

DV-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

FILED
FAMILY COURT

2011 JUL -1 PM 3:43

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 Name of person asking for protection:

Oliver J. Lally

Address (skip this if the person above has a lawyer) (If you want your home address to be private, give a mailing address instead):

P.O. Box 95

City: La Jolla State: CA Zip: 92037

Telephone (optional): _____ Fax (optional): _____

Your lawyer (if you have one):

Name: _____ State Bar no.: _____

Firm name: _____

Street address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

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

2 Name of person to be restrained:

Clifford L. Roepke

The court will fill out the rest of this form.

To the Person in 2

3 Notice of Court Hearing

A court hearing is scheduled on the request for orders against you to stop domestic violence.

Hearing Date	Date:	<u>JUL 18 2011</u>	Time:	<u>8:30 am</u>	Name and address of court if different from above:
	Dept:	<u>F8</u>	Room:	<u>CKG</u>	

If you want to respond to the request for orders in writing, file Form DV-120, *Answer to Temporary Restraining Order*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence. **At the hearing, the court may make restraining orders against you that could last up to five years. The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**

4 Temporary Restraining Orders (any orders granted are attached on Form DV-110)

- a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, *Request for Order*, are:
- ☒ All **granted** until the court hearing
 - ☐ All **denied** until the court hearing (specify reasons for denial in (b))
 - ☐ Partly **granted** and partly **denied** until the court hearing (specify reasons for denial in (b))
- b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:
- ☐ The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)

This is a Court Order.



Your name: Oliver J. Lally

Case Number:

DV033579

- (2) ☐ The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3) ☐ Further explanation of reason for denial, or reason not listed above:

5 Service of Documents and Time for Service - for Both Parties

To the Person in 1

At least 5 days before the hearing, someone age 18 or older - **not you or anyone else to be protected** - must personally give (serve) a court's file-stamped copy of this form (DV-109, *Notice of Court Hearing*) to the person in 2 along with a copy of all the forms indicated below:

- a. Form DV-100, *Request for Order*, with applicable attachments (file-stamped)
- b. ☒ Form DV-110, *Temporary Restraining Order*, with applicable attachments (file-stamped) if granted by judge
- c. Form DV-120, *Answer to Temporary Restraining Order* (blank form)
- d. Form DV-250, *Proof of Service by Mail* (blank form)
- e. ☐ Other (specify): _____

- The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Service (In Person)* may be used.
- For information about service, read Form DV-210-INFO, *What Is "Proof of Service"?*
- If you are unable to serve the person in 2 in time, you may ask for more time to serve the documents. Read Form DV-126-INFO, *How to Reissue a Temporary Restraining Order*.

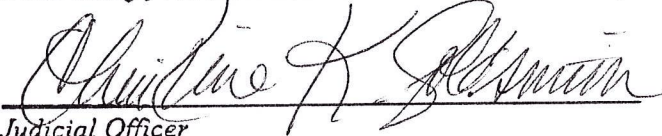
To the Person in 2

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Answer to Temporary Restraining Order*, to the person in 1 at least 2 days before the hearing. You cannot mail Form DV-120 yourself. Someone age 18 or older - **not you** - must do it.
- To show that the person in 1 has been served by mail, the person who mailed the forms must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring it with you to the hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-540-INFO, *Information for the Restrained Person*.

Date:

July 1, 2011

Judicial Officer


Christine K. Goldsmith, Judge

This is a Court Order.

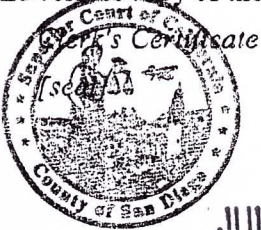
Your name: Oliver J. Lally

Case Number:
DV033579

(Clerk will fill out this part.)

- Clerk's Certificate -

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.



Date: JUL - 1 2011

Clerk, by L. Alvarez, Deputy



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)

Right to Cancel Hearing: Information for the Person in

1

- If item **(4)** (a)(2) or (a)(3) on page 1 is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item **(5)** on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item **(5)** served on the other person within the time listed in item **(5)**.