

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 11/19/2024

TIME: 9:00 AM

DEPT: C-61

JUDICIAL OFFICER: REBECCA ZIPP

CLERK: Jerry Montano

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **24HR015256C** CASE INIT.DATE: 10/07/2024

CASE TITLE: **Zamanian vs Demaio**

CASE CATEGORY: Civil CASE TYPE: (U)Harassment

HEARING TYPE: Hearing on Restraining Order

MOVING PARTY:

APPEARANCES

Carl Demaio, Respondent, present in person.

Elizabeth Zamanian, Protected Person, present in person.

Roya Zamanian, Petitioner, present in person.

James Roth, attorney for Carl Demaio, Respondent, present in person.

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

The Court inquires and hears testimony of the parties. The Court has received and reviewed the exhibits submitted.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Restraining order as requested is denied without prejudice in its entirety.

Court notes the respondent agrees to only contact the petitioner via the Home Owners Association.

Rebecca Zipp

Judge Rebecca Zipp

CH-100

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
Clerk of the Superior Court
OCT 07 2024
By: S. Felix, Deputy

1 Person Seeking Protection

a. Your Full Name: Roya Zamanian Age: 54

Your Lawyer (if you have one for this case)
Name: In Pro Per State Bar No.: _____
Firm Name: _____

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 email.)

Address: 18282 Sun Maiden Ct.
City: San Diego State: CA Zip: 92127
Telephone: _____ Fax: _____
Email Address: _____

Fill in court name and street address:

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

Court fills in case number when form is filed.

Case Number:
24HR015256C

2 Person From Whom Protection Is Sought

Full Name: Carl DeMaio Age: ~66

Address (if known): 18245 High Mesa Ct.
City: San Diego State: CA Zip: 92127

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	Gender	Age	Lives with you?	How are they related to you?
<u>Elizabeth Zamanian</u>	<u>F</u>	<u>23</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Daughter</u>
<u>John Zamanian</u>	<u>M</u>	<u>29</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Son</u>
<u>Mohammad J Zamanian</u>	<u>M</u>	<u>64</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Husband</u>
			<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.

They are my family members, and I fear for their safety. I take care of my disabled son John on the weekend and in emergency situations during the week. My husband Mohammad lives in Las Vegas, NV part-time, but he visits me and the children often.

This is not a Court Order.



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.

Neighbor

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): 10/05/2024

(2) Who else was there?
My daughter, my daughter's boyfriend, and gardeners

This is not a Court Order.



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.
Please see attached Declaration.

(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.
Substantial Emotional Distress. Please see attached Declaration.

(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.
Please see attached Declaration.

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 email, 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 **100** 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):

Stay-away order reduced to 5 yards when the Respondent is lawfully accessing their residence and the surrounding area.

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.

Yes, provided that the stay-away order is reduced to 5 yards when the Respondent is lawfully accessing their residence and the surrounding area.

10 **Firearms (Guns), Firearm Parts, and Ammunition**

Does the person in **(2)** own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). 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 firearms (guns), firearm parts, 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 firearms (guns) and firearm parts within their 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 or 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.

I avoid Respondent.

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:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- 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.



Case Number:

24HR015256C

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: 6

Date: _____

In Pro Per _____
Lawyer's name (if any)

▶ _____
Lawyer's signature

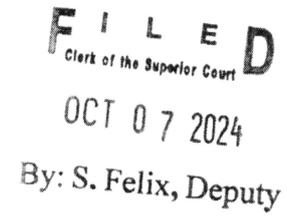
I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 10/07/2024

Roya Zamanian _____
Type or print your name

▶  _____
Sign your name

This is not a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Roya Zamanian 18282 Sun Maiden Ct. San Diego CA 92127 TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY <div style="text-align: center;">  </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Hall of Justice Courthouse	
PLAINTIFF/PETITIONER: Roya Zamanian DEFENDANT/RESPONDENT: Carl DeMaio	
DECLARATION	CASE NUMBER: 24HR015256C

Please see attached my typed declaration and any additional attachments.

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

Date: 10/07/2024

Roya Zamanian
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

- Attorney for
 Plaintiff
 Petitioner
 Defendant
 Respondent
 Other (Specify):

Roya and Mohammad Zamanian
18282 Sun Maiden Ct
San Diego, CA 92127
702-510-4712
October 6, 2024

To Whom It May Concern:

I am writing to formally file a harassment report against my neighbor, Mr. Johnathan Hale and Carl DeMario, who reside at 18295 High Mesa Ct., San Diego, CA 92127. Over the past year and a half, my neighbor has engaged in an escalating pattern of intrusive and threatening behavior that has caused me significant distress and concern for the safety and privacy of my family and property.

Details of Harassment:

1. **Intrusion of Privacy:** My neighbor has been persistently watching and observing my backyard, creating a sense of invasion and discomfort. This has been happening regularly for over a year and a half.

2. **Unwanted Demands and Threats:** My neighbor has repeatedly demanded that I change my backyard to meet their personal preferences. This has included verbally instructing my gardeners on what can and cannot be planted. On 10.05.2024, my neighbor yelled at my gardeners, falsely claiming that planting certain items in my backyard was illegal. He has sent me multiple threatening text messages accusing me of illegal activities without any basis, threatening to call the authorities and take legal action. Despite my efforts to avoid contact, the messages have continued.

3. **Trespassing and Property Damage:** Around May 2023 I discovered my neighbor standing in my backyard without permission, he looked at me, turned back and started running towards his yard. More recently, my gardener informed me on September 23, 2024, that my neighbor had crossed the property line, cut the branches, and damaged the backyard trees on my property. This unauthorized entry and action have caused me to feel unsafe in my own home.

4. **Confronting My Daughter:** On October 5, 2024, while I was out of town, my neighbor was yelling at my gardeners in my backyard stopping them from planting, yelling at my daughter and threatening to take legal action, his partner came to my front door right after and spoke to my daughter. Despite being told that I was not home, he continued to talk to her about issues with my backyard and again threatened to take legal action. This interactions has left me deeply concerned about my family's privacy and security.

Evidence:

- I have saved all the text messages from my neighbor, which contain multiple threats and accusations.

- Witnesses, including my gardener, can attest to my neighbor's aggressive behavior and trespassing.

- I have texts from my Gardeners reporting the tree damage and videos from my front and back yard security cameras.

This ongoing behavior has caused me significant stress, and I believe my neighbor's actions constitute harassment and trespassing. I respectfully request that this matter be investigated, and appropriate action be taken to ensure the safety and security of my home and family.

Please feel free to contact me at 702-510-4712 for further information or to provide any additional documentation.

Thank you for your attention to this matter.

Sincerely,
Roya and Mohammad Zamanian

From: Carl DeMaio <carl@carldemaio.org>
Date: October 5, 2024 at 6:01:31 PM PDT
To: Vegaszamanian@gmail.com
Cc: Johnathan Hale <jh@hale.media>, Carl DeMaio <carl@carldemaio.org>
Subject: Notice of Violation - Pending Legal Action

Mo and Roya – I'm very concerned that you are doing work right next to our property without reaching out to us first. Before I take legal action, I want to provide one opportunity for you to be a good neighbor and dialogue productively about this.

First let me assure you that we want you to enjoy your property and want to be good neighbors. To that end, we have been supportive of your prior requests and supportive of approvals consistent with the CC&Rs with the HOA that we've been involved in. I believe we can work something out that works for you – but we need to hear from you ASAP to resolve the concerns we presently have about your planned work.

If I do not hear from you, I will be forced to take legal action.

First, we have been told by the HOA that your work is in complete violation of their policies and their prior communications with you. To date we have not participated in their ongoing dispute with you, but failure to resolve this concern we now have will engage us in that matter.

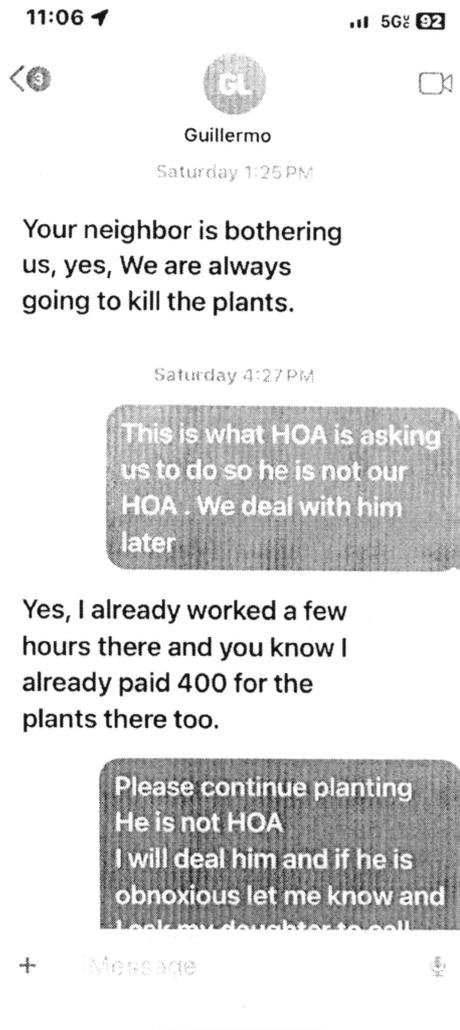
Second, your work at the top of the slope is in direct violation of the agreement we reached with you in 2023 (see attached document you signed) that you would not plant anything within 20 feet of the property line and that the work you would do on landscaping would not impede our view.

We prefer to not pursue a legal action against you – and I genuinely believe it should not be necessary. Let's discuss and work something out that works for all of us. We are willing to dialogue – but failing that, we will fully enforce our legal rights and will also engage with the HOA to assist them in enforcing theirs.

Sincerely,

Carl DeMaio
18295 High Mesa Court
San Diego, CA 92127

This is communication between me and Gardner when he texted that the neighbor stopped them from planting my backyard and told them he is going to yank the plants out if they do from my property. My gardener uses google translate as he is Hispanic and what he meant was if you plant we (our neighbors) are going to kill the plants.



The September 13 is when my next door neighbor that joined force with him in reporting any walks in my yard and parked her trash can in front of my house and when my husband moved it towards her property to put our trash since she was not there she caught me in backyard with phone in hand threatening me that she is reporting us to city and when my husband asked her to put her trash can in front of her property she said “No, you don’t understand and I’m reporting you to city” she then counsel Mr. Jonathan Hale to send me another threat.

The second text is in the day of recent incident (10.05.24) when I was in idlewild camping with my husband and kids were home and I had no connection except WiFi from cabin so I couldn't communicate by phone to send police to the property to keep my kids (one being disabled) safe.

He was yelling in my backyard , harassing and threatening gardeners and my daughter.

