

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: JENNIFER B. YATES FIRM NAME: BROMUND LAW GROUP STREET ADDRESS: 950 COUNTY SQUARE DRIVE, SUITE 111 CITY: VENTURA TELEPHONE NO.: (805) 650-1100 E-MAIL ADDRESS: ATTORNEY FOR (name): [REDACTED]	STATE BAR NUMBER: 263652 STATE: CA ZIP CODE: 93003 FAX NO.: (805) 650-1101	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF [REDACTED] STREET ADDRESS: [REDACTED] MAILING ADDRESS: [REDACTED] CITY AND ZIP CODE: [REDACTED] BRANCH NAME: HALL OF JUSTICE		
PETITIONER: [REDACTED] RESPONDENT: [REDACTED] OTHER PARENT/PARTY:		
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input checked="" type="checkbox"/> Other (specify): [Ex Parte] Declare Petitioner Vexatious Litigant		CASE NUMBER: [REDACTED]

NOTICE OF HEARING

1. TO (name(s)): [REDACTED]
☒ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date:	Time:	Dept.:	Room.:
b. Address of court <input checked="" type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)

COURT ORDER

(FOR COURT USE ONLY)

It is ordered that:

4. ☒ Time ☒ for service ☒ until the hearing is shortened. Service must be on or before (date):
5. ☐ A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
6. ☐ The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
7. ☒ The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☐ Other (specify):

Date:

JUDICIAL OFFICER

Page 1 of 4

PETITIONER: [REDACTED]	CASE NUMBER: [REDACTED]
RESPONDENT: [REDACTED]	
OTHER PARENT/PARTY:	

REQUEST FOR ORDER

Note: Place a mark ☒ in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration (form MC-031)* for this purpose.)

1. ☐ RESTRAINING ORDER INFORMATION

One or more domestic violence restraining/protective orders are now in effect between (specify):

☐ Petitioner ☐ Respondent ☐ Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- a. ☐ Criminal: County/state (specify): Case No. (if known):
- b. ☐ Family: County/state (specify): Case No. (if known):
- c. ☐ Juvenile: County/state (specify): Case No. (if known):
- d. ☐ Other: County/state (specify): Case No. (if known):

2. ☐ CHILD CUSTODY

☐ VISITATION (PARENTING TIME)

☐ I request temporary emergency orders

a. I request that the court make orders about the following children (specify):

Child's Name Date of Birth ☐ Legal Custody to (person who decides: health, education, etc): ☐ Physical Custody to (person with whom child lives):

b. ☐ The orders I request for ☐ child custody ☐ visitation (parenting time) are:

☐ Attachment 2a.

(1) ☐ Specified in the attached forms:

☐ Form FL-305 ☐ Form FL-311 ☐ Form FL-312 ☐ Form FL-341(C)

☐ Form FL-341(D) ☐ Form FL-341(E) ☐ Other (specify):

(2) ☐ As follows (specify):

☐ Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):

☐ Attachment 2c.

d. ☐ This is a change from the current order for ☐ child custody ☐ visitation (parenting time).

(1) ☐ The order for legal or physical custody was filed on (date):

. The court ordered (specify):

(2) ☐ The visitation (parenting time) order was filed on (date):

. The court ordered (specify):

☐ Attachment 2d.

PETITIONER: [REDACTED]	CASE NUMBER: [REDACTED]
RESPONDENT: [REDACTED]	
OTHER PARENT/PARTY:	

3. ☐ CHILD SUPPORT(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age

☐ I request support for each child Monthly amount (\$) requested
based on the child support guideline. (if not by guideline)b. ☐ I want to change a current court order for child support filed on (date):

The court ordered child support as follows (specify):

☐ Attachment 3a.c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

☐ Attachment 3d.4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)a. ☐ Amount requested (monthly): \$b. ☐ I want the court to ☐ change ☐ end the current support order filed on (date):

The court ordered \$ per month for support.

c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify):

☐ Attachment 4e.5. ☐ PROPERTY CONTROL☐ I request temporary emergency ordersa. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent (specify):b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

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

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

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

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

c. ☐ This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. ☐ ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (specify amount): \$

. I filed the following to support my request:

- A current *Income and Expense Declaration* (form FL-150).
- A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. ☐ DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- The *Restraining Order After Hearing* (form DV-130) was filed on (date):
- I request that the court ☐ change ☐ end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- ☐ I request that the court make the following changes to the restraining orders (specify): ☐ Attachment 7c.
- I want the court to change or end the orders because (specify): ☐ Attachment 7d.

8. ☒ OTHER ORDERS REQUESTED (specify):☐ Attachment 8.

Declare Petitioner vexatious litigant as defined by Code of Civil Procedure section 391 and for monetary sanctions pursuant to Code of Civil Procedure section 128.5 for frivolous actions and filings by Petitioner, payable by Petitioner to attorney for Respondent, Bromund Law Group.

9. ☒ TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:

- ☐ To serve the *Request for Order* no less than (number): court days before the hearing.
- ☒ The hearing date and service of the the *Request for Order* to be sooner.
- I need the order because (specify): ☐ Attachment 9c.
Petitioner continues to file frivolous ex parte applications with the court, requiring counsel for Respondent to appear in court and respond. The numerous applications are for the same issue, which is presently set for trial on September 15, 2016. He has not presented any actual emergency in these applications, yet continues to file them.

10. ☒ FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.☐ Attachment 10.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: 7/27/2016

JENNIFER B. YATES

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)

**Requests 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 proceeding. 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.)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: JENNIFER B. YATES FIRM NAME: BROMUND LAW GROUP STREET ADDRESS: 950 COUNTY SQUARE DRIVE, SUITE 111 CITY: VENTURA STATE: CA ZIP CODE: 93003 TELEPHONE NO.: (805) 650-1100 FAX NO.: (805) 650-1101 E-MAIL ADDRESS: ATTORNEY FOR (name): [REDACTED]	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF [REDACTED] STREET ADDRESS: [REDACTED] MAILING ADDRESS: [REDACTED] CITY AND ZIP CODE: [REDACTED] BRANCH NAME: HALL OF JUSTICE	
PETITIONER: [REDACTED] RESPONDENT: [REDACTED] OTHER PARENT/PARTY:	
TEMPORARY EMERGENCY (EX PARTE) ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Property Control <input checked="" type="checkbox"/> Other (specify): Declare Petitioner Vexatious Litigant	CASE NUMBER: [REDACTED]

1. TO (name(s)) [REDACTED]
☒ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other (specify):

A court hearing will be held on the *Request for Order* (form FL-300) served with this order, as follows:

a. Date:	Time:	Dept.:	Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

2. **Findings:** Temporary emergency (ex parte) orders are needed to: (a) help prevent an immediate loss or irreparable harm to a party or to children in the case, (b) help prevent immediate loss or damage to property subject to disposition in the case, or (c) set or change procedures for a hearing or trial.

COURT ORDERS: The following temporary emergency orders expire on the date and time of the hearing scheduled in (1), unless extended by court order:

3. ☐ **CHILD CUSTODY**

a. Child's name

Date of Birth

Temporary physical custody, care, and control to:

Petitioner Respondent Other Party/Parent

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- ☐ Continued on Attachment 3(a)
- b. ☐ **Visitation (Parenting Time)** The temporary orders for physical custody, care, and control of the minor children in (3) are subject to the other party's or parties' rights of visitation (parenting time) as follows (specify):

☐ See Attachment 3(b)

THIS IS A COURT ORDER.

Page 1 of 2

PETITIONER: [REDACTED]	CASE NUMBER: [REDACTED]
RESPONDENT: [REDACTED]	
OTHER PARENT/PARTY:	

3. ☐ **CHILD CUSTODY (continued)**c. **Travel restrictions**

- (1) The party or parties with temporary physical custody, care, and control of minor children **must not remove the minor children from the state of California unless the court allows it after a noticed hearing.**
- (2) ☐ Petitioner ☐ Respondent ☐ Other Parent/Party must not remove their minor children (*specify*):
- (a) ☐ from the state of California.
- (b) ☐ from the following counties (*specify*):
- (c) ☐ other (*specify*):

d. ☐ **Child abduction prevention orders** are attached (see form FL-341(B)).

- e. (1) **Jurisdiction:** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
- (2) **Notice and opportunity to be heard:** The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- (3) **Country of habitual residence:** The country of habitual residence of the child or children is (*specify*):
- ☐ The United States of America ☐ Other (*specify*):
- (4) **If you violate this order, you may be subject to civil or criminal penalties, or both.**

4. ☐ **PROPERTY CONTROL**

- a. ☐ Petitioner ☐ Respondent ☐ Other Parent/Party is given exclusive temporary use, possession, and control of the following property that the parties ☐ own or are buying ☐ lease or rent

- b. ☐ Petitioner ☐ Respondent ☐ Other Parent/Party is ordered to make the following payments on the liens and encumbrances coming due while the order is in effect:

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

5. ☐ All other existing orders, not in conflict with these temporary emergency orders, remain in full force and effect.

6. ☒ **OTHER ORDERS** (*specify*): ☐ Additional orders are listed in Attachment 6. Petitioner is declared a vexatious litigant and Petitioner is prohibited from filing any litigation in propria persona without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed.

Date:

JUDGE OF THE SUPERIOR COURT**THIS IS A COURT ORDER.**

1 MATT BROMUND (SBN 220152)
2 JENNIFER B. YATES (SBN 263652)
3 BROMUND LAW GROUP
4 950 County Square Drive, Suite 111
5 Ventura, CA 93003
6 Telephone: (805) 650-1100
7 Facsimile: (805) 650-1101

8 Attorney for Respondent [REDACTED]

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF [REDACTED]
12 HALL OF JUSTICE

13 In re Matter of

14 [REDACTED],

15 Petitioner,

16 v.

17 [REDACTED]

18 Respondent.

) Case No. [REDACTED]

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**DECLARATION OF JENNIFER B.
YATES IN SUPPORT OF MOTION
FOR ORDER DECLARING
PETITIONER VEXATIOUS LITIGANT
AND FOR PREFILING ORDER
PROHIBITING THE FILING OF NEW
LITIGATION**

[C.C.P. §§ 391, 391.7]

Assigned to the Honorable [REDACTED]

[REDACTED]

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20
21 I, Jennifer B. Yates, Esq., declare as follows:

22 1. I am an attorney licensed to practice law in the State of California and before
23 this Court and an associate attorney at Bromund Law Group, counsel of record for the
24 Respondent herein. I have personal knowledge of the facts contained herein except
25 for those facts alleged on information and belief and, as to those facts I believe them to
26 be true. I submit this declaration in support of Motion for Order Declaring Petitioner
27 to be a Vexatious Litigant and for Prefiling Order Prohibiting the Filing of New
28 Litigation.

**DECLARATION OF JENNIFER B. YATES IN SUPPORT OF MOTION FOR ORDER DECLARING PETITIONER
VEXATIOUS LITIGANT**

1 2. Respondent filed her request for temporary restraining orders, which were
2 granted on September 2, 2015. Thereafter, Petitioner filed a Petition for Dissolution
3 of Marriage on September 9, 2015, and the restraining order case was consolidated
4 with the Dissolution case. The parties attended mediation and obtained custody and
5 visitation orders on September 22, 2015.

6 3. Since the orders entered in September, Petitioner has filed multiple requests for
7 orders with this court attempting to modify the custody and visitation orders. The
8 first request he filed was Ex Parte on December 9, 2015, which provided no new facts
9 to the court, and no emergency regarding the current visitation order. The Court
10 denied the Ex Parte request.

11 4. Petitioner subsequently submitted a regular Request for Orders to modify the
12 custody and visitation and remove the civil restraining orders that the parties agreed
13 to on October 5, 2015. The hearing and mediation were to take place on May 24, 2016.

14 5. Prior to the mediation and hearing date, Petitioner filed another Ex Parte
15 request for orders to modify custody and visitation, citing no new facts or emergency
16 in support of his request. The Court set the hearing for May 24, 2016 to follow the
17 pending mediation and hearing.

18 6. On May 23, 2016 Petitioner filed a Motion to Quash my request for him to bring
19 documents to court, claiming improper service. He failed to timely serve my office
20 with this motion, since it was set for June 21, 2016 and we were not served until June
21 8, 2016, which is nine (9) court days before the hearing date. I was required to
22 immediately prepare a response to this motion in order to ensure that the court had
23 the appropriate information regarding the pending request. Ultimately this motion
24 was taken off calendar by Petitioner so no appearance was required.

25 7. On June 13, 2016 Petitioner filed a Request for Orders asking for \$29,400 in
26 attorney fees for fees already incurred. He provided no information regarding the
27 attorney whom incurred this significant amount of fees, and appears that he was
28 making an improper request to the court that Respondent pay for him missing work to

1 deal with the dissolution litigation. The issue of attorney fees and costs has been set
2 for trial with the dissolution case.

3 8. On June 16, 2016 Petitioner filed a Motion for Protective Order to confirm that
4 he did not have to turn over his address to Respondent. This motion was denied.

5 9. Petitioner again filed a request for a Protective Order, under a different code
6 section, on July 18, 2016. This motion also requested that the parties be compelled to
7 attend arbitration. That motion was advanced to July 19, 2016 and denied.

8 10. On June 20, 2016 Petitioner filed two Motions to Quash, one for a subpoena to
9 a company he does contract work for and the other for the Notice to Appear and
10 Produce Documents we had reserved on him. Although on June 29, 2016 the Judge
11 indicated that his requests would be denied, he proceeded with both motions on July
12 19, 2016, at which time both motions were denied.

13 11. I received notice on July 27, 2016 of Petitioner's request for an ex parte hearing.
14 Again, his request is to modify custody and visitation, with no emergent facts and with
15 numerous exhibits which are inadmissible. This appears to be the **fourth** request to
16 modify the September custody and visitation orders, the third which has been filed on
17 an ex parte basis without any actual emergency.

18 12. Counsel for Respondent has been forced to respond to each of the **ten** motions
19 outlined above, majority of which are improper requests for a retrial or to relitigate an
20 issue which has already been determined. The parties have a trial date set for a month
21 and a half from now, which will be a full trial on all issues of custody and visitation.
22 However, Petitioner continues to file frivolous motions, requiring multiple court
23 appearances, and preparation of numerous responses to outline the improper
24 requests.

25 13. Respondent respectfully requests that the Court declare Petitioner to be a
26 vexatious litigant under C.C.P. § 391 and enter a prefilng order prohibiting Petitioner
27 from filing any new Requests for Orders in this matter (Case No. D 371883) and in the
28 pending Department of Child Support Services matter (Ventura Superior Court Case

1 No. D 375795) in propria persona without first obtaining leave of the presiding justice
2 or presiding judge of this Court.

3 14. Respondent also respectfully requests that Petitioner pay \$1,500 in sanctions
4 pursuant to C.C.P. §128.5 for his multiple frivolous filings and requiring Respondent
5 to incur significant attorney fees and costs to respond to and appear at these frivolous
6 hearings.

7 15. Respondent respectfully requests that the Court shorten the time for the motion
8 to be heard so that Petitioner is forced to stop filing any more ex parte requests on the
9 same issue before a determination can be made regarding him being a vexatious
10 litigant.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct and executed this 27th day of July 2016 at Ventura,
13 California.

14 [REDACTED]
15 JENNIFER B. YATES,
16 Attorney for Respondent
17 [REDACTED]
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1 MATT BROMUND (CSB# 220152)
2 JENNIFER B. YATES (CSB# 263652)
3 BROMUND LAW GROUP
4 950 COUNTY SQUARE DRIVE, SUITE 111
5 VENTURA, CA 93003
6 TELEPHONE: (805) 650-1100
7 FACSIMILE: (805) 650-1101

8 Attorneys for Respondent, [REDACTED]

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF [REDACTED]

11 In re the Marriage of:

12 Petitioner: [REDACTED]

13 And

14 Respondent: [REDACTED]

Case No. [REDACTED]

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION FOR ORDER
DECLARING PLAINTIFF TO BE A
VEXATIOUS LITIGANT AND FOR
REFILING ORDER PROHIBITING
THE FILING OF NEW REQUESTS
FOR ORDERS**

18 I.

19 INTRODUCTION

20 Respondent filed her request for temporary restraining orders, which were
21 granted on September 2, 2015. Thereafter, Petitioner filed a Petition for Dissolution of
22 Marriage on September 9, 2015, and the restraining order case was consolidated with
23 the Dissolution case. The parties attended mediation and obtained custody and
24 visitation orders on September 22, 2015.

25 Since the orders entered in September, Petitioner has filed multiple requests for
26 orders with this court attempting to modify the custody and visitation orders, a
27 summary of which is outlined in the Declaration of Jennifer B. Yates, submitted
28 concurrently herewith.

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II.

**A COURT MAY ENTER A PREFILING ORDER PROHIBITING A FILING BY A
VEXATIOUS LITIGANT**

Any person who commences, institutes, or maintains an action, including an attorney at law acting in propria persona, may be determined to be a vexatious litigant. (C.C.P. § 391(d)) A person may be declared a vexatious litigant upon a noticed motion and hearing (*Bravo v. Ismaj* (2002) 99 Cal.App.4th 211). Where a person is declared a vexatious litigant, the court may enter a prefiling order prohibiting that person from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding justice or presiding judge of the court where the litigation is proposed to be filed (C.C.P. §391.7(a)).

III.

**THIS COURT SHOULD DECLARE PETITIONER TO BE A VEXATIOUS
LITIGANT**

Under C.C.P. §391(b)(2), Petitioner should be declared a vexatious litigant because he has repeatedly relitigated (or attempted to relitigate) in propria persona the validity of the determination that was concluded in this matter regarding child custody and visitation. Further, he continues to file motions to relitigate this issue when trial is pending on September 15, 2016 regarding the same issue. Petitioner's claims that he has not been heard on this matter are false, given the fact that there have been two mediations, and now four motions in less than a year all on the same issue and all surrounding the same allegations by Petitioner.

Further, under C.C.P. §391(b)(3), Petitioner should be declared a vexatious litigant because of Petitioner's repeated filing of unmeritorious motions and pleadings, including attaching exhibits that are inadmissible due to hearsay and other objections, and engaging in tactics that are causing Respondent to incur substantial attorney fees and costs, which she cannot afford, in order to respond to the unmeritorious motions and pleadings, and appear at the frivolous court hearings requested by Petitioner.

1 (Please see Declaration of Jennifer B. Yates, submitted herewith outlining all motions
2 filed by Petitioner since September 2015).

3 **IV.**

4 **PETITIONER SHOULD BE ORDERED TO PAY SANCTIONS FOR HIS**
5 **FILING OF FRIVOLOUS ACTIONS (C.C.P. §128.5)**

6 A trial court may order a party to pay the reasonable expenses, including
7 attorney's fees, incurred by another party as a result of bad-faith actions or tactics that
8 are frivolous or solely intended to cause unnecessary delay. Despite this court's prior
9 rulings, and the setting of trial on September 15, 2016 regarding the issues of custody
10 and visitation (as well as other issues) Petitioner continues to file Ex Parte requests to
11 modify the child custody so that he has sole legal and physical custody of the parties'
12 daughter. Not only does he continue to attempt to relitigate a custody order that he
13 does not agree with, but he fails to produce new evidence, relies on information that is
14 several years old, attaches declarations and exhibits that are inadmissible due to hearsay
15 and other objections, all of which requires that counsel for Respondent appear at these
16 multiple unnecessary hearings and respond to the plethora of filings and declarations
17 submitted by Petitioner. Respondent is not able to pay her significant attorney fees, nor
18 should she be required to pay for Petitioner's inability to listen to the Court during
19 previous rulings on the same issues. Petitioner should be ordered to pay the Bromund
20 Law Group the sum of \$1,500 as sanctions for attorney fees and costs incurred in
21 responding to his fourth motion on the same issue (the third ex parte on the same
22 issues) and for the necessity of filing this request to have him declared a vexatious
23 litigant.

24 **V.**

25 **CONCLUSION**

26 Based on the facts set forth above and in the attached Declaration of Jennifer B.
27 Yates, this court should declare Petitioner to be a vexatious litigant and enter a prefiling
28 order prohibiting Petitioner from filing any new litigation in the courts of this state in

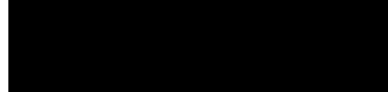
1 propria persona without first obtaining leave of the presiding justice or presiding judge
2 of the court where the litigation is proposed to be filed.

3 Further, Respondent respectfully requests that Petitioner be ordered to pay
4 sanctions as and for attorney fees and costs to the Bromund Law Group in the amount
5 of \$1,500 pursuant to C.C.P. §128.5.

6 DATE: July 27, 2016

Respectfully submitted,

7 **BROMUND LAW GROUP**

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9 By: JENNIFER B. YATES
10 Attorneys for Respondent
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