

1 Your name (person asking for protection):
Oliver J. Lally
 Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
P.O. Box 95
 City: La Jolla State: CA Zip: 92037
 Your telephone number (optional): _____
 Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

2 Name of person you want protection from:
Clifford L. Roepke
 Description of that person: Sex: ☒ M ☐ F Height: 5'6"
 Weight: 185 Race: White Hair Color: Brown
 Eye Color: Hazel Age: 48 Date of Birth: 7/10/1963

3 Besides you, who needs protection? (Family or household members):

Full Name	Age	Lives with you?	How are they related to you?
<u>Michele Lally</u>	<u>49</u>	☒ Yes ☐ No	<u>Mother</u>
_____	_____	☐ Yes ☐ No	_____
_____	_____	☐ Yes ☐ No	_____
_____	_____	☐ Yes ☐ No	_____

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3 - Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

4 What is your relationship to the person in 2? (Check all that apply):

- ☐ We are now married or registered domestic partners.
- ☐ We used to be married or registered domestic partners.
- ☐ We live together.
- ☐ We used to live together.
- ☒ We are relatives, in-laws, or related by adoption (specify relationship): Father/Son
- ☐ We are dating or used to date.
- ☐ We are engaged to be married or were engaged to be married.
- ☐ We are the parents together of a child or children under 18:
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.

- ☐ We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)

FILED
 Clerk stamps date here when form is filed
 2011 JUL -1 PM 3:28
 CLERK-SUPERIOR COURT
 SAN DIEGO COUNTY, CA

Fill in court name and street address:
 Superior Court of California, County of San Diego
 1409 Fourth Ave.
 1409 Fourth Ave.
 San Diego, CA 92101
 Madge Bradley Courthouse

Clerk fills in case number when form is filed.

Case Number:
 DV033579

This is not a Court Order.

Case Number:
DV033579

Your name: Oliver J. Lally

5 Other Court Cases

- a. Have you and the person in (2) been involved in another court case? ☒ No ☐ Yes

If yes, where? County: _____ State: _____

What are the case numbers? (If you know): _____

What kind of case? (Check all that apply):

- ☐ Registered Domestic Partnership ☐ Divorce/Dissolution ☐ Parentage/Paternity ☐ Legal Separation
☐ Domestic Violence ☐ Criminal ☐ Juvenile ☐ Child Support ☐ Nullity ☐ Civil Harassment
☐ Other (specify): _____

- b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

☒ No ☐ Yes If yes, attach a copy if you have one.

What orders do you want? Check the boxes that apply to your case. ☒

6 ☒ Personal Conduct Orders

I ask the court to order the person in (2) not to do the following things to me or any of the people listed in (3):

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy
personal property, disturb the peace, keep under surveillance, or block movements

- b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.

7 ☒ Stay-Away Order

I ask the court to order the person in (2) to stay at least 100 yards away from (check all that apply):

- a. ☒ Me
b. ☐ The people listed in (3)
c. ☒ My home
d. ☒ My job or workplace
e. ☒ The children's school or child care
f. ☒ My vehicle
g. ☐ Other (specify): _____

If the person listed in (2) is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? ☒ Yes ☐ No (If no, explain): _____

8 ☐ Move-Out Order

I ask the court to order the person in (2) to move out from and not return to (address): _____

I have the right to live at the above address because (explain): _____

9 ☐ Child Custody, Visitation, and Child Support

I ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.*

10 ☐ Spousal Support

You can make this request only if you are married to, or are a registered domestic partner of, the person in (2) and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.

This is not a Court Order.

Request for Order
(Domestic Violence Prevention)

DV-100, Page 2 of 4



11 ☒ Record Unlawful Communications

I ask for the right to record communications made to me by the person in **(2)** that violate the judge's orders.

12 ☐ Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

13 ☒ Animals: Possession and Stay-Away Order

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in **(2)** to stay at least 100 yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

2 dogs, golden retriever

I ask for the animals to be with me because: _____

14 ☐ Debt Payment

I ask the court to order the person in **(2)** to make these payments while the order is in effect:

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 14 - Debt Payment" by your statement.

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

15 ☐ Property Restraint

I am married to or have a registered domestic partnership with the person in **(2)**. I ask the judge to order that the person in **(2)** not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in **(2)** to notify me of any new or big expenses and to explain them to the court.

16 ☒ Attorney Fees and Costs

I ask that the person in **(2)** pay some or all of my attorney fees and costs.

You must complete and file Form FL-150, Income and Expense Declaration.

17 ☐ Payments for Costs and Services

I ask that the person in **(2)** pay the following:

*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

18 ☒ Batterer Intervention Program

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

19 No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.

Case Number:

DVO33579

Your name: Oliver J. Lally**20** ☐ **More Time for Notice**

I need extra time to notify the person in **(2)** about these papers. Because of the facts explained on this form, I want the papers served up to _____ days before the date of the hearing. *For help, read Form DV-210-INFO.*

If necessary, add additional facts: _____

21 ☐ **Other Orders**

What other orders are you asking for? _____

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 21 - Other Orders" by your statement.

22 **Guns or Other Firearms**

I believe the person in **(2)** owns or possesses guns or firearms. ☐ Yes ☐ No ☒ I don't know

If the judge approves the order, the person in **(2)** will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.

23 Describe the most recent abuse.

a. Date of most recent abuse: See attached declaration

b. Who was there? See attached declaration

c. What did the person in **(2)** do or say that made you afraid?
See attached declaration

d. Describe any use or threatened use of guns or other weapons:
See attached declaration

e. Describe any injuries: See attached declaration

f. Did the police come? ☐ No ☒ Yes

If yes, did they give you an Emergency Protective Order? ☐ Yes ☒ No ☐ I don't know

Attach a copy if you have one.

☒ Check here if you need more space. Use Form MC-020 and write "DV-100, Item 23 - Recent Abuse" by your statement.

☒ Check here if the person in **(2)** has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.

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

Date: July 1, 2011

Oliver J. Lally
Type or print your name


Sign your name

This is not a Court Order.

Request for Order
(Domestic Violence Prevention)

DV-100, Page 4 of 4

SHORT TITLE:

Lally v. Roepke

CASE NUMBER:

DVO33579

1 I, Oliver J. Lally , have personal knowledge of the following facts
2 and could completely testify thereto, except as to those matters
3 which are stated upon information and belief.
4

BACKGROUND:

5
6 1. Respondent is my Father. My parents are divorced and I live my
7 mother. The current custody order is set for me to visit my dad
8 every two weeks.
9

RECENT ABUSE:

10
11 2. On June 19, 2011, Father's Day, Respondent and I were in Malibu
12 for the weekend with other family. I made a joke to him about him
13 pouting and Respondent jumped up and attacked me. He grabbed me by
14 the shirt and yelled at me saying "come here!" I yelled back and
15 asked him to stop. His brother, my uncle, came over and had to pull
16 him away from me because Respondent tried to chase after me.

17 3. I called the police and called my mom to come pick me up. The
18 neighbors also called the police.

19 4. When the police arrived, my uncle lied about what happened and
20 told the police that it was just a verbal disagreement.
21
22
23
24
25

26 (Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line
27 numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 1

ADDITIONAL PAGE

Attach to Judicial Council Form or Other Court Paper

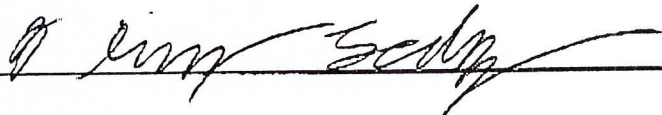
PREVIOUS ABUSE:

5. In April 2011, Respondent came to my school when he wasn't supposed to pick me up. He started following me so I went into the counselor's office and told my counselor that I wasn't supposed to go with Respondent. The counselor called my mom and had her come pick me up and leave through a different gate.

6. Last summer, Respondent was angry with me and as I was walking down the stairs he threw me onto the couch. I left immediately and called the police. I had a cut along my chest from this incident.

7. Respondent is verbally abusive towards me. He constantly yells at me, calls me names and has told me that I am "retarded."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this is signed in the City of San Diego.

 Dated: 2/1/11

(Required for verified pleading) The items on this page stated on Information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 2

PLAINTIFF/PETITIONER: Oliver J. Lally
 DEFENDANT/RESPONDENT: Clifford L. Roepke

CASE NUMBER:

DV033579

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

My name is Michele Lally. Oliver is my son. The latest incident involving his father took place on father's day. June 19, 2011. ~~He~~ Oliver was supposed to be returned home by his father at 7 pm. Instead I got a text at 3:31 pm June 19, 2011 saying "Come get me he hurt me..." This was followed by a phone call. I immediately jumped in my car and headed to Malibu to pick up my son. I had the police meet me at the residence because I am afraid of Mr. Roepke and will not go anywhere near him alone, and did not wish my son to go through any further grief.

Prior to this incident in May 2011, Mr. Roepke proceeded to make a strike at son's school and involving the school because Oliver refused to go with

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

Date:

→

1/2

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

him, since Mr. Roepke had verbally abused Oliver and got physical once again on his previous visit. The counselor told Oliver not to go and Mr. Roepke forfeited his weekly visit.

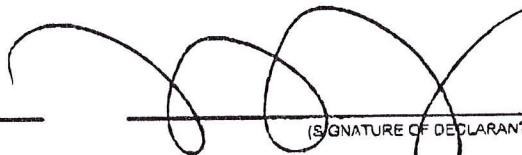
Before this Oliver called the police on his father after the father threw him across the living room and out his chest. Pictures were taken. Police returned Oliver has had bruises on his wrist on being hauled up. He has gone to teacher's counselors CPS. All tell me "no broken bones". I had a temporary restraining order was told event was to long in past needed to wait till it happened again. Written in court order. Mr Roepke not allowed to come to door needs to call and come no closer than driveway. Very short fuse. drinks becomes violent.

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

Date: July 1, 2011

Micnele Lilly

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

2/2

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☒ Other (Specify): witness

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Oliver J. Lally

PO Box 95

La Jolla, CA 92037

TELEPHONE NO.:

FAX NO.:

ATTORNEY FOR (Name):

FOR COURT USE ONLY

FILED
FAMILY COURT

2011 JUL -1 PM 3:26

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ FAMILY COURT BUILDING, 1555 6TH AVE., SAN DIEGO, CA 92101-3294
☒ MADGE BRADLEY BUILDING, 1409 4TH AVE., SAN DIEGO, CA 92101-3105
☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6651
☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

PETITIONER(S) Oliver J. Lally

RESPONDENT(S) Clifford L. Roepke

FAMILY LAW CERTIFICATE OF ASSIGNMENT

CASE NUMBER

DV033579

THIS FORM IS REQUIRED IN ALL NEW FAMILY LAW CASES (EXCEPT CASES HEARD BY THE FAMILY SUPPORT DIVISION).

I declare that this action is properly filed at the (check one)

- ☐ Central Division, Family Law Courthouse (6th Avenue, San Diego)
☒ Central Division, Madge Bradley Building (4th Avenue, San Diego)
☐ South County Division (3rd Avenue, Chula Vista)
☐ East County Division (East Main Street, El Cajon)
☐ North County Division (South Melrose Drive, Vista)

because the (check at least one)

- ☒ petitioner/plaintiff
☒ respondent/defendant
☐ other:

reside(s) within the branch court boundaries.

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

Date:


SIGNATURE OF PARTY OR ATTORNEY