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### Supreme Court Victory Affirms Survivors' Right to Sue for Harassment & Assault



In an exciting legal victory last week, the **California Supreme Court unanimously ruled in favor of survivors'** right to sue for sexual harassment and assault. FVAP partnered with Goodwin Procter and California Women's Law Center on an amicus (friend-of-the-court) brief in support of this outcome.

In this case, after Jane Doe had gone to court seeking a civil harassment restraining order, the parties were referred to mediation and there agreed not to disparage one another. Afterward, Doe filed a civil claim, which the opposing party tried to block, stating the claim violated their nondisparagement agreement. Doe quickly took legal action to put a stop to the claim that she violated their agreement (in an anti-SLAPP motion), but after a judge ruled in her favor, the decision was overturned by the Court of Appeal. **The California Supreme Court reversed the Court of Appeal's decision, finding the nondisparagement agreement did not bar Doe from suing for claims of sexual harassment and assault.**

We are happy that this legal outcome clarifies that suing for sexual harassment and assault does not necessarily violate a nondisparagement agreement. California has a strong public policy interest in allowing survivors to access all available forms of relief for the harms of domestic and sexual violence, and this case affirms that interest.

Read FVAP's quote in the [Courthouse News Service article](#) about the case.

### Legal Victory Clarifies Rights to Renew a Restraining Order



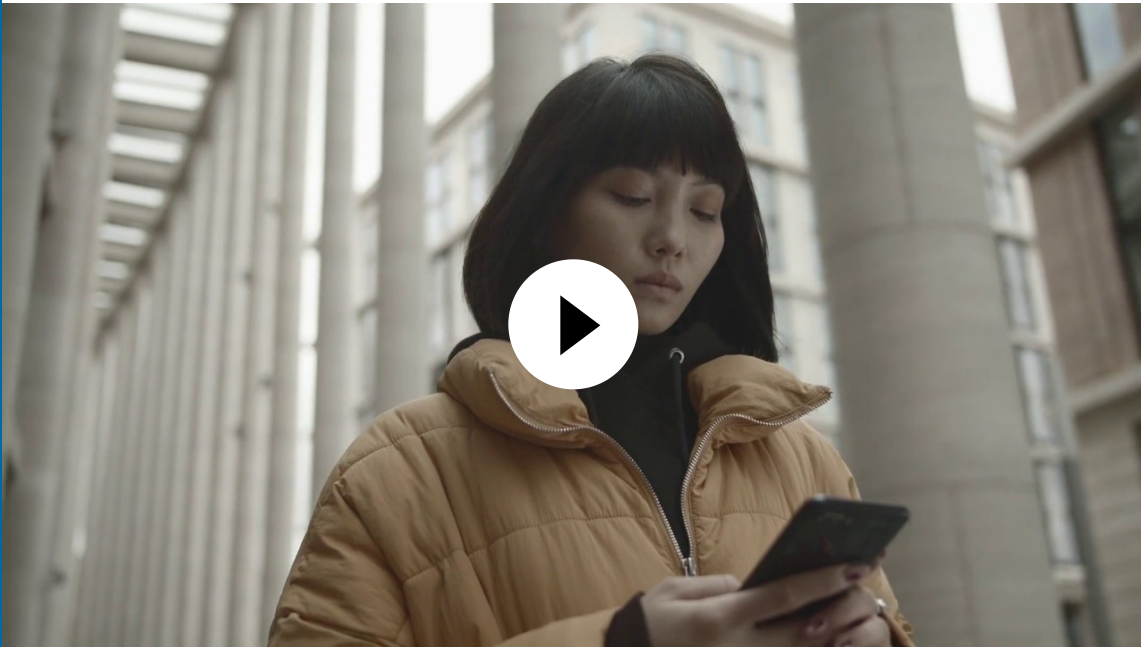
In [Brubaker v. Strum \(2021\) Cal.App.5th](#), a survivor of domestic violence appealed a trial court order denying her request to renew her restraining order. We had the opportunity to assist the survivor's pro bono attorney in appealing the decision by providing research, consulting on appellate

strategy, offering example briefs, and reviewing their draft briefs. We are thrilled to share the appeal was successful.

After the successful appeal, FVAP requested publication of the case because it clarifies, for the first time, that labelling the abuse as “**situational**” **is not a legal reason to require proof of new abuse in order to renew a domestic violence restraining order**. Further, the opinion explains that a prior court finding that the restraining order was not violated, which was made for purposes of a custody determination, cannot prevent a survivor of abuse from using that same evidence to show that a restraining order should be renewed.

This case is now binding legal precedent in California and will help survivors get the protection they need by renewing restraining orders.

### Stalking Awareness Month



It's rare that a survivor will experience only one type of abuse, which is why FVAP helps not only survivors of domestic violence, but also survivors of stalking and other types of gender-based abuse. Stalking is often just one of many harmful behaviors by an abuser. It often turns into a life-threatening situation, with weapons being used to harm or threaten victims of stalking in 1 out of 5 cases.

This month, **please join us in raising awareness about the seriousness of stalking** by sharing this newsletter with a friend. We also encourage you to check out resources on [Stalking Prevention Awareness and Resource Center](#)'s website to learn more.

### FVAP's Training on Newest Cases Affecting Survivors



Yesterday, FVAP gave our annual training on the **newest appeals cases affecting domestic violence survivors** for members of the [California Partnership to End Domestic Violence](#). This training includes a substantive review of cases and practice tips for those representing survivors and those supporting survivors who are navigating the court system without a lawyer.

*FVAP's upcoming trainings:*

January 26: Survivors and Housing Rights for [Family Assistance Program](#)  
February 3: Housing & Employment Training for [Youth Law Center](#)

### Washington Corner Learning from the Indigenous Survivor Experience



FVAP Washington was glad to learn the Washington State Legislature has created the [Washington State Missing and Murdered Indigenous Women and People \(MMIW/P\) Task Force](#) as part of the effort to coordinate a statewide response to the urgent crisis of Indigenous people who go missing, are the victims of homicide, or experience other types of gender-based violence in urban and tribal communities.

The task force combines the institutional and cultural knowledge of state agencies, tribal nations and Indigenous communities to center the experiences of victims and to approach the work in a way that is responsive to communities and grounded in Indigenous values. The task force is made up of state senators, representatives, councilmembers, and community members from an array of agencies and organizations, and their meetings are open to the public.

With [FVAP's new roots in Washington state](#), we want to ensure we are staying informed of Washington survivors’ needs and the problems they face, particularly the needs of survivors from underserved and underrepresented communities.

FVAP attended the Task Force’s first meetings, co-hosted with the Yakama Nation, in December 2021. **FVAP Washington looks forward to incorporating what we learn from the Task Force into our work on an ongoing basis.**

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