

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SAN FRANCISCO
 BEFORE THE HONORABLE MONICA WILEY, JUDGE PRESIDING
 UNIFIED FAMILY COURT - DEPARTMENT NO. 403

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Laura Owens,)	
)	
Petitioner,)	Case No. FDV-18-813693
)	
vs.)	
)	Pages 1 to 10
Michael Marraccini,)	
)	
Respondent.)	
_____)	

January 26, 2018

APPEARANCES OF COUNSEL:

For the Petitioner:

In Pro Per

For the Respondent:

Law Offices of Randy Sue Pollock
 BY: Randy Sue Pollock, Attorney at Law

Reported By: Sherry Sawyer, CSR No. 5976, CRR, RMR
 Official Reporter

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1 San Francisco, California; January 26, 2018;a.m.
2 Department No. 403 The Hon. Monica Wiley, Judge
3 (Sherry Sawyer, Official Reporter)

4 **THE COURT:** We are on the record in the matter of Laura
5 Owens versus Michael Marraccini.

6 It is my understanding that the parties were unable to reach
7 an agreement this morning. I do also notice that there are
8 several individuals in the courtroom.

9 Is there any anticipation that there will be live testimony
10 this morning?

11 Ms. Owens, do you intend to have anyone testify on your
12 behalf today?

13 **THE PETITIONER:** Yes.

14 **THE COURT:** How many witnesses do you have?

15 **THE PETITIONER:** Just one.

16 **THE COURT:** And who is that witness?

17 **THE PETITIONER:** My brother.

18 **THE COURT:** Okay. Ms. Pollock?

19 **MS. POLLOCK:** Yes, Your Honor, we do have witnesses. We
20 have my client's mother, Peggy Marraccini, his sister, Stephanie
21 Marraccini, and Colin Scanlon. They're all present in court.

22 **THE COURT:** All right. Thank you.

23 Given the time -- it is 11:30, and we do need to be off the
24 record at noon -- I am going to schedule this matter for what we
25 call a long-cause proceeding. Typically, our Friday morning
26 calendars are, as you saw, very short calendars. We do
27 not generally have time to call witnesses, although I did this
28 morning on a few shorter cases. This may take a little bit more

1 time than 30 minutes, and I certainly don't want to rush this
2 proceeding just to try to fit it in in the time that is
3 allowable.

4 **MS. POLLOCK:** Can I have a moment to get my calendar?

5 **THE COURT:** You may.

6 What I'll do is, I'm going to schedule this for a
7 long-cause, which will be in the afternoon. So you will have a
8 full afternoon of three hours with which to present evidence and
9 testimony.

10 **THE PETITIONER:** May I bring additional witnesses at that
11 point?

12 **THE COURT:** Who would you like to bring?

13 **THE PETITIONER:** Joan O'Neill.

14 **THE COURT:** And who is Ms. O'Neill?

15 **THE PETITIONER:** She's a friend.

16 **THE COURT:** Any other witnesses?

17 **THE CLERK:** Is February 9th okay?

18 **THE PETITIONER:** Can I have one additional witness? Her
19 name is Karen Ilmberger, I-L-M-B-E-R-G-E-R.

20 **THE COURT:** All right.

21 **MS. BERTA:** Your Honor, would you want direct testimony by
22 declaration or --

23 **THE COURT:** Certainly. If the parties agree that direct
24 testimony can be submitted by declaration, to the extent that
25 the parties have put everything that they would like in their
26 declarations, you can certainly do that. That would reduce some
27 of the time, but you would still be subject to cross-examination
28 by the other party.

1 So Ms. Pollock, I'll ask you first.

2 **MS. POLLOCK:** Are you going to be --

3 **MS. BERTA:** Someone will be on the 9th, yeah.

4 (Discussion held off the record.)

5 **MS. POLLOCK:** That's agreeable, Your Honor.

6 **THE COURT:** All right. Thank you.

7 It is my understanding that the parties will submit
8 declarations of all witnesses prior to the date of the next
9 court hearing. Those witnesses will be available at the
10 hearing, and subject to cross-examination by the other side.

11 So, again, the direct testimony will be by declaration. The
12 other side will be able to cross-examine those witnesses, and
13 then, if necessary, any redirect or re-cross would then take
14 place.

15 We do have February 9th available.

16 **MS. BERTA:** I don't know that I can get declarations. I
17 assume the Court -- when would the Court want the declarations
18 by?

19 **THE COURT:** Well, let's take a look at the calendar.

20 **MS. POLLOCK:** Your Honor, the court is only on Fridays?

21 **THE COURT:** No, it's not. But we're looking at our first
22 availability.

23 **MS. POLLOCK:** I'm in Federal court that morning on February
24 9th.

25 **THE COURT:** That's fine. Then we can look for another date.

26 **THE CLERK:** We can do the 16th. Does that work?

27 **STEPHANIE MARRACCINI:** Can I just speak to my brother for
28 one minute?

1 (Discussion held off the record.)

2 **THE COURT:** All right. We will schedule that for March 23rd
3 at 9:00 a.m.

4 **MS. POLLOCK:** Sorry.

5 **THE RESPONDENT:** That is my best friend's wedding that day.

6 **THE COURT:** All right. So that day is not available.

7 **THE CLERK:** Is the estimated time three hours?

8 **THE PETITIONER:** An afternoon.

9 **THE COURT:** Yes. Three hours is the estimated time.

10 **THE PETITIONER:** April 6th?

11 **MS. POLLOCK:** April 6th in the afternoon.

12 We are still filing declarations?

13 **THE COURT:** Correct.

14 **THE CLERK:** If April 6th, can we do it in the morning?

15 **THE COURT:** April 6th at 9:00?

16 **MS. BERTA:** Fridays will be hard.

17 **THE CLERK:** That's right. Because they're -- we're not
18 doing it, but CROC is doing it.

19 **MS. BERTA:** I mean, an afternoon -- a morning will be
20 difficult.

21 **THE COURT:** The afternoon of April 6th?

22 **MS. POLLOCK:** Yes.

23 **THE COURT:** Ms. Owens?

24 **THE PETITIONER:** Yes.

25 **THE COURT:** All right. April 6th at 1:30 to 4:30. That
26 would be in this department.

27 **MS. POLLOCK:** Could I have just a moment, Your Honor?

28 (Discussion held off the record.)

1 **MS. POLLOCK:** My two witnesses are gonna be in New York, and
2 one was a percipient witness.

3 **THE COURT:** April 13th?

4 **MS. POLLOCK:** Yes.

5 **THE COURT:** That would be in the morning or afternoon?
6 Afternoon?

7 **THE CLERK:** The afternoon at 1:30.

8 **MS. POLLOCK:** That's fine. 1:30.

9 **THE COURT:** We will continue this matter to April 13th at
10 1:30 to 4:30 in the afternoon.

11 Based upon discussions with counsel, it is my understanding
12 that all declarations will be filed prior to the date of the
13 next hearing.

14 Counsel, do you want to provide those declarations to the
15 Court no later than March 29th, two weeks prior to the hearing
16 date?

17 **MS. POLLOCK:** That's fine, Your Honor.

18 **THE COURT:** All right. Thank you. March 29th will be the
19 date by which the declarations will be filed.

20 The witnesses for all declarants -- I'm sorry -- all
21 declarants will be available for cross-examination during or at
22 the hearing on April 13th.

23 The current temporary order that is in effect will remain in
24 effect until the date of the next court hearing.

25 Are there any questions?

26 **MS. BERTA:** Your Honor, what department will this be in?

27 **THE COURT:** This will be in Department 403, this department.

28 **MS. POLLOCK:** Serve it here, the declarations here?

1 **THE COURT:** Correct.

2 **MS. POLLOCK:** Not next door?

3 **THE COURT:** No. You will serve them in -- at the clerk's
4 office in Department 402.

5 **MS. POLLOCK:** Okay.

6 **THE COURT:** They will be routed here. There was a question
7 in the back.

8 **STEPHANIE MARRACCINI:** Earlier today in your courtroom you
9 asked both parties questions. So now why is it different that
10 the -- that you can be cross-examined?

11 **THE COURT:** When you say, why is it different that you can
12 be cross-examined --

13 **STEPHANIE MARRACCINI:** Maybe I missed it, but I didn't see
14 other attorneys asking others questions. I just heard you ask
15 the questions.

16 **THE COURT:** Right. Most of the pro per self-represented
17 litigants cases that I have, I typically direct the questioning.
18 When there are attorneys, I allow the attorneys to examine the
19 opposing side.

20 **STEPHANIE MARRACCINI:** Thank you.

21 **THE COURT:** That's all right.

22 All right. And there's another question in the back. This
23 is what happens when you ask if there are any questions.

24 **PEGGY MARRACCINI:** Could it be made clear what happens now
25 that the temporary restraining order is in effect from now until
26 April 13th. If he should come into contact with her, what --
27 what are the ramifications of that?

28 **MS. BERTA:** Your Honor, I can address that with her.

1 **PEGGY MARRACCINI:** I would like for him to be aware of what
2 the ramifications are.

3 **THE COURT:** All right. There is a temporary order currently
4 in effect. If the order is violated, then police may be
5 summoned. If it is determined to be a violation of the
6 temporary order, then there certainly are consequences to that
7 depending upon whether the police officers believe there is
8 sufficient evidence that the order has been violated.

9 **THE RESPONDENT:** Of course, I do know that.

10 **THE COURT:** And my apologies --

11 **THE RESPONDENT:** Marraccini.

12 **THE COURT:** Mr. Marraccini, I don't know why I am having
13 problems with that. Mr. Marraccini, please be aware that the
14 order is currently in effect and will remain in effect until the
15 date of the next court hearing. Thank you, sir.

16 All right. Thank you.

17 **MS. POLLOCK:** Thank you.

18 **THE COURT:** If you will have a seat, I will sign the
19 reissuance, and we will see you on April 13th at 1:30.

20 Thank you.

21 (Proceedings concluded.)

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1 State of California)
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2 County of San Francisco)

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5 I, Sherry Sawyer, Official Reporter for the Superior Court
6 of California, County of San Francisco, do hereby certify:

7 That I was present at the time of the above proceedings;

8 That I took down in machine shorthand notes all proceedings
9 had and testimony given;

10 That I thereafter transcribed said shorthand notes with the
11 aid of a computer;

12 That the above and foregoing is a full, true, and correct
13 transcription of said shorthand notes, and a full, true and
14 correct transcript of all proceedings had and testimony taken;

15 That I am not a party to the action or related to a party
16 or counsel;

17 That I have no financial or other interest in the outcome
18 of the action.

19
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21 Dated: March 22, 2024

22
23 *Sherry Sawyer*

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Sherry Sawyer, CSR No. 5976, CRR, RMR

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