

Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

Read *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

FILED/ENDORSED
SEP 19 2019
By: <u>R. CADDICK</u> Deputy Clerk

1 Person Seeking Protection

a. Your Full Name: Senator Jim Beall Age: 67

Your Lawyer (if you have one for this case)
Name: Cara L. Jenkins State Bar No.: 271432
Firm Name: Office of Legislative Counsel

b. Your Address (if you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 925 L Street, Suite 900
City: Sacramento State: CA Zip: 95814
Telephone: 916-341-8000 Fax: _____
E-Mail Address: cara.jenkins@lc.ca.gov

Fill in court name and street address:

Superior Court of California, County of Sacramento
Gordon D. Schaber Sacramento County Courthouse
720 9th Street
Sacramento, CA 95814.

Court fills in case number when form is filed.

Case Number: **34 2019 7 0006502**

2 Person From Whom Protection Is Sought

Full Name: Mike Mattingly Age: 53
Address (if known): 2287 Middletown Dr.
City: Campbell State: CA Zip: 95008

3 Additional Protected Persons

a. Are you asking for protection for any other family or household members? Yes No If yes, list them:

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

This is not a Court Order.



Case Number: _____

4 Relationship of Parties

How do you know the person in (2)? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

Constituent in my Senate district

5 Venue

Why are you filing in this county? (Check all that apply):

- a. The person in (2) lives in this county.
- b. I was harassed by the person in (2) in this county.
- c. Other (specify): _____

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

Yes No (If yes, check each kind of case and indicate where and when each was filed.)

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(2) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(3) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4) <input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____
(7) <input type="checkbox"/> Guardianship	_____	_____	_____
(8) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(9) <input type="checkbox"/> Small Claims	_____	_____	_____
(10) <input type="checkbox"/> Criminal	_____	_____	_____
(11) <input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? No Yes (If yes, attach a copy if you have one.)

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

(1) When did it happen? (provide date or estimated date): September 9, 2019

(2) Who else was there?

Members of the California Highway Patrol; Members and staff of the California State Senate

This is not a Court Order.



Case Number: _____

7 a. (3) How did the person in (2) harass you? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

See attached Declarations of Senator Jim Beall and Senate Sergeant-At-Arms Randy Robinson

(4) Did the person in (2) use or threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

(6) Did the police come? Yes No

If yes, did they give you or the person in (2) an Emergency Protective Order? Yes No

If yes, the order protects (check all that apply):

Me The person in (2) The persons in (3).

(Attach a copy of the order if you have one.)

b. Has the person in (2) harassed you at other times?

Yes No (If yes, describe prior incidents and provide dates of harassment below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

See attached Declaration of Senator Jim Beall

This is not a Court Order.



Check the orders you want.

8 Personal Conduct Orders

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

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

c. Other (specify):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.

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

9 Stay-Away Orders

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

- (1) Me.
- (2) The other persons listed in (3).
- (3) My home.
- (4) My job or workplace.
- (5) My school.
- (6) My children's school.
- (7) My children's place of child care.
- (8) My vehicle.
- (9) Other (specify):

Senator Beall's: (1) Campbell district office: 2105 Bascom Ave., Suite 154, Campbell 95008; (2) San Jose district office: 100 Paseo de San Antonio, Suite 209, San Jose 95113 ; (3) Committee office: State Capitol, Room 2209, Sacramento 95814; and (4) Capitol office: State Capitol, Room 2082, Sacramento 95814

b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (If no, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

10 Guns or Other Firearms and Ammunition

Does the person in (2) own or possess any guns or other firearms? Yes No I don't know

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession or control.

This is not a Court Order.



11 Temporary Restraining Order

I request that a Temporary Restraining Order (TRO) be issued against the person in 2 to last until the hearing. I am presenting form CH-110, Temporary Restraining Order, for the court's signature together with this Request.

Has the person in 2 been told that you were going to go to court to seek a TRO against him/her?

Yes No (If you answered no, explain why below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title.

12 Request to Give Less Than Five Days' Notice of Hearing

You must have your papers personally served on the person in 2 at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

13 No Fee for Filing or Service

- a. There should be no filing fee because the person in 2 has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. The sheriff or marshal should serve (notify) the person in 2 about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. There should be no filing fee and the sheriff or marshal should serve the person in 2 for free because I am entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver of Court Fees and Costs.)

14 Lawyer's Fees and Costs

I ask the court to order payment of my lawyer's fees Court costs.

The amounts requested are:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order.



15 **Possession and Protection of Animals**

I ask the court to order the following:

- a. That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.
(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because *(specify good cause for granting order):*

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

- b. That the person in **(2)** must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

16 **Additional Orders Requested**


I ask the court to make the following additional orders *(specify):*

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

17 Number of pages attached to this form, if any: 7

Date: 9/19/19

Cara L. Jenkins
Lawyer's name (if any)


Lawyer's signature

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

Date: 9/10/19

Senator Jim Beall
Type or print your name


Sign your name

This is not a Court Order.

1 DIANE F. BOYER-VINE (SBN: 124182)
Legislative Counsel
2 ROBERT A. PRATT (SBN: 137704)
Principal Deputy Legislative Counsel
3 CARA L. JENKINS (SBN: 271432)
Deputy Legislative Counsel
4 Office of Legislative Counsel
925 L Street, Suite 900
5 Sacramento, California 95814
6 Telephone: (916) 341-8000

7 Attorneys for Petitioner
Senator Jim Beall

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SACRAMENTO

11 JIM BEALL,

12 Petitioner,

13 v.

14 MIKE MATTINGLY,

15 Respondent.

Case No.:

**DECLARATION OF RANDY
ROBINSON IN SUPPORT OF
PETITION FOR CIVIL HARASSMENT
RESTRAINING ORDER BY SENATOR
JIM BEALL (C.C.P. § 527.6)**

Date:
Time:
Dept:

**Exempt from Fees
(Gov. Code § 6103)**

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22 I, RANDY ROBINSON, declare and state:

23 1. I am employed as a Sergeant-at-Arms for the California State Senate. I have been
24 employed by the California State Senate for approximately 4 years. I have personal knowledge of
25 the facts set forth in this declaration and am competent to testify thereto if called as a witness.

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1 2. On August 24, 2019, I attended a Los Gatos Creek Clean-up event in Campbell at
2 the request of Senator Beall. I was informed by one of Senator Beall's staff members that the
3 Senator desired to have the Sergeant-at-Arms present at the event because there had been a few
4 confrontational individuals present at other recent events that the Senator had attended. Senator
5 Beall and his staff pointed out Mattingly to me at the Creek Clean-up event. They informed me that
6 Mattingly had attended previous events where he had approached the Senator and was being
7 aggressive. I briefly spoke to Mattingly upon his return from participating in the event. Mattingly
8 informed me that he lives in Campbell, California, and that he had been to the Capitol in
9 Sacramento and intended to go back to the Capitol in the near future. Mattingly approached the
10 Senator a couple of times towards the end of the event while the Senator was speaking with other
11 participants. Mattingly questioned the Senator about his views on fluorinated water and asked if the
12 Senator would discuss other issues with him.

13 3. On September 13, 2019, I was informed by a staff member of Senator Beall of an
14 incident involving Mattingly and herself. According to the staff member, Mattingly approached her
15 and began aggressively asking her questions. When she refused to answer, he proceeded to follow
16 her with his phone pointed at her as if he was recording the interaction. The staff member entered a
17 restaurant across the street from the Capitol. Upon exiting the restaurant, Mattingly began
18 following her again. Scared for her safety, the staff member went to CHP officers who were at the
19 entrance of the building and reported that Mattingly was following her and asking her questions.


20 4. On September 9, 2019, I was notified that Mattingly was arrested by the California
21 Highway Patrol at approximately 4:00 p.m. for disrupting the Senate floor session. Mattingly yelled
22 from the Senate gallery down to the Senate floor at Senator Beall who was sitting in the Senate
23 chambers. Mattingly was upset that Senator Beall voted in favor of Senate Bill 276. I was advised
24 by my Chief that Mattingly was taken to jail and later released on bail.

25 5. On September 11, 2019, I was informed that Mattingly posted a video purporting to
26 apologize to Senator Beall for his actions on September 9, 2019. Upon reviewing the video,
27 Mattingly does not appear to be remorseful for his actions, and instead berates Senator Beall for
28

1 supporting Senate Bill 276, and concludes the video stating "So, I'm sorry... not really." The video
2 can be viewed at <https://www.facebook.com/100002558629957/posts/2391451487616782?sfns=mo>

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

6 Executed on September 17, 2019, in Sacramento, California.

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9 _____
Randy Robinson

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1 DIANE F. BOYER-VINE (SBN: 124182)
Legislative Counsel
2 ROBERT A. PRATT (SBN: 137704)
Principal Deputy Legislative Counsel
3 CARA L. JENKINS (SBN: 271432)
Deputy Legislative Counsel
4 Office of Legislative Counsel
925 L Street, Suite 900
5 Sacramento, California 95814
6 Telephone: (916) 341-8000

7 Attorneys for Petitioner
Senator Jim Beall

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SACRAMENTO

11 JIM BEALL,

12 Petitioner,

13 v.

14 MIKE MATTINGLY,

15 Respondent.

Case No.:

**DECLARATION OF JIM BEALL IN
SUPPORT OF PETITION FOR CIVIL
HARASSMENT RESTRAINING
ORDER BY SENATOR JIM BEALL
(C.C.P. § 527.6)**

Date:

Time:

Dept:

**Exempt from Fees
(Gov. Code § 6103)**

21 I, JIM BEALL, declare and state:

22 1. I am a Member of the California State Senate, representing the 15th Senate District,
23 which includes the cities of San Jose, Campbell, Cupertino, Los Gatos, Monte Sereno, and
24 Saratoga. I have personal knowledge of the facts set forth in this declaration and am competent to
25 testify thereto if called as a witness.

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1 2. On June 28, 2019, I conducted a Senior Health Fair for my constituents at the
2 Eastridge Center shopping mall located at 2200 Eastridge Loop #2062, San Jose, CA 95122. As my
3 staff and I were preparing for the event, at approximately 8:00 a.m., I noticed a man, whom I was
4 later notified was Mike Mattingly, approaching me with an angry look on his face. Mattingly was
5 visibly shaking with anger and immediately raised his voice. He looked directly at me and told me
6 that by supporting Senate Bill 276 – a bill related to mandatory vaccines for school age children –
7 also meant that I support the killing of children, the harvesting of infant fetuses, and the murder of
8 indigenous groups and Native Americans. He went on and further accused me of overriding civil
9 rights by segregating parents who want to protect their children. My staff attempted to diffuse the
10 situation by offering to share information about Senate Bill 276 with Mattingly, but Mattingly
11 instead began shouting at my staff, calling them “lackeys” as he left the event.

12 3. Shortly thereafter, Mattingly returned to the event with brochures relating to
13 vaccines, and proceeded to yell at my staff about the contents of the brochures. Mattingly angrily
14 shouted that fetuses being used in vaccines and that Native Americans are being sterilized through
15 vaccination. Mattingly then stated that he will continue to disrupt my events until SB 276 is
16 stopped.

17 4. There were several elected officials who were scheduled to speak at the Senior
18 Health Fair. As each public official made remarks at the event, Mattingly attempted to disrupt each
19 official by holding up an umbrella that contained anti-vaccine messaging. After I finished my
20 remarks, Mattingly again targeted my staff, asking them repeatedly about my position on
21 segregation and genocide.

22 5. At approximately 10:30 a.m., I decided to leave the event because it was clear that
23 Mattingly was not going to stop disrupting the event while I was present. As I was leaving,
24 Mattingly rushed up to me, and started speaking angrily and almost incoherently. He accused me of
25 running away, and of supporting genocide and segregation. Mattingly was so upset that he spit in
26 my face – whether intentional or not – during this encounter.

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1 6. On August 24, 2019, I conducted a Creek Clean Up event in Campbell, California. I
2 requested the Senate Sergeant-at-Arms provide security at this event as a result of Mattingly's prior
3 conduct at the Senior Health Fair event and his threats to disrupt my events until Senate Bill 276
4 was stopped.

5 7. Towards the end of the event, Mattingly approached me and began questioning me
6 about fluorinated water and whether I would discuss this and other issues with him. Based on my
7 previous encounter with him, I told Mattingly that I did not feel comfortable speaking with him on
8 these matters. Because the Sergeant-at-Arms were close by and ready to intervene if Mattingly
9 became aggressive, Mattingly did not push his agenda on me at that time.

10 8. On September 9, 2019, I was on the Senate floor participating in the Senate's
11 legislative session. At approximately 4:00 p.m., several protestors became disruptive in the Senate
12 gallery. I heard someone specifically mention my name in a threatening manner.

13 9. I was later informed by Sergeant-at-Arms Randy Robinson that Mr. Mattingly was
14 arrested by the California Highway Patrol for being disruptive during the Senate's session, and was
15 taken to jail and released later that evening on bail.

16 10. On September 11, 2019, my chief of staff showed me a video of Mattingly posted on
17 Facebook, in which he speaks directly to me and suggests that it is an apology for his conduct in the
18 gallery on September 9, 2019. The video is titled "Mike apologizes to Senator Beall." However, in
19 his "apology," Mattingly sarcastically states "I'd also like to apologize for getting up in the Senate
20 chambers and calling you out for not meeting with us and having to bumrush your ass down at any
21 event you're at. So, I'm sorry... not really." A true and correct copy of the video is posted at
22 <https://www.facebook.com/100002558629957/posts/2391451487616782?sfns=mo>.

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24 ///
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Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name:

Senator Jim Beall

Your Lawyer (if you have one for this case):

Name: Cara L. Jenkins State Bar No.: 271432

Firm Name: Office of Legislative Counsel

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 925 L Street, Suite 900

City: Sacramento State: CA Zip: 95814

Telephone: 916-341-8000 Fax: _____

E-Mail Address: cara.jenkins@lc.ca.gov

Fill in court name and street address:

Superior Court of California, County of Sacramento
Gordon D. Schaber Sacramento County Courthouse
720 9th Street
Sacramento, CA 95814

Court fills in case number when form is filed.

Case Number:

34 2019 7 0006502

2 Person From Whom Protection Is Sought

Full Name: Mike Mattingly

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

Hearing Date	Date: <u>OCT 11 2019</u>	Time: <u>1:30 PM</u>	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	

4 Temporary Restraining Orders (Any orders granted are on form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)



b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, Request for Civil Harassment Restraining Orders, are:

(1) The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.

(2) Other (specify): As set forth on Attachment 4b.

5 Confidential Information Regarding Minor

a. A Request to Keep Minor's Information Confidential (form CH-160) was made and GRANTED. (See form CH-165, Order on Request to Keep Minor's Information Confidential, served with this form.)

b. If the request was granted, the information described in item 8 on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as contempt of court, with a fine of up to \$1000 or possible sanctions.

6 Service of Documents for the Person in 1

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

a. CH-100, Request for Civil Harassment Restraining Orders (file-stamped)

b. CH-110, Temporary Restraining Order (file-stamped) IF GRANTED

c. CH-120, Response to Request for Civil Harassment Restraining Orders (blank form)

d. CH-120-INFO, How Can I Respond to a Request for Civil Harassment Restraining Orders?

e. CH-250, Proof of Service of Response by Mail (blank form)

f. CH-170, Notice of Order Protecting Information of Minor and CH-165, Order on Request to Keep Minor's Information Confidential (file-stamped) IF GRANTED

g. Other (specify): _____

Date: _____

▶ _____
Judicial Officer

To the Person in ①:

- 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 CH-200, *Proof of Personal Service*, may be used.
- For information about service, read form CH-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

To the Person in ②:

- If you want to respond to the request for orders in writing, file form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—not you or anyone to be protected—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms that you own or possess.



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.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(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.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

a. Your Full Name: Senator Jim Beall
Your Lawyer (if you have one for this case):
Name: Cara L. Jenkins State Bar No.: 271432
Firm Name: Office of Legislative Counsel
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):
Address: 925 L Street, Suite 900
City: Sacramento State: CA Zip: 95814
Telephone: 916-341-8000 Fax:
E-Mail Address: cara.jenkins@lc.ca.gov

Fill in court name and street address:

Superior Court of California, County of Sacramento
Gordon D. Schaber Sacramento County Courthouse
720 9th Street
Sacramento, CA 95814

Court fills in case number when form is filed.

Case Number 37-2019-70006502

② Restrained Person

Full Name: Mike Mattingly
Description:
Sex: [X] M [] F Height: 5-10 Weight: 190 Date of Birth: 12-31-1965
Hair Color: Brown Eye Color: Hzl Age: 53 Race: Caucasian
Home Address (if known): 2287 Middletown Dr.
City: Campbell State: CA Zip: 95008
Relationship to Protected Person: Constituent in Senate district

③ [] Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Table with columns: Full Name, Sex, Age, Household Member?, Relation to Protected Person. Includes checkboxes for Yes/No.

[] Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

The court will complete the rest of this form.

This Order expires at the end of the hearing scheduled for the date and time below:

Date: OCT 11 2019 Time: 1:30 [] a.m. [X] p.m.

This is a Court Order.



To the Person in ② :

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

⑤ Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You must not do the following things to the person named in ①

and to the other protected persons listed in ③:

- (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

⑥ Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

a. You must stay at least _____ yards away from (check all that apply):

- (1) The person in ①
- (2) Each person in ③
- (3) The home of the person in ①
- (4) The job or workplace of the person in ①
- (5) The school of the person in ①
- (6) The school of the children of the person in ①
- (7) The place of child care of the children of the person in ①
- (8) The vehicle of the person in ①
- (9) Other (specify):

b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.



Case Number: _____

(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)

c. The court has received information that you own or possess a firearm.

8 Possession and Protection of Animals

Not Requested Denied Until the Hearing Granted as Follows (specify):

a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

9 Other Orders

Not Requested Denied Until the Hearing Granted as Follows (specify):

Additional orders are attached at the end of this Order on Attachment 9.

To the Person in ① :

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

This is a Court Order.



11 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
b. The person in **1** is entitled to a fee waiver.

12 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item **7** above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court 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 order will be served on you by mail at the address in item **2**.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in **1**.
- You must have form CH-120 served by mail on the person in **1** or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.

This is a Court Order.



- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.



Case Number:

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—Clerk's Certificate—

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

Person in 1 must complete items 1, 2, and 3 only.

1 Protected Person

a. Your Full Name: Senator Jim Beall
Your Lawyer (if you have one for this case)
Name: Cara L. Jenkins State Bar No.: 271432
Firm Name: Office of Legislative Counsel
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)
Address: 925 L Street, Suite 900
City: Sacramento State: CA Zip: 95814
Telephone: 916-341-8000 Fax:
E-Mail Address: cara.jenkins@lc.ca.gov

Fill in court name and street address:

Superior Court of California, County of Sacramento
Gordon D. Schaber Sacramento County Courthouse
720 9th Street
Sacramento, CA 95814

Court fills in case number when form is filed.

Case Number: 34 2019 7 0006502

2 Restrained Person

Full Name: Mike Mattingly
Description:

Sex: [X] M [] F Height: 5-10 Weight: 190 Date of Birth: 12-31-1965
Hair Color: Brown Eye Color: Hzl Age: 53 Race: Caucasian
Home Address (if known): 2287 Middletown Dr.
City: Campbell State: CA Zip: 95008
Relationship to Protected Person: Constituent in Senate district

3 Additional Protected Persons

In addition to the person named in 1, the following family or household members of that person are protected by the orders indicated below:

Table with 5 columns: Full Name, Sex, Age, Lives with you?, How are they related to you? Includes Yes/No checkboxes for living together.

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3- Additional Protected Persons" as a title. You may use form MC-025, Attachment.

4 Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: a.m. p.m. midnight on (date):

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

5 Hearing

- a. There was a hearing on (date): _____ at (time): _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The person in ①. (3) The lawyer for the person in ① (name): _____
 - (2) The person in ②. (4) The lawyer for the person in ② (name): _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in ②:

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must not do the following things to the person named in ①
 - and to the other protected persons listed in ③:
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (specify): _____
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 Stay-Away Orders

- a. You must stay at least _____ yards away from (check all that apply):
 - (1) The person in ①. (7) The place of child care of the children of the person in ①.
 - (2) Each person in ③.
 - (3) The home of the person in ①. (8) The vehicle of the person in ①.
 - (4) The job or workplace of the person in ①. (9) Other (specify): _____

 - (5) The school of the person in ①. _____
 - (6) The school of the children of the person in ①. _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. If you have not already done so, you must:
 - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)
- c. The court has received information that you own or possess a firearm.
- d. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)): _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm.

9 Lawyer's Fees and Costs

The person in ____ must pay to the person in ____ the following amounts for

<input type="checkbox"/> lawyer's fees	<input type="checkbox"/> costs:		
<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Possession and Protection of Animals

- a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.)

- b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

11 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.



To the Person in ①:

⑫ Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
 - (1) Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
 - (2) The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

⑭ No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

⑮ Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Restrained Person in 2:**You Cannot Have Guns or Firearms**

Unless item 8d is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item 8 above. The court will require you to prove that you did so.

Instructions for Law Enforcement**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item 4 on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.