

**CLERK OF THE BOARD OF SUPERVISORS  
EXHIBIT/DOCUMENT LOG**

**MEETING DATE & AGENDA NO. 12/10/2024 #43**

**STAFF DOCUMENTS (Numerical)**

No.	Presented by:	Description:
1	N/A	
2		
3		
4		
5		

**PUBLIC DOCUMENTS (Alphabetical)**

No.	Presented by:	Description:
A	Robert Germann	6-page document
B	Cesar Javier	50-page document
C		
D		
E		
F		

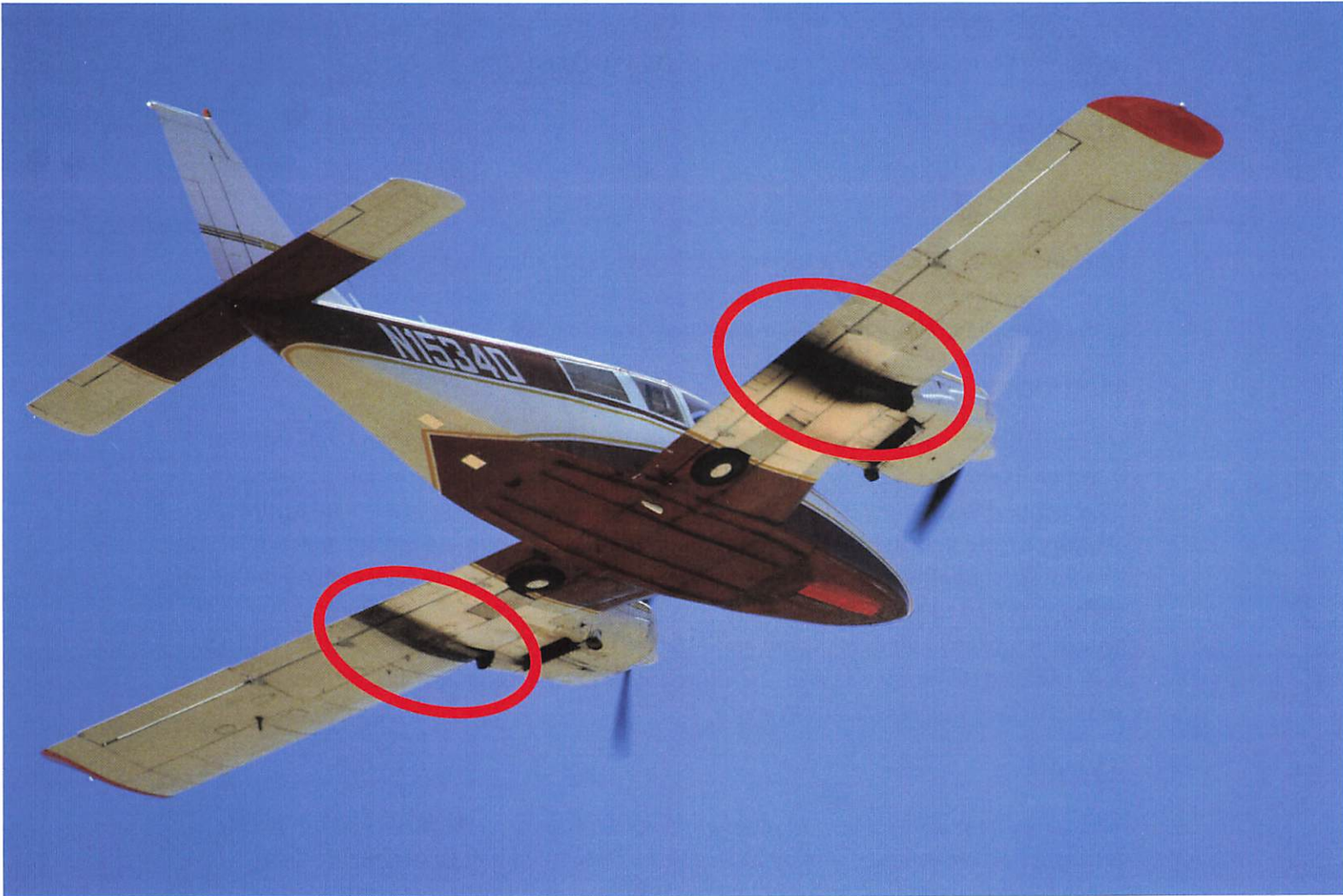
OFFICIAL RECORD  
Clerk of the Board of Supervisors  
County of San Diego

Exhibit No. A

Meeting Date: 10/10/24 Agenda No. 43

Presented by: Robert Germann

# **“GASEOUS LEADED RESIDUE FROM LEAD BURNING ENGINES” SAYS FAA SAFETY SPECIALISTS**



Source: <https://www.facebook.com/CAGELFA/photos/pb.100057034857289.-2207520000/1794849224013148/?type=3>

## The Journal of Child Psychology and Psychiatry



Original Article

# Contribution of childhood lead exposure to psychopathology in the US population over the past 75 years

Michael J. McFarland, Aaron Reuben✉, Matt Hauer

First published: 04 December 2024 | <https://doi.org/10.1111/jcpp.14072>

## Abstract

### Background

More than half of the current US population was exposed to adverse lead levels in childhood as a result of lead's past use in gasoline. The total contribution of childhood lead exposures to US-population mental health and personality has yet to be evaluated.

### Methods

We combined serial, cross-sectional blood–lead level (BLL) data from National Health and Nutrition Examination Surveys (NHANES) with historic leaded-gasoline data to estimate US childhood BLLs from 1940 to 2015 and calculate population mental-health symptom elevations from known lead-psychopathology associations. We utilized five outcomes: (1) General Psychopathology “points”, reflecting an individual's liability to overall mental disorder, scaled to match IQ scores ( $M = 100$ ,  $SD = 15$ ); (2) Symptoms of Internalizing disorders (anxiety and depression) and Attention-deficit/Hyperactivity Disorder (AD/HD), both z-scored ( $M = 0$ ,  $SD = 1$ ); and (3) Differences in the personality traits of Neuroticism and Conscientiousness ( $M = 0$ ,  $SD = 1$ ).

### Results

Assuming that published lead-psychopathology associations are causal and not purely correlational: We estimate that by 2015, the US population had gained 602-million General Psychopathology factor points because of exposure arising from leaded gasoline, reflecting a 0.13-standard-deviation increase in overall liability to mental illness in the population and an estimated 151 million excess mental disorders attributable to lead exposure. Investigation of specific disorder-domain symptoms identified a 0.64-standard-deviation increase in population-level Internalizing symptoms and a 0.42-standard-deviation increase in AD/HD symptoms. Population-level Neuroticism increased by 0.14 standard deviations and Conscientiousness decreased by 0.20 standard deviations. Lead-associated mental health and personality differences were most pronounced for cohorts born from 1966 through 1986 (Generation X).

Source: <https://acamh.onlinelibrary.wiley.com/doi/10.1111/jcpp.14072>

HEALTH NEWS

# Lead in gasoline tied to over 150 million excess cases of mental health disorders, study suggests

Exposure to car exhaust from leaded gas, which was phased out in 1996, resulted in anxiety, depression and ADHD symptoms in generations of people, researchers found.



— Researchers found that lead-associated mental health and personality differences were most pronounced for those born between 1966 and 1986. Carsten Koall / Getty Images file  
Dec. 4, 2024, 3:01 PM PST

By Elizabeth Chuck

Exposure to lead in gasoline during childhood resulted in many millions of excess cases of psychiatric disorders over the last 75 years, a new study estimates.

Lead was banned from automobile fuel in 1996. The study, published Wednesday in the *Journal of Child Psychology and Psychiatry*, looked at its lasting impact in the U.S. by analyzing childhood blood lead levels from 1940 to 2015. According to the findings, the national population experienced an estimated 151 million excess mental health disorders attributable to exposure to lead from car exhaust during children's early development.

Source: [https://www.nbcnews.com/health/health-news/lead-gasoline-tied-millions-excess-mental-health-disorders-study-rcna182881?fbclid=IwY2xjawHBL5lleHRuA2FibQIxMAABHR4FEVPxQrP\\_j6KRzZ4k7h15kO2KOLDE\\_I0yJvW4dLwJtL3K\\_PHVzfkzaw\\_aem\\_uyV42iSB3Vz\\_nmFslV\\_i\\_w](https://www.nbcnews.com/health/health-news/lead-gasoline-tied-millions-excess-mental-health-disorders-study-rcna182881?fbclid=IwY2xjawHBL5lleHRuA2FibQIxMAABHR4FEVPxQrP_j6KRzZ4k7h15kO2KOLDE_I0yJvW4dLwJtL3K_PHVzfkzaw_aem_uyV42iSB3Vz_nmFslV_i_w)

# Finding That Lead Emissions From Aircraft Engines That Operate on Leaded Fuel Cause or Contribute to Air Pollution That May Reasonably Be Anticipated To Endanger Public Health and Welfare

A Rule by the Environmental Protection Agency on 10/20/2023



PUBLISHED DOCUMENT: 2023-23247 (88 FR 72372)

PDF

Document  
Details

Document  
Dates

## DOCUMENT HEADINGS

Environmental Protection Agency  
40 CFR Parts 87, 1031, and 1068  
[EPA-HQ-OAR-2022-0389; FRL-5934-02-OAR]  
RIN 2060-AT10

## AGENCY:

Environmental Protection Agency (EPA).

## ACTION:

Final action.

## SUMMARY:

In this action, the Administrator finds that lead air pollution may reasonably be anticipated to endanger the public health and welfare within the meaning of the Clean Air Act. The Administrator also finds that engine emissions of lead from certain aircraft cause or contribute to the lead air pollution that may reasonably be anticipated to endanger public health and welfare under the Clean Air Act.

## DATES:

These findings are effective on November 20, 2023.

## ADDRESSES:

The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2022-0389. All documents in the docket are listed in the <https://www.regulations.gov> website. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or in hard copy at the EPA Air and Radiation Docket and Information Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

## FOR FURTHER INFORMATION CONTACT:

Ken Davidson, Office of Transportation and Air Quality, Assessment and Standards Division (ASD), Environmental Protection Agency; telephone number: (415) 972-3633; email address: [davidson.ken@epa.gov](mailto:davidson.ken@epa.gov).

Source: <https://www.federalregister.gov/documents/2023/10/20/2023-23247/finding-that-lead-emissions-from-aircraft-engines-that-operate-on-leaded-fuel-cause-or-contribute-to#:~:text=Search%20%26%20Navigation%20guide.-,Finding%20That%20Lead%20Emissions%20From%20Aircraft%20Engines%20That%20Operate%20on,Endanger%20Public%20Health%20and%20Welfare&text=These%20findings%20are%20effective%20on%20November%2020%2C%202023.>

## **Aviation Stakeholders' Response to EPA Endangerment Finding on Leaded Avgas**

WASHINGTON, D.C., October 18, 2023 – A coalition of aviation stakeholder organizations issued the following joint statement regarding the U.S. Environmental Protection Agency's (EPA) endangerment finding on lead in aviation gasoline (avgas) issued on October 18:

"We are working with the Administration toward the ultimate elimination of lead from avgas, and this finding mirrors and reinforces our shared goal of, and plan for, an unleaded fuel future. This finding is another step in the process, with rulemaking and other regulatory steps still to come, for developing and deploying viable unleaded avgas alternatives. We remain committed to removing lead from avgas by the end of 2030 or sooner, and are making considerable progress toward the introduction of market-viable high-octane unleaded replacement fuels that meet the safety performance needs of the entire U.S. fleet of piston aircraft."

"It is important that the flying community and the public understand that aviation safety depends on an orderly, nationally coordinated transition to unleaded avgas. The premature removal of an essential fuel that many aircraft require for safe operation, before a replacement is available, would compromise the safety, efficiency and economic viability of the U.S. airspace and airports, the general aviation industry and transportation infrastructure.

"While the EPA finding is a key step in the process, the EPA is not given the authority to ban, regulate or limit aviation fuel. Instead, the EPA's finding triggers further deliberate rulemaking by FAA as the nation's aviation safety regulator to ensure the successful development and deployment of viable unleaded avgas alternatives, given the critical safety and other issues at stake."

The coalition of aviation stakeholder organizations include:

American Association of Airport Executives (AAAE),  
Aircraft Owners and Pilots Association (AOPA),  
American Petroleum Institute (API),  
Experimental Aircraft Association (EAA),  
General Aviation Manufacturers Association (GAMA),  
Helicopter Association International (HAI),  
International Council of Air Shows (ICAS),  
National Air Transportation Association (NATA),  
National Association of State Aviation Officials (NASAO),  
National Business Aviation Association (NBAA)

###

**Source: [https://download.aopa.org/advocacy/2023/EPA\\_Endangerment\\_Industry\\_Statement.pdf?\\_gl=1\\*1u67627\\*\\_gcl\\_au\\*MTEzODQxNzQ1NC4xNjk4NDMxMzI3\\*\\_ga\\*NDIwMzQxODMyLjE2OTg0MzEzMjY.\\*\\_ga\\_SM42H3BVW5\\*MTY5ODQzMTMyNy4xLjAuMTY5ODQzMTMzMzMi41NS4wLjA.\\*\\_ga\\_B4TCX358SE\\*MTY5ODQzMTMyNy4xLjAuMTY5ODQzMTMzMzMi41NS4wLjA.&\\_ga=2.77735954.746737697.1698431328-420341832.1698431326](https://download.aopa.org/advocacy/2023/EPA_Endangerment_Industry_Statement.pdf?_gl=1*1u67627*_gcl_au*MTEzODQxNzQ1NC4xNjk4NDMxMzI3*_ga*NDIwMzQxODMyLjE2OTg0MzEzMjY.*_ga_SM42H3BVW5*MTY5ODQzMTMyNy4xLjAuMTY5ODQzMTMzMzMi41NS4wLjA.*_ga_B4TCX358SE*MTY5ODQzMTMyNy4xLjAuMTY5ODQzMTMzMzMi41NS4wLjA.&_ga=2.77735954.746737697.1698431328-420341832.1698431326)**



The Occupational Safety and Health Administration would like to have a word with you...

California tightens rules on worker exposure to poisonous lead. "The evidence is undeniable."

[https://www.latimes.com/california/story/2024-02-15/california-is-tightening-rules-on-worker-exposure-to-poisonous-lead?fbclid=IwZXh0bgNhZW0CMTAAR1OF\\_DssvxUOZFM6IXf0J5LGmz81iycv1eJt5E-QBdSXnQdhrb8YsFUFxmw\\_aem\\_1XC326euV2\\_aHMwTJClAhg](https://www.latimes.com/california/story/2024-02-15/california-is-tightening-rules-on-worker-exposure-to-poisonous-lead?fbclid=IwZXh0bgNhZW0CMTAAR1OF_DssvxUOZFM6IXf0J5LGmz81iycv1eJt5E-QBdSXnQdhrb8YsFUFxmw_aem_1XC326euV2_aHMwTJClAhg)



Source:

<https://www.facebook.com/photo/?fbid=897981435446343&set=pb.100057034857289.-2207520000>



**OFFICIAL RECORD**  
**Clerk of the Board of Supervisors**  
**County of San Diego**

Exhibit No. 5  
Meeting Date: 12/10/27 Agenda No. 43  
Presented by: Cesar Javier

O.M.F

CESAR B. JAVIER

[REDACTED]  
In Pro Per

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO, CENTRAL DIVISION  
330 West Broadway  
San Diego, CA 92101

Case Number: 24CU018538C

Case Title: Fraser vs. Javier

## **MOTION FOR RECONSIDERATION OF THREE-YEAR ELDER ABUSE RESTRAINING ORDER ISSUED IN MINUTE ORDER DATED 11/21/2024**

To all parties:

**PLEASE TAKE NOTICE** that I, Cesar Javier, submit this Motion for Reconsideration of the Minute Order dated November 21, 2024 (received via USPS mail on November 29, 2024). This motion is made pursuant to California Code of Civil Procedure §1008(a) on the grounds of new facts and circumstances demonstrating that the allegations against me were incorrect, unsubstantiated, or mischaracterized, and do not justify the issuance of a three-year elder abuse restraining order.

### **FACTUAL BASIS FOR RECONSIDERATION**

#### **I. New Evidence Establishes the Gospel Music Was Not Excessively Loud**

Multiple neighbors and my wife have signed declarations affirming that the gospel music at my residence were not loud, disruptive, or excessive. Several neighbors stated that the music is not audible inside their homes or when passing directly by my residential property. (See Declarations attached as Exhibit A to Exhibit K.)

Contrary to Petitioner's claims, I was not "preaching at all hours of the day". I did not bang drums or shout at any point. No such actions were observed by my neighbors or my wife who was present at my residence. These claims are unsupported by any credible evidence and directly contradicted by declarations from my neighbors and my wife (See Declarations attached as Exhibit A to Exhibit K.)

Petitioner failed to provide any objective evidence to substantiate his allegations, such as decibel readings, audio recordings, or corroborative witness testimony. His lack of evidence raises questions about the accuracy and credibility of his complaints.

#### **II. Sony CFM-140II as Evidence of Reasonable Noise Levels**

The gospel music referenced by Petitioner were played on a Sony CFM-140II, a compact cassette player and AM/FM radio designed for personal, localized use. The Sony CFM-140II has limited sound capacity due to its small built-in speakers and low wattage. It has no external amplification or large speakers that could project noise to a disruptive level, making it impossible for this device to produce the excessive noise levels alleged by the petitioner.

Attached as Exhibit L is a photograph of the Sony CFM-140II along with its technical specifications, highlighting its limited sound capacity. The inability of this device to produce noise beyond a reasonable volume further undermines the credibility of Petitioner's claims.

### **III. Jackhammering Was Necessary and Conducted During Reasonable Hours**

The use of a jackhammer was strictly for essential backyard repairs to maintain my property. This activity was conducted exclusively during reasonable daytime hours. As a residential contractor, I ensured compliance with all applicable noise regulations.

While neighbors noted they could hear the jackhammer noise, they confirmed that it was not disruptive or excessive, nor did it cause significant disturbance to the neighborhood. (See Declarations attached as Exhibit A to Exhibit K.)

To further substantiate the necessity of this work, photographs of the backyard repairs are attached as Exhibit M. These photographs show the legitimate need for jackhammer use and further disprove any claim of unnecessary or malicious noise.

### **IV. New Evidence: Prior Jackhammer Use without Complaints from Mr. Fraser**

Over the past several years, I have used a jackhammer multiple times for my home repairs. These activities were always conducted during reasonable daytime hours and were never the subject of complaints or concerns from Mr. Fraser or other neighbors.

The absence of any prior complaints during these instances underscores the reasonable and lawful nature of my actions. The sudden timing of Mr. Fraser's current allegations raises questions about their credibility and suggests they may be exaggerated or motivated by factors unrelated to actual disturbance.

To further substantiate this point, I have attached photographs of past home projects involving jackhammer use as Exhibit N and Exhibit O.

### **V. No Noise Complaints Reported to the Police by Mr. Fraser**

If the alleged noise disruptions were as severe as Mr. Fraser claims, it would be reasonable to expect him to report them to local authorities. However, Mr. Fraser did not file any noise complaints with the police. His failure to do so raises doubts about the credibility and severity of his allegations.

## **LEGAL BASIS FOR RECONSIDERATION**

### **I. Standard Under CCP §1008(a)**

California Code of Civil Procedure §1008(a) requires that a motion for reconsideration present new facts, circumstances, or law that could not have been presented earlier. The declarations from my wife and neighbors, evidence of the Sony CFM-140II's technical limitations, photographic evidence documenting legitimate repairs involving jackhammer use, and a history of jackhammer use without complaints from Mr. Fraser constitute new evidence that was not previously available to the Court. This evidence directly refutes Mr. Fraser's allegations and provides a compelling basis for reconsideration of the restraining order.

### **II. First Amendment Protection of Religious Expression**

The Court correctly noted that religious music and preaching are protected under the First Amendment. (*Ward v. Rock Against Racism*, (1989) 491 U.S. 781.) However, the new declarations from my wife and neighbors establish that my gospel music was not loud or disruptive, eliminating any compelling governmental interest in restricting my rights.

The use of the Sony CFM-140II, with its limited sound capacity, further substantiates that actions were reasonable and not disruptive. The allegations of "preaching at all hours of the day", banging drums,

and shouting are unsupported and exaggerated. The absence of decibel readings, audio recordings, or corroborative evidence from the Petitioner further weakens his allegations.

### **III. Lawful and Reasonable Use of a Jackhammer**

The jackhammering was necessary for property repairs and was conducted during legal daytime hours. This activity does not constitute elder abuse or harassment under California law. The absence of malicious intent, combined with evidence of prior jackhammer use without complaints from Mr. Fraser, demonstrates the lawfulness and reasonableness of my actions.

### **IV. No Evidence of Intent to Harass or Interfere**

The Court's conclusion that my actions disrupted the Petitioner's quiet enjoyment of his home and impaired his ability to worship are unsupported and contradicted by newly presented evidence. Declarations from my wife and multiple neighbors, the use of a Sony CFM-140II, which is incapable of producing sound levels loud enough to disturb someone inside a neighboring property, and the legitimate use of a jackhammer for necessary backyard repairs during reasonable daytime hours, all establish that my conduct was lawful, reasonable, and lacked any intent to disturb or harass. The history of jackhammer use without any prior complaints from Mr. Fraser, combined with the absence of recent noise complaints by Mr. Fraser to law enforcement, further demonstrates that my actions were neither disruptive nor intended to interfere with Mr. Fraser's worship or daily life.

The claims of "preaching at all hours of the day," "banging drums," and "shouting" are entirely unsubstantiated. No corroborative testimony, audio recordings, or other evidence has been provided to support these allegations. This absence of credible evidence, coupled with declarations affirming the peaceful and considerate nature of my actions, undermines the validity of Mr. Fraser's assertions and raises significant questions about their authenticity. My intent has consistently been to live harmoniously with my neighbors, and the evidence overwhelmingly supports that my actions were neither harassing nor disruptive.

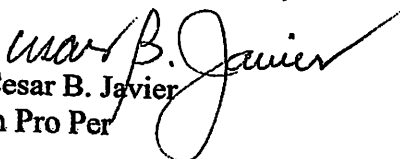
## **CONCLUSION**

The evidence presented demonstrates that the allegations against me lack credibility and are unsupported by any verifiable proof. The declarations from my neighbors and my wife, evidence of the Sony CFM-140II's limited sound capacity, photographic documentation of legitimate repairs involving a jackhammer, history of jackhammer use without complaints from Mr. Fraser, and lack of recent police reports of noise complaints collectively refute the claims made by Mr. Fraser. These facts underscore the unjust nature of the restraining order currently in place.

I respectfully urge the Court to reconsider the Minute Order dated November 21, 2024, and vacate the Three-Year Elder Abuse Restraining Order, which was granted based on exaggerated and unsubstantiated allegations. Justice requires that this matter be revisited in light of the compelling new evidence provided.

Dated: 12/05/2024

Respectfully submitted,

  
Cesar B. Javier  
In Pro Per

## **ATTACHMENTS**

**Exhibit A:** Declaration from my wife, Purita Javier, refuting claims of loud preaching at all hours of the day, loud gospel music, shouting, and drum-banging.

**Exhibit B to Exhibit K:** Declarations from neighbors refuting claims of loud gospel music, loud preaching, shouting, and drum-banging.

**Exhibit L:** Photograph of the Sony CFM-140II and its technical specifications, demonstrating its limited capacity for sound output.

**Exhibit M:** Before and after photographs of backyard repairs that used a jackhammer.

**Exhibit N and Exhibit O:** Photographs of previous home projects involving the use of a jackhammer, conducted without any complaints from Mr. Fraser.

**EXHIBIT A-**

**DECLARATION OF PURITA JAVIER**

I, Purita<sup>A</sup> Javier, declare as follows:

1. I am the wife of Cesar Javier, the respondent in the matter titled *Fraser vs. Javier* (Case No. 24CU018538C) in the Superior Court of California, County of San Diego. I have personal knowledge of the matters set forth herein and, if called as a witness, could and would competently testify thereto.
2. I have been present at our residence during the times relevant to the allegations made by Mr. Donald Fraser. I can confirm that:
  - The gospel music played at our home was always kept at a reasonable volume and was never loud or disruptive. The music was played using a Sony CFM-140II FM/AM Cassette-Corder, a compact personal cassette player designed primarily for small spaces and not capable of producing excessive noise.
  - My husband, Cesar Javier, has never engaged in shouting or banging drums as alleged by Mr. Fraser. These claims are entirely false.
  - The assertion that Cesar preaches loudly at all hours of the day is an exaggeration and is also completely false.
  - The jackhammering was conducted solely for necessary backyard repairs. It was used only during daytime hours and never in a manner intended to cause disturbance or harassment.
3. I have also observed that Mr. Fraser did not approach us regarding the above-mentioned noise complaints before filing for the restraining order. To my knowledge, no noise complaints were made to the police prior to the issuance of this order.
4. Furthermore, I can confirm that over the years, Cesar has used a jackhammer on multiple occasions for prior home repairs, always within reasonable hours. On each of these occasions, no complaints were made by Mr. Fraser or anyone else. This history demonstrates that the use of the jackhammer has been appropriate and within the acceptable standards of noise for our neighborhood.
5. I am willing to provide testimony and any further evidence the Court may require to support my husband's motion for reconsideration of the restraining order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 5, 2024, at San Diego, CA.

  
Purita Javier

## EXHIBIT B

### DECLARATION OF NEIGHBOR

I, Anh Nguyen, residing at [REDACTED] make the following statement:

#### 1. Personal Background

- I reside directly across from Cesar Javier's home.
- I have lived in this neighborhood for six years and am familiar with Cesar Javier

#### 2. Allegations of Loud Gospel Music and Preaching

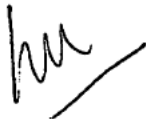
- I have not heard loud or disruptive gospel music from Mr. Javier's property, whether inside my home or while passing by.
- I have not experienced or observed disturbances such as loud preaching, shouting, or drum banging coming from his property.

#### 3. Use of a Jackhammer

- I am aware that Mr. Javier recently carried out backyard repairs.
- The use of the jackhammer was limited to appropriate daytime hours and did not cause significant disturbance to me or my household.
- The jackhammering appeared necessary and aligned with typical construction activity.

#### 4. Other Observations

- I have never been disturbed by noise or activities originating from Mr. Javier's property.
- I am not aware of any complaints from neighbors regarding Mr. Javier's behavior or activities.



**Anh Nguyen**

Date: 12/04/2024

EXHIBIT C


DECLARATION OF NEIGHBOR

I, Lewis Hunsaker, declare that I am a neighbor of Cesar Javier. I have lived here for 1 years and have not encountered any disruptive or excessively loud activities coming from Mr. Javier's property. Music from his home is not audible when I am inside my house or when I pass by. I have not observed any shouting, drum-banging, or other loud disturbances.

During the period when Mr. Javier was repairing his backyard, I was aware that he used a jackhammer. The work was conducted during acceptable hours and did not cause any disturbance. From what I observed, Mr. Javier's activities have always been respectful of the neighborhood's quiet environment.

I am not aware of any formal complaints or concerns from other residents regarding Mr. Javier's conduct. He has been a considerate and responsible neighbor in my experience.

Name: Lewis Hunsaker

Signature: 

Date: 12/5/24

Javier,

Is a great neighbor that I'm glad is in this community.

Lewis Hunsaker, Retired Navy Chief of 25 years

Cell: 

email: 





EXHIBIT D

DECLARATION OF NEIGHBOR

I, Reang BON, have lived as a neighbor of Cesar Javier for 12 years. During this time, I have never experienced excessive noise coming from Mr. Javier's property. I have not heard loud gospel music coming from his home. While inside my residence or when I walk by his residence, I cannot hear any music at all. I have also never heard loud preaching, shouting, banging of drums, or any other excessive noise.

Regarding Mr. Javier's backyard repairs, I did notice the use of a jackhammer, but it was limited to regular daytime working hours and was no more disruptive than any typical construction activity. In my experience, Mr. Javier has always been a considerate neighbor, and I have never had any issues with noise or disturbances from his property.

Name: Reang BON

Signature: Rea

Date: 12/4, 24



# EXHIBIT E

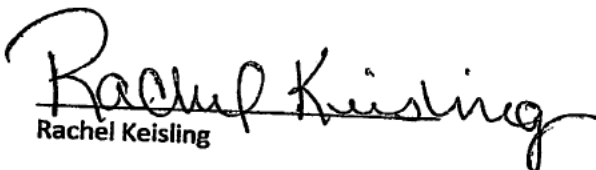
## Declaration of Neighbor

I, Rachel Keisling, declare that I am a close neighbor of Cesar Javier. I have lived at [REDACTED] Diego, CA [REDACTED] since April 2016 and during that time, I have not encountered any disruptive or excessively loud activities coming from the direction of Mr. Javier's property. Of note, I work 100% from home and can therefore attest to this both during the day as well as in the evenings.

Our little neighborhood does tend to stay rather quiet aside from the usual road traffic and the fire station up the hill. Perhaps I am the oddball out when it comes to this but, I have a genuine appreciation for the times when our neighborhood has the "noise". I sit out on my patio and instead of being bitter about the moderate noise on and off from all of us as well as ongoing city work, I'm happy that people are improving their houses and yards, that our potholes are being fixed, and that families are getting together and celebrating. Any accusation towards Mr. Javier of excessive noise is completely ridiculous and begs towards an ulterior motive.

I have known Mr. Javier for a few years now and have had the opportunity to visit his home. We have spoken on many occasions about gardening, and I have shared various vegetable plants from my greenhouse with him and his wife, Purita. I've been told that there was a noise complaint about him using a jackhammer and had the opportunity to observe this area while walking through their garden. He used the jackhammer to get through tough soil and some small rocks in three small areas to make room for future plants. Doing this briefly, in the middle of the day, and in soil vs. concrete is an absurd noise complaint. Also, during this time, I asked about his music/speakers, and asked to see it out of curiosity. If not already documented, please be aware that he is playing his music on a Sony CFM-140II. I believe these were made around 1987 and are now listed as "vintage" on eBay. When it comes to music, Mr. Javier has always been respectful to our neighborhoods noise environment, and I will state again that anything to the contrary would be an absurd noise complaint.

I greatly appreciate having Cesar and Purita as my neighbors, they care about our community and the people in it. It saddens me to know that this is something that they must spend their energy fighting on the legal front instead of taking care of their health and enjoying life in their own home.

  
Rachel Keisling

December 4, 2024

EXHIBIT F

DECLARATION OF NEIGHBOR

Alicia Gonzalez

We X, Edwin Gonzalez, declare that I am a neighbor of Cesar Javier. I have lived in this neighborhood for 37+ years. Over this time, I have observed Mr. Javier to be a respectful and responsible neighbor.

I have never experienced any loud or disruptive noise from his home. I cannot hear music from his property while I am inside my house or when I pass by. I have never heard loud preaching, shouting, banging of drums, or any other excessive noise from his property.

Additionally, when Mr. Javier was using a jackhammer for repairs, it was done during standard working hours and did not disturb the peace of the neighborhood.

To the best of my knowledge, there have been no other complaints from neighbors regarding Mr. Javier's activities. I am unaware of any noise issues that would justify concerns or complaints.

Name:

Edwin Gonzalez,

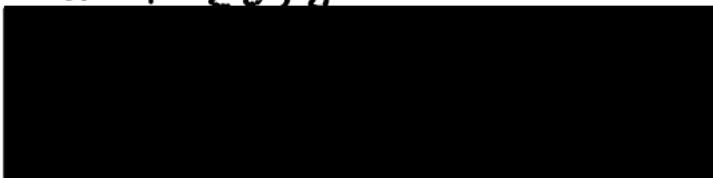
Alicia Gonzalez

Signature:



Date:

12-4-2024



12/4/24



same address

EXHIBIT G

DECLARATION OF NEIGHBOR

I, Pedro Askar, declare that I am a neighbor of Cesar Javier. I have lived in my residence for 18 years.

I can confidently say that his activities have never caused any noise issues in our neighborhood. I do not hear music from his property when I am at home, and when passing by, I don't hear any music at all. I have never heard loud preaching, shouting, or drum-banging from his residence.

When Mr. Javier was conducting repairs in his backyard, the use of a jackhammer was noticeable but limited to regular daytime hours. The noise was typical of any repair work and did not cause any significant disruption to me or my household.

Mr. Javier has always been a courteous neighbor, and I have never had cause for concern regarding noise or other disturbances from his property.

Name: Pedro Askar

Signature: Pedro Askar

Date: 12/4/2024

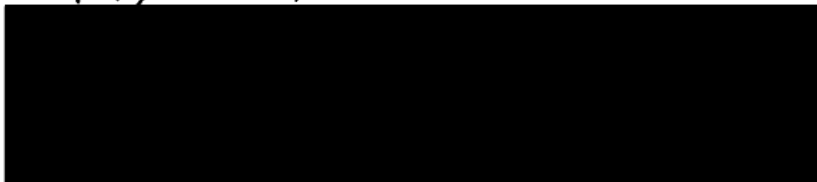


EXHIBIT H

DECLARATION OF NEIGHBOR

I, DENNIS SHANNON, declare as follows:

1. I am a neighbor of Cesar Javier and have lived at my residence for 20<sup>+</sup> years.
2. During my time here, I have never experienced any excessive noise coming from Mr. Javier's property. Specifically:
  - o I have not heard loud or disruptive gospel music from Mr. Javier's residence.
  - o While inside my home or when I pass by his home, I do not hear any music at all from his property.
  - o I have never heard loud preaching, shouting, banging of drums, or any other excessive noise coming from Mr. Javier's property.
3. I am aware that Mr. Javier recently used a jackhammer for home repairs. The work was conducted during appropriate daytime hours and did not cause any significant disturbance to me or others in the neighborhood.
4. Overall, I have not observed or been affected by any loud or disruptive behavior from Mr. Javier. Additionally, I am not aware of any complaints from other neighbors regarding his activities.

  
Dennis Shannon

12/04/2024

## EXHIBIT I

### DECLARATION OF NEIGHBORS

We, Cesar Sebastian and Elena Estrada declare as follows:

1. Personal Background

- a. We live in front of Cesar Javier's residence
- b. We have lived in this neighborhood for 3 years and we are familiar with the residents, including Cesar Javier.

2. Regarding Allegations of Loud Gospel Music and Preaching

- a. We have not heard loud or disruptive gospel music coming from Mr. Javier's property.
- b. We have not witnessed or experienced any disturbances caused by loud preaching, shouting, or banging drums from Mr. Javier's property.

3. Regarding the Use of a Jackhammer

- a. We are aware that Mr. Javier recently conducted backyard repairs on his property as we assisted him on this project
- b. The use of a jackhammer was limited to reasonable daytime hours and did not cause any excessive disturbance to the neighborhood.
- c. The jackhammering was consistent with typical construction activity and seemed necessary for the repairs being performed.

4. Additional Observations

- a. We have never been disturbed by any noise or activities from Mr. Javier's property.
- b. We are unaware of any complaints made by other neighbors regarding Mr. Javier's behavior or activities.



Cesar Sebastian



Elena Estrada

Date: 12/04/2024

EXHIBIT J

DECLARATION OF NEIGHBOR

I, Oswaldo Palomares Jr have been a resident near Cesar Javier for 10 years and have never been disturbed by noise from his property. I do not hear music from his home while I am inside my residence or when I pass by his residence. I have never heard any loud or excessive noises, such as loud preaching, shouting, or banging drums.

I also observed Mr. Javier conducting backyard repairs that required a jackhammer. These activities occurred during normal daytime hours and were in no way disruptive. The work appeared necessary for maintaining his property and was not prolonged or excessively noisy.

As a neighbor, I have never experienced any disturbances or issues arising from Mr. Javier's activities, and I am not aware of any other neighbors raising concerns about his behavior.



Name: Oswaldo Palomares Jr

Signature: 

Date: 10-04-2024

EXHIBIT K

DECLARATION OF NEIGHBOR

I, Trang Nguyen have been a neighbor of Cesar Javier for 12 years, and in that time, I have never encountered loud or excessive noise from his property. I cannot hear any music from his home while inside my house, and even when walking by. I have also not heard any loud preaching, shouting, drum-banging, or other loud noises coming from his residence.

Regarding recent backyard repairs, I noticed that Mr. Javier used a jackhammer. However, the work was conducted during standard daytime hours and was consistent with normal construction noise. It was neither excessive nor unreasonable.

I have never had any noise-related issues with Mr. Javier and I am unaware of any complaints from other neighbors regarding his activities.

Name: Trang Nguyen

Signature: [Handwritten Signature]

Date: 12/4/2024





## SERVICE MANUAL

US Model  
 Canadian Model  
 AEP Model  
 E Model  
 Australian Model

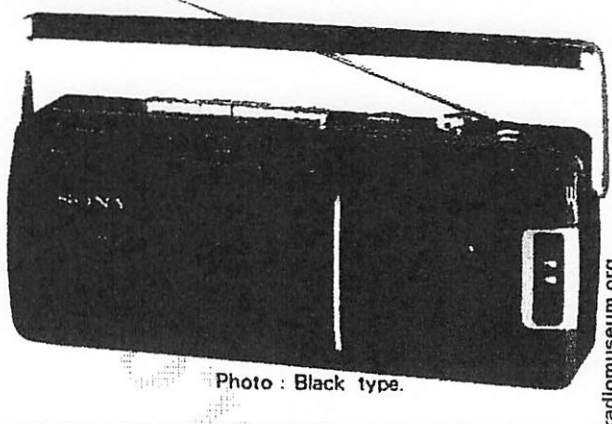


Photo : Black type.

radiomuseum.org

Model Name	Using Similar Mechanism	NEW
Tape Transport Mechanism Type		MF-140-II

### SPECIFICATIONS

Frequency range FM: 87.6 - 108 MHz  
 AM: 530 - 1,710 kHz  
 Antenna FM: Telescopic antenna  
 AM: Built-in ferrite bar antenna  
 Recording system 2-track, mono  
 Frequency response 150 - 6,300 Hz  
 Speakers Full range: 7.7 cm (3 inches)  
 dia. x 1  
 Tweeter: 2 cm (7/8 inch)  
 dia. x 1  
 Power output 700 mW at 10 % harmonic distortion  
 (DC operation)  
 Output Earphone jack (mini jack) for 8 ohm  
 impedance earphone  
 Power requirements For US, E and Canadian:  
 120 V AC, 60 Hz  
 For Australian:  
 240 V AC, 50Hz  
 For AEP:  
 220V AC, 50Hz  
 6 V DC, four R14 (size C) batteries

Power consumption 4 W AC

Battery life

Batteries	FM recording
Sony SUM-2 (NS)	Approx. 5 hours
Sony AM2 (N) alkaline	Approx. 8 hours

Dimensions

Approx. 319 x 133 x 92 mm (w/h/d)  
 (12 5/8 x 5 1/4 x 3 5/8 inches)  
 including projecting parts and  
 controls, not including handle

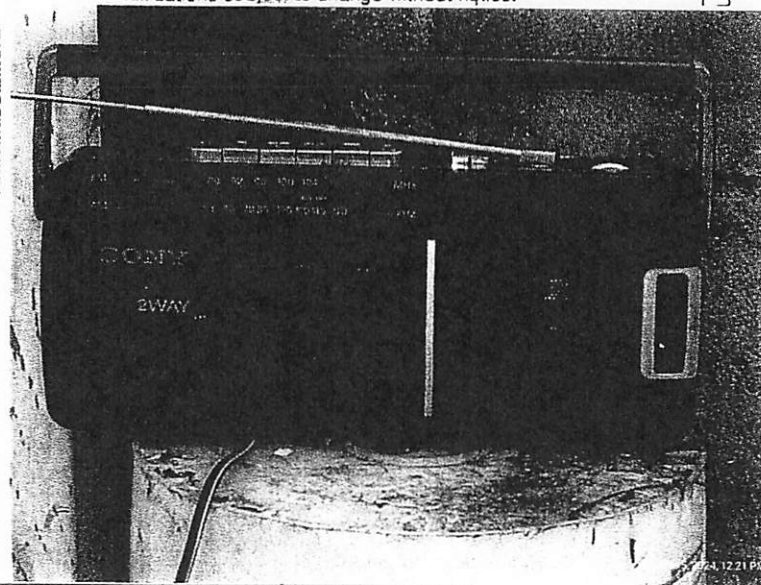
Weight

Approx. 1.5 kg (3 lb 5 oz) including  
 batteries

Accessory supplied

AC power cord (1)

Design and specifications subject to change without notice.



radiomuseum.org

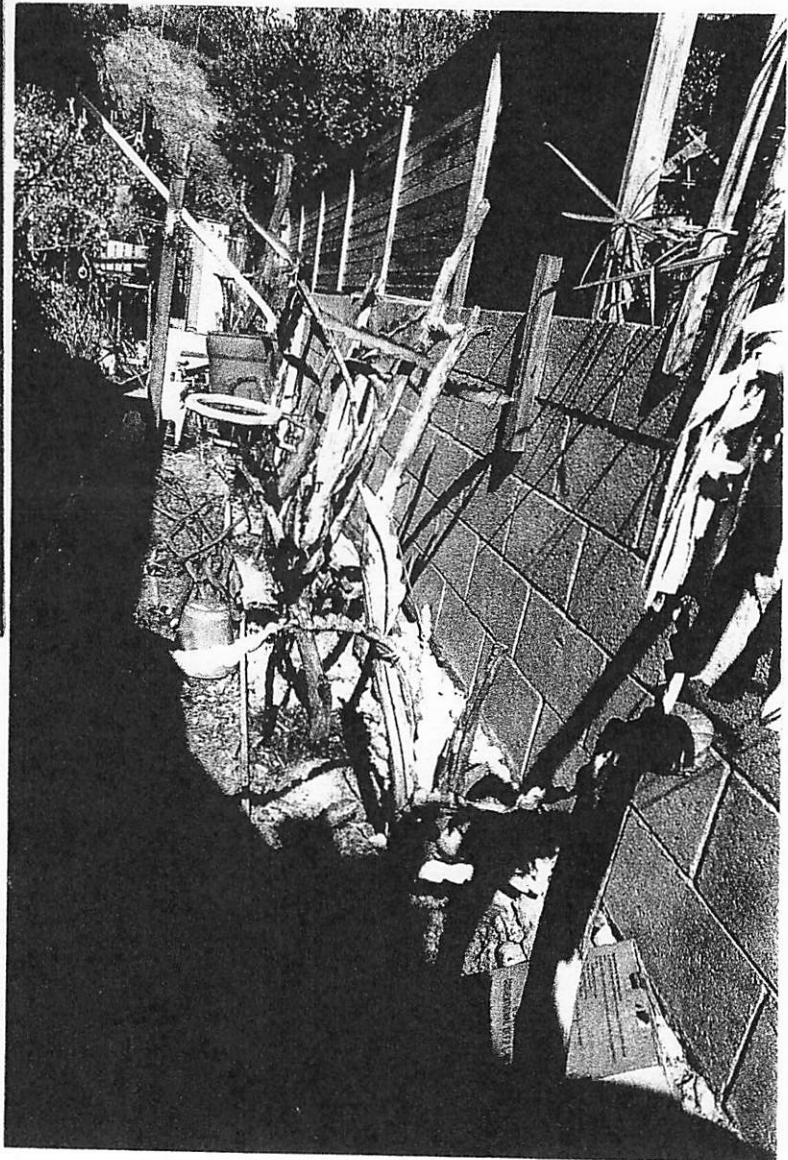
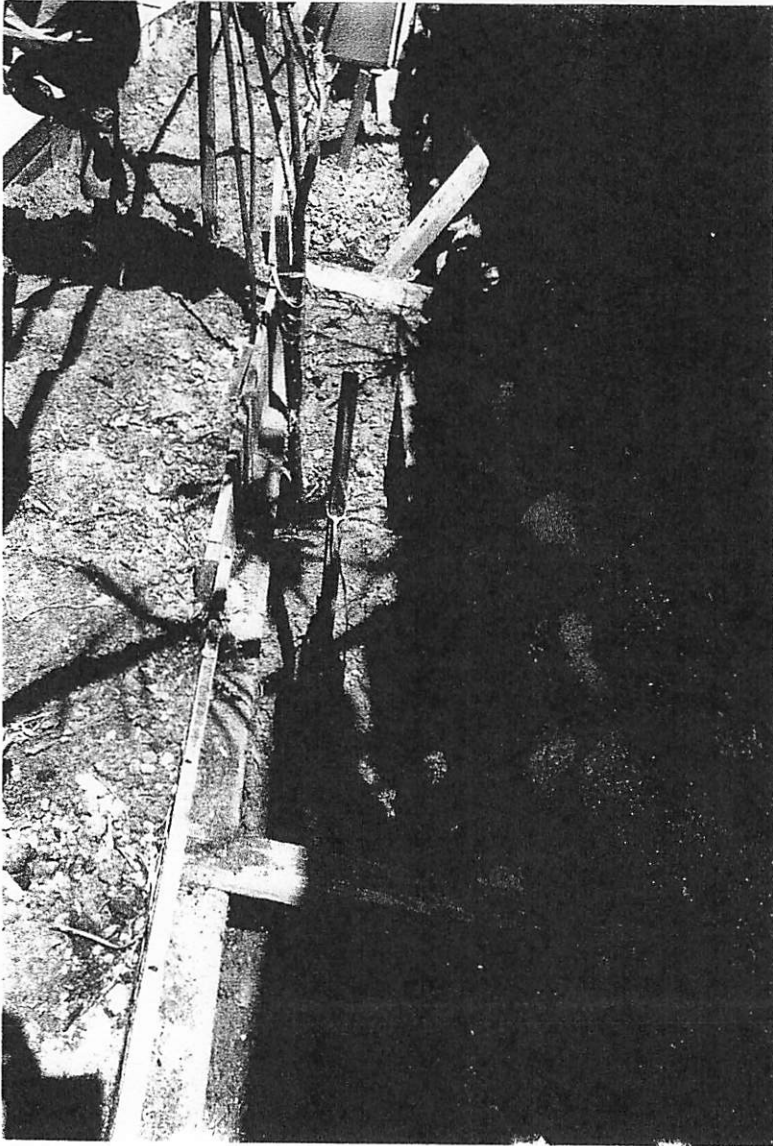
radiomuseum.org

seejaves2002@yahoo.com



## EXHIBIT M

Before and After Photographs of Backyard Repairs That Used a Jackhammer



# EXHIBIT N

Photographs of Previous Home Projects Involving the Use of a Jackhammer,  
Conducted Without Any Complaints from Mr. Fraser

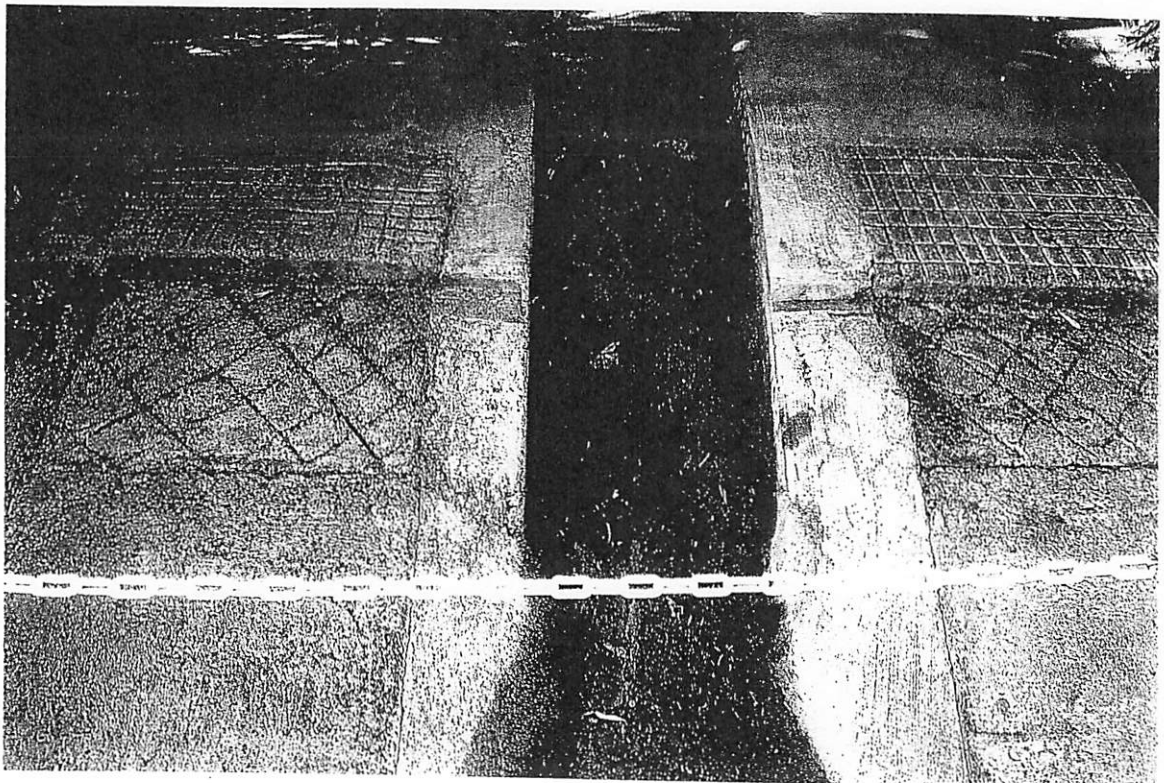
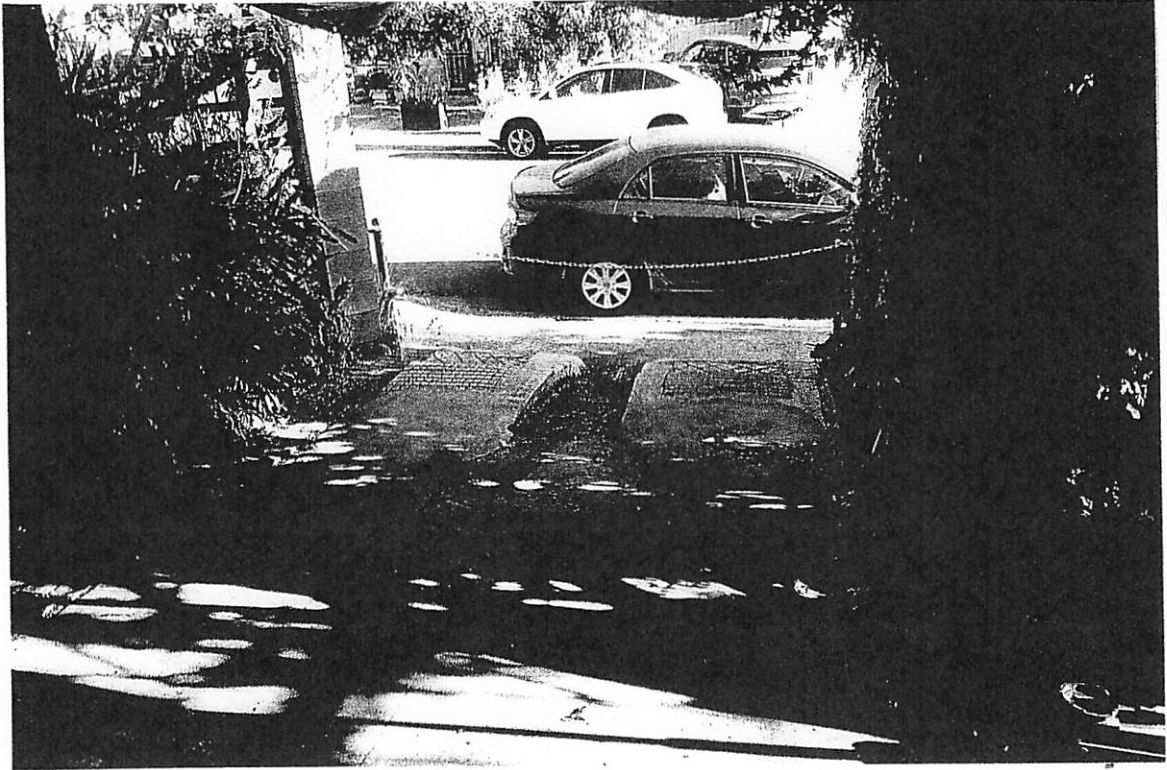
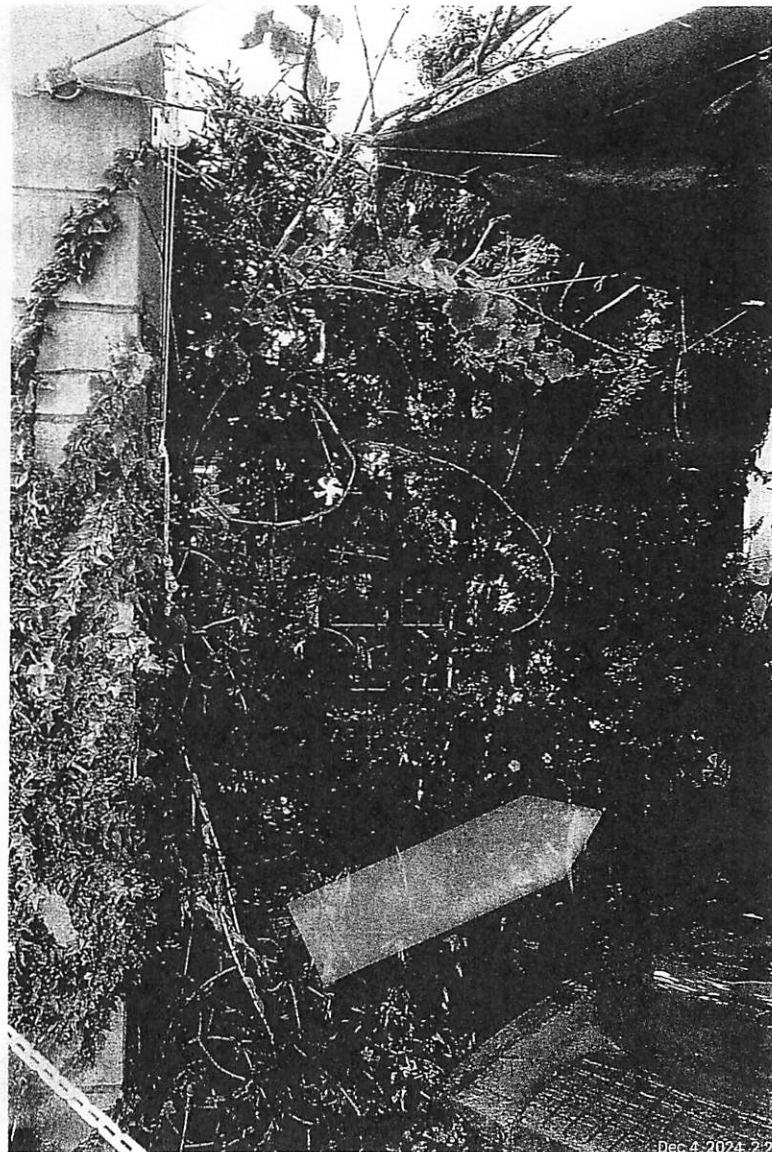
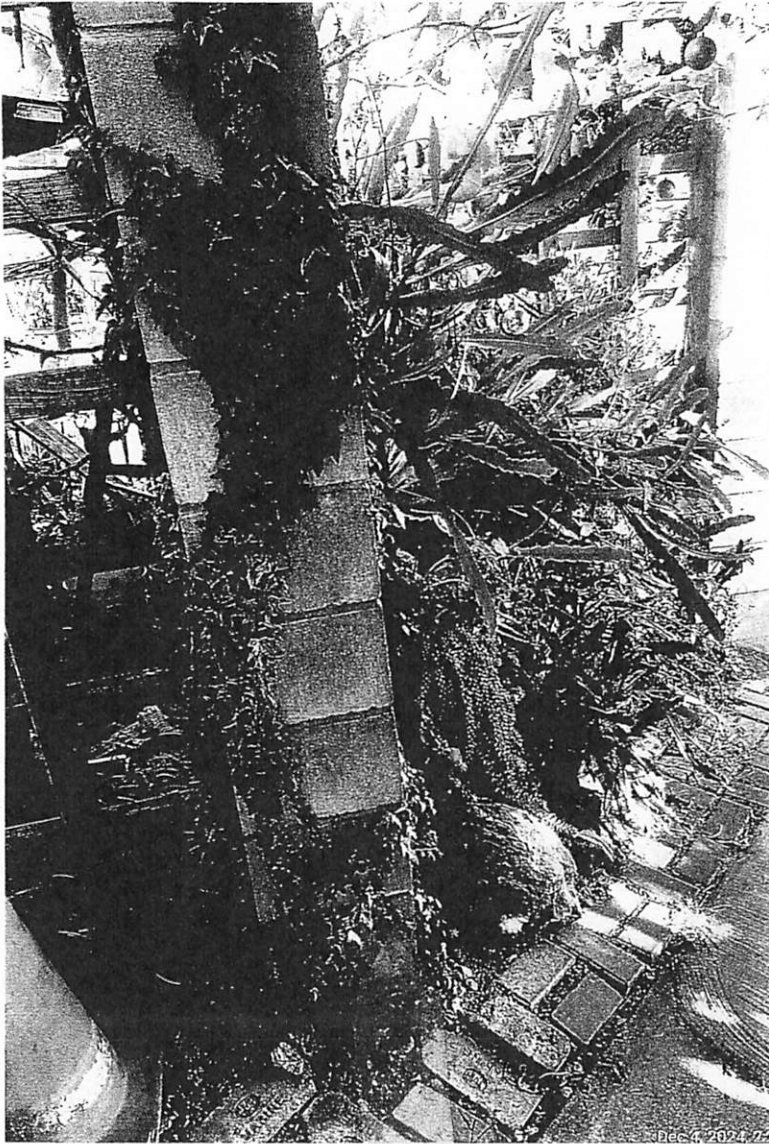


EXHIBIT ○

Photographs of Previous Home Projects Involving the Use of a Jackhammer,  
Conducted Without Any Complaints from Mr. Fraser



192  
[redacted] at [redacted] City, CA  
[redacted] Block, D-9 City of San Diego, Div-

Part 4 of the County of San Diego, describe the following:

1. Primary Business Type, Non-Metallic Mineral Product

Manufacturing AKA Ceramics Manufacturing and Ceramics  
Klein Industries <sup>by the City</sup> was approved beginning Dec. 17, 1951  
and continue to this day. Exh. A, Exh. B, Exh. C.

2. Avenue through research of studies explain the hazards in  
ceramic industry. Center for Disease and Control (CDC) applies  
in its Health Bulletin of 2000 that the repetitive heating/baking  
of clay with chemicals such as glazing (silica or nickel-lead) generate  
air particulate when inhaled or/for inhaled will potentially  
impact health of quality of humans. Exh. D

3. We began formal reporting on June 13, 2021, pandemic period  
to the local authorities: Police, Fire, HAZMAT, City Code Enforcement  
(Case Nos. issues), Office of Cong. Affairs, Office of Planning, Office  
of the City Manager, Sheriff, Council Committee (9), and APCD, at the  
request of supervisors County of SD. Reporting of allowing our client  
continue today.

4. For my wife, Paula A. Javier who began residency in  
1997 and in late 2012 both exposed to toxicity since  
a exists obstructing and depriving our right to enjoy life  
in our home.

5. Effective Nov. 28, 2022, the owner of ordered my brother  
Lorenzo Bander  
my order of further orders 6 months on Dec. 20, 2022.  
The case was dismissed June 20, 2023. My action was  
perceived by the owner was violent taken it was  
an ~~action~~ action of Citizens Arrest.  
G. Aguirre, effective Nov. 21, 2024 the owner of the business  
filed a complaint for false notice on negligence, trespass, and  
at the time of the hearing.

noise. The restraining order expires midnight of <sup>2027</sup> Nov. 21, 2027. Exh. D; Exh. E.

7. Ask the Political Leadership of the County the following:
- Repeal the mun. Code Rule Eleven (11) specifically paragraph 8, Exempting ceramics kiln from Permit in conjunction to Rule Ten(10) - PERMITS. It is not the fuel that directly source of toxicity such as wood, gas, or electric. It is the transformation from one state (clay mixed with chemicals and metals) to gaseous state through heating such as wood, <sup>or</sup> gas, <sup>or</sup> electric fuel. Note, APCD made the revision and adaptation effective 2022 deleting the word "wood" only. This Mun. Code Rule 11, was revised by the BLUE <sup>Pineria</sup> City of San Diego of effective 2022. Councilor D-9 where our community belongs and Mayor Gloria are both members of <sup>the</sup> Governing Board APCD (represented by 11 members, 8 govt/elected officials and 3 public professionals (doctor, scientist, Engineer))
  - Help us conduct investigation on our social equity issue. We filed motion for consideration of the Case 24CU01853SC - Fraser v. Xavier on Friday, (Nov. 29, 2024 receipt of Court Order) Dec. 5, 2024.

Exh. F - Motion for Reconsideration. The perceived abuse by the owner of the business is unfair, unjust. My playing of the radio and usage of jackhammer are normal activities in the neighborhood. My jackhammer use is reasonable <sup>tool in diggi</sup> because of the river bed soil with stones ground in our property common to the community. Owner was never heard of complaining <sup>noise of</sup> air plane, helicopter, public repairs, <sup>usual work</sup> normal parties, dog parkings midnights, <sup>noisy</sup> fast <sup>constr</sup> mobility of other loud producing sounds in our community.

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: Dec. 11, 2024

MARY B. JAMES  
 CESSAL B. JAVIER





CITY OF SAN DIEGO

05/16/2024

OFFICE OF THE CITY TREASURER  
BUSINESS TAX PROGRAM  
PO BOX 122289  
SAN DIEGO CA 92112-2289  
(619) 615-1500 8:00 a.m. - 5:00 p.m. M-F

**REQUEST FOR BUSINESS TAX INFORMATION FORM**

Request Date: 05/16/2024  
Business Tax Cert#: [REDACTED]  
Business Name: DONALD FRASER  
Business Owner Name: FRASER DONALD  
Ownership Type: SOLE PROPRIETORSHIP  
Business Start Date: 12/17/1984  
Expiration Date: 12/31/2024  
Account Status: ACTIVE  
Fee Status: PAID  
Primary Business Type: NONMETALLIC MINERAL PRODUCT MFG  
Secondary Business Type:  
Processing User Id: AALANIS

**Business Address**

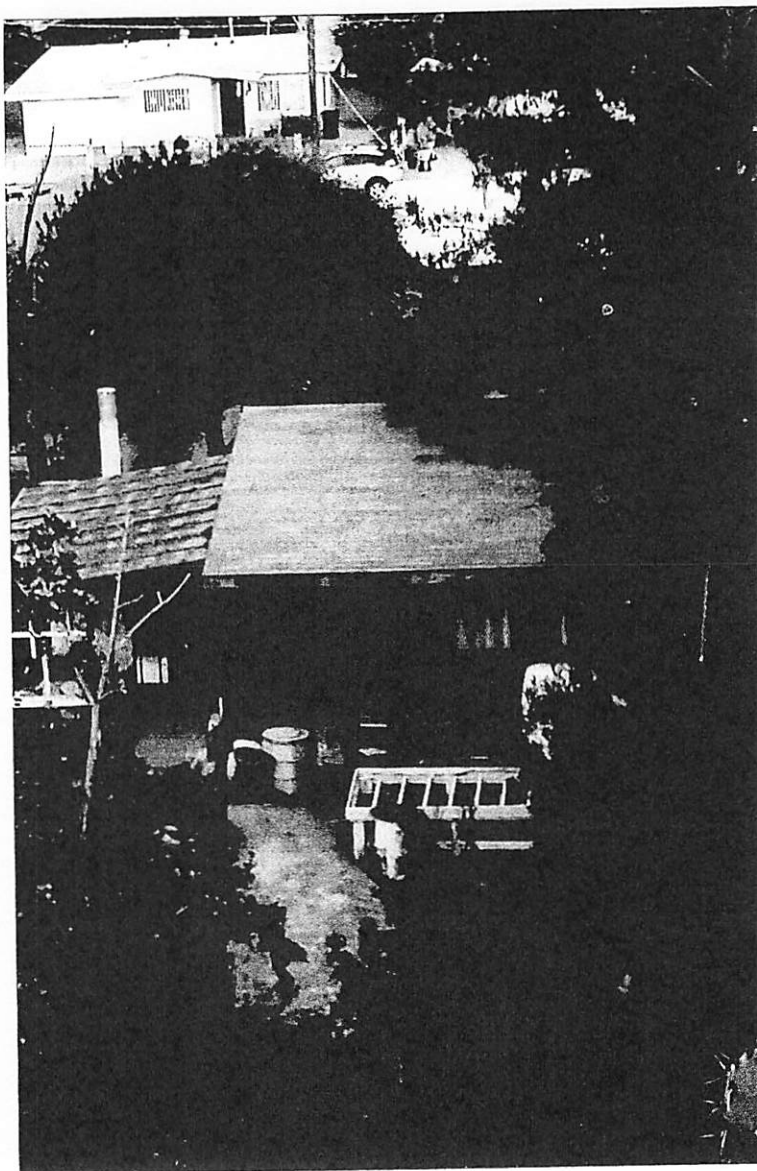
[REDACTED]

**Ownership Information**

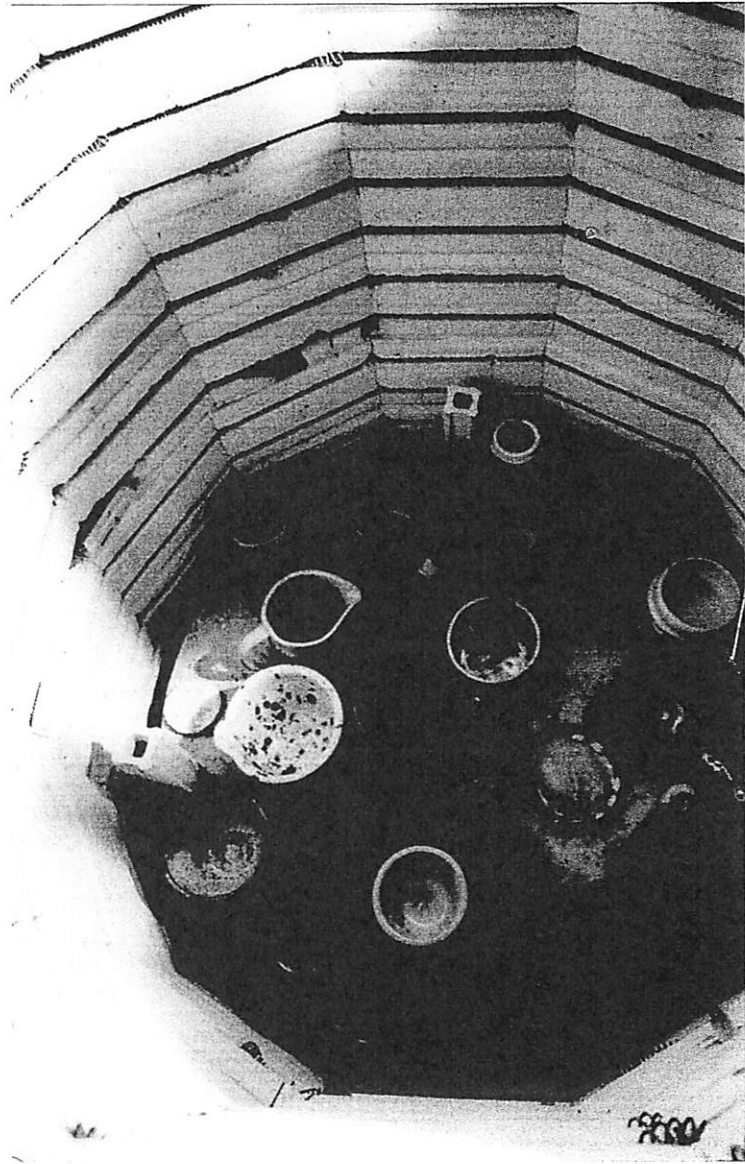
<u>Name</u>	<u>Role</u>
DONALD FRASER	OWNER



Exh. B



Exh. C



Exh. D,



12/3/2024

Re: Cesar Javier

[Redacted]

To whom it may concern,

Patient Cesar Javier is a 73 year old male is under my care. He has been diagnosed with a medical condition that can be worsened due to fear of exposure to air pollution and is high risk to develop complications due to this.

This letter was made with his consent.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrelee Garcia Taganas".

ANDRELEE GARCIA TAGANAS MD

[Redacted]

**FMH Letter**

**Name:** BARBER, PURITA A.  
**MRN#:** 1892730

**DOB:** 04/07/1938  
**Gender:** F

**Note Owner:** SUSETTE KIMBERLY VAR M.D.  
**Specialty:** Family Medicine  
**Date of Encounter:** 05/10/2023

To whomever it may concern:

Ms. Purita Javier (Barber) has been my patient since 2/2018. Prior to seeing me, she has been a patient at our practice since at least 2005. I am writing this letter on the request of her and her significant other for symptoms secondary to environmental exposure.

My patient has been living at her current residence since 1997. Nearby neighbors have a ceramic kiln. We suspect patient has been having chronic headaches related to this exposure. Headaches are a nonspecific symptom that can develop in those sensitive to airborne contaminants. There is no testing for this however, just symptoms upon exposure. She also has significant anxiety in regards to this concern and has been seen by us in the office and at the emergency department multiple times for respiratory and for cardiac symptoms. This psychological distress has given rise to palpitations and elevated blood pressure as well.

This is my assessment of her chronic conditions and likely contributors.

Thank you for considering,



Electronically signed by: SUSETTE KIMBERLY VAR M.D. May 10 2023 1:54PM PST Author

**This document is privileged and confidential, and is intended for those individuals personally involved in the care of individual patients who may be identifiable from this information. All other use or disclosure is strictly prohibited unless specifically and legally authorized.**

EA-130

Elder or Dependent Adult Abuse Restraining Order After Hearing

Clerk stamps date here when form is filed.

FILED
Clerk of the Superior Court
NOV 21 2024
By: J Montano Deputy

Person in (1) must complete (1), (2), and (3) only.

(1) Elder or Dependent Adult Seeking Protection

a. Full Name: Donald Fraser

Name of person asking for the protection, if different (This is the person named in item (3) of the request (form EA-100).)

Full Name:

Lawyer for person named above (if any for this case):

Name: In Pro Per 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:

City: San Diego State: CA Zip:

Telephone: Fax:

Email Address:

Fill in court name and street address:

Superior Court of California, County of San Diego
Hall of Justice Courthouse
330 West Broadway
San Diego 92101

Court fills in case number when form is filed.

Case Number: 24CU018538C

(2) Restrained Person

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: Cesar B. Javier \*Age: 73 Date of Birth: Unknown
\*Race: Filipino Height: 5'5" Weight: 160 lbs Hair Color: Balding Eye Color: Unknown
\*Gender: [X] M [ ] F [ ] Nonbinary Home Address:
City: San Diego State: CA
Relationship to Protected Person: Respondent is my neighbor.

(3) [X] Additional Protected Persons

In addition to the elder or dependent adult named in (1), the following family or household members or conservator of the elder or dependent adult named in (1) are protected by the orders indicated below:

Table with columns: Full Name, Gender, Age, Lives with Person in (1)?, Relation to Person in (1). Row: Evelyn Fraser, F, 69, [X] Yes [ ] No, Wife.

[ ] Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

(4) Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: [ ] a.m. [ ] p.m. [X] midnight on (date): 11-21-2027

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

5 Hearing

- a. There was a hearing on (date) NOV 12 2024 at (time): 11AM in Dept.: 61 Room: \_\_\_\_\_  
(Name of judicial officer): REBECCA F. ZIPP made the orders at the hearing.
- b. These people were at the hearing:
- (1)  The elder or dependent adult in need of protection
  - (2)  The lawyer for the elder or dependent adult (name): \_\_\_\_\_
  - (3)  The person in ① asking for protection (if not the elder or dependent adult)
  - (4)  The lawyer for the person in ① asking for protection (name): \_\_\_\_\_
  - (5)  The person in ②
  - (6)  The lawyer for the person in ② (name): \_\_\_\_\_
  - Additional persons present are listed at the end of this Order on Attachment 5.
- c.  The hearing is continued. The parties must return to court on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

To the Person in ②:

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

6  Personal Conduct Orders

- a. You must not do the following things to the elder or dependent adult named in ①
- and to the other protected persons listed in ③:
  - (1)  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.
  - (2)  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 interoffice mail, by email, by text message, by fax, or by other electronic means.
  - (3)  Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
  - (4)  Other (specify): \_\_\_\_\_  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- 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.

7  Stay-Away Orders

- a. You must stay at least 100 yards away from (check all that apply):
- (1)  The elder or dependent adult in ①.
  - (2)  Each person in ③.
  - (3)  The home of the elder or dependent adult.
  - (4)  The job or workplace of the elder or dependent adult.
  - (5)  The vehicle of the elder or dependent adult.
  - (6)  Other (specify): \_\_\_\_\_
- Stay away order reduced to 5 yards when Respondent is lawfully accessing his legal residence and surrounding areas
- 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.



8  **Move-Out Order**

You must immediately move out from and not return to (address):

\_\_\_\_\_

\_\_\_\_\_ and must take only the personal clothing and belongings you need.

9  **Order for Counseling or Anger Management**

a. The person in ② is ordered to attend:

clinical counseling for \_\_\_\_\_ (specify number) sessions; or

an anger management course

provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).

b. The person in ② must schedule clinical counseling or enroll in an anger management course by (date): \_\_\_\_\_, or if no date is listed, within 30 days after this order is made. The person in ② is ordered to file written proof of scheduling or enrollment with the court.

c.  Written proof of completion of the ordered number of clinical counseling sessions or written proof of completion of the court-ordered anger management course must be filed with the court by (date): \_\_\_\_\_, or the person in ② must appear for a court date on

(date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

10  **No Firearms (Guns), Firearm Parts, or Ammunition**

**This Order must be granted unless the abuse is financial only.**

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

(4) Body armor.

c. If you have not already done so, you must:

- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order. This includes body armor.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.) This includes body armor.

d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition. Or body armor.

**This is a Court Order.**



10 e.  The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in 2 is not required to relinquish this firearm (specify make, model, and serial number of firearm): \_\_\_\_\_

The firearm must be in the physical possession of the person in 2 only during scheduled work hours and during travel to and from their place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

11 Financial Abuse

This case  does not  does involve solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

12  Possession and Protection of Animals

a.  The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.  
(Identify animals by, e.g., type, breed, name, color, sex.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  The person in 2 must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

13  Specific Debts

The court finds (decides) that the following debts were incurred as a result of financial abuse of the person in 1 by the person in 2.

<u>Money Owed To:</u>	<u>For:</u>	<u>Amount:</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Additional debts are attached at the end of this Order on Attachment 13.

14  Lawyer's Fees and Costs

You must pay to the person in 1 the following amounts for  lawyer's fees  costs:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 14.

**This is a Court Order.**



4



15  Other Orders (specify):

~~Between 8:00 pm and 8:00 am. Limit the volume of all spoken word and/or musical sounds, produced by you or by an electronic or digital device, and/or by any musical instrument, under your possession and control, to 50 decibels or lower.~~

~~Between 8:00am and 8:00 pm. Limit the volume of all spoken word and/or musical sounds, produced by you or by an electronic or digital device, and/or by any musical instrument, under your possession and control, to 60 decibels or lower.~~

Additional orders are attached at the end of this Order on Attachment 15.

**To the Person in 1:**

16 **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, you or your lawyer should deliver a copy of the Order and its proof of service form to the law enforcement agency 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 16.

17 **Service of Order on Restrained Person**

- a.  The person in 2 personally attended the hearing, either physically or remotely (by telephone or videoconference). ~~No other proof of service is needed.~~ \*SEE MINUTE ORDER AS ATTACHED RE: PROOF OF SERVICE
- b.  The person in 1 was at the hearing. The person in 2 was not.
  - (1)  Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form EA-110 except for the end date. The person in 2 must be served with this Order. Service may be by mail.
  - (2)  Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in form EA-110. Someone—but not anyone in 1 or 3—must personally serve a copy of this Order on the person in 2.

18 **No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this Order, they will do so for free.

19 Number of pages attached to this Order, if any: \_\_\_\_\_

Date: NOV 21 2024

Judicial Officer **REBECCA F. ZIPP**

**This is a Court Order.**



**Warning and Notice to the Restrained Person in ②:****You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition** This includes body armor.

If the court grants the orders in ⑩ on page 3 (unless item 10e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 10b on page 3 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 firearms (guns) and firearm parts that you have or control as stated in ⑩. The court will require you to prove that you did so.

**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 Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing (see ⑰), 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 Order**

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

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

**Notice/Proof of Service**

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing (see ⑰) or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

**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).)

**This is a Court Order.**

**Instructions for Law Enforcement**

**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate  
[seal]

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

I certify that this *Elder or Dependent Adult Abuse Restraining Order After Hearing* is a true and correct copy of the original on file in the court.



Date NOV 21 2024

Clerk, by 

J. Montano, Deputy

**This is a Court Order.**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 11/21/2024

TIME: 5:00 PM

DEPT: C-61

JUDICIAL OFFICER: REBECCA ZIPP  
CLERK: Jerry Montano  
REPORTER/ERM: Not Reported  
BAILIFF/COURT ATTENDANT:

CASE NO: **24CU018538C** CASE INIT.DATE: 10/22/2024

CASE TITLE: **Fraser vs Javier**

CASE CATEGORY: Civil CASE TYPE: (U)Petition: Elder/Dependent Adult Abuse

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**HEARING TYPE:** Hearing on Restraining Order

**MOVING PARTY:**

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**APPEARANCES**

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No appearance by any party.

The Court having previously taken this matter under submission on 11/12/24, fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Religious music, including music with no lyrics, is protected speech under the First Amendment. (*Nurre v. Whitehead* (9th Cir. 2009) 580 F.3d 1087, 1093.) While any prior restraint on protected speech comes with a heavy presumption against its constitutional validity (*Southeastern Promotions, Ltd. v. Conrad* (1975) 420 U.S. 546, 558), "the government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." (*Ward v. Rock Against Racism* (1989) 491 U.S. 781, 791 (internal citations omitted.)) Moreover, Respondent's right of free speech does not trump Petitioner's right to prohibit disruptive conduct on his property. (*Church of Christ in Hollywood v. Superior Court* (2002) 99 Cal.App.4th 1244, 1252.)

Here, Petitioner complains that Respondent has been playing loud music, banging a drum, shouting, playing the radio in his yard, jackhammering, and "preaching at all hours of the day" loudly enough to disrupt Petitioner's quiet enjoyment of his home. Respondent is free to engage in religious expression in public fora and within his own house provided that such expression is quiet enough to avoid disturbing Petitioner. Respondent, however, is *not* free to interfere with Petitioner's quiet enjoyment of his home.

Despite Respondent's arguments that playing religious music and preaching loudly next to and in front of Petitioner's home is an exercise of his First Amendment rights, "[i]t is not contemplated by freedom of religion that one should be so free in the promulgation of his religious views that he can exercise unlawful force in his efforts to destroy the religious views of another." (*Church of Christ in Hollywood, supra*, 99 Cal.App.4th at 1254 (quoting *Hill v. State* (Ala.Crim.Ct.App.1979) 381 So.2d 206, 211–212.)) Based on the facts laid out in the Petition here, Respondent's conduct impairs Petitioner's ability to worship or not worship in the manner he chooses. Thus, the court has a compelling and legitimate reason to enjoin his behavior.

Therefore, the court GRANTS Petitioner's request for an elder abuse restraining order.

Restraining order as requested against Cesar B Javier is granted with a 100 yards stay away order to expire 11-21-2027.

The Court orders Cesar B Javier not to physically or financially abuse, intimidate, contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, keep under surveillance, block movements, destroy the personal property, or take any action to obtain the addresses or locations of Evelyn Fraser, and Donald Fraser.

The Court orders that Cesar B Javier: cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm; must sell to a licensed gun dealer or turn in to police any guns that he/she possesses or controls and this must be done within 24 hours of being served with this order; must file a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. In addition, you are prohibited from purchasing, owning, or possessing body armor.

Order signed and filed.

The court directs the clerk of court to mail a copy of the minute order and the elder abuse restraining order to Petitioner and to Respondent. Petitioner must have Respondent personally served with both documents and file proof of service with the court.

*Rebecca Zipp*

---

Judge Rebecca Zipp

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

Central  
330 W. Broadway  
San Diego CA 92101

**SHORT TITLE: FRASER VS JAVIER**

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:**

**24CU018538C**

I certify that I am not a party to this cause. I certify that a true copy of minute order dated 11/21/24 and form EA-130 dated 11/21/24 was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California on 11/22/2024.

Clerk of the Court, by: J. Montano, Deputy

DONALD FRASER



CESAR B JAVIER



**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

Clerk stamps date here when form is filed.

**FILED**  
Clerk of the Superior Court

**OCT 22 2024**

By: E. Reyes, Deputy

**1 Elder or Dependent Adult in Need of Protection**

a. Full Name: Donald Fraser

Person requesting protection for the elder or dependent adult, if different (person named in item 3 of form EA-100):

Full Name: \_\_\_\_\_

Lawyer for person named above (if any for this case):

Name: In Pro Per State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you 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: \_\_\_\_\_

City: San Diego

State: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of San Diego**  
Hall of Justice Courthouse  
330 West Broadway  
San Diego CA 92101

Court fills in case number when form is filed.

Case Number:  
**24CU018538C**

**2 Person You Want Protection From**

Full Name: Cesar B. Javier

*The court will complete the rest of this form.*

**3 Notice of Hearing**

A court hearing is scheduled on the request for restraining orders against the person in 2:

<b>Hearing Date</b>	Date: <u>11/12/24</u>	Time: <u>9:00 am</u>	Name and address of court if different from above:
	Dept.: <u>C-61</u>	Room: _____	For hearing appearance information please visit <a href="http://www.sdcourt.ca.gov">www.sdcourt.ca.gov</a>

To the person in 2:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

**4 Temporary Restraining Orders** (Any orders granted are on form EA-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-100, Request for Elder on Dependent Adult Abuse Restraining Orders, are (check only one box below):

(1)  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.)



4 Temporary Restraining Orders (Continued)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form EA-100, Request for Elder or Dependent Adult Abuse Restraining Orders, are:

(1)  The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in 2.

(2)  Other (specify):  As stated on Attachment 4b.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

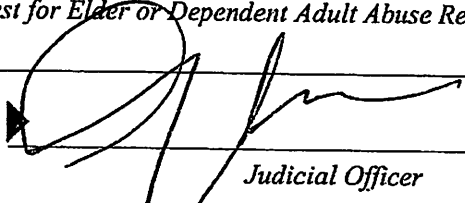
\_\_\_\_\_

5 Service of Documents by the Person in 1

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 EA-109, Notice of Court Hearing, to the person in 2 along with a copy of all the forms indicated below:

- a. EA-100, Request for Elder or Dependent Adult Abuse Restraining Orders (file-stamped)
- b.  EA-110, Temporary Restraining Order (file-stamped) IF GRANTED
- c. EA-120, Response to Request for Elder or Dependent Adult Abuse Restraining Orders (blank form)
- d. EA-120-INFO, How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?
- e.  Other (specify): \_\_\_\_\_

Date: 10-22-24



Judicial Officer JOHN S. MEYER

To the Person in 1:

- The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form EA-200, Proof of Personal Service, may be used.
- For information about service, read form EA-200-INFO, What Is "Proof of Personal Service"?
- You may ask to reschedule the hearing if you are unable to find the person in 2 and need more time to serve the documents, or for other good reasons. Read form EA-115-INFO, How to Ask for a New Hearing Date.
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-100, Request for Elder or Dependent Adult Abuse Restraining Orders. Bring any evidence or witnesses you have. For more information, read form EA-100-INFO, Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?





**To the Person in 2 :**

- If you want to respond to the request for orders in writing, file form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form EA-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 five years and may order you to sell or turn in any firearms (guns) and firearm parts that you own or possess. 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).**
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-115-INFO, *How to Ask for a New Hearing Date*.



**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](http://www.courts.ca.gov/forms) for *Disability Accommodation Request* (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: OCT 22 2024 Clerk, by M. [Signature] M. GUNDT, Deputy

**Request for Elder or Dependent Adult Abuse Restraining Orders**

Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

**1 Elder or Dependent Adult in Need of Protection**

Full Name: Donald Fraser  
Gender:  M  F  Nonbinary Age: 69

**2 Person From Whom Protection Is Sought**

Full Name: Cesar B. Javier  
Address (if known): [REDACTED]  
City: San Diego State: [REDACTED]

**3 Person Requesting Order**

Who is asking the court for protection? (Check a, b, or c):

- a.  The elder or dependent adult named in **1**.
- b.  Name: \_\_\_\_\_  
 conservator of the  person  estate  person and estate  
 of the person named in **1**, appointed by (name of court): \_\_\_\_\_  
 Case No.: \_\_\_\_\_

c.  Other (name) \_\_\_\_\_  
(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use form MC-025, Attachment.)

**4 Contact Information**

Contact information for the person asking the court for protection

- a. Your Lawyer (if you have one for this case)  
 Name: In Pro Per 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. The person in **1** does not have to give telephone, fax, or email.)  
 Address: [REDACTED]  
 City: San Diego State: [REDACTED]  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

Clerk stamps date here when form is filed.

**FILED**  
Clerk of the Superior Court

OCT 22 2024

By: M. Estrada, Deputy

Fill in court name and street address:

Superior Court of California, County of San Diego  
Hall of Justice Courthouse  
330 West Broadway  
330 West Broadway  
San Diego CA 92101

Court fills in case number when form is filed.

Case Number: **24CU018538C**

**This is not a Court Order.**



**5 Description of Protected Person**

The person named in ① (check a or b):

- a.  Is age 65 or older and a resident of California.
- b.  Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.)

**6 Additional Protected Persons**

a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in ①?  Yes  No (If yes, list them):

Full Name	Gender	Age	Relation to person in ①?	Lives with person in ①?
Evelyn Fraser	F	69	Wife	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

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

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 6b—Why Others Need Protection" for a title.

I fear for their safety.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7 Relationship of Parties**

How does the person in ① know the person in ②? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7—Relationship of Parties" for a title.

Respondent is my neighbor.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is not a Court Order.**



**8 Description of Abuse**

a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in (2) abused the person in (1).

(1) When did it happen? (Provide date or estimated date): 10/22/2024

(2) Who else was there?

My wife

(3) Describe what happened below.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(3)—Describe Abuse" for a title.

Please see attached Declaration.

(4) Was the abuse **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

Yes, only financial abuse.  No, the abuse included other forms of abuse described above.

(5) Did the person in (2) use or threaten to use a gun or any other weapon?

Yes  No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(5)—Use of Weapons" for a title.

(6) Was the person in (1) harmed or injured as a result of the acts of abuse described above?

Yes  No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(6)—Harm or Injury" for a title.

Substantial emotional distress. Please see attached Declaration.

(7) Did the police come?  Yes  No

If yes, did they give the person in (1) or the person in (2) an Emergency Protective Order?  Yes  No

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

the person in (1)  the person in (2)  the persons in (6).

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

**This is not a Court Order.**



8 c. Is the person in 2 a care custodian who deprived the person in 1 of (kept from the person, did not allow the person to have or receive, or did not provide the person with) goods or services that the person needed to avoid physical harm or mental suffering?  Yes  No  
*(If yes, describe below what the person was deprived of and how that affected the person):*  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Deprivation by Care Custodian" for a title.

d. Has the person in 2 abused the person in 1 at other times?  
 Yes  No *(If yes, describe prior incidents and provide dates below):*  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8d—Previous Abuse" for a title.  
**Please see attached Declaration.**

9 **Venue**

Why are you filing in this county? *(Check all that apply):*  
 a.  The person in 2 lives in this county.  
 b.  The person in 1 was abused by the person in 2 in this county.  
 c.  Other *(specify):*

10 **Other Court Cases**

a. Has the person in 1 or any of the persons named in 6 been involved in another court case with the person in 2?  No  Yes *(If yes, specify the kind of each case and indicate where and when each was filed):*

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input checked="" type="checkbox"/> Elder or Dependent Adult Abuse	San Diego / CA	2022	37-2022-00047489-CU-HR-CTL
(2)	<input type="checkbox"/> Civil Harassment			
(3)	<input type="checkbox"/> Domestic Violence			
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation			
(5)	<input type="checkbox"/> Paternity, Parentage, Child Custody			
(6)	<input type="checkbox"/> Eviction			
(7)	<input type="checkbox"/> Guardianship			
(8)	<input type="checkbox"/> Workplace Violence			
(9)	<input type="checkbox"/> Small Claims			
(10)	<input type="checkbox"/> Criminal			
(11)	<input type="checkbox"/> Other <i>(specify):</i>			

b. Are there now any protective or restraining orders in effect relating to the person in 1 or any of the persons named in 6 and the person in 2?  No  Yes *(If yes, attach a copy if you have one.)*

**This is not a Court Order.**

**16**  **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form EA-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in (2) been told that you were going to go to court to seek a TRO against them?

- Yes  No (If you answered no, explain why below):
- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Temporary Restraining Order" for a title.

I avoid all contact with Respondent.

**17**  **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Read form EA-200-INFO, What Is "Proof of Personal Service"?, to learn about serving legal papers. Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be less than five days between service and the hearing, explain why:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title.

**18**  **Debts Caused by Financial Abuse**

You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in (2)'s financial abuse. This may help you defend against the debt if you are sued in another case.

- a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in (2)'s financial abuse.

- Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title.

	<u>Money Owed To</u>	<u>For</u>	<u>Amount</u>
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____

- b. Describe what the person in (2) did to cause the debts and bills that you listed above. Provide as much detail as you can about the person in (2)'s financial abuse.

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 18b—How Debt Was Incurred" for a title.

**This is not a Court Order.**



**19**  **Lawyer's Fees and Costs**

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>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 19—Lawyer's Fees and Costs" for a title.

**20**  **Possession and Protection of Animals**

I ask the court to order the following:

- a.  That the person in **1** be given the sole possession, care, and control of the animals listed below, which they own, possess, lease, keep, or hold, or which reside in their household.  
(Identify animals by, e.g., type, breed, name, color, sex.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I request sole possession of the animals because (specify good cause for granting order):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 20a—Possession of Animals" for a title.

\_\_\_\_\_  
\_\_\_\_\_

- b.  That the person in **2** must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**21** **No Fee to Serve Orders** If you want the sheriff or marshal to serve (notify) the person in **2** about the orders for free, ask the court clerk what you need to do.

**This is not a Court Order.**



22  **Additional Orders Requested**

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

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 22—Additional Orders Requested" for a title.

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23 Number of pages attached to this form, if any: 3

Date: \_\_\_\_\_

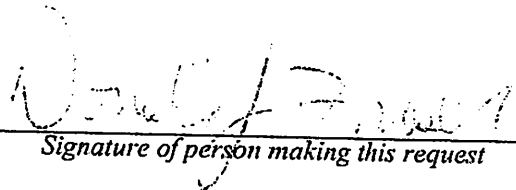
In Pro Per \_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*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: 10/22/2024

Donald Fraser  
*Type or print your name*

▶   
*Signature of person making this request*

**This is not a Court Order.**



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <u>Donald Fraser</u>  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): <u>In Pro Per</u>		FOR COURT USE ONLY  <b>FILED</b> Clerk of the Superior Court OCT 22 2024 By: M. Estrada, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: <u>330 West Broadway</u> MAILING ADDRESS: <u>330 West Broadway</u> CITY AND ZIP CODE: <u>San Diego 92101</u> BRANCH NAME: <u>Hall of Justice Courthouse</u>		
PLAINTIFF/PETITIONER: <u>Donald Fraser</u> DEFENDANT/RESPONDENT: <u>Cesar B JAVIER</u>		
DECLARATION		CASE NUMBER: <u>24CU018538C</u>

Donald Fraser, declare as follows: I am the Petitioner in this matter and I am not represented by legal counsel. I am asking the court for a restraining order against Cesar B JAVIER

MOST RECENT HARASSMENT:  
 The last time this person harassed me was: 10-22-2024 (date).

Who else was there? wife, my wife

How did this person harass you? repeated playing of RADIO in  
OUT DOOR LOCATIONS - ~~that~~ Loud enough to  
be HEARD all over YARD AND in HOOPS with  
Windows shut. Behavior has been going on  
to - weeks / months / - this is the 2nd TIME  
I've filed a harassment suite

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10-22-2024

Donald Fraser  
 (TYPE OR PRINT NAME)

Donald Fraser  
 (SIGNATURE OF DECLARANT)

- Attorney for     Plaintiff     Petitioner     Defendant  
 Respondent     Other (Specify):

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER: 24CU018538C
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DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

Did the person use or threaten to use a gun or any other weapon? NO

Were you harmed or injured as a result of Respondent's harassment? YES - MENTAL TORTURE  
wife is now seeing PSYCHIATRIC COUNSELING

Did the police come? LC. If so, do you have an incident number or event number? \_\_\_\_\_

If so, did they give you an Emergency Protective Order? \_\_\_\_\_

If so, does the EPO protect you or somebody else? \_\_\_\_\_

PRIOR HISTORY OF HARASSMENT:

Has the same person harassed you on other occasions? YES - SECOND CASE

If so, describe the additional incidents of harassment: BRAGGING DOWN-LOAD CALLING  
SOLICITING NEIGHBORS AGAINST WIFE AND I.  
WE WON THE FIRST CASE AND HE BEHAVED  
FOR A YEAR OR SO. NOW BEHAVIOR IS RAMPING  
UP. HAS A HISTORY OF PROTESTING AT PUBLIC  
MEETING MEETINGS (SEEN ON TV - PUBLIC ACCESS CHANNEL)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10-22-2024

DONALD J. FRASER  
(TYPE OR PRINT NAME)

Donald J. Fraser  
(SIGNATURE OF DECLARANT)

- Attorney for  Plaintiff  Petitioner  Defendant
- Respondent  Other (Specify):

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER: 24CU018538C
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DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

~~Mr. [unclear]~~ neighbor had been  
 blaming me for poison and ~~stuff~~  
 I have a pottery kiln on my yard.  
 I haven't even used it in over a year.  
 He has been playing loud "Bible" music  
 and preaching at all hours of the day.  
 12 hours straight radio in yard as  
 next to our house within ten feet of our  
 bedroom and living areas.

He has also been jack hammering the  
 foundation to the cement block wall on our  
 property line - interrupting the grade and  
 drainage of our lots.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/22/2024

DONALD J. FRASER

(TYPE OR PRINT NAME)

*Donald J. Fraser*

(SIGNATURE OF DECLARANT)

- Attorney for
- Plaintiff
- Petitioner
- Defendant
- Respondent
- Other (Specify):