

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

BEFORE THE HONORABLE SHARON REARDON, JUDGE PRESIDING
DEPARTMENT 403

---oOo---

LAURA OWENS,)
)
 PETITIONER,)
)
 vs.) No. FDV-18-813693
)
 MICHAEL MARRACCINI,)
)
 RESPONDENT.)
 _____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 11, 2020

A P P E A R A N C E S:

FOR PETITIONER: (VIA TELEPHONICALLY)

LAURA OWENS
IN PROPIA PERSONA

FOR RESPONDENT:

MICHAEL MARRACCINI
IN PROPIA PERSONA

ALSO PRESENT:

COOPERATIVE RESTRAINING ORDER CLINIC
BY: TARA BERTA, Attorney at Law
3543 18th Street, #8
San Francisco, California 94102

REPORTED BY: ROCIO M. LOPEZ, CSR #11194
OFFICIAL REPORTER

1 SAN FRANCISCO, CALIFORNIA

MORNING SESSION

2 --OoO--

3 THE COURT: We'll pass that. Line two, Owens and
4 Michael Marraccini.

5 MS. BERTA: Mr. Marraccini is here. He's not
6 asking for a continuance. Ms. Owens will appear by
7 phone, but I need to see if she can do this today.

8 (Whereupon other matters were called.)

9 THE COURT: Good morning. This is Judge Reardon.
10 I'm calling line two, Laura Owens and Michael
11 Marraccini?

12 MR. MARRACCINI: Yeah, that's great.

13 THE COURT: Okay. Mr. Marraccini is present in
14 court, and Ms. Owens, are you on the line? Ms. Owens?

15 MS. OWENS: Yes, I'm here.

16 THE COURT: Okay. Good morning.

17 All right. So this is on for a renewal request
18 this morning, so why don't we swear the parties in.

19 THE CLERK: Please stand and raise your right hand.
20 Ms. Owens, please, stand and raise your right hand.

21 Do you do solemnly state under penalty of perjury
22 that the evidence you shall give in this matter, shall
23 be the truth, the whole truth, and nothing but the
24 truth?

25 MR. MARRACCINI: Yes.

26 THE CLERK: Ms. Owens, is that yes?

27 MS. OWENS: Yes.

28 THE CLERK: Can I have your name for the record.

1 MS. OWENS: Laura Owens.

2 THE CLERK: Thank you. Sir, your name for the
3 record.

4 MR. MARRACCINI: Michael Marraccini.

5 THE COURT: Okay. So this is on for a renewal of
6 an already existing restraining order, and Ms. Owens is
7 requesting the renewal.

8 Ms. Owens, is everything that you included in your
9 petition true and correct?

10 MS. OWENS: Yes, it is. Yes.

11 THE COURT: Is there anything that you wanted to
12 add or change at this time?

13 MS. OWENS: The only thing that I need to add is
14 that the stress of even just hearing Mr. Marraccini's
15 voice and just everything that's surrounding this. I
16 mean, it has absolutely has destroyed me, and the
17 thought of Mr. Marraccini of not having this order
18 against Mr. Marraccini, it's just constant -- it's such
19 fear that I would be in.

20 THE COURT: Okay. Tell me about -- and I'll let
21 her speak then I'll have Mr. Marraccini respond.

22 Tell me about the most recent incident that caused
23 you to request a renewal of the restraining order.

24 MS. OWENS: Yeah. I am requesting a renewal of the
25 order because he had violations of the order, and also
26 the ongoing effect that this has had on me, and a lot of
27 treatment that I had to get for anxiety that I never
28 had -- never had before before all of this came about

1 with Mr. Marraccini. But since the order was given back
2 in 2018, he has several violations of the order, most
3 recently the fear of being in shelter in place we've all
4 been having. Me technically his calling on at least two
5 occasions of -- I know he comes to San Francisco County
6 to go to the restaurant across the street from my place
7 and to either walk past my apartment at one point, and
8 yeah. I mean, that's -- that's what happened in 2020
9 that I know of.

10 THE COURT: Okay. And why are you still in fear?

11 MS. OWENS: I am in fear for him because the entire
12 time I was with Mike, he was nothing but completely
13 unpredictable not the kind of where you saw was what you
14 got, and you never knew what you were going to get with
15 him, and what sort of a reaction that some sort of
16 inconsequential that he said or where you acted how it
17 is going to make him react made me suffocate me at a
18 point for my unconsciousness, and made him -- it made
19 him choke me, and he was extremely verbally abusive; and
20 so, (inaudible) maybe he wouldn't do anything which I
21 would doubt because it got so much worse towards the
22 end.

23 And I also don't know if he might do something, and
24 I know he's the owner of handguns. I don't -- I don't
25 know. I don't know, and I don't want to learn more.

26 THE COURT: Okay. And Mr. Marraccini, did you want
27 to respond?

28 MR. MARRACCINI: Yeah, I -- I never go to her

1 apartment like town. Like, I never been. Like, I used
2 to go to the De La Rosa a long time ago, like a couple
3 times. But since this restraining order has been put in
4 place, I avoid everything to do with Laura. It's false
5 and inaccurate that I go there.

6 The one piece of evidence or that she tried to
7 provide is that I go to the same gym, and I brought my
8 gym log from the Barry's Boot Camp which keeps a record
9 of your location, time and instructor that you even
10 take, and it shows that I was never even in the same
11 town, and she says I was right next door to her house.

12 It's really hard for me to try to defend myself in
13 regards to being at this restaurant when she says I've
14 broken it multiple times that there's never been -- I
15 don't know why she didn't call the police knowing that I
16 would be arrested, so those allegations are false
17 because I never go there, and that's -- I mean, it's
18 really difficult to try to defend yourself. This is
19 like guilty until proven innocent, I feel like.

20 MS. OWENS: Can I, please, respond to his
21 allegation about Barry's Boot Camp with the log that he
22 referenced?

23 THE COURT: You can briefly respond, yes.

24 MS. OWENS: I would just like to respond saying
25 that yes, I understand that would be on the gym log
26 because he posted that he only bought a shake from the
27 gym, so no, that wouldn't be on the list of workout
28 classes that he attended, and he's the one who posted

1 the photo of a can holding the Barry's -- a drink
2 holding at Barry's. So that he says that he was at
3 Barry's, and he goes along with the character the way
4 that he -- he's lying, and I don't feel safe, and this
5 is -- yeah, I'm sorry. That's all I wanted to add.

6 MR. MARRACCINI: The log shows that I was in
7 Burlingame.

8 THE COURT: At the exact time?

9 MR. MARRACCINI: Yeah. I mean, she screen-shotted
10 somehow my social media, and it shows that there's cars
11 perpendicular to the street when, if you were to be in
12 San Francisco with the shake, you would have to park
13 parallel with the sidewalk, but the log also shows that
14 I was in Burlingame at the time that she says that I
15 took this, this video, or this -- I don't know what it's
16 called, but like this on social media.

17 MS. OWENS: Okay. I also would like to add that
18 Mr. Marraccini knows that I have attended nearly 1,000
19 Barry's classes, and that that was a highlight of my one
20 thing I really pride myself on. He went to the gym
21 probably five times in total and either by posting
22 something related to Barry's Boot Camp that that would
23 be taunting me; that that was my identity. It has
24 nothing to do with his identity whatsoever.

25 THE COURT: Okay. So the standard in order to
26 renew a restraining order is simply that Petitioner is
27 in reasonable apprehension of future abuse, so I don't
28 go back and relitigate what the basis of the restraining

1 order was. It's just if she's still in reasonable
2 apprehension of future abuse, so by what she's telling
3 me, it sounds like she is still in a reasonable
4 apprehension of future abuse based on several different
5 factors that she's laid out.

6 So the Court, based on that standard, is going to
7 renew the order. I only have two choices that it's
8 either five years or permanent. Based on what I'm
9 hearing, I'm not going to do a permanent order, but I
10 will grant the request to renew for five years.

11 So it will be from the date of expiration five
12 additional years.

13 MR. MARRACCINI: Can I --

14 THE COURT: Yes, sir.

15 MR. MARRACCINI: Can I --

16 MS. OWENS: Thank you.

17 MR. MARRACCINI: The Domestic Violence Restraining
18 Order shows up on anytime I go for employment. I have a
19 child on the way. I don't want this to affect my
20 future. Is there a way I can do a civil restraining
21 order so this is because I want nothing to do with her,
22 and it's going to be the same thing, if I'm showing up
23 that she can still call the police, if that's what she
24 thinks.

25 But I would just ask that the Court would be kind
26 to give me a civil restraining order, if that's the
27 case.

28 THE COURT: So that's something you can look into.

1 My hands are kind of tied because this is a domestic
2 violence court. So I can only renew a Domestic Violence
3 Restraining Order. But you can look into or talk to the
4 ACCESS Center downstairs, and see if there's anything
5 you can do in terms of changing it to a civil harassment
6 or I can't advise you on that, but that's not within my
7 jurisdiction right now. I don't know if there's
8 anything that can be done.

9 MS. BERTA: It's the same thing. It doesn't
10 matter. They're both restraining orders.

11 MR. MARRACCINI: Yeah, I understand, but one looks
12 a lot worse. One says that I violently beat her, and
13 the other one is a civil restraining order that you can
14 get against your neighbor, and that's why I'm having an
15 issue with this.

16 THE COURT: Right. I understand what you're
17 saying, but domestic violence doesn't necessarily mean
18 that you beat someone.

19 MR. MARRACCINI: Well, that's what the allegations
20 are, I guess, from the previous one. I just don't want
21 this to affect my future. And I'm sorry that she still
22 feels like she's in fear. I do everything I can to stay
23 away. Like, I never -- I would never want to keep
24 trying to scare someone.

25 I already feel like this is very, very difficult.
26 Okay. I have nothing else to say.

27 THE COURT: I understand what you're saying.
28 That's something you can look into. I don't know if

1 there's any way around that, but you can -- I don't
2 know. Would the ACCESS Center have any --

3 MS. BERTA: No. They can't give legal advice.

4 THE COURT: All right. And the Court can't give
5 you legal advice. But the Bar Association, you can talk
6 to them. They might be able to advise you on steps you
7 can take.

8 MR. MARRACCINI: So, I guess, my question is, it's
9 like what did I do to violate the restraining order?

10 THE COURT: So you don't have to have violated the
11 restraining order. The standard is just if the
12 Petitioner is in reasonable apprehension of abuse still.

13 MR. MARRACCINI: Okay.

14 THE COURT: And so, what I'm hearing from her is
15 that she is in reasonable apprehension of abuse, but it
16 doesn't mean that you violated the restraining order.

17 MR. MARRACCINI: Okay.

18 THE COURT: That's just that she has a right to
19 request a renewal. So I would suggest contacting the
20 Bar and see if there's anything they can help you out
21 with in terms of what you're stating to the Court.

22 MR. MARRACCINI: All right.

23 THE COURT: Okay. And we'll prepare the order. If
24 you just want to take a seat in the hall, we'll get you
25 a copy of the order, and we'll e-mail a copy to
26 Petitioner.

27 MS. BERTA: Just to clarify, Your Honor, so the
28 expiration date would be July 10th?

1 THE COURT: Yes.

2 MS. BERTA: As opposed to September 11?

3 THE COURT: Yes.

4 MS. BERTA: Okay. Thank you.

5 THE COURT: Thank you. Okay. Thank you,

6 Ms. Owens.

7 MS. OWENS: Thank you very much.

8 THE COURT: Okay. Bye-bye.

9

10 (Whereupon proceedings conclude.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 State of California)
2 County of San Francisco.)

3

4

5 I, Rocio M. Lopez, Official Reporter for the Superior
6 Court of California, County of San Francisco, do hereby
7 certify:

8 That I was present at the time of the above
9 proceedings;

10 That I took down in machine shorthand notes of all
11 proceedings had and testimony given to the best of my
12 ability; also via telephonically.

13 That I thereafter transcribed said shorthand notes
14 with the aid of a computer;

15 That the above and foregoing pages 1 through 11,
16 inclusive, is a full, true and correct transcription of
17 said shorthand notes, and a full, true and correct
18 transcript of all proceedings had and testimony taken on
19 September 11, 2020;

20 That I am not a party to the action or related to a
21 party or counsel;

22 That I have no financial or other interest in the
23 outcome of the action.

24

25 Dated: March 29, 2024

26

27

28



Rocio M. Lopez, CSR No. 11194