

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 01/24/12

DEPT. 75

HONORABLE CAROL BOAS GOODSON

JUDGE

R. REZA
V. CABRERA, CSA III

DEPUTY CLERK

HONORABLE
5

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M. CASTRO

Deputy Sheriff

Reporter

8:30 am

BS135522

Plaintiff

Counsel

RICHARD KAPLAN

ALLIANCE KAMBEM
VS
GABRIEL AUBRY

Defendant

Counsel

NO APPEARANCE

NATURE OF PROCEEDINGS:

Exparte Hearing

The Court reads and considers the Request for Orders To Stop Harassment.

The petition is DENIED, and the case is ordered dismissed.

The Court does not order a hearing date.

Ex-parte Denial Sheet For Civil Harassment Cases filed this date and incorporated herein by reference.

EXPARTE DENIAL SHEET FOR CIVIL HARRASSMENT CASSES

The Court is no able to Issue the temporary protective order that you have requested for
The reason checked below:

The application does not show reasonable proof by legally admissible evidence of harassment which is defined as:
Unlawful violence;
A credible threat of violence; or
A knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses and serves no legitimate purpose (CCP 527.6 (b)).

FILED
Superior Court of California
County of Los Angeles
JAN 24 2012
John A. Clarke, Executive Officer/Clerk
Deputy

The application fails to state how the facts are known as such facts must be based upon personal knowledge of the person signing the declaration.

The application does not describe recent facts giving rise to the claim.

An injunction prohibiting harassment cannot be granted to restrain the Respondent from constitutionally protected activities or other activities which Serve a legitimate purpose. (CCP 527.6(b)).

Portions of your documents are illegible. Court rules generally require that documents be typed. Handwritten documents may be accepted if you are unable to have the documents typed, however, handwritten documents must be legible.

The petitioner fails to show that he or she will suffer great or irreparable harm if The TRO is not granted.

The application fails to show a threat of future harm.

*Insufficient + speculative
If there are concerns
they should be resolved
in family court. You
can proceed with any
personal criminal charges
against Mr. Aubry.*

1/17
AM

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.

I am the nanny for his daughter.

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)?

No Yes 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): Wednesday, January 18, 2012

(2) Who else was there? Nahla Aubry

This is not a Court Order.



(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.

(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.

I was psychologically traumatized.

(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):

a. Me b. The person in (2) c. 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.

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 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 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)*: anywhere I am when performing my duties as a nanny for Nahla Aubrey.

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.

10 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

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 a gun dealer any guns or firearms within his or her immediate possession or control.

This is not a Court Order.

11 Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? Yes No (If you answered yes, 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—Immediate Orders" for a title.

I feel if i give notice it will enrage him and he may harass and/or hurt me.

12 Request to Give Less Than Five Days' Notice

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: a. Lawyer's fees b. Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
reasonable attorney fees	\$ TBD		\$
	\$		\$
	\$		\$

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.



15 **Additional Orders Requested**

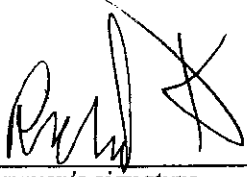
I ask the court to make the following additional orders (*specify*):

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 15—Additional Orders Requested," for a title.

16 Number of pages attached to this form, if any: 3

Date: January 23, 2012

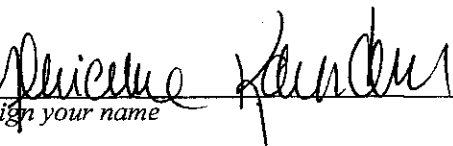
RICHARD KAPLAN, KAPLAN MARINO
Lawyer's name (if any)


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: January 23, 2012

ALLIANCE KAMDEN
Type or print your name


Sign your name

This is not a Court Order.

DECLARATION OF ALLIANCE KAMDEMIN SUPPORT OF REQUEST FOR CIVIL HARASSMENT RESTRAINING ORDERS

1
2
3
4 I, ALLIANCE KAMDEM, DO HEREBY DECLARE UNDER PENALTY OF PERJURY AS FOLLOWS:
5

6 I am the Petitioner in this matter and I make this Declaration in support of my request for civil
7 harassment restraining orders. All the facts contained in this declaration are true and correct,
8 and if called and sworn as a witness, I could and would competently testify to the truthfulness
9 thereof, except as to matters which may be stated upon my information and belief, and as to
10 those matters I believe them to be true.
11

12 I have worked for Nahla Aubrey [REDACTED] since June 2011. Nahla is the daughter of Halle Berry
13 and Gabriel Aubrey. I am paid by Ms. Berry. My job duties as required by a family law court
14 order require that I be present in each parent's home with Nahla from 12:30 pm until Nahla is
15 put to sleep. I am also required to perform the transition of Nahla between each parent's
16 homes, as well as take Nahla to the park, library, school, piano lessons, and wherever else she
17 needs to go. When the family is in Europe, I am required to go as well, and I am instructed to
18 be present at all times with Nahla except for a few hours. It is my understanding that the
19 family law court order specified that for the wellbeing of Nahla, there would be only one
20 nanny, which is me. I am instructed that pursuant to the family law court order, I cannot
21 report one parent's behavior to the other parent. I have followed the family law court order to
22 best of my ability as I understand it.
23

24 Within a week of the start of my employment, Nahla's father, Mr. Aubry, began becoming
25 verbally abusive and aggressive towards me. He would say to me things like, "What are you
26 doing here?" "You are a spy," "You report everything I say," "You're not even doing your job,"
27 "Nahla doesn't like you, she doesn't want you here," and "I don't need a nanny, I don't want
28 you here." He has continually harassed me in the performance of my job. He exhibits this

1 behavior and harasses me in this way continuously in front of Nahla.

2
3 Within the first two weeks of my employment, sometime in June 2011, he assaulted me. I was
4 at the door to his apartment, putting my shoes on, and he violently pushed me out the door
5 before I could even finish with my shoes. He then slammed the door in my face.

6
7 In September, 2011, I accompanied the family to Spain as Ms. Berry had a project she was
8 working on. While there, for a week consistently, every time Nahla would be playing on the
9 floor with me, he would walk over and violently grab/take Nahla away from me. In the night, I
10 would hear Nahla crying and asking for me, but he would not let Nahla come to me, nor me to
11 her. He repeatedly told me to "Shut up," that "I didn't know anything" and other degrading
12 remarks.

13
14 Most recently, on January 18, 2012, I went to Nahla's school at 12:30pm to pick her up, as I
15 was supposed to. The school administrator told me Nahla has not been in school since the day
16 before yesterday. I was concerned and contacted Ms. Berry. Ms. Berry informed me that Nahla
17 had not gone to school because she was sick, and that Nahla was still with Mr. Aubrey. I then
18 saw a text message on my phone from Mr. Aubrey stating that Nahla was with him and that
19 she was sleeping and that he would text me when she woke up. I then contacted Mr. Aubrey
20 via text. I was concerned that he had not notified the school nor me that Nahla was sick and
21 would not be attending. Mr. Aubrey responded angrily to my concern. At 1:20 I sent Mr.
22 Aubrey a text asking him to tell me when Nahla woke up so I could get her. Eight minutes later,
23 at 1:28 Mr. Aubrey texted me and said Nahla was ready.

24
25 I went to Mr. Aubrey's apartment [REDACTED] I have a key to his apartment. As I
26 was opening the door with the key he opened the door from the inside. Nahla was all dressed
27 and ready to go. I again expressed my concern to Mr. Aubrey regarding the lack of
28 communication about Nahla. Mr. Aubrey started screaming at me. While he was screaming at
me Nahla reached up her arms to me for me to pick her up, which I did. Nahla put her head on

1 my shoulder. Mr. Aubrey then violently pushed me, while I had Nahla in my arms, against both
2 my shoulders with both of his hands. Mr. Aubry is 6'2" and I am 5'3'. I was thrown into the
3 wall behind me while still holding Nahla. I was terrified. The push was so forceful that if there
4 had not been a wall behind me to stop the force of my movement I would have fallen down
5 with Nahla in my arms. He then slammed the door. I got away with Nahla as quickly as I could.
6 When I returned to the home of Ms. Berry I sobbed with fear. I did not cry in front of Nahla as
7 I did not want to scare her any more than she already was.

8
9 The next day I filed a police report. I have since spoken with Detective Becker of the LAPD. I
10 believe there is a criminal investigation.

11
12 As part of my job I take Nahla to the local park, the local library, her school and piano lessons.
13 Mr. Aubrey is aware of my schedule with Nahla. I am fearful that Mr. Aubrey will confront me
14 again when I am with Nahla and harass, threaten, or injure me in his irrational rage. I am also
15 afraid that in his anger toward me, Nahla may be harmed.

16
17 I believe that Mr. Aubrey resents the court order requiring that he have a nanny, and that his
18 resentment has developed into dangerous and aggressive behavior towards me, particularly
19 when I am in the presence of Nahla. I am truly fearful he will hurt me and in the process hurt
20 Nahla as well.

21
22
23 I declare under penalty of perjury under the laws of the state of California that the foregoing is
24 true and correct.

25
26 Executed this 23rd day of January, 2012 at Beverly Hills, California.

27
28 
ALLIANCE KAMDEN

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (NAME):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURT HOUSE ADDRESS:			
PETITIONER / PLAINTIFF:			
RESPONDENT / DEFENDANT:			
CHILD'S NAME: (If more than one child, please attach list)	CHILD'S DATE OF BIRTH:	CASE NUMBER:	
DECLARATION OF EX PARTE NOTICE (Temporary Restraining Order)		RELATED CASES (IF ANY):	

I, _____, (PRINT NAME), declare that:

1) I informed the other party in this action that I would be seeking a temporary restraining order as follows:

Person informed: _____ Date and time informed: _____

By telephone to the party

How informed: By telephone to the attorney

By personally informing: _____

Other: _____

I informed the person listed above that I would be seeking a temporary restraining order in Dept. _____ of the Superior Court located at _____ on _____, 200__ at 8:30 a.m.

2) I told him/her the orders requested included, but were not limited to the following:

That he/she not annoy, attack, molest, strike, batter, harass, assault, contact or disturb the peace of Petitioner/Respondent.

That he/she stay 100 yards away from Petitioner/Respondent and Petitioner's/Respondent's home.

That he/she be ordered to immediately move out of Petitioner's/Respondent's house.

That Petitioner/Respondent have custody of the minor children.

That he/she have no visitation with the children pending hearing.

Other: _____

3) I informed the Petitioner/Respondent that he/she should appear at the above time and place if he/she wished to be heard by the court.

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

Date: _____

Signature of Declarant