

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	01-12-17					Dept. Dept. CE 66 [CE66] Deputy Clerk Court Assistant Reporter
Honorable	COLIN LEIS	Judge	L. NAPHEN			
Honorable		Judge Pro Tem	C. L. PALOS			
#13 ExParte	B. ZAREDINI	Deputy Sheriff	NOT REPORTED			

8:30 am

BD609292

Paula M Patton (N/A)

Counsel For
Petitioner:

Gary Fishbein (X)

VS.

Robin Alan Thicke (N/A)

Counsel For
Respondent:

Angela Pierce di Donato (X)
Larry A. Ginsberg (X)

NATURE OF PROCEEDINGS: PETITIONER'S EX PARTE REQUEST FOR ORDER FOR CHILD CUSTODY/VISITATION ORDERS, MONITORED VISITATION, CONDUCT ORDERS, THERAPY FOR THE MINOR CHILD, APPOINTMENT OF MINOR'S COUNSEL, RESPONDENT ATTEND PARENTING CLASS, FILED JANUARY 12, 2017;

Matter is not called for hearing on the record.

The Court having read and considered the moving and opposition papers in chambers, denies the Petitioner/Respondent's ex parte request for orders.

The Court finds there is insufficient showing of great or irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte.

Counsel are advised in open court of the Court's ruling.

<p>PARTY WITHOUT ATTORNEY OR ATTORNEY. STATE BAR NO. _____</p> <p>NAME: GARY FISHBEIN (SBN 93765)</p> <p>FIRM NAME: BUTER, BUZARD, FISHBEIN & ROYCE LLP</p> <p>STREET ADDRESS: _____</p> <p>CITY: Los Angeles STATE: CA ZIP CODE 90049-6508</p> <p>TELEPHONE NO. _____ FAX NO. _____</p> <p>E-MAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): Petitioner, Paula M. Patton</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>Superior Court of California County of Los Angeles</p> <p><i>W</i> JAN 12 2017</p> <p>Sherri R. Carter, Executive Officer/Clerk</p> <p>By <i>[Signature]</i> Deputy</p> <p>Loft Naphen</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</p> <p>STREET ADDRESS 111 North Hill Street</p> <p>MAILING ADDRESS Same</p> <p>CITY AND ZIP CODE Los Angeles, CA 90012</p> <p>BRANCH NAME Central District</p>	
<p>PETITIONER: PAULA M. PATTON</p> <p>RESPONDENT: ROBIN ALAN THICKE</p> <p>OTHER PARENT/PARTY: EX PARTE</p>	
<p>REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input checked="" type="checkbox"/> TEMPORARY EMERGENCY ORDERS</p> <p><input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support</p> <p><input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs</p> <p><input type="checkbox"/> Property Control <input checked="" type="checkbox"/> Other (specify): See Attachment 8</p>	
<p>CASE NUMBER BD 609292</p>	

NOTICE OF HEARING

1. TO (name(s)): Robin Alan Thicke and his Attorneys of Record
- ☐ Petitioner ☒ Respondent ☐ Other Parent/Party ☐ Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

- a. Date: 1/12/2017 Time: 8:30 a.m. ☒ Dept.: 88 ☒ Room: 831
- b. Address of court ☒ same as noted above ☐ other (specify):

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)

COURT ORDER
(FOR COURT USE ONLY)

It is ordered that:

4. ☐ Time ☐ for service ☐ until the hearing is shortened. Service must be on or before (date):
5. ☐ A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
6. ☐ The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
7. ☐ The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☒ Other (specify): *Denied*

Date: JAN 12 2017

Col. Lee

JUDICIAL OFFICER

Page 1 of 4

 Received 1/12/17
 \$100

PETITIONER: PAULA M. PATTON
 RESPONDENT: ROBIN ALAN THICKE
 OTHER PARENT/PARTY:

CASE NUMBER
 BD 609292

REQUEST FOR ORDER

Note: Place a mark ☒ in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration (form MC-031)* for this purpose.)

1. ☐ **RESTRAINING ORDER INFORMATION**

One or more domestic violence restraining/protective orders are now in effect between (specify):

☐ Petitioner ☐ Respondent ☐ Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- a. ☐ Criminal: County/state (specify): Case No. (if known):
 b. ☐ Family: County/state (specify): Case No. (if known):
 c. ☐ Juvenile: County/state (specify): Case No. (if known):
 d. ☐ Other: County/state (specify): Case No. (if known):

2. ☒ **CHILD CUSTODY**

☐ I request temporary emergency orders

☒ **VISITATION (PARENTING TIME)**

a. I request that the court make orders about the following children (specify):

Child's Name Date of Birth

Thicke Joint

☒ **Legal Custody to (person who decides: health, education, etc):**

☒ **Physical Custody to (person with whom child lives):**
 Petitioner

☐ Attachment 2a.

b. ☐ The orders I request for ☐ child custody ☒ visitation (parenting time) are:

(1) ☐ Specified in the attached forms:

☐ Form FL-305 ☐ Form FL-311 ☐ Form FL-312 ☐ Form FL-341(C)
☐ Form FL-341(D) ☐ Form FL-341(E) ☐ Other (specify):

(2) ☒ As follows (specify):

See Attachment "8".

☐ Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):
 See attached Declarations.

☐ Attachment 2c.

d. ☒ This is a change from the current order for ☒ child custody ☒ visitation (parenting time).

(1) ☒ The order for legal or physical custody was filed on (date): 3/17/2015. The court ordered (specify):

The parties share joint legal and physical custody of Julian. Petitioner has custody of Julian from Sunday to Thursday every week, and Respondent has custody of Julian from Thursday to Sunday every week.

(2) ☐ The visitation (parenting time) order was filed on (date): . The court ordered (specify):

☐ Attachment 2d.

PETITIONER: PAULA M. PATTON
 RESPONDENT: ROBIN ALAN THICKE
 OTHER PARENT/PARTY:

CASE NUMBER:
 BD 609292

3. ☐ CHILD SUPPORT

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age

☐ I request support for each
 child based on the child support guideline.

☐ Monthly amount (\$) requested
 (if not by guideline)

☐ Attachment 3a.

b. ☐ I want to change a current court order for child support filed on (date):

The court ordered child support as follows (specify):

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

☐ Attachment 3d.

4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)

a. ☐ Amount requested (monthly): \$

b. ☐ I want the court to ☐ change ☐ end the current support order filed on (date):
 The court ordered \$ per month for support.

c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.
 I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.

d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify):

☐ Attachment 4e.

5. ☐ PROPERTY CONTROL

a. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent (specify):

b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

c. ☐ This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

PETITIONER: PAULA M. PATTON
 RESPONDENT: ROBIN ALAN THICKE
 OTHER PARENT/PARTY:

CASE NUMBER:
 BD 609292

6. ☐ ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (specify amount): \$

I filed the following to support my request:

- A current *Income and Expense Declaration* (form FL-150).
- A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. ☐ DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, How Do I Ask for a Temporary Restraining Order, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, How to Change or End a Domestic Violence Restraining Order for more information.

- The *Restraining Order After Hearing* (form DV-130) was filed on (date):
- I request that the court ☐ change ☐ end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- ☐ I request that the court make the following changes to the restraining orders (specify): ☐ Attachment 7c.

- I want the court to change or end the orders because (specify):

☐ Attachment 7d.

8. ☒ OTHER ORDERS REQUESTED (specify):
 See Attachment 8.

☒ Attachment 8.

9. ☐ TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:

- ☐ To serve the *Request for Order* no less than (number):
- ☐ The hearing date and service of the *Request for Order* to be sooner.
- I need the order because (specify):

court days before the hearing.

☐ Attachment 9c.

10. ☒ FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.

☐ Attachment 10.

See Declarations of: (1) Petitioner, Paula Patton; (2) Veera Mahajan; (3) Michael Smith; and (4) Isabela Garcia.

See Memorandum of Points and Authorities.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: 1/11/2017

SEE SIGNATURE ON ATTACHED DECLARATION

Paula Patton

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)



Requests 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 proceeding. 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.)

Attachment "8"

Petitioner requests the following *ex parte* relief:

1. Pending further hearing, Respondent's custodial time shall be as follows:

A. Every Thursday, commencing at pick up from school, or 3:00 p.m. if there is no school, and continuing until 7:00 p.m.;

B. Every Friday, commencing at pick up from school, or 2:00 p.m. if there is no school, and continuing until 7:00 p.m.; and

C. Every Saturday, commencing at 10:00 a.m. and continuing until 7:00 p.m.

2. A professional monitor shall be present during Respondent's custodial time with the minor child. At no time shall the minor child be left alone with Respondent without a professional monitor present. The cost of a professional monitor shall be paid by Respondent.

3. Neither party shall ingest or otherwise use illegal or non-prescription drugs while the minor child is in his/her custody. Neither party shall ingest or use prescription drugs in excess of the prescribed amount while the minor child is in his/her custody.

4. Neither party shall consume alcohol while the minor child is in his/her custody.

5. Neither party shall use corporal punishment against the minor child for any reason or under any circumstances.

6. The minor child shall forthwith be enrolled in and participate in counseling with Betsy Brown Braun pursuant to Family Code §3190. Both parties shall ensure that the minor child attends scheduled therapy sessions and the cost of all sessions shall be equally shared by the parties.

7. Minor's counsel shall be appointed to represent the minor child pursuant to Family Code § 3150 and California Rule of Court 5.240. The parties shall equally share in all costs related to the minor child's appointment of counsel.

8. Respondent shall attend and complete a parenting class with either Dr. Nancy Satenberg or Carol R. Hirshfield, Ph.D.

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DECLARATION OF PAULA M. PATTON

I, PAULA M. PATTON, declare as follows:

I am the Petitioner in the above-entitled action. I know the following of my own knowledge and could testify competently thereto if called upon as a witness to do so. I make this Declaration in support of my Ex Parte Request filed herewith.

Relevant Background Information

1. Respondent and I were married on June 11, 2005 and separated on February 21, 2014. Judgment was entered in our dissolution action on March 17, 2015 (hereinafter "2015 Judgment").

2. Respondent and I have one minor child from our marriage, Julian Fuego Thicke, born [REDACTED], age 6.

3. Pursuant to our 2015 Judgment, Respondent and I share joint legal and physical custody of Julian. Julian is in my care from Sunday until Thursday every week, and Julian is with Respondent from Thursday to Sunday every week.

4. Over the past year, I have become concerned about Respondent's drinking and drug use, as well as the forms of punishment he is using to discipline Julian. My concerns culminated on January 4, 2016, when Julian's school called Department of Child and Family Services ("DCFS") to report what they believed to be credible allegations of abuse from Julian against Respondent.

5. I am respectfully requesting that the Court grant the relief requested by me in Attachment 8, on an *ex parte* basis, pending the completion of DCFS' investigation and further hearing by this Court.

Circumstances Surrounding the Pending DCFS Investigation

6. On January 2, 2017, the day before Julian was to return to school from Christmas Break, Julian told my mother and me that when Respondent spanked him it was really hard. We asked him to show us how hard, and I asked him to hit me on my back. Julian hit me very hard, and I said, ow. Julian said it was worse than that. I then told Julian that I could not keep this secret anymore, and that I have to protect him. He became very

1 angry and tense and yelled at me that if I told, he would never tell me anything about
2 Respondent again.

3 7. I received a call from Julian's school on January 3, 2017, from Principal
4 Michael Smith and Mediator Veera Mahajan. As set forth in the attached Declarations of Ms.
5 Mahajan and Mr. Smith, they advised as to comments and statements Julian made to them
6 about the way Respondent hits and punishes him in private. I confirmed that I had been
7 hearing the same things, and that I did not know how to handle and was very concerned. I
8 agreed to meet with Mr. Smith and Ms. Mahajan the next day.

9 8. Principal Smith and Ms. Mahajan called Department of Child and Family
10 Services on January 4, 2017 to report their concerns about Respondent's abuse of Julian.
11 DCFS came to my home on January 9, 2017 and interviewed Julian and me. They asked to
12 interview Julian again, and they did in fact interview him again on January 11, 2017. My
13 understanding is that the DCFS investigation is still pending.

14 9. Since the DCFS investigation was opened, and Julian knows that Respondent
15 is being told about Julian's complaints, Julian's behavior has become very concerning. I will
16 notice him become very tense, and disappear into what appears to be a trance. He will start
17 shaking, staring off into space, and scratch himself uncontrollably. Over the past six months,
18 Julian has developed a slight stutter. I have noticed the stutter become worse as time goes
19 on.

20 **Concerns re: Physical Abuse of Julian by Respondent**

21 10. I first became concerned about possible abuse by Respondent in early
22 November 2016. Julian came back from Respondent's home and he was acting out, yelling
23 at me and having attitude. I sent him to his room for a timeout, and after awhile, I went
24 upstairs to speak with him. I asked Julian if everything at Respondent's home was okay, and
25 Julian told me that Respondent yells at him a lot. He was very upset, and asked me why
26 Respondent can yell but Julian is not allowed to yell. Julian told me that Respondent is mean
27 to him, and that of the people in his house, he spends the least amount of time with
28 Respondent. He said that sometimes he feels like Respondent is not really his dad, and if