CARLIN FOR MONETARY
14 DAMAGES.

15 THE COURT: I UNDERSTAND.

16 THE PETITIONER: IS THE COURT IN AGREEMENT?

17 THE COURT: I UNDERSTAND YOUR ARGUMENT.

18 THE PETITIONER: ARE YOU IN AGREEMENT WITH
19 THAT?

20 THE COURT: IT'S NOT FOR ME TO AGREE OR
21 DISAGREE WITH IT.

22 THE PETITIONER: BUT YOU MADE THE STATEMENT --

23 THE COURT: THE QUESTION IS WHETHER IT CAUSES
24 THERE TO BE MORE LITIGATION AND MORE ATTORNEYS' FEES
25 AND COSTS IN THIS CASE.

26 THE PETITIONER: WELL, DOES IT -- DOES IT
27 AFFECT YOUR VIEW OF ME AS BEING A LITIGIOUS PERSON?
28 THAT'S WHAT I'M -- HE'S TRYING TO MAKE A STATEMENT THAT

1 YOU SHOULD LOOK AT THIS IN A CERTAIN WAY.

2 THE COURT: I THINK AS I SAID ON BALANCE THE
3 LITIGATION EMANATED MOST -- MORE FROM YOUR SIDE THAN IT
4 DID FROM THE OTHER SIDE, AND THE OTHER SIDE'S
5 LITIGATION EFFORTS WERE TO DEFLECT THE LITIGATION
6 EFFORTS FROM YOUR SIDE, NOT BY A SWEEPING MARGIN BUT BY
7 A SMALL MARGIN.

8 THE PETITIONER: OKAY. LET'S GO THROUGH THAT.
9 OLSON BLAMES ME BUT HE WAS PROMOTING -- BUT HE WAS --
10 HE WAS PROMOTING ACTIONS THAT FORCED ME TO DO
11 SOMETHING. FOR EXAMPLE, ONE OF THE THINGS HE DID WAS
12 HE DECIDED TO DO SELF-HELP AND -- WHILE THE LARGER CASE
13 WAS STAYED, HE DID SELF-HELP IN USING HIS POSITION IN
14 THE HOMEOWNERS ASSOCIATION TO HAVE MY BELONGINGS THROWN
15 OUT OF THE BASEMENT WHICH HE SHOULDN'T HAVE DONE.

16 THAT WAS SELF-HELP, AND THAT FORCED MY HAND TO
17 DO -- TO DO A MOTION TO TRY TO STOP THAT. AND SO --
18 AND IT SEEMED LIKE A REPEAT FROM 2015 BECAUSE HE TRIED
19 TO DO THAT IN 2015, BUT HE DID IT AGAIN LATER IN 2018.
20 SO HE WAS REPEATING SOME OF THE SAME ACTIONS, AND SO I
21 WAS FORCED TO DO SOMETHING.

22 SO THERE WAS -- SO I WAS BASICALLY RESPONDING
23 TO HIM ATTACKING ME AND DOING WHAT I NEEDED TO DO OR I
24 WAS TRYING TO STOP HIM. LIKE WHEN HE DID THE
25 SUBPOENAS, WE HAD TO DO SOMETHING. WE EITHER HAD TO
26 COMPLY WITH THE SUBPOENA OR WE HAD TO DO SOMETHING TO
27 STOP IT.

28 SO WE WOULDN'T HAVE DONE ANYTHING IF HE HADN'T

1 TRIED TO REOPEN DISCOVERY. SO THERE'S A LOT OF THINGS
2 HE WAS DOING THAT WAS FORCING MY HAND. IT MIGHT LOOK
3 LIKE I'M DOING TACTICS, BUT ACTUALLY HE'S FORCING MY
4 HAND TO DO SOMETHING IN LIKE A PASSIVE AGGRESSIVE WAY.

5 SO -- OKAY. SO -- ONE SECOND. I WANT TO
6 MENTION THE NO SPECIAL CIRCUMSTANCE AND UNJUST. HE
7 SAYS THAT THE SERRANO VS. UNRUH --

8 THE COURT: SPELL THOSE NAMES, PLEASE.

9 THE PETITIONER: S-E-R-R-A-N-O.

10 THE COURT: SERRANO.

11 THE PETITIONER: SERRANO VS. U-N-R-U-H.

12 THE COURT: OKAY.

13 THE PETITIONER: THAT THAT SHOULDN'T APPLY,
14 BUT I'M ASKING THE COURT TO APPLY IT BECAUSE THE COURT
15 IS ACTUALLY AWARDING ME MORE THAN I ASKED FOR. BUT THE
16 COURT IS STRIPPING \$31,877 OFF OF HIS ATTORNEY'S FEES
17 MOTION BECAUSE YOU FELT THAT WAS TOO MUCH. SO --

18 THE COURT: WELL, IT WAS NOT REASONABLE AND
19 NOT NECESSARY.

20 THE PETITIONER: RIGHT.

21 THE COURT: SAME ON YOUR SIDE. 6,790 I THINK
22 IT WAS.

23 THE PETITIONER: SO -- BUT HIS 318 -- 31,877
24 IS A NUMBER THAT I FEEL SHOULD -- YOU SHOULD CONSIDER
25 THE SERRANO VS. UNRUH -- IS THAT HOW YOU PRONOUNCE IT?

26 THE COURT: OKAY.

27 THE PETITIONER: THAT YOU SHOULD CONSIDER THAT
28 BECAUSE THAT'S -- YOU KNOW, THE NUMBER IS JUST TOO

1 HIGH.

2 THE COURT: HERE'S THE STANDARD THE COURT
3 APPLIES: IN DETERMINING WHAT'S REASONABLE AND
4 NECESSARY, BOTH SIDES CITED THE CORRECT LAW WHICH IS
5 THAT THE COURT IS VESTED WITH WIDE DISCRETION AND MUST
6 EXERCISE ITS REASON. AND THE COURT EXERCISED THAT
7 REASON BY READING THE DECLARATIONS WHICH TALKED ABOUT
8 THE ATTORNEYS' QUALIFICATIONS TO HANDLE THESE CASES,
9 THE SKILL, EXPERIENCE NECESSARY, AND THE TRAINING
10 REQUISITE TO HANDLE, THE BILLING RATES THAT WERE
11 REASONABLE WITHIN THE COMMUNITY.

12 BOTH SIDES WERE PERSUASIVE IN THAT EFFORT.
13 AND THEN THE COURT LOOKED AT THE BILLING STATEMENTS
14 LINE BY LINE, BOTH SIDES, AND WENT THROUGH THEM LINE BY
15 LINE AND PULLED OUT THOSE THINGS THAT WERE DUPLICATIVE,
16 UNNECESSARY TO OTHER ISSUES THAT ARE NOT BEFORE THE
17 COURT.

18 SO I DID THAT AND DID THAT IN A VERY DETAILED
19 AND PAINSTAKING WAY. SO THIS IS WHAT THE STANDARD IS
20 FOR THE REASONABLENESS AND NECESSITY OF FEES.

21 THE PETITIONER: OKAY. I'M GOING TO WRAP UP
22 WITH THESE LAST FEW COMMENTS.

23 THE COURT: THANK YOU.

24 THE PETITIONER: THAT I -- YOU DO HAVE THE --
25 THE COURT DOES HAVE THE DISCRETION TO COMPLETELY DENY
26 OLSON'S REQUEST FOR FEES BASED ON THE SERRANO UHRUH
27 CASE. THE PETITIONER, MYSELF, IS INDIGENT, AND THE
28 GROSS DISPARITY OF OLSON'S FINANCIAL STATUS IS A

1 SEPARATE SPECIAL CIRCUMSTANCE.

2 THE COURT: OKAY.

3 THE PETITIONER: BEING A TRUSTEE OF AN
4 INSTITUTION A.T.W. DOES NOT MAKE ME AN OWNER. AND THAT
5 WAS I SAID FILED -- THAT WAS CREATED IN JANUARY 1ST,
6 2012. UNFORTUNATELY THERE WERE SOME PROBLEMS THAT IT
7 DIDN'T GET FILED UNTIL LATER, BUT IT WAS FILED LONG
8 BEFORE ANY OF THIS FROM EITHER SIDE TOOK PLACE.

9 AS YOU KNOW, THE CIVIL HARASSMENT RESTRAINING
10 ORDER MATTERS, BY LAW AND CUSTOM, ARE TRUNCATED, BRIEF,
11 AND DO NOT INVOLVE DEPOSITIONS OR OTHER HUGE EXPENSES
12 BY LARGER CIVIL CASES.

13 OLSON'S COUNSEL AND THEIR ALLIES SPECIFICALLY
14 SET OUT TO LITIGATE THIS SMALL MATTER SO AS TO
15 UNNECESSARILY PROLONG IT, DELAY IT -- THE TRIAL DATE
16 FOR MANY MONTHS AND THEREAFTER BUCHALTER, BEING A HUGE
17 FIRM HAD, YOU KNOW, BIG FIRM EXPENSES.

18 THE COURT: CORRECT. AND THE COURT TOOK THAT
19 INTO ACCOUNT BY NOT ALLOWING FOR THE DUPLICATIVE,
20 UNNECESSARY REPETITIVE TASKS THAT WERE IN MANY OF THE
21 BILLING STATEMENTS. I STRUCK THOSE OUT, DID NOT ALLOW
22 THOSE WHERE ONE ATTORNEY, FOR EXAMPLE, WOULD TALK TO
23 ANOTHER ATTORNEY ABOUT STRATEGY ON A WITNESS LIST OR
24 SOMETHING LIKE THAT.

25 I'M USING A POOR EXAMPLE BUT THERE'S JUST --
26 THERE'S TASK AFTER TASK I FOUND THAT WAS UNNECESSARY,
27 DUPLICATIVE.

28 THE PETITIONER: SO --

1 THE COURT: MR. OLSON IS ENTITLED TO HAVE
2 LEGAL COUNSEL THAT HE CHOOSES.

3 THE PETITIONER: WILL I HAVE A CHANCE TO SPEAK
4 AGAIN?

5 THE COURT: YES.

6 THE PETITIONER: OKAY. SO I'LL LET IT GO FOR
7 NOW.

8 THE COURT: THANK YOU. MR. KENNEDY, YOUR
9 ARGUMENT.

10 MR. KENNEDY: THANK YOU, YOUR HONOR.

11 I'M GOING TO TRY TO FOCUS MY COMMENTS ON
12 ARGUMENTS THAT SHE MADE THAT WERE NOT ALREADY IN THE
13 BRIEFS, AS I -- I KNOW THAT THE COURT ALREADY READ THAT
14 INFORMATION AND THIS DECISION WAS BASED ON WHAT IT
15 READ.

16 TO ADDRESS THE FIRST ISSUE ABOUT OWNERSHIP OF
17 THE CONDO, FOR SEVERAL YEARS NOW MS. AARONOFF HAS BEEN
18 IN LITIGATION WITH MR. OLSON AND HAS REPRESENTED
19 REPEATEDLY SHE OWNS THIS CONDO, THAT IT IS HER CONDO,
20 AND WE ARE TAKING HER AT HER WORD.

21 WE PROVIDED TO THE COURT A DECLARATION THAT
22 ILLUSTRATES THE OWNERSHIP OF THE CONDO HISTORICALLY
23 WHICH WE KNOW THAT THE COURT REVIEWED AND CONSIDERED.
24 SO WE FEEL THAT THE RECORD SPEAKS FOR ITSELF IN TERMS
25 OF OWNERSHIP AND AS IT RELATES TO HER ABILITY TO PAY.

26 I DON'T WANT TO GET INTO SOME OF THE DETAILS
27 OF WHO IS -- WHO IS MORE OR LESS RESPONSIBLE FOR THE
28 UNUSUAL COSTS IN THIS CASE. I FEEL LIKE THE COURT

1 ADDRESSED THAT VERY WELL.

2 I WOULD LIKE TO ADDRESS THE NOTION THAT THERE
3 WAS ANY FRAUD OR STRATEGY THAT WAS ASSOCIATED WITH
4 THE MEDIATION AND THE IDEA THAT WE HAVE SOMEHOW
5 MISREPRESENTED TO THE COURT THAT CIVIL CASES WERE WORTH
6 MILLIONS OF DOLLARS. ALL WE'RE DOING IS RESTATING
7 INFORMATION THAT HAS BEEN PROVIDED TO US.

8 I'M NOT GOING TO GET INTO THE DETAILS OF THE
9 COMMUNICATIONS THAT WERE MADE IN THE CONTEXT OF
10 MEDIATION OR SETTLEMENT, BUT THIS INFORMATION WAS
11 PROVIDED TO US PREVIOUSLY.

12 MS. AARONOFF MENTIONS THIS NOTION OF
13 ADDITIONAL EXPENSES IN CONNECTION WITH THE VIDEO.
14 MR. OLSON WAS NOT INVOLVED IN ANY DIRECT WAY IN HER
15 REQUEST FOR VIDEO FOOTAGE. AND, AS THE COURT WILL
16 REMEMBER, THE VIDEO WAS PLAYED AT TRIAL, AND IT DIDN'T
17 PROVE ANYTHING.

18 THE COURT HAS ALSO -- ALSO WEIGHED IN ON THIS
19 IDEA THAT THE 2015 RESTRAINING ORDER IS SOMEHOW
20 RELEVANT AND FINDING THAT IT IS NOT.

21 WE ALSO RESPONDED TO THIS IDEA OF SELF-HELP
22 WHICH TWO COURTS RULED ON HER REQUEST TO CONTINUE
23 HAVING HER PROPERTY ON MR. OLSON'S PROPERTY WITHOUT
24 APPROVAL. BOTH OF THOSE REQUESTS WERE DENIED.

25 THE PETITIONER: EXCUSE ME?

26 MR. KENNEDY: WHAT I REALLY WANT TO --

27 THE COURT: I'M SORRY. WHAT?

28 THE PETITIONER: COULD YOU REPEAT THAT?

1 THE COURT: COULD YOU JUST REPEAT YOUR
2 STATEMENT.

3 MR. KENNEDY: TWO COURTS RULED ON HER REQUEST
4 TO LEAVE HER PROPERTY ON MR. OLSON'S PROPERTY WITHOUT
5 HIS APPROVAL AND DENIED HER REQUEST.

6 THE PETITIONER: LEAVE HER PROPERTY?

7 THE COURT: HOLD ON.

8 THE PETITIONER: I DON'T UNDERSTAND.

9 THE COURT: SO LET HIM ARGUE.

10 THE PETITIONER: OKAY.

11 MR. KENNEDY: WHAT I'D REALLY LIKE TO FOCUS ON
12 FOR A MOMENT, YOUR HONOR, IS THIS IDEA -- AND I
13 APOLOGIZE IF THERE WAS CONFUSION IN OUR BRIEFS. I DID
14 NOT INTEND TO CONFUSE THE COURT. WE DID NOT ASK FOR
15 OUR FEES IN CONNECTION WITH BOTH -- BOTH APPLICATIONS.
16 WE ACTUALLY DID -- WERE VERY CONSCIENTIOUS AND
17 INTENTIONAL ABOUT MAKING SURE WE BILLED OUR TIME TO THE
18 SPECIFIC MATTER, AND THE COURT SAID IT WAS UNREASONABLE
19 TO THINK THAT YOU COULD PARSE THAT OUT.

20 AND RESPECTFULLY WE DID THAT. WE, IN FACT,
21 OPENED TWO SEPARATE MATTERS AT THE FIRM. ONE WAS TO
22 BILL FOR OUR DEFENSE OF HER APPLICATION, AND ONE WAS TO
23 BILL FOR OUR PROSECUTION OF MR. OLSON'S APPLICATION.
24 WE DID NOT INCLUDE THE LATTER IN OUR REQUEST FOR FEES
25 ON ANY LEVEL.

26 SO WHAT THE COURT LOOKED AT WAS EXCLUSIVELY
27 OUR DEFENSE -- OUR SUCCESSFUL DEFENSE OF HER
28 APPLICATION. I APPRECIATE THE COURT SPENT A LOT OF

1 TIME GOING THROUGH THE BILLS, AND I'M NOT GOING TO
2 ARGUE ABOUT THE AMOUNTS. I'M GOING TO -- I DEFER TO
3 THE COURT AND ITS JUDGMENT IN CASES LIKE THIS.

4 I WOULD LIKE TO POINT OUT, HOWEVER, THAT
5 IMPORTANT DISTINCTION BECAUSE I THINK, IF WE CONFUSED
6 THE ISSUE FOR THE COURT, THAT LED TO THE COURT'S
7 DECISION TO APPLY ALL OF HER FEES TO GIVE HER -- TO USE
8 HER -- THE ENTIRETY OF HER FEES AS THE POTENTIAL POOL
9 FOR AN AWARD WHICH I THINK ISN'T WHAT WE DID.

10 WE TRIED TO MAKE SURE THAT WE WERE VERY
11 SPECIFIC ABOUT THAT, AND THAT'S WHY IN OUR BRIEF, WHEN
12 WE ATTEMPTED TO POINT OUT TO THE COURT THAT, AFTER
13 LOOKING AT THE OVER 500 PAGES OF TRANSCRIPT THAT
14 RELATED TO THE HEARING, WE VERY SPECIFICALLY LOOKED FOR
15 AREAS OF TESTIMONY THAT RELATED TO HER DEFENSE OF
16 MR. OLSON'S APPLICATION, AND WE GAVE HER THE BENEFIT OF
17 THE DOUBT AND SAID ABOUT 10 PERCENT OF THE TIME AT THE
18 HEARING WAS SPENT ON MR. OLSON'S APPLICATION.

19 WE CAN USE THAT MAYBE AS A RULE OF THUMB TO GO
20 THROUGH WHAT HER FEES WERE. SO SHE CONCEDES THAT ONLY
21 24,000 OF HER FEES, AT LEAST IN HER ANALYSIS, APPLY TO
22 HER SUCCESSFUL DEFENSE OF MR. OLSEN'S APPLICATION. WE
23 ATTEMPTED TO REDUCE THAT USING A -- WHAT WE CONSIDERED
24 TO BE A REASONABLE CALCULATION BASED ON SUBSTANTIVE
25 EVIDENCE RATHER THAN THEORY OR CONJECTURE. AND THAT'S
26 WHAT WE CAME TO BASED ON WHAT WAS DONE AT THE HEARING
27 ALLOWING FOR A PERCENTAGE OF WIGGLE ROOM.

28 THE COURT: MAY I ADDRESS THAT? MY VIEW IS

1 THAT YOUR LEGAL ARGUMENT IN RESPONSE TO MS. AARONOFF'S
2 PROFFER TO CUT THEIR AMOUNT IN HALF, REFLECT ONLY HALF
3 OF THE CASE, YOUR ARGUMENT TO THE -- THAT THAT WAS
4 ILLOGICAL WAS VERY PERSUASIVE TO ME. THERE'S -- IT'S
5 AN ARBITRARY DECISION TO JUST TAKE THE BILL AND CUT IT
6 IN HALF.

7 SO I LOOK TO WHAT'S GIVEN TO ME. I LOOK AT
8 ALL THE EVIDENCE THAT'S GIVEN TO ME. THE TWO CASES
9 WERE INEXTRICABLY WOUND UP AND I CAN'T -- YOU MAKE A
10 CREDIBLE ARGUMENT, BUT I CAN'T TAKE YOU ON YOUR WORD ON
11 SOMETHING I DON'T HAVE WHICH IS YOUR OTHER BILLING.

12 MR. KENNEDY: IT'S IN OUR DECLARATION, THE
13 PROCESS THAT WE WENT THROUGH.

14 THE COURT: I JUST DID THIS WITH WHAT I HAVE
15 IN FRONT OF ME.

16 MR. KENNEDY: I UNDERSTAND THAT YOU HAVE --
17 IT'S HARD TO FIGURE OUT HOW TO PUT ALL TOGETHER. IN
18 OUR DECLARATIONS --

19 THE COURT: YOUR ARGUMENT MADE IT EASIER FOR
20 ME SO --

21 MR. KENNEDY: I UNDERSTAND YOUR POINT.

22 THE COURT: OKAY.

23 MR. KENNEDY: AND I WON'T BELABOR THE ISSUE.
24 WE APPRECIATE THE COURT'S OBVIOUS -- THE SIGNIFICANT
25 AMOUNT OF TIME THE COURT PUT INTO THIS DECISION, AND WE
26 APPRECIATE THE COURT'S RULING.

27 THE COURT: MS. AARONOFF, YOUR FINAL ARGUMENT?

28 THE PETITIONER: OKAY. THERE IS NOT ONE

1 DOCUMENT, NOT ONE EMAIL, NOTHING ANYWHERE THAT OLSON OR
2 ANY OF HIS PEOPLE WILL BE ABLE TO PRESENT ANYWHERE
3 SAYING THAT I ASKED FOR MILLIONS. THAT'S JUST -- I --
4 I DIDN'T ASK FOR IT. AND SO FOR HIM TO SAY THAT I DID
5 IS WRONG.

6 THE COURT: WELL, IT WOULD NOT BE PROPER FOR
7 ME TO BASE YOUR ABILITY TO PAY OR YOUR RESOURCES ON THE
8 EXPECTANCY THAT MAYBE YOU'LL RECOVER A GREAT DEAL OF
9 MONEY IN THOSE CASES. I HAVE NO WAY OF KNOWING THAT.
10 YOU HAVE NO WAY OF KNOWING THAT. IT DIDN'T ENTER INTO
11 MY ANALYSIS TRUTH BE TOLD.

12 THE PETITIONER: YEAH. I MEAN -- OKAY. SO
13 NEXT --

14 THE COURT: I THINK THAT THERE'S ENOUGH
15 CONTRADICTORY EVIDENCE ON THE CONDO, THOUGH, FOR ME
16 TO --

17 THE PETITIONER: LET'S --

18 THE COURT: -- FOR ME TO TAKE THAT INTO
19 ACCOUNT, THAT YOUR INCOME AND EXPENSE DECLARATION MADE
20 NO MENTION OF ANY LEGAL OR EQUITABLE INTEREST IN THAT
21 CONDO AND --

22 THE PETITIONER: I WILL --

23 THE COURT: -- THAT'S WHAT THIS LITIGATION IS
24 ALL ABOUT, ISN'T IT?

25 THE PETITIONER: LET'S TALK ABOUT THAT.

26 THE COURT: OKAY.

27 THE PETITIONER: THE CONDO. SO I, YOU KNOW,
28 WENT OVER THIS AS BEST I COULD WHEN I WAS SETTING THIS

1 WHOLE THING UP AND, YOU KNOW, I WAS INVOLVED IN SAVING
2 THAT BUILDING. I, YOU KNOW -- THE ONLY REASON THAT
3 BUILDING IS HERE IS BECAUSE OF ME. AND A LOT OF
4 DIFFERENT PEOPLE HELPED ME SAVE IT, AND THEY HAVE ALSO
5 INTERESTS IN THE PROPERTY.

6 AND SO IT WASN'T -- I WASN'T LIKE THE SOLE
7 PERSON THAT WAS EVER AN OWNER OF IT. BUT THEN IN 2012
8 IT WAS A DECISION AMONG PEOPLE WHO HAD A VESTED
9 INTEREST IN IT TO GIVE IT TO A.T.W. AS AN INSTITUTION.
10 AND PART OF THAT REASON WAS BECAUSE I DON'T HAVE ANY
11 CHILDREN, AND SO THERE WAS NO CHILD FOR ME TO LEAVE THE
12 PROPERTY TO. SO I DECIDED TO LEAVE IT TO A CHARITABLE
13 FOUNDATION.

14 AND SO THAT'S WHAT HAPPENED WITH IT. SO
15 IT'S -- IT'S NOT -- I CAN'T LIKE SELL THAT PROPERTY AND
16 TAKE THE MONEY. AND THAT'S VERY CLEAR IN THE
17 IRREVOCABLE TRUST DOCUMENTS. AND IN THE LAWSUIT THAT
18 WAS FILED WITH THE ORIGINAL LAWSUIT, THE 2016, AND THEN
19 WE HAD TO SUPPLEMENT IT WITH A RELATED CASE THAT WE
20 HOPE TO JOIN -- I MEAN EVERYBODY JUST WANTED TO JOIN IT
21 BECAUSE WE HAD SOME ISSUES THAT HAD -- THAT WERE
22 MISSING.

23 SO IT'S NOT LIKE I'M -- IT WAS JUST BASICALLY
24 ONE CASE THAT NEEDS -- THAT WE'RE PLANNING ON RELATING
25 IT TOGETHER. IN BOTH OF THOSE IT SAYS -- IT NEVER SAYS
26 I'M AN OWNER OF THE PROPERTY. IT SAYS I'M THE TRUSTEE.

27 AND AGAIN, OLSON, HIS -- HIS ATTORNEY, THEY
28 WILL NOT BE ABLE TO SHOW ANYWHERE ANY DOCUMENT WHERE I

1 SPECIFICALLY SAID I OWN IT. YOU KNOW, I -- SO I'M NOT
2 AN OWNER. AND I'M A TRUSTEE. IT'S A VERY DIFFERENT
3 THING. I'M NOT THE BENEFICIARY OF THE PROPERTY.

4 THE COURT: OKAY.

5 THE PETITIONER: SO I DO NOT HAVE THE ABILITY
6 TO PAY THIS. AND THEY WON'T BE ABLE TO FIND ONE
7 DOCUMENT THAT SAYS I OWN IT.

8 THE COURT: ANYTHING ELSE?

9 THE PETITIONER: NO.

10 THE COURT: MR. KENNEDY, ANY FINAL?

11 MR. KENNEDY: YEAH. JUST TO THAT PARTICULAR
12 ISSUE, YOUR HONOR, AS YOU MAY RECALL, MR. VOGT-LOWELL
13 SUBMITTED A DECLARATION ACCOMPANIED BY A REQUEST FOR
14 JUDICIAL NOTICE FOR CERTAIN DOCUMENTS THAT RELATE TO
15 THE OWNERSHIP HISTORY OF THE CONDO UNIT, AND YOU'LL
16 NOTE THAT, IF IT WAS INDEED TRANSFERRED TO A TRUST, IT
17 WAS DONE IN THE COURSE OF THIS LITIGATION. AND I CAN'T
18 SPECULATE AS TO WHY, ONLY THAT THE TIMING I THINK IS
19 CRITICAL AND AN IMPORTANT ISSUE.

20 AND ONLY TO FURTHER UNDERLINE, AS THE COURT
21 NOTED, THIS CONDO IS REALLY WHAT THIS CASE IS ALL
22 ABOUT. IT'S WHAT THE OTHER CIVIL CASES ARE ALL ABOUT.
23 AND THROUGH THE COURSE OF THIS LITIGATION, INDEED IN
24 HER FIRST COMPLAINT SHE FILED, SHE CALLS HERSELF THE
25 OWNER OF THIS CONDO AND HOW SHE SAVED THE CONDO AND
26 USING THE RESOURCES TO GET IT DESIGNATED AS A
27 HISTORICAL SITE AND NOW IS TRYING TO TAKE THAT BACK TO
28 AVOID ACCOUNTABILITY AND RESPONSIBILITY FOR THE

1 CONSEQUENCES OF LITIGATING AGAINST MR. OLSON FOR OVER
2 18 MONTHS NOW THAT WE'VE BEEN ENGAGED IN THIS
3 RESTRAINING ORDER LITIGATION INCLUDING SIGNIFICANT AND
4 SUBSTANTIAL POST-TRIAL MOTIONS, BOTH OF WHICH WERE
5 DENIED.

6 AND MR. OLSON WAS REQUIRED TO PAY A
7 SIGNIFICANT AMOUNT OF MONEY IN DEFENSE OF THIS. FOR
8 HER NOW TO TRY TO AVOID THE RESPONSIBILITY THAT'S
9 ASSOCIATED WITH HER DECISION TO PURSUE THE LITIGATION
10 IS SOMETHING THAT I THINK THE COURT SHOULD VIEW WITH
11 SKEPTICISM.

12 THE PETITIONER: I JUST NEED TO REBUT THAT --

13 THE COURT: NO. THERE'S NO NEED TO --

14 THE PETITIONER: -- DOCUMENT THAT HE'S FILED.

15 THE COURT: -- REBUT IT, NOR IS THERE A RIGHT
16 TO DO THAT. I READ ALL THE PAPERS. I HEARD YOUR
17 ARGUMENTS. THE COURT NOW RULES ON THE MATTER SUBMITTED
18 FOR DECISION.

19 THE TENTATIVE RULING STANDS. THE COURT GRANTS
20 IN PART MS. AARONOFF'S MOTION TO TAX COSTS AND ORDERS
21 THAT MR. OLSON RECOVER LITIGATION COSTS OF \$1,582.48.

22 ON THE CROSS-MOTIONS FOR ATTORNEY'S FEES, THE
23 COURT GRANTS MS. AARONOFF'S MOTION AND ORDERS THAT
24 OLSON PAY TO HER AS AND FOR REASONABLE AND NECESSARY
25 ATTORNEY'S FEES \$40,295.

26 THE COURT GRANTS MR. OLSEN'S MOTION AGAINST
27 MS. AARONOFF AND ORDERS THAT SHE PAY TO HIM REASONABLE
28 AND NECESSARY ATTORNEY'S FEES \$118,897.03.

1 THE COURT WILL PUT A PARAGRAPH IN THE ORDER
2 THAT IT PREPARES. THERE WILL BE ONE ORDER TO BOTH OF
3 THOSE MOTIONS AND ONE ORDER TO THE MOTION TO TAX. AND
4 I WILL PUT THE NET NET FIGURE FOR REFERENCE ONLY. IF
5 THE PARTIES WANT TO NEGOTIATE AND PAY IT IN THAT
6 RESPECT, THEY MAY. OTHERWISE IT'S BOTH OWED SEPARATELY
7 BY EACH OTHER.

8 AND I WILL CAUSE THOSE ORDERS TO BE MODIFIED,
9 SIGNED, AND FILED, AND THEY WILL BE SERVED ON BOTH
10 SIDES ALONG WITH THE COURT'S ORDER STRIKING THE 170.1
11 WHICH IS NOT YET READY. AS SOON AS IT'S READY, I'LL
12 SIGN IT AND FILE IT. AND THE TIME FOR YOUR REVIEW OF
13 THAT DOCUMENT STARTS FROM -- THE CLOCK ON THAT STARTS
14 RUNNING WHEN THE COURT'S ORDER IS SERVED ON YOU BY
15 MAIL. THAT CONCLUDES OUR HEARING. THANK YOU. WE'RE
16 IN RECESS.

17 (END OF PROCEEDINGS.)
18
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Family Division

Van Nuys East Dept. - D

17SMRO00308

Aaronoff, Vidala

vs

Olson, Curtis

November 19, 2018

8:30 AM

Honorable Michael J. Convey, Judge

Roxana Duron, Judicial Assistant

Marlene Burris (#8424), Court Reporter
Adrian Zuniga, Deputy Sheriff

NATURE OF PROCEEDINGS: Petition - Civil Harassment filed by Petitioner on September 6, 2017

The following parties are present for the aforementioned proceeding:

Vidala Aaronoff, Petitioner
Curtis Olson, Respondent
Benjamin Kanani, Attorney for Petitioner
Eric Kennedy, Attorney for Respondent
Ryan A. Volt-Lowell, Attorney for Respondent

The matter is called for hearing.

The hearing resumes from November 16, 2018, with both parties and counsel present.

Vidala Aaronoff and Curtis Olson present closing arguments.

The matter is now submitted.

The Court previously issued a bench warrant as Amado Moreno. The Bench Warrant previously issued but not released because the requesting party failed to pay the fee to the Sheriff's Department, therefore, the bench warrant and the bail set as to Amado Moreno is ordered recalled and quashed.

Having found no basis for the issuance of a permanent restraining order, the Court hereby denies Petitioner's request. Any and all restraining orders are hereby dissolved.

Exhibits are ordered returned to respective parties in open court.

The case is ordered dismissed.

Clerk is to give notice.

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

Minute Order

Page 1 of 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

**Family Division
Van Nuys East Dept. - D**

17SMRO00368

Olson, Curtis

vs

Aaronoff, Vidala

November 19, 2018

8:30 AM

Honorable Michael J. Convey, Judge

Roxana Duron, Judicial Assistant

Marlene Burris (#8424), Court Reporter
Adrian Zuniga, Deputy Sheriff

NATURE OF PROCEEDINGS: Petition - Civil Harassment filed by Petitioner on September 26, 2017

The following parties are present for the aforementioned proceeding:

Vidala Aaronoff, Respondent
Curtis Olson, Petitioner
Benjamin Kanani, Attorney for Respondent
Eric Kennedy, Attorney for Petitioner
Ryan A. Volt-Lowell, Attorney for Petitioner

The matter is called for hearing.

The hearing resumes from November 16, 2018, with both parties and counsel present.

Vidala Aaronoff and Curtis Olson present closing arguments.

The matter is now submitted.

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

Minute Order

Page 1 of 2

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NWD

HON. MICHAEL J. CONVEY, JUDGE

VIDALA AARONOFF, AN INDIVIDUAL,

PETITIONER,

VS.

CURTIS OLSON, AN INDIVIDUAL,

RESPONDENT.

AND RELATED ACTIONS.

)
)
)
)
) CASE NO.
) 17SMRO00308
)
) R/T 17SMRO00368
)
)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

11/19/18

APPEARANCES:

FOR PETITIONER/
RESPONDENT
AARONOFF:

BENJAMIN F. KANANI, ESQ.
8730 WILSHIRE BOULEVARD
SUITE 411
BEVERLY HILLS, CALIFORNIA 90211

FOR RESPONDENT/
PETITIONER
OLSON:

BUCHALTER
ERIC M. KENNEDY, ESQ.
1000 WILSHIRE BOULEVARD
SUITE 1500
LOS ANGELES, CALIFORNIA 90017

RYAN A. VOGT-LOWELL, ESQ.
1 MACARTHUR PLACE
SUITE 300
SANTA ANA, CALIFORNIA 92707

REPORTED BY:

MARLENE BURRIS, RPR, CSR #8424
OFFICIAL REPORTER

COPYING RESTRICTED PURSUANT TO GOV'T CODE SECTION 69954(D)

1 CASE NUMBER: 17SMRO00308 R/T 17SMRO00368
2 CASE NAME: VIDALA V. OLSON
3 VAN NUYS, CALIFORNIA 11/19/18
4 DEPARTMENT NO. NWD HON. MICHAEL J. CONVEY, JUDGE
5 REPORTER: MARLENE BURRIS, CSR NO. 8424
6 TIME: 8:30 A.M.

7
8 APPEARANCES:

9 (AS HERETOFORE NOTED.)
10
11

12 **THE COURT:** AARONOFF AND OLSON. BOTH PARTIES ARE
13 PRESENT. COUNSEL FOR BOTH PARTIES ARE PRESENT. AND WE
14 RESUME THIS MORNING WITH THE CLOSING ARGUMENTS. STARTING
15 WITH -- DO YOU STILL WANT TO DO ONE EACH OR TWO?

16 **MR. KANANI:** WE AGREED ON ONE EACH.

17 **THE COURT:** OKAY. STARTING WITH MS. AARONOFF'S
18 COUNSEL, MR. KANANI, YOUR TURN FOR CLOSING ARGUMENT
19 FIRST.
20

21 **CLOSING ARGUMENT**
22

23 **MR. KANANI:** THANK YOU VERY MUCH, YOUR HONOR.

24 AND IF IT PLEASE THE COURT, THE HISTORY
25 BETWEEN MS. AARONOFF AND MR. OLSON GOES BACK A LONG WAY,
26 AND MOST OF IT FOR THIS PROCEEDING IS NOT RELEVANT.
27 HOWEVER, MS. AARONOFF FEELS THAT THE PRESSING ISSUE AND
28 THE MAIN ISSUE BEFORE THIS COURT COMES DOWN TO A VERY

COPYING RESTRICTED PURSUANT TO GOV'T CODE SECTION 69954(D)

1 SIMPLE QUESTION. IS THE HARASSMENT AND THE CONDUCT
2 MS. AARONOFF HAS CITED LINKED AND RELATED TO THE
3 RESPONDENT OR NOT. IN OTHER WORDS, IS MR. OLSON THE MAN
4 BEHIND ALL OF THIS?

5 BOTH PARTIES WILL PRESENT COMPETING
6 STORYLINES. HOWEVER, WE BELIEVE THAT MS. AARONOFF HAS
7 SHOWN THREE THINGS CLEARLY AND EASILY BY A PREPONDERANCE
8 OF THE EVIDENCE. FIRST, THERE WAS HARASSMENT. THIS
9 RESTS LARGELY ON UNDISPUTED FACTS.

10 SECOND, THE HARASSMENT RISES TO THE LEVEL OF
11 DANGER AND GRAVITY THAT IT WARRANTS JUDICIAL
12 INTERVENTION, THAT IT DOES REQUIRE A RESTRAINING ORDER
13 THAT WOULD BENEFIT HER AND PARTIES AROUND HER.

14 AND, THIRD -- AND THIS IS WHAT WE BELIEVE TO
15 BE THE HEART OF THE ISSUE FACING THE COURT TODAY -- THERE
16 IS PLENTY OF EVIDENCE TO DEMONSTRATE THAT THE CONDUCT
17 MS. AARONOFF AND THE WITNESSES HAVE TESTIFIED TO IS
18 RELATED AND LINKED TO RESPONDENT. AND THROUGHOUT THIS
19 CLOSING, MS. AARONOFF'S COUNSEL WILL DEMONSTRATE THAT TO
20 THE COURT VERY CLEARLY.

21 THE FIRST TWO PARTS OF THAT STATEMENT WE
22 BELIEVE ARE FAIRLY SIMPLE FOR THE COURT TO CONCLUDE.
23 THERE IS A WIDE ARRAY OF UNDISPUTED FACTS AND EVIDENCE
24 THAT DEMONSTRATES THERE WAS HARASSMENT THAT OCCURRED.
25 MR. FOTSO TESTIFIED THAT INDIVIDUALS WERE RUMMAGING
26 AROUND THROUGH HIS BELONGINGS AND MS. AARONOFF'S WHILE HE
27 WAS LIVING AT MS. AARONOFF'S UNIT. SOMETHING HE SAW
28 PERSONALLY AND WHICH WAS CORROBORATED BY THE VIDEO

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1 SURVEILLANCE FOOTAGE PROVIDED TO THIS COURT IN THIS
2 HEARING.

3 IN ADDITION, THE TESTIMONY OF MIKE ROTH,
4 MS. AARONOFF'S PERSONAL HANDYMAN DEMONSTRATED THAT VERY
5 LIKELY THERE WAS AN ATTEMPTED BREAK-IN OR AT LEAST SOME
6 INDIVIDUAL WHO WAS DOING SOMETHING INAPPROPRIATE TO
7 MS. AARONOFF'S UNIT, TO THE WINDOW AROUND IT IN WHICH AN
8 INDIVIDUAL COULD GAIN ENTRANCE WITHOUT MUCH DIFFICULTY.

9 THIRD, THERE WERE A NUMBER OF PEOPLE
10 PHOTOGRAPHING MS. AARONOFF BOTH UP CLOSE AND FROM A
11 DISTANCE AND THIS HAPPENED ON SEVERAL OCCASIONS.
12 MR. FOTSO EVEN SAW SOME OF THESE MEN OUTSIDE OF CHATEAU
13 COLLINE. AND INDEPENDENTLY OF MS. AARONOFF WITHOUT
14 MS. AARONOFF TELLING HIM ABOUT THESE INCIDENCES, HE
15 NOTICED THEM ON HIS OWN AND BROUGHT IT TO HER ATTENTION.

16 ON TOP OF THAT, THERE WAS AN ADDITIONAL
17 RENTER WHO WAS TEMPORARILY STAYING IN MS. AARONOFF'S UNIT
18 AND HE NOT ONLY WENT THROUGH MR. FOTSO'S BELONGINGS BUT
19 CONTINUALLY ASKED FOR THE WHEREABOUTS OF MS. AARONOFF
20 EVEN AFTER SHE HAD GIVEN A FAKE NAME.

21 AND FINALLY THERE WAS MR. MIRAMONTES WHO
22 TESTIFIED THAT MR. OLSON BECAME VERY ANGRY AND AGGRESSIVE
23 TOWARDS HIM AND MS. AARONOFF WHEN ALL HE WAS DOING WAS
24 PREPARING MS. AARONOFF'S TAXES UNDER THE GUISE OF
25 FRUSTRATION AND ANGER THAT HE MIGHT BE SOME SHORT-TERM
26 RENTER.

27 EVEN IF THERE WERE DISPUTES REGARDING
28 MS. AARONOFF'S SHORT-TERM RENTALS AT HER UNIT, EVEN IF

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1 THERE WERE 100 OTHER DISPUTES BETWEEN THE HOA AND
2 MS. AARONOFF, THE COURT NEED NOT AND SHOULD NOT DECIDE
3 WHO IS CORRECT IN THAT DISPUTE. BUT MR. OLSON HAD OTHER
4 REMEDIES. HE WAS GOING THROUGH THE PROCESS OF THE BOARD
5 AT CHATEAU COLLINE. THE PARTIES DO HAVE DISPUTES BOTH IN
6 CIVIL COURT AND WITH THE CALIFORNIA DEPARTMENT OF FAIR
7 EMPLOYMENT AND HOUSING. THERE WAS NO NEED FOR HIM TO
8 NECESSARILY MAKE THAT AGGRESSION, AND WE BELIEVE IT LENDS
9 TO THE EVIDENCE, IN FACT, THAT THERE WAS HARASSMENT. ON
10 THAT POINT, WE FEEL THE PARTIES GENERALLY AGREE.

11 SECOND, WITHOUT SPENDING TOO MUCH TIME
12 ARGUING THE STANDARD, GIVEN THAT THE COURT'S DISCRETION
13 AND EXPERIENCE FAR OUTWEIGHS ANY OF THE COUNSEL PRESENT,
14 WE BELIEVE THAT IF EVEN HALF OF THE FACTS WHICH I JUST
15 STATED ARE TRUE, IT RISES TO THE LEVEL OF CONDUCT THAT
16 WARRANTS A RESTRAINING ORDER.

17 MR. KILLIAN ALSO TESTIFIED, THOUGH MR. OLSON
18 DISPUTES THIS, THAT HE RECEIVED A REPORT OF MR. OLSON
19 HIMSELF ACTUALLY LOOKING INTO MS. AARONOFF'S UNIT AFTER
20 2015. WITHIN 2016 SEVERAL MONTHS AFTER THEY HAD REACHED
21 A CONCILIATION AGREEMENT, THERE WERE STILL DISPUTES,
22 STILL PROBLEMS GOING ON, NOT TO MENTION THE RUMORS THAT
23 MS. AARONOFF HAS TRIED TO PROVE TODAY REGARDING REPORTS
24 THAT SHE AT ONE TIME WORKED AS A PROSTITUTE OR A
25 CON ARTIST.

26 MOST IMPORTANTLY, HOWEVER, JUST BECAUSE
27 THERE IS HARASSMENT AND THE HARASSMENT IS SERIOUS THAT
28 DOES NOT AUTOMATICALLY MEAN THAT MR. OLSON IS

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1 RESPONSIBLE. AND MS. AARONOFF DID TESTIFY THAT SHE DID
2 NOT PERSONALLY, EXCEPT FOR THE INCIDENT OF PEEPING, WHICH
3 MR. KILLIAN CORROBORATED, MS. AARONOFF TESTIFIED THAT SHE
4 DID NOT PERSONALLY SEE MR. OLSON HIRE ANY MEN IN BLACK OR
5 INDIVIDUALS PHOTOGRAPHING HER AND SHE DID NOT SEE
6 MR. OLSON PHOTOGRAPH HER DIRECTLY.

7 HOWEVER, A BRIEF REVIEW OF THE EVIDENCE WE
8 BELIEVE STILL PRESENTS EASILY BY A PREPONDERANCE.
9 PERHAPS IF WE WERE IN A CRIMINAL PROCEEDING, REASONABLE
10 DOUBT MIGHT BE A MUCH MORE DIFFICULT STANDARD TO MEET.
11 BUT IN THIS COURT ON THE NARROW ISSUES BEFORE YOUR HONOR,
12 BY A PREPONDERANCE OF THE EVIDENCE, WE FEEL THAT
13 MS. AARONOFF HAS EASILY MET HER BURDEN TO DEMONSTRATE THE
14 LINK TO MR. OLSON IN SEVERAL WAYS WHICH I WILL GO THREW
15 BRIEFLY NOW.

16 FIRST MR. FOTSO SAW PEOPLE GOING THROUGH HIS
17 BELONGINGS, MS. AARONOFF'S BELONGINGS, AND BELIEVES THAT
18 HE MIGHT BE EVEN FOLLOWED NOW. SECOND, MR. OLSON DESPITE
19 STATING ON THE STAND THAT HE NO LONGER SPENDS TIME AT
20 CHATEAU COLLINE AND THAT HE INTENDS TO MOVE ON SAYING,
21 "IT WAS A GOOD RUN" IS STILL ASKING FOR A SIGNIFICANT
22 INCREASE IN SECURITY AT CHATEAU COLLINE. JUST AS
23 RECENTLY AS MAYBE A MONTH AGO IN OCTOBER OF THIS YEAR, HE
24 REQUESTED, AS MS. AARONOFF TESTIFIED, THAT THERE BE 24/7
25 SECURITY AND THAT ALL IDENTIFICATION BE CHECKED UPON
26 COMING TO CHATEAU COLLINE. WE FEEL THIS IS INCONSISTENT
27 WITH AN INDIVIDUAL WHO NO LONGER HAS AN INTEREST IN
28 STAYING THERE AND WHEN MULTIPLE INDIVIDUALS HAVE ALREADY

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1 STATED THERE'S NO ONE THERE. MOST PEOPLE DON'T SPEND
2 MUCH TIME THERE OR THEY HAVE SIMPLY LEFT DUE TO THE
3 PROBLEMS THAT THEY FEEL PERSIST.

4 THIRD, MR. OLSON CLAIMED ON THE STAND THAT
5 HE AT NO POINT HAS SEEN THE SURVEILLANCE FOOTAGE FROM
6 CHATEAU COLLINE. AND YET MS. AARONOFF TESTIFIED THAT IN
7 A PREVIOUS MATTER IN A SEPARATE CONVERSATION, COUNSEL
8 REPRESENTING MR. OLSON VERIFIED TO MS. AARONOFF THAT HE
9 KNEW SHE HAD BEEN SERVED BASED ON WHAT HE HAD SEEN ON THE
10 SURVEILLANCE FOOTAGE AT CHATEAU COLLINE, THE VERY FOOTAGE
11 THAT MR. OLSON CLAIMS HE DID NOT ACCESS AND HAS NEVER
12 SEEN.

13 IN ADDITION, CORROBORATING THIS SIMPLE
14 STATEMENT BY HIS COUNSEL, MR. OLSON WAS A PRESIDENT OF
15 THE BOARD AND WAS A BOARD MEMBER FOR A NUMBER OF YEARS.
16 HE ALSO TESTIFIED THAT AT ONE POINT HE OWNED ALL OF THE
17 UNITS AT CHATEAU COLLINE. AND THAT WE BELIEVE TAKEN
18 TOGETHER, HE EASILY COULD ACCESS THE SURVEILLANCE FOOTAGE
19 WHICH COULD GIVE HIM SIGNIFICANT INFORMATION ON
20 MS. AARONOFF'S WHEREABOUTS.

21 FOURTH, THE PHOTOGRAPHY AND THE SURVEILLANCE
22 THAT MS. AARONOFF NOTICED WHICH PRECIPITATED A SECOND
23 FILING OF A REQUEST FOR A RESTRAINING ORDER BEGAN
24 GENERALLY IN MAY OF 2017. ALTHOUGH THE CIVIL MATTER IS
25 NOT AT ISSUE HERE, WE BELIEVE THE TIMING IS RELEVANT AND
26 MAKES A BIG STATEMENT. IT WAS IN MAY OF 2017 THAT
27 MR. OLSON FILED HIS CROSS-COMPLAINT TO MS. AARONOFF'S
28 CIVIL ACTION AND SHORTLY THEREAFTER HE FILED AN EX PARTE

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1 MOTION TO DISMISS MS. AARONOFF'S CLAIM AND THAT WAS
2 DENIED. THIS WAS IN MAY. OVER THE NEXT FEW MONTHS, THE
3 SURVEILLANCE INTENSIFIED AND IT WAS IN SEPTEMBER THAT
4 MS. AARONOFF FILED A SECOND REQUEST FOR A CIVIL
5 HARASSMENT ORDER. WE FEEL THIS TIMING IS DIFFICULT TO
6 IGNORE AND LENDS FURTHER CREDENCE TO HER STORYLINE OF
7 EVIDENCE.

8 FIFTH, ALTHOUGH MR. MORENO WAS NOT HERE TO
9 TESTIFY PERSONALLY, HE DID SUBMIT MULTIPLE DECLARATIONS
10 AND HE DID POSITIVELY IDENTIFY MR. OLSON WITH THE
11 INDIVIDUALS WHO WERE SURVEILLING AND PHOTOGRAPHING
12 MS. AARONOFF. HE SAW THEM IN THE CAFE. HE POINTED THEM
13 OUT DIRECTLY TO MS. AARONOFF. AND HE SAID THAT IT
14 HAPPENED ON MORE THAN ONE OCCASION.

15 ADDITIONALLY SUSPECT IS THE FACT THAT EVEN
16 THOUGH HE KNEW MS. AARONOFF FOR SEVERAL YEARS, WAS
17 INVOLVED WITH HER PERSONAL WORK, HELD A JOB FOR OVER A
18 DECADE, AND FILED THREE DECLARATIONS ON HER BEHALF, HE
19 NONETHELESS CANNOT BE FOUND SINCE I BELIEVE LATE APRIL OR
20 EARLY MARCH OF THIS YEAR SHORTLY AFTER THE ORIGINAL TRIAL
21 DATE ON APRIL 30TH. WE'VE HAD NO CONTACT WITH HIM
22 DESPITE A LONGSTANDING RELATIONSHIP, AND HE HAS NOT
23 RETURNED TO WORK AFTER WORKING THERE --

24 **MR. KENNEDY:** OBJECTION. THESE FACTS ARE NOT IN
25 EVIDENCE.

26 **THE COURT:** OVERRULED. THERE WAS TESTIMONY THAT HE
27 DOES NOT WORK THERE ANYMORE.

28 **MR. KANANI:** MS. AARONOFF HAS NO OTHER ENEMIES OR

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1 ONGOING DISPUTES. THE ONLY COMMON LINK TO ALL OF THE
2 ODD, DISTURBING, AND UNSAFE BEHAVIOR THAT SHE'S MENTIONED
3 IS MR. OLSON. THERE IS NO ONE SHE CAN THINK OF WITH WHOM
4 SHE HAS ANY MAJOR DISAGREEMENT OR WOULD HAVE ANY OTHER
5 MOTIVE IN ORDER TO PUSH HER OUT OF HER HOME OR HARASS HER
6 IN THE WAY THAT SHE'S DESCRIBED.

7 FINALLY, WHAT WE BELIEVE TO BE THE MOST
8 COMPELLING AND IMPORTANT EVIDENCE THAT WE CANNOT EXPLAIN
9 ANY OTHER WAY IS THE VERY OPPORTUNE STOPPING AND STARTING
10 OF THE VIDEO SURVEILLANCE FOOTAGE OBTAINED FROM CHATEAU
11 COLLINE. IT TOOK MS. AARONOFF THREE TO FOUR HEARINGS
12 JUST TO OBTAIN THIS FOOTAGE AFTER ISSUING A VALID
13 SUBPOENA. AND YET AFTER SHE RECEIVED IT, EVEN THOUGH SHE
14 RECEIVED IT DIRECTLY FROM MR. SILVER, WHO IS RESPONSIBLE
15 FOR MAINTAINING AND INSTALLING THIS FOOTAGE, IT STILL HAS
16 MULTIPLE STOPS WHICH NO ONE CAN EXPLAIN. AND THESE STOPS
17 HAPPEN AT THE EXACT MOMENT THAT CERTAIN INDIVIDUALS ARE
18 SEEING RUMMAGING AROUND BEHIND HER UNIT AND THROUGH HER
19 BELONGINGS. IN ADDITION, MR. FOTSO'S TESTIMONY LINES UP
20 EXACTLY WITH WHEN THOSE INDIVIDUALS APPEAR AND WHAT THEY
21 SEEM TO BE DOING.

22 THE INDIVIDUALS ON THE SURVEILLANCE FOOTAGE
23 CAME OUT OF MR. OLSON'S UNIT. THIS IS UNDISPUTED. AND
24 YET NO ONE CAN REMEMBER WHICH ARCHITECTURAL FIRM THEY
25 WORKED WITH. MR. OLSON CANNOT REMEMBER WHO THEY WERE OR
26 WHAT THEIR NAMES WERE AND WHY EXACTLY THEY WERE THERE.

27 IN ADDITION, THE PEOPLE ON THE SURVEILLANCE
28 FOOTAGE IF THEY WERE LOOKING AT THE VACANT LOT FOR SOME

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1 SORT OF DEVELOPMENT PROJECT OR POTENTIAL BUILDING OR
2 CONSTRUCTION CONVENIENTLY WALK ONTO THE BACK WALKWAY,
3 STOP AND MEANDER BEHIND MS. OLSON'S UNIT, AND NEVER
4 ACTUALLY GO ONTO THE VACANT LOT NOR DO THEY GO FURTHER
5 DOWN THE REST OF THE WALKWAY AND SPEND ANY TIME WALKING
6 AROUND MR. -- THE UNIT JUST BEHIND MS. AARONOFF'S WHICH I
7 BELIEVE BELONGS TO MR. ECONN.

8 THE LAST POINT IS THE FACT THAT THESE
9 INDIVIDUALS AFTER COMING OUT OF MR. OLSON'S UNIT, BEING
10 THERE TO SURVEY LAND FOR WHAT WOULD BE A SIZABLE
11 CONSTRUCTION PROJECT, STAYED FOR MAYBE THREE TO FIVE
12 MINUTES, AND LEAVE EXACTLY WHEN MR. FOTSO ARRIVES. IF
13 THEY TRULY HAD NOTHING INAPPROPRIATE IN THEIR INTENTIONS
14 AND THEY HAD NO REASON TO LEAVE OR TO BE AFRAID OF
15 ANYTHING THAT THEY ARE DOING, WHY THEY COME EXACTLY WHEN
16 MR. FOTSO LEAVES AND LEAVE EXACTLY WHEN HE ARRIVES SEEMS
17 INCREDIBLY SUSPECT.

18 ALL OF THESE ITEMS TAKEN TOGETHER WE BELIEVE
19 PROVIDE THE LINK NECESSARY TO PROVIDE THE COURT AMPLE
20 JUSTIFICATION TO GRANT MS. AARONOFF'S REQUEST. THESE
21 LINKS MOSTLY ARE UNDISPUTED, AND WE FIND NO OTHER
22 REASONABLE EXPLANATION THAT COULD ANSWER WHY IT IS THAT
23 THEY ARE THERE. AND NO DOUBT THAT OPPOSING COUNSEL WOULD
24 PROVIDE A COGENT, WELL-REASONED ARGUMENT WHY MR. OLSON IS
25 NOT RESPONSIBLE. BUT THE LACK OF DIRECT TESTIMONY OR
26 LACK OF DIRECT EVIDENCE FROM MR. OLSON HIRING SOMEONE OR
27 ORDERING THEM TO HARASS MS. AARONOFF DOES NOT NECESSARILY
28 MEAN BY A PREPONDERANCE OF THE EVIDENCE THAT HE DID NOT

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1 DO WHAT IS SUGGESTED.

2 ULTIMATELY WE CANNOT SEE ANY OTHER WAY IN
3 ORDER TO BRING THIS ISSUE TO A CLOSE AND WE BELIEVE THAT
4 MS. AARONOFF HAS DONE EVERYTHING SHE NEED TO IN ORDER TO
5 PROVIDE THE COURT WITH WHAT IT NEEDS TO GRANT HER
6 REQUEST. BUT UNDERLYING EVERYTHING, ONE FINAL REASON WHY
7 I BELIEVE MS. AARONOFF'S REQUEST SHOULD BE GRANTED IS
8 VERY SIMPLE. IT CREATES PEACE. THE CONFLICT RUNNING
9 BETWEEN MS. AARONOFF AND MR. OLSON HAS BEEN GOING ON FOR
10 SEVERAL YEARS, AND I BELIEVE BOTH -- I AND EVEN
11 MR. KENNEDY HAVE COME IN ON PARTS OF IT. BUT ONE THING
12 THAT I BELIEVE BOTH SIDES AGREE ON IS THAT THE TEMPORARY
13 RESTRAINING ORDER PUT INTO EFFECT IN SEPTEMBER OF LAST
14 YEAR HAS BEEN AT LEAST SOMEWHAT EFFECTIVE. THE PARTIES
15 ARE NO LONGER IN CONTACT WITH EACH OTHER. THE
16 SURVEILLANCE HAS STOPPED SHORTLY AFTER SEPTEMBER AND HAS
17 NOT STARTED AGAIN AT LEAST TO MS. AARONOFF. AND THERE'S
18 A GREAT CONCERN THAT, IF MS. AARONOFF'S REQUEST FOR A
19 CIVIL HARASSMENT RESTRAINING ORDER FAILS, THAT MORE
20 ACTIVITY WILL INCREASE. THERE IS ALMOST NO DOWNSIDE TO
21 GRANTING THE REQUEST GIVEN THE PEACE IT HAS CREATED. AND
22 MR. KENNEDY'S ARGUMENT THAT THE RESTRAINING ORDER HAS
23 ALREADY ACCOMPLISHED WHAT IT WAS SUPPOSED TO, WE BELIEVE
24 ONLY LENDS FURTHER CREDENCE TO EXTEND IT.

25 IF SOME MEASURE OF PEACE AND CALM HAS BEEN
26 CREATED SINCE SEPTEMBER, WHATEVER THE COURT, EITHER THIS
27 COURT OR ANOTHER JUDICIAL OFFICER, HAS DONE TO CREATE
28 THAT SHOULD CONTINUE. SHOULD CONTINUE FOR AS LONG AS

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1 POSSIBLE.

2 ALL OF THE OTHER DISPUTES THROUGH THE
3 HOMEOWNER'S ASSOCIATION REGARDING RENTERS AND REGARDING
4 DISCRIMINATION ARE NOT BEFORE THIS COURT AND WILL BE
5 ADDRESSED THROUGH THE NORMAL COURSE OF THE LEGAL PROCESS.
6 BOTH PARTIES HAVE BEEN LITIGATING FOR YEARS IN SEVERAL
7 OTHER MATTERS, AND THEY WILL CONTINUE TO DO SO WITHOUT
8 ISSUE. BUT THIS RESTRAINING ORDER HAS HAD AN IMMEDIATE
9 EFFECT TO INCREASE THE PEACE AT CHATEAU COLLINE, PROVIDE
10 SAFETY TO MS. AARONOFF, AND GENERALLY TONE DOWN THE LEVEL
11 OF CONFLICT BETWEEN THE PARTIES.

12 WE FEEL THAT IT'S SOMETHING THAT IS VERY
13 MUCH IN LINE WITH THE CODES INTENTION, VERY MUCH IN LINE
14 WITH WHAT THIS COURT AIMS TO DO, AND IS ULTIMATELY
15 LAUDABLE THAT SHOULD BE PRESERVED FOR AS LONG AS
16 POSSIBLE.

17 FINALLY, IN DEFENSE OF MR. OLSON'S REQUEST
18 FOR A CIVIL HARASSMENT RESTRAINING ORDER AGAINST
19 MS. AARONOFF AND SIMULTANEOUSLY AS AN ARGUMENT SPEAKING
20 TO MR. OLSON'S CREDIBILITY, MS. AARONOFF BELIEVES THAT
21 MR. OLSON'S CLAIMS FOR A CIVIL HARASSMENT RESTRAINING
22 ORDER ARE SO UNFOUNDED AND SO BELOW THE LEVEL OF CONDUCT
23 THAT WARRANTS A RESTRAINING ORDER THAT MS. AARONOFF MAKES
24 NO FURTHER ARGUMENT ON THAT ISSUE AT THIS TIME EXCEPT TO
25 REFER THE COURT TO RESPONDENT'S EXHIBIT GG, THE VIDEO
26 FOOTAGE TAKEN BY MR. OLSON ON HIS CELL PHONE THAT
27 DEMONSTRATES THERE WAS NO HARASSMENT. AND ALMOST NO
28 INDIVIDUAL COULD GENUINELY STATE THAT THEY WERE IN FEAR

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1 FOR THEIR LIFE BASED ON THE EVENTS THAT OCCURRED ON THAT
2 VIDEO.

3 WITH THAT, MS. AARONOFF RESTS HER CASE AND
4 THANKS THE COURT FOR ITS TIME.

5 **THE COURT:** I HAVE ONE PROCEDURAL TIME QUESTION AND
6 I WILL ASK IT ON THE OTHER SIDE AS WELL BECAUSE I WAS NOT
7 SURE.

8 AT SOME TIME AFTER THESE TWO REQUESTS FOR
9 CIVIL HARASSMENT RESTRAINING ORDERS WERE FILED, DID
10 ANYONE ON EITHER SIDE FILE A DOCUMENT CALLED "NOTICE OF
11 RELATED CASES" IN AN EFFORT TO HAVE DEPARTMENT ONE RELATE
12 THESE TWO CIVIL HARASSMENT CASES TO THE PENDING CIVIL
13 MATTERS IN THE WEST DISTRICT I THINK?

14 **MR. KANANI:** I BELIEVE BOTH CIVIL HARASSMENT
15 RESTRAINING ORDERS WERE FILED IN THE WEST DISTRICT.

16 **THE COURT:** CORRECT. BUT WAS THERE EVER A SEPARATE
17 PLEADING TO BRING THIS TO THE ATTENTION OF DEPARTMENT ONE
18 TO DETERMINE WHETHER THESE CASES SHOULD ALL BE RELATED TO
19 EACH OTHER?

20 **MR. KANANI:** NOT TO MY KNOWLEDGE. THERE WERE TWO
21 SEPARATE CIVIL CASES WHICH I BELIEVE ARE WORKING TOWARDS
22 CONSOLIDATION, BUT I DON'T BELIEVE EITHER SIDE FILED
23 ANYTHING TO CONSOLIDATE THE CHRO MATTERS WITH THE CIVIL
24 MATTERS.

25 **THE COURT:** UNDERSTOOD. THAT WAS A PROCEDURAL
26 QUESTION THAT I HAD. THANK YOU.

27 MR. KENNEDY, YOUR CLOSING.

28 ///

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CLOSING ARGUMENT

MR. KENNEDY: THANK YOU, YOUR HONOR. I WOULD LIKE TO START BY THANKING THE COURT AND ITS STAFF FOR ITS PROFESSIONAL AND COURTEOUS MANNER TO MANAGE THESE PROCEEDINGS. IT'S BEEN A PLEASURE BEING IN THIS COURTROOM.

IN MY OPENING STATEMENT, YOUR HONOR, I NOTED THAT MS. AARONOFF HAS MADE SERIOUS ALLEGATIONS AGAINST MR. OLSON, PERVASIVE HARASSMENT FOR OVER THREE YEARS, AND HAS YET NEVER PRODUCED A SINGLE PIECE OF EVIDENCE, NO DOCUMENT, NO PHOTOGRAPH, NO VIDEO, NO WITNESSES CORROBORATING HER CLAIMS AGAINST HIM FOR DIRECT HARASSMENT.

AFTER THREE DAYS OF TRIAL, THAT FACT HAS NOT CHANGED. MS. AARONOFF BORE THE BURDEN OF SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT A RESTRAINING ORDER IS NECESSARY TO ADDRESS A CREDIBLE THREAT OF CONTINUED HARASSMENT AND SHE UTTERLY FAILED TO SATISFY THAT BURDEN. AFTER CALLING 14 WITNESSES TO TESTIFY IN HER CASE-IN-CHIEF, MS. AARONOFF DID NOT PRODUCE A SINGLE PIECE OF EVIDENCE INCLUDING HER OWN TESTIMONY CREDIBLY SUPPORTING HER ALLEGATIONS. INDEED WE HEARD NO CREDIBLE EVIDENCE AGAINST MR. OLSON AT ALL.

WE DID, HOWEVER, HEAR A LOT OF SPECULATION BORDERING ON CONSPIRACY AND PARANOIA THAT MS. AARONOFF IS BEING STALKED, PHOTOGRAPHED, HARASSED BY A VAST NETWORK OF CONFEDERATES ALL HIRED BY MR. OLSON TO, QUOTE, "GET

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1 RID OF HER," END QUOTE.

2 HER WITNESSES SEEM TO SHARE IN HER PARANOIA.
3 FAR FROM REALITY, MS. AARONOFF'S VERSION OF EVENTS SOUND
4 MORE LIKE A MADE FOR T.V. DRAMA WHERE SHE HAS CAST
5 HERSELF AS THE DAMSEL IN DISTRESS CONTINUALLY TRYING TO
6 ESCAPE THE DESPERATE ATTENTION --

7 **THE COURT:** I'M GOING TO STOP YOU THERE. WE DON'T
8 USE WORDS LIKE "DAMSEL IN DISTRESS." THAT IS AN
9 INAPPROPRIATE ARGUMENT. YOU CAN MAKE THE ARGUMENT
10 WITHOUT LOADED VALUE LIKE THAT THAT MAY -- THAT ARE JUST
11 NOT APPROPRIATE IN COURT. YOU CAN REPHRASE THAT, AND I
12 DON'T CALL IT A "DAMSEL IN DISTRESS" CASE. WE DON'T DO
13 THAT IN ARGUMENT. LET'S REPHRASE THAT. LET'S RETHINK
14 THAT.

15 **MR. KENNEDY:** THANK YOU, YOUR HONOR.

16 CONTINUALLY TRYING TO ESCAPE THE DESPERATE
17 ATTENTION OF BASICALLY EVERYONE WHO'S EVER BEEN IN
18 PROXIMITY WITH HER.

19 ACCORDING TO MS. AARONOFF, SHE'S CONSTANTLY
20 BEING FOLLOWED, PHOTOGRAPHED, AND FILMED. AMONG HER MANY
21 HARASSERS, ALL OF WHOM WERE ALLEGEDLY HIRED BY MR. OLSON,
22 IS A HAIRDRESSER, A CHEF, A BUSBOY, VARIOUS UNIDENTIFIED
23 MEN IN BLACK, AN ARCHITECT, AN ENGINEER, A PREGNANT
24 WOMAN, A TOW TRUCK DRIVER, AN ESCAPE CONVICT, AN
25 ARSONIST, AND MAYBE MOST UNBELIEVABLY THE FORMER MAJOR
26 LEAGUE BASEBALL PLAYER LENNY DYKSTRA WHO SHE CLAIMS BROKE
27 INTO HER HOME AT MR. OLSON'S REQUEST AND STOLE CERTAIN
28 DOCUMENTS RELATED TO HER CASE.

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1 TOWARD THE END OF HER TESTIMONY WHEN IT
2 SEEMED THAT THE PLOT COULD GET NO MORE OUTLANDISH,
3 MS. AARONOFF, QUOTE, "JUST REMEMBERED" THAT IN ADDITION
4 TO EVERYTHING ELSE DIEN LE, DEFENSE COUNSEL IN THE CIVIL
5 CASES FILED BY MS. AARONOFF, THREATENED HER LIFE STATING
6 THAT, IF SHE DID NOT DISMISS HER CIVIL CASE AGAINST
7 MR. OLSON WHICH SEEKS MILLIONS IN DAMAGES, MR. OLSON
8 WOULD HURT HER OR RUN HER OVER WITH A CAR WHILE SHE WAS
9 WALKING HER DOG.

10 MR. LE, A LICENSED ATTORNEY FOR OVER 20
11 YEARS, WAS IN THE COURTROOM WHEN THIS ALLEGATION WAS MADE
12 AND WAS ALL TOO WILLING TO TAKE THE STAND AND
13 EMPHATICALLY CONFIRM THAT MS. AARONOFF'S ALLEGATIONS
14 AGAINST HIM WERE CATEGORICALLY FALSE. STATED SIMPLY,
15 MS. AARONOFF'S MYRIAD ALLEGATIONS ARE DEVOID OF ANY
16 CREDIBILITY.

17 ALTHOUGH MS. AARONOFF'S RESTRAINING ORDER
18 APPLICATION LISTS A LITANY OF ALLEGED HARASSMENT AND
19 OFFENSES ON THE PART OF MR. OLSON, UNDER EXAMINATION
20 MS. AARONOFF CONFIRMED THAT THE BULK OF THE ALLEGATIONS
21 MADE IN HER 2017 APPLICATION WERE MERELY DUPLICATES OF
22 ALLEGATIONS MADE IN 2015 AND WERE SETTLED AS A PART OF
23 THAT 2015 APPLICATION.

24 NOTWITHSTANDING THAT SETTLEMENT,
25 MS. AARONOFF WAS HOPING TO RETRY HER 2015 APPLICATION
26 HERE. THE COURT, HOWEVER, MADE IT CLEAR IT WOULD NOT
27 ALLOW THAT. WHEN PRESSED TO IDENTIFY NEW ALLEGATIONS,
28 MS. AARONOFF PUSHED HER THEORY OF A VAST CONSPIRACY

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1 COORDINATED AND FUNDED BY MR. OLSON TO HARASS HER IN
2 RETALIATION FOR HER ALLEGED REFUSAL TO HAVE SEX WITH HIM
3 MANY YEARS AGO.

4 TO THAT END, MS. AARONOFF'S CASE-IN-CHIEF
5 FOCUSES ON FOUR ALLEGED EVENTS. FIRST, SHE CLAIMS THAT
6 IN 2016 SOMEONE BROKE INTO HER UNIT THROUGH THE BATHROOM
7 WINDOW AND THREE DAYS LATER THROUGH HER BACK DOOR.
8 ALTHOUGH SHE PRESENTED NO EVIDENCE ON THIS POINT, THE
9 IMPLICATION WAS THAT MR. OLSON, OR SOMEONE HIRED BY HIM,
10 WAS RESPONSIBLE. TO SUPPORT HER THEORY, SHE CALLED
11 PERSONAL HANDYMAN AND FRIEND MICHAEL ROTH TO THE STAND.
12 MR. ROTH TESTIFIED THAT, ALTHOUGH HE REPAIRED THE WINDOW
13 AND DOOR, HE DID NOT WITNESS THE DAMAGE OCCUR AND HAD NO
14 IDEA WHO HAD CAUSED IT. IN FACT, HE DID NOT EVEN KNOW
15 WHO MR. OLSON WAS. MR. ROTH FURTHER CONFIRMED THAT THE
16 DOOR AND THE WINDOW AT ISSUE WERE LOCATED IN THE BACK OF
17 MS. AARONOFF'S UNIT IN CLOSE PROXIMITY TO A VACANT LOT
18 AND THE VERY BUSY WILSHIRE BOULEVARD.

19 MS. AARONOFF WAS ALSO UNABLE TO TIE
20 MR. OLSON TO THESE ALLEGED BREAK-INS IN HER OWN
21 TESTIMONY. MR. OLSON TESTIFIED THAT HE HAD NOTHING TO DO
22 WITH THE ALLEGED BREAK-INS OR THE DAMAGE TO
23 MS. AARONOFF'S WINDOW OR DOOR.

24 NEXT, MS. AARONOFF CLAIMED THAT IN 2016
25 MR. OLSON COLLUDED WITH ELSA MONROY, THE PROPERTY
26 SUPERVISOR, TO STEAL A LOCKBOX CONTAINING MS. AARONOFF'S
27 KEYS TO HER UNIT. MS. MONROY, HOWEVER, TESTIFIED THAT
28 THE LOCKBOX WAS CONFISCATED FROM THE HOA COMMON AREA BY

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1 HOA PROPERTY MANAGEMENT AFTER NUMEROUS WARNINGS BECAUSE
2 ITS USE AND PRESENCE CONSTITUTED A VIOLATION OF THE
3 CHATEAU'S CC&R'S. AS MANY WITNESSES CONFIRMED,
4 MS. AARONOFF WAS USING HER UNIT AS A SHORT-TERM RENTAL
5 ADVERTISED ON AIRBNB. MS. AARONOFF DID NOT DENY THIS.

6 MS. MONROY TESTIFIED THAT IN DOING SO AND IN
7 USING THE LOCKBOX TO FACILITATE THE AIRBNB PROCESS, SHE
8 CREATED A SECURITY ISSUE FOR EVERYONE AT THE CHATEAU
9 INCLUDING HERSELF WHICH IS WHY IT WAS REMOVED.

10 MS. AARONOFF, HOWEVER, WOULD HAVE THE COURT
11 BELIEVE THAT MS. MONROY WAS REALLY ACTING AT MR. OLSON'S
12 DIRECTIVE AS A CO-CONSPIRATOR IN MR. OLSON'S MASTER PLAN
13 TO HARASS MS. AARONOFF. MS. AARONOFF CALLED KENT ARGUE
14 TO SUPPORT HER STORY ABOUT THE LOCKBOX. BUT HE WAS
15 UNABLE TO DO SO. IN FACT, MR. ARGUE OFFERED NO TESTIMONY
16 CONNECTING THE ALLEGED LOCKBOX TO MR. OLSON AND TESTIFIED
17 THAT HE NEVER OBSERVED MR. OLSON AT THE CHATEAU EVEN
18 THOUGH HE VISITED OFTEN.

19 NOT SURPRISINGLY, MULTIPLE WITNESSES
20 TESTIFIED THAT MS. AARONOFF HAD A HABIT OF VIOLATING THE
21 CC&R'S, NOT ONLY BY USING HER UNIT AS AN AIRBNB, BUT ALSO
22 USING IT AS A FILMING LOCATION ALL WITHOUT HOA APPROVAL.
23 MR. OLSON TESTIFIED THAT HE CAUGHT MS. AARONOFF FILMING
24 IN HIS BASEMENT WITH A WOMAN IN LINGERIE ON A MATTRESS.
25 MS. AARONOFF DID NOT DENY THIS EITHER.

26 HE FURTHER TESTIFIED THAT HE BELIEVED
27 MS. AARONOFF FILED HER NUMEROUS CASES AGAINST HIM, FOUR
28 IN TOTAL IN THE LAST THREE YEARS, IN RETALIATION FOR THE

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1 HOA'S REFUSAL TO ALLOW HER TO VIOLATE ITS RULES.

2 MS. AARONOFF DID NOT DENY THIS. MR. OLSON, OF COURSE,
3 TESTIFIED THAT HE HAD NOTHING TO DO WITH MS. AARONOFF'S
4 LOCKBOX.

5 NEXT, MS. AARONOFF TURNED TO JULY, 2017,
6 WHEN SHE CLAIMS MR. OLSON HIRED A TEAM OF THUGS TO HARASS
7 HER. HER STAR WITNESS TO SUPPORT THIS STORY WAS HER GOOD
8 FRIEND, BODYGUARD, AND PART-TIME ROOMMATE TITUS FOTSO.

9 MR. FOTSO TESTIFIED THAT WHILE HE WAS LIVING IN
10 MS. AARONOFF'S UNIT AND ACTING AS MS. AARONOFF'S
11 BODYGUARD, HE NOTICED SUSPICIOUS ACTIVITY BOTH IN THE
12 FORM OF THE ADDITIONAL RENTER IN THE UNIT. AND WHEN HE
13 NOTICED THESE FOUR INDIVIDUALS IN THE WALKWAY AREA BEHIND
14 HER UNIT, A WALKWAY SHARED WITH THREE OTHER UNITS,
15 MR. FOTSO WAS COMPLETELY UNABLE TO TIE ANY CONDUCT OF THE
16 SUSPICIOUS RENTER TO MR. OLSON.

17 MR. FOTSO ALSO TESTIFIED WHEN HE OBSERVED
18 THESE INDIVIDUALS IN THE WALKWAY BEHIND THE UNITS WHICH
19 HE WAS UNAWARE WAS A COMMON AREA, MS. AARONOFF WAS NOT
20 EVEN LIVING IN THE UNIT AT THE TIME. WHEN HE WENT TO
21 INVESTIGATE THE ACTIVITY, MR. FOTSO FOUND FIVE, QUOTE,
22 "STRANGERS" IN THE AREA. HIS IDENTIFICATION OF THESE
23 INDIVIDUALS AS STRANGERS WAS ODD AS HE HIMSELF WAS NOT AN
24 OWNER OR PERMANENT RESIDENT OF THE CHATEAU AND HAD ONLY
25 RECENTLY MOVED IN.

26 MR. FOTSO CLAIMED THAT HE CONFRONTED ONE OF
27 THESE STRANGERS ASKING WHY THEY WERE THERE. THE
28 INDIVIDUAL IDENTIFIED HIMSELF AS DAVID. SAID THAT HE WAS

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1 THE ON-SITE GENERAL CONTRACTOR FOR THE CHATEAU.
2 MR. FOTSO LATER LEARNED THAT DAVID WAS DAVID FEDER.
3 MR. FOTSO CLAIMED THAT THE OTHER FOUR INDIVIDUALS WERE
4 LOOKING IN MS. AARONOFF'S WINDOWS AND PICKING THROUGH HER
5 TRASH ALL IN BROAD DAYLIGHT, ALL IN VIEW OF THE CHATEAU'S
6 SECURITY CAMERAS.

7 WHEN SHOWED THE FOOTAGE FROM THE CAMERA,
8 MR. FOTSO WAS UNABLE TO CLEARLY IDENTIFY ANY SUSPICIOUS
9 ACTIVITY FROM THESE INDIVIDUALS. MR. FOTSO IGNORED THE
10 FACT THAT THE VIDEO DID NOT SHOW ANY OF THEM PICKING
11 THROUGH TRASH NOR COULD TRASH EVEN BE SEEN ON THE VIDEO.
12 IT ALSO DID NOT SHOW THEM LOOKING THROUGH MS. AARONOFF'S
13 WINDOWS. INSTEAD THEY WERE TAKING PICTURES OF THE VACANT
14 LOT NEXT DOOR. TO EXPLAIN THIS, MR. FOTSO CLAIMED THAT
15 THE VIDEO FOOTAGE MUST HAVE BEEN DOCTORED TO REMOVE THE
16 EVIDENCE.

17 TO SUPPORT THIS THEORY THAT THE CONDO
18 SURVEILLANCE FOOTAGE HAD BEEN DOCTORED, MS. AARONOFF
19 CALLED MR. DAVID SILVER AND ALSO MONROY TO TESTIFY.
20 MR. SILVER IS THE INDEPENDENT CONTRACTOR THAT INSTALLED
21 THE CHATEAU'S SECURITY CAMERAS AND MAINTAINED THE
22 FOOTAGE.

23 MR. SILVER AND MS. MONROY WERE THE ONLY
24 PERSONS WITH ACCESS TO THE FOOTAGE. MR. SILVER CONFIRMED
25 THAT HE NEVER MANIPULATED THE FOOTAGE NOR GAVE ANYONE
26 ELSE ACCESS TO DO SO NOR DID MR. OLSON ASK HIM TO DO SO.
27 MR. SILVER EVEN STATED THAT HE DIDN'T THINK IT WAS
28 POSSIBLE TO DOWNLOAD THE FOOTAGE TO DOCTOR TO IT, TO

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1 RE-UPLOAD IT TO THE DVR.

2 BEFORE LEAVING THE STAND, MR. SILVER
3 PROVIDED TWO POINTS OF TESTIMONY THAT REFLECT ON
4 MS. AARONOFF'S TRUE INTENTIONS. FIRST, HE TESTIFIED THAT
5 WHEN MS. AARONOFF CAME TO HIS OFFICE TO VIEW THE
6 ALLEGEDLY DOCTORED FOOTAGE, SHE SAW A PICTURE OF HIS
7 DAUGHTER ON HIS DESK AND THREATENED HIS FAMILY.
8 MS. AARONOFF DID NOT DENY THIS. INSTEAD SHE CONFIRMED IT
9 INDICATING THAT SHE LATER CALLED HIM TO APOLOGIZE.

10 MR. SILVER NEXT CONFIRMED THAT DURING HER
11 APOLOGY CALL MS. AARONOFF OFFERED TO DISMISS HIM FROM ONE
12 OF THE RELATED CIVIL CASES IN EXCHANGE FOR SIGNING A
13 DECLARATION DRAFTED BY HER IN THIS CASE. HE DECLINED TO
14 DO SO.

15 **MR. KANANI:** OBJECTION. MISSTATES FACTS IN
16 EVIDENCE.

17 **THE COURT:** OVERRULED.

18 **MR. KENNEDY:** MS. AARONOFF DID NOT DENY THIS
19 EITHER. IN ANY EVENT, MR. OLSON TESTIFIED THAT HE DID
20 NOT HAVE ACCESS TO THE CHATEAU SECURITY FOOTAGE, A FACT
21 WHICH MS. MONROY CONFIRMED IN HER TESTIMONY. MR. OLSON
22 ALSO CONFIRMED THAT HE NEVER DOCTORED THE FOOTAGE NOR
23 ASKED ANYONE ELSE TO DO SO.

24 MS. MONROY ALSO TESTIFIED THAT SHE NEVER
25 DOCTORED THE FOOTAGE NOR ASKED ANYONE TO DO SO NOR GAVE
26 ANYONE ACCESS TO DO SO. THERE IS NO EVIDENCE THAT THE
27 SECURITY CAMERA FOOTAGE WAS DOCTORED IN ANY WAY.

28 BACK TO MR. OLSON'S ALLEGED THUGS IN THE

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1 WALKWAY. AGAIN, MR. FOTSO TESTIFIED THAT THEY WERE
2 ACCOMPANIED BY MR. FEDER. MR. FEDER TESTIFIED AS WELL.
3 HE CONFIRMED THAT HE WAS THERE WITH THESE INDIVIDUALS.
4 THAT THEY WERE NOT STRANGERS. THAT THEY WERE A TEAM THAT
5 WAS AUTHORIZED TO VISIT THE PROPERTY BY THE HOA AND THAT
6 THE VISIT HAD BEEN DISCLOSED TO THE CHATEAU'S
7 HOMEOWNER'S.

8 MR. FEDER TESTIFIED THAT RATHER THAN
9 MALICIOUS THUGS HIRED TO HARASS THE ABSENT MS. AARONOFF,
10 THESE FOUR INDIVIDUALS WERE TOURING THE PROPERTY IN
11 CONNECTION WITH THE PROPOSED CONSTRUCTION TAKING PLACE ON
12 THE VACANT LOT NEXT DOOR. MR. FEDER EXPLAINED THAT THE
13 FOUR INDIVIDUALS, ONE OF WHOM WAS A PREGNANT WOMAN, WERE
14 EITHER ARCHITECTS, ENGINEERS, OR CONSTRUCTION
15 REPRESENTATIVES SENT ON BEHALF OF THE NAMED LAND OWNER.
16 WHEN ACCOSTED BY MR. FOTSO, NONE OF THEM RAN NOR HID NOR
17 ACTED DEFENSIVELY. INSTEAD THEY ALLOWED HIM TO
18 PHOTOGRAPH THEM LOOKING ONLY MILDLY CONFUSED AS TO WHY HE
19 WAS DOING SO.

20 MR. FEDER FURTHER TESTIFIED THAT
21 MS. AARONOFF'S BEHAVIOR MADE IT IMPOSSIBLE FOR HIM TO
22 WORK AT THE CHATEAU AND THAT HE HAD TO QUIT AFTER YEARS
23 OF SERVICE. MR. FEDER TESTIFIED THAT MS. AARONOFF HAD
24 FILED TWO LAWSUITS AGAINST HIM AND THAT HE WAS AFRAID OF
25 ANY CONTACT WITH HER BECAUSE IT WOULD RAISE ADDITIONAL
26 CLAIMS. HE ALSO TESTIFIED THAT SHE ROUTINELY VIOLATED
27 THE CC&R'S. IT WAS DIFFICULT TO HIRE SUBCONTRACTORS
28 BECAUSE OF HER BEHAVIOR.

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1 HE FINALLY CONFIRMED THAT HE HAD NEVER
2 HARASSED HER, HAD NEVER SEEN ANYONE ELSE HARASS HER
3 INCLUDING MR. OLSON, AND MR. OLSON HAD NEVER DIRECTED HIM
4 TO HARASS HER. INDEED ACCORDING TO MR. FEDER, THE
5 OPPOSITE WAS TRUE. THAT MS. OLSON WAS THE ONE HARASSING
6 INDIVIDUALS AT THE CHATEAU.

7 FOR HIS PART, MR. OLSON TESTIFIED THAT HE
8 DID NOT KNOW THESE FOUR STRANGERS. HE DID NOT HIRE THEM
9 TO HARASS MS. AARONOFF. FINALLY, MS. AARONOFF INTRODUCED
10 THE NOW INFAMOUS MEN IN BLACK WHO SHE CLAIMS WERE HIRED
11 BY MR. OLSON IN 2017 TO STALK HER, SURVEIL HER, AND
12 PHOTOGRAPH HER. MS. AARONOFF'S KEY WITNESS IN HER MEN IN
13 BLACK STORY IS THE MYSTERIOUS AND NOTICEABLY ABSENT AMADO
14 MORENO.

15 ACCORDING TO MS. AARONOFF AND SEVERAL
16 DECLARATIONS SUBMITTED BY MR. MORENO, MR. MORENO WAS A
17 LONG-TIME EMPLOYEE AT THE CAFE ACROSS THE STREET FROM THE
18 CHATEAU. SOMETIME IN 2017 MR. MORENO ALLEGEDLY REPORTED
19 TO MS. AARONOFF THAT THE MEN IN BLACK WERE REGULARLY
20 VISITING THE CAFE LOOKING FOR HER. NO CORROBORATING
21 EVIDENCE WAS PROVIDED.

22 BEYOND THAT, IT DEFIES REASON TO THINK THAT
23 MR. OLSON WOULD CONCOCT SUCH AN ABSURD PLAN. BUT THE
24 STORY GETS MORE ABSURD. MR. MORENO ALSO TESTIFIED BY
25 DECLARATION THAT THESE MEN FOLLOWED HIM HOME; THAT HE WAS
26 SUBSEQUENTLY POISONED BY A GLASS OF WATER AT A RESTAURANT
27 NEAR HIS HOME; THAT HE WAS CHASED BY A TOW TRUCK DRIVER
28 BRANDISHING A BERETTA; THAT A MENTALLY ILL CRIMINAL BROKE

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1 OUT OF PRISON, BROKE INTO HIS HOME AND TRIED TO SET IT ON
2 FIRE.

3 HE FURTHER DECLARED THAT ALTHOUGH THE
4 MENTALLY ILL CRIMINAL WAS APPREHENDED AND PUT IN PRISON,
5 HE BROKE OUT OF PRISON AGAIN TO BREAK INTO MR. MORENO'S
6 HOME A SECOND TIME AND STEAL HIS ENTIRE FILE AND
7 DOCUMENTS RELATED -- TO THE POLICE REPORTS RELATED TO
8 MS. AARONOFF.

9 SETTING ASIDE THE SHEAR ABSURDITY OF THIS,
10 THE IMPLICATION BEHIND MR. MORENO'S ALLEGATIONS IS THAT
11 MR. OLSON ORCHESTRATED ALL OF THESE EVENTS. NO EVIDENCE
12 WAS PROVIDED TO SUPPORT THIS THEORY. MS. AARONOFF
13 HERSELF DECLARED THAT THESE SAME MEN IN BLACK BROKE INTO
14 HER HOME AT THE CHATEAU THREE DAYS LATER AND THREE DAYS
15 LATER HER STOVE EXPLODED BECAUSE THEY TAMPERED WITH IT,
16 THE IMPLICATION BEING THAT MR. OLSON WAS BEHIND THIS.

17 MS. AARONOFF FAILED TO PRESENT ANY EVIDENCE
18 WHATSOEVER CORROBORATING THIS OR ANY OF THE EVENTS THAT
19 OCCURRED AT THE HANDS OF ANY OF THESE VILLAINS THAT ARE
20 MENTIONED BY MR. MORENO. IN FACT, MS. AARONOFF READILY
21 ADMITTED THAT SHE HAD NEVER SEEN MR. OLSON WITH ANY OF
22 THESE VILLAINS AND HAD NO PERSONAL KNOWLEDGE OF MR. OLSON
23 EVER CONTACTING THEM OR HIRING THEM.

24 MR. OLSON EMPHATICALLY CONFIRMED THAT HE
25 NEVER HIRED ANY MEN WHETHER THEY WERE WEARING BLACK OR
26 SOMETHING ELSE. NO TOW TRUCK DRIVERS, NO MENTALLY ILL
27 CRIMINALS TO HARASS MS. AARONOFF. MS. AARONOFF FURTHER
28 TESTIFIED AROUND THIS TIME THAT A HAIRDRESSER, A BUSBOY,

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1 AND LENNY DYKSTRA BEGAN TO HARASS HER. NO EVIDENCE WAS
2 PROVIDED SUPPORTING ANY OF THIS. AND MR. OLSON TESTIFIED
3 THAT HE HAD NO KNOWLEDGE OF ANY OF IT.

4 ONE CAN'T HELP BUT WONDER WHY MR. MORENO IS
5 NOWHERE TO BE FOUND. MS. AARONOFF HAS MADE THE
6 IMPLICATION THAT MR. OLSON IS RESPONSIBLE FOR
7 MR. MORENO'S ABSENCE. THERE IS OBVIOUSLY NO EVIDENCE OF
8 THIS. IF MR. MORENO, IN FACT, DOES EXIST AND HIS
9 STATEMENTS ARE REAL, ONE CAN ONLY SPECULATE AS TO THE
10 REASON MR. MORENO APPEARS TO HAVE BEEN MORE WILLING TO
11 ACCEPT A BENCH WARRANT FOR HIS ARREST THAN TO APPEAR IN
12 COURT. IT MAY BE BECAUSE IT'S A LOT EASIER TO MAKE
13 OUTRAGEOUS ALLEGATIONS BY WRITTEN STATEMENTS THAN TO FACE
14 CROSS-EXAMINATION.

15 REGARDLESS, MR. OLSON WAS DEPRIVED OF THE
16 OPPORTUNITY TO TEST THE VERACITY OF MR. MORENO'S
17 DECLARATIONS. ASIDE FROM MR. OLSON, MS. AARONOFF,
18 MR. FEDER, MR. FOTSO, MR. ARGUE, MR. ROTH, MS. SILVER,
19 AND MS. MONROY, THE REMAINING WITNESSES INCLUDED KELLY
20 O'NEAL, CHRISTINE OLSON, ROBERT KILLIAN, AND DOUG ECONN.

21 MS. AARONOFF POINTS TO MR. KILLIAN AS
22 EVIDENCE OF ADDITIONAL HARASSMENT. HOWEVER,
23 MR. KILLIAN'S TESTIMONY WAS THAT THE EVENTS --

24 **THE COURT:** PAUSE FOR JUST A MINUTE.

25 I USE THIS TIME ON THE RECORD TO REPEAT THE
26 ANNOUNCEMENT. IT IS AGAINST THE COURT'S STANDING ORDER
27 TO RECORD PROCEEDINGS. WE HAD A NOISE BACK THERE AT THE
28 BACK OF THE COURTROOM THAT INDICATED THAT SOMEONE WAS

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1 THERE. SO I'M REPEATING THE ANNOUNCEMENT THAT IT IS A
2 STANDING COURT ORDER THAT RECORDING THESE PROCEEDINGS IN
3 ANY WAY, SHAPE, OR FORM, VIDEO, AUDIO, OR OTHERWISE, IS
4 NOT ALLOWED ACCORDING TO THE PRESIDING JUDGE'S ORDER
5 POSTED ON THE BULLETIN, OUTSIDE THE COURTROOM, AND IT'S A
6 STANDING ORDER OF THE PRESIDING JUDGE PUNISHABLE BY
7 CONTEMPT OF COURT.

8 MR. KENNEDY, PARDON THE INTERRUPTION.
9 PLEASE, CONTINUE.

10 **MR. KENNEDY:** THAT'S ALL RIGHT. THANK YOU.

11 MS. AARONOFF POINTED TO MR. KILLIAN'S
12 TESTIMONY. MR. KILLIAN TESTIFIED THAT HE LEFT THE EMPLOY
13 AT THE HOA IN 2015. HIS TESTIMONY WAS, THEREFORE,
14 IRRELEVANT. IT WAS ALSO UNSUPPORTED. THE TESTIMONY OF
15 THESE ADDITIONAL WITNESSES NOT ONLY CONFIRMED THAT NOT A
16 SINGLE ONE OF THEM OBSERVED HARASSING BEHAVIOR BY
17 MR. OLSON BUT PROVIDED CREDIBLE DETAILS AND EXPLANATIONS
18 ON THE EVENTS IN QUESTION DISPELLING ANY HINT OF
19 SUSPICIOUS CONDUCT.

20 MS. AARONOFF ALSO CALLED TO THE STAND HER
21 TAX PREPARER MR. MIRAMONTES. LIKE MR. KILLIAN, THE
22 EVENTS THAT HE TESTIFIED ABOUT WERE IN 2015.
23 MR. MIRAMONTES CONFIRMED THAT HE WAS SUPPOSED TO BE A
24 WITNESS AT THE 2015 HEARING ON THE RESTRAINING ORDER
25 APPLICATION. HIS TESTIMONY WAS, THEREFORE, IRRELEVANT.
26 AFTER THREE DAYS OF TESTIMONY AND 14 WITNESSES,
27 MR. AARONOFF WAS NOT ABLE TO PROVIDE ANY CREDIBLE
28 EVIDENCE SUPPORTING ANY OF HER CLAIMS AGAINST MR. OLSON.

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1 HER APPLICATION FOR A RESTRAINING ORDER APPEARS TO HAVE
2 BEEN FILED AS A MISGUIDED ATTEMPT TO BOLSTER HER CIVIL
3 CASE. IT SHOULD BE DENIED.

4 MR. OLSON HAS PUT A LOT OF TIME AND MONEY
5 INTO DEFENDING AGAINST HER CLAIMS BECAUSE HE'S A MAN OF
6 INTEGRITY AND PRINCIPLES AND IT'S VERY IMPORTANT FOR HIM
7 TO CLEAR HIS NAME. IN STARK CONTRAST TO MS. AARONOFF'S
8 APPLICATION, MR. OLSON HAS OFFERED CLEAR, CONCISE, AND
9 UNDISPUTED EVIDENCE SUPPORTING HIS CONTINUED NEED FOR A
10 RESTRAINING ORDER.

11 MR. OLSON'S EVIDENCE IS NOT BASED ON
12 CONJECTURE OR SPECULATION. IT'S NOT BASED ON INDIRECT
13 TIES TO VARIOUS UNIDENTIFIED INDIVIDUALS. RATHER HIS
14 EVIDENCE WHICH WAS CORROBORATED BY MR. ECONN WHO IS AN
15 EYEWITNESS IS THAT ON THE AFTERNOON OF SEPTEMBER 10,
16 2017, HE WAS ACCOSTED NOT ONCE BUT TWICE BY A TWO PERSON
17 TEAM UNDER MS. AARONOFF'S DIRECTION.

18 MS. AARONOFF NEVER DENIED THAT THIS INCIDENT
19 OCCURRED. NOR COULD SHE AS MR. OLSON FILMED IT. ONE OF
20 THE INDIVIDUALS UNDER MS. AARONOFF'S DIRECTION WAS
21 MR. FOTSO, HER IMPOSING BODYGUARD, WHO TESTIFIED THAT
22 HE'S ALWAYS THERE TO, QUOTE, "PROTECT" HER WHEN SHE
23 CALLS.

24 MS. AARONOFF ADMITTED THAT BOTH OF THESE
25 INDIVIDUALS HAD BEEN CONSUMING ALCOHOL THAT DAY, A
26 DANGEROUS ELEMENT IN A VOLATILE SITUATION. THIS INCIDENT
27 REPRESENTED A DISCERNABLE ESCALATION IN THE HARASSMENT BY
28 MS. AARONOFF. GOING BEYOND JUST LEGAL THREATS, NOW

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1 MS. AARONOFF WAS THREATENING MR. OLSON'S SAFETY AND
2 SECURITY. MR. OLSON TESTIFIED THAT THESE INDIVIDUALS
3 ACTED IN AN AGGRESSIVE AND THREATENING MANNER AND THAT HE
4 FEARED FOR HIS SAFETY. HE FURTHER TESTIFIED THAT
5 MS. AARONOFF WAS THERE DIRECTING HER ACTIONS. MR. ECONN
6 CORROBORATED THIS TESTIMONY.

7 MR. OLSON TESTIFIED THAT HE NO LONGER FEELS
8 SAFE AT THE CHATEAU EXPLAINING WHY HE'S ASKED FOR
9 ADDITIONAL SECURITY MEASURES, A REQUEST COMPLETELY
10 INCONSISTENT WITH AN INDIVIDUAL WHO IS ENGAGED IN A
11 LONG-TERM PERVASIVE SCHEME WITH MULTIPLE CO-CONSPIRATORS
12 TO HARASS MS. AARONOFF. MR. OLSON FEELS THAT, WITHOUT A
13 PERMANENT RESTRAINING ORDER AGAINST MS. AARONOFF, SHE AND
14 HER AGENTS, INCLUDING MR. FOTSO WHO TESTIFIED HE STILL
15 ACTS AS MS. AARONOFF'S BODYGUARD, WILL BE WAITING FOR HIM
16 READY TO HARASS HIM AND INTIMIDATE HIM AND, WORSE,
17 POSSIBLY HARM HIM.

18 MR. OLSON TESTIFIED THAT HE'S LOST ANY
19 ABILITY TO ENJOY HIS UNIT AT THE CHATEAU. MS. AARONOFF
20 EVEN SCARED OFF HIS RENTERS. THEY TERMINATED THE LEASE
21 EARLY BECAUSE OF HER. WITH ACTUAL AND UNDISPUTED
22 EVIDENCE OF HARASSMENT VIA TESTIMONY AND VIDEO FOOTAGE,
23 MR. OLSON HAS CLEARLY SATISFIED HIS BURDEN THAT HIS
24 RESTRAINING ORDER SHOULD BE EXTENDED FULL TERM.

25 MS. AARONOFF HAS POINTED TO A VAST, BROAD
26 RANGING CONSPIRACY INCLUDING ATTORNEYS PRACTICING BEFORE
27 THIS COURT. SHE HAS ACCUSED MR. OLSON OF DOCTORING VIDEO
28 FOOTAGE, OF HIRING THIRD PARTIES. SHE'S ACCUSED HIM OF

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1 COLLUDING WITH CRIMINALS, OF ATTEMPTING TO BREAK INTO HER
2 UNIT TO THREATEN HER LIFE. SHE CLAIMS THAT THE MOST
3 COMPELLING EVIDENCE OF MR. OLSON'S HARASSMENT IS THE
4 VIDEO FOOTAGE AND YET SHE PROVIDED ABSOLUTELY NO EVIDENCE
5 THAT THE VIDEO FOOTAGE WAS DOCTORED OR MANIPULATED. AND
6 EVERY SINGLE WITNESS WHO TESTIFIED HAVING ACCESS TO THE
7 VIDEO FOOTAGE CONFIRMED THAT THEY HAD NOT DONE SO NOR
8 PROVIDED ACCESS TO ANYONE ELSE TO DO SO.

9 SHE PROVIDED ABSOLUTELY NO EVIDENCE
10 CONNECTING MR. OLSON TO THE FOUR INDIVIDUALS THAT SHE
11 CLAIMS WHO IN BROAD DAYLIGHT WERE HARASSING HER BY
12 PICKING THROUGH HER TRASH AND LOOKING THROUGH THE
13 WINDOWS. THERE IS NO PEACE BETWEEN MR. OLSON AND
14 MS. AARONOFF. THE ONLY LACK OF PROXIMITY WAS CREATED BY
15 MR. OLSON BECAUSE HE DOES NOT FEEL SAFE VISITING HIS UNIT
16 ANYMORE. AND THERE IS MASSIVE DOWNSIDE TO EXTENDING
17 MS. AARONOFF'S RESTRAINING ORDER APPLICATION. NOT JUST
18 BECAUSE IT HAS NO EVIDENCE SUPPORTING IT. BUT BECAUSE OF
19 THE IMPACT ON MR. OLSON WHO IS A GOOD AND HONEST MAN, A
20 FATHER AND A BUSINESS OWNER. HE DESERVES TO LIVE HIS
21 LIFE IN PEACE WITHOUT THREAT OF HARASSMENT AND WITHOUT
22 THREAT OF A RESTRAINING ORDER AGAINST HIM.

23 THANK YOU, YOUR HONOR.

24 **THE COURT:** ARE THESE MATTERS NOW SUBMITTED FOR
25 DECISION?

26 **MR. KANANI:** YES.

27 **MR. KENNEDY:** THEY ARE.

28 **THE COURT:** SUBMITTED. OKAY.

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1 FIRST OF ALL, THE COURT PREVIOUSLY ISSUED A
2 BENCH WARRANT AND SET BAIL AT \$35,000 FOR WITNESS AMADO,
3 A-M-A-D-O, MORENO, M-O-R-E-N-O, WHO HAD NOT APPEARED AS
4 ORDERED BY JUDGE LEWIS IN DEPARTMENT TWO AND AS ORDERED
5 BY THIS JUDGE IN THIS DEPARTMENT ON THE FIRST DAY OF
6 THESE HEARINGS. AND SO THE BENCH WARRANT PREVIOUSLY
7 ISSUED BUT NOT RELEASED BECAUSE THE REQUESTING PARTY
8 MS. AARONOFF FAILED TO PAY THE FEES TO THE SHERIFF'S
9 DEPARTMENT TO CARRY OUT THAT BENCH WARRANT. THEREFORE,
10 THE COURT ORDERS THE BENCH WARRANT AND THE BAIL SET AS TO
11 AMADO MORENO RE-CALLED AND QUASHED AND SET ASIDE.

12 THANK YOU TO BOTH COUNSEL AND BOTH PARTIES
13 FOR YOUR PROFESSIONALISM. AND I SAY THAT WITH SOME
14 DEGREE OF EXPRESSION OF CONCERN. BECAUSE AS I STATED AT
15 THE BEGINNING, THE COURT HANDLES MANY OF THESE MATTERS
16 AND HAS HANDLED MANY OF THESE MATTERS OVER THE YEARS AND
17 UNDERSTANDS ONLY A PART OF THE DYNAMIC THAT EXISTS
18 BETWEEN PERSONS WHO ARE INVOLVED IN PERSONAL AND LEGAL
19 DISPUTES SUCH AS THEY ARE IN THIS CASE. AND THAT
20 OFTENTIMES THERE'S A TENDENCY TO, IF YOU WILL, WEAR ONE'S
21 EMOTIONS ON CLOSE PROXIMITY TO YOUR BEHAVIOR IN COURT. I
22 DID HAVE TO CALL OUT ON BOTH PARTIES DURING THESE
23 HEARINGS ON MORE THAN ONE OCCASION, EACH OF YOU ON MORE
24 THAN ONE OCCASION, ON BEHAVIOR THAT WAS INAPPROPRIATE AND
25 REFLECTIVE OF DISRESPECTFUL CONDUCT TOWARD THE OTHER
26 PARTY AND TOWARD THE PROCESS.

27 UNDERSTAND THAT I VIEW THAT AS ONLY MILDLY,
28 ONLY MILDLY AFFECTING ADVERSELY YOUR CREDIBILITY BUT MORE

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1 REALISTICALLY REFLECTING YOUR PERSONAL STRONG FEELINGS
2 ABOUT THESE MATTERS WHICH ARE BEFORE THE COURT. THAT IS
3 RECOGNIZED. THE COURT UNDERSTANDS THAT THAT CAN HAPPEN.
4 BUT IT IS ABSOLUTELY ESSENTIAL IN THIS PROCESS AND IN THE
5 PROCESS THAT YOU HAVE IN THE WEST DISTRICT COURT WHERE
6 THE OTHER CASE OR CASES ARE PENDING BUT LARGER THAN THAT
7 IN THE WAY THAT YOU MOVE ABOUT AND CONDUCT YOURSELF IN
8 THE PUBLIC AND PRIVATE SPACES THAT YOU DO SO WITH
9 UNDERSTANDING THAT THERE ARE OTHERS AROUND YOU WHO
10 INTERSECT OR MAY INTERSECT WITH YOUR SPACE OR YOUR
11 WALKING ABOUT IN LIFE AND THAT IT'S APPROPRIATE IN ALL
12 FACETS OF YOUR LIFE TO TREAT OTHERS WITH DIGNITY AND
13 RESPECT AND A LOT OF PATIENCE AND TO NOT OVERREACT ON
14 SITUATIONS WHERE OVERREACTION CAN ONLY ESCALATE IN
15 SITUATIONS AND LEAD TO SUSPICION, LEAD TO HURT FEELINGS,
16 LEAD TO MORE ANXIETY AND CONFLICT.

17 IT IS UP TO EACH INDIVIDUAL TO CHOOSE TO
18 STEP BACK FROM THAT LINE WHEN YOU SENSE YOURSELF
19 APPROACHING IT. SO THAT IS WHY THE COURT SETS THESE
20 GUIDELINES AND BOUNDARIES IN THIS COURTROOM FOR
21 APPROPRIATE BEHAVIOR BECAUSE WE ARE GOVERNED BY RULES OF
22 CIVILITY. WE ARE REQUIRED TO ACT WITH CIVILITY. UNDER
23 OUR RULE OF LAW, WE CANNOT RESOLVE DISPUTES IN A CIVIL,
24 LAWFUL MANNER UNLESS EVERYONE, INCLUDING JUDGES AND STAFF
25 AND LITIGANTS AND ATTORNEYS, ALL OBSERVE THESE RULES OF
26 ENGAGEMENT WITH RESPECT AND DIGNITY IN THE COURTROOM FOR
27 YOUR POSITION AND PLACE YOUR DISPUTE BEFORE THE COURT TO
28 BE RESOLVED BY THE COURT IN A PEACEFUL, LAWFUL MANNER.

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1 TO THE EXTENT THAT THAT GOT MUDDLED, I
2 CALLED IT. BUT IT WAS NOT OVER THE TOP AND IT WAS NOT
3 FATAL TO EITHER CASE, THOSE INCIDENCES OF WHAT I CALL
4 MISBEHAVIOR. JUST KNOW THAT AND KNOW THAT IT CAME CLOSE
5 AND YOU APPROPRIATELY STEPPED BACK ON ALL SIDES.

6 I HAVE A JUDGE ASKING FOR A BRIEF
7 CONFERENCE. STAY RIGHT THERE.

8
9 (PAUSE IN THE PROCEEDINGS.)
10

11 **THE COURT:** TO RESUME, THANK YOU AGAIN FOR YOUR
12 PROFESSIONALISM. AND AS MUCH AS POSSIBLE, STREAMLINE
13 PRESENTATION KEEPING IN YOUR TIME ESTIMATES. MANY TIMES
14 COMING UNDER THOSE ESTIMATES TO KEEP THIS CASE FLOWING,
15 MOVING, AND FINISHED. THAT IS APPRECIATED BY THE COURT
16 PARTICULARLY IN THE CIVIL HARASSMENT AND DOMESTIC
17 VIOLENCE CASES THAT WE HEAR BECAUSE THESE ARE PROCEDURES
18 THAT ARE TO BE EXPEDITED. THEY HAVE THE HIGHEST PRIORITY
19 IN OUR SYSTEM. AND IT IS OUR OBJECTIVE TO DISPOSITION
20 THESE CASES AS QUICKLY AS POSSIBLE BECAUSE THEY INVOLVE
21 RESTRAINING ORDERS AND INJUNCTIONS AND REGISTRATIONS OF
22 ORDERS IN THE CALIFORNIA LAW ENFORCEMENT
23 TELECOMMUNICATIONS SYSTEM CALLED CLETS. AND THESE
24 MATTERS DON'T LEND THEMSELVES TO THE UNUSUAL SITUATION
25 THAT HAPPENED HERE WHERE THEY'RE IN THE SYSTEM FOR OVER
26 14 MONTHS BEFORE THEY ARE DISPOSITIONED. THAT CONCERNED
27 THIS COURT GREATLY AND SUPPORTS THE EXPEDITED PROCESS
28 THAT WE HAVE TO ENGAGE.

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1 I THANK YOU, COUNSEL, AND PARTIES FOR
2 UNDERSTANDING AND APPRECIATING THAT AND ASSISTING THE
3 COURT IN GETTING IT DONE.

4 THE COURT IS REQUIRED TO APPLY THE LAW FROM
5 A STATUTE CODE OF CIVIL PROCEDURE SECTION 527.6. IT'S
6 THE CIVIL HARASSMENT ACT. AND THAT ACT ALLOWS FOR
7 TEMPORARY ORDERS WHICH WERE GRANTED ON BOTH SIDES IN THIS
8 CASE IN EACH OF THESE TWO SEPARATE RESTRAINING ORDERS.
9 BUT ALSO TO CONDUCT THE HEARING TO DETERMINE WHETHER A
10 PERMANENT ORDER SHOULD BE PUT IN PLACE ALONG WITH AN
11 INJUNCTION FOR A PERMANENT RESTRAINING ORDER, PERSONAL
12 CONDUCT AND STAYAWAY ORDERS, AND OTHER ORDERS.

13 AND THE COURT APPLIED THAT STATUTE. AND TO
14 START WITH THE BASICS AS I ALWAYS DO, LET ME JUST
15 PARAPHRASE AND OUTLINE THE LEGAL FRAMEWORK THAT THE COURT
16 RECEIVED THE EVIDENCE UNDER THE STATUTE AND THEN I WILL
17 GO THROUGH THE EVIDENCE AND STATE MY FINDINGS ON THE
18 EVIDENCE, WHAT WAS SIGNIFICANT, PERSUASIVE, AND PROVED OR
19 MADE IT TOWARD THE PROOF OF CIVIL HARASSMENT RESTRAINING
20 ORDERS AND WHAT WAS NOT SO PERSUASIVE OR LACKED
21 CREDIBILITY, LACKED SUPPORT WHEN THE COURT APPLIES THE
22 LAW.

23 THE LAW THE COURT APPLIES IN 527.6 REQUIRES
24 THAT HARASSMENT BE RESTRAINED FROM FURTHER ACTION BY
25 TEMPORARY ORDERS. AND IN DEFINING HARASSMENT, THE COURT
26 ALSO ALLOWS UNDER THIS STATUTE THAT AT THE TIME OF THE
27 HEARING WITHIN 25 DAYS AFTER THAT THE COURT DETERMINE BY
28 CLEAR AND CONVINCING EVIDENCE, BY CLEAR AND CONVINCING

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1 EVIDENCE, THAT IS, THE BURDEN OF PROOF ON THESE
2 PROCEEDINGS, THAT IS 527.6 SUBDIVISION (I) WHETHER OR NOT
3 UNLAWFUL HARASSMENT EXISTS AND WHETHER THE ORDER
4 PROHIBITING HARASSMENT OR THE INJUNCTION SHOULD BE IN
5 PLACE FOR A PERIOD OF NO LESS THAN THREE YEARS OR UP TO
6 FIVE YEARS. AS MUCH AS FIVE YEARS. AND THESE ORDERS ARE
7 ALSO RENEWABLE AT THE END OF THE EXPIRATION FOR
8 ADDITIONAL TIME. AND SO THAT IS THE STANDARD.

9 AND SO THE COURT'S TASK IN THIS IS TO VIEW
10 THE EVIDENCE AND DECIDE WHETHER OR NOT HARASSMENT HAS
11 OCCURRED. HARASSMENT CAN TAKE MANY FORMS. THE STATUTE
12 DEFINES IT AS SUCH THINGS AS SUBDIVISION (B)(1), A COURSE
13 OF CONDUCT. THIS CAN BE A PATTERN OF CONDUCT, AN ACT, OR
14 ACTS OVER A PERIOD OF TIME HOWEVER SHORT SHOWING SOME
15 CONTINUITY OF PURPOSE INCLUDING STALKING, MAKING
16 HARASSING TELEPHONE CALLS, SENDING HARASSING
17 CORRESPONDENCE TO INDIVIDUALS BY ANY MEANS. SO THIS
18 WOULD INCLUDE PUBLIC, PRIVATE MAILS, E-MAILS,
19 INTER-OFFICE MAILS, FACSIMILE, DIGITAL OR ELECTRONIC
20 TRANSMISSION. THE STATUTES HAVE BEEN BROADLY DEFINED TO
21 REFLECT THE TRANSMISSION OF COMMUNICATIONS IN ANY MANNER
22 AS LONG AS IT SHOWS SOME CONTINUITY OF PURPOSE.

23 AND THE SECOND DEFINITION OF HARASSMENT
24 UNDER THE ACT IS THAT THE CONDUCT WOULD PROVE SOME
25 CREDIBLE THREAT OF VIOLENCE. CREDIBLE THREAT OF VIOLENCE
26 IS DEFINED AS A KNOWING AND WILLFUL STATEMENT OR COURSE
27 OF CONDUCT THAT WOULD PLACE A REASONABLE PERSON IN FEAR
28 FOR HIS OR HER SAFETY OR THE SAFETY OF HIS OR HER

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1 IMMEDIATE FAMILY. AND HERE IS THE IMPORTANT PART. AND
2 THAT SERVES NO LEGITIMATE PURPOSE. SERVES NO LEGITIMATE
3 PURPOSE.

4 A THIRD TYPE OF HARASSMENT IS THE WORD
5 "HARASSMENT" WHICH IS DEFINED BY THE STATUTE AS UNLAWFUL
6 VIOLENCE, A CREDIBLE THREAT OF VIOLENCE, OR A KNOWING AND
7 WILLFUL COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON
8 THAT SERIOUSLY ALARMS, ANNOYS, OR HARASSES THE PERSON.
9 HERE IT IS AGAIN. AND THAT SERVES NO LEGITIMATE PURPOSE.

10 THE DEFINITION OF HARASSMENT GOES ON TO
11 STATE THAT THE COURSE OF CONDUCT MUST BE THAT WHICH WOULD
12 CAUSE A REASONABLE PERSON TO SUFFER SUBSTANTIAL EMOTIONAL
13 DISTRESS AND MUST ACTUALLY CAUSE SUBSTANTIAL EMOTIONAL
14 DISTRESS TO THE PETITIONER, THAT IS, THE PERSON ASKING
15 FOR THE RESTRAINING ORDER. IN THIS CASE, IT'S EACH OF
16 THE TWO PARTIES BEFORE THIS COURT.

17 AND IN ALL OF THESE THINGS, THE PERSON WHO
18 BEARS THE BURDEN OF PROOF, THAT IS, THE PETITIONER,
19 MS. AARONOFF ON HER CASE AND MR. OLSON ON HIS CASE, MUST
20 DEMONSTRATE BY CLEAR AND CONVINCING EVIDENCE THAT THESE
21 STANDARDS HAVE BEEN MET. AND THERE HAVE BEEN MANY CASES
22 INTERPRETING THIS. AND THERE HAVE BEEN EVEN BROADER
23 DEFINITIONS APPLIED TOWARD WHAT CONSTITUTES CREDIBLE
24 THREAT OF VIOLENCE OR HARASSMENT IN MORE RECENT YEARS.
25 AND IT DOESN'T LEND -- IT DOESN'T LEND ITSELF TO BE ONLY
26 PHYSICAL VIOLENCE. BUT THE LACK OF PHYSICAL CONTACT CAN
27 BE CALLED HARASSMENT IF IT RISES TO THE LEVEL THAT I
28 DESCRIBED. THE COURSE OF CONDUCT. THE CREDIBLE THREAT

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1 OF VIOLENCE OR THE HARASSMENT. AND, AGAIN, IN ALL
2 INSTANCES, IT MUST BE SHOWN BY CLEAR AND CONVINCING
3 EVIDENCE.

4 AND SO THE COURT APPLIES THAT LAW TO WHAT
5 THE EVIDENCE SHOWED IN THIS CASE. AND TO TAKE
6 MS. AARONOFF'S ARGUMENT AS A FRAMEWORK, THE COURT
7 ADDRESSES THE EVIDENCE. AND THERE WAS OTHER EVIDENCE
8 THAT I WILL REVIEW AND COMMENT ON THAT WAS NOT ARGUED AS
9 WELL.

10 THE EVIDENCE THAT MS. AARONOFF PRESENTED
11 SHOWED THAT SHE SUBJECTIVELY BELIEVED THAT SOMEONE WAS
12 TRYING TO CONTACT HER. I THINK THE STRONGEST MOST
13 PERSUASIVE EVIDENCE SHE PRESENTED WAS THAT SHE FELT AS IF
14 SOMEONE WAS FOLLOWING HER. SHE FELT AS IF SOMEONE WAS
15 SURVEILLING HER. SHE FELT AS IF HER SPACE AND HER SAFETY
16 WERE JEOPARDIZED. WHETHER SHE FELT THAT SHE WAS IN FEAR
17 OF SERIOUS HARM OR SAFETY WAS NOT AS PERSUASIVE.

18 THE CONNECT UP WITH MR. OLSON IS THE, IF YOU
19 WILL, A WORD THAT WE USE IN THE LAW "GRAVAMEN" OR THE
20 MAIN SUBSTANCE OF WHAT THE PETITIONER MS. AARONOFF MUST
21 SHOW BY CLEAR AND CONVINCING EVIDENCE. AND THERE WERE
22 UNIDENTIFIED MEN IN BLACK AT THE CAFE ACROSS THE STREET,
23 AT THE CONDO COMPLEX WHO WERE NEVER IDENTIFIED, WHO WERE
24 NOT CORROBORATED BY THE CLEAR AND CONVINCING EVIDENCE.

25 THERE WERE STATEMENTS MADE THAT PEOPLE WERE
26 SURVEILLING HER BY TAKING HER PICTURE, BY WATCHING HER
27 MOVEMENTS AT THE PUBLIC PLACE, THE CAFE, BUT THERE WAS
28 INSUFFICIENT EVIDENCE UNDER THE CLEAR AND CONVINCING

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1 STANDARD TO CONNECT ANY OF THESE UNKNOWN, UNNAMED
2 INDIVIDUALS TOWARD CONDUCT THAT MR. OLSON ENGAGED
3 DIRECTLY OR INDIRECTLY THROUGH OTHERS TO PROVE HARASSMENT
4 OR SURVEILLANCE OR FOLLOWING OR STALKING.

5 THE CONDUCT OF THE PEOPLE WHO WERE CAPTURED
6 ON VIDEO AT THE COMPLEX EITHER IN THE BACK WALKWAY AREA
7 WHERE THERE WERE MORE THAN ONE ENTRANCES TO UNITS
8 ADJACENT TO THE EMPTY LOT, THE INDIVIDUALS SHOWN ON THAT
9 VIDEO AND THE VIDEO OF THE COURTYARD AREA SEEMINGLY
10 IDENTIFYING THE SAME INDIVIDUALS, THOSE WERE NOT SHOWN BY
11 CLEAR AND CONVINCING EVIDENCE TO BE PERSONS WHO WERE
12 EITHER DIRECTLY OR INDIRECTLY HIRED BY MR. OLSON TO
13 SURVEIL, HARASS, OR CREATE EMOTIONAL DISTRESS AGAINST
14 MS. AARONOFF.

15 IN FACT, THIS IS WHY I EMPHASIZE THE
16 LEGITIMATE PURPOSE LANGUAGE. THERE WAS SUFFICIENT CLEAR
17 AND CONVINCING EVIDENCE THAT THESE PERSONS WERE THERE FOR
18 A LEGITIMATE PURPOSE WHICH WAS TO REVIEW THE PROPERTY IN
19 THE BASEMENT OUT OF CAMERA VIEW AND ON THE AREAS UNDER
20 THE HOUSE WHERE THE VIDEO CAPTURED THEM LOOKING TO
21 INVESTIGATE THE FEASIBILITY OF CONSTRUCTING A BUILDING ON
22 THE ADJACENT EMPTY LOT. THIS WAS A LEGITIMATE PURPOSE.

23 THERE WAS SUFFICIENT, CLEAR AND CONVINCING
24 EVIDENCE THAT THERE WAS PRIOR NOTICE TO THE OWNERS OF THE
25 UNITS THAT THESE PEOPLE WOULD BE COMING THERE AND THAT
26 THEY WOULD BE CONDUCTING THIS SITE VISIT. THEY DID SERVE
27 A LEGITIMATE PURPOSE. IT'S NOT HARASSING. IT DID NOT
28 MEET THE BURDEN OF PROOF IN SHOWING CLEAR AND CONVINCING

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1 EVIDENCE OF HARASSMENT, SURVEILLANCE AGAINST
2 MS. AARONOFF.

3 SO WHILE SHE MAY HAVE FELT THAT THESE
4 PERSONS WERE RUMMAGING THROUGH HER BELONGINGS, THE
5 EVIDENCE DID NOT SHOW THAT BY CLEAR AND CONVINCING
6 EVIDENCE.

7 MR. FOTSO'S PRESENCE CAN ALSO BE EXPLAINED
8 AS PERHAPS ALARMING THESE INDIVIDUALS WHO DID NOT
9 RECOGNIZE HIM AS A RESIDENT OF THE PREMISES.
10 NEVERTHELESS, HE WAS APPROPRIATELY CHECKING OUT THE
11 SITUATION. BUT IT DOES NOT SHOW THAT IT WAS HARASSMENT
12 PLACING MS. AARONOFF IN REASONABLE FEAR FOR HER SAFETY.

13 THE ATTEMPTED BREAK-INS AT MS. AARONOFF'S
14 RESIDENCE THROUGH THE WINDOW, THROUGH THE DOOR. AGAIN, I
15 FOUND THAT THE EVIDENCE DID SHOW THAT THERE WAS DAMAGE TO
16 THE WINDOW. MR. ROTH, THE HANDYMAN, TESTIFIED TO THAT.
17 THAT WAS CONVINCING. THAT WAS CLEAR. THAT WAS
18 UNCORROBORATED, THAT IS, NO ONE ELSE CHALLENGED THAT. SO
19 I FOUND THAT TO BE CREDIBLE, RELIABLE.

20 BUT, AGAIN, THERE WAS INSUFFICIENT EVIDENCE
21 BY CLEAR AND CONVINCING EVIDENCE THAT MR. OLSON WAS
22 RESPONSIBLE FOR THE DAMAGE TO THE WINDOW, THE DOOR, THE
23 LATCH, ANY ALLEGED OR ATTEMPTED BREAK-INS. THERE WAS
24 SOME EVIDENCE RECEIVED DURING THIS HEARING THAT THERE HAD
25 BEEN PEOPLE WHO HAD TRIED TO BREAK INTO UNITS AT THE
26 COMPLEX. AND SO THERE COULD BE ANOTHER EXPLANATION FOR
27 THAT. THERE WAS INSUFFICIENT EVIDENCE TO LINK IT UP WITH
28 MR. OLSON BY THE STANDARD OF CLEAR AND CONVINCING

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1 EVIDENCE.

2 THE TEMPORARY RENTER AND THE PRESENCE OF
3 MR. FOTSO IN MS. AARONOFF'S UNIT DOES NOT RISE TO THE
4 LEVEL OF PEOPLE WHO WERE THERE TO HARASS OR SURVEIL
5 MS. AARONOFF. THEIR PRESENCE, THAT IS, THE PRESENCE OF
6 THIS TEMPORARY RENTER AND MR. FOTSO THEMSELVES ARE THE
7 SUBJECT OF A DISPUTE IN THE CIVIL COURT WHICH IS THE
8 AUTHORIZED USE OF THE AARONOFF UNIT FOR RENTERS. THAT IS
9 A POINT OF LEGAL DISPUTE IN THE WEST DISTRICT CIVIL CASES
10 THAT ARE STILL PENDING. THEIR PRESENCE DOES NOT LEND
11 ITSELF BY CLEAR AND CONVINCING EVIDENCE TO A CONCLUSION
12 THAT THERE WAS SURVEILLANCE OR OBSERVATION OF
13 MS. AARONOFF BEING CONDUCTED.

14 THE EVIDENCE ABOUT MR. MIRAMONTES BEING AT
15 THE PREMISES AND MR. OLSON BECOMING ANGRY AT HIM DOES NOT
16 AMOUNT TO HARASSMENT. IT ALSO RELATES TO THE 2015 EVENTS
17 WHICH WERE RESOLVED BY THE PARTIES' SETTLEMENT AGREEMENT.
18 AND IT WAS ALSO SHOWN BY THE COURT TO BE REFLECTIVE OF AN
19 ADVERSE CREDIBILITY OF MS. AARONOFF WHEN SHE ALMOST USED
20 THE EXACT SAME LANGUAGE IN THE INSTANT APPLICATION THAT
21 SHE USED IN HER 2015 APPLICATION, AN ATTEMPT TO
22 RE-LITIGATE THOSE ISSUES WHICH WERE RESOLVED.

23 SHE MAY HAVE FELT THAT SHE WAS UNDER
24 SURVEILLANCE. SHE MAY HAVE FELT EMOTIONAL UPSET BECAUSE
25 OF EVENTS. BUT IT'S ALSO EXPLAINED TO THIS COURT FROM
26 THE EVIDENCE BY THE ONGOING, VERY CONTENTIOUS CIVIL
27 LITIGATION INVOLVING THE PARTIES' UNDERLYING CLAIMS IN
28 CIVIL COURT AND BEFORE THE FAIR EMPLOYMENT AND HOUSING

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1 BOARD.

2 THESE THINGS ARE VERY EMOTIONAL TO THE
3 PARTIES. THEY ARE HOTLY CONTESTED IN THE CIVIL COURTS.
4 THEY ARE PERHAPS EVEN RELATED TO THE CONDUCT OF THIS
5 LITIGATION. BUT THIS IS WHERE THE ALLEGED FEELING OF
6 INSECURITY COMES FROM BY THE EVIDENCE THAT THE COURT
7 ASSESSES, BY THAT LITIGATION PROCESS AND NOT BY THE
8 ACTIONS OF MR. OLSON BY CLEAR AND CONVINCING EVIDENCE,
9 NOT BY MR. OLSON DIRECTLY, NOT BY MR. OLSON INDIRECTLY.

10 SO THE COURT DOES NOT APPLY A STANDARD OF
11 WHETHER THESE ARE HALF TRUTHS OR INFERENCES. THE COURT
12 REQUIRES THAT THERE BE CLEAR AND CONVINCING EVIDENCE AS
13 THE STATUTE DOES. AND MS. AARONOFF DID NOT MEET THAT
14 BURDEN OF PROOF.

15 SHE WAS ASKED DURING HER TESTIMONY THE AREAS
16 OR THE REASONS FOR THE INSTANT RESTRAINING ORDER REQUEST.
17 AND SHE TESTIFIED THAT SHE HAS BEEN FOLLOWED BY THIRD
18 PARTIES, THAT SHE BELIEVED MR. OLSON HIRED THEM.

19 AGAIN, I'VE ALREADY STATED THAT I FIND
20 INSUFFICIENT EVIDENCE BY THE CLEAR AND CONVINCING
21 EVIDENCE STANDARD THAT THESE PERSONS WERE UNIDENTIFIED.
22 MR. MORENO, THE PERSON WHO THE PETITIONER, MS. AARONOFF,
23 HAD THE ABILITY TO BRING TO COURT AND DID EFFECTIVELY
24 SERVE A SUBPOENA ON AND WHO DID NOT SHOW UP. THIS IS A
25 WITNESS IN HER CONTROL. SHE HAD THE ABILITY TO PRODUCE
26 THE STRONGER EVIDENCE AND DID NOT. AND MR. MORENO DID
27 NOT MAKE HIMSELF AVAILABLE FOR CROSS-EXAMINATION OR TEST
28 OF HIS DECLARATIONS.

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1 SO HIS EVIDENCE IN THE FORM OF HIS
2 DECLARATIONS, WHICH THE COURT RECEIVED OVER OBJECTION,
3 WAS VIEWED WITH DISTRUST.

4 FURTHER WHEN I GO TO THOSE MORENO
5 DECLARATIONS, THE STATEMENTS ABOUT PEOPLE FOLLOWING THAT
6 MR. MORENO OBSERVED ALSO CAN LOGICALLY BE CONCLUDED,
7 ALTHOUGH NOT SHOWN, LOGICALLY THAT MAYBE THEY WERE
8 FOLLOWING MR. MORENO FOR SOME REASON BECAUSE THEY
9 FOLLOWED HIM TO HIS HOUSE. THEY DID THINGS TO HIS
10 PROPERTY. THEY FOLLOWED HIM ON THE STREETS AND HIGHWAYS.
11 THEY THREATENED HIM WITH A WEAPON.

12 AGAIN, THE COURT CANNOT YET TEST THE
13 VERACITY OF THOSE STATEMENTS BECAUSE HE WASN'T HERE TO BE
14 CROSS-EXAMINED BY THEM. SO THEY WERE UNRELIABLE AND
15 UNSUBSTANTIATED, AND THEY FAIL TO MEET THE CLEAR AND
16 CONVINCING EVIDENCE STANDARD.

17 AND SO VIEWED TOGETHER, THE COURT DOES NOT
18 FIND SUFFICIENT EVIDENCE TO MS. AARONOFF'S FIRST
19 CONTENTION FOR THIS RESTRAINING ORDER REQUEST THAT PEOPLE
20 WERE FOLLOWING HER. IT DOES NOT MEET THE CLEAR AND
21 CONVINCING STANDARD. SHE NEXT STATED THAT SHE FILED THIS
22 RESTRAINING ORDER REQUEST BECAUSE MR. OLSON DISPARAGED
23 HER. AND WHEN THAT WAS DELVED INTO MORE, IT WAS VERY
24 RECENT IN TIME THAT THERE WERE DISCUSSIONS AND DIALOGUE
25 THAT SHE FOUND UPSETTING OR THAT UPSET HER EMOTIONAL
26 CALM.

27 BUT, AGAIN, THE COURT NOTES THAT IT WAS FOR
28 A LEGITIMATE PURPOSE THAT THIS DIALOGUE HAPPENED.

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1 THERE'S AN ONGOING DISPUTE ABOUT HOMEOWNER ASSOCIATION
2 AND CC&R VIOLATIONS. THIS COURT IS NOT HERE TO SAY
3 WHETHER THOSE ARE TRUE OR NOT. THAT IS ENTIRELY THE
4 PROVINCE AND THE SCOPE OF THE CIVIL ACTIONS PENDING.

5 BUT THERE WAS EVIDENCE THAT THERE WERE
6 STATEMENTS MADE TO MS. AARONOFF AT RECENT BOARD MEETINGS
7 AS RECENTLY AS TWO MONTHS AGO ABOUT PEOPLE WHO WERE NOT
8 ON THE PROPERTY THAT -- PEOPLE WHO WERE ON THE PROPERTY
9 THAT DID NOT BELONG THERE, EITHER UNKNOWN OR UNCONNECTED
10 TO MS. AARONOFF OR RENTING HER UNIT ALLEGEDLY -- AND I'M
11 NOT SAYING IT'S TRUE OR NOT TRUE -- ALLEGEDLY IN
12 VIOLATION OF THE CC&R'S. AND THAT THERE WERE LEGITIMATE
13 REASONS FOR DISCUSSIONS AT BOARD MEETINGS AND IN LETTERS
14 AND IN LEGAL CORRESPONDENCE THAT MS. AARONOFF MIGHT BE
15 VIOLATING THOSE AGREEMENTS, THOSE CONTRACTS.

16 THIS WAS NOT A VIOLATION OF THE SO-CALLED
17 MEDIATION AGREEMENT THAT THE PARTIES ENTERED INTO IN
18 DECEMBER, 2015, BECAUSE THESE COMMUNICATIONS ABOUT THE
19 SAFETY AND SECURITY OF THE PROPERTY ARE LEGITIMATE
20 PURPOSES, ARE APPROPRIATE PURPOSES, AND WERE NOT DESIGNED
21 TO SPECIFICALLY TARGET MS. AARONOFF.

22 IN FACT, THE FACT THAT CAMERAS ARE POSTED AT
23 AREAS OTHER THAN HER PROPERTY AND AROUND THE BUILDING
24 SHOW THE LEGITIMATE PURPOSE OF THOSE CAMERAS: TO RECORD
25 THE PROPERTY, TO MAKE SURE THAT PEOPLE AREN'T THERE WHO
26 DON'T BELONG THERE. LEGITIMATE PURPOSES. SAFETY
27 CONCERNS. AND NOT SHOWN BY CLEAR AND CONVINCING EVIDENCE
28 TO BE EITHER DISPARAGING TOWARDS MS. AARONOFF OR

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1 VIOLATIVE OF HER PEACEFUL, LAWFUL ENJOYMENT OF HER
2 PROPERTY.

3 THEY WERE NOT HARASSMENT. THEY WERE NOT
4 CREDIBLE THREATS OF VIOLENCE. AND THEY DID NOT SHOW A
5 PATTERN OF COURSE OF CONDUCT.

6 THE COURT NOTES THAT IT WAS THE BURDEN OF
7 MS. AARONOFF TO SHOW THAT THE VIDEO WAS ALTERED. NO ONE
8 COULD EXPLAIN WHY THERE WAS A FREEZE OF THE VIDEO. THE
9 COURT'S OBSERVATION OF THE VIDEO ALSO SHOWED THAT AT SOME
10 POINTS IT MOVED IN FEWER FRAMES PER SECOND THAN REALTIME
11 AND IN OTHER INSTANCES MOVED IN REALTIME. SO THESE
12 IRREGULARITIES IN THE VIDEO AS SHOWN TO THE COURT WAS NOT
13 EXPLAINED BY ANYONE AS TO WHY THAT WAS THE CASE. AND FOR
14 BOTH PARTIES, THE BURDEN TO SHOW THAT IS ON THE PERSON
15 WHO CLAIMS IRREGULARITY IN THAT VIDEO.

16 THE VIDEO WAS TAKEN FOR WHAT IT WAS. IT
17 SHOWED THE PEOPLE INVESTIGATING THE CONSTRUCTION. IT
18 DIDN'T SHOW ANYTHING ELSE. EXHIBIT 27 SHOWED PICTURES,
19 STILL PICTURES OF PERSONS AT THE PREMISES WHO WERE THERE
20 TO INVESTIGATE. IT DID NOT SHOW PEOPLE SURVEILLING,
21 HARASSING, OR GOING THROUGH THE AARONOFF PERSONAL
22 CONTENTS BY CLEAR AND CONVINCING EVIDENCE. THEREFORE, IT
23 FAILS TO MEET THAT BURDEN.

24 SO TO HAVE DISCUSSIONS ABOUT THEM THAT
25 MS. AARONOFF MAY HAVE FOUND TO BE WHAT SHE FELT
26 DISPARAGING IS NOT SUFFICIENTLY SHOWN BY THE EVIDENCE.

27 SHE ALSO STATED THAT THERE WAS A THREAT TO
28 HER IN MARCH OF 2017 TO DROP HER CIVIL LAWSUIT OR THAT

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1 HARM WOULD COME TO HER. AND SHE STATED THAT THIS WAS
2 STATED TO HER BY ATTORNEY LE WHO WAS PRESENT THROUGHOUT
3 THE CASE. AND IT WASN'T UNTIL THE END OF THE CASE THAT
4 HE WAS CALLED AS A WITNESS. THE COURT NOTES THAT THESE
5 ALLEGATIONS WERE NOT IN ANY OF THE PAPERS OF
6 MS. AARONOFF. AND MR. LE HAD THE BENEFIT, EVEN THOUGH
7 THE COURT HAD A WITNESS EXCLUSION ORDER THROUGHOUT THESE
8 HEARINGS, OF WATCHING THE TESTIMONY, OF WATCHING THE
9 VIDEOS. AND THEN AT THE END OF THE PRESENTATION, IT WAS
10 A THROW-IN THAT MR. LE ALSO MADE A THREAT ON THE LIFE OF
11 MS. AARONOFF.

12 AND THIS WAS INTERESTING BECAUSE THIS WAS
13 THE MOST SUCCINCT, CLEAR EVIDENCE OF A THREAT TO THE
14 SAFETY OF MS. AARONOFF. AND IT WASN'T STATED IN ANY FORM
15 UNTIL ALMOST THE CONCLUSION OF THIS HEARING. THAT CAUSES
16 THIS COURT TO TREAT IT WITH A GREAT DEAL OF SKEPTICISM.

17 EVIDENCE CODE 412 AND 413 ALLOW THE COURT TO
18 DRAW INFERENCES OR CONCLUSIONS. IF YOU HAVE STRONGER
19 EVIDENCE AND DON'T PRODUCE IT AND IT'S WITHIN YOUR POWER
20 TO PRODUCE IT, THE COURT CAN VIEW THE PRESENTATION OF
21 THAT EVIDENCE WITH DISTRUST. THE COURT VIEWED THE LE
22 EVIDENCE OF HIS ALLEGED THREAT WITH DISTRUST. AND I
23 FOUND THAT DID NOT MEET THE CLEAR AND CONVINCING EVIDENCE
24 STANDARD.

25 THE SAME THING WITH THE MEN IN BLACK
26 IDENTITY AND THE MORENO EVIDENCE FROM HIS DECLARATIONS.
27 IT'S MORE PERSUASIVE. IT'S MORE CLEAR AND CONVINCING IF
28 THOSE PEOPLE ARE IDENTIFIED, IF THE 14 MONTHS OF DELAY

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1 FROM THE FILING UNTIL THIS HEARING PRODUCED SOME
2 PRESENTATION OF INDIVIDUALS WHO ARE IDENTIFIED AS THE
3 SO-CALLED MEN IN BLACK.

4 THE INABILITY, THE FAILURE TO DO THAT CAUSES
5 THE COURT TO TREAT THAT EVIDENCE WITH SKEPTICISM WITH A
6 DEGREE OF LACK OF CREDIBILITY SUCH THAT IT DOES NOT
7 SUPPORT THE CLEAR AND CONVINCING EVIDENCE STANDARD THAT
8 MS. AARONOFF MUST MEET.

9 IN THE RESPONDENT'S CLOSING ARGUMENT,
10 MR. OLSON'S ATTORNEY'S CLOSING ARGUMENT, ADDITIONAL
11 FACTS, ADDITIONAL EVIDENCE WAS POINTED OUT AS FURTHER
12 INSTRUCTIVE TOWARD THE COURT CONCLUSION THAT THE BURDEN
13 OF PROOF WAS NOT MET.

14 AND THE LOCKBOX WAS ONE OF THOSE PIECES OF
15 EVIDENCE. AGAIN, THE COURT DID NOT ENTIRELY UNDERSTAND
16 WHY I WAS HEARING ABOUT THE LOCKBOX. CERTAINLY IF
17 SOMEONE DIRECTLY OR INDIRECTLY CAUSES DESTRUCTION OF
18 PROPERTY TO A PERSON WHEN THERE IS NO LEGITIMATE PURPOSE
19 FOR SAME, THAT CAN BE HARASSMENT. THAT CAN BE GROUNDS
20 FOR ONE FEELING THAT THEY ARE IN REASONABLE THREAT FOR
21 THEIR SAFETY, THAT IT'S A COURSE OF CONDUCT DESIGNED TO
22 INTIMIDATE, THREATEN, OR HARASS. AND IT DOESN'T SERVE A
23 LEGITIMATE PURPOSE.

24 HOWEVER, IN THIS CASE, THE EVIDENCE WAS MORE
25 PERSUASIVE THAT THE PRESENCE OF THE LOCKBOX WAS DUE TO
26 THE HOMEOWNER ISSUE DISPUTES THAT ARE BEING LITIGATED IN
27 THE WEST DISTRICT CIVIL CASES. THE USE OF KEYS TO THE
28 PREMISES BY AIRBNB RENTERS OR CUSTOMERS, IF YOU WILL, THE

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1 SECURITY PROBLEMS THAT THAT CAUSES. MR. FOTSO'S CREDIBLY
2 TESTIFIED THAT THIS OTHER RENTER, WHETHER HE WAS A RENTER
3 OR AIRBNB CUSTOMER, WAS GOING THROUGH HIS STUFF.
4 INADVERTENTLY CAME INTO HIS ROOM ONE DAY. THESE ARE
5 LEGITIMATE CONCERNS, SECURITY CONCERNS.

6 AND THERE WAS TESTIMONY THEN FROM MS. MONROY
7 THAT THE BOX WAS REMOVED TO CARRY OUT THE LEGITIMATE
8 PURPOSE OF ADDRESSING IT IN THE CIVIL ACTION. WHETHER IT
9 ULTIMATELY WAS APPROPRIATE TO DO THAT OR NOT IS NOT FOR
10 THIS COURT TO DECIDE. BUT WHEN IT COMES TO WHETHER THIS
11 WAS EVIDENCE OF HARASSMENT, THE COURT CONCLUDES THAT IT
12 WAS NOT BECAUSE IT DOES NOT FORM THE COURSE OF CONDUCT,
13 DOES NOT FORM THE CREDIBLE THREAT OF VIOLENCE. IT
14 RELATES TO THE CIVIL CASES AND SHOULD BE ADDRESSED IN THE
15 CIVIL CASES.

16 I WAS CONCERNED ABOUT MR. FOTSO'S
17 CREDIBILITY. HE IS A VERY GENUINE, STRAIGHTFORWARD,
18 PLAIN SPEAKING PERSON WHO TESTIFIED CREDIBLY ABOUT
19 MATTERS THAT WOULD OTHERWISE NOT SUPPORT MS. AARONOFF.
20 HIS PRESENCE AS OCCUPANT OF THE UNIT WHEN HE MAY NOT HAVE
21 BEEN AUTHORIZED. HIS PRESENCE TO CHECK OUT WHY PEOPLE
22 WHO AREN'T USUALLY AT THE PREMISES ARE THERE. THAT IS
23 TOTALLY LEGITIMATE. AND I FOUND HIM TO BE CREDIBLE AND
24 RELIABLE THERE.

25 BUT I WAS CONCERNED THAT HE ALSO SAID THAT
26 HE HAD BEEN THE SUBJECT OF SURVEILLANCE AND FOLLOWING
27 FROM HIS FORMER WIFE. ALTHOUGH HE SAID ON THE WITNESS
28 STAND THAT'S NOW CONCLUDED, THERE IS ALSO AN EXPLANATION

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1 FOR WHAT HE OBSERVED POSSIBLE THAT THOSE PEOPLE WHO ARE
2 SUPPOSEDLY SURVEILLING AROUND OR LOOKING AT HIM ARE
3 LOOKING AT HIM AND NOT MS. AARONOFF. AND THAT CONNECTION
4 TO MR. OLSON EITHER DIRECTLY OR INDIRECTLY WAS NOT
5 SUFFICIENTLY PROVEN BY MR. FOTSO THROUGH CLEAR AND
6 CONVINCING EVIDENCE.

7 IN ALL, THE COURT IS AT A PLACE IN VIEWING
8 MS. AARONOFF'S EVIDENCE IN APPLYING THE CLEAR AND
9 CONVINCING STANDARD TO HER CASE. I DON'T USE THE
10 HYPERBOLE OF CONSPIRACY OR PARANOIA. I THINK SHE FEELS
11 AND I WAS CREDIBLY PERSUADED THAT SHE FEELS SOMEONE IS
12 WATCHING HER OR FOLLOWING HER. BUT THE EVIDENCE DOES NOT
13 CONNECT IT TO MR. OLSON EITHER DIRECTLY OR INDIRECTLY.
14 IT DID NOT CORROBORATE. IT DID NOT MEET THE CLEAR AND
15 CONVINCING STANDARD.

16 AND SO WHEN THE COURT ASSESSES
17 MS. AARONOFF'S CASE, IT COMES TO THE FOLLOWING
18 CONCLUSION: THAT SHE HAS NOT MET HER BURDEN OF PROOF BY
19 CLEAR AND CONVINCING EVIDENCE; AND, THEREFORE,
20 MS. AARONOFF'S REQUEST FOR RESTRAINING ORDERS AND A
21 PERMANENT CIVIL HARASSMENT INJUNCTION IS DENIED.

22 THE COURT NEXT TURNS TO MR. OLSON'S SEPARATE
23 BUT HEARD AT THE SAME TIME REQUEST FOR A CIVIL HARASSMENT
24 RESTRAINING ORDER. I AGREE WITH MR. KENNEDY'S ARGUMENT
25 THAT IT IS MORE CONCISELY BASED ON DISCREET INDIVIDUAL
26 ACTS SURROUNDING THE DAY THAT A PROCESS SERVER OR A
27 PERSON OVER THE AGE OF 18, BY MY VIEW OF THE VIDEO,
28 EXHIBIT GG, SHOWED WAS PRESENT TO DELIVER PAPERS RELATED

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1 TO THE INSTANT CIVIL HARASSMENT CASE.

2 MR. OLSON VIDEOED OR RECORDED FROM HIS
3 TELEPHONE THE ENCOUNTER OR A PORTION OF THE ENCOUNTER.
4 AND THE COURT ALWAYS -- THE COURT HERE VIEWED, AS IT
5 USUALLY DOES, THESE TYPES OF VIDEOS WITH SOME DEGREE OF
6 SKEPTICISM. JERKY IMAGES. THE FACT THAT THERE'S AN
7 EVENT THAT USUALLY OCCURS BEFORE THE VIDEO STARTS THAT
8 TRIGGERS SOMEONE TO RECORD THE VIDEO. THAT TRIGGERING
9 EVENT IS NOT RECORDED. AND THAT IS PART OF THE CLEAR AND
10 CONVINCING STANDARD WHERE THERE'S A LINE OF PEACE AND
11 QUIET AND THEN ALL OF A SUDDEN AN OUTBURST. THERE'S MORE
12 PERSUASIVE EVIDENCE THAT SOMETHING HAS HAPPENED TOWARDS
13 HARASSMENT.

14 WHAT THE VIDEO DID SHOW, EXHIBIT GG, IS THAT
15 A PERSON WALKED UP TO MR. OLSON AND HANDED HIM PAPERS AND
16 LEGALLY AND PROPERLY AND PEACEFULLY SERVED HIM WITH
17 PROCESS. THERE WAS A VERY BRIEF MOMENT AT THE DOORWAY
18 WHEN IT APPEARED THAT THIS THIRD PERSON CAME INTO THE
19 PREMISES FOR A BRIEF MOMENT AND THEN STEPPED AWAY.

20 THERE IS EVIDENCE ON THAT VIDEO OF MR. FOTSO
21 WALKING TOWARD THE CAMERA AS IF IN A MANNER THAT WOULD
22 PERHAPS LEND ITSELF TOWARD MORE CONCERN IN MR. OLSON FOR
23 HIS SAFETY. BUT THE VIDEO DOES NOT SHOW SUFFICIENTLY BY
24 CLEAR AND CONVINCING EVIDENCE THAT MR. FOTSO CAME UP TO
25 MR. OLSON AND DID ANYTHING THAT WAS THREATENING,
26 HARASSING, OR WHICH PLACED HIM IN IMMEDIATE FEAR FOR HIS
27 SAFETY.

28 TO BE SURE, THE VIDEO ALSO SHOWED

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1 MS. AARONOFF FURTHER IN THE BACKGROUND WAVING HER ARM
2 TOWARDS THE CAMERA AS TO HAVE THOSE PERSONS WALK TOWARD
3 MR. OLSON. BUT INSUFFICIENT EVIDENCE OF ANYTHING OTHER
4 THAN MS. AARONOFF TELLING THOSE TWO INDIVIDUALS WHO WERE
5 WITH HER TO SERVE THE PAPERS ON MR. OLSON WHICH THE VIDEO
6 SHOWED AND WHICH THE EVIDENCE SHOWED MORE PERSUASIVELY
7 THAN NOT WAS DONE IN A PEACEFUL, LAWFUL MANNER.

8 THAT MR. OLSON WAS UPSET BY THE PROCESS,
9 THAT HE HAD EMOTIONAL DISTRESS OR FELT APPREHENSION OR
10 FEAR IN THOSE MOMENTS, I DO NOT DOUBT. I AM CERTAIN THAT
11 HAPPENED. AND HE WAS CLEAR AND CONVINCING TOWARD THAT
12 PERSUASIVE PROOF. BUT HE WAS NOT ABLE TO SHOW BY CLEAR
13 AND CONVINCING EVIDENCE THAT THERE WAS A CREDIBLE THREAT
14 OF VIOLENCE THAT SERVED NO LEGITIMATE PURPOSE.

15 THERE WAS A LEGITIMATE PURPOSE WHICH IS THE
16 SERVICE OF PROCESS. IT'S OFTEN DONE IN A VERY HIGHLY
17 EMOTIONAL MANNER. IT'S OFTEN DONE IN A MANNER WHICH
18 UPSETS THE NORMAL CALM OF ONE'S EVERYDAY LIFE. AND THE
19 PURPOSE OF THAT IS SO IF THAT HAPPENS AND IT'S DONE AND
20 PEOPLE GO BACK TO THEIR LIVES. AND IT IS EMOTIONAL. AND
21 THE COURT WAS PERSUADED THAT IS PROBABLY THE WAY
22 MR. OLSON FELT. BUT IT DID NOT RISE TO THE LEVEL OF
23 BEING CREDIBLE THREAT OF VIOLENCE OR HARM TO HIM NOR DID
24 IT SERIOUSLY ANNOY HIM OR THAT IT CAUSED HIM SEVERE OR
25 SUBSTANTIAL EMOTIONAL DISTRESS.

26 THE SECOND PART OF THAT INCIDENT WAS MORE
27 PROBLEMATIC AND DID COME CLOSER TO THE CLEAR AND
28 CONVINCING STANDARD WHICH WAS THAT, AFTER MR. OLSON AND

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1 MR. ECONN LEFT THE PREMISES AND GOT INTO THE CAR, AN
2 INDIVIDUAL CAME UP TO A WINDOW OF THE CAR AND, WITH SOME
3 DEGREE OF FORCE, PLACED A PIECE OF PAPER ON THE CAR
4 WINDOW WHICH BY SOME MEASURE STUCK ON THE WINDOW OR WAS
5 LODGED IN THE RUBBER MOLDING AROUND THE WINDOW AND STAYED
6 ON THE WINDOW AS THE CAR DROVE AWAY CARRYING MR. ECONN
7 AND MR. OLSON.

8 UPON STOPPING THE CAR AND RETRIEVING THE
9 PAPERS, THE EVIDENCE SHOWED THAT IT REALLY HAD NO CONTENT
10 ON IT THAT WAS TOWARD SERVICE OF PROCESS. THE COURT CAME
11 CLOSE TO BUT FINDS THAT THIS WAS NOT CAUSING MR. OLSON TO
12 BE SERIOUSLY ANNOYED, SERIOUSLY IN EMOTIONAL DISTRESS TO
13 THE CLEAR AND CONVINCING STANDARD.

14 IT WAS A NUISANCE. IT WAS A BOTHER. BUT HE
15 MOVED ON FROM THAT SITUATION. AND THERE'S BEEN NO OTHER
16 ACTIVITY OTHER THAN THAT WHICH I DESCRIBED THAT FORMED
17 THE BASIS OF MR. OLSON'S REQUEST FOR CIVIL HARASSMENT
18 RESTRAINING ORDERS AND INJUNCTION. EXCEPT FOR THE EVENTS
19 ON THE DATE OF SERVICE OF PROCESS WHICH NOT DONE
20 ARTFULLY, NOT DONE WITH PROFESSIONALISM, BUT NOT DONE TO
21 THE PLACE WHERE THAT SHOULD JUSTIFY A CIVIL HARASSMENT
22 RESTRAINING ORDER.

23 AS I SAY, WITH THIS RESTRAINING ORDER THAT
24 MR. OLSON FILED, HE'S INVOLVED IN WHAT COULD BE
25 DESCRIBED -- AGAIN, I ONLY USE MY WORDS THAT DON'T EVEN
26 COME CLOSE TO APPROACH TO THE WAY THE PARTIES AND
27 ATTORNEYS MAY FEEL ABOUT WHAT IS HAPPENING IN THE CIVIL
28 CASES. BUT IT'S A GREAT DEAL OF INCONVENIENCE. IT'S A

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1 GREAT DEAL OF RESOURCES AND TIME AND FRUSTRATION AND
2 UPSET BEING EXPENDED TOWARD THAT CIVIL LITIGATION. BUT
3 THE CONDUCT SURROUNDING IT THAT MAKES THE BASIS OF THESE
4 REQUESTS DOES NOT RISE TO THE LEVEL OF PLACING THE
5 PARTIES IN SEVERE OR SUBSTANTIAL EMOTIONAL DISTRESS, FEAR
6 FOR IMMEDIATE PHYSICAL HARM, SERIOUS HARASSMENT OR
7 ANNOYANCE.

8 THEY ARE THE STUFF OF YOUR DECISION TO
9 ENGAGE THE CIVIL LITIGATION IN SUCH A MANNER THAT EVERY
10 TURN IS AN AFFRONT, THAT EVERY CONFLICT IS -- OR EVERY
11 DISAGREEMENT IS A CONFLICT THAT MERITS SOME ONE-UPMANSHIP
12 IN THE PROCESS. IT JUST DOES NOT WORK THAT WAY. IT'S
13 LITIGATION. AND IT'S WHY I EMPHASIZE THE CIVILITY OF
14 THIS PROCESS AND REWARD YOU FOR RESPECTING THAT CIVILITY
15 BECAUSE THAT IS WHAT YOU HAVE TO DO.

16 WHEN YOU'RE AT THE COMPLEX, YOU BOTH HAVE A
17 PEACEFUL RIGHT OF ENJOYMENT, A RIGHT OF COMING AND GOING
18 TO THOSE PREMISES. AND IF YOU SEE ONE ANOTHER, YOUR JOB
19 IS TO TURN AND GO THE OTHER WAY OR DIVERT YOUR PATH, NOT
20 SAY A WORD, NOT LOOK, NOT ENGAGE. BUT TO GO PEACEFULLY
21 AND LAWFULLY TO YOUR PLACE. AND WHATEVER OUTCOME YOUR
22 CIVIL ACTIONS MAY HAVE, THAT IS THE OUTCOME. THAT IS
23 WHAT YOU HAVE TO LIVE WITH.

24 PERSONS HAVE A RIGHT TO PEACEFULLY AND
25 LAWFULLY ENJOY THEIR PROPERTY AND ENJOY THEIR LIVES AND
26 MOVE ABOUT IN PUBLIC OR IN PRIVATE WITHOUT ANY CONCERN
27 FOR BEING WATCHED. CIVIL HARASSMENT RESTRAINING ORDERS
28 ARE DESIGNED TO ADDRESS THAT. BUT IT MUST BE DONE BY

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1 CLEAR AND CONVINCING EVIDENCE.

2 AND SO ON MR. OLSON'S CASE, I ALSO FIND THAT
3 HE DID NOT MEET THAT BURDEN OF PROOF. SO THE COURT SHALL
4 DENY MR. OLSON'S REQUEST FOR CIVIL HARASSMENT RESTRAINING
5 ORDERS AS WELL.

6 SO BY CONCLUSION, BOTH PARTIES HAVE NOT MET
7 THEIR BURDEN OF PROOF BY CLEAR AND CONVINCING EVIDENCE.
8 AND BOTH RESTRAINING ORDER REQUESTS ARE DENIED.

9 THOSE ARE THE ORDERS OF THE COURT. THEY
10 WILL GO INTO THE MINUTES OF THE COURT. AND THE MINUTE
11 ORDER WILL BE MAILED TO EACH COUNSEL OF RECORD IN BOTH
12 CASES AND BECAUSE YOU NEED TO HAVE ALSO THAT LANGUAGE
13 REGARDING THE RELEASE OF THE MORENO BENCH WARRANT AS
14 WELL.

15 THE COURT REPORTER HAS MADE A RECORD OF MY
16 FINDINGS STATED ON THE RECORD. THAT CONCLUDES THE CASE.
17 AGAIN, I THANK YOU. SO WE ARE FINISHED. AND YOU'RE OFF
18 TO CIVIL CASES.

19 I ONLY SAY ONE LAST, IF YOU WILL, FINAL WORD
20 TO YOU BOTH AND ALL. AS I SAID, IT'S OF UTMOST
21 IMPORTANCE THAT YOU RESPECT EACH OTHER FOR THE STRONG
22 POSITIONS THAT HAVE YOU ABOUT YOUR CIVIL CASE TO ALLOW
23 THE OTHER PERSON TO STATE HIS OR HER CLAIM OR CLAIMS IN
24 THAT COURT AND LET THAT TRIBUNAL DECIDE YOUR CASE WITHOUT
25 THE EMOTION. YOU MUST SEPARATE THAT FROM YOUR DAILY
26 CONDUCT. YOU MUST SEPARATE THAT FROM YOUR MOVEMENTS.

27 YOU HAVE MORE IMPORTANT ENDEAVORS TO ENGAGE
28 IN THAT DESERVES YOUR ATTENTION AND YOUR PASSION AND THAT

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1 IS WHERE YOU SHOULD BE. UNDERSTAND THAT THESE ARE THE
2 DECISIONS ON THESE FACTS. AND THAT FURTHER CONDUCT ON
3 OTHER FACTS AND OTHER PROOF MAY HAVE A DIFFERENT RESULT.
4 BUT THESE MATTERS ARE NOW LITIGATED TO FINALITY.

5 AND SO I HOPE YOU TAKE TO HEART THE COURT'S
6 STATEMENT ABOUT HOW TO CONDUCT YOURSELVES WITH CIVILITY
7 AND DIGNITY AND DISTANCE. AND, AGAIN, THE COURT REMAINS
8 AVAILABLE IF EITHER ONE OR BOTH OF YOU DON'T DO THAT ON
9 NEW FACTS, DIFFERENT FACTS.

10 THANK YOU. WE ARE IN RECESS. ORDER TO
11 RELEASE THE EXHIBITS TO BOTH PARTIES.

12
13 (THE PROCEEDINGS WERE CONCLUDED.)
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Cal. Code Civ. Proc. § 527.6

Section 527.6 - Prohibiting harassment

(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.

(2) A minor, under 12 years of age, accompanied by a duly appointed and acting guardian ad litem, shall be permitted to appear in court without counsel for the limited purpose of requesting or opposing a request for a temporary restraining order or order after hearing, or both, under this section as provided in Section 374.

(b) For purposes of this section, the following terms have the following meanings:

(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."

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for the person's safety or the safety of the person's immediate family, and that serves no legitimate purpose.

(3) "Harassment" is unlawful violence, a credible threat of violence, or 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.

(4) "Petitioner" means the person to be protected by the temporary restraining order and order after hearing and, if the court grants the petition, the protected person.

(5) "Respondent" means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.

(6) "Temporary restraining order" and "order after hearing" mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the petitioner. On a showing of good cause, in an order issued pursuant to

this subparagraph in connection with an animal owned, possessed, leased, kept, or held by the petitioner, or residing in the residence or household of the petitioner, the court may do either or both of the following:

(i) Grant the petitioner exclusive care, possession, or control of the animal.

(ii) Order the respondent to stay away from the animal and refrain from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(7) "Unlawful violence" is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but does not include lawful acts of self-defense or defense of others.

(c) In the discretion of the court, on a showing of good cause, a temporary restraining order or order after hearing issued under this section may include other named family or household members.

(d) Upon filing a petition for orders under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527, except to the extent this section provides an inconsistent rule. The temporary restraining order may include any of the restraining orders described in paragraph (6) of subdivision (b). A temporary restraining order may be issued with or without notice, based on a declaration that, to the satisfaction of the court, shows reasonable proof of harassment of the petitioner by the respondent, and that great or irreparable harm would result to the petitioner.

(e) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court. If the petition is filed too late in the day to permit effective review, the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(f) A temporary restraining order issued under this section shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or, if the court extends the time for hearing under subdivision (g), not to exceed 25 days, unless otherwise modified or terminated by the court.

(g) Within 21 days, or, if good cause appears to the court, 25 days from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition. If a request for a temporary order is not made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(h) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment, or may file a cross-petition under this section.

(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.

(j)

(1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of no more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The order may be renewed, upon the request of a party, for a duration of no more than five additional years, without a showing of any further harassment since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. A request for renewal may be brought any time within the three months before the order expires.

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

(3) If an action is filed for the purpose of terminating or modifying a protective order before the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified before the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive the protected party's right to notice if the protected party is physically present in court and does not challenge the sufficiency of the notice.

(k) This section does not preclude either party from representation by private counsel or from appearing on the party's own behalf.

(l) In a proceeding under this section, if there are allegations of unlawful violence or credible threats of violence, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges they are a victim of violence. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges they are a victim of violence in feeling more confident that they will not be injured or threatened by the other party during the proceedings if the person who alleges the person is a victim of violence and the other party are required to be present in close proximity. This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(m)

(1) Except as provided in paragraph (2), upon the filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at

least five days before the hearing. The court may for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(2) If the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located, then the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.

(n) A notice of hearing under this section shall notify the respondent that if the respondent does not attend the hearing, the court may make orders against the respondent that could last up to five years.

(o) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(p)

(1) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing, or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(q)

(1) If a respondent named in a restraining order issued after a hearing has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, additional proof of service is not required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

"If you have been personally served with this temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the restraining order will be served on you by mail at the following address: ____."

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court."

(4) If information about a minor has been made confidential pursuant to subdivision (v), the notice shall identify the information, specifically, that has been made confidential and shall include a statement that disclosure or misuse of that information is punishable as a contempt of court.

(r)

(1) Information on a temporary restraining order or order after hearing relating to civil harassment issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to a law enforcement agency having jurisdiction over the residence of the petitioner and to any additional law enforcement agencies within the court's discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of orders issued under this section to law enforcement officers responding to the scene of reported harassment.

(5) An order issued under this section shall, on request of the petitioner, be served on the respondent, whether or not the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported harassment involving the parties to the proceeding. The petitioner shall provide the officer with an endorsed copy of the order and a proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of harassment that a protective order has been issued under this section, or that a person who has been taken into custody

is the subject of an order, if the protected person cannot produce a certified copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and shall at that time also enforce the order. Verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for purposes of this section and for purposes of Section 29825 of the Penal Code. Verbal notice shall include the information required pursuant to paragraph (4) of subdivision (q).

(s) The prevailing party in an action brought pursuant to this section may be awarded court costs and attorney's fees, if any.

(t) Willful disobedience of a temporary restraining order or order after hearing granted pursuant to this section is punishable pursuant to Section 273.6 of the Penal Code.

(u)

(1) A person subject to a protective order issued pursuant to this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued pursuant to this section to relinquish any firearms the person owns or possesses pursuant to Section 527.9.

(3) A person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(v)

(1) A minor or the minor's legal guardian may petition the court to have information regarding the minor that was obtained in connection with a request for a protective order pursuant to this section, including, but not limited to, the minor's name, address, and the circumstances surrounding the request for a protective order with respect to that minor, be kept confidential.

(2) The court may order the information specified in paragraph (1) be kept confidential if the court expressly finds all of the following:

(A) The minor's right to privacy overcomes the right of public access to the information.

(B) There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential.

(C) The order to keep the information confidential is narrowly tailored.

(D) No less restrictive means exist to protect the minor's privacy.

(3)

(A) If the request is granted, except as provided in paragraph (4), information regarding the minor shall be maintained in a confidential case file and shall not become part of the

public file in the proceeding or any other civil proceeding involving the parties. Except as provided in subparagraph (B), if the court determines that disclosure of confidential information has been made without a court order, the court may impose a sanction of up to one thousand dollars (\$1,000). A minor who has alleged harassment, as defined in subdivision (b), shall not be sanctioned for disclosure of the confidential information. If the court imposes a sanction, the court shall first determine whether the person has or is reasonably likely to have the ability to pay.

(B) Confidential information may be disclosed without a court order only in the following circumstances:

(i) By the minor's legal guardian who petitioned to keep the information confidential pursuant to this subdivision or the protected party in an order pursuant to this division, provided that the disclosure is necessary to prevent harassment or is in the minor's best interest. A legal guardian or a protected party who makes a disclosure under this clause is subject to the sanction in subparagraph (A) only if the disclosure was malicious.

(ii) By a person to whom confidential information is disclosed, provided that the disclosure is necessary to prevent harassment or is in the best interest of the minor, no more information than necessary is disclosed, and a delay would be caused by first obtaining a court order to authorize the disclosure of the information. A person who makes a disclosure pursuant to this clause is subject to the sanction in subparagraph (A) if the person discloses the information in a manner that recklessly or maliciously disregards these requirements.

(4)

(A) Confidential information shall be made available to both of the following:

(i) Law enforcement pursuant to subdivision (r), to the extent necessary and only for the purpose of enforcing the order.

(ii) The respondent to allow the respondent to comply with the order for confidentiality and to allow the respondent to comply with and respond to the protective order. A notice shall be provided to the respondent that identifies the specific information that has been made confidential and shall include a statement that disclosure is punishable by a monetary fine.

(B) At any time, the court on its own may authorize a disclosure of any portion of the confidential information to certain individuals or entities as necessary to prevent harassment, as defined under subdivision (b), including implementation of the protective order, or if it is in the best interest of the minor.

(C) The court may authorize a disclosure of any portion of the confidential information to any person that files a petition if necessary to prevent harassment, as defined under subdivision (b), or if it is in the best interest of the minor. The party who petitioned the court to keep the information confidential pursuant to this subdivision shall be served personally or by first-class mail with a copy of the petition and afforded an opportunity to object to the disclosure.

(w) This section does not apply to any action or proceeding covered by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code or by Division 10 (commencing with Section 6200) of the Family Code. This section does not preclude a petitioner from using other existing civil remedies.

(x)

(1) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and their use by parties in actions brought pursuant to this section is mandatory.

(2) A temporary restraining order or order after hearing relating to civil harassment issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(y) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order restraining stalking, future violence, or threats of violence, in an action brought pursuant to this section. A fee shall not be paid for a subpoena filed in connection with a petition alleging these acts. A fee shall not be paid for filing a response to a petition alleging these acts.

(z)

(1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall not be a fee for the service of process by a sheriff or marshal of a protective or restraining order to be issued, if either of the following conditions apply:

(A) The protective or restraining order issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The protective or restraining order issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

Ca. Civ. Proc. Code § 527.6

Amended by Stats 2021 ch 156 (AB 1143), s 1, eff. 1/1/2022.

Amended by Stats 2019 ch 294 (AB 925), s 1, eff. 1/1/2020.

Amended by Stats 2017 ch 384 (AB 953), s 1, eff. 1/1/2018.

Amended by Stats 2016 ch 86 (SB 1171), s 24, eff. 1/1/2017.

Amended by Stats 2015 ch 411 (AB 1081), s 1.5, eff. 1/1/2016.

Amended by Stats 2015 ch 401 (AB 494), s 1, eff. 1/1/2016.

Added by Stats 2013 ch 158 (AB 499), s 2, eff. 1/1/2014.