

Answer to Temporary Restraining Order

By Myself

Clerk stamps date here when form is filed.

SUPERIOR COURT
 11 JUL 11 AM 11:26
 SUPERIOR COURT
 SAN DIEGO COUNTY, CA

- 1 Name of person who asked for the order (protected person):

Oliver J. Lally

- 2 Your name: Clifford Roepke

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

17035 Calle Treviño #1

City: San Diego State: CA Zip: 92127

Your telephone (optional):

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

Give the judge your answers to DV-100:

- 3 ☒ Personal Conduct Orders

I ☐ do ☒ do not agree to the order requested.

- 4 ☒ Stay-Away Order

I ☐ do ☒ do not agree to the order requested.

- 5 ☐ Move-Out Order

I ☐ do ☐ do not agree to the order requested.

- 6 ☐ Child Custody

a. I ☐ do ☐ do not agree to the custody order requested.

b. ☐ I am not the parent of the child listed in DV-105.

c. ☐ I ask for the following custody order (specify):

d. I ☐ do ☐ do not agree to the orders requested to prevent child abduction.

- 7 ☐ Visitation

a. I ☐ do ☐ do not agree to the visitation order requested.

b. ☐ I ask for the following visitation order (specify):

- 8 ☐ Child Support

a. I ☐ do ☐ do not agree to the order requested.

b. ☐ I agree to pay guideline child support.

You must fill out, serve, and file Form FL-150 or FL-155.

- 9 ☐ Spousal Support

I ☐ do ☐ do not agree to the order requested.

Whether or not you agree, you must fill out, serve, and file Form FL-150.

Clerk fills in case number:

Case Number:

DV 033579

The judge can consider your Answer at the hearing. Write your hearing date and time here:

Hearing
Date

→ Date: 7/18/11 Time: 8:30 AM
Dept.: 18 Room: C18

You must obey the orders until the hearing. If you do not come to this hearing, the judge can make the orders last for 3 years or longer.

Dayne Report

Your name: _____

Clifford Roepke

Case Number:

DV033579

- (10) ☐ **Property Control**
I ☐ do ☐ do not agree to the order requested.
If you have other requests, list them in (20) below.
- (11) ☐ **Debt Payment**
I ☐ do ☐ do not agree to the order requested.
If you have other requests, list them in (20) below.
- (12) ☐ **Property Restraint**
I ☐ do ☐ do not agree to the order requested.
If you have other requests, list them in (20) below.
- (13) ☒ **Attorney Fees and Costs**
I ☐ do ☒ do not agree to the order requested.
- (14) ☐ **Payments for Costs and Services**
I ☐ do ☐ do not agree to the order requested.
- (15) ☒ **Animals**
I ☐ do ☒ do not agree to the order requested.
- (16) ☒ **Batterer Intervention Program**
I ☐ do ☒ do not agree to the order requested.
- (17) ☐ **Other Orders** (see item 21 on Form DV-100)
I ☐ do ☐ do not agree to the orders requested.
- (18) ☐ **Turn in guns or other firearms.**
a. ☒ I do not own or have any guns or firearms.
b. ☐ I ☐ have ☐ have not turned in my guns and firearms to the police or a licensed gun dealer.
c. ☐ A copy of the receipt ☐ is attached. ☐ has already been filed with the court.
You must file a receipt with the court within 48 hours after being served with temporary orders.
- (19) ☐ **I ask the court to order payment of my**
a. ☐ Attorney fees
b. ☐ Out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____
You must fill out, serve, and file Form FL-150.
- (20) ☒ **My Answer to the Statements in DV-100 and Other Requests**
Please attach your statement. Write "DV-120, Item 20—More Information" at the top. Be specific.
- (21) I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 7/11/11

Clifford Roepke
Type or print your name


Sign your name

Answer to Restraining Order

1 I, Clifford Roepke, state:

2
3 I am Clifford Roepke (father), the legal parent of Oliver Lally-Roepke, and I share legal and
4 50/50 physical custody of my son, Oliver, with Michele Lally (mother). The court should be
5 advised that the DV-100 "Request For Order" was filed by "Oliver Lally." My son's legal name
6 is Oliver Lally-Roepke. This is important, as the court has ordered in the 11/14/2007 Judgment
7 of Dissolution, D472021, San Diego Superior Court, "4 Child Sharing," section c, point iv, "The
8 parties agree that the minor child's name for all purposes shall be Oliver Lally-Roepke."

9
10 On June 19th NO abuse took place. Oliver and I were spending time with extended family at a
11 vacation rental at 31755 Cottontail Lane, Malibu, California, 90265. I had asked Oliver to
12 cooperate with the family in taking a family photograph. I had a pair of blue shorts that matched
13 the request from my sister to have similar clothing for the photograph. As family members were
14 changing into their outfits, I asked Oliver to wear the shorts that I brought. He responded
15 defiantly that he "didn't have to." I explained to him that he should just go along with the
16 program and change into the shorts. Again, he defiantly answered, "No, I don't have to." At this
17 point in-time, I assessed whether it was important enough to make a big deal about what he was
18 wearing for the photo, and I decided that it was not worth the frustration. I took the shorts back
19 to his suitcase and sat down in the TV room around the corner from where the family had
20 congregated, ready to head out to for the photo event. Someone asked where I was, and Oliver
21 responded that I was "pouting on the sofa."

22
23 It was at this point-in-time that I decided that Oliver was out of line and disrespectful. I walked
24 over to him and explained to him that I was going to have a little chat with him over towards the
25 garage. I placed my hand on his arm to lead him over to the garage entry, at which point, Oliver
26 recoiled, yelling, "Get your hands off of me!" My intention was NEVER to hurt my son, and my
27 actions were definitely not violent in nature. I had already acquiesced to Oliver's defiance
28

Answer to Restraining Order

1 regarding the shorts and the photograph. I never chased after Oliver. My brother, Eric, came over
2 to find out what the noise was about, and he certainly didn't have to pull me away from Oliver.

3
4 Attached is a declaration from my brother, Exhibit A, Eric Roepke, describing the event as he
5 witnessed it.

6
7 Attached is the Malibu Sheriff's Department "Incident History Report," Exhibit B. The report
8 shows Michele Lalay [sic "Lally"] as the informing caller. The 8582006569 is her cell number.
9 "INF" is the department code word for "informant." Having spoken directly with the Sheriff's
10 station dispatcher, he advised me that no neighbors had called to report the incident.

11
12 Looking at the Incident History Report, a generous amount of time was spent by the Sheriff's
13 Deputy to ascertain the situation. Upon clearing the event, the notes state, "No evid [sic
14 "evidence"] of crime, verbal only per witnesses, no marks on child, overdramatic child,
15 disrespectful to father."

16
17 I want to make patently clear to the court that I would never strike, threaten, or harm my son in
18 any way. I truly love my son and try to parent effectively. How can I be a good parent to a
19 teenager if I have to fend off wildly false accusations of violence?

20
21 This recent DV-100 filing is the third false claim of Domestic Violence over the course of five
22 years. The only difference between this current DV-100 and past filings is that now mother has
23 coerced our son to file the order. **Mother's false allegations of abuse erode my relationship**
24 **with my son, as well as lessening my ability to parent effectively. Mother seeks to gain more**
25 **parenting time by staging false events with me as the center "villain" figure who is wildly**
26 **out-of-control.** It is clear that Oliver did not call the police, as his statement falsely claims.
27 Oliver knows his legal name is Oliver Lally-Roepke, yet, he files the DV109 as Oliver Lally. In
28 this recent DV-100, Oliver states that he lives with his mother and that the "custody order is set

1 for me to visit my dad every two weeks.” In fact, his mother and I share 50/50 physical custody,
2 which is 2-weeks on/2-weeks off during summer and week on/week off during the school year.
3 Given the circumstances, the court can only conclude that the mother had influenced Oliver to
4 make false claim that he had called the police, initiating the DV-100 process.

5
6 Findings and Order After Hearing, Case D472021, San Diego Superior Court, Family Division,
7 1555 Sixth Ave., San Diego, CA 92101, dated 4/27/2010 states on paragraph 7, “The court finds
8 that the mother needs mental health counseling to deal with her perception of Oliver's
9 relationship with the father. The court further finds that the mother must learn to understand the
10 importance of Oliver's relationship with the father and that the mother must learn to be
11 supportive of Oliver's relationship with the father. The mother is ordered into individual therapy
12 with a licensed mental health professional for a period of one year. The mother shall attend
13 therapy with the mental health professional at least one time per month for 12 months. The
14 mother's therapist shall be provided with a copy of minor's counsel's reports.” Mother has not
15 attended therapy. I have checked the court records several times to see if there are any
16 documents showing attendance or completion. Mother continually calls son's cell phone many
17 times per-day, and mother unilaterally changes the parenting schedule against the court orders.

18
19 Oliver and I attend counseling with Dr. Christopher Miller, 12625 High Bluff Drive,
20 Suite 302 San, Diego, CA 92130, which is voluntary and on a “as needed” basis. The court has
21 given me sole legal custody regarding mental health decisions for Oliver. I contacted Dr. Miller
22 last Thursday, July 7, and he advised me that he is available for Oliver and me to attend session.

23
24 Findings and Order After Hearing, Case D472021, San Diego Superior Court, Family Division,
25 1555 Sixth Ave., San Diego, CA 92101, dated 11/29/2007 states on paragraph 7,
26 “TELEPHONE. When the minor child (sic “son”) is with each respective parent telephone calls
27 with the non-custodial parent shall be limited to one per day.” I believe this order was further
28 extended to include text messaging. Mother calls son multiple times per-day day-in/day-out.

1 Clifford Roepke (father), Michele Lally (mother), and Oliver Lally-Roepke (son) attended a
2 thorough custody and psychological evaluation by Dr. Steven Doyne in 2005-2006 and again in
3 2007-2008, Terence Chucas was appointed Minor's counsel and since relieved on 12-16-08.

4 During the evaluation process, the mother filed two Domestic Violence Request For Order (DV-
5 100) under case number D472021, San Diego Superior Court, Family Division, 1555 Sixth Ave.,
6 San Diego, CA 92101, to sway the outcome of the evaluation for physical custody in her favor.

7
8 The first filing was on or about January 2007, alleging that our son was "afraid to go w/father,"
9 claiming, "son talks about being afraid of a knife in father's car." The alleged knife was actually
10 a leatherman's tool (swiss army knife) that Oliver actually showed an interest in while I used it to
11 fix his paintball gun while playing paintball. Mother filed with Child Protective Services, who
12 later contacted me to state that the charges were "unfounded." The CPS and DV case were both
13 dropped/denied. The incident was discussed in Dr. Doyne's office as well, when Dr. Doyne
14 asked Oliver directly whether Oliver felt threatened by me. Oliver answered "no." Dr. Doyne
15 repeated this question several times and even once more before we left his office. Each time,
16 Oliver said "no."

17
18 The second filing was on or about 11/3/08. In this instance, mother had coerced son into leaving
19 my residence at night without my knowledge. A couple short minutes after discovering son's
20 disappearance, I went up the drive to find mother in her car with son in the passenger seat.
21 Mother drove away. Mother called the San Diego Sheriff's Department, from whom I obtained
22 the Event Chronology. Mother claimed that I had been "screaming" at my son, and she arrived
23 on the scene at the split second when she was able to rescue our son, in bare feet, from me,
24 running after him. The Event Chronology shows mother's impossible time line of roughly five
25 minutes to travel nearly ten miles, to save our son. This was mother's second false claim of
26 domestic violence with the court, along with CPS. Like the first DV filing, the request was
27 denied, and CPS followed up with a report of "unfounded" to mother's *fantastical* claim.

1 In her recent declaration, mother states that I had "proceeded to make a stink at school" in May
2 2011. This apparent "stink" was my desperate attempt to advise school administrators that
3 mother had unilaterally decided to change the custody schedule following the Easter break. We
4 had been following a court-ordered printed calendar of week-on/week-off intervals for several
5 months, to which mother decided to completely flip-flop the schedule. Mother had done this
6 before, one year prior, during the same post-Easter holiday parenting schedule. The most that the
7 school was willing to help me with was to release Oliver early from school. I waited for son to
8 arrive, but he never showed at the attendance office. I waited at the school for another ninety
9 minutes after dismissal. No Oliver to be found. Mother's corresponding claim of physical and
10 verbal abuse is completely false and an outright lie. Mother' claims "pictures were taken" after I
11 apparently "threw him across the room." To my knowledge, no such pictures exist, and if they
12 did exist, would have already been presented to the court, to which the court would rule on their
13 validity. The facts show that there were two prior DV filings, both of which were clearly
14 trumped-up, baseless allegations of abuse, conjured by mother to manipulate the court system.

15
16 Prior to being served with the current Temporary Restraining Order , I ventured to find Oliver at
17 his mother's home. I was hoping to have a conversation with his mother, since she had not called
18 me or advised me of her intentions after not dropping off Oliver, as agreed, on July 5th. I drove to
19 3350 Caminito Gandara, San Diego, CA 92137 and knocked on the door. A complete stranger
20 answered the door, who's name was Leo. Leo advised me that Michele Lally had not lived in that
21 home for well over a year. The Judgment of Dissolution clearly states that the other parent be
22 advised of any change of address within 24 hours.

23
24 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
25 CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

26
27
28 Cliff Roepke



Date: 7/11/11

I, Eric Roepke, declare as follows:

First, I am Cliff Roepke's younger brother. I was born on June 15, 1966 and I reside in Mesa, AZ.

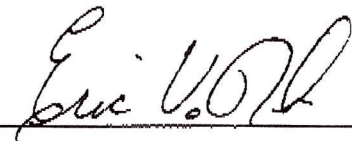
On June 19th, we as a family (Roepke grandparents, nieces, nephews, grandkids) were preparing to take family pictures for my parent's 50th year anniversary present. As we were all finished getting ready, Oliver had made a decision not to get changed into the clothing we all agreed to wear for the picture. Oliver was being quite defiant toward his father regarding this. He was making a spectacle about the whole idea of taking pictures and wasn't going to do anything. My brother had talked to him on a number of occasions and after his final try, my brother gave up on getting Oliver to get changed. At that point Oliver stated that his Dad was pouting over on the couch and (again) Oliver was making himself defiant toward everybody in the room. At this point, I heard my brother talk to Oliver and when I came into the room, Cliff was holding Oliver and the two of them were talking in a louder tone in what was necessary. I got between the two of them and told Cliff to go outside and not bother with Oliver. I DID NOT SEE Cliff hit, strike, slap, kick, Oliver at anytime.

Leading up to this "event", Oliver had been a "pill" to most everyone. His attitude toward all of us was disrespectful and rude. He had said at one point how "stupid" this picture was and why even bother. My brother has tried on a number of occasions to correct Oliver's attitude. I believe Oliver's actions were wrong.

I also know that Oliver DID not call the police, his mother did. When I went outside to talk to Oliver after this incident happened, he explained that he called his Mom and she was coming to pick him up. When I spoke to the Sheriff's officer, he explained that they got a call right when his Mom was pulling into Malibu.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Eric Roepke



Date:

07.11.2011



Exhibit A

INCIDENT HISTORY REPORT
LOST HILLS

Station: LHS Incident Date: 06/19/11 Tag #: 340 Incident #: LHS11170-0340

/1850 ENTRY (505699) INCIDENT,31755 COTTONTAIL LN,MAL BROADBEACH
RD,P,415F,927C,,,,MICHELLE LALAY,,8582006569,CHECK ON THE WELFARE OF,(OLIVER LALLY M/W
15) SUBJ TEXTE,D HIS MOTHER AND SAID HIS FATHER,HURT HIM DURING FIGHT. INF IS E,NROUTE IN
SIL MINI COOPER,,,,LHS,,,,LHS02
/1851 ASSIGN/B (293983) 101T3/P #431686 UBRYAN #513424 LEWIS
/1851* ACK (431686) 101T3/P <000>
/1852* ENR (431686) 101T3/P <000>
/1902* 10/97 (431686) 101T3/P <000>
/1919* 10/98 (431686) 101T3/P <000>
/2309* CLEAR (431686) 101T3/P,,,212,,,,,NO EVID OF CRIME,VERBAL ONL,Y PER WITNESSES,NO
MARKS ON CHI,LD,OVERDRAMATIC CHLD,DISRESPEC,TFUL TO FATHER. D/P
GPA,,,1011,,,,,, <000>
/2320 OKI (293983)

Exhibit B