

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 07/07/2022

TIME: 09:00:00 AM

DEPT: C-61

JUDICIAL OFFICER PRESIDING: Carolyn Caietti

CLERK: Elizabeth Garcia, Grachelle Mendoza

REPORTER/ERM: Not Recorded

BAILIFF/COURT ATTENDANT: M. Kelley

CASE NO: 37-2022-00022935-CU-PT-CTL CASE INIT.DATE: 06/15/2022

CASE TITLE: **Deignan vs Smith [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Petitions - Other

EVENT TYPE: Hearing on Petition to Stop Elder/Dependent Adult Abuse

APPEARANCES

Joseph S Deignan, counsel, present for Petitioner(s).

William E Deignan, Petitioner is present.

Jeff Smith, Respondent is present.

The Matter Comes Before the Court for a Hearing on a Restraining Order.

The Court informs the parties that this matter is not being reported by a court reporter or recorded electronically.

Parties, as noted above, are sworn to testify on their behalf.

After careful review of the entire record, the Court now rules as follows:

The Court finds that the Petitioner has met the burden of proof that is required. The Petitioner has proven the case by a Preponderance of the Evidence under CCP Sec. 527.6 et seq. **Therefore, the request for injunction is GRANTED.**

The Court's decision is based on the law that governs CCP 527.6 et seq. Petitioner is told that if an extension beyond the expiration date is requested the Petitioner must make that request at least three months prior to the expiration of the restraining order.

Restraining order as requested against Jeff Smith is granted with a 150 yards stay away order to expire 7/06/2025.

Move-Out order:

Respondent must immediately move out from and not return to (address): 11747 Birch Glen Ct. San Diego, CA 92131.

The Court orders Jeff Smith not to contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, or destroy the personal property of William E. Deignan.

The Court orders that Jeff Smith: cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm; must sell to a licensed gun dealer or turn in to police any guns that he/she possesses or controls and this must be done within 24 hours of being served with this order; must file a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold.

Carolyn M. Caietti

Judge Carolyn Caietti

Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

2022 JUN 15 A 11:22

Read Can an Elder or Dependent Adult Abuse Restraining Order Help Me? (form EA-100-INFO) before completing this form. Also fill out Confidential CLETS Information (form CLETS-001) with as much information as you know.

1 Elder or Dependent Adult in Need of Protection

Full Name: William E. Deignan
Sex: [X] M [] F Age: 86

2 Person From Whom Protection Is Sought

Full Name: Jeff Smith
Address (if known): 11747 Birch Glen ct
City: San Diego State: CA Zip: 92131

Fill in court name and street address:

Superior Court of California, County of
Superior Court
330 West Broadway
San Diego, CA 92101

3 Person Requesting Order

Who is asking the court for protection? (Check a, b, or c):

- a. [X] The elder or dependent adult named in 1.
b. [] Name:
conservator of the [] person [] estate [] person and estate
of the person named in 1, appointed by (name of court):
Case No.:
c. [] Other (name)

Court fills in case number when form is filed.

Case Number:
37-2022-00022935-CU-PT-CTL

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c-Information About Person Requesting Protective Order" for a title. You may use form MC-025, Attachment.)

4 Contact Information

Contact information for the person asking the court for protection

- a. Your Lawyer (if you have one for this case)
Name: Joseph Deignan State Bar No.: 321196
Firm Name: the Law office of Joseph S. Deignan
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. The person in 1 does not have to give telephone, fax, or e-mail.)
Address: 1286 University ave suite 805
City: San Diego State: CA Zip: 92103
Telephone: (858) 224 3681 Fax:
E-Mail Address: Joseph.Deignan Esq @ gmail . com

This is not a Court Order.

5 Description of Protected Person

The person named in ① (check a or b):

- a. Is age 65 or older and a resident of California.
- b. Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.)

6 Additional Protected Persons

- a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in ①? 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 6a—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 6b—Why Others Need Protection" for a title.

7 Relationship of Parties

How does the person in ① 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 7—Relationship of Parties" for a title.

personal acquaintance

This is not a Court Order.



8 Description of Abuse

a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in (2) abused the person in (1).

- (1) When did it happen? (Provide date or estimated date): week of June 6, 2022
- (2) Who else was there?

(3) Describe what happened 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 8b(3)—Describe Abuse" for a title.

Verbal abuse, intimidation, isolation resulting in fear of physical harm and mental/emotional suffering. Harassment and defamation of character/impairment in community. Theft of food.

(4) Was the abuse **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

Yes, only financial abuse. No, the abuse included other forms of abuse described above.

(5) 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 8b(5)—Use of Weapons" for a title.

(6) Was the person in (1) harmed or injured as a result of the acts of abuse described above?

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 8b(6)—Harm or Injury" for a title.

fear of physical harm, mental and emotional suffering

(7) Did the police come? Yes No

If yes, did they give the person in (1) or the person in (2) an Emergency Protective Order? Yes No

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

- the person in (1)
- the person in (2)
- the persons in (6)

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

This is not a Court Order.



- 8 c. Is the person in 2 a care custodian who deprived the person in 1 of (kept from him or her, did not allow him or her to have or receive, or did not provide him or her with) goods or services that the person needed to avoid physical harm or mental suffering? Yes No

(If yes, describe below what the person was deprived of and how that affected him or her):

- 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—Deprivation by Care Custodian" for a title.

- d. Has the person in 2 abused the person in 1 at other times?

Yes No (If yes, describe prior incidents and provide dates 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 8d—Previous Abuse" for a title.

Verbal abuse and harassment, threats of taking the house from William Deignan, Deamation resulting in emotional distress, Taking of food, Theft of property.

9 Venue

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

- a. The person in 2 lives in this county.
- b. The person in 1 was abused by the person in 2 in this county.
- c. Other (specify):

10 Other Court Cases

- a. Has the person in 1 or any of the persons named in 6 been involved in another court case with the person in 2? No Yes (If yes, specify the kind of each 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"/> Elder or Dependent Adult Abuse			
(2) <input type="checkbox"/> Civil Harassment			
(3) <input type="checkbox"/> Domestic Violence			
(4) <input type="checkbox"/> Divorce, Nullity, Legal Separation			
(5) <input type="checkbox"/> Paternity, Parentage, Child Custody			
(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 the person in 1 or any of the persons named in 6 and the person in 2? No Yes (If yes, attach a copy if you have one.)

This is not a Court Order.



Check the orders you want.

11 **Personal Conduct Orders**

I ask the court to order the person in **(2)** **not** to do any of the following things to the person in **(1)** or to any person to be protected listed in **(6)**:

- a. Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the 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 11c—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.

12 **Stay-Away Orders**

a. I ask the court to order the person in **(2)** to stay at least 150 yards away from (check all that apply):

- (1) The elder or dependent adult in **(1)**.
- (2) The persons in **(6)**.
- (3) The home of the elder or dependent adult.
- (4) The job or workplace of the elder or dependent adult.
- (5) The vehicle of the elder or dependent adult.
- (6) Other (specify): _____

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 12b—Stay-Away Orders" for a title.

Jeff Smith currently stays at William Deignans home.

This is not a Court Order.



13 **Move-Out Order**

I ask the court to order the person in **(2)** to move out from and not return to the residence at (address):

11747 Birch Glen Ct San Diego, CA 92131

The person in **(1)** will suffer physical or emotional harm if the person in **(2)** does not leave the residence. The person in **(2)** is not named in the title or lease of the residence, either alone or with others beside the person in **(1)**.

I ask for this move-out order right away to last until the hearing, because:

- a. The person in **(2)** assaulted or threatened the person in **(1)**; and
- b. The person in **(1)** has the right to live at the above residence. (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 13b—My Right to Residence" for a title.

Jeff Smith is making threats against William Deignan.

Jeff Smith is also unvaccinated and William Deignan fears for his safety

14 **Order for Counseling or Anger Management Courses**

(i) This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. I request the person in item **(2)** be ordered by the court to attend clinical counseling or anger management courses provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).
- b. Explain why you are requesting an order that the person in item **(2)** attend clinical counseling or anger management courses.
 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 14b—Counseling or Anger Management" for a title.

15 **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

*Unless the abuse is only financial, 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 gun dealer, any guns or firearms within his or her immediate possession or control.*

This is not a Court Order.



16 **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 EA-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 them?

- 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 16—Temporary Restraining Order" for a title.

William Deignan fears for his physical safety and mental well-being

17 **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. (Read form EA-200-INFO, What Is "Proof of Personal Service"?, to learn about serving legal papers. Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

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

- 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 17—Request to Give Less Than Five Days' Notice" for a title.

William Deignan fears for his personal safety and emotional/mental distress

18 **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
<i>Attorney fees</i>	<i>\$ 2500.00</i>		\$
	\$		\$
	\$		\$

- 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 18—Lawyer's Fees and Costs" for a title.

19 **Possession and Protection of Animals**

I ask the court to order the following:

- a. That the person in **(1)** be given the sole possession, care, and control of the animals listed below, which they own, possess, lease, keep, or hold, or which reside in their household.
 (Identify animals by, e.g., type, breed, name, color, sex.)

This is not a Court Order.