

Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed.

FILED
LOS ANGELES SUPERIOR COURT
OCT 30 2009
JOHN A. CLARKE, CLERK
SHARRON CHARLES, DEP

1 Name of person asking for protection: Nicole Richie
Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
City: State: Zip:
Your telephone number (optional):
Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):
MARK J. GERAGOS, SBN 108325, GERAGOS & GERAGOS, APC., 644 SOUTH FIGUEROA STREET, LOS ANGELES, CA 90017, 213-625-3900

Fill in court name and street address:
Superior Court of California, County of Los Angeles
LOS ANGELES SUPERIOR COURT
111 NORTH HILL STREET
LOS ANGELES, CA 90012

2 Name of person to be restrained: Ivon Emilio Melo Miguel
Description of that person:
Sex: [X] M [] F Height: 5'10" Weight: 200lbs Race: Hispanic
Hair Color: Brown Eye Color: Brown Age: 33 Date of Birth: 08/16/1976
Home Address (if known):
City: Hermosa Beach State: CA Zip: 90254
Work Address (if known):
City: State: Zip:

Court fills in case number when form is filed.
Case Number: BS123460

To the person in 2:

3 Notice of Hearing
A court hearing is scheduled on the request for orders against you to stop harassment:
Hearing Date: 11/16/09 Time: 8:30am
Dept.: 75 Rm.: 736
Name and address of court if different from above:
LOS ANGELES SUPERIOR COURT
111 N. HILL STREET
LOS ANGELES, CA 90012

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders
The court (check a or b):
a. [] Has scheduled the hearing stated in 3. No orders are issued against you at this time.
b. [X] Has scheduled the hearing stated in 3 and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Your name: Nicole Richie

Case Number:

BS128460

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Ivon Emilio Melo Miguel

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ **Personal Conduct Orders**

You must **not** do the following things to the people listed in ① and ⑩:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

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.

⑥ **Stay-Away Order**

You must stay at least (specify): 100 DSS 10/30/09 ~~500~~ yards away from:

- a. The person listed in ①
- b. The people listed in ⑩
- c. The home of the persons in ① and ⑩
- d. Jobs or workplaces of the persons in ① and ⑩
- e. Vehicle of person in ① Vehicles of persons in ⑩
- f. The protected children's school or child care
- g. Other (specify): _____

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form CH-145 for this.)

⑨ **Other Orders (specify):** _____

This is a Court Order.



Your name: Nicole Richie

10 **Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Harlow Winter Kate Richie Madden, a minor child; (2 yrs)
Sparrow James Midnight Madden, a minor child (6 weeks)

Instructions for the Protected Person

To the person in ①: (Write the name of the person in ①): Nicole Richie

11 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:	Address (City, State, Zip)
<u>Beverly Hills Police Department</u>	<u>464 North Rexford Drive, Beverly Hills, CA 90210</u>
<u>Los Angeles Police Department</u>	<u>150 N. Los Angeles Street, Los Angeles, CA 90012</u>
<u>Los Angeles County Sheriff's Department</u>	<u>4700 Ramona Blvd. Monterey Park, CA 91754</u>

12 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. Other (specify): CH 140, CH 135

You must file with the court before the hearing a proof of service of these documents on the person in ②.

13 **Time for Service** (check a, b, or c)

- a. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. A copy of the documents listed in ⑫ must be served in person to the person in ② at least _____ days before the hearing.

14 **No Fee for Filing**
Filing fees are waived.

This is a Court Order.

Your name: Nicole Richie

15 **No Fee for Service of Order by Law Enforcement**

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

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

Date: Oct 30 2009

Judicial Officer **DAVID S. CUNNINGHAM III**

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 a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑧ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction 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 Law Enforcement Telecommunications System (CLETS). 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 shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing and 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.

CH-100

Request for Orders to Stop Harassment

Clerk stamps date here when form is filed.

FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES

OCT 30 2009

John A. Clarke, Executive Officer/Clerk By RUGENA LOPEZ Deputy

1 Your name (person asking for protection): Nicole Richie

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: State: Zip:

Your telephone number (optional): (213) 625-3900

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

MARK J. GERAGOS, SBN 108325, GERAGOS & GERAGOS, APC., 644 SOUTH FIGUEROA STREET, LOS ANGELES, CA 90017, 213-625-3900

2 Name of person you want protection from: Ivon Emilio Melo Miguel

Describe the person: Sex: [X] M [] F Weight:

Height: Race: Hair Color:

Eye Color: Age: Date of Birth: 08/16/1976

Home Address (if you know): State: CA Zip: 90254

Work Address (if you know): City: State: Zip:

3 Besides you, who needs protection? (Family or household members)

Table with columns: Full Name, Sex, Age, Lives with you?, How are they related to you? Rows include Harlow Winter Kate Richie Madden, a minor child and Sparrow James Midnight Madden, a minor child.

[] Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

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

- [X] The person in (2) lives in this county.
[X] I was hurt (physically or emotionally) by the person in (2) here.
[X] Other (specify): I live in this county and the acts of harassment occurred in this county.

5 How do you know the person in (2)? (Describe):

Please See Attachment A.

Fill in court name and street address:

Superior Court of California, County of Los Angeles

LOS ANGELES SUPERIOR COURT 111 NORTH HILL STREET LOS ANGELES, CA 90012

Court fills in case number when form is filed.

Case Number:

BS123460

This is not a Court Order.

Your name: Nicole Richie

- 6 Describe how the person in 2 has harassed you:
- a. Date of most recent harassment: October 26, 2009
 - b. Who was there? My assistant and my family.
 - c. Did the person in 2 commit any acts of violence or threaten to commit any acts of violence against you?
 - Yes No
 - If yes, describe those acts or threats: _____
 - d. Did the person in 2 engage in a course of conduct that harassed you and caused substantial emotional distress? Yes No
 - If yes, describe: Please See Attachment A.
 - e. Did the conduct of the person in 2 described above seriously alarm, annoy, or harass you? Yes No
 - Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6— Describe Harassment" at the top of the page.

Check the orders you want

- 7 **Personal Conduct Orders**
- I ask the court to order the person in 2 to **not** do the following things to me or anyone listed in 3 :
- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
 - b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.
- The person in 2 will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

- 8 **Stay-Away Orders**
- I ask the court to order the person in 2 to stay at least (specify): 500 yards away from me and the people listed in 3 and the places listed below: (Check all that apply):
- a. My home
 - b. My job or workplace
 - c. My children's school or child care
 - d. My vehicle
 - e. Other (specify): _____
- If the court orders the person in 2 to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? Yes No
- If no, explain: _____

This is not a Court Order.



Your name: Nicole Richie

9 **Others to Be Protected**

Should the other people listed in **(3)** also be covered by the orders described above?

Yes No Does not apply

If yes, explain: They are also the subject of the same harassment and they are my minor children.

10 **Order About Guns or Other Firearms**

I ask the court to order the person in **(2)** to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms **and** to sell or turn in any guns or firearms that he or she controls.

11 **Other Orders**

I ask the court to order the person in **(2)** to (specify): _____

12 **Temporary Orders**

Do you want the court to make orders now on the matters listed in **(7)**, through **(11)** that will last until the hearing? Yes No

If yes, explain why you need these orders right now: Please See Attachment A.

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 **Delivery of Orders to Law Enforcement**

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: Beverly Hills Police Department

Address: 464 North Rexford Drive

City: Beverly Hills State: CA Zip: 90210

b. Name of Agency: Los Angeles Police Department

Address: 150 North Los Angeles Street

City: Los Angeles State: CA Zip: 90012

14 **Other Court Cases**

Have you ever asked any court for other restraining orders against the person in **(2)**? Yes No

If yes, specify the counties and case numbers if you know them: _____

This is not a Court Order.



Your name: Nicole Richie

15 **Time for Service**

You must have your papers personally served on (notify) the person in ② at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

16 **No Fee for Filing**

I ask the court to waive the 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. I am asking for a restraining order to stop this conduct.

17 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve (notify) the person in ② about the orders for free because:

- a. My request for orders is based on stalking; or
- b. My request for orders is based on a credible threat of violence; or
- c. I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

18 **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. Lawyer's fees
- b. Out-of-pocket expenses

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
<u>Lawyer's Fees</u>	<u>\$ 2000.00</u>	_____	\$ _____
<u>Filing Fee</u>	<u>\$ TBD</u>	_____	\$ _____
<u>Investigator's Fee</u>	<u>\$ 1000.00</u>	_____	\$ _____

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

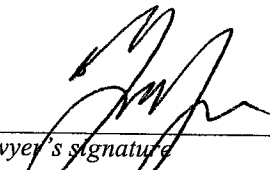
19 **Additional Relief**

I ask the court for additional relief as may be proper.

20 Number of pages attached to this form, if any: _____

Date: 10/29/2009

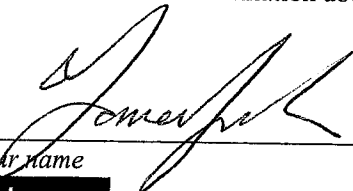
Mark J. Geragos or Tamar G. Arminak
 Lawyer's name


 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: 10/29/2009

Mark J. Geragos or Tamar G. Arminak
 Type or print your name


 Sign your name

This is not a Court Order.

ATTACHMENT A

BS128460

5. Ivon Emilio Melo Miguel is a paparazzi who has continued to harass and follow my family and me for several months up until October 27, 2009. On October 5, 2009 he caused a car collision, damaging my vehicle and injuring me while he and his associate were attempting to take photographs of my family and me. Thereafter, he again continued to harass and stalk us.

- 6d. Ivon Emilio Melo Miguel is a paparazzi who stalks us daily, screams at me in an attempt to get a reaction, scares me, follows me, chases me in his vehicle in an attempt to photograph my family and me. On October 5, 2009, he caused a car collision, as a result of chasing me in his vehicle. According to the police report, Defendant lied to the Police about driving the vehicle and was cited for 148.9 P.C. (False information to a peace officer). His behavior has caused and continues to cause severe emotional distress both to myself and to my family.

12. The harassment occurs on a daily basis. Defendant sits outside my house, waiting for me to leave. Defendant continues to follow my family and me almost daily, stalking our home, as we try to go about living our lives. His actions have already caused one car collision, injuring me. I am fearful that his continued presence may cause yet another accident, this time with my infant children in the vehicle.

ATTACHMENT A
(Temporary Restraining Order)

Child's Name:

Date of Birth:

Harlow Winter Kate Richie Madden, a minor

01/11/2008

Sparrow James Midnight Madden, a minor

09/09/2009

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Tamar G. Arminak GERAGOS & GERAGOS, APC 644 South Figueroa Street Los Angeles, California Tel: (213) 625-3900 Fax: (213) 625-1600		STATE BAR NUMBER 238677	Reserved for Clerk's File Stamp DS128460
ATTORNEY FOR (NAME): Plaintiff/Petitioner Nicole Richie			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURT HOUSE ADDRESS: 111 North Hill Street, Los Angeles, California 90012			
PETITIONER / PLAINTIFF: Nicole Richie			
RESPONDENT / DEFENDANT: Ivon Emilio Melo Miguel			
CHILD'S NAME: Please See Attachment A	CHILD'S DATE OF BIRTH:	CASE NUMBER:	
DECLARATION RE: NOTICE OF EX PARTE REQUEST (NO NOTICE GIVEN) (Temporary Restraining Order)			RELATIONSHIP TO PLAINTIFF:

I, TAMAR G. ARMINAK, declare that:
(PRINT NAME)

1) I did not give notice to the other party in this action because:

- I was afraid that the violence would reoccur when I gave notice that I was asking for these orders.
- I was afraid that the other party would take the children out of the area before the order could be granted and served.
- I believe that giving notice would make the orders useless because the other party would:

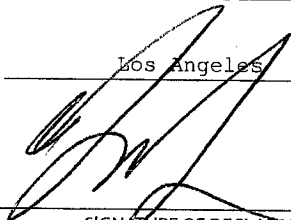
2) I attempted and was unable to inform _____ or his/her attorney _____ that I would be seeking a temporary restraining order. My attempts included _____

3) Other reason:

Notice will be given to the Defendant/Respondent of the hearing date for the Restraining Order filed by Plaintiff/Petitioner within five (5) days of this filing.

I declare that the above is true and correct, and that I executed this declaration at Los Angeles, California

October 30, 2009
DATE


SIGNATURE OF DECLARANT: