

... stamps date here when form is filed.

1 Petitioner (Employer)

a. Name: Cajon Valley Union School District
Lawyer for Petitioner (if any, for this case):
Name: Daniel Shiroff State Bar No.: 99129
Firm Name: Artiano Shiroff

b. Your Address (If you have a lawyer, give your lawyer's information.):

Address: 2488 Historic Deater Rd.
City: San Diego State: ca. Zip: 92106
Telephone: (619) 232-3122 Fax: (619) 232-3264
E-Mail Address: dshiroff@cs7law.com

FILED
Clerk of the Superior Court
APR - 6 2020
By: P. Viernes

Fill in court name and street address:
Superior Court of California, County of
SAN DIEGO SUPERIOR COURT
CENTRAL DIVISION - DEPT 61
330 WEST BROADWAY
SAN DIEGO, CA 92101

2 Employee (Protected Person) Michelle Hayes
Full Name: Cajon Valley - School Sites

3 Respondent (Restrained Person)
Full Name: Jill Banto

Description:
Sex: M F Height: 5'4 Weight: Approx 150 Date of Birth: UNKNOWN approx 1986
Hair Color: Brown Eye Color: unknown Age: 34 Race: CAUCASIAN
Home Address (if known): 673 Galena St.
City: El Cajon State: Ca. Zip: 92019
Relationship to Employee: Board Member

Court fills in case number when form is filed.
Case Number:
37-2020-00014406-CU-PT-CTL

4 Additional Protected Persons
In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 4/30/2020 Time: 9:00 a.m. p.m.

This is a Court Order.

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

a. Name: Canyon Valley Union School District
Lawyer for Petitioner (if any for this case):
Name: Daniel R Shimoff State Bar No.: 99129
Firm Name: Arturo Shimoff

b. Address (If you have a lawyer, give your lawyer's information.):

Address: 2488 Historic Decatur Rd.
City: San Diego State: CA Zip: 92106
Telephone: (619) 235-3122 Fax: (619) 232-3264
E-Mail Address: dshimoff@astlaw.com

FILED
Clerk of the Superior Court

APR - 6 2020

By: P. Viernes

Fill in court name and street address:

Superior Court of California, County of

San Diego Superior Court
Central Division - Dept 61
330 West Broadway
San Diego, CA 92101

Fill in case number:

Case Number:

37-2020-00014406-CU-PT-CTL

2 Employee in Need of Protection

Full Name: Michelle Hayes for food service

3 Respondent (Person From Whom Protection Is Sought)

Full Name: Jell Banto

The court will complete the rest of this form.

4 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the respondent:

Hearing Date: 4/30/2020 Time: 9:00AM
Dept.: 61 Room:
Name and address of court if different from above:

5 Temporary Restraining Orders (Any orders granted are on Form WV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form WV-100, Request for Workplace Violence Restraining Orders, are (check only one box below):

- (1) [X] All GRANTED until the court hearing.
(2) [] All DENIED until the court hearing. (Specify reasons for denial in b, below.)
(3) [] Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)



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b. Reasons that Temporary Restraining Orders as requested in Form WV-100, *Petition for Workplace Violence Restraining Orders*, for personal conduct or stay away are denied are:

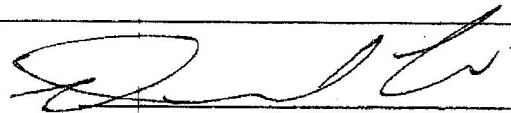
- (1) The facts as stated in Form WV-100 do not sufficiently show reasonable proof that the employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
- (2) Other (specify): As stated on Attachment 5b.

6 Service of Documents by the Petitioner

At least five _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this Form WV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. WV-100, *Petition for Workplace Violence Restraining Orders* (file-stamped)
- b. WV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. WV-120, *Response to Petition for Workplace Violence Restraining Orders* (blank form)
- d. WV-120-INFO, *How Can I Respond to a Petition for Workplace Violence Restraining Orders?*
- e. WV-250, *Proof of Service of Response by Mail* (blank form)
- f. Other (specify): _____

Date: 4/6/2020



Judicial Officer

DANIEL F. LINK

To the Petitioner:

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form WV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form WV-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use Form WV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



To the Respondent

- If you want to respond to the request for orders in writing, file Form WV-120, *Response to Request for Workplace Violence Restraining Orders*, and have someone age 18 or older—not you or anyone to be protected—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form WV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.



Request 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 hearing. 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.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this Notice of Court Hearing is a true and correct copy of the original on file in the court.



Date: APR 06 2020

Clerk, by [Signature], Deputy
C. VAN PELT

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To the Respondent:

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

Not Requested Denied Until the Hearing **Granted as Follows:**

a. You are ordered **not** do the following things to the employee

and to the other protected persons listed in (4):

- (1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Commit acts of violence or make threats of violence against the person.
- (3) Follow or stalk the person during work hours or to or from the place of work.
- (4) 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 e-mail, by fax, or by other electronic means.
- (5) Enter the workplace of the person.
- (6) Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).

b. 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. However, you may have your papers served by mail on the petitioner.

7 Stay-Away Order

Not Requested Denied Until the Hearing **Granted as Follows:**

a. You **must** stay at least 100 yards away from (check all that apply):

- (1) The employee
- (2) Each other protected person listed in (4)
- (3) The employee's workplace
- (4) The employee's home
- (5) The employee's school
- (6) The employee's children's school
- (7) The employee's children's place of child care
- (8) The employee's vehicle
- (9) Other (specify):
May not show up to schools to participate in school meet. Handouts or any school activities

b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



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8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
 - (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form WV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.)*
- c. The court has received information that you own or possess a firearm.

9 Other Orders

- Not Requested** **Denied Until the Hearing** **Granted as Follows (specify):**

Additional orders are attached at the end of this Order on Attachment 9.

To the Petitioner:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the employer or the employer's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

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

- a. The Order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

This is a Court Order.




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⑫ Number of pages attached to this Order, if any:

Date:

4/6/2020


Judicial Officer

DANIEL F. LINK

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 guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ③.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

This is a Court Order.



Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable 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 Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order starts on the date next to the judge's signature on page 4. The order ends on the expiration date in item 5 on page 1.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)
—Clerk's Certificate—



I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: APR 06 2020

Clerk, by

C. Van Pelt
C. VAN PELT, Deputy

This is a Court Order.

Petition for Workplace Violence Restraining Orders

Clerk stamps date here when form is filed.

Read *How Do I Get an Order to Prohibit Workplace Violence* (form WV-100-INFO) before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

FILED
JULIE S. BROWN, CLERK
SUPERIOR COURT
SAN DIEGO COUNTY, CA
2020 APR -6 A 11:50

1 Petitioner (Employer)

a. Name: Cajon Valley Union School District
is a corporation sole proprietorship
 (specify): Public Entity - School District
and is filing this suit on behalf of the employee identified in item 2.

Fill in court name and street address:
Superior Court of California, County of _____

b. Lawyer for Petitioner (if any for this case)
Name: Daniel R. Shinoff State Bar No.: 99624
Firm Name: Artiano Shinoff

Court fills in case number when form is filed.
Case Number:
37-2020-00014406-CU-PT-CTL

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

c. Address: 2488 Historic Decatur Rd Ste 300
City: San Diego State: Ca Zip: 92106
Telephone: (619)232-3100 Fax: (619)232-3264
E-Mail Address: dshinoff@as7law.com

2 Employee in Need of Protection Machelle Hayes Assistant Superintendent
Full Name: Cajon Valley District for Food Distribution Program
Sex: M F Age: Approx 50

3 Respondent (Person From Whom Protection Is Sought)
Full Name: Jill Barte Age: 54
Address (if known): 673 Galena Street
City: El Cajon State: Ca Zip: 92019

4 Additional Protected Persons

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?
 Yes No (If yes, list them):

Full Name	Sex	Age	Household Member?	Relationship to Employee
Michelle Hayes	F	approx 50	Yes <input checked="" type="checkbox"/> No	Assistant Supt HR
_____			<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____			<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

This is not a Court Order.



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4 b. Why do these people need protection? (Explain):

Response is stated in Attachment 4b.

Because of refusal to adhere to program social distance issues imperiling safety of staff, parents and students and families

5 Relationship of Employee and Respondent

a. How does the employee know the respondent? (Describe): Response is stated in Attachment 5a.

Member of the Board

b. Respondent is is not a current employee of petitioner. (Explain any decision to retain, terminate, or otherwise discipline the respondent): Response is stated in Attachment 5b.

6 Venue

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

- a. The respondent lives in this county.
- b. The respondent has caused physical or emotional injury to the petitioner's employee in this county.
- c. Other (specify): _____

7 Other Court Cases

a. Has the employee or any of the persons named in 4 been involved in another court case with the respondent?

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"/> Workplace Violence			
(2) <input checked="" type="checkbox"/> Civil Harassment	<u>San Diego</u>	<u>2019</u>	<u>37-2019-00066058</u>
(3) <input type="checkbox"/> Domestic Violence			
(4) <input type="checkbox"/> Divorce, Nullity, Legal Separation			
(5) <input type="checkbox"/> Paternity, Parentage, Child Support			
(6) <input type="checkbox"/> Eviction			
(7) <input type="checkbox"/> Guardianship			
(8) <input type="checkbox"/> Small Claims			
(9) <input type="checkbox"/> Postsecondary School Violence			
(10) <input type="checkbox"/> Criminal			
(11) <input type="checkbox"/> Other (specify): _____			

-0140
CP
Dist
C-73

b. Are any restraining orders or criminal protective orders now in effect relating to the employee or any of the persons in 4 and the respondent? No Yes (If yes, attach a copy if you have one.)

This is not a Court Order.



8 Description of Respondent's Conduct

a. Respondent has (check one or more):

- (1) Assaulted, battered, or stalked the employee
- (2) Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

b. One or more of these acts (check either or both):

- (1) Took place at the employee's workplace
- (2) Can reasonably be construed to be carried out in the future at the employee's workplace

Address of workplace: _____

c. Describe what happened. (Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses):

Response is stated in Attachment 8c.

See attached Application for TRO, pleading, declarations and exhibits

d. Was the employee harmed or injured? Yes No (If yes, describe harm or injuries):

Response is stated in Attachment 8d.

Unknown at this time due to COVID-19 spread

e. Did the respondent use or threaten to use a gun or any other weapon? Yes No (If yes, describe):

Response is stated in Attachment 8e.

This is not a Court Order.



8 f. For any of the incidents described above, did the police come? Yes No I don't know

If yes, did the employee or the respondent receive an Emergency Protective Order?

Yes No I don't know

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

the employee the respondent one or more of the persons in 4.

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

Check the orders you want

9 **Personal Conduct Orders**

I ask the court to order the respondent **not** to do any of the following things to the employee or to any person to be protected listed in 4:

- 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. Commit acts of unlawful violence on or make threats of violence to the person.
- c. Follow or stalk the person during work hours or to or from the place of work.
- d. Contact the person, either directly or indirectly, by any means, 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.
- e. Enter the person's workplace.
- f. Other (specify):
 As stated in Attachment 9f.

The respondent 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.

10 **Stay-Away Order**

a. I ask the court to order the respondent to stay at least 100 yards away from (check all that apply):

- (1) The employee.
- (2) The other persons listed in 4.
- (3) The employee's workplace.
- (4) The employee's home.
- (5) The employee's school. Schools
- (6) The school of the employee's children.
- (7) The place of child care of the employee's children.
- (8) The employee's vehicle.
- (9) Other (specify):

This is not a Court Order.



- 10 b. If the court orders the respondent 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):
 Response is stated on Attachment 10b.

11 **Guns or Other Firearms and Ammunition**

Does the respondent own or possess any guns or other firearms? Yes No I don't know

If the judge grants a protective order, the respondent 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 respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession or control.

12 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form WV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to go to court to seek a TRO against him/her?

Yes No (If you answered no, explain why below):

Reasons are stated in Attachment 12.

Exigent Circumstances and prior request to stay away.

13 **Request for Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-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:

Reasons are stated in Attachment 13.

14 **No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

This is not a Court Order.

Public entity



15 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

16 **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 **Additional Orders Requested**

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

Additional orders requested are stated in Attachment 17.

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

Date: April 6/20

Daniel R. Shinoff
Lawyer's name (if any)

Daniel R. Shinoff
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: April 6/20

Cajon Valley Union School
Name of petitioner

Daniel R. Shinoff
Signature

Attorney
Title

This is not a Court Order.

1 ARTIANO SHINOFF
Daniel R. Shinoff, Esq. (SBN 99129)
2 Jack M. Sleeth, Esq. (SBN 108638)
Maurice A. Bumbu, Esq. (SBN 325343)
3 2488 Historic Decatur Road, Suite 200
San Diego, California 92106
4 Telephone: 619-232-3122
Facsimile: 619-232-3264

5 Attorneys for Plaintiff
6 CAJON VALLEY UNION SCHOOL
DISTRICT

FILED
CLERK OF SUPERIOR COURT
SAN DIEGO COUNTY, CALIFORNIA
2020 APR -6 A 11: 50
EXEMPT FROM FILING FEE -
GOVERNMENT CODE SECTIONS 6103 & 26857

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO - CENTRAL

10
11 CAJON VALLEY UNION SCHOOL
DISTRICT,

12 Plaintiff,

13 v.

14 JILANNE D. BARTO,

15 Defendant.
16

Case No.: 37-2020-00014406-CU-PT-CTL

**NOTICE OF EX PARTE APPLICATION
FOR A CIVIL HARASSMENT
TEMPORARY RESTRAINING ORDER
AND FOR ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

17
18 NOTICE IS HEREBY GIVEN THAT, on a date and time to be set by the Court, Plaintiff Cajon
19 Valley Union School District ("Plaintiff") will apply ex parte for a temporary restraining order and an
20 order to show cause why preliminary injunction should not be issued.

21 Plaintiff Cajon Valley Union School District (hereinafter "Plaintiff") hereby moves this Court
22 for the issuance of:

23 1. A Temporary Restraining Order ("TRO") prohibiting Defendant Jilanne D. Barto
24 ("Defendant") from attending any District campuses for food-serving programs while the COVID-19
25 crises remains in effect.

26 2. An Order to Set Hearing on Preliminary Injunction ("Order") providing Defendant
27 notice of the date and time of the hearing on Plaintiff's Application for a Preliminary Injunction as to
28 why a preliminary injunction should not be issued with the same force and effect as the Temporary

1
NOTICE OF EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND FOR ORDER
TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE

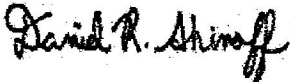
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Restraining Order.

This application is made pursuant to Code of Civil Procedure, §§ 526, 527; California Rule of Court, Rule 3.1150; the attached declaration of Assistant Superintendent of Personnel Michelle Hayes; the attached exhibits; and the legal grounds raised in the concurrently filed memorandum of points and authorities in support of this ex parte application.

Dated: April 5, 2020

ARTIANO SHINOFF



By: _____
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DISTRICT

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Government Code sections 6103 & 26857

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO - CENTRAL

10
11 CAJON VALLEY UNION SCHOOL
DISTRICT,

12 The District,

13 v.

14 JILANNE D. BARTO,

15 Defendant.
16

Case No.: 37-2020-00014406-CU-PT-CTL

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF EX
PARTE APPLICATION FOR A CIVIL
HARASSMENT TEMPORARY
RESTRAINING ORDER AND FOR ORDER
TO SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE

17 I. INTRODUCTION

18 The District Cajon Valley Union School District's ("District") ability to provide nutritional
19 services to students and families during the COVID-19 pandemic is being jeopardized by the reckless
20 actions of one bad apple. Defendant Jilanne D. Barto ("Barto") is forcing her way into District meal
21 distribution sites, against the directives of administrators, Governing Board members, staff and
22 community volunteers. This conduct constitutes harassment of staff and requires immediate judicial
23 intervention.

24 The District accordingly prays to this Court for a Temporary Restraining Order ("TRO") and
25 preliminary injunction prohibiting Barto from attending any District campuses for food-serving
26 programs while the COVID-19 crisis remains in effect.
27

1 **II. BACKGROUND**

2 With school sites physically closed and onsite instruction suspended, the District established
3 several meal distribution centers at various schools in the District to provide much-needed meals and
4 other resources to students and families during this challenging and unsettling time. Assistant
5 Superintendent of Personnel Michelle Hayes leads the overall coordination and administration of meal
6 distributions. (Hayes Decl., ¶ 1.) School principals supervise meal distribution operations at each site
7 and campus safety leads check in several times each day. (Hayes Decl., ¶ 4.)

8 Since it is critical to limit the number of people interacting with each other at meal distribution
9 sites, the District created Google Forms sign-up sheets where staff and community members can sign
10 up to volunteer at a specific time and site. (*Id.*) For the protection of children, parents and volunteers,
11 the District requires volunteers who sign up to adhere to social distancing requirements and other
12 safety guidelines prescribed by the state and federal government.

13 One of the schools being used for meal distributions is Flying Hills School of the Arts. On
14 March 20, Barto appeared at Flying Hills even though she had not signed up to volunteer. Barto
15 tweeted afterward: "I will try to come up next Monday to help. Was at Flying Hills today." (Attached
16 hereto as Ex. "A".) A community member volunteer tweeted in response to Barto later that day: "We
17 are only allowed 3 and we have all 3. But thank you. It's a small space and we are already spaced out."
18 (*Id.*) Barto did not respond to this message.

19 The next day, Hayes emailed Barto telling her she learned Barto came to Flying Hills despite
20 not having signed up to volunteer. (Attached hereto as Ex. "B".) Hayes explained to Barto that the
21 District had enough volunteers signed up and asked her not to come, writing: "Staff really want to
22 have this very limited time to connect with their own students and we need to limit the number of
23 people interacting during lunch distribution...If there is a need for more volunteers, I will contact
24 you." (*Id.*) Barto did not respond to Hayes's directive and did not complete the Google form sign-up
25 sheet until after the District had far more volunteers than needed.

26 On March 22, Ms. Hayes sent an email to volunteers in which she reiterated the District's
27 policy: "Please limit the volunteers to only those of you who are on the schedule." (Attached hereto

1 as Ex. "C".) Yet again, her words fell on deaf ears. On March 30, Barto appeared at another meal
 2 distribution site, Meridian Elementary School, signaling her presence with another tweet. (Attached
 3 hereto as Ex. "D".)

4 On March 31, Board President Tamara Otero emailed Barto to express her disappointment with
 5 Barto's failure to follow Hayes's previous directives. (Attached hereto as Ex. "E".) Otero attempted
 6 to impress upon Barto the seriousness of the situation and the need to follow the rules, explaining to
 7 Barto that her disregard of District protocol left staff volunteers fearful for their safety. (*Id.*) Barto did
 8 not respond.

9 III. LEGAL ARGUMENT

10 A. Legal Standard

11 Pursuant to Code of Civil Procedure § 527(a), a preliminary injunction may be granted at any
 12 time before judgment upon affidavits that show satisfactorily shows the existence of sufficient
 13 grounds. The District may file an ex parte application for issuance of a temporary restraining order
 14 when the need for relief is urgent and waiting for a hearing on a standard noticed motion would result
 15 in great or irreparable harm. A temporary restraining order ("TRO") is properly granted in order to
 16 maintain the status quo or to prevent irreparable injury pending a hearing on the application for a
 17 preliminary injunction. (Code Civ. Proc. § 527 (c).) In determining whether to issue a TRO, a court
 18 weighs the harm that the District is likely to suffer if the TRO is not issued against the harm that the
 19 defendant is likely to suffer if it is. (*Cohen v. Board of Supervisors* (1985) 40 Cal.3d 277, 286.)

20 B. The District Is Suffering and Will Continue to Suffer Immediate and Irreparable 21 Harm Unless a TRO and Preliminary Injunction Are Issued

22 Effective March 13, Governor Newsom's Executive Order N-26-20 issued a call to school
 23 districts to continue to provide school meals in non-congregate settings "in a manner that protects the
 24 safety of both students and school personnel" and consistent with the requirements of the California
 25 Department of Education (CDE) and U.S. Department of Agriculture (USDA). On March 17,
 26 California education and health officials released guidance materials for schools serving non-
 27 congregate meals during COVID-19, and underscored the critical need to protect the safety of students

1 and staff.

2 As indicated by this memorandum, the attached declarations of Michelle Hayes and Tamara
3 Otero, and the attached supporting exhibits, the District simply cannot safely and effectively
4 administer meal distributions knowing that Barto will likely show up unannounced after being
5 specifically told her assistance is not required. Barto has shown that she does not respect the
6 procedures the District has implemented to protect the safety of students and volunteers. Her actions
7 constitute willful and deliberate interference in critical District policies and operations. Her position
8 as an elected Governing Board member does not change this fact. If anything, it makes her willful
9 defiance of simple directives from administrators even more alarming. Barto is a member of a five-
10 person *legislative* body, the Governing Board. (Gov. Code, § 54950 et seq.) She is not in charge of
11 emergency operations like District meal distribution during the COVID-19 epidemic, which fall under
12 the purview of the Superintendent and the Cabinet, including Hayes.

13 The fact that courts are currently closed with the exception of emergency matters pursuant to
14 General Order 031820-34 further demonstrates the need for the District to seek the requested relief ex
15 parte. With the ongoing COVID-19 pandemic, the danger is immediate, the potential for irreparable
16 harm is great, and the need for relief is urgent. Barto's conduct is beyond inappropriate; her actions
17 have exacerbated the risk involved in an already complex and dangerous situation by further
18 compromising the safety of students, parents, staff and other volunteers. Her failure to respond to
19 Hayes's or Otero's messages leads District officials to presume she will likely appear unannounced at
20 other meal distribution sites in the near future and reinforces the need for urgent relief.

21 **IV. CONCLUSION**

22 For the foregoing reasons, the District respectfully requests this Court grant the application for
23 a temporary restraining order and order to show cause why a preliminary injunction should not be
24 issued. Time is of the essence and the relief sought is of an emergency nature. The District has no
25 speedy remedy other than injunctive relief.

26

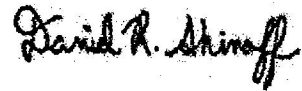
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Dated: April 5, 2020

ARTIANO SHINOFF



By: _____
Daniel R. Shinoff
Maurice A. Bumbu
Attorneys for The District CAJON VALLEY
UNION SCHOOL DISTRICT

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6 DISTRICT

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Government Code sections 6103 & 26857*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN DIEGO - CENTRAL**

11 CAJON VALLEY UNION SCHOOL
DISTRICT,

12 Plaintiff,

13 v.

14 JILANNE D. BARTO,

15 Defendant.

Case No.: 37-2019-00066058-CU-MC-CTL

**DECLARATION OF MICHELLE HAYES
IN SUPPORT OF TEMPORARY
RESTRAINING ORDER**

ARTIANO SHINOFF

17 **DECLARATION OF MICHELLE HAYES**

18 I, Michelle Hayes, in support of the Application for a Temporary Restraining Order and
19 Order to Show Cause why a preliminary injunction should not issue, declare as follows:

20 1. I am the Assistant Superintendent of Human Resources, Personnel, of Cajon Valley
21 Union School District, Plaintiff in this matter. During the ongoing pandemic, I have been
22 coordinating and administering meal distributions to students and families during the COVID-19
23 pandemic.

24 2. I make this declaration in support of Plaintiff's Application for a Temporary
25 Restraining Order ("TRO") prohibiting Defendant Jilanne D. Barto ("Defendant") from attending
26 any District campuses for food-serving programs while the COVID-19 crises remains in effect, and
27 in support of Plaintiff's Application for an Order to Set Hearing on Preliminary Injunction ("Order")
28

1
DECLARATION OF MICHELLE HAYES IN SUPPORT OF TEMPORARY RESTRAINING ORDER

1 as to why a preliminary injunction should not be issued with the same force and effect as the TRO.

2 4. I have elicited the help of volunteers from the staff and community. Volunteers can
3 sign-up to assist in meal distributions via a Google Form sign-up sheet. I have stressed to volunteers
4 that only those who sign up to volunteer at a given site should be at the site that day. School
5 principals head meal distribution operations at each site and campus safety leads check in several
6 times each day.

7 6. Attached as Exhibit "B" is an email I sent to Defendant on March 21, 2020 after
8 learning Defendant showed up at one of our meal distribution sites, Flying Hills Elementary, despite
9 not having signed up to be a volunteer. In that email I notified Defendant that we had enough
10 volunteers signed up and asked her not to come, writing: "If there is a need for more volunteers, I
11 will contact you."

12 7. Attached as Exhibit "C" is an email I sent to volunteers on March 22, 2020. In that
13 email I wrote: "Please limit the volunteers to only those of you who are on the schedule."
14 Nonetheless, on March 30, 2020, Defendant appeared at another meal distribution site, Meridian
15 Elementary School.

16 8. Based on communications I have had with staff, Governing Board members and
17 community-member volunteers helping with meal distributions, I can attest that Defendant's failure
18 to follow District policies and procedures designed to protect the safety of students and volunteers
19 has necessitated the need for the requested relief.

20 I declare under penalty of perjury pursuant to the laws of the State of California that the
21 foregoing is true and correct. Executed on this 3rd day of April, 2020.

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By: Michelle Hayes
Michelle Hayes
Assistant Superintendent, Personnel
Caion Valley Union School District

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6 DISTRICT

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN DIEGO - CENTRAL**

11 CAJON VALLEY UNION SCHOOL
DISTRICT,

12 Plaintiff,

13 v.

14 JILANNE D. BARTO,

15 Defendant.

Case No.: 37-2019-00066058-CU-MC-CTL

**DECLARATION OF TAMARA OTERO IN
SUPPORT OF TEMPORARY
RESTRAINING ORDER**

ARTIANO SHINOFF

17 **DECLARATION OF TAMARA OTERO**

18 I, Tamara Otero, in support of the Application for a Temporary Restraining Order and Order
19 to Show Cause why a preliminary injunction should not issue, declare as follows:

20 1. I am the President of the Governing Board of Cajon Valley Union School District,
21 Plaintiff in this matter. During the ongoing pandemic, I have been assisting in the coordination and
22 administration of meal distributions to students and families during the COVID-19 pandemic.

23 2. I make this declaration in support of Plaintiff's Application for a Temporary
24 Restraining Order ("TRO") prohibiting Defendant Jilanne D. Barto ("Defendant") from attending
25 any District campuses for food-serving programs while the COVID-19 crises remains in effect, and
26 in support of Plaintiff's Application for an Order to Set Hearing on Preliminary Injunction ("Order")
27 as to why a preliminary injunction should not be issued with the same force and effect as the TRO.
28

AKTIANO SHINOFF

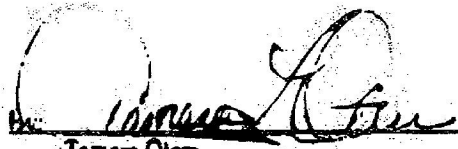
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4 Plaintiff has elicited the help of volunteers from the staff and community to help with meal distributions. Volunteers can sign-up to assist via a Google Form sign-up sheet. Only those who sign up to volunteer at a given site should be at the site that day. School principals head meal distribution operations at each site and campus safety leads check in several times each day.

6 Attached as Exhibit "E" is an email I sent to Defendant on March 31, 2020 to express my disappointment with Defendant's failure to follow a prior directive from Ms. Hayes not to attend meal distribution services at a particular site and day because Plaintiff already had the requisite number of volunteers. I tried to impress upon Plaintiff the seriousness of the situation and the need to follow the rules, explaining to her that her disregard of proper protocol left staff volunteers fearful for their safety. Nonetheless, on March 30, 2020, Defendant appeared at another meal distribution site, Meridian Elementary School.

8 Based on communications I have had with staff, Governing Board members and community-member volunteers helping with meal distributions, I can attest that Defendant's failure to follow District policies and procedures designed to protect the safety of students and volunteers has necessitated the need for the requested relief.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on this 3rd day of April, 2020.



Tamara Otero
President, Governing Board
Cajon Valley Union School District

2
DECLARATION OF TAMARA OTERO IN SUPPORT OF TEMPORARY RESTRAINING ORDER

Exhibit B

From: "Michelle Hayes (DO)" <hayesm@cajonvalley.net>
Date: March 21, 2020 at 3:16:08 PM PDT
To: JILANNE BARTO <bartoj@cajonvalley.net>
Subject: Lunch Distribution

Hi Jill,

I hope you and your family are well. I learned you were at Flying Hills yesterday during lunch distribution. At this time, we have far too many volunteers and I have been communicating to staff to stay home unless they are on the schedule. I do not have you listed on any of the schedules.

Additionally, on Thursday, I reduced the number of people on the schedules. Staff really want to have this very limited time to connect with their own students and we need to limit the number of people interacting during lunch distribution. Showing up to a school site is sending a contradictory, and quite frankly, unsafe message to our staff. Please allow the staff to use this time to connect with their students and be the people to fill the volunteer needs.

Additionally, we are working closely with ECTLC and making sure we are meeting their needs and following the government restrictions for food distribution. Delivering meals to them is a clear violation of the laws governing food distribution.

Exhibit A



Jill Barro (@jillbarro) · July 27, 2019

I will try to come up next Monday to help. Was at Flying Hills today, I loved hanging out with amazing staff & seeing students with there families.



Replying to @jillbarro · July 27, 2019

Michelle Gonzalez

@michellegonzalez

Replying to @jillbarro · July 27, 2019

We are only allowed 3 and we have all 3. But thank you. It's a small space and we are already spaced out. But thank you. 🙏

8:07 AM · 3/7/2019 from iPhone via Twitter for iOS

Replying to @jillbarro · July 27, 2019



If there is a need for more volunteers, I will contact you. I appreciate your support with this. It's essential we ALL do what is best for our staff and students at this very difficult time.

Thank you,

Michelle

Michelle Hayes | Assistant Superintendent, Personnel Services | Cajon Valley Union School District | [619.590.8584](tel:619.590.8584)



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Exhibit C

From: "Michelle Hayes (DO)" <hayesm@cajonvalley.net>

Date: March 22, 2020 at 10:35:20 PM PDT

To: "Michelle Hayes (DO)" <hayesm@cajonvalley.net>

Subject: Lunch Distribution Update!

Hello Fabulous Volunteers!

I hope you are doing well and taking care of yourselves!

You ARE ROCK'N the meal distribution!

The support for the lunch distribution program and for each other has been amazing! **Thank you so much!**

We are on schedule for tomorrow and ramping up the number of lunches for distribution. 😊

As we continue lunch distribution, our priority is getting meals to our students AND your safety. Please limit the volunteers to only those of you who are on the schedule. It's important we continue to practice social distancing with 6 feet distance from each other, using gloves and washing hands frequently. Keys to the restrooms are in the plastic bags distributed with the lunches.

A few more thoughts to share:

- Please hand out food stored in the boxes first and the coolers second.
- Return all leftover lunches to child nutrition. We are able to serve them the next day.
- We are required by the lunch program to have the child(ren) be present to receive food. We've been lenient with this; however, it's important we expect students to be present. Should parents show up without the child(ren), please ask them if they can get the child(ren) and come back, if not, please tell them they need to bring the child(ren) starting tomorrow (Tuesday) and go ahead and give them the lunch for today. We are also working to have the message translated for you to share with parents.
- Reinforcing the expectation students come to pick up their lunch will increase our opportunity to connect with students. 😊

Let me know if you need anything and **THANK YOU** for your continued support and love for our kiddos!

Michelle



Michelle Hayes | Assistant Superintendent, Personnel Services | Cajon Valley
Union School District | 619.590.8584



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6:46



Tweet



Jill Barto

Out at Meridian Elementary helping
handing out lunches & packets from
11-1pm daily to our amazing students.
Huge a Thank you to all the staff &
volunteers who help make this
possible for our students. Sending out
love 🍷🍷🍷🍷🍷🍷🍷🍷🍷🍷🍷🍷🍷🍷🍷🍷

with love from @JillBarto @MeridianMSD @GIVEwithGIVE @MURKIN



1:55 PM · 3180771 · Twitter on iPhone



EV



Exhibit E

=====
From: "Tamara Otero (GB)" <oterot@cajonvalley.net>
Date: March 31, 2020 at 10:35:38 AM PDT
To: Jill Barto <barto4kids@gmail.com>, Jim Miller <jpmiller@jpmillerlaw.com>, Jo Alegria <alegriag@cajonvalley.net>, Karen Mejia <mejiak@cajonvalley.net>
Cc: david miyashiro <MIYASHIROD@cajonvalley.net>, "Michelle Hayes (DO)" <hayesm@cajonvalley.net>, Daniel Shindoff <DShinoff@as7law.com>
Subject: School Lunch Program

Jill,

After vagrantly posting on Social Media that you attended Meridian Elementary to "help" pass out lunches you have created a storm of worry for our employees. There are RULES that must be followed in order for us to continue the feeding program. We CANNOT have more than the allotted number of people present to hand out lunches. You CANNOT just show up and decided to participate. The program has been created to protect our employees. You are more than welcome to sign up to help out. Please do that if you wish to help out. DO NOT just show up. It has nothing to do with being a Board Member, teacher, employee or parent, it is simply safety. El Cajon is now second only to San Diego in the amount of cases of COVID19. We cannot compromise our program by breaking the rules around congregating.

Please respond to this so that I know you are reading it and/or getting your emails.

Respectfully,

Tamara

Tamara Otero, Governing Board President

750 E. Main Street, El Cajon, CA 92020 (619) 588-3005

@oterotamara @CajonValleyUSD @TedxKidsElCajon