No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

EMMA JANE AVILA POHLMAN,
Petitioner,

v.

CLAYTON TREVOR FABECK,
Respondent.

On Petition for a Writ of Certiorari to
The California Court of Appeal,
Second Appellate District

APPENDIX TO THE
PETITION FOR A WRIT OF CERTIORARI
VOLUME 1 OF 2
APPENDICES A–E

Emma Jane Avila Pohlman
California State Bar No. 299174
12420 Dunrobin Avenue
Downey, California 90242
(808) 960-7680
goddesslawyer@icloud.com

APPENDIX
INDEX TO APPENDICES
VOLUME 1 OF 2 (A-E)

APPENDIX	PAGE
APPENDIX A (VOLUME 1 OF 2) — Opinion of the Court of Appeal of California, Second Appellate District, Division One, I*n re Marriage of Fabeck (Fabeck v. Pohlman)*, No. B345134 (Mar. 27, 2026) (Rothschild, P.J., Weingart, J., Kim, J.) (unpublished)	2a
APPENDIX B (VOLUME 1 OF 2)— Order of the Supreme Court of California Denying Petition for Review, *In re Marriage of Fabeck (Fabeck v. Pohlman)*, No. S295979 (June 10, 2026)	19a
APPENDIX C (VOLUME 1 OF 2)— Minute Order and Restraining Order (form DV-130) and Child Custody/Visitation Order (form DV-140), Superior Court of California, County of Los Angeles, *Fabeck v. Fabeck*, No. 20PDFL01877 (Feb. 21, 2025) (Hon. Jannet Perez Santiso)	21a
APPENDIX D (VOLUME 1 OF 2) — Minute Order of the Superior Court of California, County of Los Angeles, *Fabeck v. Fabeck*, No. 20PDFL01877 (Sept. 11, 2024) (Hon. Jannet Perez Santiso) (interim suspension of parenting time)	39a
APPENDIX E (VOLUME 1 OF 2)— Judgment of Dissolution, Superior Court of California, County of Los Angeles, *In re Marriage of Fabeck,* No. 20PDFL01877 (filed July 13, 2023) (Hon. Amy M. Pellman)	42a
APPENDIX F (VOLUME 2 OF 2)— Minute Order of the Superior Court of California, County of Los Angeles adopting the May 24, 2023 tentative ruling, *Fabeck v. Fabeck*, No. 20PDFL01877 (June 21, 2023) (Hon. Amy M. Pellman)	61a
APPENDIX G (VOLUME 2 OF 2)— Preliminary and Tentative Statement of Decision After Trial, Superior Court of California, County of Los Angeles, *Fabeck v. Fabeck*, No. 20PDFL01877 (filed May 24, 2023; adopted June 21, 2023) (Hon. Amy M. Pellman)	69a
APPENDIX H (VOLUME 2 OF 2)— Excerpts of Reporter's Transcript of Proceedings at Trial (David J. Sheffner, M.D.'s definition of delusion (RT p. 51), admission that Mother's love with Elon Musk not a delusion, (RT p. 109), Superior Court of California, County of Los Angeles, Fabeck v. Fabeck, No. 20PDFL01877 (Mar. 20, 2023) (Hon. Amy M. Pellman)	111a

APPENDIX A

Opinion of the Court of Appeal of California, Second Appellate District, Division One, I*n re Marriage of Fabeck (Fabeck v. Pohlman)*, No. B345134 (Mar. 27, 2026) (Rothschild, P.J., Weingart, J., Kim, J.) (unpublished)

COURT OF APPEAL – SECOND DIST.
FILED
Mar 27, 2026
EVA McCLINTOCK, Clerk
Angelica Lopez Deputy Clerk

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 ONE

In re the Marriage of CLAYTON TREVOR and EMMA JANE FABECK.	B345134 (Los Angeles County Super. Ct. No. 20PDFL01877)
CLAYTON TREVOR FABECK, Respondent, v. EMMA JANE AVILA POHLMAN, Appellant.	

APPEAL from orders of the Superior Court of Los Angeles County, Jannet P. Santiso, Judge. Affirmed.

Emma Jane Avila Pohlman, in pro. per., for Appellant.

Clayton Trevor Fabeck, in pro. per.; Baghdaserians Law Group, and Patrick Baghdaserians for Respondent.

Appellant Emma Jane Avila Pohlman challenges a family court order (1) granting respondent Clayton Trevor Fabeck's request for a domestic violence restraining order (DVRO) protecting him from Pohlman, and (2) terminating Pohlman's right to weekly monitored visits with the parties' two children.

We affirm.

BACKGROUND

A. Custody and Visits Under the July 2023 Judgment of Dissolution

Pohlman and Fabeck were married for 11 years and have two children together: 10-year-old E.F. (born July 15, 2015) and nine-year-old R.F. (born September 4, 2017). During dissolution proceedings, each party alleged the other had been abusive toward him or her. The court rejected Pohlman's abuse allegations as "not . . . credible." It believed Fabeck, finding that Pohlman had sent "text messages . . . sufficiently harassing and threatening . . . to constitute abuse under Family Code [section] 6320,"[1] that Pohlman's "history of harassing behavior toward [Fabeck] disturbed his peace," that she "intentionally destroyed the mental or emotional calm of [Fabeck]," and that she "ha[d] perpetrated domestic violence [against Fabeck] within the last five years."

The court concluded these findings triggered a presumption under section 3044 that awarding Pohlman even partial custody would be detrimental to the children. (See § 3044, subd. (a) ["[u]pon a finding by the court that a party seeking custody of a child has perpetrated domestic violence within the previous five years against the other party seeking custody of the child . . . there is a rebuttable

---

[1] Unless otherwise specified, further statutory references are to the Family Code.

presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of the child" that "may only be rebutted by a preponderance of the evidence"].) The court found that Pohlman had failed to rebut that presumption, and on July 13, 2023, granted sole legal and physical custody of both children to Fabeck.

As to visits, the court found "that recorded video calls are the only safe way to conduct visitation." It based this determination on a finding that Pohlman "continue[d] to manifest a major mental illness which impairs her ability to fully parent her children appropriately and safely."

B. Fabeck's July 2024 Request for Order Regarding Pohlman's Visits

Pohlman began weekly, professionally supervised Facetime visits with the children in early June 2024. On July 11, 2024, Fabeck filed a request for order (RFO) "seeking the elimination of [Pohlman's] visitation rights" on the basis that the weekly visits had "proven to be detrimental to the children's well-being." Fabeck argued, inter alia, that Pohlman had "exhibited erratic and abusive behavior during visitation sessions, including interrogating the children about [his] personal and business matters, [and] inundating them with fanatical religious content."

1. *Declaration of Children's Therapist*

To support his RFO, Fabeck offered the declaration of Rubina Haroutonian, a "licensed marriage and family therapist" and "registered play therapist." (Capitalization omitted.) Haroutonian had been the children's therapist and "working closely with [them] since August 3, 2022." According to Haroutonian, "[i]n recent

months, [the children] [had] experienced emotional dysregulation." The weekly phone calls with Pohlman "ha[d] caused great distress to [them]." "The instability caused by [Pohlman's] condition and the content discussed [during the calls] has created emotional turmoil for the children. The situation has not only hindered the children's emotional development but has also jeopardized their sense of security and stability. [¶] . . . Continued contact with their mother poses a direct risk to their mental and emotional health, as evidenced by the increasing signs of anxiety and distress observed in the children. For the children's best interests, it is imperative that these weekly . . . calls with their mother come[ ] to an end immediately."

2. *Reports of Professional Monitor*

Fabeck also provided "monitoring report[s]/declaration[s]" from the professional monitor summarizing the children's June 5, June 19, and June 26, 2024 Facetime visits with Pohlman. (Capitalization omitted.)

During visits documented in these reports, when the children told Pohlman they would be in Hawaii, she told them they could visit her, and asked whether they wanted to "go to Hawaii and help[ ] her save the dolphins."

Pohlman pressed the children more than once for details about Fabeck's personal life and information related to a property dispute between Pohlman and Fabeck. Pohlman told the children that Fabeck had stolen property from a family farm.

The monitor repeatedly admonished Pohlman not to discuss future in-person visits or speak negatively about Fabeck.

Pohlman regularly read the Bible to the children and prayed with them during visits, sometimes using a "baby Jesus figurine."

Sometimes Pohlman instructed the children to say several times " 'Come, holy spirit.' "

3. *Fabeck Declarations*

Fabeck declared he had witnessed "[t]he children's demeanor noticeably change[ ] after [the] visits [with Pohlman], exhibiting signs of emotional turmoil."

Fabeck also declared Pohlman had "sent [him] numerous harassing emails, sometimes as many as 20 in one night," which he believed is "further evidenc[e] [of] her instability." The declaration attaches several examples. In a June 4, 2024 email to Fabeck's counsel on which Fabeck is copied, Pohlman wrote, "[Fabeck] is a pervert and is engaging in sexual harassment and child endangerment. Please do not release any recordings to him." In a June 5, 2024 email Pohlman told Fabeck she would "ask the police to watch [Fabeck]" while he is in Hawaii. (Capitalization omitted.) In a June 6, 2024 email, Fabeck's attorney told Pohlman to refrain from sending "harassing emails" to Fabeck, and that he would seek "judicial intervention" if she did not.

After Fabeck filed the RFO in July 2024, however, Pohlman continued to send Fabeck and his counsel "harassing and delusional emails." (Boldface, capitalization & underscoring omitted.) In a supplemental declaration, Fabeck provided "just a few examples," many of which reacted to the court scheduling the RFO hearing on September 11, 2024. In an August 27, 2024 email to Fabeck's attorney, copying Fabeck, for example, Pohlman wrote, "[Y]ou are aware that 9-11 was the date American airplanes were hijacked by Islamic terrorists? Or did you forget?" (Boldface omitted.) Later that same day, Pohlman emailed again: "[Counsel], are you affiliated with Islamic terrorists?" Pohlman emailed Fabeck's attorney the next day as well, again copying Fabeck, with graphic

images of the September 11th terrorist attacks and the message: "You see this? That's what Islamic terrorists do. Why? Because they are religious fanatics. I think you need a history lesson on what constitutes religious fanaticism, especially since you are trying to force me into court on 9-11 in an attempt to eliminate my visitation rights over religious fanaticism." (Capitalization omitted.) Later that same day, Pohlman emailed again: "I'm going to ask you again. ARE YOU AFFILIATED WITH ISLAMIC TERRORISTS? My Brother is Military Special Forces, I am running for United States Senator, and YOU are forcing me to fly on an airplane and be in court on 9-11. I have every right to ask you a national security question." (Capitalization in original.) This email included images of the World Trade Center on fire, an image of explosives strapped to a person's body, and an image of masked, armed men.

On August 29, 2024, Pohlman emailed Fabeck four times directly, accusing him of being "incompetent as a Father" and making other derogatory comments about Fabeck and his sister.

C. September 2024 Hearing on the RFO

At the September 11, 2024 hearing on the RFO, the court granted Pohlman's "ADA accommodation request" for a continuance and additional time to file a responsive declaration. After "hear[ing] from both parties and counsel," the court found it "in the best interest of the . . . children to suspend [Pohlman's] parenting time pending the next hearing date."

D. Pohlman's Response to the RFO

Pohlman filed a responsive declaration, in which she claimed Fabeck had been the sole perpetrator of abuse during the couple's marriage and attached various documents to support

this contention. She also attached several documents she described as establishing Fabeck was "lying." (Boldface & capitalization omitted.) She characterized her activities with her children during calls as part of her effort to raise them in the Catholic faith, in which they were baptized.

E. Fabeck's DVRO Request

On November 13, 2024, Fabeck filed a request for a DVRO protecting him and the children from Pohlman. According to his supporting declaration, between August 5, 2024 and November 8, 2024, Pohlman "engaged in a harassment campaign sending no less than seventy-seven (77) unwanted and harassing email communications which . . . caused [him] to fear for [his] safety." (Boldface & underscoring omitted.) He described this behavior as "escalating" and continuing despite his attorney requesting four times that she stop.

The declaration attaches numerous example emails, including a chain of 15 emails she sent within an eight-minute period with messages in all capital letters warning Fabeck to, for example, "REASSESS [HIS] EVIL PLAN" or "SUFFER AT THE HANDS OF GOD." (Capitalization in original.) In other emails, Pohlman repeatedly demanded Fabeck's attorney reveal any affiliation with "Islamic terrorists" and state whether he is Muslim. She sent copies of the emails to Fabeck.

Pohlman did not file a responsive declaration to the DVRO request.

F. Combined Hearing on RFO and DVRO

On February 21, 2025, the court held a combined hearing on the DVRO, RFO, and another pending dispute between the

parties. At the outset of the hearing, the court denied Pohlman's request for a continuance.

The court addressed the DVRO request first. Pohlman testified. The court ruled from the bench, finding Fabeck had proven Pohlman engaged in "behavior that can be enjoined under . . . section 6320, including disturbing the peace" "by the sending of countless . . . unwanted emails and communications, many of which had references to religion," and some with "violent images of suicide bombers, the World Trade Center burning, references to the Koran and the jihad." The court noted there were "at least 77 [messages]" to Fabeck directly, in addition to numerous others on which Pohlman copied him, and that Pohlman continued to send these emails after Fabeck's counsel asked her to stop.

The court issued a DVRO protecting Fabeck, but not the children, for three years. The order prohibits Pohlman from having any contact with Fabeck except peaceful communication to coordinate court-ordered visits with the children.

The court then heard the RFO request. Pohlman testified again, and the court again ruled from the bench. In explaining its ruling, the court noted (1) the prior findings in the judgment of dissolution; (2) the Haroutonian declaration opining the visits were detrimental to the children's emotional well-being; (3) reports from the monitor reflecting that, in at least two instances, the monitor intervened to stop Pohlman from speaking negatively about Fabeck or discussing "what was going to happen with regards to visitation." In addition, based on the DVRO the court had just issued, the court made a section 3044 finding that Pohlman had been abusive to Fabeck.

Based on this evidence, the court found "a substantial change in circumstances and that it is in the best interest of the . . . children" to terminate visits with Pohlman.

G. Appeal

Pohlman filed a notice of appeal on March 21, 2025, identifying the February 21, 2025 order granting the RFO and DVRO as the subject of her appeal. In her opening brief, however, Pohlman challenges the sufficiency of the evidence to support the July 2023 judgment awarding sole legal and physical custody of the children to Fabeck as well. Even if Pohlman had included the judgment in her notice, any challenge to the judgment would be untimely. Accordingly, we do not consider her arguments regarding the 2023 judgment.

DISCUSSION

On appeal, Pohlman challenges the sufficiency of the evidence to support either the DVRO or the visitation order, questions the constitutionality of the visitation order,[2] and argues the court deprived her of due process by excluding evidence she proffered and denying her continuance request at the February 21, 2025 hearing. We disagree on all points, each of which we address below.

A. The DVRO

The Domestic Violence Protection Act (DVPA) authorizes a trial court to issue a restraining order for the purpose of preventing a recurrence of domestic violence and ensuring a period of separation of the persons involved "if an affidavit or testimony . . . shows, to the satisfaction of the court, reasonable proof of a past act

---

[2] Pohlman does not challenge specific provisions of the order.

or acts of abuse." (§ 6300, subd. (a).) For DVPA purposes, "abuse" includes, inter alia, "molesting, . . . harassing, . . . or disturbing the peace of the other party." (§ 6320, subd. (a) & *Jan F. v. Natalie F.* (2023) 96 Cal.App.5th 583, 592 ["abuse" under the DVPA includes any action described in section 6320].) " '[D]isturbing the peace of the other party' refers to conduct that, based on the totality of the circumstances, destroys the mental or emotional calm of the other party." (§ 6320, subd. (c).)

"We review the grant of a DVPA restraining order for abuse of discretion, and, to the extent we are called upon to review the court's factual findings, we apply the substantial evidence standard of review. [Citation.] In reviewing the evidence, we examine the entire record to determine whether there is any substantial evidence—contradicted or uncontradicted—to support the trial court's findings. [Citation.]" (*Curcio v. Pels* (2020) 47 Cal.App.5th 1, 12 (*Curcio*).)

Pohlman argues the court relied on only portions of the emails at issue, without considering the context. She urges that, as she testified, she intended her emails referencing Islamic terrorism to "educate [Fabeck and his attorney] . . . [on] what religious fanaticism is" and contrast such "terrible" actions with what she was doing with the children. Regardless of Pohlman's *intent* in sending these emails, the record still reflects she sent a large number of unwanted emails to Fabeck, some of which contained violent inuendoes and images. Fabeck declared that these emails disturbed his peace. (See *In re Marriage of F.M. & M.M.* (2021) 65 Cal.App.5th 106, 119 [" '[t]he testimony of one witness, even that of a party, may constitute substantial evidence' "].) The court was entitled to consider this declaration in the context of findings from the dissolution trial that Pohlman

had in the past abused Fabeck by inundating him with harassing text messages. Pohlman argues she heeded Fabeck's counsel's demand to stop sending harassing emails, but the emails themselves provide substantial evidence supporting the court's finding to the contrary. Finally, even if we were to accept Pohlman's argument that emails on which Fabeck was a copied, rather than primary, recipient are somehow less harassing, the other evidence in the record is sufficient to support the court's findings. (See *Curcio, supra*, 47 Cal.App.5th at p. 12.)

B. The Visitation Order

Pohlman challenges the court's order granting Fabeck's visitation RFO on several bases. We address each below.

1. *Applicable Law*

A change to an existing visitation schedule must be in the best interests of the child. (*In re Marriage of Lucio* (2008) 161 Cal.App.4th 1068, 1077, 1079–1080; see *In re Marriage of Burgess* (1996) 13 Cal.4th 25, 37.) We review such orders for abuse of discretion. (*Burgess, supra*, at p. 32.) "The precise measure is whether the trial court could have reasonably concluded that the order in question advanced the 'best interest' of the child." (*Ibid.*) We review the factual basis for the lower court's exercise of discretion for substantial evidence. (*Rich v. Thatcher* (2011) 200 Cal.App.4th 1176, 1182.)

2. *Clear and Convincing Evidence of Detriment Was Not Required*

Pohlman argues that, because a parent has a "fundamental liberty interest in the care, custody, and control" of her children, due process required the court find "clear and convincing evidence

of serious detriment to the children" before it could "complete[ly] suspen[d] . . . all parenting time." She cites *Santosky v. Kramer* (1982) 455 U.S. 745, in which the United States Supreme Court addressed the constitutional due process requirements for a court to permanently *terminate* parental rights. (*Id.* at pp. 775–777.) Unlike a final termination of parental rights, however, the court's order denying Pohlman visits is subject to change at any time based on a showing of changed circumstances. *Santosky* is therefore inapposite.

To the extent Pohlman's argument suggests the supremacy of her constitutional rights as a parent over the state's interest in protecting the children, our Legislature already balanced these interests, resulting in a detailed statutory scheme. Under the portion of that statutory scheme governing child custody and visitation, our state Supreme Court has explained that "the overarching concern is the best interest of the child." (*Montenegro v. Diaz* (2001) 26 Cal.4th 249, 255.) To that end, the code provides a court "may, during the pendency of a [marital dissolution] proceeding or at any time thereafter, make an order for the custody of a child during minority that seems necessary or proper." (§ 3022.) Recognizing that every child and each situation is different, the Legislature has vested the courts and families with "the widest discretion to choose a parenting plan that is in the best interest of the child." (§ 3040, subd. (e).)

The trial court applied these well-established principles and did not err by not making a detriment finding or not applying a heightened standard of proof.

3. *The Court's Order Was Within Its Broad Discretion*

Pohlman argues the evidence was insufficient to support the factual findings underlying the court's visitation order. She argues the Haroutonian declaration was too general, that Haroutonian is not a physician competent to opine on the children's emotional well-being, and that the monitor's reports of visits undermine Haroutonian's opinions that Pohlman's visits caused the children distress. These arguments ask us to reweigh the evidence, which we cannot do. The court credited the view of the children's therapist, based on her over two years working with them, that Pohlman's visits were harming them. Nor do we agree that the monitor's reports reflected no inappropriate behavior; they referenced unfounded promises about future visits and inappropriate questions about Fabeck. The court acted within the scope of its discretion when it concluded continuing visits with Pohlman would no longer be in the children's best interests.

4. *Constitutional Argument Regarding Religion*

Pohlman argues the court relied on constitutionally protected activity—practicing her religion with her children—as a basis for terminating her visits. She contends the court's order is thus unconstitutional in that it punishes her for exercising her "constitutional right" to "[p]ray[ ] with her children, Baby Jesus, and the Goddess." But the court did not conclude that terminating visits was in the best interests of the children *because Pohlman prayed with the children or was religious.* In explaining its ruling on the RFO, the court does not even mention religion or religious statements to the children. Fabeck may have argued that certain religious views Pohlman expressed to the children were "religious

fanaticism" and part of why he believed her monitored visits should be terminated. Nothing, however, suggests the court accepted this view, and sufficient evidence wholly unrelated to Pohlman's religious practices supports the court's order.

C. Exclusion of Evidence

Pohlman argues the court abused its discretion by excluding evidence that Fabeck physically assaulted her and testimony from a Hawaii police officer regarding an incident that was the subject of litigation in the parties' dissolution proceedings. She proffered that this testimony would impeach Fabeck's declaration supporting the RFO by establishing he is a "pathological liar." On appeal, she argues the court's "selective exclusion of critical rebuttal evidence, coupled with reliance on a declaration contradicted by objective monitor reports showing only positive interactions, deprived appellant of due process and prevented the court from properly evaluating the [section 3044] presumption."

The court correctly noted that whether Fabeck had abused Pohlman—including in connection with the specific incident about which the officer was to testify—"ha[d] already been adjudicated" at the dissolution trial. The court found Pohlman's allegations of abuse were not credible. And even if the issue had not already been finally litigated, Pohlman admitted that the officer's proffered testimony had no relevance to the issues determining the RFO—she argued only that it contradicted tangential statements in his supporting declaration, thereby calling into question the veracity of the entire declaration. The court did not abuse its discretion in deeming the potential relevance of this testimony far too "tenuous" and excluding it.

D. Denial of Continuance

Pohlman argues the trial court abused its discretion and violated due process by denying her request for a continuance at the February 21, 2025 hearing. She contends she sought the continuance "as a reasonable accommodation for [her] documented [post-traumatic stress disorder] disability under Title II of the Americans with Disabilities Act (42 U.S.C. § 12132)."

Before that hearing, however, the court had already granted Pohlman multiple continuances—including one as a disability accommodation. And the hearing transcript does not support that Pohlman identified a basis for a disability-based continuance; rather, she informed the court she had "been sick" and thus unable to file a response to the DVRO. Even if Pohlman had identified a disability on which to base her requested accommodation, her request was untimely. (See Cal. Rules of Court, rule 1.100(c)(3) ["Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement"].) The court noted that, in the weeks leading up to the hearing, Pohlman had filed a response to other matters, and that the court had already granted Pohlman numerous continuances. The court found no good cause for the continuance and denied it. The court did not abuse its discretion in doing so.

DISPOSITION

The orders are affirmed. Fabeck is awarded his costs on appeal.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

We concur:

WEINGART, J.

M. KIM, J.

APPENDIX B

Order of the Supreme Court of California Denying Petition for Review, *In re Marriage of Fabeck (Fabeck v. Pohlman)*, No. S295979 (June 10, 2026)

SUPREME COURT
FILED

JUN 10 2026

Jorge Navarrete Clerk

Deputy

Court of Appeal, Second Appellate District, Division One - No. B345134

S295979

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re the Marriage of CLAYTON TREVOR and EMMA JANE AVILA FABECK.

CLAYTON TREVOR FABECK, Respondent,

v.

EMMA JANE AVILA POHLMAN, Appellant.

The petition for review is denied.

GUERRERO
Chief Justice

Additional material from this filing is available in the Clerk's Office.