

Clerk stamps date here when form is filed.

Use this form to respond to the Request (form CH-100)

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form [CH-120-INFO](#)) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use form [CH-250](#), Proof of Service by Mail.)

Fill in court name and street address:

Superior Court of California, County of
 Los Angeles Superior Court
 Metropolitan Courthouse
 1945 S. Hill Street
 Los Angeles, CA 90007

Court fills in case number when form is filed.

Case Number:

25STRO03858

① Person Seeking Protection

Full name of person seeking protection (see form CH-100, item ①):
Mario Lopez

② Person From Whom Protection Is Sought

a. Your Name: Desiree Townsend

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: 2901 Ocean Park Blvd, Ste. 201

City: Santa Monica State: CA Zip: 90405

Telephone: 323-844-1338 Fax: _____

Email Address: desiree@sparktrademarks.com

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:

**Hearing
Date**

Date: 07/11/2025 Time: 8:30 AM

Dept.: 65 Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

③ ✖ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☒ I do not agree to the orders requested.
 (Specify why you disagree in item ⑫ on page 4.)
- c. ☐ I agree to the following orders (Specify below or in item ⑫ on page 4.)
- _____
- _____

④ ✖ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☒ I do not agree to the orders requested. (Specify why you disagree in item ⑫ on page 4.)
- c. ☐ I agree to the following orders (specify below or in item ⑫ on page 4):
- _____
- _____



5 ☒ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item **(3)** of form CH-100 may be protected by the order requested.
- b. ☒ I do not agree that the persons listed in item **(3)** of form CH-100 may be protected by the order requested.

6 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item **(7) of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.**

- a. ☒ I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*Explain*):
- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write “Attachment 6b—Firearms Surrender Exemption” as a title. You may use form [MC-025](#), Attachment.

- c. ☐ I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

7 **No Body Armor**

If you were served with form CH-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(*Check all that apply*):

- a. ☒ I do not own or have any body armor.
- b. ☐ I have relinquished all body armor that I have in my possession.
- c. ☐ I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (*Attach a copy of the letter granting permission, if you have one.*)



8 ☒ **Possession and Protection of Animals**

- a. ☐ I agree to the orders requested.
- b. ☒ I do not agree to the orders requested. *(Specify why you disagree in item 12 on page 4.)*
- c. ☐ I agree to the following orders *(specify below or in item 12 on page 4):*

9 ☒ **Other Orders**

- a. ☐ I agree to the orders requested.
- b. ☒ I do not agree to the orders requested. *(Specify why you disagree in item 12 on page 4.)*
- c. ☐ I agree to the following orders *(specify below or in item 12 on page 4):*

10 ☒ **Denial**

I did not do anything described in item 7 of form CH-100. *(Skip to 12.)*

11 ☐ **Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons *(explain)*:

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Justification or Excuse" as a title. You may use form MC-025, Attachment.



Explain your answers to each order requested that you do not agree with.

-
- This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

a. ☒ I request that I not be required to pay the filing fee because the person in (1) claims in form CH-100 item (13) to be entitled to free filing.

b. ☐ I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form [FW-001](#), Request to Waive Court Fees, *must be filed separately*.)

14 ☒ **Lawyer's Fees and Costs**

- a. ☒ I ask the court to order payment of my ☒ Lawyer's fees ☒ Court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
Electronic filing fees	\$ 19.68		\$
Attorney opposition templates	\$ 1,000		\$
	\$		\$

- ☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 14—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

- b. ☒ I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

15 Number of pages attached to this form, if any: 12

Date: _____

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: 07/06/2025

Desiree Townsend

Type or print your name

Sign your name

Desirée Townsend
2901 Ocean Park Blvd., Suite 201
Santa Monica, CA 90405
Telephone: (323) 844-1338
desiree@sparktrademarks.com

Respondent,
DESIREE TOWNSEND

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MARIO LOPEZ,

Petitioner,

vs.

DESIREE TOWNSEND,

Respondent.

CASE NO.: 25STRO03858

**RESPONDENT'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO ISSUANCE OF
RESTRAINING ORDER**

DATE: July 11, 2025
TIME: 8:30 am
PLACE: Dept. 65

COMES NOW, DESIREE TOWNSEND, and hereby submits this Memorandum of Points and Authorities in Opposition to Issuance of Restraining Order pursuant to California Code of Civil Procedure § 527.6. The opposition will be based on the enclosed memorandum of points and authorities, and all evidence and other materials to be presented at the hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Respondent respectfully requests that the Court **deny** the petition for a civil harassment restraining order because it does not satisfy California Code of Civil Procedure § 527.6. The

petition is based almost entirely on allegations raised in Respondent’s pending civil action against Petitioner and a single, lawful act of service of process that is absolutely privileged under California Civil Code § 47(b). Litigation privilege exists to ensure that “witnesses [are] free from intimidation by the possibility of civil liability for what they say.” *Silberg v. Anderson*, 50 Cal. 3d 205, 212 (1990) (quoting Prosser, *Law of Torts* (3d ed. 1964) at 797). The Court emphasized that “[t]he principal purpose of section 47(b) is to afford litigants and witnesses the utmost freedom of access to the courts without fear of being harassed subsequently by derivative tort actions.” *Id.* at 213 (internal citation omitted). To fulfill that purpose, “the litigation privilege is held to be absolute in nature.” *Id.* at 215.

Moreover, nothing about Respondent’s conduct—whether the lawful service of process, the social-media comments quoted in the Petition, or pending civil action—contains a threat of violence or any advocacy of harm toward Petitioner, his family, or his three French bulldogs. These actions are entirely lawful, nonviolent, and nonthreatening. The speech in question constitutes protected rhetorical satire and commentary on matters of public concern, particularly given that Petitioner concedes he is a public figure and that Respondent’s references to past sexual assault allegations relate to events that were publicly reported and investigated in 1993¹. By contrast, Respondent has never been accused of, nor investigated for, any crime or criminal activity.

Under California Code of Civil Procedure § 527.6, a civil harassment restraining order may only be issued where there is a “course of conduct” that would cause a reasonable person to suffer substantial emotional distress and that serves no legitimate purpose. (§ 527.6, subd. (b)(3).) Respondent’s conduct—consisting of protected speech and lawful litigation activity—does not

¹ Respondent largely referenced past allegations that were publicly reported in 1993. See, for example, the *Variety* article dated May 11, 1993, available at: <https://variety.com/1993/scene/people-news/saved-by-the-bell-actor-hit-with-date-rape-charge-106708/>.

1 meet this standard. The publications and lawful service of process at issue do not rise to the level
2 of harassment, nor do they lack a legitimate purpose, particularly given their connection to a
3 pending legal dispute and their incorporation of constitutionally protected commentary.

4 Petitioner has not come close to meeting that statutory threshold. Because the Petition is
5 legally and factually insufficient, the requested restraining order should be denied in its entirety
6 and instead order Petitioner to pay Respondent attorney's fees and costs incurred as a result of
7 defending this action.

8 II.

9 STATEMENT OF FACTS

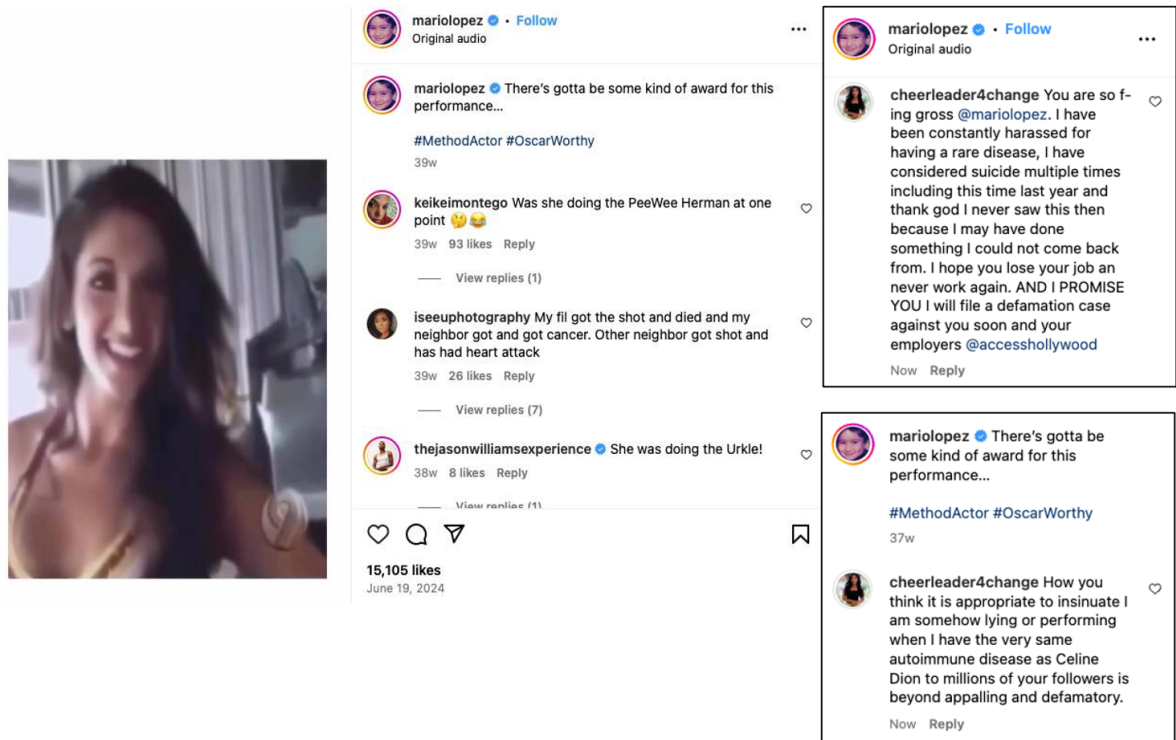
10
11 Petitioner and Respondent had never met, spoken, nor maintained any personal
12 relationship prior to the filing of Respondent's civil action, which arises from a defamatory
13 comment published on Petitioner's Instagram account on or about June 19, 2024, to his audience
14 of over 3 million followers². Upon information and belief, Petitioner's defamatory comment was
15 followed by a coordinated smear campaign and the preparation of this Petition, one year to the day
16 on June 19, 2025. The alleged smear campaign outlined in the civil action and the present Petition
17 **share nearly identical language and insinuations**, underscoring a coordinated effort. Petitioner's
18 Instagram post and the related campaign against Respondent are the subject of a civil action filed
19 by Respondent on June 13, 2025, asserting claims for defamation, false light invasion of privacy,
20 and intentional infliction of emotional distress. (See *Townsend v. Lopez*, Los Angeles County
21 Superior Court, No. 25NNCV04089.)

22
23 ///

24 ///

25
26
27 ² Petitioner Lopez's Instagram post, which is the subject of a separate defamation action currently pending in Los
28 Angeles Superior Court, can be accessed at the following link: <https://www.instagram.com/reel/C8Zx0QdpG9c>.

Respondent's sole direct communication to Petitioner was made on or about March 10, 2025, through two Instagram comments on Petitioner's post about Respondent. The comments did not contain any threats of violence and merely expressed an intent to file a defamation lawsuit against Petitioner.



Upon information and belief on or about March 13, 2025, approximately three days after Respondent commented on Petitioner's Instagram post, Lopez, either directly or through agents acting on his behalf, initiated a coordinated online smear campaign targeting Respondent through an anonymous Reddit account operating under the handle "Top-Strategy-1261" which flooded existing threads regarding the Respondent with a barrage of malicious, defamatory statements that **mirror the language Lopez now recycles in this restraining-order Petition.** The campaign then spilled over to TikTok, where two similar videos were posted, both of which are referenced in the pending civil action.



r/illnessfakers • Desiree Jennings- Dystonia

Top-Strategy-1261 replied to wet-otter 4 mo. ago

Check out her instagram handle @cheerleader4change. She's obsessed with Mario Lopez and James Franco. Runs multiple websites targeting them. It looks like she has legitimate mental illness and I feel bad for her. Regardless, the vaccine court case proves she was still trying to connect vaccine injury to her "symptoms" and now is claiming she has stiff person syndrome like Celine Dion. Except there's no proof of this, and it's even addressed in the vaccine court case. All very strange.

↑ 1 ↓ ○ Reply ↗ Share ...



r/illnessfakers • Desiree Jennings- Dystonia

Top-Strategy-1261 replied to Connect-Membership 4 mo. ago

You should check out her current instagram handle @cheerleader4change and witness the absolute madness that unfolded. I'm really surprised the media hasn't picked up on it. It's a bit sad as it looks like she's actually mentally ill, but with a huge axe to grind against James Franco apparently?

↑ 1 ↓ ○ Reply ↗ Share ...

On or about June 15, 2025, Respondent lawfully accompanied a process server to Mr. Lopez's residence, a location Mr. Lopez himself has made public through **multiple social media posts**:

1. <https://www.instagram.com/reel/DE2u2pVyYjB/?igsh=NTc4MTIwNjQ2YQ%3D%3D>
(Posted to Instagram on or about January 15, 2025, with a total of **10.5 million views** to promote his shoe line and tequila during the L.A. fires.)
2. <https://www.instagram.com/reel/DEsg0oFSiYo/?igsh=NTc4MTIwNjQ2YQ%3D%3D>
(Posted to Instagram on or about January 11, 2025, with a total of **1.1 million views** depicting the entire front of Petitioner's home and a fallen tree.)
3. <https://www.tiktok.com/t/ZT6JM96xD/> (Posted TikTok on or about July 11, 2024, with a total of **385,500 views** showing the front of Petitioner's home, featuring him drinking and expressing his love for tequila while running.)

Furthermore, Petitioner's home address was made publicly available as part of a separate action Mr. Lopez filed on or about December 11, 2023, against the builder of his home (*Mario Lopez et al. v. Grandway Construction LLC et al.*, Los Angeles County Super. Ct., No.

1 23STCV30154). Unlike Respondent’s pending civil action—or this clearly retaliatory restraining-
2 order Petition—Lopez’s home-builder lawsuit was widely reported by multiple media outlets in
3 2023 and can still be found through a simple Google search.

4 During service, Respondent stood several feet behind the process server, offering only
5 brief instructions on where the documents should be left. She recorded the encounter on her
6 personal phone solely to preserve proof of service, as Petitioner clearly attempted to evade service.
7 A short clip of the service captured on Respondent’s phone was initially posted to another
8 individual’s TikTok on June 15, 2025³. Later that day, Respondent posted the longer video to
9 depict the events leading up to the slamming of the courtyard gate by Lopez outlined in the shorter
10 clip⁴.

12 On or about June 19, 2025, Respondent reposted a video originally published on Mr.
13 Lopez’s TikTok page, in which he is seen spanking his wife’s buttocks several times and pushing
14 her toward a seat while on the set of *Access Hollywood* at NBCUniversal. The video can be
15 viewed here: <https://www.tiktok.com/t/ZT61o6bqx/>. Respondent believes that her republication of
16 this publicly available footage was one of several motivating factors behind Petitioner’s retaliatory
17 request for this restraining order.

19 Petitioner claims that Respondent has “harassed” him. In particular, Petitioner claims the
20 following:

- 21 1. Petitioner alleges that Respondent harassed Mr. Lopez by serving him with a lawsuit at
22 his residence, despite the fact that this act was part of a legal proceeding and is
23 expressly protected under litigation privilege.
24

25
26 ³ The first video, which was posted to TikTok by another individual, is available at the following link:
<https://www.tiktok.com/t/ZT61EH1Xk/>.

27 ⁴ The longer, second video was posted to Respondent’s TikTok account and is available at the following link:
28 <https://www.tiktok.com/t/ZT61E5XjR/>.

1 2. Petitioner alleges that Respondent “exposed” his family and home address to millions
2 of viewers, however, the videos documenting the service of process do not display any
3 address or identifiable location whatsoever. In any event, Petitioner himself has
4 repeatedly posted videos on his own social media showcasing both the interior and
5 exterior of his home. He also has ongoing litigation against the home's builder, in
6 which his address has been publicly disclosed through widespread media coverage,
7 reaching multiple outlets and millions of viewers.

8
9 3. Petitioner alleges that Respondent has engaged in “online harassment” and
10 characterizes her as “obsessed with him.” However, Respondent had barely even heard
11 of Mr. Lopez prior to discovering his defamatory social media post about her, and the
12 alleged coordinated smear campaign that followed, which has now extended to the
13 filing of this Petition. This Petition includes language that is **nearly identical to the**
14 **defamatory statements** alleged in Respondent’s civil action, strongly indicating that
15 Petitioner was, in fact, behind the smear campaign all along. This legal filing now
16 serves as direct evidence linking Petitioner to the very conduct previously denied,
17 thereby reinforcing Respondent’s claims of a coordinated effort to defame her.
18

19 Both Petitioner and his wife, Courtney Lopez, filed declarations under penalty of perjury to
20 support their § 527.6 Petition, **yet neither could correctly identify the date** on which Respondent
21 lawfully accompanied the process server who served the summons in the pending Los Angeles
22 Superior Court action. They each swore that service occurred on June 16, 2025, even though
23 Respondent’s proof of service—filed on June 23, 2025, in the pending civil action—and the very
24 video cited in their Petition clearly show that service actually took place on June 15, 2025, the
25 very event upon which their Petition is largely based.
26
27
28

1 Furthermore, in her signed declaration, Courtney Lopez **expressly admits that**
2 **Respondent had not targeted her or her children.** While Mr. Lopez claims to have suffered
3 significant “emotional disruption, fear, and distress,” yet the facts suggest otherwise. It was Mr.
4 Lopez who acted aggressively, refusing to accept service, forcefully slamming the courtyard gate,
5 **nearly striking the process server and locking his own son outside in the process,** then
6 directing a profane insult at Respondent, calling her a “*crazy fucking bitch.*” In contrast,
7 Respondent did not use any foul language nor engage in any violent or aggressive behavior during
8 the lawful accompaniment of the process server. Moreover, if Mr. Lopez truly believed that
9 Respondent posed a threat to his family, it is difficult to reconcile that concern with his decision to
10 leave his son outside the gate in her presence⁵.

12 On or about June 19, 2024—Juneteenth, a national holiday commemorating the end of
13 slavery and honoring the recognition of Black suffering, resilience, and liberation—and exactly
14 one year after Petitioner Mario Lopez’s defamatory post about Respondent, Mr. Lopez chose to
15 revictimize Respondent by filing this Petition as evident by the signed Declarations and CH-100
16 form all **dated June 19, 2025.** Upon information and belief, the filing was made in retaliation for
17 Respondent’s lawsuit and for her decision to speak out against his alleged predatory behavior
18 directed towards her.

20 III.

21 CIVIL HARASSMENT RESTRAINING ORDERS VIOLATE THE FIRST 22 AMENDMENT WHEN THEY CHILL PROTECTED SPEECH AND CONSTITUTE 23 PRIOR RESTRAINTS 24

25
26 ⁵ Please see Radar Online’s exclusive coverage titled, “EXCLUSIVE: Watch Radar's Full Video of Mario Lopez
27 Slamming Gate on His SON in Fit of Rage After Being Served Court Papers in \$25 Million Defamation Lawsuit,”
28 available at the following link: <https://radaronline.com/p/mario-lopez-served-court-papers-defamation-lawsuit-flu-shot-cheerleader-video/>.

1 Petitioner's request for a restraining order is a thinly veiled attempt to chill Respondent's
2 protected speech rights under the California Constitution and the First Amendment. The Petition
3 arises from Respondent's public commentary, parody, and criticism of a high-profile public figure
4 — all of which fall squarely within the protections afforded by Code of Civil Procedure §
5 425.16(e)(3) and (e)(4). This proceeding is not a legitimate attempt to seek protection from
6 harassment, but rather a retaliatory maneuver designed to suppress speech critical of Petitioner —
7 the very type of strategic action the anti-SLAPP statute was enacted to prevent.
8

9 The allegations in the Petition mirror previous defamatory statements at issue in
10 Respondent's civil suit and appear calculated to: (1) mischaracterize protected speech as
11 harassment, (2) impose litigation costs on Respondent, and (3) create a chilling effect on lawful
12 expression. Accordingly, this Petition may itself serve as **evidence of retaliatory intent and a**
13 **pattern of conduct consistent with a SLAPP**, and Respondent reserves the right to seek relief
14 under CCP § 425.16 if the Petitioner continues to use legal process to intimidate and silence her.
15

16 It is well-established that a civil harassment restraining order constitutes an
17 unconstitutional prior restraint where the speech in question has been judicially determined to be
18 protected under the First Amendment. In *Huntingdon Life Sciences, Inc. v. Stop Huntingdon*
19 *Animal Cruelty USA, Inc.* (2005) 129 Cal.App.4th 1228, the Court of Appeal made clear that
20 courts may not enjoin speech unless it falls outside the bounds of constitutional protection,
21 emphasizing that any prior restraint on speech is subject to strict scrutiny.
22

23 Petitioner's own brief cites *Lou v. Volokh* (2023) 92 Cal.App.5th 1213, **yet that decision**
24 **squarely undermines rather than supports his position.** In *Lou*, as here, the petitioner sought a
25 civil-harassment order to silence constitutionally protected commentary about an ongoing lawsuit.
26 The Court of Appeal struck the petition at the first step of the anti-SLAPP analysis, holding that
27 (1) discussing a public controversy and identifying a litigant by name is core First-Amendment
28

1 activity, and (2) a request to bar such speech “does not allege any conduct proscribed by Code of
2 Civil Procedure section 527.6.” (Id. at pp. 1223-1225.) Because the statute cannot be stretched to
3 prohibit lawful speech—or to convert defamation allegations into a harassment theory—the court
4 dismissed the petition and awarded fees to the respondent.

5 The parallels are unmistakable: Petitioner here likewise demands an order that would
6 prevent Respondent from naming him and commenting on matters of public concern, even though
7 no threat, violence, or unlawful conduct is alleged. Under *Lou v. Volokh*, a petition that tries to
8 transform protected speech into “harassment” is fatally defective and cannot survive, much less
9 justify the extraordinary remedy of a prior-restraint injunction.
10

11 IV.

12 A SINGLE LAWFUL SERVICE OF PROCESS, ABSENT EVIDENCE OF FUTURE 13 HARM, IS INSUFFICIENT FOR INJUNCTIVE RELIEF

14 A prohibitory injunction is, by definition, a form of “preventive relief” that restrains only
15 future conduct. (Civ. Code, § 3420.) The Court of Appeal emphasized this point in *Scripps Health*
16 *v. Marin* (1999) 72 Cal.App.4th 324, where it explained that:

18 “[I]njunctive relief lies only to prevent threatened injury and has
19 no application to wrongs that have been completed. It should be
20 neither serve as punishment for past acts, nor be exercised in the
21 absence of any evidence establishing the reasonable probability the
22 acts will be repeated in the future. Indeed, a change in
23 circumstances at the time of the hearing, rendering injunctive relief
24 moot or unnecessary, justifies denial of the request. Moreover, not
25 only can injunctive relief be denied where the defendant has
26 voluntarily discontinued the wrongful conduct, there exists no
27 equitable reason for ordering it where the defendant has in good
28 faith discontinued the proscribed conduct. ‘Thus, to authorize the
issuance of an injunction, it must appear with reasonable certainty
that the wrongful acts will be continued or repeated.’”

(Id. at 332-333 [emphasis added].)

1 It follows that if there is no realistic prospect of future harm, the expedited injunctive
2 remedy provided by Code of Civil Procedure § 527.6 is unnecessary. Subdivision (d) makes this
3 explicit: a court may issue relief only upon “clear and convincing evidence that unlawful
4 harassment exists,” not merely that it occurred sometime in the past.

5 As stated in Section 527.6, subd. (b), “harassment” is:

6
7 unlawful violence, a credible threat of violence, or a knowing and
8 willful course of conduct directed at a specific person that
9 seriously alarms, annoys, or harasses the person, and that serves no
10 legitimate purpose. The course of conduct must be such as would
11 cause a reasonable person to suffer substantial emotional distress,
12 and must actually cause substantial emotional distress to the
13 plaintiff.

14 (Emphasis added.)

15 Section 527.6, subd. (b)(3), provides that “course of conduct” is:
16 a pattern of conduct composed of a series of acts over a period of
17 time, however short, evidencing a continuity of purpose, including
18 following or stalking an individual, making harassing telephone
19 calls to an individual, or sending harassing correspondence to an
20 individual...

21 The Court of Appeal underscored that distinction in *Russell v. Douvan* (2003) 112
22 Cal.App.4th 399, 403-404 where the court held that a single unlawful act was not enough for
23 injunctive relief. The appellate court reversed, holding that § 527.6 demands evidence of an
24 ongoing or likely-to-recur course of conduct; an isolated past altercation, without any indication of
25 continuing threats, cannot justify prospective relief. *Russell* thus makes clear that an injunction is
26 reserved for situations where “unlawful harassment is present and will probably continue,” not
27 where it is “historic and unlikely to re-emerge.”

28 Unlike in *Russell v. Douvan*, no unlawful act occurred in connection with the service of
process. Here, the only conduct alleged is Respondent’s single, lawful act of serving process—

1 conduct entirely free of violence, threats, or aggression. It caused no harm, and Petitioner has
2 offered no evidence that any future harm is likely.

3 Neither Petitioner, his family, nor his French Bulldogs were physically harmed or
4 assaulted, nor was a single aggressive comment made in their presence — in stark contrast to
5 Petitioner’s own aggressive behavior and commentary directed at Respondent. Petitioner has
6 failed to establish, by clear and convincing evidence, that even this single lawful act involved any
7 unlawful violence, let alone demonstrated a “pattern of conduct” sufficient to warrant injunctive
8 relief.
9

10 **V.**

11 **THE COURT SHOULD AWARD RESPONDENT ATTORNEY’S FEES AND COSTS**

12 Pursuant to C.C.P. § 527.6, subd. (i), “[t]he prevailing party in any action brought
13 under this section may be awarded court costs and attorney’s fees.” Here, based on the fact that
14 Petitioner’s contentions are unsupported and without merit, and **brought solely in retaliation for**
15 **filing a defamation lawsuit against Petitioner**, this Court should deny the relief requested and
16 award Respondent attorney’s fees and costs. It is clear from the above that Petitioner filed for
17 injunctive relief in bad faith and without any basis whatsoever.
18

19 **VI.**

20 **CONCLUSION**

21 For the foregoing reasons, this Court should deny Petitioner’s request for a restraining
22 order and order the Petitioner to pay Respondent attorney’s fees and costs.
23

24 Dated: July 6, 2025

Respectfully submitted,

25 By: 

26 Desiree Townsend

27 Respondent
28