

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">APR 12 2013</div>
COURTHOUSE ADDRESS: <u>111 N. Hill St LA CA 90012</u>		BY <u>JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK</u> Deputy <u>Gina Grider</u>
PLAINTIFF: <u>World Mission Society Church of God</u>		
DEFENDANT: <u>Sims</u>		
CIVIL DEPOSIT		CASE NUMBER BC 505762

Clerk: Prepare a form for each depositor paying separately.

PLEASE REPORT TO THE CLERK'S OFFICE/CASHIER:

☐ Room 102, Central Civil
 ☐ Clerk's Office, Room _____
 ☐ Department Number 41

✓	Service Codes	Amt. Due	✓	Service Codes	Amt. Due
<input type="checkbox"/>	251 DAILY JURY FEES Dates: _____ # of day(s) _____ X \$ _____		<input type="checkbox"/>	74 DEPOSIT IN TRUST	
<input type="checkbox"/>	72 JURY FEES Trial Date: _____ (Initial Deposit) \$ _____ REPORTER'S FEES Dates: _____ # of 1/2 day(s) _____ X \$ _____		<input type="checkbox"/>	101 FIRST PAPERS (General Jurisdiction)	
<input type="checkbox"/>	253 Half day		<input type="checkbox"/>	131 FIRST PAPERS Limited over \$10,000	
<input type="checkbox"/>	252 Full Day		<input type="checkbox"/>	141 With declaration Limited to \$10,000 (Per B&P 6322.1(a))	
<input type="checkbox"/>	721 SANCTIONS ORDERED ON Date: _____		<input type="checkbox"/>	130 Limited to \$10,000.	
<input type="checkbox"/>	213 MOTION/APPLICATION TO CONTINUE HEARING		<input type="checkbox"/>	211 RECLASSIFICATION FEE	
<input checked="" type="checkbox"/>	200 MOTION/APPLICATION TO CONTINUE TRIAL	600-	<input type="checkbox"/>	150 COMPLEX LITIGATION TRIAL/Plaintiff	
<input type="checkbox"/>	Other: _____		<input type="checkbox"/>	151 COMPLEX LITIGATION//Defendant	

To be paid via: ☐ Cash ☐ Check ☐ Certified Check/Money Order ☒ Credit Card

☐ On or before: _____ ☐ Forthwith

Payment will be made by ☐ Plaintiff _____ ☐ Defendant _____

JOHN A. CLARKE, Executive Officer/Clerk

DATED: _____

BY: _____
Deputy Clerk

TO BE COMPLETED BY DEPOSITOR	CASHIER'S VALIDATION
Depositor's Name: <u>Freedman & Taitelman LLP</u> <input type="checkbox"/> Plaintiff in Pro Per <input type="checkbox"/> Defendant in Pro Per <input checked="" type="checkbox"/> Counsel for <input checked="" type="checkbox"/> Plaintiff <u>World Mission Society Church of God</u> <div style="text-align: center;">Name of Party</div> <input type="checkbox"/> Defendant _____ <div style="text-align: center;">Name of Party</div>	RECEIPT #: CCH507417008 DATE PAID: 04/12/13 08:27 AM PAYMENT: \$60.00 RECEIVED: CHECK: \$0.00 CASH: \$0.00 CHANGE: \$0.00 CARD: \$60.00
Address of depositor: <u>1901 Avenue of the Stars, Ste 500</u> Street: <u>Los Angeles, CA 90067</u> City/State/Zip: _____	

LACIV 083 (Rev. 10/09)
LASC Approved 03-04

CIVIL DEPOSIT
Distribution: Original - Case File Copy - Customer

04/13/2013

LASC - FILINGS
111 N. HILL STREET
LOS ANGELES CA 90012

DATE PAID: 04/12/13 08:28 AM
RECEIPT #: CCH507417008

CIT/CASE: BC505762
LEA/DEF#:

PAYMENT:	\$60.00	310
RECEIVED:		
CHECK:		\$0.00
CASH:		\$0.00
CHANGE:		\$0.00
CARD:		\$60.00

04/13/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE

A. FAJARDO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff
Counsel

JORDAN SUSMAN

[X]

WORLD MISSION SOCIETY CHURCH OF

Defendant
Counsel

JEFF SIMS [X]

DIANE SIMS [X]

VS

VS

TAMMI STEFANO [X]

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE AND TEMPORARY RESTRAINING ORDER

The matter is called for hearing.

The Court has read and considered the above stated
Ex Parte Application.

The Court and Counsel confer.

Pursuant to the stipulation of the Defendants, the
Court orders the following:

The Defendants are not to interfere with the
congregations entrance and exit from the church,
they are to stand away from the front of the church
and they are to keep their voices down in a quiet,
non-offensive manner.

Notice is waived.

1 Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
3 1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
4 Telephone: (310) 201.0005
Facsimile: (310) 201.0045
5

6 Attorneys for Plaintiff
World Mission Society Church of God
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
10

11 WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
12 corporation,

13 Plaintiff,

14 vs.

15 DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,
16
17 Defendants.
18

Case No.

BC505762

**VERIFIED COMPLAINT FOR
INJUNCTIVE RELIEF**

91335
AL0040
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

APR 12 2013

JOHN A CLARKE, EXECUTIVE OFFICER/CLERK
BY Gina Grider Deputy

D41 Ronald M. Sohigian

RECEIPT #: CCH507417006
DATE PAID: 04/12/13 08:21 AM
PAYMENT: \$435.00
RECEIVED: 310

CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$435.00

CIT/CASE: BC505762
LEA/DEF#:

COMPLAINT

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

2
3
4
5
6
7
8
9
10
11
12

13

14

15

16
17
18

19
20
21

22
23
24
25

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

- 2
- 3
- 4

5
6

- 7
8
9

10
11
12
13

14
15
16

17
18
19
20

- 21
22
23
24
25
26

- 1 d. By yelling, chanting, and screaming loudly from the sidewalk adjacent to the Reseda
2 Church, the protestors disrupted Church members who had gathered outside on
3 Church property for Bible study classes;
- 4 e. By yelling, chanting, and screaming loudly from the sidewalk adjacent to the Reseda
5 Church, the protestors disrupted Church members who had gathered outside on
6 Church property for fellowship meetings;
- 7 f. By yelling, chanting, and screaming loudly from the sidewalk adjacent to the Reseda
8 Church, the protestors prevented children from gathering and playing peacefully in
9 the Reseda Church playground.

10 11. Plaintiff suffered irreparable injury, as its members' First Amendment rights of
11 peaceful assembly and religious worship were impeded and obstructed by the willful actions of
12 Defendants.

13 12. After Defendants' harassing actions on February 16, the Church erected a fence
14 around the Reseda Church. The fence was erected in an attempt to shield the Church and its
15 members from the harassing, annoying, intimidating, disruptive, and abusive behavior of the
16 protestors. Unfortunately, the fence did little to deter Defendants.

17 13. Two weeks later, on Saturday, March 2, 2013, Defendants returned, and continued
18 in their harassing, intimidating, annoying and disruptive ways. As the protestors could no longer
19 see Church members on the grounds of the Reseda Church, the protestors shouted, chanted, and
20 yelled even louder than before.

21 14. The Defendants returned to the Reseda Church every Saturday in March 2013 (i.e.,
22 March 9, 16, 23, and 30). In each instance, Defendants used tactics similar to those described
23 herein above to harass and intimidate Church members, and to disrupt worship services and
24 gatherings.

25 15. On April 6, 2013, Defendants protested outside the Sunland Church, using tactics
26 similar to those described herein above to harass Church members and to disrupt Church members
27 from gathering.
28

1 16. On the dates listed herein above, Defendants have repeatedly come onto Plaintiff's
2 property without the permission or consent of Plaintiff. In addition, as described herein,
3 Defendants have harassed and intimidated Church members coming and going to worship services.
4 Among other things, Defendants have congregated on the sidewalk in front of the driveway to the
5 Reseda Church and in front of the driveway to the Sunland Church so as to prevent cars from
6 entering and exiting the respective churches.

7 17. On the dates listed herein above, Defendants have disrupted assemblages of Church
8 members by shouting, yelling, chanting, and screaming at Church members who have gathered for
9 religious worship on Church property.

10 18. Defendants have gleefully trumpeted their ability to intimidate Church members and
11 disrupt the activities of the Church. Plaintiff is informed and believes and based thereon alleges
12 that, on or about March 26, 2013, in a forum on the website Examining World Mission Society
13 Church of God, Diane Sims posted the following: "The first Saturday after 1st service we spent 3
14 hours trying to get their attention. It worked the pastor moved them all into the sanctuary [sic].
15 They ended up putting a fence around the church so you could not see in or out! Those poor people
16 are trapped like rats, no way in or out except through the front doors." A true and correct copy of
17 the posting on the online forum (which can be found at
18 <http://www.examinthewmscog.com/forum/topic.php?id=4902>) is attached hereto as Exhibit 1
19 and incorporated by this reference.

20 19. Defendants have mocked the police for not protecting Church members. Plaintiff is
21 informed and believes and based thereon alleges that in the same online forum discussed herein
22 above, Diane Sims posted the following: "They also called the police the first time, and again the
23 following week but they don't come anymore. (hahaha)"

24 20. Plaintiff is suffering irreparable injury, as its members' First Amendment rights of
25 peaceful assembly and religious worship are being impeded and obstructed by the willful actions of
26 Defendants.

27 21. As demonstrated by the posting attached hereto as Exhibit 1, even Defendants
28 acknowledge the harm their actions are having on Plaintiff and Church members.

1 22. Defendants are acting maliciously and wantonly. They are deliberately violating the
2 constitutional rights of Plaintiff and seek to use a "heckler's veto" to prevent Church members
3 from worshipping in their chosen manner.

4 23. Defendants' actions as described herein violate California Penal Code section 302,
5 which states in pertinent part: "Every person who intentionally disturbs or disquiets any
6 assemblage of people met for religious worship at a tax-exempt place of worship, by profane
7 discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where the
8 meeting is held, or so near it as to disturb the order and solemnity of the meeting, is guilty of a
9 misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000), or by
10 imprisonment in a county jail for a period not exceeding one year, or by both that fine and
11 imprisonment."

12 24. Defendants' actions as described herein violate Los Angeles Municipal Code section
13 41.24, which prohibits trespassing on private property.

14 25. Defendants' actions as described herein violate Los Angeles Municipal Code section
15 116.01, which states in pertinent part: "[I]t shall be unlawful for any person to willfully make or
16 continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which
17 disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any
18 reasonable person of normal sensitiveness residing in the area."

19 26. Based upon the foregoing, Defendants' protest activities should be subject to
20 reasonable time, place, and manner restrictions which are compatible with (and do not disrupt)
21 Plaintiff's normal activities.

22 WHEREFORE, Plaintiff prays for judgment as follows:

23 1. That Defendants be temporarily restrained and preliminarily and permanently
24 enjoined from trespassing on Plaintiff's property, including but not limited to the Reseda Church,
25 the Sunland Church, and the LA Church;

26 2. That Defendants be temporarily restrained and preliminarily and permanently
27 enjoined from obstructing the ingress and egress by Church members who are attempting to enter
28 or exit Church property.

1 3. That Defendants be temporarily restrained and preliminarily and permanently
2 enjoined from congregating, marching, or otherwise protesting on the sidewalk adjacent to any
3 Church property. Instead, Defendants may congregate, march, and otherwise protest at an
4 alternative site on the sidewalk or paved shoulder area across the street from any Church property;

5 4. That Defendants be temporarily restrained and preliminarily and permanently
6 enjoined from shouting, yelling, or chanting in front of any Church property in a manner or at a
7 volume or decibel level that interferes with normal Church activities;

8 5. For attorneys' fees, to the extent provided by statute;

9 6. For costs of suit incurred herein; and

10 7. For such other and further relief as the Court may deem just and proper.

11
12 Dated: April 11, 2013

FREEDMAN + TAITELMAN LLP

13
14 By: _____

Jordan Susman
Attorneys for Plaintiff
World Mission Society Church of God

04/12/2013



Examining The World Mission Society Church Of God

- [Home](#)
- [Forum](#)
- [First Steps](#)
- [Who is Ahn Sahng Hong?](#)
- [Who is Zahng Gilt-Jah?](#)
- [Evidence](#)
- [Thought Reform](#)
- [RSS](#)
- [Former Member Testimony](#)
- [Non Thought](#)
- [In the News](#)
- [Links](#)
- [Mission](#)
- [Translate](#)
- [Contact](#)

Search... Search

Search Posts »

Select Language

Powered by Google Translate

Username

Password

[Register](#) or [log in](#) - [lost password?](#)

Log in »

☐ Remember me

EXAMINING THE WMSCOG FORUM » GENERAL

Los Angeles Passover, we need more people to protest with us today @ 3PM₍₃₈₎

posts) (12 voices)

- Started 2 weeks ago by Jubilee
- [Latest reply](#) from renita.payno

Tags:

No [tags](#) yet.

1 2 [Next »](#)

Jubilee
offline
[Member](#)

We all know it is the Passover today, in Los Angeles area they are having it at the Pasadena Civic Center.

Anyone interested in protesting with us please come join us. Many members will be there and we can send a good message to everyone. Remember, they admitted being a cult.

POSTED 2 WEEKS AGO <#>

fedupmom
offline
[Member](#)

I would if I was in your country... I am wondering though, what time do they have service(s) on Passover day? I wasn't aware they admitted they were a cult...when did this happen?

POSTED 2 WEEKS AGO <#>

Liberty
offline
[Member](#)

Yeah, I didn't think they had admitted to being a cult either. I would go if I was still in Southern California. Jubilee, let us know how it goes.

POSTED 2 WEEKS AGO <#>

C
B
S
F
N
A
E
F
G

Jubilee
offline
[Member](#)

In the beginning of Feb. this organization presented to all their churches with a video to discredit Ron, Diane and Steve Hassen.

More damage control. But, we know they are burying themselves.

They took the BITE model of a cult & demonstrated through the Bible that the BITE model is in the Bible. Proving that many of the characteristics of a cult is true. Step by step they showed verses to justify themselves. Information control was the one that threw me for a loop! They admitted they deliberately withhold information and use deception with their members by using God's word like [Heb. 5:11-14](#) You are so slow to learn, you need milk.....

Behavior Control

2Thes 3:14

1

Information Control

Heb 5:11-14

Thought Control

1 John 5:19

Emotional Control

Romans 7:24

Information Control

1. Use of deception
 - a. Deliberately holding back information
 - b. Distorting information to make it acceptable
 - c. Outright lying

They use Hebrews 5:11-14, so if the members were paying attention, they would know for sure, the WMSCOG admitted they have the characteristics of a cult, comparing themselves to Jesus 2000 years ago. The only thing they forgot is that Jesus Christ who is God never lies!!!!

They also lied about bearing fruit or ten talents to go to heaven. They say they never taught that!!! Then at the end they bring all those members that were saying to themselves, "what is this all about?" with more scriptures to bring them back to fear and guilt.

SHAME, SHAME on them for abusing God's words to justify their sins!!!

POSTED 2 WEEKS AGO <#>

fedupmom
offline
Member

Jubilee, please share with us, how did the protest go?

POSTED 2 WEEKS AGO <#>

Jesus of Nazareth
offline
Member

@ Jubilee > I can feel your blood pressure. That's the kind of passion we need here. God see's them Jubilee, don't worry about that. They don't believe in God but they have one. We know what that is.

POSTED 2 WEEKS AGO <#>

MountainMom
offline
Member

Jubilee, if I was there I would have gone. If there are organized protests and I heard of them ahead of time, I would try to be there if there was any way. If anyone is organizing something, please share it on here or PM me, and I will see what I can do. I am a long way away from most people on this forum I think, so I would need a little heads up.

Please share how it went if you can! Thanks.

POSTED 2 WEEKS AGO <#>

MountainMom
offline
Member

By the way, I talked with a newspaper columnist who said their paper wouldn't investigate the church as such because they were limited on manpower for that, but would definitely cover a picketing, protest, etc. I think legal, appropriately done picketing is really a good method we can use. I also think opinion columns and guest writer columns might be venues we could use.

POSTED 2 WEEKS AGO <#>

Questioninginla
offline
Member

If you have a group that has grown even though it has provided failed prophecies in its past, what makes anyone here think that the intellect and behaviors of today's members is going to be any different from that of past members?

Lately I have seen a fair amount of secondary research in which various groups are controlling the definition of "cult" and thereby embracing and retarding the affects of information about "cults". In the minds of the members, they have already been informed about "cults".

Thanks to Jubilee for posting the verses relative to BITE, above. It comes as no surprise to me that a group with history of developing hypotheses and finding verses to fit has now done the same with BITE. Does it surprise anyone else? It shouldn't.

I would rather see, if applicable:

Inform people how phobias kept you in the group

Inform people how fragrance/confession kept you in the group

Inform people how conformity kept you from seeing that it wasn't your decision to adapt - it was group pressure

Inform people that pictures and posters in many common areas has a subtle but effective effect psychologically

Inform people that obedience to authority is very hard to break out of.

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

I would like to share with all of you that I am well aware that the "general assembly" in S. Korea is well aware of who I am. So, with this said, I would like you to know that the way they get people to stay in "Zion" is by your love and faith of God!! Vulnerable people all over the world who are searching for God/Christ are being recruited into this organization. Many people who know the Bible or don't know the Bible are searching for answers to many questions. Like, "what is the meaning of life?" or "if there is a God, then why are people suffering or dying?, why me?, ect....., one day a beautiful person with a big smile on their face approaches you and says, "GOD BLESS YOU!!!" Then they proceed to tell you all about God and how they can answer all your questions through the Bible. "now is the time", they say.

Once you make the commitment to God your in, and you hear yourself saying, "This is the TRUTH, & there is no going back, I am pressing forward to win the prize!" Heaven bound!!!!

Your Faith, your most sacred place in your soul and heart are now in their hands, because they say "your heavenly mother is here to bring you home to heaven!!"

This is why they, the WMSCOG & all their other "names" are stealing our FAITH from all of us!!!

POSTED 2 WEEKS AGO #

Sarah2013
offline
Member

Thank you, J. You couldn't have said it any better. Our weakness and vulnerability is how they get most of us; I said this in another thread. Glad someone like you, especially, affirms.

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

We must always remember, Most of those poor people that are trapped inside by their faith are only focussing on being one of the 144,000!

Many will be so happy on that day when they are united with their Father & Mother, and if you did good, mostly OBEDIENCE to your leaders, then you have an excellent chance of being one of the 144,000. The 144,000 are the Heavenly children who will inherit many galaxies, and stars with everlasting happiness. They place subliminal messages in your heart and soul through dramatized video's. Mother's Sacrifice part 1 shows what happened in heaven and why we are here on this earth as the fallen angels. part 2 shows mother looking for us on this earth and being tormented by satan. part 3 shows us entering heaven and receiving our rewards for our obedience and bearing "much" fruit (as the actress puts it) wow it is all an act.

We will all be surprised one day when we leave this earth including Zahng Gil Jah and her entourage!

POSTED 2 WEEKS AGO #

Sarah2013
offline
Member

And that, J, is my biggest fear.

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

Regarding picketing and protesting, it is the BEST thing to do in your area. We, Los Angeles area, that is the Reseda zion, have been doing this for the past month.

The first Saturday after 1st service we spent 3 hours trying to get their attention. It worked the pastor moved them all into the sanctuary.

They ended up putting a fence around the church so you could not see in or out! Those poor people are trapped like rats, no way in or out except through the front doors.

So, the next Saturday we showed up before 1st service to greet them while they were parking their cars. Some of us almost

→ got hit or ran over. They immediately came out with their video camers on the roof tops. Every time we show up we are on their video and ours. They also called the police the first time, and again the following week but they don't come anymore. (hahaha)

So far we know it is making a huge difference. We talk to them as they enter the church and tell them things like, "ASH wrote 25 books, why do you only have 7?" or ASH has 4 children. If he wanted to show it is okay to have children (thats what they say to explain why he had them) then why didn't he have only 1 child, and why does the church permit woman to have abortions?

Say anything that they don't know and they don't know that much. So, you want to spark their interest. We try to hand them our flyers and show them the unconditional love of God.

Some listen, some don't, some laugh, some cry, some like a Deaconess gives us the middle finger and other just swear at us saying, " get the _ _ c k out of here.

It's been interesting and mostly emotionally draining for us. I always end up crying. Anyway. we heard that about 40% of the members are really confused. That's why we are supposedly fulfilling prophecy. But, on the other hand, it most likely will take only one more thing like that video to wake them up from their time of slumber!!!! Amen!?

So get out there and show them the TRUE love of Christ!!

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

Sarah2013, don't worry, I can assure you, God loves you and he set you free.

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

Oh ya, I forgot to tell you. Not one Korean member comes outside to supervise us. It is all the Americans even the illegal ones don't come outside anymore.

The funny thing is their own Shepherd of the flock is never no where to be seen, he has now hired an off duty police man to watch over us.

This way the other guards can go into service on time. The first couple of weeks they were late to service.

We only have 8 to 10 people but that is enough. Yesterday there was only my husband, son and I. We have the power of God on our side!!!

POSTED 2 WEEKS AGO #

Sarah2013
offline
Member

Thanks! I have to give it to you! The real deal is what you are. Also, point noted on somethings you've said.

POSTED 2 WEEKS AGO #

renita.payno
offline
Member

I want to protest!! =(

Whatever you do or say, let it be done or said with love

POSTED 2 WEEKS AGO #

Liberty
offline
Member

They lied about the Ten Talents!!!! Oh I am so mad about that!! I spent so much grief, shed so many tears, wasted so many precious hours of my life over that 10 talents things!

So are they now telling people that they don't need ten talents to go to Heaven?

And wow, I didn't know that Deaconess could be so mean. I guess her perky smile is just fakeness.

A member of Reseda Zion texted me information about the Passover yesterday. I have no idea who it is though, because I didn't have their number saved. Obviously, they still have mine though.

POSTED 2 WEEKS AGO <#>

Sarah2013
offline
[Member](#)

She just doesn't know better yet. She might come out. Always the ones you don't expect to. Some people sell out to whatever they believe until God maybe decides to have mercy on them and open their eyes. She might come out.

POSTED 2 WEEKS AGO <#>

renita.payno
offline
[Member](#)

What do you mean they lied about the 10 talents?

POSTED 2 WEEKS AGO <#>

Smurf
offline
[Member](#)

It means now you need 20 :D

Buckle up! :)

POSTED 2 WEEKS AGO <#>

Sarah2013
offline
[Member](#)

Lol.

POSTED 2 WEEKS AGO <#>

renita.payno
offline
[Member](#)

Oh.. so the reason the world didn't end is because we need more time to make quota. Gotcha. Sarcasm..

POSTED 2 WEEKS AGO <#>

Smurf
offline
[Member](#)

That's the problem.. they don't have a quota. It never ends...

POSTED 2 WEEKS AGO <#>

[RSS feed for this topic](#)

1 2 [Next »](#)

[Reply »](#)

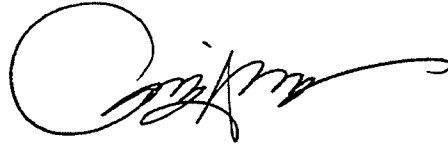
You must [log in](#) to post.

VERIFICATION

I, Jae Ho Lee, am an officer of plaintiff World Mission Society Church of God in the above-entitled action and am authorized to make this Verification for and on its behalf, and I make this Verification for that reason. I have read the foregoing Verified Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe it to be true.

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

April 11, 2013



Jae Ho Lee

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Jordan Susman (SBN: 246116)
 FREEDMAN + TAITELMAN, LLP
 1901 Avenue of the Stars, Suite 500
 Los Angeles, CA 90067

TELEPHONE NO.: (310) 201-0005

FAX NO.: (310) 201-0045

ATTORNEY FOR (Name): Plaintiff World Mission Society Church of God

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill St.

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles 90012-3014

BRANCH NAME: Central District

CASE NAME: World Mission Society Church of God v. Diane Sims, et al.

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

APR 12 2013

JOHN A. CLARKE, CLERK
 BY [Signature] Deputy
 Cigna Grider

CIVIL CASE COVER SHEET

☒ **Unlimited**
 (Amount
 demanded
 exceeds \$25,000)

☐ **Limited**
 (Amount
 demanded is
 \$25,000 or less)

Complex Case Designation

☐ **Counter** ☐ **Joinder**

Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC 505762**

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☒ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☒ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015)

Date: April 11, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL _____ HOURS/_____ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 4.	

SHORT TITLE: World Mission Society v. Sims

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) <input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure <input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6. 2., 6. 2., 6. 2., 6.

SHORT TITLE: World Mission Society v. Sims

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input checked="" type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: World Mission Society v. Sims

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐ 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10.

ADDRESS: 19400 Valerio Street

CITY:

Reseda

STATE:

CA

ZIP CODE:

91335

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Los Angeles Superior courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: April 11, 2013

(SIGNATURE OF ATTORNEY/FILING PARTY)

Jordan Susman

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

NOTICE TO DEFENDANT: DIANE SIMS, an individual, JEFF SIMS, an individual, and DOES 1 through 50, INCLUSIVE
(AVISO AL DEMANDADO): individual, and DOES 1 through 50, INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF: WORLD MISSION CHURCH
(LO ESTÁ DEMANDANDO EL DEMANDANTE): SOCIETY CHURCH OF GOD, a California nonprofit corporation

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

APR 12 2013

JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK
BY Gina Grider Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Los Angeles Superior Court
111 N. Hill St.
Los Angeles 90012-3014

CASE NUMBER:
(Número del caso) **50505762**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jordan Susman (SBN: 246116) (310) 201-0005 (310) 201-0045
FREEDMAN + TAITELMAN, LLP
1901 Avenue of the Stars, Suite 500

John A. Clarke

GINA GRIDER

DATE: **APR 12 2013**
(Fecha)

Clerk, by Gina Grider, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):



1 Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
3 1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
4 Telephone: (310) 201.0005
Facsimile: (310) 201.0045

5
6 Attorneys for Plaintiff
World Mission Society Church of God
7

FILED
Los Angeles Superior Court

APR 12 2013

JOHN A. CLARKE, CLERK
J. Deluna
BY J. DELUNA, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10
11 WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
12 corporation,
13 Plaintiff,
14 vs.
15 DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,
16 Defendants.
17
18

Case No. **BC505762**
**EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE AND TEMPORARY
RESTRAINING ORDER;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATIONS OF
TREAVER SELNOW, ANTHONY
MARTIN, RUDY MOLINA, AND
JORDAN SUSMAN IN SUPPORT
THEREOF**

**(Proposed Order Lodged Concurrently
Herewith)**

Date: April 12, 2013
Time: 8:30 a.m.
Dept.

CIT/CASE: BC505762
LEA/DEF#:
RECEIPT #: CCH507417007
DATE PAID: 04/12/13 08:22 AM
PAYMENT: \$60.00 310
RECEIVED:
CHECK: \$60.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

04/18/2013

04/18/2013

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiff World Mission Society Church of God ("Church")

3 will and hereby does apply *ex parte* for a temporary restraining order and for an order requiring
4 Defendants to show cause why a preliminary injunction should not issue pending trial in this
5 action, enjoining Defendants and those acting in concert with them from (1) trespassing on
6 Plaintiff's property, (2) obstructing the ingress and egress of individuals in and out of Plaintiff's
7 property, (3) shouting, yelling, or chanting in front of any Church location in a manner or at a
8 volume or decibel level that interferes with normal Church activities, and (4) congregating,
9 marching, or otherwise protesting on the sidewalk adjacent to Plaintiff's churches as listed herein.
10

11 Instead, Defendants may congregate, march, and otherwise protest at an alternative site on the
12 sidewalk or paved shoulder area across the street from any of Plaintiff's churches as listed herein.
13

14 This application is made pursuant to Code of Civil Procedure 527 on the ground that
15 Plaintiff will suffer irreparable injury if Defendants are not enjoined from protesting in a manner
16 that disrupts and prevents Plaintiff from and Church members from exercising their First
17 Amendment rights. Immediate action is necessary because Defendants have consistently prevented
18 Plaintiff and members of the Church from peacefully assembling and worshipping in their normal
19 and chosen manner. If the TRO is not issued, then Plaintiff and members of the Church will likely
20 be prevented from exercising their First Amendment right to gather, worship, and otherwise
21 practice their religion.
22

23 This application will be and is made upon this notice, memorandum of points and
24 authorities and the declarations of Treavor Sellnow, Rudy Molina, Anthony Martin, and Jordan
25 Susman attached hereto, the complete files and records in this action, and such evidence and oral
26 arguments as may be presented at the hearing on this application.
27

28 //

1 On April 11, 2013, Plaintiff's counsel gave notice of this *ex parte* hearing to Defendants
2 Diane Sims and Jeff Sims. Susman Decl. ¶¶ 2, 3 Exh. 1.

3
4 Dated: April 11, 2013

FREEDMAN + TAITELMAN, LLP

5
6 By: 

Jordan Susman
Attorneys for Plaintiff
World Mission Society Church of God

04/18/2013

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	STATEMENT OF RELEVANT FACTS	2
III.	THE COURT SHOULD GRANT A TEMPORARY RESTRAINING ORDER.....	4
A.	A TRO Is Required to Prevent Irreparable Harm.....	5
B.	Reasonable Notice of This Application Has Been Given.....	5
IV.	THE COURT SHOULD ISSUE AN ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION.....	6
A.	The Church and Its Members Will Suffer Great and Irreparable Harm, Namely The Inability to Gather and Worship in Peace.....	6
B.	Plaintiff Has Established a Likelihood of Prevailing on the Merits.....	7
V.	CONCLUSION.....	8

TABLE OF AUTHORITIES

Statutes

Cal. Code of Civ. Proc. § 527(c).....5

Cases

Int'l Union of Operating Eng'rs v. Superior Court, 207 Cal. App. 3d 340, 355 (1989).....4

Elrod v. Burns, 427 U.S. 347, 373 (1976).....4

Ketchens v. Reiner, 194 Cal. App. 3d 470, 480 (1987)..... 4, 6

Robbins v. Superior Court, 38 Cal. 3d 199, 206 (1985)..... 6, 7

Baypoint Mortgage Corp., v. Premium Real Estate Investment Retirement Trust, 168 Cal. App. 3d 818, 824 (1985).....6

Butt v. State of California, 4 Cal. 4th 668, 678 (1992).....6, 7

Shoemaker v. County of Los Angeles, 37 Cal. App. 4th 618, 624 (1995).....7

Heffron v. Int'l Soc'y for Krishna Consc., 452 U.S. 640, 647 (1981).....7

Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989).....7

Planned Parenthood Shasta-Diablo Inc. v. Williams, 7 Cal. 4th 860, 869 (1994).....7

Grayned v. City of Rockford, 408 U.S. 104 (1972).....7

Cox v. Louisiana, 379 U.S. 559 (1965).....7

Frisby v. Schultz, 487 U.S. 474 (1988).....7

Books

Weil & Brown, *Cal. Prac. Guide: Civ. Pro. Before Trial*, 9:555 (The Rutter Group 2010)..... 4

04/18/2013

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Plaintiff is a church whose members want to exercise their constitutional rights of peaceful
4 assembly, worship, and privacy. Defendants are individuals who have grievances with the Church
5 and therefore want to exercise their constitutional right to assemble and protest. Unfortunately,
6 Defendants have inappropriately exercised their right to protest at the expense of Plaintiff's
7 constitutional rights. Among other things, Defendants have trespassed upon Plaintiff's property,
8 willfully disrupted Plaintiff's worship services and assemblages, and verbally and physically
9 harassed members of the church. Consequently, Plaintiffs are entitled to a temporary restraining
10 order ("TRO") and injunctive relief to restrain the time, place and manner of Defendants' protests.

11 The relative hardships here are not even close. If not enjoined, Defendants will continue to
12 noisily gather outside Plaintiff's property and disrupt the peaceful gathering of church goers, who
13 seek to worship together. Absent an immediate injunction, members of Plaintiff's church will be
14 denied the ability to exercise their constitutional right to practice their religion on their own
15 property. The upshot is potentially devastating harm, even in the short term: Church members will
16 face undue harassment, religious assemblages will be disbanded, Bible studies and fellowships will
17 be disrupted, and an entire community of worshippers will be denied their most basic constitutional
18 rights.

19 Plaintiff will be irreparably harmed absent an injunction. The harm to Plaintiff is manifest.
20 For several weeks, Plaintiff's worship services have been disrupted, its property trespassed upon,
21 and its members unduly harassed by protestors. Even Defendants acknowledge the harm they have
22 inflicted upon Plaintiff, claiming that Church members were driven indoors by the protests, where
23 "[t]hose poor people are trapped like rats." Susman Decl. ¶ 4 Exh. 2. Defendants' assault on
24 Plaintiff is palpable, and money damages cannot begin to compensate Plaintiff for its members'
25 inability to gather and worship in their chosen manner.

26 The hardship to Defendants is *de minimis*. There will be no restriction placed on the
27 content of Defendants' speech. Nor will there be any hardship placed upon Defendants' ability to
28 assemble, speak, and protest. Instead, Defendants will merely be enjoined from protesting in a

1 time, place, and manner that prevents or impinges upon Plaintiff's fundamental rights.

2 Plaintiff is likely to succeed on the merits. Courts consistently uphold injunctive
3 restrictions on protesters that are not related to the content of the speech, but rather the way in with
4 the protestors conduct themselves at the site.

5 For these reasons, and as further explained herein, the Court should issue a TRO to enjoin
6 the time, place, and manner of Defendants' protests, and issue an order to show cause why a
7 preliminary injunction should not issue.

8 **II. STATEMENT OF RELEVANT FACTS**

9 Plaintiff World Mission Society Church of God ("Church") is a nonprofit California
10 corporation that maintains three churches in Los Angeles County:

- 11 a. 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church");
- 12 b. 11021 Odell Avenue, Sunland, California 91040 (the "Sunland Church");
- 13 c. 1528 North Vermont Avenue, Los Angeles, California (the "LA Church").

14 Defendants are individuals who have gathered repeatedly outside Church property to protest
15 alleged grievances against the Church.

16 Although members of the Church are encouraged to worship daily, the Church observes its
17 Sabbath on Saturdays. Sellnow Decl. ¶ 3; Molina Decl. ¶ 3. Consequently, the individual churches
18 host worship services, fellowships, and Bible study classes on Saturdays that are heavily attended
19 by members and their families. Sellnow Decl. ¶ 4; Molina Decl. ¶ 4.

20 On Saturday, February 16, 2013, Defendant Diane Sims, Defendant Jeff Sims, and
21 approximately eight other individuals acting in concert with them (all Doe Defendants) gathered
22 outside the Reseda Church to allegedly "protest" their perceived grievances against the Church.
23 Sellnow Decl. ¶¶ 6, 7; Molina Decl. ¶¶ 6, 7. Regrettably, the people who gathered outside the
24 Reseda Church on that day did not air their grievances in a non-harassing manner. Instead, the
25 protestors engaged in a concerted effort to harass, annoy, and intimidate Church members who had
26 come to observe the Sabbath. Sellnow Decl. ¶¶ 7, 8; Molina Decl. ¶¶ 7, 8. Among other things:

- 27 a. The protestors trespassed upon Plaintiff's property without the permission of
28 Plaintiff;

- 1 b. The protestors intentionally interfered with cars that were attempting to enter and
2 exit the Church parking lot;
- 3 c. The protestors verbally and physically harassed Church members, by standing
4 before the Reseda Church and shouting at Church members;
- 5 d. By yelling, chanting, and screaming loudly from the sidewalk adjacent to the Reseda
6 Church, the protestors disrupted Church members who had gathered outside on
7 Church property for Bible study classes;
- 8 e. By yelling, chanting, and screaming loudly from the sidewalk adjacent to the Reseda
9 Church, the protestors disrupted Church members who had gathered outside on
10 Church property for fellowship meetings;
- 11 f. By yelling, chanting, and screaming loudly from the sidewalk adjacent to the Reseda
12 Church, the protestors prevented children from gathering and playing peacefully in
13 the Reseda Church playground.

14 Sellnow Decl. ¶¶ 7, 8; Molina Decl. ¶¶ 7, 8.

15 Two weeks later, on Saturday, March 2, 2013, Defendants returned, and continued in their
16 harassing, intimidating, annoying and disruptive ways. Sellnow Decl. ¶¶ 9-11; Molina Decl. ¶¶ 9-
17 11. The Defendants returned to the Reseda Church every Saturday in March 2013 (i.e., March 9,
18 16, 23, and 30). Sellnow Decl. ¶¶ 9-11; Molina Decl. ¶¶ 9-11. In each instance, Defendants used
19 tactics similar to those described herein above to harass and intimidate Church members, and to
20 disrupt worship services and gatherings of Church members on Church property. Sellnow Decl. ¶¶
21 9-11; Molina Decl. ¶¶ 9-11.

22 On April 6, 2013, Defendants protested outside the Sunland Church, using tactics similar to
23 those described herein above, to harass Church members and to disrupt Church members from
24 gathering to worship. Martin Decl. ¶¶ 3-5.

25 On the dates listed herein above, Defendants repeatedly came onto Plaintiff's property
26 without the permission or consent of Plaintiff. Sellnow Decl. ¶¶ 5-11; Molina Decl. ¶¶ 5-11;
27 Martin Decl. ¶¶ 3-5. In addition, as described herein, Defendants have harassed and intimidated
28 Church members coming and going to worship services. Sellnow Decl. ¶¶ 5-11; Molina Decl. ¶¶

1 5-11; Martin Decl. ¶¶ 3-5. Among other things, Defendants have congregated on the sidewalk in
2 front of the driveway to the Reseda Church and in front of the driveway to the Sunland Church so
3 as to prevent cars from entering and exiting the respective churches. Sellnow Decl. ¶¶ 5-11;
4 Molina Decl. ¶¶ 5-11; Martin Decl. ¶¶ 3-5. On the dates listed herein above, Defendants have
5 disrupted assemblages of Church members by shouting, yelling, chanting, and screaming at those
6 Church members who had gathered for religious worship on Church property. Sellnow Decl. ¶¶ 5-
7 11; Molina Decl. ¶¶ 5-11; Martin Decl. ¶¶ 3-5.

8 Defendants have acknowledged their ability to intimidate Church members and disrupt the
9 activities of the Church. On or about March 26, 2013, in a forum on the website Examining World
10 Mission Society Church of God, an alleged protestor posted the following:

11 The first Saturday after 1st service we spent 3 hours trying to get
12 their attention. It worked the pastor moved them all into the
13 sanctuary [sic]. They ended up putting a fence around the church
so you could not see in or out! Those poor people are trapped like
rats, no way in or out except through the front doors.

14 Susman Decl. ¶ 4 Exh. 2.

15 Defendants also acknowledged that the police have been unable to help Plaintiff. In the
16 same March 26, 2013, forum posting, an alleged protestor posted the following: "They also called
17 the police the first time, and again the following week but they don't come anymore. (hahaha)"
18 *Id.*

19 **III. THE COURT SHOULD GRANT A TEMPORARY RESTRAINING ORDER**

20 A temporary restraining order is issued *ex parte* to preserve the status quo or prevent
21 irreparable harm pending the hearing of a noticed motion for preliminary injunction. *Int'l Union of*
22 *Operating Eng'rs v. Superior Court*, 207 Cal. App. 3d 340, 355 (1989); Weil & Brown, *Cal. Prac.*
23 *Guide: Civ. Pro. Before Trial*, 9:555 (The Rutter Group 2010).

24 As irreparable injury is presumed where a plaintiff's First Amendment rights are threatened,
25 equitable relief is readily granted on the basis of irreparable injury and the inadequacy of money
26 damages. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976) ("The loss of First Amendment freedoms,
27 for even minimal periods of time, unquestionably constitutes irreparable injury."); *see also*
28 *Ketchens v. Reiner*, 194 Cal. App. 3d 470, 480 (1987).

1 **A. A TRO Is Required to Prevent Irreparable Harm**

2 1. For more than six weeks, Defendants have disrupted Church members' ability to
3 exercise their First Amendment right to assemble and worship in their chosen manner. Because
4 Defendants have engaged in their illegal activities every single Saturday for the past six weeks,
5 these acts are likely to recur unless enjoined by the Court. If a TRO does not issue, Defendants
6 will continue to "protest" in a manner that prevents Plaintiff from holding services, fellowship
7 gatherings and Bible studies on its property. A TRO should issue enjoining Defendants from
8 trampling upon Plaintiff's First Amendment rights. Specifically, the Court should enjoin
9 Defendants, and those acting in concert with them, from (1) trespassing on Plaintiff's property, (2)
10 obstructing the ingress and egress by Church members who are attempting to enter or exit Church
11 property, (3) shouting, yelling, or chanting in front of any Church property in a manner or at a
12 volume or decibel level that interferes with normal Church activities; and (4) protesting on any
13 sidewalk adjacent to Church property and instead congregate, march, and otherwise protest at an
14 alternative site on the sidewalk or paved shoulder area across the street from Church property.

15 **B. Reasonable Notice of This Application Has Been Given**

16 A temporary restraining order may be granted when "within a reasonable time prior to the
17 application the applicant informed the opposing party or the opposing party's attorney at what time
18 and where the application would be made." Cal. Code of Civ. Proc. § 527(c). What is reasonable
19 in a given case depends on the circumstances.

20 Plaintiff's counsel gave notice to Diane Sims and Jeff Sims that Plaintiff would be filing a
21 complaint and seeking the current TRO at 9:20 a.m. and again at 9:44 a.m. on April 11, 2013.
22 Susman Decl. ¶¶ 2, 3 Exh. 1. Concerned that the complaint in this matter had not been filed, and
23 the department and/or courtroom was unknown at the time of notice, Plaintiff's counsel went so far
24 as to give Diane Sims and Jeff Sims his cell phone number, and asked that they call him at the day
25 and time noticed for the instant hearing. *Id.* Given the limited time available to Plaintiff to bring
26 this application and provide notice before the Church's next Sabbath during which Defendants are
27 almost certain to disrupt Plaintiff's First Amendment rights, the absence of any prejudice to
28 Defendants as they will still be able to protest and exercise their First Amendment rights, and the

1 risk that further First Amendment violations will likely occur if an injunction does not issue, the
2 notice is reasonable under the circumstances.

3 **IV. THE COURT SHOULD ISSUE AN ORDER TO SHOW CAUSE RE**
4 **PRELIMINARY INJUNCTION**

5 A preliminary injunction invokes a two part test: 1) is the plaintiff likely to suffer greater
6 injury from a denial of the injunction than defendants are likely to suffer from its grant; and 2) is
7 there a reasonable probability that the plaintiff will prevail on the merits. *See, Robbins v. Superior*
8 *Court*, 38 Cal. 3d 199, 206 (1985); *Baypoint Mortgage Corp., v. Premium Real Estate Investment*
9 *Retirement Trust*, 168 Cal. App. 3d 818, 824 (1985). In balancing the equities, the Court must
10 determine whether the party seeking the injunction is likely to suffer greater injury from a denial of
11 the injunction than the party to be enjoined would suffer from its grant. *See, Baypoint*, 168 Cal.
12 App. 3d at 824. The greater the plaintiff's showing on one factor, the less must be shown on the
13 other to support an injunction. *See, Butt v. State of California*, 4 Cal. 4th 668, 678 (1992).

14 **A. The Church and Its Members Will Suffer Great and Irreparable Harm,**
15 **Namely The Inability to Gather and Worship in Peace**

16 If not enjoined, Defendants' continued protests would result in irreparable harm. Simply
17 stated, the Church and its members would be denied their First Amendment right to gather and
18 worship. Irreparable injury is presumed where a plaintiff's First Amendment rights are threatened.
19 *Ketchens*, 194 Cal. App. 3d at 480.

20 In balancing the equities, the relative hardships are not even close. If Defendants' harassing
21 and disruptive actions are not enjoined, the Church and its members will be completely prevented
22 from exercising their First Amendment rights in their normal way. Defendants' only potential
23 harm from the injunction sought here would consist of a restriction on the time, place and manner
24 of their speech. Put simply, absent a TRO, Church members will be unable to exercise their First
25 Amendment rights. With a TRO, Defendants will still be able to exercise their First Amendment
26 rights, but with narrowly tailored restrictions.

27 At a minimum, Defendants' harm, if any, would be significantly outweighed by the
28 irreparable harm faced by Plaintiff. In balancing the equities, the Court must exercise its discretion

1 in favor of the party most likely to be injured. *See Robbins*, 38 Cal. 3d at 205 (“If the denial of an
2 injunction would result in great harm to the plaintiff, and the defendants would suffer little harm if
3 it were granted, it is an abuse of discretion to fail to grant the preliminary injunction.”); *see also*
4 *Shoemaker v. County of Los Angeles*, 37 Cal. App. 4th 618, 624 (1995). Additionally, the Court
5 may look at the merits of the moving party’s claim when balancing the equities. *See, Robbins*, 38
6 Cal. 3d at 206. In other words, the greater the moving party’s likelihood of success on the merits,
7 the less it will have to establish other factors. *See Butt v. State of California*, 4 Cal 4th 668, 678
8 (1992). Accordingly, the equities favor granting a preliminary injunction, as Plaintiff will suffer
9 irreparable harm, while Defendants’ potential harm is *de minimis*.

10 **B. Plaintiff Has Established a Likelihood of Prevailing on the Merits**

11 “The First Amendment does not guarantee the right to communicate one’s views at all times
12 and places or in any manner that may be desired.” *Heffron v. Int’l Soc’y for Krishna Consc.*, 452
13 U.S. 640, 647 (1981). “Even in a public forum the government may impose reasonable restrictions
14 on the time, place, or manner of protected speech, provided the restrictions are justified without
15 reference to the content of the regulated speech, that they are narrowly tailored to serve a
16 significant governmental interest, and that they leave open ample alternative channels for
17 communication of the information.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

18 Although public sidewalks constitute a public forum, protestors may be prohibited or
19 limited in their use of those sidewalks if the restriction is “content neutral, narrowly tailored to
20 serve a significant governmental interest, and permits ample alternative channels of
21 communication.” *See Planned Parenthood Shasta-Diablo Inc. v. Williams*, 7 Cal. 4th 860, 869
22 (1994). The reasonableness of a time, place or manner restriction on a party’s speech “depends
23 whether the manner of expression is basically incompatible with the normal activity of a particular
24 place at a particular time.” *Id.* at 872. Based on the foregoing standards, courts have upheld
25 regulation of speech activities on public streets and sidewalks in front of schools (*Grayned v. City*
26 *of Rockford*, 408 U.S. 104 (1972)), courthouses (*Cox v. Louisiana*, 379 U.S. 559 (1965)), private
27 residences (*Frisby v. Schultz*, 487 U.S. 474 (1988)), and abortion clinics. *Planned Parenthood*, 7
28 Cal. 4th 860.

1 In the current circumstances, the necessity of a time, place, and manner restriction on
2 Defendants' protests is obvious.

3 First, the manner of Defendants' previous and current protests is incompatible with the
4 normal activities on Church property. Among other things, Defendants have made it difficult for
5 Church members to enter or leave Church property. And, as a result of Defendants' noisy shouting
6 on the sidewalk adjacent to Church property, Church members have been prevented from gathering
7 outside to engage in worship, fellowships, and Bible studies. Even children have been unable to
8 play outside on Church property.

9 Second, Plaintiff seeks a TRO and injunctive relief that is content neutral. In fact, the
10 Complaint and the prayer for relief therein make no mention of the content of Defendants' speech.
11 This action and application only relate to the way in which Defendants have conducted themselves
12 in front of, and on, Church property.

13 Third, the requested relief permits ample alternative channels of communication. The TRO
14 and injunctive relief requested by Plaintiff would allow Defendants to gather, picket, and protest in
15 front of Church property – just not adjacent to Church property or in a manner that prevents Church
16 members from exercising their First Amendment rights.

17 Defendants are currently trampling on Plaintiff's constitutional rights. In order to remedy
18 this violation, Plaintiff seeks a narrowly tailored and content neutral TRO and injunction that will
19 place *de minimis* restrictions on Defendants' activities. Plaintiff's request is wholly consistent with
20 controlling jurisprudence, while Defendants' activities constitute *prima facie* violations of
21 Plaintiff's constitutional rights. Accordingly, there is little doubt that Plaintiff will prevail on the
22 merits in this matter.

23 **V. CONCLUSION**

24 Based on the foregoing, Plaintiff World Mission Society Church of God respectfully
25 requests that the Court issue a temporary restraining order and order to show cause why a
26 preliminary injunction should not issue enjoining Defendants, and all persons acting in concert with
27 them, from (1) trespassing on Plaintiff's property, (2) obstructing the ingress and egress of Church
28 property, (3) shouting, yelling, or chanting in front of any Church property in a manner or at a

1 volume or decibel level that interferes with normal Church activities; and (4) protesting on the
2 sidewalk adjacent to any Church property and instead congregate, march, and otherwise protest at
3 an alternative site on the sidewalk or paved shoulder area across the street from any Church
4 property during the pendency of this action.

5
6 Dated: April 11, 2013

FREEDMAN + TAITELMAN LLP

7
8 By: 

Jordan Susman
Attorneys for Plaintiff
World Mission Society Church of God

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
04/18/2013

04/18/2013

DECLARATION

DECLARATION OF TREAVOR SELNOW

I, Treavor Sellnow, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I am a member of the World Mission Society Church of God ("Church").

3. The Church observes its Sabbath on Saturdays.

4. In my experience, individual churches host worship services, fellowships, and Bible study classes on Saturdays that are heavily attended by members and their families.

5. In the morning of February 16, 2013, I was at the Church's church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

6. On that day, I witnessed Diane Sims, Jeff Sims, and approximately eight other protestors gather on the sidewalk adjacent to the Reseda Church.

7. On that day, I witnessed the protestors engage in the following acts:

a. trespass upon Church property without permission;

a. intentionally interfere with cars that were attempting to enter and exit the Reseda Church parking lot;

b. verbally and physically harass Church members, by standing before the Reseda Church and shouting at Church members;

c. yelling and screaming in a loud and sustained manner that disrupted Church members who had gathered outside on Church property for Bible study classes;

d. yelling and screaming in a loud and sustained manner that disrupted Church members who had gathered outside on Church property for fellowship meetings;

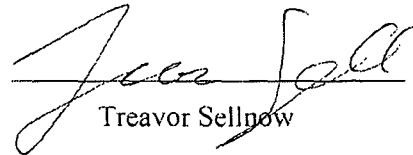
e. yelling and screaming in a loud and sustained manner that prevented children from gathering and playing peacefully in the Reseda Church playground.

8. As a result of the protestors' actions, Church members were unable to gather outside and worship, join in fellowship or engage in Bible study.

9. I was at the Reseda Church on March 2, 2013, March 9, 2013, March 16, 2013, March 23, 2013, and March 30, 2013.

1 10. On each of those dates in March, I witnessed protestors use tactics similar to those
2 described herein above to harass and intimidate Church members, and to disrupt worship services
3 and gatherings.
4

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed this 11th day of April, 2013 at RESEDA, California.

7 
8 Treavor Sellnow
9

04/18/2013

DECLARATION

DECLARATION OF ANTHONY MARTIN

I, Anthony Martin, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.
2. I am a Deacon of the World Mission Society Church of God ("Church").
3. In the morning of April 6, 2013, I was at the Church's church located at 11021 Odell Avenue, Sunland, California 91040 (the "Sunland Church").
4. On that day, I witnessed Diane Sims, Jeff Sims, and approximately three other protestors gather on the sidewalk adjacent to the Sunland Church.
5. On that day, I witnessed the protestors engage in the following acts:
 - a. intentionally interfered with cars that were attempting to enter and exit the Sunland Church parking lot;
 - b. verbally harassed Church members, by standing before the Sunland Church and raising their voices towards church members causing them to feel uncomfortable,
 - c. occasionally raised their voices in a loud and sustained manner that disrupted the ability of Church members to worship in peace.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11th day of April, 2013 at Sunland, California.



Anthony Martin

04/18/2013

04/18/2013

DECLARATION

DECLARATION OF RUDY MOLINA

I, Rudy Molina, declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I am a deacon of the World Mission Society Church of God ("Church").

3. The Church observes its Sabbath on Saturdays.

4. In my experience, individual churches host worship services, fellowships, and Bible study classes on Saturdays that are heavily attended by members and their families.

5. In the morning of February 16, 2013, I was at the Church's church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

6. On that day, I witnessed Diane Sims, Jeff Sims, and approximately eight other protestors gather on the sidewalk adjacent to the Reseda Church.

7. On that day, I witnessed the protestors engage in the following acts:

a. trespass upon Church property without permission;

a. intentionally interfere with cars that were attempting to enter and exit the Reseda Church parking lot;

b. verbally and physically harass Church members, by standing before the Reseda Church and shouting at Church members;

c. yelling and screaming in a loud and sustained manner that disrupted Church members who had gathered outside on Church property for Bible study classes;

d. yelling and screaming in a loud and sustained manner that disrupted Church members who had gathered outside on Church property for fellowship meetings;

e. yelling and screaming in a loud and sustained manner that prevented children from gathering and playing peacefully in the Reseda Church playground.

8. As a result of the protestors' actions, Church members were unable to gather outside and worship, join in fellowship or engage in Bible study.

9. I was at the Reseda Church on March 2, 2013, March 9, 2013, March 16, 2013, March 23, 2013, and March 30, 2013.

04 / 18 / 2013

1 10. On each of those dates in March, I witnessed protestors use tactics similar to those
2 described herein above to harass and intimidate Church members, and to disrupt worship services
3 and gatherings.

4
5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed this 11th day of April, 2013 at Reseda, California.

7
8 

9 Rudy Molina
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

04 / 18 / 2013

04/18/2013

DECLARATION

DECLARATION OF JORDAN SUSMAN

I, Jordan Susman, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California. I am of counsel at Freedman & Taitelman LLP, attorneys of record for Plaintiff World Mission Society Church of God. As an attorney at Freedman & Taitelman LLP, I have access to, and have personally worked on, the records and files in the matter, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge from records and files of Freedman & Taitelman LLP which are maintained in the ordinary course of the business of said law firm. If called upon to testify, I would and could testify competently to the facts set forth herein.

2. On April 11, 2013, at 9:20 a.m., I sent called Defendant Diane Sims and spoke with her and Defendant Jeff Sims, giving them notice of the current *ex parte* application. Concerned that the complaint in this matter had not been filed, and the department and/or courtroom was unknown at the time of notice, I gave Diane Sims and Jeff Sims my cell phone number, and asked that they call me at the day and time noticed for the instant hearing

3. On April 11, 2013, at 9:44 a.m., I also sent an email notice of the instant hearing to Ms. Sims at the email address she provided me during our phone call. A true and correct copy of my email is attached hereto as Exhibit 1.

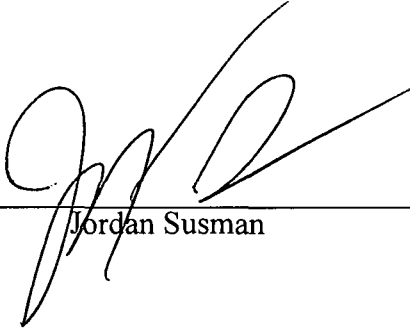
4. On April 11, 2013 at 11:12 a.m., I accessed the website entitled Examining The World Mission Society Church of God, and printed series of postings in a forum found at <http://www.examinthewmscog.com/forum/topic.php?id=4902>. A true and correct copy of the postings found at <http://www.examinthewmscog.com/forum/topic.php?id=4902> is attached hereto as Exhibit 2.

//

//

//

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this Declaration was executed on this 11th day of April
3 2013, at Los Angeles, California.

4
5
6 
Jordan Susman

04/18/2013

04/18/2013

Jordan Susman

From: Jordan Susman
Sent: Thursday, April 11, 2013 9:44 AM
To: diane144k@gmail.com
Cc: Cortni Davis
Subject: Ex parte notice

Ms. Sims,

Per my phone call, I am counsel for the world mission society church of god. Like my phone call of this morning, I am writing to provide notice that tomorrow April 12, 2013, on behalf of my client, I will file a lawsuit for injunctive relief and present to the los angeles superior court an application for an order to show cause and a temporary restraining order that would (1) restrict the time, place, and manner of protests outside my client's churches in Los Angeles county, including the church in reseda and the church in sunland, and (2) seek an order you to show cause why a preliminary injunction should not be issued pending trial in the action.

The lawsuit will be filed at the Stanley mosk courthouse at 111 north hill street, Los Angeles 90012 at 8:30 am tomorrow in room 102. At that time, I will learn which department the application for the order to show cause and temporary restraining order will be heard. Therefore, you may meet me in room 102 at 8:30 am. You may also call me on my cell phone 310.717.6366.

Please let me know if you have any questions and if you plan on opposing the application.

Thank you.

Jordan Susman

Jordan Susman, Esq.
Of Counsel
Freedman + Taitelman, LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
(310) 201-0005 Phone
(310) 201-4294 Direct
(310) 201-0045 Facsimile
jsusman@ftllp.com

04/18/2013

04/18/2013



Examining The World Mission Society Church Of God

- [Home](#)
- [Forum](#)
- [First Steps](#)
- [Who is Ahn Sahng-hong?](#)
- [Who is Zahng Gil-Jah?](#)
- [Evidence](#)
- [Thought Reform](#)
- [RSS](#)
- [Former Member Testimony](#)
- [Non Thought](#)
- [In the News](#)
- [Links](#)
- [Mission](#)
- [Translate](#)
- [Contact](#)

Search... Search

Search Posts »

Select Language

Powered by Google Translate

Username

Password

Log in »

[Register](#) or log in - [lost password?](#)

☐ Remember me

EXAMINING THE WMSCOG FORUM - GENERAL

Los Angeles Passover, we need more people to protest with us today @ 3PM (38 posts) (12 voices)

- Started 2 weeks ago by Jubilee
- [Latest reply](#) from renita.payno

Tags:

No [tags](#) yet.

1 2 [Next »](#)

Jubilee
offline
[Member](#)

We all know it is the Passover today, in Los Angeles area they are having it at the Pasadena Civic Center.

Anyone interested in protesting with us please come join us. Many members will be there and we can send a good message to everyone. Remember, they admitted being a cult.

POSTED 2 WEEKS AGO <#>

fedupmom
offline
[Member](#)

I would if I was in your country... I am wondering though, what time do they have service(s) on Passover day? I wasn't aware they admitted they were a cult...when did this happen?

POSTED 2 WEEKS AGO <#>

Liberty
offline
[Member](#)

Yeah, I didn't think they had admitted to being a cult either. I would go if I was still in Southern California. Jubilee, let us know how it goes.

POSTED 2 WEEKS AGO <#>

Jubilee
offline
[Member](#)

In the beginning of Feb. this organization presented to all their churches with a video to discredit Ron, Diane and Steve Hassen.

More damage control. But, we know they are burying themselves.

They took the BITE model of a cult & demonstrated through the Bible that the BITE model is in the Bible. Proving that many of the characteristics of a cult is true. Step by step they showed verses to justify themselves. Information control was the one that threw me for a loop! They admitted they deliberately withhold information and use deception with their members by using God's word like [Heb. 5:11-14](#) You are so slow to learn, you need milk.....

[Behavior Control](#)

[2Thes 3:14](#)

04/18/2013

Information Control

Heb 5:11-14

Thought Control

1 John 5:19

Emotional Control

Romans 7:24

Information Control

1. Use of deception
 - a. Deliberately holding back information
 - b. Distorting information to make it acceptable
 - c. Outright lying

They use Hebrews 5:11-14, so if the members were paying attention, they would know for sure, the WMSCOG admitted they have the characteristics of a cult, comparing themselves to Jesus 2000 years ago. The only thing they forgot is that Jesus Christ who is God never lies!!!!

They also lied about bearing fruit or ten talents to go to heaven. They say they never taught that!!! Then at the end they bring all those members that were saying to themselves, "what is this all about?" with more scriptures to bring them back to fear and guilt.

SHAME, SHAME on them for abusing God's words to justify their sins!!!

POSTED 2 WEEKS AGO <#>

fedupmom
offline
[Member](#)

Jubilee, please share with us, how did the protest go?

POSTED 2 WEEKS AGO <#>

Jesus of Nazareth
offline
[Member](#)

@ Jubilee > I can feel your blood pressure. That's the kind of passion we need here. God see's them Jubilee, don't worry about that. They don't believe in God but they have one. We know what that is.

POSTED 2 WEEKS AGO <#>

MountainMom
offline
[Member](#)

Jubilee, if I was there I would have gone. If there are organized protests and I heard of them ahead of time, I would try to be there if there was any way. If anyone is organizing something, please share it on here or PM me, and I will see what I can do. I am a long way away from most people on this forum I think, so I would need a little heads up.

Please share how it went if you can! Thanks.

POSTED 2 WEEKS AGO <#>

MountainMom
offline
[Member](#)

By the way, I talked with a newspaper columnist who said their paper wouldn't investigate the church as such because they were limited on manpower for that, but would definitely cover a picketing, protest, etc. I think legal, appropriately done picketing is really a good method we can use. I also think opinion columns and guest writer columns might be venues we could use.

POSTED 2 WEEKS AGO <#>

QuestionInla
offline
[Member](#)

If you have a group that has grown even though it has provided failed prophecies in its past, what makes anyone here think that the intellect and behaviors of today's members is going to be any different from that of past members?

Lately I have seen a fair amount of secondary research in which various groups are controlling the definition of "cult" and thereby embracing and retarding the affects of information about "cults". In the minds of the members, they have already been informed about "cults".

Thanks to Jubilee for posting the verses relative to BITE, above. It comes as no surprise to me that a group with history of developing hypotheses and finding verses to fit has now done the same with BITE. Does it surprise anyone else? It shouldn't.

I would rather see, if applicable:

Inform people how phobias kept you in the group

Inform people how fragrance/confession kept you in the group

Inform people how conformity kept you from seeing that it wasn't your decision to adapt - it was group pressure

Inform people that pictures and posters in many common areas has a subtle but effective effect psychologically

Inform people that obedience to authority is very hard to break out of.

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

I would like to share with all of you that I am well aware that the "general assembly" in S. Korea is well aware of who I am. So, with this said, I would like you to know that the way they get people to stay in "Zion" is by your love and faith of God!! Vulnerable people all over the world who are searching for God/Christ are being recruited into this organization. Many people who know the Bible or don't know the Bible are searching for answers to many questions. Like, "what is the meaning of life?" or "if there is a God, then why are people suffering or dying?, why me?, ect....., one day a beautiful person with a big smile on their face approaches you and says, "GOD BLESS YOU!!!" Then they proceed to tell you all about God and how they can answer all your questions through the Bible. "now is the time", they say.

Once you make the commitment to God your in, and you hear yourself saying, "This is the TRUTH, & there is no going back, I am pressing forward to win the prize!" Heaven bound!!!!

Your Faith, your most sacred place in your soul and heart are now in their hands, because they say "your heavenly mother is here to bring you home to heaven!!"

This is why they, the WMSCOG & all their other "names" are stealing our FAITH from all of us!!!

POSTED 2 WEEKS AGO #

Sarah2013
offline
Member

Thank you, J. You couldn't have said it any better. Our weakness and vulnerability is how they get most of us; I said this in another thread. Glad someone like you, especially, affirms.

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

We must always remember, Most of those poor people that are trapped inside by their faith are only focussing on being one of the 144,000!

Many will be so happy on that day when they are united with their Father & Mother, and if you did good, mostly OBEDIENCE to your leaders, then you have an excellent chance of being one of the 144,000. The 144,000 are the Heavenly children who will inherit many galaxies, and stars with everlasting happiness. They place subliminal messages in your heart and soul through dramatized video's. Mother's Sacrifice part 1 shows what happened in heaven and why we are here on this earth as the fallen angels. part 2 shows mother looking for us on this earth and being tormented by satan. part 3 shows us entering heaven and receiving our rewards for our obedience and bearing "much" fruit (as the actress puts it) wow it is all an act.

We will all be surprised one day when we leave this earth including Zahng Gil Jah and her entourage!

POSTED 2 WEEKS AGO #

Sarah2013
offline
Member

And that, J, is my biggest fear.

POSTED 2 WEEKS AGO #

Jubilee
offline
Member

Regarding picketing and protesting, it is the BEST thing to do in your area. We, Los Angeles area, that is the Reseda zion, have been doing this for the past month.

The first Saturday after 1st service we spent 3 hours trying to get their attention. It worked the pastor moved them all into the sanctuary.

They ended up putting a fence around the church so you could not see in or out! Those poor people are trapped like rats, no way in or out except through the front doors.

So, the next Saturday we showed up before 1st service to greet them while they were parking their cars. Some of us almost

04/18/2013

got hit or ran over. They immediately came out with their video camers on the roof tops. Every time we show up we are on their video and ours. They also called the police the first time, and again the following week but they don't come anymore. (hahaha)

So far we know it is making a huge difference. We talk to them as they enter the church and tell them things like, "ASH wrote 25 books, why do you only have 7?" or ASH has 4 children. If he wanted to show it is okay to have children (thats what they say to explain why he had them) then why didn't he have only 1 child, and why does the church permit woman to have abortions?

Say anything that they don't know and they don't know that much. So, you want to spark their interest. We try to hand them our flyers and show them the unconditional love of God.

Some listen, some don't, some laugh, some cry, some like a Deaconess gives us the middle finger and other just swear at us saying, " get the _ _ c k out of here.

It's been interesting and mostly emotionally draining for us. I always end up crying. Anyway. we heard that about 40% of the members are really confused. That's why we are supposedly fulfilling prophecy. But, on the other hand, it most likely will take only one more thing like that video to wake them up from their time of slumber!!!! Amen!?

So get out there and show them the TRUE love of Christ!!

POSTED 2 WEEKS AGO <#>

Jubilee
offline
[Member](#)

Sarah2013, don't worry, I can assure you, God loves you and he set you free.

POSTED 2 WEEKS AGO <#>

Jubilee
offline
[Member](#)

Oh ya, I forgot to tell you. Not one Korean member comes outside to supervise us. It is all the Americans even the illegal ones don't come outside anymore.

The funny thing is their own Shepherd of the flock is never no where to be seen, he has now hired an off duty police man to watch over us.

This way the other guards can go into service on time. The first couple of weeks they were late to service.

We only have 8 to 10 people but that is enough. Yesterday there was only my husband, son and I. We have the power of God on our side!!!

POSTED 2 WEEKS AGO <#>

Sarah2013
offline
[Member](#)

Thanks! I have to give it to you! The real deal is what you are. Also, point noted on somethings you've said.

POSTED 2 WEEKS AGO <#>

renita.payno
offline
[Member](#)

I want to protest!! =(

"Whatever you do or say, let it be done or said with love"

POSTED 2 WEEKS AGO <#>

Liberty
offline
[Member](#)

They lied about the Ten Talents!!!! Oh I am so mad about that!! I spent so much grief, shed so many tears, wasted so many precious hours of my life over that 10 talents things!

So are they now telling people that they don't need ten talents to go to Heaven?

And wow, I didn't know that Deaconness could be so mean. I guess her perky smile is just fakeness.

A member of Reseda Zion texted me information about the Passover yesterday. I have no idea who it is though, because I didn't have their number saved. Obviously, they still have mine though.

04/18/2013

POSTED 2 WEEKS AGO <#>

Sarah2013
offline
[Member](#)

She just doesn't know better yet. She might come out. Always the ones you don't expect to. Some people sell out to whatever they believe until God maybe decides to have mercy on them and open their eyes. She might come out.

POSTED 2 WEEKS AGO <#>

renita.payno
offline
[Member](#)

What do you mean they lied about the 10 talents?

POSTED 2 WEEKS AGO <#>

[Smurf](#)
offline
[Member](#)

It means now you need 20 :D

Buckle up! :)

POSTED 2 WEEKS AGO <#>

Sarah2013
offline
[Member](#)

Lol.

POSTED 2 WEEKS AGO <#>

renita.payno
offline
[Member](#)

Oh.. so the reason the world didn't end is because we need more time to make quota. Gotcha. Sarcasm..

POSTED 2 WEEKS AGO <#>

[Smurf](#)
offline
[Member](#)

That's the problem.. they don't have a quota. It never ends...

POSTED 2 WEEKS AGO <#>

[RSS feed for this topic](#)

1 2 [Next »](#)

[Reply »](#)

You must [log in](#) to post.

04/18/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/30/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE

A. FAJARDO

DEPUTY CLERK

HONORABLE
#9

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff

JORDAN SUSMAN

[X]

Counsel

WORLD MISSION SOCIETY CHURCH OF
GOD

Defendant

RENITA PAYNO

[X]

VS

Counsel

DIANE SIMS

[X]

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE RE CONTEMPT AGAINST RENITA PAYNO

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE RE CONTEMPT AGAINST DIANE SIMS

The matters are called for hearing.

The Court has read and considered the above stated
Ex Parte Applications.

After argument of the Parties, the Court denies
the Applications but reiterates that the Defendants
are to keep their voices down and are not to block
the driveways at the Church.

Notice is waived.

41
FILED

Los Angeles Superior Court

APR 30 2013

JOHN A. CLARKE, CLERK

BY J. DeLUNA, DEPUTY

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

Attorneys for Plaintiff
World Mission Society Church of God

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,

Plaintiff,

vs.

DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762

**EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE CONTEMPT
AGAINST RENITA PAYNO;
MEMORANDUM OF POINTS AND
AUTHORITIES; REQUEST FOR
ATTORNEY FEES; DECLARATIONS
OF JORDAN SUSMAN, JUSTIN JAMES,
RUDY MOLINA IN SUPPORT
THEREOF**

[Proposed Order Lodged Concurrently]

Date: April 30, 2013

Time: 8:30 a.m.

Dept: 85

CIT/CASE: BC505762
LEA/DEF#:
RECEIPT #: CCH195707005
DATE PAID: 04/30/13 08:12 AM
PAYMENT: \$60.00 310
RECEIVED:
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$60.00

APPLICATION FOR OSC RE CONTEMPT

05/02/2013

1 Plaintiff World Mission Society Church of God applies for an order requiring Renita Payno
2 ("Payno") to show cause why she should not be held in contempt of this Court's Order dated April
3 12, 2013. Plaintiff further seeks reimbursement of its reasonable attorney's fees in the amount of
4 \$3,150 per Code of Civil Procedure section 1218(a).

5 This application is made pursuant to the provisions of Code of Civil Procedure section 1211
6 on the ground that Payno has violated this Court's Order requiring people protesting outside
7 Plaintiff's church to not to interfere with the congregation's entrance and exit from the church, to
8 stand away from the entrance to the church, and to keep their voices down in a quiet, non-offensive
9 manner. On April 20, 2013, Payno violated the Order by repeatedly standing in the driveway to
10 Plaintiff's church and shouting loudly in an offensive manner.

11 This application is based on the points and authorities and declarations set forth below and
12 the records and files in this action.

13
14 DATED: April 30, 2013

FREEDMAN & TAITELMAN, LLP

15
16
17 By: 

18 Jordan Susman
19 Attorneys for Plaintiff
20 World Mission Society Church of God
21
22
23
24
25
26
27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 On April 20, 2013, Renita Payno was personal served with this Court Order that prohibits
4 protesters from interfering with members of Plaintiff's church ability to enter and exit to and from
5 the church, and requires protestors to stand away from the front of the church, and requires
6 protestors to keep their voices down in a quiet, non-offensive manner. Yet, Payno blithely ignored
7 this Court's Order, repeatedly standing in the driveway to the church for prolonged periods of time
8 and shouting in a loud and offensive manner. This Court is left with no option but to hold Payno
9 in contempt and impose sanctions in order to prevent further abuse of its Order.

10 II. STATEMENT OF FACTS

11 As stated in Plaintiff's Complaint and in its Application for an Order to Show Cause Re
12 Preliminary Injunction and Temporary Restraining Order (the "Application for TRO"), protestors
13 have been protesting outside Plaintiff's property for several weeks. Plaintiff raised no objection to
14 the content of these protests. Instead, Plaintiff requested relief from the place and manner in which
15 the protestors voiced their grievances.

16 On April 12, 2013, this Court entered an order that states: "The Defendants are not to
17 interfere with the congregations entrance and exit from the church, they are to stand away from the
18 front of the church and they are to keep their voices down in a quiet, non-offensive manner."
19 Susman Decl. ¶¶ 2- 3 Exh. 1. On April 20, 2013, Payno joined the protestors outside one of
20 Plaintiff's churches. James Decl. ¶¶ 2-4 Exh. 1; Molina Decl. ¶¶ 2-4. She was served a copy of the
21 Court's Order by a process server. Susman Decl. ¶ 4 Exh. 2.

22 Within minutes of being served with the Order, Payno flagrantly violated it; Payno
23 repeatedly stood in the driveway of the church for prolonged periods of time. James Decl. ¶¶ 4-6
24 Exh. 1; Molina Decl. ¶¶ 4-6. In addition, Payno repeatedly shouted her protests in violation of the
25 Order. James Decl. ¶¶ 4, 6 Exh. 1; Molina Decl. ¶¶ 4, 6.

26 //

27 //

28 //

29 //

1 **III. ARGUMENT**

2 **A. Payno Should Be Held In Contempt Based On Her Blatant And Willful**
3 **Disobedience of This Court's Order**

4 “Every court has power to compel obedience to its judgments and orders.” *Vanderstok v.*
5 *Bank of America*, 29 Cal. App. 3d 731, 734 (1972). “A proceeding in contempt is a proper process
6 for the enforcement or execution of an order or judgment of the court which is in the nature of an
7 injunction.” *Id.* “The following acts or omissions in respect to a court of justice, or proceedings
8 therein, are contempts of the authority of the court - Disobedience of any lawful judgment, order or
9 process of the court.” Code of Civ. Proc. §1209(a)(5); *See also Selowsky v. Superior Court of*
10 *Napa County*, 180 Cal. 404 (1919) (“Willful disobedience of the decree of a court having
11 jurisdiction to make it ordinarily constitutes a contempt”). “As a general rule, the elements of
12 contempt include (1) a valid order, (2) knowledge of the order, (3) ability to comply with the order,
13 and (4) willful failure to comply with the order.” *In re Ivey*, 85 Cal. App. 4th 793, 798 (2000).

14 “Upon the answer and evidence taken, the court or judge shall determine whether the
15 person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is
16 guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars
17 (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both.”
18 Code of Civ. Proc. § 1218.

19 Here, the Court issued a straightforward order concerning protestors outside Plaintiff's
20 property: “The Defendants are not to interfere with the congregations entrance and exit from the
21 church, they are to stand away from the front of the church and they are to keep their voices down
22 in a quiet, non-offensive manner.” At Plaintiff's expense, a licensed process server personally
23 served Payno a copy of the Order. Therefore, the Order is valid, and Payno irrefutably had
24 knowledge of it.

25 Payno could easily have complied with the Order; she merely had to refrain from standing
26 in the driveway that provides ingress and egress to the church, and she had to refrain from
27 shouting. Finally, despite the validity of the Order, despite being personally served with the Order,
28 despite being perfectly capable of complying with the Order, Payno chose to ignore it. Clearly, the
only remaining option is to hold Payno in contempt.

1 Therefore, Payno should be held in contempt, and be required to pay \$1,000 for each day
2 she has refused to comply with the Order.

3
4 **B. The Church Is Entitled To Attorneys Fees Incurred in Bringing This Contempt**
5 **Motion.**

6 “[A] person who is subject to a court order as a party to the action, or any agent of this
7 person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to
8 the party initiating the contempt proceeding the reasonable attorney's fees and costs incurred by this
9 party in connection with the contempt proceeding.” Code of Civ. Proc. § 1218(a); *See Goold v.*
10 *Superior Court*, 145 Cal. App. 4th 1, 9-11 (2006) (Code of Civ. Proc. Section 1218 applies to
11 contempt of any Court order).

12 Here, the Church continues to incur attorney's fees and costs, first in bringing the lawsuit
13 and filing the Application for TRO, and now in enforcing this Court's Order. Therefore, Payno
14 should be required to pay \$3,150 as reasonable attorney's fees and costs incurred in bringing this
15 application. Susman Declaration ¶¶ 6.

16 **C. Payno Was Given Timely Notification Of This Ex Parte Application**

17 California Rules of Court, Rule 3.1203(a) provides, “[a] party seeking an ex parte order
18 must notify all parties no later than 10:00 a.m. the court day before the *ex parte* appearance, absent
19 a showing of exceptional circumstances that justify a shorter time for notice.” On April 29, 2013,
20 at approximately 8:40 a.m., Jordan Susman, counsel for Plaintiff spoke to Payno outside
21 Department 85 and provided notice of this application. Susman Decl. ¶ 6. The same day, at
22 approximately 9:40 a.m., Susman sent an email to Payno repeating the notice he had had orally
23 conveyed to her. *Id.* Exh. 3.

24 **IV. CONCLUSION**

25 For the reasons set forth herein, Plaintiff respectfully requests that this Court issue an order
26 to show cause why (1) Payno should not be held in contempt of this Court's April 12, 2013 Order,
27 (2) the Court should not impose sanctions of \$1,000 for each day Payno fails to comply, and (3) the
28 Court should not require Payno to pay Plaintiff's reasonable attorneys fees and costs incurred in
bringing this application.

1 Dated: April 30, 2013

FREEDMAN + TAITELMAN LLP

2 By: 

3 Jordan Susman

4 Attorneys for Plaintiff

World Mission Society Church of God

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

05/02/2013

05/02/2013

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

DECLARATION OF JORDAN SUSMAN

I, Jordan Susman, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California. I am of counsel at Freedman & Taitelman LLP, attorneys of record for Plaintiff World Mission Society Church of God. As an attorney at Freedman & Taitelman LLP, I have access to, and have personally worked on, the records and files in the matter, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge from records and files of Freedman & Taitelman LLP which are maintained in the ordinary course of the business of said law firm. If called upon to testify, I would and could testify competently to the facts set forth herein.

2. On April 12, 2013, Plaintiff's *Ex Parte* Application for an Order to Show Cause Re Preliminary Injunction and Temporary Restraining Order (the "Application for TRO") came regularly for hearing before the Hon. James C. Chalfant.

3. On April 12, 2013, the Court issued a minute order (the "Order") concerning the place and manner of protestors outside Plaintiff's churches. A true and correct copy of the Order is attached hereto as Exhibit 1.

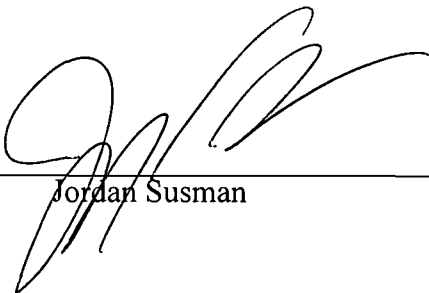
4. I arranged for a licensed process server to serve the Order upon people who gathered to protest outside the Plaintiff's church on April 20, 2013. Attached hereto as Exhibit 2 is a true and correct copy of the Omar Shammout's, the process server, proof of service concerning service of the Order upon Renita Payno.

5. I spent approximately 4 hours preparing the current application. My hourly billing rate is \$350. I anticipate that I will spent another 5 hours reviewing Defendant's opposition to this application, preparing the reply in support of the application, and preparing for and attending the hearing on the motion. Accordingly, Plaintiff will have incurred at least \$3,150 in attorneys' fees enforcing the Order.

6. On April 29, 2013, at approximately 8:40 a.m., I personally spoke to Payno

1 outside Department 85 and provided notice of this application. At approximately 9:40 a.m. on
2 the same day, I sent an email to Payno at the email address she provided to me on April 25,
3 2013, again providing notice of this application. Attached hereto as Exhibit 3 is a true and
4 correct copy of the email I sent Payno.

5
6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct and that this Declaration was executed on this 30th day of April
8 2013, at Los Angeles, California.

9
10
11 
12 Jordan Susman
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

05/02/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE

A. FAJARDO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff
Counsel

JORDAN SUSMAN

[X]

WORLD MISSION SOCIETY CHURCH OF

Defendant
Counsel

JEFF SIMS [X]

VS

DIANE SIMS [X]

VS

TAMMI STEFANO [X]

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE AND TEMPORARY RESTRAINING ORDER

The matter is called for hearing.

The Court has read and considered the above stated
Ex Parte Application.

The Court and Counsel confer.

Pursuant to the stipulation of the Defendants, the
Court orders the following:The Defendants are not to interfere with the
congregations entrance and exit from the church,
they are to stand away from the front of the church
and they are to keep their voices down in a quiet,
non-offensive manner.

Notice is waived.

05/02/2013

JORDAN SUSMAN, ESQ. FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 Attorney For: Plaintiff: World Mission Society Church of God TELEPHONE NO.: (310) 201-0005 FAX NO. (Optional): (310) 201-0045 E-MAIL ADDRESS (Optional):					SBN: 246116	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DISTRICT						
Plaintiff: WORLD MISSION SOCIETY CHURCH OF GOD Defendant: DIANE SIMS, ET AL					CASE NUMBER: BC505762	
PROOF OF SERVICE		HEARING DATE:	DAY:	TIME:	DEPT.:	Ref No. or File No.: 2311.1

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

MINUTE ORDER RE: EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

PARTY SERVED: ALL PEOPLE WHO SHOW UP TO PROTEST

PERSON SERVED: RONITA DOE - PROTESTOR (REFUSED TO GIVE LAST NAME), 23-YEAR-OLD BLACK FEMALE, 5-5, 125 LBS., BLACK HAIR

DATE & TIME OF DELIVERY: 04/20/2013
 08:25 am

ADDRESS, CITY, AND STATE: 19400 VALERIO STREET
 RESEDA, CA 91335

MANNER OF SERVICE:
 Personal Service - By personally delivering copies;

I declare under penalty of perjury under the laws of the
 The State of California that the foregoing information
 contained in the return of service and statement of
 service fees is true and correct and that this declaration
 was executed on April 23, 2013.

Signature: 
 OMAR SHAMMOUT

Fee for Service:

County: LOS ANGELES
 Registration No.: 6359
 Nationwide Legal, LLC (12-234648)
 1609 James M. Wood Blvd., 2nd Fl
 Los Angeles, CA 90015
 (213) 249-9999
 Ref: 2311.1

PROOF OF SERVICE

Order#: 549652SS/General

05/02/2013

Jordan Susman

From: Jordan Susman
Sent: Monday, April 29, 2013 9:42 AM
To: 'renita.payno@gmail.com'
Cc: Cortni Davis
Subject: EX PARTE NOTICE

Ms. Payno,

Per our conversation outside department 85 today, I am writing to provide notice that on Tuesday, April 30, 2013 at 8:30 am in Dept. 85 of Los Angeles Superior Court, Stanley Mosk Courthouse, 111 N. Hill Street. Los Angeles 90012, the World Mission Society Church of God will file an ex parte application for an order to show cause why you should not be held in contempt of the Court's April 12, 2013 Order concerning protestors outside the World Mission Society Church of God.

Please let me know if you plan on opposing the application.

Thank you,
Jordan

Jordan Susman, Esq.

Of Counsel
Freedman + Taitelman, LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
(310) 201-0005 Phone
(310) 201-4294 Direct
(310) 201-0045 Facsimile
jsusman@ftllp.com

FREEDMAN + TAITELMAN, LLP

www.ftllp.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

05/02/2013

05/02/2013

DECLARATION

DECLARATION OF RUDY MOLINA

I, Rudy Molina, declare and state as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. On the morning of April 20, 2013, I was at the World Mission Society Church of God church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

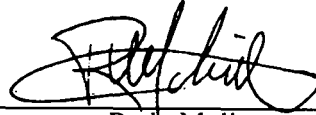
3. Beginning at approximately 8:00 a.m. April 20, 2013, I saw several protestors gather on the sidewalk on Calvin Ave adjacent to the Reseda Church. Among the protestors was Renita Payno.

4. At approximately 8:30 a.m., Ms. Payno stood on the sidewalk next to the driveway that provides entrance to the church. I was standing near the front gate of the Reseda church on the sidewalk adjacent to the school. From my position, I clearly saw Ms. Payno stand at the part of the sidewalk that slopes down to the driveway. Ms. Payno addressed her loud, disruptive protests at Justin James, a member of the church who was standing in the parking lot with me. Ms. Payno then shouted at several churchgoers who had entered the parking lot from the sidewalk. Ms. Payno then started walking back and forth in the driveway to the Reseda Church. This driveway is an entrance to the church that is used by cars and pedestrians to enter the church property. For approximately two minutes, Ms. Payno walked back and forth in the driveway. At one point, she stopped to shout something at people in the church parking lot.

5. After a few minutes of standing on the edge of the driveway, at approximately 8:40 a.m., Ms. Payno again walked to the middle of the driveway, and did what appeared to be leg stretches for approximately 1 minute.

6. At approximately 8:50, Ms. Payno again walked into the middle of the church driveway and again shouted at people in the church parking lot.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this Declaration was executed on this 24th day of April
3 2013, at Los Angeles, California.

4
5 
6

Rudy Molina

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

05/02/2013

DECLARATION

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

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

3. Beginning at approximately 8:00 a.m. April 20, 2013, I personally saw several protestors gather on the sidewalk on Calvin Ave adjacent to the Reseda Church. Among the protestors was Renita Payno.

5. After a few minutes of standing on the edge of the driveway, at approximately 8:40 a.m., Ms. Payno again walked to the middle of the driveway, and did what appeared to be leg stretches for approximately 1 minute.

- 1 -

①
②
③
④
⑤
⑥
⑦
⑧

1 manner at approximately on April 20, 2013.

2
3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct and that this Declaration was executed on this 24th day of April
5 2013, at Los Angeles, California.

6
7 
8 Justin James
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

05/02/2013

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
3]ss.
4 COUNTY OF LOS ANGELES]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 500, Los
7 Angeles, CA 90067.

8 On April 30, 2013, I served the following document(s) **EX PARTE APPLICATION FOR
9 ORDER TO SHOW CAUSE RE CONTEMPT AGAINST RENITA PAYNO;
10 MEMORANDUM OF POINTS AND AUTHORITIES; REQUEST FOR ATTORNEY FEES;
11 DECLARATIONS OF JORDAN SUSMAN, JUSTIN JAMES, AND RUDY MOLINA IN
12 SUPPORT THEREOF** on the interested parties in this action as follows:

13 ☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage
14 thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice
15 for collection and processing of correspondence and other materials for mailing with the United
16 States Postal Service. On this date, I sealed the envelope(s) containing the above materials and
17 placed the envelope(s) for collection and mailing at the address above following our office's ordinary
18 business practices. The envelope(s) will be deposited with the United States Postal Service on this
19 date, in the ordinary course of business.

20 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below
21 on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and
22 without error, and a transmission report was properly issued by the transmitting facsimile machine.

23 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth
24 below on this date before 5:00 p.m. from ____@ftllp.com to ____ at @.com. The transmission was
25 completed without error.

26 ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a
27 pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business
28 day delivery to the address(es) listed below.

☒ By personally delivering the document(s) listed above to the person(s) at the address(es) set
forth below.

Renita Payno
Los Angeles Superior Court
111 N. Hill St.
Los Angeles, CA 90012-3014

☒ STATE - I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. CCP §2015.5.

Executed on April 30, 2013, at Los Angeles, California.

Jordan Susman

PROOF OF SERVICE

05/02/2013

1 Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
3 Los Angeles, California 90067
4 Telephone: (310) 201.0005
Facsimile: (310) 201.0045

5
6 Attorneys for Plaintiff
World Mission Society Church of God
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10
11 **WORLD MISSION SOCIETY CHURCH**
12 **OF GOD, a California nonprofit**
corporation,

13 Plaintiff,

14 vs.

15 **DIANE SIMS, an individual, JEFF SIMS, an**
16 **individual, and DOES 1 through 50, inclusive,**

17 Defendants.
18

Case No. BC505762

**EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE CONTEMPT
AGAINST DIANE SIMS;
MEMORANDUM OF POINTS AND
AUTHORITIES; REQUEST FOR
ATTORNEY FEES; DECLARATIONS
OF JORDAN SUSMAN, JUSTIN JAMES,
AND RUDY MOLINA IN SUPPORT
THEREOF**

[Proposed Order Lodged Concurrently]

19 Date: April 30, 2013
20 Time: 8:30 a.m.
21 Dept: 85

22
23 RECEIPT #: CCH195707004
24 DATE PAID: 04/30/13 08:12 AM
25 PAYMENT: \$60.00
26 RECEIVED:
27 CHECK:
28 CASH: \$0.00
CHANGE: \$0.00
CARD: \$60.00

APPLICATION FOR OSC RE CONTEMPT

CIT/CASE: BC505762
LEA/DEF#:

05/02/2013

1 Plaintiff World Mission Society Church of God applies for an order requiring Defendant
2 Diane Sims ("Sims") to show cause why she should not be held in contempt of this Court's Order
3 dated April 12, 2013. Plaintiff further seeks reimbursement of its reasonable attorney's fees in the
4 amount of \$3,150 per Code of Civil Procedure section 1218(a).

5 This application is made pursuant to the provisions of Code of Civil Procedure section 1211
6 on the ground that Sims has violated this Court's Order requiring Sims to keep her voice down in a
7 quiet, non-offensive manner when protesting outside Plaintiff's church. On April 13, 2013, Sims
8 violated the Order by standing outside Plaintiff's church and shouting loudly in an offensive
9 manner.

10 This application is based on the points and authorities and declarations set forth below and
11 the records and files in this action.

12
13 DATED: April 30, 2013

FREEDMAN & TAITELMAN, LLP

14
15
16 By: 

Jordan Susman
Attorneys for Plaintiff
World Mission Society Church of God

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 One day after appearing in Court and stipulating to the Order, Sims stood outside
4 Plaintiff's property and shouted at people gathering for church services in direct violation of the
5 Order. This Court is left with no option but to hold Sims in contempt and impose sanctions in
6 order to prevent further abuse of its Order.

7 II. STATEMENT OF FACTS

8 As stated in Plaintiff's Complaint and in its Application for an Order to Show Cause Re
9 Preliminary Injunction and Temporary Restraining Order (the "Application for TRO"), throughout
10 February and March 2013, Sims protested outside Plaintiff's property for several weeks in a row.
11 Plaintiff raised no objection to the content of Sims's protests. Instead, Plaintiff requested relief
12 from the manner in which Sims (and others) protested.

13 On April 12, 2013, Sims appeared in Court to oppose Plaintiff's Application for TRO. At
14 that time, Sims stipulated to, and this Court entered, an order requiring Sims and other protestors
15 "to keep their voices down in a quiet, non-offensive manner." Susman Decl. ¶¶ 2-5 Exh. 1. Per the
16 agreement of the parties present, Sims waived notice of the Court's Order. *Id.*

17 The very next day, Sims flagrantly violated the Order. On April 13, 2013, Sims stood
18 adjacent to Plaintiff's property and shouted for a sustained period in a loud and offensive manner.
19 James Decl. ¶¶ 2-6 Exh. 1; Molina Decl. ¶¶ 2-5.

20 III. ARGUMENT

21 A. Sims Should Be Held In Contempt Based On Her Blatant And Willful

22 Disobedience of This Court's Order

23 "Every court has power to compel obedience to its judgments and orders." *Vanderstok v.*
24 *Bank of America*, 29 Cal. App. 3d 731, 734 (1972). "A proceeding in contempt is a proper process
25 for the enforcement or execution of an order or judgment of the court which is in the nature of an
26 injunction." *Id.* "The following acts or omissions in respect to a court of justice, or proceedings
27 therein, are contempts of the authority of the court [¶] Disobedience of any lawful judgment, order
28 or process of the court." Code of Civ. Proc. §1209(a)(5); *See also Selowsky v. Superior Court of*
Napa County, 180 Cal. 404, 406 (1919) ("Willful disobedience of the decree of a court having

1 jurisdiction to make it ordinarily constitutes a contempt"). "As a general rule, the elements of
2 contempt include (1) a valid order, (2) knowledge of the order, (3) ability to comply with the order,
3 and (4) willful failure to comply with the order." *In re Ivey*, 85 Cal. App. 4th 793, 798 (2000).

4 "Upon the answer and evidence taken, the court or judge shall determine whether the
5 person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is
6 guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars
7 (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both."

8 Code of Civ. Proc. § 1218.

9 Here, the Parties stipulated in open court to an order, and the Court issued its Order on
10 April 12, 2013, requiring Sims (and other protestors) "to keep their voices down in a quiet, non-
11 offensive manner." Susman Decl. ¶¶ 2-5 Exh. 1. Per the agreement of the Parties, and as stated on
12 the Order itself, notice of the Order was waived. *Id.* Therefore, the Order is valid, and Sims
13 irrefutably had knowledge of the Order.

14 Sims could easily have complied with the Order; she merely had to refrain from yelling.

15 Finally, despite Sims stipulation to the Order, despite waiving notice, despite being
16 perfectly capable of complying with the Order, Sims chose to ignore this Court's Order and stood
17 outside Plaintiff's property shouting in a loud and offensive manner. Clearly, the only remaining
18 option is to hold Sims in contempt.

19 Therefore, Sims should be held in contempt and be required to pay \$1,000 for each day she
20 has refused to comply with the Order.

21 **B. The Church Is Entitled To Attorneys Fees Incurred in Bringing This Contempt**
22 **Motion**

23 "[A] person who is subject to a court order as a party to the action, or any agent of this
24 person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to
25 the party initiating the contempt proceeding the reasonable attorney's fees and costs incurred by this
26 party in connection with the contempt proceeding." Code of Civ. Proc. § 1218(a); *See Gould v.*
27 *Superior Court*, 145 Cal. App. 4th 1, 9-11 (2006) (Section 1218 applies to contempt of any Court
28 order).

Here, the Church continues to incur attorney's fees and costs, first in bringing the lawsuit

1 and filing the Application for TRO, and now in enforcing this Court's Order. Therefore, Sims
2 should be required to pay \$3,150 as reasonable attorney's fees and costs incurred in bringing this
3 application. Susman Declaration ¶ 6.

4 **C. Sims Was Given Timely Notification Of This *Ex Parte* Application**

5 California Rules of Court, Rule 3.1203(a) provides, "[a] party seeking an ex parte
6 order must notify all parties no later than 10:00 a.m. the court day before the *ex parte* appearance,
7 absent a showing of exceptional circumstances that justify a shorter time for notice." On April 29,
8 2013, at approximately 9:40 a.m., Jordan Susman, counsel for Plaintiff sent an email to Sims
9 providing notice of this application. Susman Decl. ¶ 6 Exh. 3.

10 **IV. CONCLUSION**

11 For the reasons set forth herein, Plaintiff respectfully requests that this Court issue an order
12 to show cause why (1) Sims should not be held in contempt of this Court's April 12, 2013 Order,
13 (2) the Court should not impose sanctions of \$1,000 for each day Sims fails to comply, and (3) the
14 Court should not require Sims to pay Plaintiff's reasonable attorneys fees and costs incurred in
15 bringing this application.

16 Dated: April 30, 2013

FREEDMAN + TAITELMAN LLP

17
18 By: 

19 Jordan Susman
20 Attorneys for Plaintiff
21 World Mission Society Church of God
22
23
24
25
26
27
28

05/02/2013

DECLARATION

UN
N
N
W

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

4
5
6
7
8
9
10
11

12

13

14

15
16
17
18
19
20

21
22

23
24
25
26
27

05/02/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE A. FAJARDO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff
Counsel

JORDAN SUSMAN [X]

WORLD MISSION SOCIETY CHURCH OF

Defendant
Counsel

JEFF SIMS [X]

VS

DIANE SIMS [X]

VS

TAMMI STEFANO [X]

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE AND TEMPORARY RESTRAINING ORDER

The matter is called for hearing.

The Court has read and considered the above stated
Ex Parte Application.

The Court and Counsel confer.

Pursuant to the stipulation of the Defendants, the
Court orders the following:The Defendants are not to interfere with the
congregations entrance and exit from the church,
they are to stand away from the front of the church
and they are to keep their voices down in a quiet,
non-offensive manner.

Notice is waived.

05/02/2013

Jordan Susman

From: Jordan Susman
Sent: Monday, April 29, 2013 9:41 AM
To: 'diane144k@gmail.com'
Cc: Cortni Davis
Subject: EX PARTE NOTICE

Ms. Sims,

I am writing to provide notice that on Tuesday, April 30, 2013 at 8:30 am in Dept. 85 of Los Angeles Superior Court, Stanley Mosk Courthouse, 111 N. Hill Street. Los Angeles 90012, the World Mission Society Church of God will file an ex parte application for an order to show cause why you should not be held in contempt of the Court's April 12, 2013 Order.

Please let me know if you plan on opposing the application.

Thank you,
Jordan

Jordan Susman, Esq.

Of Counsel
Freedman + Taitelman, LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
(310) 201-0005 Phone
(310) 201-4294 Direct
(310) 201-0045 Facsimile
jsusman@ftllp.com

FREEDMAN + TAITELMAN, LLP

www.ftllp.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

05/02/2013

522

05/02/2013

DECLARATION

DECLARATION OF RUDY MOLINA

I, Rudy Molina, declare and state as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. On the morning of April 13, 2013, I was at the World Mission Society Church of God church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

3. Beginning at approximately 8:00 a.m. April 13, 2013, I saw several protestors gather on the sidewalk on Calvin Ave adjacent to the Reseda Church. Among the protestors was Diane Sims.

4. I was able to identify Ms. Sims because I know her personally, as we used to worship together at the World Mission Society Church of God.

5. At approximately 8:30 a.m., I was standing across the street from the front gate of the Reseda Church. At that time, I saw and heard Ms. Sims stand on the grass between the sidewalk adjacent to the Reseda Church and Calvin Ave and protest in a loud and offensive manner. Ms. Sims was approximately 30 feet away from me. For more than one (1) minute, Ms. Sims shouted in a loud voice her grievances. The volume of Ms. Sims' shouts was much louder than a normal conversation voice, and it was much louder than a loud conversation voice. I could clearly hear what Ms. Sims was shouting, whereas I could not hear the words spoken by other people on the sidewalk next to her.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 24th day of April 2013, at Los Angeles, California.


Rudy Molina

05/02/2013

DECLARATION

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

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.
2. On the morning of April 13, 2013, I was at the World Mission Society Church of God church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").
3. Beginning at approximately 8:00 a.m. April 13, 2013, I personally saw several protestors gather on the sidewalk on Valerio Street adjacent to the Reseda Church. Among the protestors was Diane Sims.
4. I was able to identify Ms. Sims because I know her personally, as we used to worship together at the World Mission Society Church of God.
5. Standing on the property of the Reseda Church, and on the sidewalk on Calvin Ave adjacent to the Reseda Church, I videotaped the activities of the people protesting.
6. At approximately 8:30 a.m., I saw, heard, and videotaped Ms. Sims stand on the grass between Calvin Ave and the sidewalk adjacent to the Reseda Church and protest in a loud and offensive manner. For more than one (1) minute, Ms. Sims shouted in a loud voice her grievances. The volume of Ms. Sims' shouts was much louder than a normal conversation voice, and it was much louder than a loud conversation voice. Attached hereto as Exhibit 1 is a CD that contains a true and correct copy of some of the video I took of Ms. Sims shouting and protesting in a loud and offensive manner at approximately 8:30 a.m. on April 13, 2013.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 24th day of April 2013, at Los Angeles, California.

11

Dear

UNION

05 / 02 / 2013

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
]ss.
3 COUNTY OF LOS ANGELES]

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 500, Los
5 Angeles, CA 90067.

6 On April 30, 2013, I served the following document(s) **EX PARTE APPLICATION FOR**
7 **ORDER TO SHOW CAUSE RE CONTEMPT AGAINST DIANE SIMS; MEMORANDUM**
8 **OF POINTS AND AUTHORITIES; REQUEST FOR ATTORNEY FEES; DECLARATIONS**
on the interested parties in this action as follows:

9 ☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage
10 thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice
11 for collection and processing of correspondence and other materials for mailing with the United
12 States Postal Service. On this date, I sealed the envelope(s) containing the above materials and
placed the envelope(s) for collection and mailing at the address above following our office's ordinary
business practices. The envelope(s) will be deposited with the United States Postal Service on this
date, in the ordinary course of business.

13 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below
14 on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and
without error, and a transmission report was properly issued by the transmitting facsimile machine.

15 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth
16 below on this date before 5:00 p.m. from ____@ftllp.com to ____ at @.com. The transmission was
completed without error.

17 ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a
18 pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business
day delivery to the address(es) listed below.

19 ☒ By personally delivering the document(s) listed above to the person(s) at the address(es) set
20 forth below.

21 Diane M. Sims
22 Los Angeles Superior Court
111 N. Hill St.
23 Los Angeles, CA 90012-3014

24 ☒ STATE - I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. CCP §2015.5.

25 Executed on April 30, 2013, at Los Angeles, California.

26
27
28 _____
Jordan Susman

PROOF OF SERVICE

05/02/2013

ORIGINAL

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

Attorneys for Plaintiff
World Mission Society Church of God

FILED
Superior Court of California
County of Los Angeles

MAY - 3 2013

John A. Clarke, Executive Officer/Clerk
By YVONNE HIROTO Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,

Plaintiff,

vs.

DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762

**EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE CONTEMPT
AGAINST RENITA PAYNO; REQUEST
FOR SANCTIONS; MEMORANDUM OF
POINTS AND AUTHORITIES;
REQUEST FOR ATTORNEY FEES;
DECLARATIONS OF JORDAN
SUSMAN, JUSTIN JAMES, RUDY
MOLINA IN SUPPORT THEREOF**

[Proposed Order Lodged Concurrently]

Date: May 3, 2013

Time: 8:30 a.m.

Dept: 85

CLT/CASE: BC505762
LEA/DEF#:
RECEIPT #: CCH507417007
DATE PAID: 05/03/13 08:16 AM
PAYMENT: \$60.00 310
RECEIVED:
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$60.00

APPLICATION FOR OSC RE CONTEMPT

05/10/2013

1 Plaintiff World Mission Society Church of God applies for an order requiring Renita Payno
2 ("Payno") to show cause why she should not be held in contempt of, and/or sanctioned for
3 violating, this Court's Order dated April 12, 2013. Plaintiff further seeks reimbursement of its
4 reasonable attorney's fees in the amount of \$3,150 per Code of Civil Procedure section 1218(a).

5 This application is made pursuant to the provisions of Code of Civil Procedure sections
6 1211 and 177.5 on the ground that Payno has violated this Court's Order requiring people
7 protesting outside Plaintiff's church to not to interfere with the congregation's entrance and exit
8 from the church, to stand away from the entrance to the church, and to keep their voices down in a
9 quiet, non-offensive manner. On April 20, 2013, Payno violated the Order by repeatedly standing
10 in the driveway to Plaintiff's church and shouting loudly in an offensive manner.

11 This application is based on the points and authorities and declarations set forth below and
12 the records and files in this action.

13
14 DATED: May 3, 2013

FREEDMAN & TAITELMAN, LLP

15
16
17 By: 

18 Jordan Susman
19 Attorneys for Plaintiff
World Mission Society Church of God

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 On April 20, 2013, Renita Payno was personal served with this Court Order that prohibits
4 protesters from interfering with members of Plaintiff's church ability to enter and exit to and from
5 the church, and requires protestors to stand away from the front of the church, and requires
6 protestors to keep their voices down in a quiet, non-offensive manner. Yet, Payno blithely ignored
7 this Court's Order, repeatedly standing in the driveway to the church for prolonged periods of time
8 and shouting in a loud and offensive manner. This Court is left with no option but to hold Payno
9 in contempt and impose sanctions in order to prevent further abuse of its Order.

10 II. STATEMENT OF FACTS

11 As stated in Plaintiff's Complaint and in its Application for an Order to Show Cause Re
12 Preliminary Injunction and Temporary Restraining Order (the "Application for TRO"), protestors
13 have been protesting outside Plaintiff's property for several weeks. Plaintiff raised no objection to
14 the content of these protests. Instead, Plaintiff requested relief from the place and manner in which
15 the protestors voiced their grievances.

16 On April 12, 2013, this Court entered an order that states: "The Defendants are not to
17 interfere with the congregations entrance and exit from the church, they are to stand away from the
18 front of the church and they are to keep their voices down in a quiet, non-offensive manner."
19 Susman Decl. ¶¶ 2- 3 Exh. 1. On April 20, 2013, Payno joined the protestors outside one of
20 Plaintiff's churches. James Decl. ¶¶ 2-4 Exh. 1; Molina Decl. ¶¶ 2-4. She was served a copy of the
21 Court's Order by a process server. Susman Decl. ¶ 4 Exh. 2.

22 Within minutes of being served with the Order, Payno flagrantly violated it; Payno
23 repeatedly stood in the driveway of the church for prolonged periods of time. James Decl. ¶¶ 4-6
24 Exh. 1; Molina Decl. ¶¶ 4-6. In addition, Payno repeatedly shouted her protests in violation of the
25 Order. James Decl. ¶¶ 4, 6 Exh. 1; Molina Decl. ¶¶ 4, 6.

26 //

27 //

28 //

29 //

1 **III. ARGUMENT**

2 **A. Payno Should Be Held In Contempt Based On Her Blatant And Willful**
3 **Disobedience of This Court's Order**

4 “Every court has power to compel obedience to its judgments and orders.” *Vanderstok v.*
5 *Bank of America*, 29 Cal. App. 3d 731, 734 (1972). “A proceeding in contempt is a proper process
6 for the enforcement or execution of an order or judgment of the court which is in the nature of an
7 injunction.” *Id.* “The following acts or omissions in respect to a court of justice, or proceedings
8 therein, are contempts of the authority of the court - Disobedience of any lawful judgment, order or
9 process of the court.” Code of Civ. Proc. §1209(a)(5); *See also Selowsky v. Superior Court of*
10 *Napa County*, 180 Cal. 404 (1919) (“Willful disobedience of the decree of a court having
11 jurisdiction to make it ordinarily constitutes a contempt”). “As a general rule, the elements of
12 contempt include (1) a valid order, (2) knowledge of the order, (3) ability to comply with the order,
13 and (4) willful failure to comply with the order.” *In re Ivey*, 85 Cal. App. 4th 793, 798 (2000).

14 “Upon the answer and evidence taken, the court or judge shall determine whether the
15 person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is
16 guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars
17 (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both.”
18 Code of Civ. Proc. § 1218.

19 Here, the Court issued a straightforward order concerning protestors outside Plaintiff's
20 property: “The Defendants are not to interfere with the congregations entrance and exit from the
21 church, they are to stand away from the front of the church and they are to keep their voices down
22 in a quiet, non-offensive manner.” At Plaintiff's expense, a licensed process server personally
23 served Payno a copy of the Order.

24 **1. The Court's Order is Valid**

25 “The First Amendment does not guarantee the right to communicate one's views at all times
26 and places or in any manner that may be desired.” *Heffron v. Int'l Soc'y for Krishna Consc.*, 452
27 U.S. 640, 647 (1981). “Even in a public forum the government may impose reasonable restrictions
28 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

1 significant governmental interest, and that they leave open ample alternative channels for
2 communication of the information.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

3 Based upon black letter of the law, each of the three provisions of this Court’s Order is
4 valid and enforceable.

5 a. **Protestors Must Not Interfere With Ingress and Egress to the**
6 **Church**

7 The first provision of the Order states that protestors “are not to interfere with the
8 congregation[’]s entrance and exit from the church.” Regulations on speech that protect ingress
9 and egress are routinely granted and upheld by the courts. *See e.g., Feminist Women's Health*
10 *Center v. Blythe*, 32 Cal. App. 4th 1641, 1662 (1995); *In re Lane*, 71 Cal. 2d 872, 878 (1969). As
11 the California Supreme Court held, “Regardless of their message, protestors may be enjoined from
12 blocking driveways or otherwise physically obstructing the passage of automobiles and pedestrians
13 going to or coming from the clinic.” *Planned Parenthood Shasta-Diablo Inc. v. Williams*, 7 Cal.
14 4th 860, 890 (1994). Accordingly, there is no doubt that this Court may order protestors to not
15 interfere with ingress and egress to church property.

16 b. **Protestors Can Be Ordered to Stand Away From the Front of the**
17 **Church**

18 The second provision of the Order states that protestors “are to stand away from the front of
19 the church.” The guiding principles of time, place, and manner restrictions are that they be content
20 neutral and narrowly tailored to leave open ample alternative channels for communication. *Ward*,
21 491 U.S. at 791. Consistent therewith, courts regularly uphold “buffer zones” or “clear zones” that
22 prevent protestors from coming near the object of their protests:

- 23 • *Boos v. Barry*, 485 U.S. 312 (1988) (sustaining ordinance prohibiting picketing within 500
24 feet of a foreign embassy);
- 25 • *Cox v. Louisiana*, 379 U.S. 559 (1965) (upholding ban on picketing near courthouse);
- 26 • *Planned Parenthood v. Holy Angels Catholic Church*, 765 F. Supp. 617 (N.D. Cal. 1991)
27 (court imposed no-protest zone within 25 feet of clinic entrance);

- 1 • *Pro-Choice Network v. Project Rescue*, 799 F. Supp. 1417 (W.D.N.Y. 1992) (injunction
- 2 established 15-foot clear zone around abortion clinic entrances and people and vehicles
- 3 seeking access thereto);
- 4 • *Portland Fem. Women's Health Ctr. v. Advocates for Life*, 859 F.2d 686 (9th Cir. 1988)
- 5 (court sustained 12-foot free zone around abortion clinic entrance);
- 6 • *Northeast Women's Center, Inc. v. McMonagle*, 939 F.2d 57 (3d Cir. 1991) (court upheld
- 7 injunction prohibiting all but 6 pickets within 500 feet of clinic);

8 In *Portland Feminist Women's Health*, the protestors objected to a twelve and one half foot

9 buffer zone around the entrance to the clinic. *Portland Fem. Women's Health*, 859 F.2d at 686.

10 The Ninth Circuit, however, upheld the buffer zone, and declined "to entertain quibbling" over its

11 extent.

12 In the current circumstance, the buffer zone is not nearly so onerous. Instead of being

13 forced to stay more than 12 feet from the entrance to the church's property, protestors must merely

14 "stand away from the front of the church." This narrowly tailored restriction provides ample

15 alternative channels for communication, including the entire sidewalk adjacent to the church. The

16 protestors simply must stay away from the entrance (i.e., the driveway) to the church. Moreover,

17 the "front of the church" is easily visible to the naked eye, as there are openings in the fence that

18 surround the church.

19 c. **Protestors Must Keep Their Voices Down in a Quiet, Non-**

20 **Offensive Manner**

21 The third provision of the Order states that protestors "are to keep their voices down in a

22 quiet, non-offensive manner." Restrictions on the volume of protests are upheld if the noise causes

23 disruption of normal operations. "The crucial question is whether the manner of expression is

24 basically incompatible with the normal activity of a particular place at a particular time." *Grayned*

25 *v. City of Rockford*, 408 U.S. 104, 116 (1972). As the Supreme Court noted, making a speech in

26 the reading room of a library certainly interfere with the normal activity of a library. *Id.*

27 In *Grayned*, the Supreme Court upheld an anti-noise ordinance that stated: "No person,

28 while on public or private grounds adjacent to any building in which a school or any class thereof is

1 in session, shall willfully make or assist in the making of any noise or diversion which disturbs or
2 tends to disturb the peace or good order of such school session or class thereof.” *Id.* at 107-08.
3 According to the Court, the ordinance was neither vague nor overbroad as it merely “punishes only
4 conduct which disrupts or is about to disrupt normal school activities.” *Id.* at 108, 119.

5 In *Portland Fem. Women's Health Ctr. v. Advocates for Life*, 859 F.2d 686 (9th Cir. 1988),
6 the Ninth Circuit Court of Appeals examined an injunction that prohibited “shouting, screaming,
7 chanting, or yelling during on-site demonstrations” and also prohibited “producing noise by any
8 other means which substantially interferes with the provision of medical services within the
9 [abortion clinic], including counseling.” *Id.* at 684. According to the Court, if the volume of the
10 protests “causes no disruption of clinic operations, such expression would not materially affect the
11 interest at stake here. On the other hand, if the conduct rises to a volume that obstructs the
12 provision of services in the Center, it may be enjoined.” *Id.* at 686-87. Consequently, the Court
13 narrowed the injunction to prohibit “shouting, screaming, chanting, yelling, or producing noise by
14 any other means, in a volume that substantially interferes with the provision of medical services
15 within the Center, including counseling.” *Id.* at 687.

16 In *Planned Parenthood Shasta-Diablo, Inc. v. Williams*, 7 Cal. 4th 860 (1994), the Court of
17 Appeals struck down a restriction on the content of protestors’ speech, but let stand a prohibition
18 against “shouting at or touching physicians, staff or patients entering or leaving [an abortion] clinic
19 or making noise that could be heard inside the premises.” *Id.* at 867. The California Supreme
20 Court affirmed.

21 In *Klein v. City of Laguna Beach*, 594 F. Supp. 2d 1142 (C.D. Cal. 2009), the court upheld
22 an ordinance that prohibited the use of sound-amplifying equipment and sound trucks within 100
23 yards of hospitals, churches, schools, and city hall. *Id.*

24 And in *Madsen v. Women's Health Ctr.*, 512 U.S. 753, 772 (1994) the Supreme Court
25 upheld an injunction that prohibited protestors outside an abortion clinic from “singing, chanting,
26 whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment or other
27 sounds or images observable to or *within earshot of the patients inside the clinic.*” *Id.* at 772, 775
28 (emphasis added).

1 As the foregoing demonstrates, limitations on the volume of protestors' speech regularly
2 pass constitutional muster. In the current action, the restriction is content neutral and narrowly
3 drawn. Further, as stated in Plaintiff's Application for TRO, the protestors have consistently and
4 deliberately interrupted Plaintiff's ability normal worship and Bible study activities. Accordingly,
5 the Order is constitutional and valid.¹

6 **2. The Order Was Served on Payno, and She Violated It**

7 As discussed above, a licensed process server personally served the Order upon Payno. She
8 therefore had knowledge of it.

9 Payno could easily have complied with the Order; she merely had to refrain from standing
10 in the driveway that provides ingress and egress to the church, and she had to refrain from
11 shouting. Finally, despite the validity of the Order, despite being personally served with the Order,
12 despite being perfectly capable of complying with the Order, Payno chose to ignore it. Clearly, the
13 only remaining option is to hold Payno in contempt.

14 Therefore, Payno should be held in contempt, and be required to pay \$1,000 for each day
15 she has refused to comply with the Order.

16 **B. Payno Should Be Sanctioned For Her Blatant And Willful Disobedience of This**
17 **Court's Order**

18 CCP section 177.5 provides: "A judicial officer shall have the power to impose reasonable
19 money sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding any other
20 provision of law, payable to the court, for any violation of a lawful court order by a person, done
21 without good cause or substantial justification."

22 For all of the reasons stated *supra*, the Court should sanction Payno pursuant to section
23 177.5. As discussed above, (1) the Order is lawful; (2) Payno violated it; and (3) Payno's violation

24 _____
25 ¹ The Order is also compatible with California Penal Code section 302(a), which provides: "Every
26 person who intentionally disturbs or disquiets any assemblage of people met for religious worship
27 at a tax-exempt place of worship, by profane discourse, rude or indecent behavior, or by any
28 unnecessary noise, either within the place where the meeting is held, or so near it as to disturb the
order and solemnity of the meeting, is guilty of a misdemeanor" See *People v. Cruz*, 25 Cal.
App. 3d Supp. 1 (1972) (upholding constitutionality of section 302(a)).

1 was without good cause or justification. Indeed, Payno was served the Order minutes before she
2 violated it. Accordingly, her willful actions should be sanctioned.

3 **C. The Church Is Entitled To Attorneys Fees Incurred in Bringing This Contempt**
4 **Motion.**

5 “[A] person who is subject to a court order as a party to the action, or any agent of this
6 person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to
7 the party initiating the contempt proceeding the reasonable attorney’s fees and costs incurred by this
8 party in connection with the contempt proceeding.” Code of Civ. Proc. § 1218(a); *See Goold v.*
9 *Superior Court*, 145 Cal. App. 4th 1, 9-11 (2006) (Code of Civ. Proc. Section 1218 applies to
10 contempt of any Court order).

11 Here, the Church continues to incur attorney’s fees and costs, first in bringing the lawsuit
12 and filing the Application for TRO, and now in enforcing this Court’s Order. Therefore, Payno
13 should be required to pay \$3,150 as reasonable attorney’s fees and costs incurred in bringing this
14 application. Susman Decl. ¶ 6.

15 **D. Payno Was Given Timely Notification Of This Ex Parte Application**

16 California Rules of Court, Rule 3.1203(a) provides, “[a] party seeking an ex parte order
17 must notify all parties no later than 10:00 a.m. the court day before the *ex parte* appearance, absent
18 a showing of exceptional circumstances that justify a shorter time for notice.” On May 1, 2013, at
19 approximately 8:45 p.m., Jordan Susman, counsel for Plaintiff sent an email to Payno, giving her
20 notice of this Application. Susman Decl. ¶ 6 Exh. 3.

21 **IV. CONCLUSION**

22 For the reasons set forth herein, Plaintiff respectfully requests that this Court issue an order
23 to show cause why (1) Payno should not be held in contempt of this Court’s April 12, 2013 Order,
24 (2) Payno should not be sanctioned for her violation of this Court’s Order, (3) the Court should not
25 impose sanctions of \$1,000 for each day Payno fails to comply, and (4) the Court should not
26 require Payno to pay Plaintiff’s reasonable attorneys fees and costs incurred in bringing this
27 application.
28

1 Dated: May 3, 2013

FREEDMAN + TAITELMAN LLP

2 By: 

3 Jordan Susman

4 Attorneys for Plaintiff

5 World Mission Society Church of God

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

05/07/2013

05/07/2013

DECLARATION

Q U E R Y

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

4
5
6
7
8
9
10
11

12
13
14

15
16
17

18
19
20
21

22

23

24

25

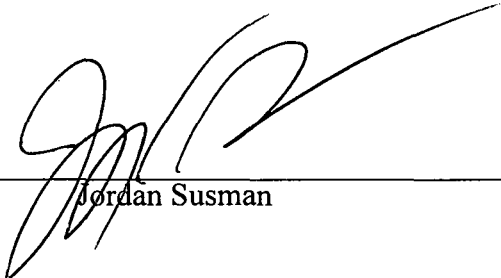
26

27
28

1 email address she provided to me on April 25, 2013, providing notice of this application.

2 Attached hereto as Exhibit 3 is a true and correct copy of the email I sent Payno.

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct and that this Declaration was executed on this 3d day of May 2013,
6 at Los Angeles, California.

7
8
9 
Jordan Susman

05/07/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE

A. FAJARDO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff
Counsel

JORDAN SUSMAN

[X]

WORLD MISSION SOCIETY CHURCH OF

Defendant
Counsel

JEFF SIMS [X]

VS

DIANE SIMS [X]

VS

TAMMI STEFANO [X]

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE AND TEMPORARY RESTRAINING ORDER

The matter is called for hearing.

The Court has read and considered the above stated
Ex Parte Application.

The Court and Counsel confer.

Pursuant to the stipulation of the Defendants, the
Court orders the following:

The Defendants are not to interfere with the
congregations entrance and exit from the church,
they are to stand away from the front of the church
and they are to keep their voices down in a quiet,
non-offensive manner.

Notice is waived.

05/07/2013

JORDAN SUSMAN, ESQ. FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 Attorney For: Plaintiff: World Mission Society Church of God TELEPHONE NO.: (310) 201-0005 FAX NO. (Optional): (310) 201-0045 E-MAIL ADDRESS (Optional):					SBN: 246116 FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DISTRICT						
Plaintiff: WORLD MISSION SOCIETY CHURCH OF GOD Defendant: DIANE SIMS, ET AL					CASE NUMBER: BC505762	
PROOF OF SERVICE		HEARING DATE:	DAY:	TIME:	DEPT.:	Ref No. or File No.: 2311.1

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

MINUTE ORDER RE: EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

PARTY SERVED: **ALL PEOPLE WHO SHOW UP TO PROTEST**

PERSON SERVED: **RONITA DOE - PROTESTOR (REFUSED TO GIVE LAST NAME), 23-YEAR-OLD BLACK FEMALE, 5-5, 125 LBS., BLACK HAIR**

DATE & TIME OF DELIVERY: **04/20/2013
 08:25 am**

ADDRESS, CITY, AND STATE: **19400 VALERIO STREET
 RESEDA, CA 91335**

MANNER OF SERVICE:
 Personal Service - By personally delivering copies.

Fee for Service:
 County: **LOS ANGELES**
 Registration No.: **6359**
Nationwide Legal, LLC (12-234648)
1609 James M. Wood Blvd., 2nd Fl
Los Angeles, CA 90015
(213) 249-9999
 Ref: **2311.1**

I declare under penalty of perjury under the laws of the
 The State of California that the foregoing information
 contained in the return of service and statement of
 service fees is true and correct and that this declaration
 was executed on **April 23, 2013**.

Signature: 
OMAR SHAMMOUT

PROOF OF SERVICE

Order#: 549652SS/General

05/07/2013

Jordan Susman

From: Jordan Susman
Sent: Wednesday, May 01, 2013 8:47 PM
To: 'renita.payno@gmail.com'
Subject: EX PARTE NOTICE

Ms. Payno,

I am writing to provide notice that on Friday, May 3, 2013 at 8:30 am in Dept. 85 of Los Angeles Superior Court, Stanley Mosk Courthouse, 111 N. Hill Street. Los Angeles 90012, the World Mission Society Church of God will file an ex parte application for an order to show cause why you should not be held in contempt of the Court's April 12, 2013 Order concerning protestors outside the World Mission Society Church of God.

Please let me know if you plan on opposing the application.

Thank you,
Jordan

Jordan Susman, Esq.

Of Counsel
Freedman + Taitelman, LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
(310) 201-0005 Phone
(310) 201-0045 Facsimile
jsusman@ftllp.com

FREEDMAN + TAITELMAN, LLP

www.ftllp.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

05/07/2013

05/07/2013

DECLARATION

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3

4
5

6
7

8
9
0

1
2
3
4
5
6
7
8
9
10

21
22
23

24

25

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this Declaration was executed on this 24th day of April
3 2013, at Los Angeles, California.

4
5 
6

Rudy Molina

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

05/07/2013

DECLARATION

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

3

4
5

6
7

8
9
10

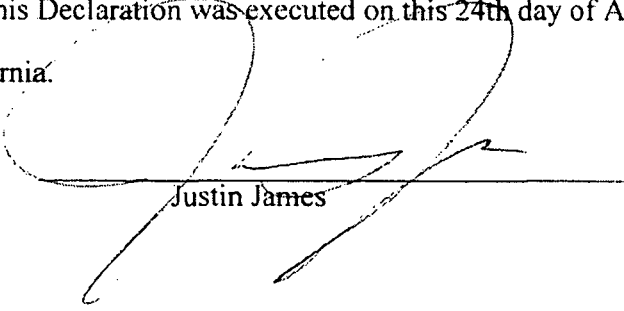
11
12
13
14
15
16
17
18
19
20

21
22
23

24
25
26
27
28

1 manner at approximately on April 20, 2013.

2
3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct and that this Declaration was executed on this 24th day of April
5 2013, at Los Angeles, California.

6
7 
8 Justin James
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

05/07/2013

1 Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
3 Los Angeles, California 90067
4 Telephone: (310) 201.0005
Facsimile: (310) 201.0045
5

6 Attorneys for Plaintiff
World Mission Society Church of God
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
10

11 WORLD MISSION SOCIETY CHURCH)
OF GOD, a California nonprofit)
12 corporation,)
13 Plaintiff,)
14 vs.)
15 DIANE SIMS, an individual, JEFF SIMS, an)
individual, and DOES 1 through 50, inclusive,)
16 Defendants.)
17)
18)

Case No. BC505762

**EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE CONTEMPT
AGAINST DIANE SIMS; REQUEST
FOR SANCTIONS; MEMORANDUM
OF POINTS AND AUTHORITIES;
REQUEST FOR ATTORNEY FEES;
DECLARATIONS OF JORDAN
SUSMAN, JUSTIN JAMES, AND RUDY
MOLINA IN SUPPORT THEREOF**

[Proposed Order Lodged Concurrently]

19 Date: May 3, 2013
20 Time: 8:30 a.m.
21 Dept: 85
22

23
24
25
26
27
28

CIT/CLERK: BC505762
LEA/DEF#:
RECEIPT #: CCH507417006
DATE PAID: 05/03/13 08:15 AM
PAYMENT: \$60.00 310
RECEIVED:
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$60.00

APPLICATION FOR OSC RE CONTEMPT

ORIGINAL

FILED

Superior Court of California
County of Los Angeles

MAY - 3 2013

John A. Clark, Executive Officer/Clerk
By YVONNE HIROTO, Deputy

05 / 07 / 2013

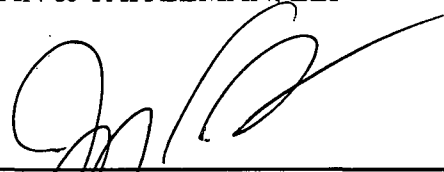
1 Plaintiff World Mission Society Church of God applies for an order requiring Defendant
2 Diane Sims ("Sims") to show cause why she should not be held in contempt of, and/or be
3 sanctioned for violating, this Court's Order dated April 12, 2013. Plaintiff further seeks
4 reimbursement of its reasonable attorney's fees in the amount of \$3,150 per Code of Civil
5 Procedure section 1218(a).

6 This application is made pursuant to the provisions of Code of Civil Procedure sections
7 1211 and 177.5 on the ground that Sims has violated this Court's Order requiring Sims to keep her
8 voice down in a quiet, non-offensive manner when protesting outside Plaintiff's church. On April
9 13, 2013, Sims violated the Order by standing outside Plaintiff's church and shouting loudly in an
10 offensive manner.

11 This application is based on the points and authorities and declarations set forth below and
12 the records and files in this action.

13
14 DATED: May 3, 2013

FREEDMAN & TAITELMAN, LLP

15
16
17 By: 
18 Jordan Susman
19 Attorneys for Plaintiff
20 World Mission Society Church of God
21
22
23
24
25
26
27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 One day after appearing in Court and stipulating to the Order, Sims stood outside
4 Plaintiff's property and shouted at people gathering for church services in direct violation of the
5 Order. This Court is left with no option but to hold Sims in contempt and impose sanctions in
6 order to prevent further abuse of its Order.

7 II. STATEMENT OF FACTS

8 As stated in Plaintiff's Complaint and in its Application for an Order to Show Cause Re
9 Preliminary Injunction and Temporary Restraining Order (the "Application for TRO"), throughout
10 February and March 2013, Sims protested outside Plaintiff's property for several weeks in a row.
11 Plaintiff raised no objection to the content of Sims's protests. Instead, Plaintiff requested relief
12 from the manner in which Sims (and others) protested.

13 On April 12, 2013, Sims appeared in Court to oppose Plaintiff's Application for TRO. At
14 that time, Sims stipulated to, and this Court entered, an order requiring Sims and other protestors
15 "to keep their voices down in a quiet, non-offensive manner." Susman Decl. ¶¶ 2-5 Exh. 1. Per the
16 agreement of the parties present, Sims waived notice of the Court's Order. *Id.*

17 The very next day, Sims flagrantly violated the Order. On April 13, 2013, Sims stood
18 adjacent to Plaintiff's property and shouted for a sustained period in a loud and offensive manner.
19 James Decl. ¶¶ 2-6 Exh. 1; Molina Decl. ¶¶ 2-5.

20 III. ARGUMENT

21 A. Sims Should Be Held In Contempt Based On Her Blatant And Willful
22 Disobedience of This Court's Order

23 "Every court has power to compel obedience to its judgments and orders." *Vanderstok v.*
24 *Bank of America*, 29 Cal. App. 3d 731, 734 (1972). "A proceeding in contempt is a proper process
25 for the enforcement or execution of an order or judgment of the court which is in the nature of an
26 injunction." *Id.* "The following acts or omissions in respect to a court of justice, or proceedings
27 therein, are contempts of the authority of the court [¶] Disobedience of any lawful judgment, order
28 or process of the court." Code of Civ. Proc. §1209(a)(5); *See also Selowsky v. Superior Court of*
Napa County, 180 Cal. 404, 406 (1919) ("Willful disobedience of the decree of a court having

1 jurisdiction to make it ordinarily constitutes a contempt"). "As a general rule, the elements of
2 contempt include (1) a valid order, (2) knowledge of the order, (3) ability to comply with the order,
3 and (4) willful failure to comply with the order." *In re Ivey*, 85 Cal. App. 4th 793, 798 (2000).

4 "Upon the answer and evidence taken, the court or judge shall determine whether the
5 person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is
6 guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars
7 (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both."

8 Code of Civ. Proc. § 1218.

9 **1. The Court's Order is Valid**

10 "The First Amendment does not guarantee the right to communicate one's views at all times
11 and places or in any manner that may be desired." *Heffron v. Int'l Soc'y for Krishna Consc.*, 452
12 U.S. 640, 647 (1981). "Even in a public forum the government may impose reasonable restrictions
13 on the time, place, or manner of protected speech, provided the restrictions are justified without
14 reference to the content of the regulated speech, that they are narrowly tailored to serve a
15 significant governmental interest, and that they leave open ample alternative channels for
16 communication of the information." *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).
17 Based upon black letter of the law, this Court's Order is valid and enforceable.¹

18 The third provision of the Order states that protestors "are to keep their voices down in a
19 quiet, non-offensive manner." Restrictions on the volume of protests are upheld if the noise causes
20 disruption of normal operations. "The crucial question is whether the manner of expression is
21 basically incompatible with the normal activity of a particular place at a particular time." *Grayned*
22 *v. City of Rockford*, 408 U.S. 104, 116 (1972). As the Supreme Court noted, making a speech in
23 the reading room of a library certainly interfere with the normal activity of a library. *Id.*

24 In *Grayned*, the Supreme Court upheld an anti-noise ordinance that stated: "No person,
25 while on public or private grounds adjacent to any building in which a school or any class thereof is
26 in session, shall willfully make or assist in the making of any noise or diversion which disturbs or

27 ¹ Because Sims is only accused of violating the provision of the Order related to speech, this
28 memorandum shall only address the validity of that section.

1 tends to disturb the peace or good order of such school session or class thereof.” *Id.* at 107-08.

2 According to the Court, the ordinance was neither vague nor overbroad as it merely “punishes only
3 conduct which disrupts or is about to disrupt normal school activities.” *Id.* at 108, 119.

4 In *Portland Fem. Women's Health Ctr. v. Advocates for Life*, 859 F.2d 686 (9th Cir. 1988),
5 the Ninth Circuit Court of Appeals examined an injunction that prohibited “shouting, screaming,
6 chanting, or yelling during on-site demonstrations” and also prohibited “producing noise by any
7 other means which substantially interferes with the provision of medical services within the
8 [abortion clinic], including counseling.” *Id.* at 684. According to the Court, if the volume of the
9 protests “causes no disruption of clinic operations, such expression would not materially affect the
10 interest at stake here. On the other hand, if the conduct rises to a volume that obstructs the
11 provision of services in the Center, it may be enjoined.” *Id.* at 686-87. Consequently, the Court
12 narrowed the injunction to prohibit “shouting, screaming, chanting, yelling, or producing noise by
13 any other means, in a volume that substantially interferes with the provision of medical services
14 within the Center, including counseling.” *Id.* at 687.

15 In *Planned Parenthood Shasta-Diablo, Inc. v. Williams*, 7 Cal. 4th 860 (1994), the Court of
16 Appeals struck down a restriction on the content of protestors’ speech, but let stand a prohibition
17 against “shouting at or touching physicians, staff or patients entering or leaving [an abortion] clinic
18 or making noise that could be heard inside the premises.” *Id.* at 867. The California Supreme
19 Court affirmed.

20 In *Klein v. City of Laguna Beach*, 594 F. Supp. 2d 1142 (C.D. Cal. 2009), the court upheld
21 an ordinance that prohibited the use of sound-amplifying equipment and sound trucks within 100
22 yards of hospitals, churches, schools, and city hall. *Id.*

23 And in *Madsen v. Women's Health Ctr.*, 512 U.S. 753, 772 (1994) the Supreme Court
24 upheld an injunction that prohibited protestors outside an abortion clinic from “singing, chanting,
25 whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment or other
26 sounds or images observable to or *within earshot of the patients inside the clinic.*” *Id.* at 772, 775
27 (emphasis added).

28 As the foregoing demonstrates, limitations on the volume of protestors’ speech regularly

1 pass constitutional muster. In the current action, the restriction is content neutral and narrowly
2 drawn. Further, as stated in Plaintiff's Application for TRO, the protestors have consistently and
3 deliberately interrupted Plaintiff's ability normal worship and Bible study activities. Accordingly,
4 the Order is constitutional and valid.²

5 **2. The Order Was Served on Sims and She Violated It**

6 At the April 12, 2013 hearing on Plaintiff's request for a restraining order, notice of the
7 Order was waived by Sims. Susman Decl. ¶¶ 2-4 Exh. 1 *Id.* Therefore, Sims irrefutably had
8 knowledge of the Order.

9 Sims could easily have complied with the Order; she merely had to refrain from yelling.

10 Finally, despite the validity of the Order, despite Sims stipulating to the Order, despite
11 waiving notice, despite being perfectly capable of complying with the Order, Sims chose to ignore
12 this Court's Order and stood outside Plaintiff's property shouting in a loud and offensive manner.
13 Clearly, the only remaining option is to hold Sims in contempt.

14 Therefore, Sims should be held in contempt and be required to pay \$1,000 for each day she
15 has refused to comply with the Order.

16 **B. Sims Should Be Sanctioned For Her Blatant And Willful Disobedience of This**
17 **Court's Order**

18 CCP section 177.5 provides: "A judicial officer shall have the power to impose reasonable
19 money sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding any other
20 provision of law, payable to the court, for any violation of a lawful court order by a person, done
21 without good cause or substantial justification."

22 For all of the reasons stated *supra*, the Court should sanction Sims pursuant to section
23 177.5. As discussed above, (1) the Order is lawful; (2) Sims violated it; and (3) Sims's violation

24 _____
25 ² The Order is also compatible with California Penal Code section 302(a), which provides: "Every
26 person who intentionally disturbs or disquiets any assemblage of people met for religious worship
27 at a tax-exempt place of worship, by profane discourse, rude or indecent behavior, or by any
28 unnecessary noise, either within the place where the meeting is held, or so near it as to disturb the
order and solemnity of the meeting, is guilty of a misdemeanor" See *People v. Cruz*, 25 Cal.
App. 3d Supp. 1 (1972) (upholding constitutionality of section 302(a)).

1 was without good cause or justification. Indeed, Sims *stipulated* to the Order the day before she
2 violated it. Accordingly, her willful actions should be sanctioned.

3 **C. The Church Is Entitled To Attorneys Fees Incurred in Bringing This**
4 **Application**

5 “[A] person who is subject to a court order as a party to the action, or any agent of this
6 person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to
7 the party initiating the contempt proceeding the reasonable attorney's fees and costs incurred by this
8 party in connection with the contempt proceeding.” Code of Civ. Proc. § 1218(a); *See Goold v.*
9 *Superior Court*, 145 Cal. App. 4th 1, 9-11 (2006) (Section 1218 applies to contempt of any Court
10 order).

11 Here, the Church continues to incur attorney's fees and costs, first in bringing the lawsuit
12 and filing the Application for TRO, and now in enforcing this Court's Order. Therefore, Sims
13 should be required to pay \$3,150 as reasonable attorney's fees and costs incurred in bringing this
14 application. Susman Decl. ¶ 6.

15 **D. Sims Was Given Timely Notification Of This Ex Parte Application**

16 California Rules of Court, Rule 3.1203(a) provides, “[a] party seeking an ex parte order
17 must notify all parties no later than 10:00 a.m. the court day before the *ex parte* appearance, absent
18 a showing of exceptional circumstances that justify a shorter time for notice.” On May 1, 2013, at
19 approximately 8:45 p.m., Jordan Susman, counsel for Plaintiff sent an email to Sims providing
20 notice of this application. Susman Decl. ¶ 6 Exh. 3.

21 **IV. CONCLUSION**

22 For the reasons set forth herein, Plaintiff respectfully requests that this Court issue an order
23 to show cause why (1) Sims should not be held in contempt of this Court's April 12, 2013 Order,
24 (2) Sims should not be sanctioned for her violation of this Court's Order, (3) the Court should not
25 impose sanctions of \$1,000 for each day Sims fails to comply, and (4) the Court should not require
26 Sims to pay Plaintiff's reasonable attorneys fees and costs incurred in bringing this application.
27
28

1 Dated: May 3, 2013

FREEDMAN + TATTELMAN LLP

2
3 By: 

4 Jordan Sasman

5 Attorneys for Plaintiff

6 World Mission Society Church of God

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

05/07/2013

05/07/2013

DECLARATION

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

3

4
5
6
7
8
9
10
11

12
13
14

15
16
17
18
19
20

21


22

23
24
25
26
27
28

Q W N V G U Q

6. On May 1, 2013, at approximately 8:45 p.m., I sent an email to Sims at the email address she gave to me on April 11, 2013, and from which, Sims sent me an email message on April 11, 2013. The email I sent to Sims gave her Notice of this Application and ex parte hearing. Attached hereto as Exhibit 2 is a true and correct copy of the email I sent Sims.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 3d day of May 2013, at Los Angeles, California.


Jordan Susman

Q U I Z

05/07/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE

A. FAJARDO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff
Counsel

JORDAN SUSMAN

[X]

WORLD MISSION SOCIETY CHURCH OF

Defendant
Counsel

JEFF SIMS [X]

DIANE SIMS [X]

VS

TAMMI STEFANO [X]

VS

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE AND TEMPORARY RESTRAINING ORDER

The matter is called for hearing.

The Court has read and considered the above stated
Ex Parte Application.

The Court and Counsel confer.

Pursuant to the stipulation of the Defendants, the
Court orders the following:

The Defendants are not to interfere with the
congregations entrance and exit from the church,
they are to stand away from the front of the church
and they are to keep their voices down in a quiet,
non-offensive manner.

Notice is waived.

05/07/2013

Jordan Susman

From: Jordan Susman
Sent: Wednesday, May 01, 2013 8:46 PM
To: 'diane144k@gmail.com'
Subject: EX PARTE NOTICE

Ms. Sims,

I am writing to provide notice that on Friday, May 3, 2013 at 8:30 am in Dept. 85 of Los Angeles Superior Court, Stanley Mosk Courthouse, 111 N. Hill Street. Los Angeles 90012, the World Mission Society Church of God will file an ex parte application for an order to show cause why you should not be held in contempt of the Court's April 12, 2013 Order.

Please let me know if you plan on opposing the application.

Thank you,
Jordan

Jordan Susman, Esq.

Of Counsel
Freedman + Taitelman, LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
(310) 201-0005 Phone
(310) 201-0045 Facsimile
jsusman@ftllp.com

FREEDMAN + TAITELMAN, LLP

www.ftllp.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

05/07/2013

05/07/2013

DECLARATION

DECLARATION OF RUDY MOLINA

I, Rudy Molina, declare and state as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. On the morning of April 13, 2013, I was at the World Mission Society Church of God church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

3. Beginning at approximately 8:00 a.m. April 13, 2013, I saw several protestors gather on the sidewalk on Calvin Ave adjacent to the Reseda Church. Among the protestors was Diane Sims.

4. I was able to identify Ms. Sims because I know her personally, as we used to worship together at the World Mission Society Church of God.

5. At approximately 8:30 a.m., I was standing across the street from the front gate of the Reseda Church. At that time, I saw and heard Ms. Sims stand on the grass between the sidewalk adjacent to the Reseda Church and Calvin Ave and protest in a loud and offensive manner. Ms. Sims was approximately 30 feet away from me. For more than one (1) minute, Ms. Sims shouted in a loud voice her grievances. The volume of Ms. Sims' shouts was much louder than a normal conversation voice, and it was much louder than a loud conversation voice. I could clearly hear what Ms. Sims was shouting, whereas I could not hear the words spoken by other people on the sidewalk next to her.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 24th day of April 2013, at Los Angeles, California.


Rudy Molina

05/07/2013

DECLARATION

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

3

4
5

6
7

8
9
10

11

12

13

14

15
16
17
18
19
20
21

23
24
25

26
27
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/03/13

DEPT. 19

HONORABLE JOSEPH R. KALIN

JUDGE

N DIGIAMBATTISTA

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am BC505762

Plaintiff

Counsel

JORDAN SUSMAN (X)

WORLD MISSION SOCIETY CHURCH OF
GOD

Defendant

Counsel

DIANE SIMS (X)
RENITA PAYNO (X)

VS
DIANE SIMS ET AL

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF, WORLD MISSION
SOCIETY CHURCH OF GOD, FOR ORDER TO SHOW CAUSE RE
CONTEMPT AGAINST RENITA PAYNO; REQUEST FOR SANCTIONS
AND ATTORNEYS' FEES;

EX PARTE APPLICATION OF PLAINTIFF, WORLD MISSION
SOCIETY CHURCH OF GOD, FOR ORDER TO SHOW CAUSE RE
CONTEMPT AGAINST DIANE SIMS; REQUEST FOR SANCTIONS;
REQUEST FOR ATTORNEYS' FEES

Matters come on for hearing.

The ex parte applications are denied. This is a
quasi criminal matter and needs to be set as a noticed
request for contempt hearing. Defendants are entitled
to a hearing as opposed to an ex parte on a quasi
criminal matter.

Moving party is to give notice.

4981 Catoctin Dr #19
San Diego, CA 92105

Diane Sims

Renita Payno
9018 Balboa Blvd 358
Northridge CA 91325

~~Jeffrey Sims~~, Diane Sims, ~~1988~~ *PS*

Ranita Payno et al, IN PRO PER

~~4981 Catoctin Dr #19~~
~~San Diego, CA 92105~~ *LCF*
03 MAY 2013

FILED
Superior Court of California
County of Los Angeles

W MAY - 3 2013

John A. Clark, Executive Officer/Clerk:
By *YVONKE HIROTO*, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELS, CENTRAL DISTRICT

BC 505762

World Mission Society Church of)

Case No. ~~BC55762~~

God,

Plaintiff,

vs.

Diane Sims, Jeffrey Sims,

Ranita Payno, et al

Defendant

) EX-PARTE DECLARATION RESPONSE;
) ORDER TO SHOW CAUSE RE
) CONTEMPT; REQUEST OF FEES
) ASSOCIATED WITH EXCESSIVE COURT
) FILINGS AND FALSE ACCUSATIONS;
) MOTION TO DISMISS WITH
) PREJUDICE
)

May 03, 2013

Date: ~~April 30, 2013~~

Time: 8:30

Dept: 85

1 **DECLARATION OF DIANE SIMS, JEFFERY SIMS AND RANITA PAYNO**

2 We, the 'Protestors', under the penalty of perjury, declare that
3
4 the following is true and correct:

5 In a consorted effort and concern for the safety and well being
6 Of the members and potential members of the World Mission Society
7 Church of God, we have held demonstrations or Protests on public
8 property, maintaining civility while exercising our civil rights
9 under Article 19, Freedom of Speech Amendment. We have not
10 harassed people, nor are we obstructing the entrance or exit of
11 the church. The allegations made that we, the Protestors, are loud
12 are grossly inaccurate. Contempt is not warranted and is in fact a
13 means to intimidate and suppress the rights of the people to voice
14 thier opinion. Additionally, we request that all EX-PARTE Hearings
15 be denied, as the purpose for such a 'speedy' hearing is
16 unwarranted. This 'Society' attempts to use United States Courts as
17 a means to gain power and silence any opposition to it's teachings
18 of a Korean Woman and Man being God in the flesh. 'We', the
19 protestors realize even this teaching is protected by the 'Freedom
20 of Religion Act' and request this court to point out to the
21 Plaintiff that our Freedom of Speech is a 'Protected Act' as well.
22
23 Additionally, 'WE' request the court orders an immediate cest and
24 desist of the slanderous allegations made against any x-member,
25 such as teaching the members, including children that those who
26
27
28

1 leave the church are 'demons' predestined for 'Hell' and go as far
2 as to tell children if they look at us they will die. The children
3 walk into church with their heads down and their hands covering the
4 sides of their faces.

5
6
7 **PURPOSE OF DEMONSTATING/PROTESTING**

8 It is our intention to provide public information to current church
9 members. Church members are forbidden to look at the internet
10 although, the Plaintiff uses the internet as a social media
11 marketing tool to gain members. Because of this sheltering the
12 members are not aware of why so many people are leaving this church
13 and told slanderous lies instead. Our intention again, is to inform
14 the public of factual information.
15

16 **DISMISSAL OF CONTEMPT REQUEST**

17 On April 12, 2013, an Ex-Parte hearing was heard in this court. A
18 TRO was requested by the CHURCH and DENIED. An agreement was made
19 that the Protesters would not trespass on the property of the
20 Church, nor block any entrances or exits. A request for the voices
21 of the Protestors to be kept at conversation tone was requested. At
22 his time the Honorable Judge pointed out to the Counsel of the
23 Church that a protest was going on two blocks away in which he,
24 Your Honor, could hear from his chambers. Your Honor went on to
25 state without a proper 'decibal' reading one could NOT determine
26 what was considered loud. All voices at the protest, although this
27
28

1 court would not order it, have been reasonable and within a civil
2 tone. On April 13, 2013 the Church had a police car at the protest
3 the entire time without incidence from the protestors. On April 20,
4 2013, church members from other counties protested, Diane Sims was
5 not present on this day. The church was outraged that more people
6 were gathering and this erroneous claim was filed. There is NO
7 warrant for contempt charges whatsoever. If the church felt there
8 was a violation certainly they would have filed an immediate ex-
9 parte, they DID NOT. There have been NO violations of this courts
10 orders.
11

12
13 EXCESSIVE COURT FILINGS CAUSING LOSSES


14 This is the ^{fourth} ~~third~~ Ex-Parte filed within a two week period. These
15 ^{let 03 MAY 2013} unwarranted filings are causing several people to miss school, work
16 and community events. The cost of gas, parking and time are worthy
17 of reimbursement. We are requesting this court impose a reasonable
18 amount of \$1500 to be divided among the 5 people who have been
19 subjected to these ridiculous attempts to silence our opinions. We
20 implore the court that by enforcing this little amount it might
21 deter the Church from abusing the courts time and the tax payers
22 money.
23

24 MOTION TO DISMISS WITH PREJUDICE

25 We, the Protestors request that the court dismiss this case init's
26 entirety with Prejudice. Based on the patterns shown this Church
27 will continue to abuse the courts by filing unwarranted Ex-Parte's.
28

1 If the courts would consider this motion, the proper actions would
2 then have to be taken by the Church. Actions such as law
3 enforcement requests and/or Decibal readings.
4

5 DATED: May 3, 2013
6

7 
8 Diane Sims, Jeffrey Sims
9 Ranita Payno et al, In
10 Pro Per
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
Los Angeles Superior Court

MAY 23 2013

JOHN A. CLARKE, CLERK

BY J. DELUNA, DEPUTY

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

Attorneys for Plaintiff
World Mission Society Church of God

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,

Plaintiff,

vs.

DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762

D19

NOTICE OF ORDER

055/228/2013

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

2 **NOTICE IS HEREBY GIVEN** that on May 3, 2013, Plaintiff's filed and presented to the
3 Court *Ex Parte* Applications for Orders to Show Cause Re Contempt and Requests for Sanctions
4 Against Renita Payno and Diane Sims. Jordan Susman appeared on behalf of Plaintiff. Renita
5 Payno and Diane Sims appeared in pro per. The Applications and Requests were considered
6 without hearing in Department 19, the Honorable Joseph R. Kalin, Presiding.

7 The Court made the following rulings:

8 1. The Court denied Plaintiff's *Ex Parte* Applications and Requests without
9 prejudice, stating that they must be brought on noticed motion.

10 2. Plaintiff to give notice.

11
12 Dated: May 22, 2013

FREEDMAN + TAITELMAN LLP

13
14 By: 

15 Jordan Susman
16 Attorneys for Plaintiff
17 World Mission Society Church of God
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
3]ss.
4 COUNTY OF LOS ANGELES]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 500, Los Angeles, CA 90067.

6 On May 23, 2013, I served the following document(s) **NOTICE OF ORDER** on the interested parties in this action as follows:

7 ☒ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

8 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

9 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth below on this date before 5:00 p.m. from ____@ftllp.com to ____ at @.com. The transmission was completed without error.

10 ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business day delivery to the address(es) listed below.

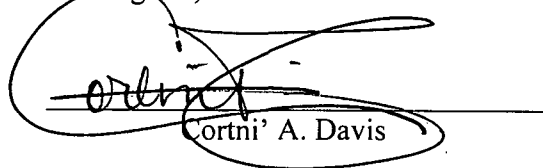
11 ☐ By personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

12 Diane M. Sims
13 9018 Balboa Blvd. #358
14 Northridge, CA 91325

15 Renita Payno
16 9018 Balboa Blvd. #358
17 Northridge, CA 91325

18 ☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct. CCP §2015.5.

19 Executed on May 23, 2013, at Los Angeles, California.

20 
21 Cortni A. Davis

22 **PROOF OF SERVICE**

05/28/2013

1 Jordan Susman, Esq. (SBN 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
3 1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
4 Telephone: (310) 201.0005
Facsimile: (310) 201.0045

5
6 Attorneys for Plaintiff
World Mission Society Church of God
7

FILED
Los Angeles Superior Court

MAY 23 2013
JOHN A. CLARKE, CLERK
BY J. DELUNA, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 WORLD MISSION SOCIETY CHURCH)
OF GOD, a California nonprofit)
12 corporation,)
13 Plaintiff,)
14 vs.)
15 DIANE SIMS, an individual, JEFF SIMS, an)
individual, and DOES 1 through 50, inclusive,)
16 Defendants.)
17
18

Case No. BC505762
**NOTICE OF MOTION AND MOTION
FOR ORDER TO SHOW CAUSE RE
CONTEMPT AGAINST DIANE SIMS;
REQUEST FOR SANCTIONS;
MEMORANDUM OF POINTS AND
AUTHORITIES; REQUEST FOR
ATTORNEY FEES; DECLARATIONS
OF JORDAN SUSMAN, JUSTIN JAMES,
AND RUDY MOLINA IN SUPPORT
THEREOF**

[Proposed Order Lodged Concurrently]

Date: June 20, 2013
Time: 9:30 a.m.
Dept: 85

CIT/CASE: BC505762
LEA/DEF#:
RECEIPT #: CCH539179135
DATE PAID: 05/23/13 04:20 PM
PAYMENT: \$60.00 310
RECEIVED:
CHECK: \$60.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

05/28/2013

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

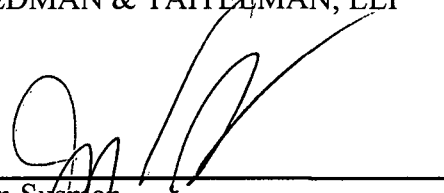
2 PLEASE TAKE NOTICE that on June 20, 2013 at 9:30 a.m. in Department 85 of the
3 above-entitled court, located at 111 N. Hill Street, Los Angeles, California 90012 Plaintiff World
4 Mission Society Church of God will move and hereby does move for an order requiring Defendant
5 Diane Sims ("Sims") to show cause why she should not be held in contempt of, and/or be
6 sanctioned for violating, this Court's Order dated April 12, 2013. Plaintiff further seeks
7 reimbursement of its reasonable attorney's fees in the amount of \$3,150 per Code of Civil
8 Procedure section 1218(a).

9 This motion is made pursuant to the provisions of Code of Civil Procedure sections 1211
10 and 177.5 on the ground that Sims has violated this Court's Order requiring Sims to keep her voice
11 down in a quiet, non-offensive manner when protesting outside Plaintiff's church. On April 13,
12 2013, Sims violated the Order by standing outside Plaintiff's church and shouting loudly in an
13 offensive manner.

14 This motion is based on the points and authorities and declarations set forth below and the
15 records and files in this action.

16
17 DATED: May 23, 2013

FREEDMAN & TAITEMAN, LLP

18
19
20 By: 
21 Jordan Sushman
22 Attorneys for Plaintiff
23 World Mission Society Church of God
24
25
26
27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 One day after appearing in Court and stipulating to the Order, Sims stood outside
4 Plaintiff's property and shouted at people gathering for church services in direct violation of the
5 Order. This Court is left with no option but to hold Sims in contempt and impose sanctions in
6 order to prevent further abuse of its Order.

7 II. STATEMENT OF FACTS

8 As stated in Plaintiff's Complaint and in its Application for an Order to Show Cause Re
9 Preliminary Injunction and Temporary Restraining Order (the "Application for TRO"), throughout
10 February and March 2013, Sims protested outside Plaintiff's property for several weeks in a row.
11 Plaintiff raised no objection to the content of Sims's protests. Instead, Plaintiff requested relief
12 from the manner in which Sims (and others) protested.

13 On April 12, 2013, Sims appeared in Court to oppose Plaintiff's Application for TRO. At
14 that time, Sims stipulated to, and this Court entered, an order requiring Sims and other protestors
15 "to keep their voices down in a quiet, non-offensive manner." Susman Decl. ¶¶ 2-5 Exh. 1. Per the
16 agreement of the parties present, Sims waived notice of the Court's Order. *Id.*

17 The very next day, Sims flagrantly violated the Order. On April 13, 2013, Sims stood
18 adjacent to Plaintiff's property and shouted for a sustained period in a loud and offensive manner.
19 James Decl. ¶¶ 2-6 Exh. 1; Molina Decl. ¶¶ 2-5.

20 III. ARGUMENT

21 A. Sims Should Be Held In Contempt Based On Her Blatant And Willful
22 Disobedience of This Court's Order

23 "Every court has power to compel obedience to its judgments and orders." *Vanderstok v.*
24 *Bank of America*, 29 Cal. App. 3d 731, 734 (1972). "A proceeding in contempt is a proper process
25 for the enforcement or execution of an order or judgment of the court which is in the nature of an
26 injunction." *Id.* "The following acts or omissions in respect to a court of justice, or proceedings
27 therein, are contempts of the authority of the court [¶] Disobedience of any lawful judgment, order
28 or process of the court." Code of Civ. Proc. §1209(a)(5); *See also Selowsky v. Superior Court of*
Napa County, 180 Cal. 404, 406 (1919) ("Willful disobedience of the decree of a court having

1 jurisdiction to make it ordinarily constitutes a contempt"). "As a general rule, the elements of
2 contempt include (1) a valid order, (2) knowledge of the order, (3) ability to comply with the order,
3 and (4) willful failure to comply with the order." *In re Ivey*, 85 Cal. App. 4th 793, 798 (2000).

4 "Upon the answer and evidence taken, the court or judge shall determine whether the
5 person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is
6 guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars
7 (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both."

8 Code of Civ. Proc. § 1218.

9 **1. The Court's Order is Valid**

10 "The First Amendment does not guarantee the right to communicate one's views at all times
11 and places or in any manner that may be desired." *Heffron v. Int'l Soc'y for Krishna Consc.*, 452
12 U.S. 640, 647 (1981). "Even in a public forum the government may impose reasonable restrictions
13 on the time, place, or manner of protected speech, provided the restrictions are justified without
14 reference to the content of the regulated speech, that they are narrowly tailored to serve a
15 significant governmental interest, and that they leave open ample alternative channels for
16 communication of the information." *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).
17 Based upon black letter of the law, this Court's Order is valid and enforceable.¹

18 The third provision of the Order states that protestors "are to keep their voices down in a
19 quiet, non-offensive manner." Restrictions on the volume of protests are upheld if the noise causes
20 disruption of normal operations. "The crucial question is whether the manner of expression is
21 basically incompatible with the normal activity of a particular place at a particular time." *Grayned*
22 *v. City of Rockford*, 408 U.S. 104, 116 (1972). As the Supreme Court noted, making a speech in
23 the reading room of a library would certainly interfere with the normal activity of a library. *Id.*

24 In *Grayned*, the Supreme Court upheld an anti-noise ordinance that stated: "No person,
25 while on public or private grounds adjacent to any building in which a school or any class thereof is
26 in session, shall willfully make or assist in the making of any noise or diversion which disturbs or

27 ¹ Because Sims is only accused of violating the provision of the Order related to speech, this
28 memorandum shall only address the validity of that section.

1 tends to disturb the peace or good order of such school session or class thereof.” *Id.* at 107-08.

2 According to the Court, the ordinance was neither vague nor overbroad as it “punishes only
3 conduct which disrupts or is about to disrupt normal school activities.” *Id.* at 108, 119.

4 In *Portland Fem. Women's Health Ctr. v. Advocates for Life*, 859 F.2d 686 (9th Cir. 1988),
5 the Ninth Circuit Court of Appeals examined an injunction that prohibited “shouting, screaming,
6 chanting, or yelling during on-site demonstrations” and also prohibited “producing noise by any
7 other means which substantially interferes with the provision of medical services within the
8 [abortion clinic], including counseling.” *Id.* at 684. According to the Court, if the volume of the
9 protests “causes no disruption of clinic operations, such expression would not materially affect the
10 interest at stake here. On the other hand, if the conduct rises to a volume that obstructs the
11 provision of services in the Center, it may be enjoined.” *Id.* at 686-87. Consequently, the Court
12 narrowed the injunction to prohibit “shouting, screaming, chanting, yelling, or producing noise by
13 any other means, in a volume that substantially interferes with the provision of medical services
14 within the Center, including counseling.” *Id.* at 687.

15 In *Planned Parenthood Shasta-Diablo, Inc. v. Williams*, 7 Cal. 4th 860 (1994), the Court of
16 Appeals struck down a restriction on the content of protestors’ speech, but let stand a prohibition
17 against “shouting at or touching physicians, staff or patients entering or leaving [an abortion] clinic
18 or making noise that could be heard inside the premises.” *Id.* at 867. The California Supreme
19 Court affirmed.

20 In *Klein v. City of Laguna Beach*, 594 F. Supp. 2d 1142 (C.D. Cal. 2009), the court upheld
21 an ordinance that prohibited the use of sound-amplifying equipment and sound trucks within 100
22 yards of hospitals, churches, schools, and city hall. *Id.*

23 And in *Madsen v. Women's Health Ctr.*, 512 U.S. 753, 772 (1994) the Supreme Court
24 upheld an injunction that prohibited protestors outside an abortion clinic from “singing, chanting,
25 whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment or other
26 sounds or images observable to or ***within earshot of the patients inside the clinic.***” *Id.* at 772, 775
27 (emphasis added).

28 As the foregoing demonstrates, limitations on the volume of protestors’ speech regularly

1 pass constitutional muster. In the current action, the restriction is content neutral and narrowly
2 drawn. Further, as stated in Plaintiff's Application for TRO, the protestors have consistently and
3 deliberately interrupted Plaintiff's ability to engage in normal worship and Bible study activities.
4 Accordingly, the Order is constitutional and valid.²

5 **2. The Order Was Served on Sims and She Violated It**

6 At the April 12, 2013 hearing on Plaintiff's request for a restraining order, notice of the
7 Order was waived by Sims. Susman Decl. ¶¶ 2-4 Exh. 1 *Id.* Therefore, Sims irrefutably had
8 knowledge of the Order.

9 Sims could easily have complied with the Order; she merely had to refrain from yelling.

10 Finally, despite the validity of the Order, despite Sims stipulating to the Order, despite
11 waiving notice, despite being perfectly capable of complying with the Order, Sims chose to ignore
12 this Court's Order and stood outside Plaintiff's property shouting in a loud and offensive manner.
13 Clearly, the only remaining option is to hold Sims in contempt.

14 Therefore, Sims should be held in contempt and be required to pay \$1,000 for each day she
15 has refused to comply with the Order.

16 **B. Sims Should Be Sanctioned For Her Blatant And Willful Disobedience of This**
17 **Court's Order**

18 CCP section 177.5 provides: "A judicial officer shall have the power to impose reasonable
19 money sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding any other
20 provision of law, payable to the court, for any violation of a lawful court order by a person, done
21 without good cause or substantial justification."

22 For all of the reasons stated *supra*, the Court should sanction Sims pursuant to section
23 177.5. As discussed above, (1) the Order is lawful; (2) Sims violated it; and (3) Sims's violation

24 _____
25 ² The Order is also compatible with California Penal Code section 302(a), which provides: "Every
26 person who intentionally disturbs or disquiets any assemblage of people met for religious worship
27 at a tax-exempt place of worship, by profane discourse, rude or indecent behavior, or by any
28 unnecessary noise, either within the place where the meeting is held, or so near it as to disturb the
order and solemnity of the meeting, is guilty of a misdemeanor" See *People v. Cruz*, 25 Cal.
App. 3d Supp. 1 (1972) (upholding constitutionality of section 302(a)).

1 was without good cause or justification. Indeed, Sims *stipulated* to the Order the day before she
2 violated it. Accordingly, her willful actions should be sanctioned.

3 **C. The Church Is Entitled To Attorneys Fees Incurred in Bringing This Motion**

4 “[A] person who is subject to a court order as a party to the action, or any agent of this
5 person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to
6 the party initiating the contempt proceeding the reasonable attorney's fees and costs incurred by this
7 party in connection with the contempt proceeding.” Code of Civ. Proc. § 1218(a); *See Gould v.*
8 *Superior Court*, 145 Cal. App. 4th 1, 9-11 (2006) (Section 1218 applies to contempt of any Court
9 order).

10 Here, the Church continues to incur attorney's fees and costs, first in bringing the lawsuit
11 and filing the Application for TRO, and now in enforcing this Court's Order. Therefore, Sims
12 should be required to pay \$3,150 as reasonable attorney's fees and costs incurred in bringing this
13 motion. Susman Decl. ¶ 6.

14 **IV. CONCLUSION**

15 For the reasons set forth herein, Plaintiff respectfully requests that this Court issue an order
16 to show cause why (1) Sims should not be held in contempt of this Court's April 12, 2013 Order,
17 (2) Sims should not be sanctioned for her violation of this Court's Order, (3) the Court should not
18 impose sanctions of \$1,000 for each day Sims fails to comply, and (4) the Court should not require
19 Sims to pay Plaintiff's reasonable attorneys fees and costs incurred in bringing this motion.

20 Dated: May 23, 2013

FREEDMAN + TATTELMAN LLP

21
22 By: 

23 Jordan Susman
24 Attorneys for Plaintiff
25 World Mission Society Church of God
26
27
28

05/28/2013

DECLARATION

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

DECLARATION OF JORDAN SUSMAN

I, Jordan Susman, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California. I am of counsel at Freedman & Taitelman LLP, attorneys of record for Plaintiff World Mission Society Church of God. As an attorney at Freedman & Taitelman LLP, I have access to, and have personally worked on, the records and files in the matter, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge from records and files of Freedman & Taitelman LLP which are maintained in the ordinary course of the business of said law firm. If called upon to testify, I would and could testify competently to the facts set forth herein.

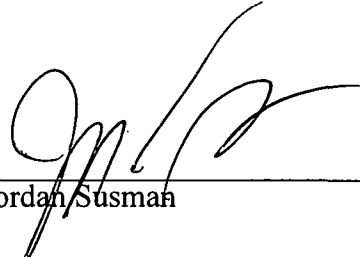
2. On April 12, 2013, Plaintiff's *Ex Parte* Application for an Order to Show Cause Re Preliminary Injunction and Temporary Restraining Order (the "Application for TRO") came for hearing before the Hon. James C. Chalfant.

3. Defendants Diane Sims, Jeff Sims, and Tammi Stefano were present at the hearing on Plaintiff's Application for TRO, at which time they stipulated to the following: "The Defendants are not to interfere with the congregations entrance and exit from the church, they are to stand away from the front of the church and they are to keep their voices down in a quiet, non-offensive manner." Diane Sims, Jeff Sims, Tammi Stefano, and me, on behalf of the Church, waived notice.

4. On April 12, 2013, the Court issued a minute order (the "Order") which contains the language stated above. A true and correct copy of the Order is attached hereto as Exhibit 1.

5. I spent approximately 4 hours preparing the current application. My hourly billing rate is \$350. I anticipate that I will spend another 5 hours reviewing Defendant's opposition to this application, preparing the reply in support of the application, and preparing for and attending the hearing on the motion. Accordingly, Plaintiff will have incurred at least \$3,150 in attorneys' fees enforcing the Order.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this Declaration was executed on this 23d day of May
3 2013, at Los Angeles, California.

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

05/28/2013

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE A. FAJARDO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff
Counsel

JORDAN SUSMAN

[X]

WORLD MISSION SOCIETY CHURCH OF

Defendant
Counsel

JEFF SIMS

[X]

VS

DIANE SIMS

[X]

VS

TAMMI STEFANO

[X]

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE AND TEMPORARY RESTRAINING ORDER

The matter is called for hearing.

The Court has read and considered the above stated
Ex Parte Application.

The Court and Counsel confer.

Pursuant to the stipulation of the Defendants, the
Court orders the following:

The Defendants are not to interfere with the
congregations entrance and exit from the church,
they are to stand away from the front of the church
and they are to keep their voices down in a quiet,
non-offensive manner.

Notice is waived.

05/28/2013

DECLARATION

DECLARATION OF RUDY MOLINA

I, Rudy Molina, declare and state as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. On the morning of April 13, 2013, I was at the World Mission Society Church of God church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

3. Beginning at approximately 8:00 a.m. April 13, 2013, I saw several protestors gather on the sidewalk on Calvin Ave adjacent to the Reseda Church. Among the protestors was Diane Sims.

4. I was able to identify Ms. Sims because I know her personally, as we used to worship together at the World Mission Society Church of God.

5. At approximately 8:30 a.m., I was standing across the street from the front gate of the Reseda Church. At that time, I saw and heard Ms. Sims stand on the grass between the sidewalk adjacent to the Reseda Church and Calvin Ave and protest in a loud and offensive manner. Ms. Sims was approximately 30 feet away from me. For more than one (1) minute, Ms. Sims shouted in a loud voice her grievances. The volume of Ms. Sims' shouts was much louder than a normal conversation voice, and it was much louder than a loud conversation voice. I could clearly hear what Ms. Sims was shouting, whereas I could not hear the words spoken by other people on the sidewalk next to her.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 24th day of April 2013, at Los Angeles, California.



Rudy Molina

05/28/2013

DECLARATION

DECLARATION OF JUSTIN JAMES

I, Justin James, declare and state as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. On the morning of April 13, 2013, I was at the World Mission Society Church of God church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

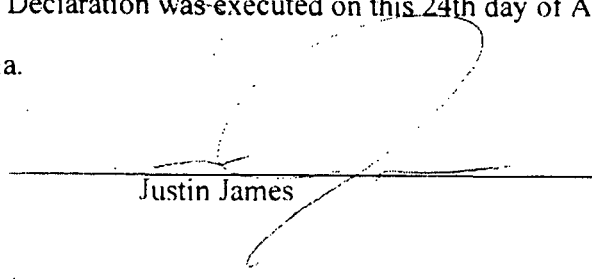
3. Beginning at approximately 8:00 a.m. April 13, 2013, I personally saw several protestors gather on the sidewalk on Valerio Street adjacent to the Reseda Church. Among the protestors was Diane Sims.

4. I was able to identify Ms. Sims because I know her personally, as we used to worship together at the World Mission Society Church of God.

5. Standing on the property of the Reseda Church, and on the sidewalk on Calvin Ave adjacent to the Reseda Church, I videotaped the activities of the people protesting.

6. At approximately 8:30 a.m., I saw, heard, and videotaped Ms. Sims stand on the grass between Calvin Ave and the sidewalk adjacent to the Reseda Church and protest in a loud and offensive manner. For more than one (1) minute, Ms. Sims shouted in a loud voice her grievances. The volume of Ms. Sims' shouts was much louder than a normal conversation voice, and it was much louder than a loud conversation voice. Attached hereto as Exhibit 1 is a CD that contains a true and correct copy of some of the video I took of Ms. Sims shouting and protesting in a loud and offensive manner at approximately 8:30 a.m. on April 13, 2013.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 24th day of April 2013, at Los Angeles, California.


Justin James

05/28/2013

**UNABLE TO
SCAN**

**PLEASE REFER
TO ORIGINAL
DOCUMENT FOR
EXHIBIT 1**

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
3]ss.
4 COUNTY OF LOS ANGELES]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 500, Los
7 Angeles, CA 90067.

8 On May 23, 2013, I served the following document(s) **NOTICE OF MOTION AND**
9 **MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT AGAINST DIANE SIMS;**
10 **REQUEST FOR SANCTIONS; MEMORANDUM OF POINTS AND AUTHORITIES;**
11 **REQUEST FOR ATTORNEY FEES; DECLARATIONS OF JORDAN SUSMAN, JUSTIN**
12 **JAMES, AND RUDY MOLINA IN SUPPORT THEREOF** on the interested parties in this action as
13 follows:

14 ☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage
15 thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice
16 for collection and processing of correspondence and other materials for mailing with the United
17 States Postal Service. On this date, I sealed the envelope(s) containing the above materials and
18 placed the envelope(s) for collection and mailing at the address above following our office's ordinary
19 business practices. The envelope(s) will be deposited with the United States Postal Service on this
20 date, in the ordinary course of business.

21 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below
22 on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and
23 without error, and a transmission report was properly issued by the transmitting facsimile machine.

24 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth
25 below on this date before 5:00 p.m. from ____@ftllp.com to ____ at @.com. The transmission was
26 completed without error.

27 ☒ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a
28 pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business
day delivery to the address(es) listed below.

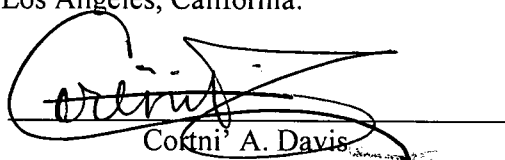
☐ By personally delivering the document(s) listed above to the person(s) at the address(es) set
forth below.

21 Diane M. Sims
22 9018 Balboa Blvd. #358
23 Northridge, CA 91325

21 Renita Payno
22 9018 Balboa Blvd. #358
23 Northridge, CA 91325

24 ☒ STATE - I declare under penalty of perjury under the laws of the State of California that the
25 above is true and correct. CCP §2015.5.

26 Executed on May 23, 2013, at Los Angeles, California.

27 
28 Cortni A. Davis

PROOF OF SERVICE

05/28/2013

1 Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
3 1901 Avenue of the Stars, Suite 500
4 Los Angeles, California 90067
5 Telephone: (310) 201.0005
6 Facsimile: (310) 201.0045

7 Attorneys for Plaintiff
8 World Mission Society Church of God

FILED
Los Angeles Superior Court

MAY 23 2013

JOHN A. CLARKE, CLERK
BY J. DELUNA, DEPUTY

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 WORLD MISSION SOCIETY CHURCH
12 OF GOD, a California nonprofit
corporation,
13 Plaintiff,
14 vs.
15 DIANE SIMS, an individual, JEFF SIMS, an
16 individual, and DOES 1 through 50, inclusive,
17 Defendants.

Case No. BC505762

**NOTICE OF MOTION AND MOTION
FOR ORDER TO SHOW CAUSE RE
CONTEMPT AGAINST RENITA
PAYNO; REQUEST FOR SANCTIONS;
MEMORANDUM OF POINTS AND
AUTHORITIES; REQUEST FOR
ATTORNEY FEES; DECLARATIONS
OF JORDAN SUSMAN, JUSTIN JAMES,
RUDY MOLINA IN SUPPORT
THEREOF**

[Proposed Order Lodged Concurrently]

Date: June 20, 2013
Time: 9:30 a.m.
Dept: 85

CT/CASE: BC505762
LEA/DEF#:
RECEIPT #: CCH539179136
DATE PAID: 05/23/13 04:21 PM
PAYMENT: \$60.00 310
RECEIVED:
CHECK: \$60.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

05 / 28 / 2013

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

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on June 20, 2013 at 9:30 a.m. in Department 85 of the above-entitled court, located at 111 N. Hill Street, Los Angeles, California 90012 Plaintiff World Mission Society Church of God will move and hereby does move for an order requiring Renita Payno ("Payno") to show cause why she should not be held in contempt of, and/or sanctioned for violating, this Court's Order dated April 12, 2013. Plaintiff further seeks reimbursement of its reasonable attorney's fees in the amount of \$3,150 per Code of Civil Procedure section 1218(a).

This motion is made pursuant to the provisions of Code of Civil Procedure sections 1211 and 177.5 on the ground that Payno has violated this Court's Order requiring people protesting outside Plaintiff's church to not to interfere with the congregation's entrance and exit from the church, to stand away from the entrance to the church, and to keep their voices down in a quiet, non-offensive manner. On April 20, 2013, Payno violated the Order by repeatedly standing in the driveway to Plaintiff's church and shouting loudly in an offensive manner.

This motion is based on the points and authorities and declarations set forth below and the records and files in this action.

DATED: May 23, 2013

FREEDMAN & TAITELMAN, LLP

By: 

Jordan Sasman
Attorneys for Plaintiff
World Mission Society Church of God

05 / 28 / 2013

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On April 20, 2013, Renita Payno was personal served with this Court Order that prohibits
4 protesters from interfering with members of Plaintiff's church ability to enter and exit to and from
5 the church, and requires protestors to stand away from the front of the church, and requires
6 protestors to keep their voices down in a quiet, non-offensive manner. Yet, Payno blithely ignored
7 this Court's Order, repeatedly standing in the driveway to the church for prolonged periods of time
8 and shouting in a loud and offensive manner. This Court is left with no option but to hold Payno
9 in contempt and impose sanctions in order to prevent further abuse of its Order.

10 **II. STATEMENT OF FACTS**

11 As stated in Plaintiff's Complaint and in its Application for an Order to Show Cause Re
12 Preliminary Injunction and Temporary Restraining Order (the "Application for TRO"), protestors
13 have been protesting outside Plaintiff's property for several weeks. Plaintiff raised no objection to
14 the content of these protests. Instead, Plaintiff requested relief from the place and manner in which
15 the protestors voiced their grievances.

16 On April 12, 2013, this Court entered an order that states: "The Defendants are not to
17 interfere with the congregations entrance and exit from the church, they are to stand away from the
18 front of the church and they are to keep their voices down in a quiet, non-offensive manner."
19 Susman Decl. ¶¶ 2- 3 Exh. 1. On April 20, 2013, Payno joined the protestors outside one of
20 Plaintiff's churches. James Decl. ¶¶ 2-4 Exh. 1; Molina Decl. ¶¶ 2-4. She was served a copy of the
21 Court's Order by a process server. Susman Decl. ¶ 4 Exh. 2.

22 Within minutes of being served with the Order, Payno flagrantly violated it; Payno
23 repeatedly stood in the driveway of the church for prolonged periods of time. James Decl. ¶¶ 4-6
24 Exh. 1; Molina Decl. ¶¶ 4-6. In addition, Payno repeatedly shouted her protests in violation of the
25 Order. James Decl. ¶¶ 4, 6 Exh. 1; Molina Decl. ¶¶ 4, 6.

26 //

27 //

28 //

29 //

05/28/2013

1 **III. ARGUMENT**

2 **A. Payno Should Be Held In Contempt Based On Her Blatant And Willful**
3 **Disobedience of This Court's Order**

4 “Every court has power to compel obedience to its judgments and orders.” *Vanderstok v.*
5 *Bank of America*, 29 Cal. App. 3d 731, 734 (1972). “A proceeding in contempt is a proper process
6 for the enforcement or execution of an order or judgment of the court which is in the nature of an
7 injunction.” *Id.* “The following acts or omissions in respect to a court of justice, or proceedings
8 therein, are contempts of the authority of the court - Disobedience of any lawful judgment, order or
9 process of the court.” Code of Civ. Proc. §1209(a)(5); *See also Selowsky v. Superior Court of*
10 *Napa County*, 180 Cal. 404 (1919) (“Willful disobedience of the decree of a court having
11 jurisdiction to make it ordinarily constitutes a contempt”). “As a general rule, the elements of
12 contempt include (1) a valid order, (2) knowledge of the order, (3) ability to comply with the order,
13 and (4) willful failure to comply with the order.” *In re Ivey*, 85 Cal. App. 4th 793, 798 (2000).

14 “Upon the answer and evidence taken, the court or judge shall determine whether the
15 person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is
16 guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars
17 (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both.”
18 Code of Civ. Proc. § 1218.

19 Here, the Court issued a straightforward order concerning protestors outside Plaintiff's
20 property: “The Defendants are not to interfere with the congregations entrance and exit from the
21 church, they are to stand away from the front of the church and they are to keep their voices down
22 in a quiet, non-offensive manner.” At Plaintiff's expense, a licensed process server personally
23 served Payno a copy of the Order.

24 **1. The Court's Order is Valid**

25 “The First Amendment does not guarantee the right to communicate one's views at all times
26 and places or in any manner that may be desired.” *Heffron v. Int'l Soc'y for Krishna Consc.*, 452
27 U.S. 640, 647 (1981). “Even in a public forum the government may impose reasonable restrictions
28 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

1 significant governmental interest, and that they leave open ample alternative channels for
2 communication of the information.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

3 Based upon black letter of the law, each of the three provisions of this Court’s Order is
4 valid and enforceable.

5 **a. Protestors Must Not Interfere With Ingress and Egress to the**
6 **Church**

7 The first provision of the Order states that protestors “are not to interfere with the
8 congregation[’]s entrance and exit from the church.” Regulations on speech that protect ingress
9 and egress are routinely granted and upheld by the courts. *See e.g., Feminist Women's Health*
10 *Center v. Blythe*, 32 Cal. App. 4th 1641, 1662 (1995); *In re Lane*, 71 Cal. 2d 872, 878 (1969). As
11 the California Supreme Court held, “Regardless of their message, protestors may be enjoined from
12 blocking driveways or otherwise physically obstructing the passage of automobiles and pedestrians
13 going to or coming from the clinic.” *Planned Parenthood Shasta-Diablo Inc. v. Williams*, 7 Cal.
14 4th 860, 890 (1994). Accordingly, there is no doubt that this Court may order protestors to not
15 interfere with ingress and egress to church property.

16 **b. Protestors Can Be Ordered to Stand Away From the Front of the**
17 **Church**

18 The second provision of the Order states that protestors “are to stand away from the front of
19 the church.” The guiding principles of time, place, and manner restrictions are that they be content
20 neutral and narrowly tailored to leave open ample alternative channels for communication. *Ward*,
21 491 U.S. at 791. Consistent therewith, courts regularly uphold “buffer zones” or “clear zones” that
22 prevent protestors from coming near the object of their protests:

- 23 • *Boos v. Barry*, 485 U.S. 312 (1988) (sustaining ordinance prohibiting picketing within 500
- 24 feet of a foreign embassy);
- 25 • *Cox v. Louisiana*, 379 U.S. 559 (1965) (upholding ban on picketing near courthouse);
- 26 • *Planned Parenthood v. Holy Angels Catholic Church*, 765 F. Supp. 617 (N.D. Cal. 1991)
- 27 (court imposed no-protest zone within 25 feet of clinic entrance);
- 28

- 1 • *Pro-Choice Network v. Project Rescue*, 799 F. Supp. 1417 (W.D.N.Y. 1992) (injunction
- 2 established 15-foot clear zone around abortion clinic entrances and people and vehicles
- 3 seeking access thereto);
- 4 • *Portland Fem. Women's Health Ctr. v. Advocates for Life*, 859 F.2d 686 (9th Cir. 1988)
- 5 (court sustained 12-foot free zone around abortion clinic entrance);
- 6 • *Northeast Women's Center, Inc. v. McMonagle*, 939 F.2d 57 (3d Cir. 1991) (court upheld
- 7 injunction prohibiting all but 6 pickets within 500 feet of clinic);

8 In *Portland Feminist Women's Health*, the protestors objected to a twelve and one half foot
9 buffer zone around the entrance to the clinic. *Portland Fem. Women's Health*, 859 F.2d at 686.
10 The Ninth Circuit, however, upheld the buffer zone, and declined "to entertain quibbling" over its
11 extent.

12 In the current circumstance, the buffer zone is not nearly so onerous. Instead of being
13 forced to stay more than 12 feet from the entrance to the church's property, protestors must merely
14 "stand away from the front of the church." This narrowly tailored restriction provides ample
15 alternative channels for communication, including the entire sidewalk adjacent to the church. The
16 protestors simply must stay away from the entrance (i.e., the driveway) to the church. Moreover,
17 the "front of the church" is easily visible to the naked eye, as there are openings in the fence that
18 surround the church.

19 c. **Protestors Must Keep Their Voices Down in a Quiet, Non-**
20 **Offensive Manner**

21 The third provision of the Order states that protestors "are to keep their voices down in a
22 quiet, non-offensive manner." Restrictions on the volume of protests are upheld if the noise causes
23 disruption of normal operations. "The crucial question is whether the manner of expression is
24 basically incompatible with the normal activity of a particular place at a particular time." *Grayned*
25 *v. City of Rockford*, 408 U.S. 104, 116 (1972). As the Supreme Court noted, making a speech in
26 the reading room of a library would certainly interfere with the normal activity of a library. *Id.*

27 In *Grayned*, the Supreme Court upheld an anti-noise ordinance that stated: "No person,
28 while on public or private grounds adjacent to any building in which a school or any class thereof is

1 in session, shall willfully make or assist in the making of any noise or diversion which disturbs or
2 tends to disturb the peace or good order of such school session or class thereof.” *Id.* at 107-08.
3 According to the Court, the ordinance was neither vague nor overbroad as it “punishes only
4 conduct which disrupts or is about to disrupt normal school activities.” *Id.* at 108, 119.

5 In *Portland Fem. Women's Health Ctr. v. Advocates for Life*, 859 F.2d 686 (9th Cir. 1988),
6 the Ninth Circuit Court of Appeals examined an injunction that prohibited “shouting, screaming,
7 chanting, or yelling during on-site demonstrations” and also prohibited “producing noise by any
8 other means which substantially interferes with the provision of medical services within the
9 [abortion clinic], including counseling.” *Id.* at 684. According to the Court, if the volume of the
10 protests “causes no disruption of clinic operations, such expression would not materially affect the
11 interest at stake here. On the other hand, if the conduct rises to a volume that obstructs the
12 provision of services in the Center, it may be enjoined.” *Id.* at 686-87. Consequently, the Court
13 narrowed the injunction to prohibit “shouting, screaming, chanting, yelling, or producing noise by
14 any other means, in a volume that substantially interferes with the provision of medical services
15 within the Center, including counseling.” *Id.* at 687.

16 In *Planned Parenthood Shasta-Diablo, Inc. v. Williams*, 7 Cal. 4th 860 (1994), the Court of
17 Appeals struck down a restriction on the content of protestors’ speech, but let stand a prohibition
18 against “shouting at or touching physicians, staff or patients entering or leaving [an abortion] clinic
19 or making noise that could be heard inside the premises.” *Id.* at 867. The California Supreme
20 Court affirmed.

21 In *Klein v. City of Laguna Beach*, 594 F. Supp. 2d 1142 (C.D. Cal. 2009), the court upheld
22 an ordinance that prohibited the use of sound-amplifying equipment and sound trucks within 100
23 yards of hospitals, churches, schools, and city hall. *Id.*

24 And in *Madsen v. Women's Health Ctr.*, 512 U.S. 753, 772 (1994) the Supreme Court
25 upheld an injunction that prohibited protestors outside an abortion clinic from “singing, chanting,
26 whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment or other
27 sounds or images observable to or *within earshot of the patients inside the clinic.*” *Id.* at 772, 775
28 (emphasis added).

1 As the foregoing demonstrates, limitations on the volume of protestors' speech regularly
2 pass constitutional muster. In the current action, the restriction is content neutral and narrowly
3 drawn. Further, as stated in Plaintiff's Application for TRO, the protestors have consistently and
4 deliberately interrupted Plaintiff's ability to engage in normal worship and Bible study activities.
5 Accordingly, the Order is constitutional and valid.¹

6 **2. The Order Was Served on Payno, and She Violated It**

7 As discussed above, a licensed process server personally served the Order upon Payno. She
8 therefore had knowledge of it.

9 Payno could easily have complied with the Order; she merely had to refrain from standing
10 in the driveway that provides ingress and egress to the church, and she had to refrain from
11 shouting. Finally, despite the validity of the Order, despite being personally served with the Order,
12 despite being perfectly capable of complying with the Order, Payno chose to ignore it. Clearly, the
13 only remaining option is to hold Payno in contempt.

14 Therefore, Payno should be held in contempt, and be required to pay \$1,000 for each day
15 she has refused to comply with the Order.

16 **B. Payno Should Be Sanctioned For Her Blatant And Willful Disobedience of This**
17 **Court's Order**

18 CCP section 177.5 provides: "A judicial officer shall have the power to impose reasonable
19 money sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding any other
20 provision of law, payable to the court, for any violation of a lawful court order by a person, done
21 without good cause or substantial justification."

22 For all of the reasons stated *supra*, the Court should sanction Payno pursuant to section
23 177.5. As discussed above, (1) the Order is lawful; (2) Payno violated it; and (3) Payno's violation

24 _____
25 ¹ The Order is also compatible with California Penal Code section 302(a), which provides: "Every
26 person who intentionally disturbs or disquiets any assemblage of people met for religious worship
27 at a tax-exempt place of worship, by profane discourse, rude or indecent behavior, or by any
28 unnecessary noise, either within the place where the meeting is held, or so near it as to disturb the
order and solemnity of the meeting, is guilty of a misdemeanor" See *People v. Cruz*, 25 Cal.
App. 3d Supp. 1 (1972) (upholding constitutionality of section 302(a)).

1 was without good cause or justification. Indeed, Payno was served the Order minutes before she
2 violated it. Accordingly, her willful actions should be sanctioned.

3 **C. The Church Is Entitled To Attorneys Fees Incurred in Bringing This Motion**

4 “[A] person who is subject to a court order as a party to the action, or any agent of this
5 person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to
6 the party initiating the contempt proceeding the reasonable attorney's fees and costs incurred by this
7 party in connection with the contempt proceeding.” Code of Civ. Proc. § 1218(a); *See Goold v.*
8 *Superior Court*, 145 Cal. App. 4th 1, 9-11 (2006) (Code of Civ. Proc. Section 1218 applies to
9 contempt of any Court order).

10 Here, the Church continues to incur attorney's fees and costs, first in bringing the lawsuit
11 and filing the Application for TRO, and now in enforcing this Court's Order. Therefore, Payno
12 should be required to pay \$3,150 as reasonable attorney's fees and costs incurred in bringing this
13 motion. Susman Decl. ¶ 6.

14 **IV. CONCLUSION**

15 For the reasons set forth herein, Plaintiff respectfully requests that this Court issue an order
16 to show cause why (1) Payno should not be held in contempt of this Court's April 12, 2013 Order,
17 (2) Payno should not be sanctioned for her violation of this Court's Order, (3) the Court should not
18 impose sanctions of \$1,000 for each day Payno fails to comply, and (4) the Court should not
19 require Payno to pay Plaintiff's reasonable attorneys fees and costs incurred in bringing this
20 motion.

21
22 Dated: May 23, 2013

FREEDMAN + TAITELMAN LLP

23 By: 

24 Jordan Susman
25 Attorneys for Plaintiff
26 World Mission Society Church of God
27
28

05/28/2013

DECLARATION

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

3

4
5
6
7
8
9
10
11

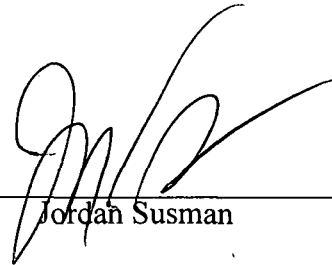
12
13
14

15
16
17

18
19
20
21

22
23
24
25
26

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this Declaration was executed on this 23d day of May
3 2013, at Los Angeles, California.

4
5
6 
Jordan Susman

05/28/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE A. FAJARDO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

J. DE LUNA, C.A.

Deputy Sheriff

NONE

Reporter

8:30 am BC505762

Plaintiff
Counsel

JORDAN SUSMAN [X]

WORLD MISSION SOCIETY CHURCH OF

Defendant
Counsel

JEFF SIMS [X]

VS

DIANE SIMS [X]

VS

TAMMI STEFANO [X]

DIANE SIMS ET AL

-NO LEGAL FILE-

NATURE OF PROCEEDINGS:

EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW
CAUSE AND TEMPORARY RESTRAINING ORDER

The matter is called for hearing.

The Court has read and considered the above stated
Ex Parte Application.

The Court and Counsel confer.

Pursuant to the stipulation of the Defendants, the
Court orders the following:

The Defendants are not to interfere with the
congregations entrance and exit from the church,
they are to stand away from the front of the church
and they are to keep their voices down in a quiet,
non-offensive manner.

Notice is waived.

05 / 28 / 2013

JORDAN SUSMAN, ESQ. FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 Attorney For: Plaintiff: World Mission Society Church of God					SBN: 246116 FOR COURT USE ONLY	
TELEPHONE NO.: (310) 201-0005 FAX NO. (Optional): (310) 201-0045 E-MAIL ADDRESS (Optional):						
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DISTRICT						
Plaintiff: WORLD MISSION SOCIETY CHURCH OF GOD Defendant: DIANE SIMS, ET AL					CASE NUMBER: BC505762	
PROOF OF SERVICE		HEARING DATE:	DAY:	TIME:	DEPT.:	Ref No. or File No.: 2311.1

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

MINUTE ORDER RE: EX PARTE APPLICATION OF PLAINTIFF FOR ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

PARTY SERVED: **ALL PEOPLE WHO SHOW UP TO PROTEST**

PERSON SERVED: **RONITA DOE - PROTESTOR (REFUSED TO GIVE LAST NAME), 23-YEAR-OLD BLACK FEMALE, 5-5, 125 LBS., BLACK HAIR**

DATE & TIME OF DELIVERY: **04/20/2013
 08:25 am**

ADDRESS, CITY, AND STATE: **19400 VALERIO STREET
 RESEDA, CA 91335**

MANNER OF SERVICE:
 Personal Service - By personally delivering copies.

Fee for Service:
 County: **LOS ANGELES**
 Registration No.: **6359**
 Nationwide Legal, LLC (12-234648)
 1609 James M. Wood Blvd., 2nd Fl
 Los Angeles, CA 90015
 (213) 249-9999
 Ref: 2311.1

I declare under penalty of perjury under the laws of the
 The State of California that the foregoing information
 contained in the return of service and statement of
 service fees is true and correct and that this declaration
 was executed on April 23, 2013.

Signature: 
OMAR SHAMMOUT

PROOF OF SERVICE

05/28/2013

DECLARATION

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

3

4
5

6
7

8
9
10

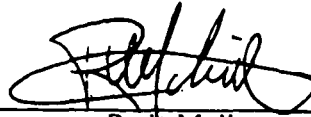
11
12
13
14
15
16
17
18
19
20

21
22
23

24

25

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this Declaration was executed on this 24th day of April
3 2013, at Los Angeles, California.

4
5 
6

Rudy Molina

05/28/2013

DECLARATION

DECLARATION OF JUSTIN JAMES

I, Justin James, declare and state as follows:

1. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. On the morning of April 20, 2013, I was at the World Mission Society Church of God church located at 19400 Valerio Street, Reseda, California 91335 (the "Reseda Church").

3. Beginning at approximately 8:00 a.m. April 20, 2013, I personally saw several protestors gather on the sidewalk on Calvin Ave adjacent to the Reseda Church. Among the protestors was Renita Payno.

4. At approximately 8:30 a.m., Ms. Payno stood on the sidewalk next to the driveway that provides entrance to the church. I was standing in the parking lot of the Reseda Church with a video camera, videotaping Ms. Payno and other protestors. From my position in the parking lot, I clearly saw Ms. Payno stand at the part of the sidewalk that slopes down to the driveway. Ms. Payno addressed her loud, disruptive protests at me. Ms. Payno then shouted at several churchgoers who had entered the parking lot from the sidewalk. Ms. Payno then started walking back and forth in the driveway to the Reseda Church. This driveway is an entrance to the church that is used by cars and pedestrians to enter the church property. For approximately two minutes, Ms. Payno walked back and forth in the driveway. At one point, she stopped to shout something at people in the church parking lot.

5. After a few minutes of standing on the edge of the driveway, at approximately 8:40 a.m., Ms. Payno again walked to the middle of the driveway, and did what appeared to be leg stretches for approximately 1 minute.

6. At approximately 8:50, Ms. Payno again walked into the middle of the church driveway and again shouted at people in the church parking lot. Attached hereto as Exhibit 1 is a CD that contains a true and correct copy of three video clips I took of Ms. Payno standing and loitering in the Reseda Church driveway, and shouting and protesting in a loud and offensive

1 manner at approximately on April 20, 2013.

2
3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct and that this Declaration was executed on this 24th day of April
5 2013, at Los Angeles, California.

6
7 
8 Justin James
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

05/28/2013

**UNABLE TO
SCAN**

**PLEASE REFER
TO ORIGINAL
DOCUMENT FOR
EXHIBIT 1**

05/28/2013

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
3]ss.
4 COUNTY OF LOS ANGELES]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 500, Los Angeles, CA 90067.

6 On May 23, 2013, I served the following document(s) **NOTICE OF MOTION AND**
7 **MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT AGAINST RENITA PAYNO;**
8 **REQUEST FOR SANCTIONS; MEMORANDUM OF POINTS AND AUTHORITIES;**
9 **REQUEST FOR ATTORNEY FEES; DECLARATIONS OF JORDAN SUSMAN, JUSTIN**
10 **JAMES, RUDY MOLINA IN SUPPORT THEREOF** on the interested parties in this action as follows:

11 ☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

12 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

13 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth below on this date before 5:00 p.m. from ____@ftllp.com to ____ at @.com. The transmission was completed without error.

14 ☒ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business day delivery to the address(es) listed below.

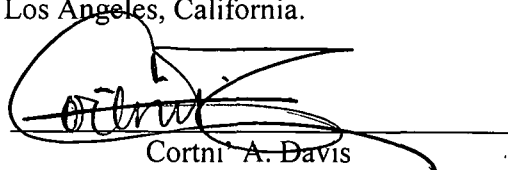
15 ☐ By personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

16 Diane M. Sims
17 9018 Balboa Blvd. #358
18 Northridge, CA 91325

19 Renita Payno
20 9018 Balboa Blvd. #358
21 Northridge, CA 91325

22 ☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct. CCP §2015.5.

23 Executed on May 23, 2013, at Los Angeles, California.

24 
25 Cortni A. Davis

26 **PROOF OF SERVICE**

05/28/2013

1 Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
3 Los Angeles, California 90067
4 Telephone: (310) 201.0005
Facsimile: (310) 201.0045
5
6 Attorneys for Plaintiff
World Mission Society Church of God
7

FILED
Los Angeles Superior Court

JUN 15 2013
JOHN A. CLARKE, CLERK
J. Deluna
BY J. DELUNA, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
10

11 WORLD MISSION SOCIETY CHURCH)
OF GOD, a California nonprofit)
12 corporation,)
13 Plaintiff,)
14 vs.)
15 DIANE SIMS, an individual, JEFF SIMS, an)
individual, and DOES 1 through 50, inclusive,)
16 Defendants.)
17

Case No. BC505762

AMENDED PROOF OF SERVICE

Date: June 20, 2013
Time: 9:30 a.m.
Dept: 85

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
]ss.
3 COUNTY OF LOS ANGELES]

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action; my business address is 1609 James M. Wood Blvd., 2nd Floor,
Los Angeles, CA 90015.

6 On May 29, 2013, I served the following document(s) **NOTICE OF MOTION AND**
7 **MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT AGAINST RENITA PAYNO;**
8 **REQUEST FOR SANCTIONS; MEMORANDUM OF POINTS AND AUTHORITIES;**
9 **REQUEST FOR ATTORNEY FEES; DECLARATIONS OF JORDAN SUSMAN, JUSTIN**
10 **JAMES, RUDY MOLINA IN SUPPORT THEREOF** on the interested parties in this action as
11 follows:

12 ☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage
13 thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice
14 for collection and processing of correspondence and other materials for mailing with the United
15 States Postal Service. On this date, I sealed the envelope(s) containing the above materials and
16 placed the envelope(s) for collection and mailing at the address above following our office's ordinary
17 business practices. The envelope(s) will be deposited with the United States Postal Service on this
18 date, in the ordinary course of business.

19 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below
20 on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and
21 without error, and a transmission report was properly issued by the transmitting facsimile machine.

22 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth
23 below on this date before 5:00 p.m. from ____@ftllp.com to ____ at @.com. The transmission was
24 completed without error.


25 ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a
26 pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business
27 day delivery to the address(es) listed below.

28 ☒ By personally delivering the document(s) listed above to the person(s) at the address(es) set
forth below.

Renita Payno
9018 Balboa Blvd. #358
Northridge, CA 91325

☒ STATE - I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. CCP §2015.5.

Executed on May 29, 2013, at Los Angeles, California.


WALTER RODRIGUEZ

PROOF OF SERVICE

POS-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Diane Sims 9018 Balboa Blvd # 358 Northridge, Ca 91325 TELEPHONE NO.: 818-434-7529 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles JUN 14 2013 John A. Clarke, Executive Officer/Clerk By <u>A. Fajardo</u> , Deputy ANNETTE FAJARDO
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 111 N. Hill ST, MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles Ca 90012 BRANCH NAME: Central District	
PETITIONER/PLAINTIFF: World Mission Society Church of God. RESPONDENT/DEFENDANT:	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER: BC505762

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.

2. My residence or business address is:

9018 Balboa Blvd 358
 Northridge Ca 91325

3. On (date): 6-4-2013 I mailed from (city and state): Los Angeles, CA.
 the following documents (specify):

Opposition to Plaintiffs Ex-parte Notice for order
 to show cause Re: Contempt of Court.

☐ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):

a. ☒ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

b. ☐ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

a. Name of person served: JORDON Susman

b. Address of person served: 1901 Avenue of the Stars Suite 500
 Los Angeles, Ca 90067

☐ The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date:

Diane Sims

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



Diane Sims

(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Service by First-Class Mail—Civil* (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents:

(1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:
 - Check box a if you personally put the documents in the regular U.S. mail.
 - Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.

1 Diane Sims, Pro Se Litigant
2 Jeffrey Sims, Pro Se Litigant
3 9018 Balboa Blvd. #358
Northridge, CA. 91325

FILED
Superior Court of California
County of Los Angeles

JUN 14 2013

John A. Clarke, Executive Officer/Clerk

By A. Fajardo, Deputy

ANNETTE FAJARDO

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES- CENTRAL DISTRICT

9 WORLD MISSION SOCIETY CHURCH OF
10 GOD, A NON PROFIT ORGANIZATION
11 PLANTIFF

12 VS.

13 DIANE SIMS, AN INDIVIDUAL, JEFF SIMS, AN
14 INDIVIDUAL, AND DOES 1-50 INCLUSIVE

15 DEFENDANTS

Case No.: BC505762

DEFENDANT, DIANE SIMS, OPPOSITION TO
PLANTIFFS EX-PARTE NOTICE FOR ORDER
TO SHOW CAUSE RE: CONTEMPT OF
COURT; MEMORANDUM OF POINTS AND
AUTHORITIES

DATE: JUNE 20, 2013

TIME: 9:30 AM

DEPT: 85

LOCATION: 111 N. HILL ST.

LOS ANGELES, CA. 90012

21 DEFENDANT, DIANE SIMS, OPPOSITION TO PLANTIFFS EX-PARTE NOTICE FOR
22 ORDER TO SHOW CAUSE RE: CONTEMPT OF COURT; MEMORANDUM OF
23 POINTS AND AUTHORITIES

24 I, Diane Sims, declare under penalty of perjury under the laws of the State of California that the
25 following is true and correct:

26 1. I am the Defendant herein. I have personal knowledge of the following facts except
27 those asserted on information and belief. I make this evidentiary declaration in lieu of personal
28 testimony pursuant to California Code of Civil Procedure Sections 2009 and 2015.5, Rule 1225

DEFENDANT, DIANE SIMS, OPPOSITION TO PLANTIFFS EX-PARTE NOTICE FOR ORDER TO SHOW
CAUSE RE: CONTEMPT OF COURT; MEMORANDUM OF POINTS AND AUTHORITIES - 1

1 of the California Rules of Court, Reifler v Superior Court (1974) 39 Cal. App. 3rd 479, and In re
2 Marriage of Stevenot (1984) 154 Cal. App. 3rd 105.

3 2. I offer this declaration in opposition to the Plaintiff, World Mission Society Church
4 of God, the Declaration of Rudy Molina and the Declaration of Justin James, filed May 3, 2013.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **Introduction and History**

8 3. I am a happily married mother of three adult men. My husband and I have been
9 married for 21 years. At the time that we were 'recruited' into this so-called religious society, I
10 was a business consultant with Kaiser Permanente for 15 years and my husband was a Head
11 Diesel Technician for contract services for 25 years. We owned a lovely 2500 sq. foot home in
12 which always occupied neighbors and friends for lunches, pool parties and out of town
13 guests. We are the all American, home bodies full of love and trust.

14 4. In January 2003 members of a small church which was established only 5 houses
15 down our quite residential street approached me and my husband with a bible in hand. We
16 invited them in and agreed to a Bible Study. Within hours I was petrified by what they were
17 telling us about the end times and how if we were not baptized we couldn't go to Heaven. That
18 very day, we walked to the church and were baptized, we never lived life the same since that
19 day. We were required to attend church daily if we wanted to go to Heaven...we complied,
20 having faith in what they showed us in the Bible.

21 5. There was a Korean Pastor who baptized us in what we were told was the name of
22 the Father, Son and Holy Spirit. We were later told that 'God' had come in the flesh and was
23 born in Korea and he came in the name of Sahng Hong Ahn, aka, Ahn Sahng Hong but we
24 missed his coming as he had returned to Heaven. We were told he left us our 'Heavenly Mother'

1 which the world didn't know about but we were chosen to be saved, we believed their story as
2 they were professional with the Bible and would flip from scripture to scripture, we thought this
3 must only be from God. This woman presently lives in Korea, living lavishly.

4
5 6. I had quit my job to become a 'faithful servant to God' in August 2003. I devoted all
6 of my time to the church believing what they told me. In 2005, the church had expanded its
7 members and gained enough money to relocate to a larger building. The church recommended
8 we sell our home because it was selfish to live so comfortably and the end was coming and God
9 needed our help, monetarily. In 2005, we sold our home, profited on the equity and gave the
10 church \$12,000.

11
12 7. In April 2006, I was appointed Deaconess because I gave fruitful tithings or 'lots of
13 money' to help other churches and ultimately find all of God's children...I believed.

14
15 8. From 2006 until our separating from this organization on December 17, 2011, we
16 had quit our jobs, labored daily at the church and sold our life long possessions. Our daily chores
17 consisted of construction, bathroom duties of scrubbing toilets, to preparing daily dinners in the
18 church kitchen. We had been deceived into giving \$250,000 in total.

19
20 9. All church members are forbidden to look on the internet or associate with non-
21 church members as they were considered 'demons'. If our family, i.e., Father, Mother, children,
22 siblings or extended family wouldn't accept the teaching then we were to cut them off. We were
23 not allowed to attend funerals or ever enter another church. I live with the guilt of not having
24 attended my loving Father's funeral.

25
26 10. We finally left this organization because we saw such emotional abuse to others
27 that we came to realize this couldn't be Godly. If a member didn't pay tithing s/he couldn't go to
28 Heaven. If a member didn't 'bare fruit' aka, recruit new members they couldn't go to Heaven. If

1 a member didn't learn the Bible studies verbatim to their words, they were told they had little
2 faith and couldn't go to Heaven as God was blocking them.

3 11. We realized this was an emotionally abusive organization, inflicting a weight of
4 guilt upon everyone who did not meet the standards of expectation. Children were stopped from
5 playing sports because it was worldly, husbands and wives were separating due to the ability to
6 spend any outside time together. Korean woman were being shipped in and married off to young
7 American men to get a Visa so they could spread the teachings. We will never forgive ourselves
8 for our participation in such a manipulation of the mind hiding behind 'God'. We would like to
9 let people know at the very least to stay close to their families, to not sell their belongings
10 they've worked so hard for and to always feel it's ok to ask questions.

13 **Argument**

14 12. Without freedom of thought there can be no such thing as wisdom, **and no such**
15 **thing as public liberty without freedom of speech; which is the right of every man as far as**
16 **by it he does not hurt and control the right of another: and this is the only check it ought to**
17 **suffer, and the only bounds it ought to know.** --Benjamin Franklin, 1722 (at age 16)

18 13. This Court on April 12, 2013 made an order to obey the following;

19 1. To not obstruct the entrance of the Church

20 2. To stay clear of the driveway where cars come and go

21 14. We agreed to these orders as they were reasonable, we have not disobeyed this
22 courts orders.

23 15. I am seeking to exercise my constitutional right to free speech, press and assembly.
24 As stated hereinbelow, the California Legislature has found and declared that there has been a
25 disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional
26 rights of freedom of speech and petition for the redress of grievances. Therefore it has found and
27

1 declared that it is in the public interest to encourage continued participation in matters of public
2 significance, and that this participation should not be chilled through abuse of Judicial process.

3
4 16. The First Amendment to the United States Constitution provides that "Congress
5 shall make no law...abridging the freedom of speech, or of the press; or the right of the people
6 peaceably to assemble." Although the First Amendment is a limitation only on Congress, it is
7 now settled that the liberties of speech, press and assembly are fundamental rights protected by
8 the Fourteenth Amendment, which restricts the states.

9
10 17. In the absence of State Constitutional protections a State Law infringing on any of
11 these rights is a violation of the Due Process Clause of the Fourteenth Amendment. See *Fiske v*
12 *Kansas* (1927) 274 U.S. 380, 47 S. Ct. 655, 657, 71 L.Ed. 1108, 1111; *Near v. Minnesota* (1931)
13 283 U.S. 697, 51 S.Ct. 625, 633, 75, L.Ed. 660, 665.

14 18. CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS

15 a. SEC. 2. (a) Every person may freely speak, write and publish his or
16 her sentiments on all subjects, being responsible for the abuse of
17 this right. A law may not restrain or abridge liberty of speech or press.
18

19
20 **CONCLUSION**


21 19. We held demonstrations for a total of 7 weeks. Although, the Honorable Judge
22 never put an order to a low voice when protesting, on the contrary he pointed out that the volume
23 needed to be measured in order to determine volume disturbance, we have of our own accord
24 maintained civility in our demonstration.

25
26 20. We ask the Court to deny the Contempt Request and instead admonish the
27 Plaintiff's excessive abuse of filing Ex-Parte's without an exigent circumstances.

21. I request this Court give Warning to the Plaintiff's attempts to harrass and silence our ability to speak freely.

22. I also request this Court dismiss this Case with Prejudice in it's entirety.

DATED: June 13, 2013


Defendant Diane Sims

Defendant Jeffrey Sims

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

Attorneys for Plaintiff
World Mission Society Church of God

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,

Plaintiff,

vs.

DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762

**REPLY BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION FOR ORDER
TO SHOW CAUSE RE CONTEMPT
AGAINST DIANE SIMS AND REQUEST
FOR SANCTIONS; DECLARATION OF
JORDAN SUSMAN**

Date: June 20, 2013

Time: 9:30 a.m.

Dept: 85

FILED
LOS ANGELES SUPERIOR COURT
JUN 17 2013
JOHN A. CLARKE, CLERK
BY V. PONCE, DEPUTY

1 For the reasons stated herein, Defendant Diane Sims' *late* Opposition¹ is factually incorrect,
2 legally deficient, and even acknowledges that this Court's April 12, 2013 order is "reasonable."

3 **I. DEFENDANT DOES NOT DISPUTE THE CONSTITUTIONALITY OF THIS**
4 **COURT'S ORDER, AND EVEN ACKNOWLEDGES THAT IT IS "REASONABLE"**

5 In her Opposition, Defendant restates many fundamental principles concerning the
6 constitutional right of free expression. See Opp. ¶¶ 12-18. Defendant does not, however, address
7 the issue of time, place, and manner restrictions on speech, nor does she allege that this Court's
8 April 12, 2013 Order is somehow unconstitutional. On the contrary, Defendant states that the April
9 12, 2013 Order is "reasonable."

10 **II. DEFENDANT MISSTATES THE CONTENT OF THE ORDER AND DOES NOT**
11 **ADDRESS HER VIOLATION OF THE ORDER**

12 Defendant alleges that "the Honorable Judge never put an order to a low voice when
13 protesting" Opp. ¶ 19. Not true. The Order explicitly orders protestors "to keep their voices
14 down in a quiet, non-offensive manner."

15 Although Defendant claims to have "maintained civility" in her protests, she does *not* allege
16 that she did not violate this Court's Order – nor can she. As the evidence submitted with Plaintiff's
17 Motion conclusively demonstrates, on April 13, 2013, Defendant stood adjacent to Plaintiff's
18 property and shouted for a sustained period in a loud and offensive manner.

19 **III. CONCLUSION**

20 For all the reasons discussed herein and in Plaintiff's moving papers, the Court should issue
21 an order to show cause against Defendant holding her in contempt, sanctioning her conducting, and
22 requiring her to pay Plaintiff's reasonable attorneys fees and costs.

23
24
25
26
27 ¹ As the hearing is set for June 20, 2013, Defendant's Opposition was due on June 7. C.C.P. §
28 1005(b). Instead, it was emailed to Plaintiff's counsel on June 15, 2013, and sent via U.S. Mail on
June 14, 2013. Susman Decl. ¶ 2 Exh. 1.

1 Dated: June 17, 2013

FREEDMAN + TAITELMAN LLP

2 By: _____

3 Jordan Susman

4 Attorneys for Plaintiff

5 World Mission Society Church of God

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

06/26/2013

06/26/2013

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

3

4
5
6
7
8
9
10
11

12
13
14
15

17
18
19

19
20
21
22

06/26/2013

Jordan Susman

From: Diane Sims [diane144k@gmail.com]
Sent: Saturday, June 15, 2013 4:05 PM
To: Jordan Susman
Subject: Fwd: Declaration
Attachments: Declaration DianeSims.docx; June 20, 2013 Proof of Service.pdf

Mr. Susman,

I am attaching my Declaration that I have filed with the court.
I am also sending you a hard copy via U.S. Postal Service.

06/26/2013

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

⑤
④
③
②
①
⑥
⑦
⑧

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

Attorneys for Plaintiff
World Mission Society Church of God

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,

Plaintiff,

vs.

DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762

**REPLY BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION FOR ORDER
TO SHOW CAUSE RE CONTEMPT
AGAINST RENITA PAYNO AND
REQUEST FOR SANCTIONS;
DECLARATION OF JORDAN SUSMAN**

Date: June 20, 2013

Time: 9:30 a.m.

Dept: 85

FILED
LOS ANGELES SUPERIOR COURT

JUN 17 2013

JOHN A. CLARKE, CLERK

BY V. PONCE, DEPUTY

1 For the reasons stated herein, Defendant Renita Payno's *late* Opposition¹ is factually
2 incorrect, legally deficient, and does not even attempt to rebut the case law supporting Plaintiff's
3 Motion.

4 **I. PLAINTIFF'S MOTION WAS PROPERLY SERVED UPON DEFENDANT**

5 Plaintiff's Motion concerns Defendant's willful disobedience of a valid court order.
6 Consequently, it is not surprising that Defendant would try to deceive the Court about her address
7 and claim she was improperly served.

8 Less than six weeks ago, Defendant filed pleadings in this action that listed her address as
9 being in Northridge. Now Defendant claims that the address she listed on her pleadings is not her
10 address. The Court should reject Defendant's bad faith attempts to evade liability.

11 California Rule of Court 2.111 requires the first page of any pleading filed to contain "the
12 name, office address or, if none, residence address or mailing address (if different) . . . of the party
13 if he or she is appearing in person." On May 3, 2013, Defendant personally appeared at a hearing
14 on Plaintiff's *Ex Parte* Application for OSC Re Contempt. Susman Decl. ¶ 2. At that time,
15 Defendant filed an opposition to Plaintiff's Application. Susman Decl. ¶ 3 Exh. 1. On her
16 opposition papers, Defendant wrote two addresses: one in San Diego, and one in Northridge. *Id.*
17 Defendant crossed out the San Diego address. *Id.* She even initialed and dated the deletion of the
18 San Diego address, leaving just the Northridge address as her address. *Id.*

19 Consequently, as a result of Plaintiff's representations on her pleadings, Plaintiff served the
20 current Motion upon Defendant at the Northridge address. After Plaintiff's original attempt to
21 serve the documents via Federal Express was improperly refused, Plaintiff arranged to have the
22 documents served by personal service on the Northridge address.² Susman Decl. ¶ 4.

23 Defendant has not filed a notice of change of address with the Court. Instead, Defendant
24 has decided to play games with the Court and professes no connection to the address that
25 *Defendant* provided the Court. Defendant's games should be rejected by the Court.

26 ¹ As the hearing is set for June 20, 2013, Defendant's Opposition was due on June 7. C.C.P. §
27 1005(b). Instead, it was served upon Plaintiff one week late, on June 14, 2013. Susman Decl. ¶ 5.

28 ² If Plaintiff had served Defendant at the San Diego address – they very address she crossed out – it
is safe to assume that Defendant would be raising the same objection.

1 **II. DEFENDANT DOES NOT DISPUTE THE CONSTITUTIONALITY OF THIS**
2 **COURT'S ORDER**

3 Defendant speaks at length about the constitutional right of free expression. *See* Opp. 4:7-
4 5:17. She does not, however, allege that this Court's April 12, 2013 Order is somehow
5 unconstitutional, nor does Defendant dispute or distinguish any of the cases proffered by Plaintiff
6 in support of the Order.

7 **III. DEFENDANT DOES NOT DISPUTE THAT SHE VIOLATED THIS COURT'S**
8 **ORDER**

9 Defendant claims that she did not interfere with ingress or egress to the church, and further
10 claims that she did not create a diversion or disturb the peace. Opp. 5:20-24. Defendant does *not*
11 allege that she did not violate this Court's Order – nor can she. As the evidence submitted with
12 Plaintiff's Motion conclusively demonstrates, Defendant stood directly in the entry way to the
13 Church and shouted repeatedly at congregants as they gathered to worship.

14 **IV. THE ANTI-SLAPP STATUTE IS IRRELEVANT TO CONSIDERING**
15 **PLAINTIFF'S MOTION**

16 Defendant's reliance on C.C.P. section 425.16 (the anti-SLAPP statute) is misplaced.
17 Section 425.16 applies exclusively to motions to strike. *See* C.C.P. § 425.16(b)(1). Obviously, the
18 current Motion has not been brought by Defendant, and it is not a motion to strike. Accordingly,
19 the anti-SLAPP statute is inapposite.

20 **V. CONCLUSION**

21 For all the reasons discussed herein and in Plaintiff's moving papers, the Court should issue
22 an order to show cause against Defendant holding her in contempt, sanctioning her conducting, and
23 requiring her to pay Plaintiff's reasonable attorneys fees and costs.

24
25 Dated: June 17, 2013

FREEDMAN + TAITELMAN LLP

By: 

Jordan Susman
Attorneys for Plaintiff
World Mission Society Church of God

06/26/2013

W
H
O
N
I
M
A

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

4
5
6
7
8
9
10
11

12
1314
15

16
17
18
19

20
21

23
24
25

26
27
28

06/26/2013

4981 Catocin #19
San Diego, CA 92105

FILED
Superior Court of California
County of Los Angeles

MAY - 3 2013

John A. Clarke, Executive Officer/Clerk;
By YVONNE HIROTO Deputy

Diane Sims

Renita Payno
9018 Balboa Blvd 358
Northridge CA 91325

~~Jeffrey Sims, Diane Sims, 4028~~

Ranita Payno et al, IN PRO PER

~~4981 Catocin Dr #19
San Diego, CA 92105~~

03 MAY 2013

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

World Mission Society Church of

God,

Plaintiff,

vs.

Diane Sims, Jeffrey Sims,

Ranita Payno, et al

Defendant

BC 505762

Case No. ~~BC 55762~~

) EX-PARTE DECLARATION RESPONSE;
) ORDER TO SHOW CAUSE RE
) CONTEMPT; REQUEST OF FEES
) ASSOCIATED WITH EXCESSIVE COURT
) FILINGS AND FALSE ACCUSATIONS;
) MOTION TO DISMISS WITH
) PREJUDICE

May 03, 2013

Date: ~~April 30, 2013~~

Time: 8:30

Dept: 85

- 1 -

EX-PARTE DECLARATION

EX-1

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

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

و

1 leave the church are 'demons' predestined for 'Hell' and go as far
2 as to tell children if they look at us they will die. The children
3 walk into church with their heads down and their hands covering the
4 sides of their faces.

5
6
7 PURPOSE OF DEMONSTRATING/PROTESTING

8 It is our intention to provide public information to current church
9 members. Church members are forbidden to look at the internet
10 although, the Plaintiff uses the internet as a social media
11 marketing tool to gain members. Because of this sheltering the
12 members are not aware of why so many people are leaving this church
13 and told slanderous lies instead. Our intention again, is to inform
14 the public of factual information.

15
16 DISMISSAL OF CONTEMPT REQUEST

17 On April 12, 2013, an Ex-Parte hearing was heard in this court. A
18 TRO was requested by the CHURCH and DENIED. An agreement was made
19 that the Protesters would not trespass on the property of the
20 Church, nor block any entrances or exits. A request for the voices
21 of the Protestors to be kept at conversation tone was requested. At
22 his time the Honorable Judge pointed out to the Counsel of the
23 Church that a protest was going on two blocks away in which he,
24 Your Honor, could hear from his chambers. Your Honor went on to
25 state without a proper 'decibal' reading one could NOT determine
26 what was considered loud. All voices at the protest, although this
27
28

1 court would not order it, have been reasonable and within a civil
2 tone. On April 13, 2013 the Church had a police car at the protest
3 the entire time without incidence from the protestors. On April 20,
4 2013, church members from other counties protested, Diane Sims was
5 not present on this day. The church was outraged that more people
6 were gathering and this erroneous claim was filed. There is NO
7 warrant for contempt charges whatsoever. If the church felt there
8 was a violation certainly they would have filed an immediate ex-
9 parte, they DID NOT. There have been NO violations of this courts
10 orders.
11

12
13 EXCESSIVE COURT FILINGS CAUSING LOSSES


14 This is the ~~third~~ ^{fourth} Ex-Parte filed within a two week period. These
15 unwarranted filings are causing several people to miss school, work
16 and community events. The cost of gas, parking and time are worthy
17 of reimbursement. We are requesting this court impose a reasonable
18 amount of \$1500 to be divided among the 5 people who have been
19 subjected to these ridiculous attempts to silence our opinions. We
20 implore the court that by enforcing this little amount it might
21 deter the Church from abusing the courts time and the tax payers
22 money.
23

24
25 MOTION TO DISMISS WITH PREJUDICE

26 We, the Protestors request that the court dismiss this case init's
27 entirety with Prejudice. Based on the patterns shown this Church
28 will continue to abuse the courts by filing unwarranted Ex-Parte's.

1 If the courts would consider this motion, the proper actions would
2 then have to be taken by the Church. Actions such as law
3 enforcement requests and/or Decibal readings.
4

5 DATED: May 3, 2013
6

7 
8 Diane Sims, Jeffrey Sims
9 Ranita Payno et al, In
10 Pro Per
11

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
05/08/2013

06/26/2013

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
3]ss.
4 COUNTY OF LOS ANGELES]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1609 James M. Wood Blvd., 2nd Floor, Los Angeles, CA 90015.

6 On June 17, 2013, I served the following document(s) **REPLY BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT AGAINST RENITA PAYNO AND REQUEST FOR SANCTIONS; DECLARATION OF JORDAN SUSMAN** on the interested parties in this action as follows:

7 ☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

8 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

9 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth below on this date before 5:00 p.m. from ____@ftllp.com to ____ at @.com. The transmission was completed without error.

10 ☒ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business day delivery to the address(es) listed below.

11 Diane M. Sims
12 9018 Balboa Blvd. #358
13 Northridge, CA 91325

14 Salar Atrizadeh, Esq.
15 Law Offices of Salar Atrizadeh
16 9701 Wilshire Blvd., 10th Floor
17 Beverly Hills, CA 90212
18 *Attorney for Defendant Renita Payno*

19 ☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct. CCP §2015.5.

20 Executed on June 17, 2013, at Los Angeles, California.

21 
22 Cortni A. Davis

1 **Salar Atrizadeh, Esq. (SBN: 255659)**
2 **LAW OFFICES OF SALAR ATRIZADEH**
3 **9701 Wilshire Blvd., 10th Floor**
4 **Beverly Hills, California 90212**
5 **Tel: 310-694-3034**
6 **Fax: 310-694-3057**
7 **Email: salar@atrizadeh.com**
8 **Website: www.atrizadeh.com**

9 **Attorneys for Defendant**
10 **RENITA PAYNO**

ORIGINAL

FILED
LOS ANGELES SUPERIOR COURT

JUN 19 2013

JOHN A. CLARKE, CLERK
BY V. PONCE, DEPUTY

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES—CENTRAL DISTRICT**

13 **WORLD MISSION SOCIETY CHURCH OF**
14 **GOD, a California nonprofit corporation,**

15 **Plaintiff,**

16 **vs.**

17 **DIANE SIMS, an individual, JEFF SIMS an**
18 **individual, and DOES 1 through 50, inclusive,**

19 **Defendants.**

Case No.: BC505762

**DEFENDANT RENITA PAYNO'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR ORDER TO SHOW
CAUSE RE: CONTEMPT;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATIONS OF
RENITA PAYNO AND COURTNEY
THOMAS IN SUPPORT THEREOF**

Date: June 20, 2013
Time: 9:30 a.m.
Dept.: 85
Location: 111 N. Hill Street
Los Angeles, CA 90012

20
21
22
23
24
25
26
27
28
1
**DEFENDANT RENITA PAYNO'S OPPOSITION TO PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE RE:
CONTEMPT; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS OF RENITA PAYNO AND
COURTNEY THOMAS IN SUPPORT THEREOF**

FILED
LOS ANGELES SUPERIOR COURT

JAN 19 1971
JAMES A. GILBERT, CLERK

ORIGINAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Renita Payno ("Defendant") is a single mother of a young daughter and was a member of
4 plaintiff World Mission Society Church of God ("Plaintiff") from approximately March 2010 to
5 June 2012. Defendant was active in Plaintiff's congregations, including, but not limited to,
6 religious observances (e.g., Sabbath), baptisms, fundraisings, and similar events. However, due
7 to certain and cognizable reasons, such as Plaintiff's fraudulent, misleading, concealing,
8 manipulative, and cult-like activities, Defendant disaffiliated herself from Plaintiff and its
9 members.¹

11 In fact, in this instance Defendant is only seeking to exercise her constitutionally-
12 protected rights to free speech, press, and assembly. As stated hereinbelow, the California
13 Legislature has found and declared that there has been a disturbing increase in lawsuits brought
14 primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition
15 for the redress of grievances. Therefore, it has found and declared that it is in the public interest
16 to encourage continued participation in matters of public significance, and that this participation
17 should not be chilled through abuse of the judicial process. See *infra*.

19 **II. STATEMENT OF FACTS**

20 On April 20, 2013, at approximately 9 a.m., Defendant, along with several other
21 individuals, was protesting on the sidewalk on Calvin Avenue, adjacent to Plaintiff's premises,
22 which is located at 19400 Valerio Street, Reseda, California 91335.² The aforementioned protest
23 was conducted in a peaceful manner.³ Defendant did not interfere with Plaintiff's entrance or
24 exit thereof. In addition, she stood away from the front of Plaintiff's premises and kept her voice
25

26 ¹ Decl. of Renita Payno, at paragraph 2.

27 ² Decl. of Renita Payno, at paragraph 4; Decl. of Courtney Thomas, at paragraph 2.

28 ³ Decl. of Renita Payno, at paragraph 5; Decl. of Courtney Thomas, at paragraph 3.

06/26/2013

1 down in a quiet, non-offensive manner. Defendant has reviewed and knows the contents of this
2 Honorable Court's minute order ("Order"), which was issued on or about April 12, 2013. In
3 addition, Defendant has made every good-faith attempt to adhere to the terms and conditions of
4 the Order. Accordingly, Defendant's conduct was in compliance with the Order.⁴

5
6 **III. ARGUMENT**

7 **A. This Court Lacks Jurisdiction to Proceed Because Defendant Must Have Been**
8 **Formally Notified of Plaintiff's Contempt Charge and of the Time and Place of**
9 **the Hearing**

10 The citee-respondent must be formally notified of the contempt charge and of the time and
11 place of the hearing; otherwise, the court lacks jurisdiction to proceed. For this purpose, both the
12 OSC and affidavit ordinarily must be served on respondent in a manner authorized for service of
13 summons. See *Cedars-Sinai Imaging Med. Group v. Sup.Ct. (Moore)* (2000) 83 Cal. App. 4th
14 1281, 1286, 100 Cal. Rptr. 2d 320, 324 (citing text); *In re Koehler*, supra, 181 Cal. App. 4th at
15 1169, 104 Cal. Rptr. 3d at 889; but see *Shibley v. Sup. Ct.* (1927) 202 C 738, 741, 262 P 332,
16 333—court can authorize service on attorney where party conceals self to avoid service.

17
18 In this matter, the record is devoid of a valid proof of service supporting the contention
19 that Defendant was properly served with the motion for order to show cause re: contempt
20 ("Motion"). In fact, Plaintiff's proof of service ("Proof of Service"), that is affixed to the Motion,
21 shows that on May 23, 2013, Plaintiff mailed, via Federal Express, the Proof of Service to the
22 wrong address because Defendant neither resides nor has ever resided at 9018 Balboa Blvd.,
23 #358, Northridge, CA 91325.⁵ Attached hereto as Exhibit "1" is a true and correct copy of the
24 aforementioned Proof of Service. Moreover, on June 5, 2013, Plaintiff filed an amended proof of
25

26
27 ⁴ Decl. of Renita Payno, at paragraph 6-7; Decl. of Courtney Thomas, at paragraph 4.

28 ⁵ Decl. of Renita Payno, at paragraph 3.

1 service ("Amended Proof of Service") indicating that on May 29, 2013, Plaintiff personally
2 served Defendant at the same address. Attached hereto as Exhibit "2" is a true and correct copy
3 of the Amended Proof of Service. As indicated hereinabove, Defendant does not reside and has
4 never resided at the above-mentioned address.⁶ Thus, this Honorable Court lacks jurisdiction to
5 proceed in this case.
6

7 **B. The Federal Constitution and California Constitution Both Protect Defendant's**
8 **Rights of Freedom of Speech, Freedom of Press, and to Peaceably Assemble**

9 The First Amendment to the United States Constitution provides that "Congress shall
10 make no law...abridging the freedom of speech, or of the press; or the right of the people
11 peaceably to assemble." Although the First Amendment is a limitation only on Congress, it is
12 now settled that the liberties of speech, press, and assembly are fundamental rights protected by
13 the Fourteenth Amendment, which restricts the states.
14

15 Hence, even in the absence of state constitutional protections, a state law infringing on
16 any of these rights is a violation of the Due Process Clause of the Fourteenth Amendment. See
17 *Fiske v. Kansas* (1927) 274 U.S. 380, 47 S.Ct. 655, 657, 71 L.Ed. 1108, 1111; *Near v. Minnesota*
18 (1931) 283 U.S. 697, 51 S.Ct. 625, 633, 75 L.Ed. 1357, 1371; *Grosjean v. American Press Co.*
19 (1936) 297 U.S. 233, 56 S.Ct. 444, 446, 80 L.Ed. 660, 665; *Intel Corp. v. Hamidi* (2003) 30 Cal.
20 4th 1342, 1364, 1 Cal. Rptr. 3d 32, 71 P.2d 296, 5 *Summary (10th), Torts*, §720 ["use of
21 government power, whether in enforcement of a statute or ordinance or by an award of damages
22 or an injunction in a private lawsuit, is state action that must comply with First Amendment
23 limits"]; *Sun Co. of San Bernardino v. Superior Court* (1973) 29 Cal. App. 3d 815, 821, 105 Cal.
24 Rptr. 873.
25
26

27 ⁶ Id., at paragraph 3.
28

1 The California Constitution, under Article 1, Section 2, subsection (a) states as follows:
2 "Every person may freely speak, write and publish his or her sentiments on all subjects, being
3 responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or
4 press." See *Cal. Const., Art. I, §2(a)*. In fact, the language of California's free speech provisions
5 is different than that of the First Amendment, and they have been construed by our courts as
6 "more protective, definitive and inclusive of rights to expression of speech" than their federal
7 counterparts. *Robins v. Pruneyard Shopping Center* (1979) 23 Cal. 3d 899, 908, 153 Cal. Rptr.
8 854, 592 P.2d 341, *Spiritual Psychic Science Church v. Azusa* (1985) 39 Cal. 3d 501, 519, 217
9 Cal. Rptr. 225, 703 P.2d 1119; *Blatty v. New York Times Co.* (1986) 42 Cal. 3d 1033, 1041, 232
10 Cal. Rptr. 542, 728 P.2d 1177.

11
12 The California provision is comprised of three subparts: "(1) an affirmation that all
13 persons may freely speak, write and publish their 'sentiments,' (2) a provision allowing for
14 liability once that right is abused, and (3) a prohibition against laws which infringe freedom of
15 speech or the press." Only the third subpart is paralleled in the First Amendment. See *Pines v.*
16 *Tomson* (1984) 160 Cal. App. 3d 370, 392, 206 Cal. Rptr. 866.

17
18 As mentioned herein, Defendant has the right to exercise her constitutionally-protected
19 rights to free speech, press, and assembly. Accordingly, on April 20, 2013, Defendant never
20 interfered with ingress and egress to the Plaintiff's premises, i.e., the church property, or
21 physically obstructed the passage of automobiles and pedestrians going to or coming from the
22 clinic.⁷ Moreover, Defendant's conduct, on April 20, 2013, did not create a diversion, which
23 disturbed the peace or good order of the congregation.⁸

24
25 Finally, the record is devoid of facts establishing this Court's jurisdiction (e.g., personal
26

27 ⁷ Decl. of Courtney Thomas, at paragraph 5.

28 ⁸ Id., at paragraph 5.

1 service or subpoena, validity of court order allegedly violated, etc.) and Defendant's willful
2 disobedience of the Order. *In re Jones* (1975) 47 Cal. App. 3d 879, 881, 120 Cal. Rptr. 914;
3 *People v. Gonzalez* (1996) 12 Cal. 4th 804, 816, 50 Cal. Rptr. 2d 74, 83.

4
5 **C. The Anti-SLAPP Statute Protects Defendant's Conduct Which Is In Furtherance**
6 **of the Exercise of Defendant's Constitutional Right of Petition or the**
7 **Constitutional Right of Free Speech In Connection With a Public Issue or an**
8 **Issue of Public Interest**

9 The California Legislature has found and declared that there has been a disturbing
10 increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of
11 freedom of speech and petition for the redress of grievances. Therefore, it has found and declared
12 that it is in the public interest to encourage continued participation in matters of public
13 significance, and that this participation should not be chilled through abuse of the judicial
14 process. See *Code of Civ. Proc.* § 425.16(a).

15
16 As indicated above, the anti-SLAPP statute also protects "any other conduct in
17 furtherance of the exercise of the constitutional right of petition or the constitutional right of free
18 speech in connection with a public issue or an issue of public interest." See *Code of Civ. Proc.* §
19 425.16(e)(4). Furthermore, this provision applies to *private* communications concerning issues
20 of public interest; no public forum is required. *Hailstone v. Martinez* (2008) 169 Cal. App. 4th
21 728, 736, 87 Cal. Rptr. 3d 347, 352. Because Code of Civil Procedure § 425.16(e)(4) is limited
22 to conduct "in furtherance of the right of free speech or petition," conduct in furtherance of the
23 right of free exercise of religion does not constitute protected activity under the anti-SLAPP
24 statute. See *Castillo v. Pacheco* (2007) 150 Cal. App. 4th 242, 250-251, 58 Cal. Rptr. 3d 305,
25 311-312. In fact, no nexus is required between the conduct and any issue under consideration by
26
27
28

1 a public body.

2 Here, in arguendo, Plaintiff's fraudulent, misleading, concealing, manipulative, and cult-
3 like activities, which caused Defendant to disaffiliate herself from Plaintiff and its members
4 constitutes any other conduct in furtherance of the exercise of the constitutional right of petition
5 or the constitutional right of free speech in connection with a public issue or an issue of public
6 interest. Code of Civ. Proc. § 425.16(e)(4).
7

8 It is important to note that "public interest," within the meaning of the anti-SLAPP statute,
9 includes, "not only governmental matters, but also private conduct that impacts a broad segment
10 of society and/or that affects a community in a manner similar to that of a governmental entity."
11 *Damon v. Ocean Hills Journalism Club* (2000) 85 Cal. App. 4th 468, 479, 102 Cal. Rptr. 2d 205,
12 212; *Kurwa v. Harrington, Foxx, Dubrow & Canter, LLP* (2007) 146 Cal. App. 4th 841, 846, 53
13 Cal. Rptr. 3d 256, 260. Here, although matters of public interest include legislative and
14 governmental activities, they may also include Defendant's activities that involve private persons
15 and entities, especially when a large, powerful organization—such as Plaintiff—may impact the
16 lives of many individuals. *Du Charme v. International Broth. of Elec. Workers, Local 45*, 110
17 Cal. App. 4th at 115–116, 1 Cal. Rptr. 3d at 507–508; *Kurwa v. Harrington, Foxx, Dubrow &*
18 *Canter, LLP*, supra, 146 Cal. App. 4th at 846.
19

20
21 **IV. CONCLUSION**

22 For the foregoing reasons, Defendant respectfully requests that this Honorable Court
23 denies Plaintiff's Motion, and dismisses this case, with prejudice in its entirety.

24 Dated: June 13, 2013

LAW OFFICES OF SALAR ATRIZADEH


25
26 By: 
27 SALAR ATRIZADEH, ESQ.
28 Attorneys for Defendant

EXHIBIT “1”

06 / 26 / 2013

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA }
3 }ss.
4 COUNTY OF LOS ANGELES }

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 500, Los
7 Angeles, CA 90067.

8 On May 23, 2013, I served the following document(s) **NOTICE OF MOTION AND**
9 **MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT AGAINST RENITA PAYNO;**
10 **REQUEST FOR SANCTIONS; MEMORANDUM OF POINTS AND AUTHORITIES;**
11 **REQUEST FOR ATTORNEY FEES; DECLARATIONS OF JORDAN SUSMAN, JUSTIN**
12 **JAMES, RUDY MOLINA IN SUPPORT THEREOF** on the interested parties in this action as
13 follows:

14 ☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage
15 thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice
16 for collection and processing of correspondence and other materials for mailing with the United
17 States Postal Service. On this date, I sealed the envelope(s) containing the above materials and
18 placed the envelope(s) for collection and mailing at the address above following our office's ordinary
19 business practices. The envelope(s) will be deposited with the United States Postal Service on this
20 date, in the ordinary course of business.

21 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below
22 on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and
23 without error, and a transmission report was properly issued by the transmitting facsimile machine.

24 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth
25 below on this date before 5:00 p.m. from ____@ftlp.com to ____ at @.com. The transmission was
26 completed without error.

27 ☒ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a
28 pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business
day delivery to the address(es) listed below.

☐ By personally delivering the document(s) listed above to the person(s) at the address(es) set
forth below.

21 Diane M. Sims
22 9018 Balboa Blvd. #358
23 Northridge, CA 91325

Renita Payno
9018 Balboa Blvd. #358
Northridge, CA 91325

24 ☒ STATE - I declare under penalty of perjury under the laws of the State of California that the
25 above is true and correct. CCP §2015.5.

26 Executed on May 23, 2013, at Los Angeles, California.

27 
28 Cortni A. Davis

PROOF OF SERVICE

EX1

06/26/2013

EXHIBIT “2”

06/26/2013

ORIGINAL FILED

JUN 05 2013

**LOS ANGELES
SUPERIOR COURT**

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com

FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

**Attorneys for Plaintiff
World Mission Society Church of God**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

**WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,**

Plaintiff,

VS.

DIANE SIMS, an individual, JEFF SIMS, an individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762

AMENDED PROOF OF SERVICE

Date: June 20, 2013
Time: 9:30 a.m.
Dept: 85

~~AMENDED PROOF OF SERVICE~~

Ex 2.

⑤
⑥
⑦
⑧
⑨
⑩
⑪
⑫
⑬
⑭
⑮
⑯
⑰
⑱
⑲
⑳
㉑
㉒
㉓
㉔
㉕
㉖
㉗
㉘
㉙
㉚
㉛
㉜
㉝
㉞
㉟
㊱
㊲
㊳
㊴
㊵
㊶
㊷
㊸
㊹
㊺
㊻
㊼
㊽
㊾
㊿

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

PROOF OF SERVICE

STATE OF CALIFORNIA)
]ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1609 James M. Wood Blvd., 2nd Floor, Los Angeles, CA 90015.

On May 29, 2013, I served the following document(s) **NOTICE OF MOTION AND MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT AGAINST RENITA PAYNO; REQUEST FOR SANCTIONS; MEMORANDUM OF POINTS AND AUTHORITIES; REQUEST FOR ATTORNEY FEES; DECLARATIONS OF JORDAN SUSMAN, JUSTIN JAMES, RUDY MOLINA IN SUPPORT THEREOF** on the interested parties in this action as follows:

☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth below on this date before 5:00 p.m. from ____@fllp.com to ____ at @.com. The transmission was completed without error.


☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business day delivery to the address(es) listed below.

☒ By personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Renita Payno
9018 Balboa Blvd. #358
Northridge, CA 91325

☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct. CCP §2015.5.

Executed on May 29, 2013, at Los Angeles, California.


WALTER RODRIGUEZ

PROOF OF SERVICE

06/26/2013

1 **Salar Atrizadeh, Esq. (SBN: 255659)**
2 **LAW OFFICES OF SALAR ATRIZADEH**
3 **9701 Wilshire Blvd., 10th Floor**
4 **Beverly Hills, California 90212**
5 **Tel: 310-694-3034**
6 **Fax: 310-694-3057**
7 **Email: salar@atrizadeh.com**
8 **Website: www.atrizadeh.com**

9 **Attorneys for Defendant**
10 **RENITA PAYNO**

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES—CENTRAL DISTRICT**

13 **WORLD MISSION SOCIETY CHURCH OF**
14 **GOD, a California nonprofit corporation,**

15 **Plaintiff,**

16 **vs.**

17 **DIANE SIMS, an individual, JEFF SIMS an**
18 **individual, and DOES 1 through 50, inclusive,**

19 **Defendants.**

20 **Case No.: BC505762**

21 **DECLARATION OF RENITA PAYNO**

22 **Date: June 20, 2013**

23 **Time: 9:30 a.m.**

24 **Dept.: 85**

25 **Location: 111 N. Hill Street**
26 **Los Angeles, CA 90012**

06/26/2013

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

1. I am the defendant in the above-captioned matter and submit this declaration in response to the Plaintiff's motion for order to show cause re: contempt ("Motion"). I am over the age of eighteen. The facts stated in this declaration are within my personal knowledge, and if called as a witness, I can and will competently testify as to the facts stated herein.

3. In fact, contrary to Plaintiff's proclamations, as indicated in the Proof of Service and Amended Proof of Service (see Exhibits 1-2), I have not received the Motion via personal delivery or Federal Express. Stated otherwise, I was not served with the Motion or any of its supporting documents by Plaintiff. I live in San Diego, California and do not and never have resided at 9018 Balboa Blvd., #358, Northridge, CA 91325.

5. The aforementioned protest was conducted in a peaceful manner. I did not interfere with the Plaintiff's entrance or exit thereof. In addition, I stood away from the front of Plaintiff's premises and kept my voice down in a quiet, non-offensive manner.

6. I have reviewed and know the contents of this Honorable Court's minute order ("Order"), which was issued on or about April 12, 2013. I have made every good-faith attempt to adhere

⑤
⑥
⑦
⑧
⑨
⑩
⑪
⑫
⑬
⑭
⑮
⑯
⑰
⑱
⑲
⑳
㉑
㉒
㉓
㉔
㉕
㉖
㉗
㉘
㉙
㉚
㉛
㉜
㉝
㉞
㉟
㊱
㊲
㊳
㊴
㊵
㊶
㊷
㊸
㊹
㊺
㊻
㊼
㊽
㊾
㊿

1 to the terms and conditions of the Order.

2 7. I never intentionally disturbed or disquieted any assemblage of people met for religious
3 worship at a tax-exempt place of worship, i.e., Plaintiff's premises, by profane discourse, rude
4 or indecent behavior, or by any unnecessary noise, either within the place where the meeting
5 is held, or so near it as to disturb the order and solemnity of any meeting. As such, my
6 conduct was in compliance with the aforementioned Order.

7
8 8. I respectfully ask this Honorable Court to deny the Motion and dismiss the entire action with
9 prejudice based on my opposition, this declaration, exhibits, and supplemental documentation.

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

12 Executed on June 13, 2013, at San Diego, California.

13
14
15 By: 
16 RENITA PAYNO
17
18
19
20
21
22
23

1 **Salar Atrizadeh, Esq. (SBN: 255659)**
2 **LAW OFFICES OF SALAR ATRIZADEH**
3 **9701 Wilshire Blvd., 10th Floor**
4 **Beverly Hills, California 90212**
5 **Tel: 310-694-3034**
6 **Fax: 310-694-3057**
7 **Email: salar@atrizadeh.com**
8 **Website: www.atrizadeh.com**

9 **Attorneys for Defendant**
10 **RENITA PAYNO**

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES—CENTRAL DISTRICT**

13 **WORLD MISSION SOCIETY CHURCH OF**
14 **GOD, a California nonprofit corporation,**

15 **Plaintiff,**

16 **vs.**

17 **DIANE SIMS, an individual, JEFF SIMS an**
18 **individual, and DOES 1 through 50, inclusive,**

19 **Defendants.**

20 **Case No.: BC505762**

21 **DECLARATION OF COURTNEY**
22 **THOMAS**

23 **Date: June 20, 2013**
24 **Time: 9:30 a.m.**
25 **Dept.: 85**
26 **Location: 111 N. Hill Street**
27 **Los Angeles, CA 90012**

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2

- 3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2

3
4

5

7

1 **Salar Atrizadeh, Esq. (SBN: 255659)**
2 LAW OFFICES OF SALAR ATRIZADEH
3 9701 Wilshire Blvd., 10th Floor
4 Beverly Hills, California 90212
5 Tel: 310-694-3034
6 Fax: 310-694-3057
7 Email: salar@atrizadeh.com
8 Website: www.atrizadeh.com

9 Attorneys for Defendant
10 RENITA PAYNO

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES—CENTRAL DISTRICT**

13 WORLD MISSION SOCIETY CHURCH OF
14 GOD, a California nonprofit corporation,

15 Plaintiff,

16 vs.

17 DIANE SIMS, an individual, JEFF SIMS an
18 individual, and DOES 1 through 50, inclusive,

19 Defendants.

Case No.: BC505762

PROOF OF SERVICE

Date: June 20, 2013
Time: 9:30 a.m.
Dept.: 85
Location: 111 N. Hill Street
Los Angeles, CA 90012

06/26/2013

1

2

3

- 4

5

6

7

8

9

1 ☒ BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept
2 service by electronic mail, I caused the document(s) to be sent to the person at the electronic
notification address listed herein.

3 ☒ BY PERSONAL SERVICE: I caused a copy of such document(s) to be delivered by hand to
4 the offices of the addressee between the hours of 9:00 A.M. and 5:00 P.M.

5 ☐ BY OVERNIGHT COURIER SERVICE: I caused such envelope to be delivered by overnight
6 courier service to the offices of the addressee. The envelope was deposited in or with a facility
regularly maintained by the overnight courier service with delivery fees paid or provided for.

7 ☐ BY FACSIMILE: I caused such documents to be transmitted to the fax number of the
8 addressee listed on the attached service list, by use of facsimile machine telephone number. The
9 facsimile machine used complied with California Rules of Court, Rule 2004 and no error was
reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), a transmission
record of the transmission was printed.

10 ☒ STATE: I declare under penalty of perjury under the laws of the State of California that the
11 above is true and correct.

12 ☐ FEDERAL: I declare under the penalty of perjury that I am a member in good standing of the
13 bar of this court. I also declare under penalty of perjury under the laws of the United States of
14 America that the above is true and correct.

15 Executed on June 14, 2013, at Los Angeles, California:

16
17 

18 SALAR ATRIZADEH
19
20
21
22
23
24
25
26
27
28

1 Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
2 FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
3 Los Angeles, California 90067
4 Telephone: (310) 201.0005
Facsimile: (310) 201.0045

5
6 Attorneys for Plaintiff
World Mission Society Church of God
7

FILED
Superior Court of California
County of Los Angeles

✓ JUN 19 2013

John A. Clarke, Executive Officer/Clerk
By A. Fajardo, Deputy
ANNETTE FAJARDO

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10
11 WORLD MISSION SOCIETY CHURCH)
OF GOD, a California nonprofit)
12 corporation,)
13 Plaintiff,)
14 vs.)
15 DIANE SIMS, an individual, JEFF SIMS, an)
individual, and DOES 1 through 50, inclusive,)
16 Defendants.)
17)
18)

Case No. BC505762

**SUPPLEMENTAL EXHIBIT IN
SUPPORT OF PLAINTIFF'S MOTION
FOR ORDER TO SHOW CAUSE RE
CONTEMPT AGAINST RENITA
PAYNO AND REQUEST FOR
SANCTIONS; DECLARATION OF
GISELLE YATES**

Date: June 20, 2013

Time: 9:30 a.m.

Dept: 85

1 Plaintiff hereby submits the Declaration of Giselle Yates, which includes comments
2 Defendant Renita Payno made online about the case. Yates Decl. ¶¶ 1-5 Exh. 1.

3 In her opposition papers, Defendant claims that she stood away from the front of Plaintiff's
4 premises and kept her voice down in a non-offensive manner. See Payno Opp., Payno Decl. ¶ 5.
5 This statement is directly contradicted by comments Defendant posted online, including:

- 6 • "I was there being loud and annoying"
- 7 • I violated the courts [sic] judgment and now I might lose this case."

8 See Yates Decl. ¶¶ 2, 3 Exh. 1.

9
10 Because Defendant has admitted that she violated the Court's order (and likely committed
11 perjury), the Court should issue an order to show cause against Defendant holding her in contempt,
12 sanctioning her conducting, and requiring her to pay Plaintiff's reasonable attorneys fees and costs.

13
14 Dated: June 19, 2013

FREEDMAN + TAITELMAN LLP

By: 

Jordan Susman
Attorneys for Plaintiff
World Mission Society Church of God

06/26/2013

DECLARATION OF GISELLE YATES

I, GISELLE YATES, declare and state as follows:

1. I have personal knowledge of the things stated within this declaration, and if called upon to testify, I would and could testify competently to the facts set forth herein.

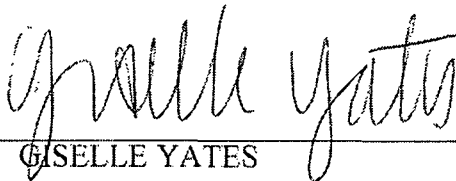
2. I have an account on the online social networking service Facebook.

3. On 6/17/2013 at approximately 8:50pm, I visited the Facebook profile of Renita Payno, Defendant in this matter. Among Ms. Payno's online "conversations" on Facebook, I came across one. Attached hereto as Exhibit 1 is a true and correct copy of the Conversation.

4. The date stamp for Ms. Payno's posting "I need to briefly explain to the court why I was there being loud and annoying." is June 12 at 10:55PM

5. The date stamp for Ms. Payno's posting that states "Legally, I was wrong. Ethically, I was right but the court isn't about ethics. It's about black and white law. If the law says not to slap someone and I do I'm in the wrong even if that person deserved it." is June 12 at 11:51PM

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 17th day of June 2013, at Seatac, WA (King County)


GISELLE YATES

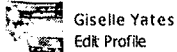
06/26/2013

Add your phone number to help secure your account and more.

United States (+1)

Add Number

Only Me



FAVORITES

News Feed

Messages

Events 5

Photos

APPS

App Center 2

Contests

Gerber Generation Photo S...

Pokes 1

Links

Games Feed 20+

Places Editor

GROUPS

Hooplas of Seattle 16

Van Nuys High Scho... 20+

Create Group...

PAGES

Create a Page...

Pages Feed 20+

Like Pages 20

DEVELOPER

Create App...

MORE



1 John 4:1 Testing the World Mission Society Church of God [...]

About Events Photos Files Join Group

Open Group

46 members

The World Mission Society Church of God [WMSCOG] is an organization that believes a Korean man names Ahn-SahngHong [ASH]... See More

PINNED POSTS



Renita C Payno

<http://youtu.be/yZZrqnn5eIQ>

Follow along - Case # BC505762

lasuperiorcourt.orgwww.youtube.com

Diane and I are seeking donations to help pay the attorney who is willing to help us fight against the

Share 4 June 8 at 12:28pm

RECENT POSTS



Renita C Payno

How many of you are strong enough to apologize to an organization like the WMSCOG? I don't believe that they are innocent of some sort of money-making scheme.. but let's say our accusations were misguided, would you apologize? I think I would.. maybe not right away but I would surely try.

Yesterday at 5:02pm

Seen by 15

View 4 more comments



Renita C Payno This questions roots from what I'm learning in my business ethics class.

5 hours ago · 1

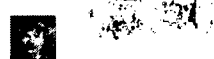


Renita C Payno One of my morals is to give apologies when apologies are due no matter who it's to. If you can put aside your animosity and apologize for something you were wrong for doing, you have a lot of self-control. I can respect someone like that.

5 hours ago · 1



Renita C Payno added Lukas Adrian Dohnal to the group.



Related Groups

See All



Locker Room (Open Group)

6,802 members

Join Group



Trip Pinoy (DOWN'LOW BOY'S)

9,763 members

Join Group



INCHES

8,278 members

Join Group



Find A Relationship The New Genera...

7,974 members

Join Group

Sponsored

See All



Tough Mudder

Whether you're on the fence about getting your 1st headband or your 10th, the feeling you ...



Like This Page



GrubHub

Fox Force Five's got your back. Take \$5 off your first order. <http://on.fb.me/12spMOS>



Giselle Yates

Home

Like This Page

View 8 more comments



Lukas Adrian Dohnal Oh, and thanks for the compliment.

Yesterday at 3:47pm



Renita C Payno Not a problem

Yesterday at 5:00pm · 1



Renita C Payno

Well.. I think we're going to lose, unfortunately.

June 12 at 10:01pm

Seen by 23



Shimon Nyman What?

June 12 at 10:07pm via mobile



Renita C Payno The hearing next Thursday.

June 12 at 10:14pm

Planning is required.
plannedparenthood.org



Planned Parenthood health centers offer affordable birth control. Learn more.

2 Pairs For Just \$39.95
justfab.com



Today only get 2 Pairs for only \$39.95 after you take the Fashion Shoe Quiz Now!

SATURDAYS AT TRINITY
Seattle's #1 Club Night! For FREE GUESTLIST or reserving BOTTLE SERVICE, click the ad



Helen May No.

June 12 at 10:43pm via mobile · 1



Renita C Payno Yes.. This is what the general public sees: A church with people worshipping in it which is completely legal.

June 12 at 10:50pm



Renita C Payno I don't have much time to write up my explanation of why I was there. I wasn't there to say that their worship was illegal. I was there to get the attention of the members and to encourage them to do more research.

June 12 at 10:52pm



Renita C Payno From a legal POV, the members didn't do anything illegal to gain it's members. And, without psychological evaluation, we can't prove that they are doing anything illegal to keep them there.

June 12 at 10:54pm



Renita C Payno This protest is so much deeper than it appears and I need to briefly explain to the court why I was there being loud and annoying.

June 12 at 10:55pm



Renita C Payno I'm prepared to lose but I hope I win.

June 12 at 10:55pm



Sithembele Zenzile You will win, have faith will you.

June 12 at 11:48pm via mobile



Renita C Payno I appreciate it but we must be realistic. Legally, I was wrong. Ethically, I was right but the court isn't about ethics. It's about black and white law. If the law says not to slap someone and I do (I'm in the wrong even if that person deserved it.)

June 12 at 11:51pm



Renita C Payno And that's exactly what I did. I slapped the W... Chat: 27... re! But I wasn't su...

June 12 at 11:51pm



Jesse Racey Maybe you should print out some stuff that other people say about the church! How much are they suing you for?

June 13 at 3:52am via mobile



Patty Hogue Protests happen all the time. You have the right to protest just as much as they have the right worship. If you followed the judges order and can prove your case, think positive!

June 13 at 4:13am · 1



Shimon Nyman if the judge finds against you he is ignoring the constitutional protection of peaceful assembly and speech you didnt prevent them from worshipping zhang and id theft ahn

June 13 at 7:45am via mobile



Renita C Payno But the minute order said we were to keep our voices down. My right to raise my voice was taken away on 12Apr2013. I violated the courts judgment and now I might lose this case.

June 13 at 8:13am



Renita C Payno Like I said, if I'm not allowed to slap someone and I did it, I was legally wrong even if the person deserved it. What I did wasn't according to the law but according to my personal morals.

June 13 at 8:14am



Renita C Payno If I take the testimony of someone, it has to be signed. If any of you can write something up, sign it, and have it emailed to me within the next 45 mins that would be great. This lawyer said that our claims are far-fetched but that's only because he hasn't seen the evidence.

June 13 at 8:17am



Renita C Payno And with the time restrictions, he won't be able to see the evidence before our hearing. Maybe if our attorney had a little more faith in us I wouldn't be so sure we're going to lose. But I don't have enough time bring him up to speed...

June 13 at 8:21am



Renita C Payno If you can, write a brief explanation (synopsis) of your history with plaintiff World Mission Society Church of God. For example, when, how, why, and where did you join the church? What happened that caused you to separate yourself? Also, why are you protesting (if you are)? In other words, what has the church, or its members, done to you that has caused you to engage in public protests? Even if you only protested online.

Other questions:

Has anyone from the church harassed or threatened you?

Has anyone from the church stolen from you?

June 13 at 8:24am



Christina Porter Why?! What about the proof!

June 13 at 8:42am via mobile



TRINITY

Join

LG summer savings
att.comFind your perfect match
this summer with your
favorite LG phone when
you shop at AT&T.

06/26/2013

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
3]ss.
4 COUNTY OF LOS ANGELES]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1609 James M. Wood Blvd., 2nd Floor,
7 Los Angeles, CA 90015.

8 On June 19, 2013, I served the following document(s) **SUPPLEMENTAL EXHIBIT IN**
9 **SUPPORT OF PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT**
10 **AGAINST RENITA PAYNO AND REQUEST FOR SANCTIONS; DECLARATION OF**
11 **GISELLE YATES** on the interested parties in this action as follows:

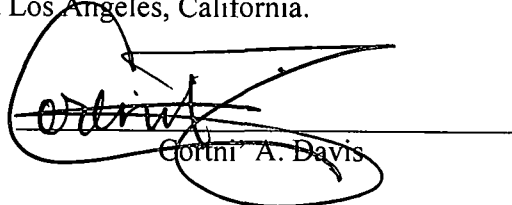
12 [X] by transmitting via electronic mail the document(s) listed above to the addresses set forth
13 below on this date before 5:00 p.m. from cdavis@ftllp.com to Diane Sims at diane144k@gmail.com
14 and Salar Atrizadeh at salar@atrizadeh.com. The transmission was completed without error.

15 Diane M. Sims
16 9018 Balboa Blvd. #358
17 Northridge, CA 91325

Salar Atrizadeh, Esq.
Law Offices of Salar Atrizadeh
9701 Wilshire Blvd., 10th Floor
Beverly Hills, CA 90212
Attorney for Defendant Renita Payno

18 [X] STATE - I declare under penalty of perjury under the laws of the State of California that the
19 above is true and correct. CCP §2015.5.

20 Executed on June 19, 2013, at Los Angeles, California.

21 
Cortni A. Davis

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
3]ss.
4 COUNTY OF LOS ANGELES]

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1609 James M. Wood Blvd., 2nd Floor,
7 Los Angeles, CA 90015.

8 On June 20, 2013, I served the following document(s) **SUPPLEMENTAL EXHIBIT IN
9 SUPPORT OF PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE RE CONTEMPT
10 AGAINST RENITA PAYNO AND REQUEST FOR SANCTIONS; DECLARATION OF
11 GISELLE YATES** on the interested parties in this action as follows:

12 [X] By personally delivering the document(s) listed above to the person(s) at the address(es) set
13 forth below.

14 Diane M. Sims
15 9018 Balboa Blvd. #358
16 Northridge, CA 91325

Salar Atrizadeh, Esq.
Law Offices of Salar Atrizadeh
9701 Wilshire Blvd., 10th Floor
Beverly Hills, CA 90212
Attorney for Defendant Renita Payno

17 [X] STATE - I declare under penalty of perjury under the laws of the State of California that the
18 above is true and correct. CCP §2015.5.

19 Executed on June 20, 2013, at Los Angeles, California.

20
21
22
23
24
25
26
27
28

Jordan Susman

World Mission Society Church v. Sims
BC 505762

Tentative decision on motion for order to
show cause re contempt or sanctions. JUN 20 2013

John A. Clarke, Executive Officer/Clerk
BY ANNETTE FAJARDO, Deputy

Plaintiff World Mission Society Church makes two separate motions that Diane Sims ("Sims") and Renita Payno ("Payno"), respectively, be ordered to show cause why they should not be held in contempt from the court's April 12, 2013 order or otherwise sanctioned.

The court has read and considered the moving papers, opposition of Defendant Sims, and replies,¹ and renders the following tentative decision.

A. Statement of the Case

Plaintiff World Mission Society Church of God ("Church"), a California nonprofit corporation, commenced this action on April 12, 2013, seeking temporary restraining orders and preliminary and permanent injunctions against Defendants Diane Sims, Jeff Sims, and approximately eight other individuals.

The Complaint alleges in pertinent part as follows. Defendants have trespassed on Church property at three separate locations (Reseda, Sunland, and Los Angeles), and obstructed Church members' entry or exit thereto. Defendants have been "congregating, marching, or otherwise protesting on the sidewalk adjacent to...Church property" and "shouting, yelling, or chanting" at "a volume or decibel level that interferes with normal Church activities."

On the date the Complaint was filed, Plaintiff applied *ex parte* for an Order to Show Cause Re Preliminary Injunction and Temporary Restraining Order. The parties stipulated to a preliminary injunction, and the court issued a minute order regarding the place and manner of Defendants' activities outside the Church.

B. Applicable Law

CCP section 1209 (a) states, "[t]he following acts or omissions in respect to a court of justice, or proceedings therein, are contempts of the authority of the court:...(5) [d]isobedience of any lawful judgment, order, or process of the court;..."

"As a general rule, the elements of contempt include (1) a valid order, (2) knowledge of the order, (3) ability to comply with the order, and (4) willful failure to comply with the order." In re Ivey, (2000) 85 Cal.App.4th 793, 798.

"Upon the answer and evidence taken, the court or judge shall determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he or she is guilty of the contempt, a fine may be imposed on him or her not exceeding one thousand dollars (\$1,000), payable to the court, or he or she may be imprisoned not exceeding five days, or both."

CCP §1218.

A contempt charge must be formally served on respondent in a manner authorized for service of summons. Kronenberger v. Superior Court, (1961) 196 Cal.App.2d 206, 209-10; see also Brown and Weil, *Civil Litigation Before Trial*, 9:717.

¹According to Plaintiff, Defendant Payno served a late opposition. However, it is not in the court file. Defendant Sims' opposition was late, but Plaintiff was able to file an timely reply. Both the opposition and reply have been considered.

A judicial officer may impose a monetary sanction not to exceed \$1,500, payable to the court, for any violation of a lawful court order by a person done without good cause or substantial justification. CCP §177.5. A "person" includes a witness, a party, and a party's attorney. Ibid. Sanctions may not be imposed under CCP section 177.5 without notice and an opportunity to respond. The order imposing sanctions shall be in writing and shall recite in detail the misconduct justifying the order. Ibid.

C. Analysis

Plaintiff seeks OSC re: contempt or monetary sanctions against Defendants Sims and Payno. Plaintiff contends that Defendant Payno violated the order by standing directly in the entry way of the Church and shouting repeatedly. Plaintiff contends that Defendant Sims violated the order by shouting for a sustained period in a loud and offensive manner.

The April 12, 2013 minute order reflecting the stipulated preliminary injunction states:

"Pursuant to the stipulation of the Defendants, the Court orders the following: The Defendants are not to interfere with the congregations entrance and exit from the church, they are to stand away from the front of the church and they are to keep their voices down in a quiet, non-offensive manner."

Defendants Sims, Jeff Sims, and Tammi Stefano were present at the hearing, agreed to the order, and waived notice. Defendant Payno was personally served with the April 12 minute order on April 20, 2013.

Plaintiff presents evidence that on the morning of April 13, Defendant Sims was on the sidewalk next to the driveway of the Church. At approximately 8:30 a.m., she "shouted in a loud voice her grievances." The volume of her voice "was much louder than a loud conversation voice."²

On the morning of April 20, at 8:30 a.m., a few minutes after being served with the minute order, Defendant Payno stood with other protesters on the sidewalk next to the driveway that provides entrance to the Reseda Church. She addressed "loud, disruptive protests" at a member of the Church, and "shouted at" other members of the Church. She shouted at people in the Church parking lot again at approximately 8:50 a.m.³

Plaintiff cites case law supporting the lawfulness of injunctions against interfering with ingress/egress, crossing buffer zones, and shouting, screaming, chanting, yelling, or producing noise in an offensive volume, or a volume that interferes with business operations. *See, e.g., Portland Feminist Women's Health Center v. Advocates for Life*, (9th Cir. 1988) 859 F.2d 686, 686-87; *Planned Parenthood Shasta-Diablo, Inc. v. Williams*, (1994) 7 Cal.4th 860, 867 (injunction against shouting at or touching physicians, staff or patients or making noise that could be heard inside abortion clinic).

The court accepts that its order is lawful with respect to the ingress/egress and stay away

²Plaintiff has provided a video of Defendant Sims' conduct.

³Plaintiff has provided a video of Defendant Payno's conduct.

portions, and may be lawful (it probably should have been tailored differently) in requiring Defendants to maintain their voices in a quiet, non-offensive manner. Nonetheless, the motion must be denied because neither Defendant Sims nor Payno willfully failed to comply with the order.

It is undisputed that both Defendants complied with the ingress/egress requirement. While Plaintiff argues that Defendant Payno violated the stay away order by standing in the Church's driveway, she did not stand in the driveway for long. Most important, she did not interfere with anyone's ability to enter or leave the Church, which was the purpose of the stay away order. Her brief stay in the driveway was not a willful violation.

The court has reviewed the videos pertaining to both Defendants, and finds that they did not violate the proscription against loud voices either. Whether the volume of a protest interferes with a business's operation depends on its context. Screaming, chanting, and yelling at doctors and patients of an abortion clinic can be very disruptive (Portland, Williams), and even a speech in a normal voice in the reading room of a library can be disruptive as well. See Grayned v. City of Rockford, (1972) 408 U.S. 104, 116.

On the other hand, even loud voices on a street are not necessarily disruptive. The videos show both Defendants standing on a curbside and speaking in a loud, but conversational, tone. It is not fair to suggest that they were shouting. The length of their protests was brief. They were polite, and did not use profanity or harsh language. They did not use a bullhorn or any amplifying device. And there is no evidence that either Defendant disrupted any Church proceeding.

There is almost always passion during protests, usually on both sides. It does not matter whether Church members were offended by the content of Defendants' protests; the First Amendment protects their right to disagree. The issue for contempt/sanctions is whether they were so loud and disruptive as to willfully violate the injunction. They were not.

There is another reason why the motion must be denied as to Defendant Payno. She was not present at the April 12 hearing, and did not stipulate to the preliminary injunction. Therefore, she is bound by it only if she is the agent of a stipulating Defendant. Plaintiff makes no showing of Payno's relationship to the stipulating Defendants. That her interests may be aligned with them does not make her their agent.

Both motions are denied.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/20/13

DEPT. 85

HONORABLE JAMES C. CHALFANT

JUDGE

A. FAJARDO

DEPUTY CLERK

HONORABLE
#2

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

V. PONCE CRT/ASST

Deputy Sheriff

B. JAMES, CSR #9296

Reporter

9:30 am

BC505762

Plaintiff
Counsel

JORDAN SUSMAN

[X]

WORLD MISSION SOCIETY CHURCH OF
GOD
VS
DIANE SIMS ET AL

Defendant
Counsel

SALAR ATRIZADEH
DIANE SIMS

[X]

[X]

NATURE OF PROCEEDINGS:

MOTION OF PLAINTIFF FOR ORDER TO SHOW CAUSE RE
CONTEMPT AGAINST RENITA PAYNO

MOTION OF PLAINTIFF FOR ORDER TO SHOW CAUSE
RE CONTEMPT AGAINST DIANE SIMS

The Motions are called for hearing.

The Parties read the Court's Tentative Decision.

After argument, the Court rules in accordance with
his Tentative which is adopted and filed as the final
ruling of the Court.

The Motions for Order to Show Cause Re: Contempt or
Sanctions is denied.

Counsel for the Respondent's oral request for
attorney fees is denied. Counsel is directed to file
a noticed Motion.

Counsel for the Plaintiff is to give notice.

6/20/13
PS

1 Jordan Susman, Esq. (SBN: 246116)
2 jsusman@ftllp.com
3 FREEDMAN + TAITELMAN LLP
4 1901 Avenue of the Stars, Suite 500
5 Los Angeles, California 90067
6 Telephone: (310) 201.0005
7 Facsimile: (310) 201.0045

FILED
LOS ANGELES SUPERIOR COURT
JUN 24 2013
JOHN A. CLARKE, CLERK
BY JUDY A. HERNAND, DEPUTY

8 Attorneys for Plaintiff
9 World Mission Society Church of God

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 WORLD MISSION SOCIETY CHURCH
13 OF GOD, a California nonprofit
14 corporation,
15 Plaintiff,
16 vs.
17 DIANE SIMS, an individual, JEFF SIMS, an
18 individual, and DOES 1 through 50, inclusive,
19 Defendants.

Case No. BC505762

DS

NOTICE OF ORDER

06/27/2013

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

2 **NOTICE IS HEREBY GIVEN** that on June 20, 2013, the Court conducted a hearing on
3 Plaintiff's Motions for Orders to Show Cause Re Contempt and Requests for Sanctions Against
4 Renita Payno and Diane Sims. Jordan Susman appeared on behalf of Plaintiff. Diane Sims
5 appeared in pro per. Salar Atrizadeh appeared on behalf of Renita Payno.

6 The Court made the following rulings:

- 7 1. The Court denied Plaintiff's Motions.
8 2. Plaintiff to give notice.

9
10 Dated: June 21, 2013

FREEDMAN + TAITELMAN LLP

11
12 By: _____

13 Jordan Susman
14 Attorneys for Plaintiff
15 World Mission Society Church of God
16
17
18
19
20
21
22
23
24
25
26
27
28

06/27/2013

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

W
H
O
N
N
N
N
O
O

NOTICE SENT TO:

Freedman + Taitelman LLP
1901 Avenue of the Stars, Suite 500
Los Angeles CA 90067

FILED FILE STAMP
LOS ANGELES SUPERIOR COURT

JUN 26 2013

JOHN A. CLARKE, CLERK
Veronica Kboyer

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

WORLD MISSION SOCIETY CHURCH OF GOD
Plaintiff(s),

VS.

DIANE SIMS ET AL

Defendant(s).

CASE NUMBER

BC505762

**NOTICE OF CASE
MANAGEMENT CONFERENCE**

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled for August 14, 2013 at 8:30 am in Dept. 41
at 111 North Hill Street, Los Angeles, California 90012.

**NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE
DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.**

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least **15 calendar days** prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, section 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code Section 68600(b), and California Rules of Court 2.2 et seq.

Date: June 26, 2013

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named above:

☐ by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed herein in a separate sealed envelope to each address as shown above with postage thereon fully prepaid.

☐ by personally giving the party notice upon filing the complaint.

Date: June 26, 2013

John A. Clarke, Executive Officer/Clerk

by *Veronica Kboyer*

Deputy Clerk

Attorney or Party without Attorney: JORDAN SUSMAN, ESQ., SBN: 246116 FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 TELEPHONE No.: (310) 201-0005 FAX No. (Optional): (310) 201-0045 E-MAIL ADDRESS (Optional): Attorney for: Plaintiff World Mission Society Church of God				FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JUL 24 2013 John A. Clarke, Executive Officer/Clerk BY <u>Raul Sanchez</u> , Deputy	
Insert name of Court, and Judicial District and Branch Court: LOS ANGELES SUPERIOR COURT - CENTRAL DISTRICT				Ref No. or File No.: 2311.1	
Plaintiff: WORLD MISSION SOCIETY CHURCH OF GOD, ETC. Defendant: DIANE SIMS, ETC., ET AL.					
PROOF OF SERVICE BY MAIL		HEARING DATE:	TIME:	DEPT.: 41	CASE NUMBER: BC505762

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the Summons; Complaint; Civil Case Cover Sheet (served in complex cases only); NOTICE OF CASE MANAGEMENT CONFERENCE; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE; VOLUNTARY EFFICIENT LITIGATION STIPULATIONS
3. By placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, CA, California, addressed as follows:

a. Date of Mailing: July 18, 2013

b. Place of Mailing: LOS ANGELES, CA, California

c. Addressed as follows: DIANE SIMS, AN INDIVIDUAL
9018 BALBOA BLVD. #358
NORTHRIDGE, CA 91325

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, CA, California in the ordinary course of business.

Fee for Service:

NATIONWIDE LEGAL
Nationwide Legal, LLC (12-234648)
1609 James M. Wood Blvd., 2nd Fl
Los Angeles, CA 90015
(213) 249-9999
www.nationwideasap.com

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on July 20, 2013.

Signature: _____

REYNA ALVAREZ

PROOF OF SERVICE BY MAIL

Order#: 570328/mailproof

Attorney or Party without Attorney: JORDAN SUSMAN, ESQ., SBN: 246116 FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 TELEPHONE No.: (310) 201-0005 FAX No. (Optional): (310) 201-0045 E-MAIL ADDRESS (Optional): Attorney for: Plaintiff World Mission Society Church of God				FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JUL 24 2013 John A. Clarke, Executive Officer/Clerk BY <u>Raul Sanchez</u> , Deputy	
Insert name of Court, and Judicial District and Branch Court: LOS ANGELES SUPERIOR COURT - CENTRAL DISTRICT				Ref No. or File No.: 2311.1	
Plaintiff: WORLD MISSION SOCIETY CHURCH OF GOD, ETC. Defendant: DIANE SIMS, ETC., ET AL.					
AFFIDAVIT OF REASONABLE DILIGENCE		HEARING DATE:		TIME:	
		DEPT.: <u>411</u>		CASE NUMBER: BC505762	

I, OMAR SHAMMOUT, declare: I am a Registered Process Server and was retained to serve process in the above-referenced matter on the following person or entity: DIANE SIMS, AN INDIVIDUAL as follows:
Documents:

Summons; Complaint; Civil Case Cover Sheet (served in complex cases only); NOTICE OF CASE MANAGEMENT CONFERENCE; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE; VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

I attempted personal service on the following dates and times with the following results:

Date	Time	Results
07/15/2013	04:40 pm	LOCATION IS A PRIVATE MAIL BOX STORE. PER CLERK THE SUBJECT DOES HAVE A BOX HERE. at: (Home) - 9018 BALBOA BLVD., # 358 NORTHRIDGE, CA 91325
07/17/2013	02:05 pm	PER MAIL CLERK THE SUBJECT HAS NOT COME IN. at: (Home) - 9018 BALBOA BLVD., # 358 NORTHRIDGE, CA 91325
07/18/2013	11:20 am	SUB-SERVED BRANDON DALTON, STORE CLERK at: (Home) - 9018 BALBOA BLVD., # 358 NORTHRIDGE, CA 91325

County: LOS ANGELES
 Registration No.: 6359
 Nationwide Legal, LLC (12-234648)
 1609 James M. Wood Blvd., 2nd Fl
 Los Angeles, CA 90015
 (213) 249-9999
 www.nationwideasap.com

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on 07/20/2013.

Signature: OMAR SHAMMOUT

AFFIDAVIT OF REASONABLE DILIGENCE

Order#: 570328/DilFormat.mdl

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) JORDAN SUSMAN, ESQ. SBN: 2467 FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 TELEPHONE NO.: (310) 201-0005 FAX NO. (310) 201-0045 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff: World Mission Society Church of God		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES JUL 24 2013 John A. Clarke, Executive Officer/Clerk BY <u>Raul Sanchez</u> , Deputy
LOS ANGELES SUPERIOR COURT STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DISTRICT		CASE NUMBER: BC505762 <div style="text-align: right;">041</div>
PLAINTIFF/PETITIONER: WORLD MISSION SOCIETY CHURCH OF GOD, ETC. DEFENDANT/RESPONDENT: DIANE SIMS, ETC., ET AL.		Ref. No. or File No.: 2311.1
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ Summons
 - b. ☒ Complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ Cross-complaint
 - f. ☒ other (specify documents): NOTICE OF CASE MANAGEMENT CONFERENCE; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE; VOLUNTARY EFFICIENT LITIGATION STIPULATIONS
3. a. Party served (specify name of party as shown on documents served):
DIANE SIMS, AN INDIVIDUAL
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: **9018 BALBOA BLVD., # 358**
NORTHRIDGE, CA 91325
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ **by substituted service.** On (date): **07/18/2013** at (time): **11:20 am** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
BRANDON DALTON - CLERK IN CHARGE AT MAIL STORE
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☒ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
 - (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: WORLD MISSION SOCIETY CHURCH OF GOD, ETC.

CASE NUMBER:

RESPONDENT: DIANE SIMS, ETC., ET AL.

BC505762

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **OMAR SHAMMOUT C/O Nationwide Legal, LLC (12-234648)**
- b. Address: **1609 James M. Wood Blvd., 2nd Fl Los Angeles, CA 90015**
- c. Telephone number: **(213) 249-9999**
- d. The fee for service was:
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **6359**
- (iii) County: **LOS ANGELES**

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

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **07/20/2013**

Nationwide Legal, LLC (12-234648)
1609 James M. Wood Blvd., 2nd Fl
Los Angeles, CA 90015
(213) 249-9999
www.nationwideasap.com

OMAR SHAMMOUT

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address) JORDAN SUSMAN, ESQ. SBN: 2461 FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 TELEPHONE NO.: (310) 201-0005 FAX NO. (310) 201-0045 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff: World Mission Society Church of God		FOR COURT USE ONLY <div style="text-align: center;">FILED</div> <div style="text-align: center;">SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</div> <div style="text-align: center;">JUL 24 2013</div> <div style="text-align: center;">John A. Clarke, Executive Officer/Clerk BY <u>Raul Sanchez</u>, Deputy</div>
LOS ANGELES SUPERIOR COURT STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DISTRICT		
PLAINTIFF/PETITIONER: WORLD MISSION SOCIETY CHURCH OF GOD, ETC. DEFENDANT/RESPONDENT: DIANE SIMS, ETC., ET AL.		CASE NUMBER: BC505762 b4/
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 2311.1

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ Summons
 - b. ☒ Complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ Cross-complaint
 - f. ☒ other (specify documents): **NOTICE OF CASE MANAGEMENT CONFERENCE; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE; VOLUNTARY EFFICIENT LITIGATION STIPULATIONS**
3. a. Party served (specify name of party as shown on documents served):
JEFF SIMS, AN INDIVIDUAL
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: **9018 BALBOA BLVD., # 358**
NORTHRIDGE, CA 91325
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ **by substituted service.** On (date): **07/18/2013** at (time): **11:20 am** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
BRANDON DALTON - CLERK IN CHARGE AT MAIL STORE
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☒ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
 - (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: WORLD MISSION SOCIETY, CHURCH OF GOD, ETC.

CASE NUMBER:

RESPONDENT: DIANE SIMS, ETC., ET AL.

BC505762

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **OMAR SHAMMOUT C/O Nationwide Legal, LLC (12-234648)**
- b. Address: **1609 James M. Wood Blvd., 2nd Fl Los Angeles, CA 90015**
- c. Telephone number: **(213) 249-9999**
- d. The fee for service was:
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **6359**
- (iii) County: **LOS ANGELES**

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

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **07/20/2013**

Nationwide Legal, LLC (12-234648)
1609 James M. Wood Blvd., 2nd Fl
Los Angeles, CA 90015
(213) 249-9999
www.nationwideasap.com

OMAR SHAMMOUT

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

Attorney or Party without Attorney: JORDAN SUSMAN, ESQ., SBN: 246116 FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 TELEPHONE No.: (310) 201-0005 FAX No. (Optional): (310) 201-0045 E-MAIL ADDRESS (Optional): Attorney for: Plaintiff World Mission Society Church of God				FOR COURT USE ONLY	
Ref No. or File No.: 2311.1					
Insert name of Court, and Judicial District and Branch Court: LOS ANGELES SUPERIOR COURT - CENTRAL DISTRICT					
Plaintiff: WORLD MISSION SOCIETY CHURCH OF GOD, ETC. Defendant: DIANE SIMS, ETC., ET AL.					
AFFIDAVIT OF REASONABLE DILIGENCE		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: BC505762

I, OMAR SHAMMOUT, declare: I am a Registered Process Server and was retained to serve process in the above-referenced matter on the following person or entity: JEFF SIMS, AN INDIVIDUAL as follows:
Documents:

Summons; Complaint; Civil Case Cover Sheet (served in complex cases only); NOTICE OF CASE MANAGEMENT CONFERENCE; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE; VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

I attempted personal service on the following dates and times with the following results:

Date	Time	Results
07/15/2013	04:40 pm	LOCATION IS A PRIVATE MAIL BOX STORE. PER CLERK THE SUBJECT DOES HAVE A BOX HERE. at: (Home) - 9018 BALBOA BLVD., # 358 NORTHRIDGE, CA 91325
07/17/2013	02:05 pm	PER MAIL CLERK THE SUBJECT HAS NOT COME IN. at: (Home) - 9018 BALBOA BLVD., # 358 NORTHRIDGE, CA 91325
07/18/2013	11:20 am	SUB-SERVED BRANDON DALTON, STORE CLERK at: (Home) - 9018 BALBOA BLVD., # 358 NORTHRIDGE, CA 91325



County: LOS ANGELES
 Registration No.: 6359
 Nationwide Legal, LLC (12-234648)
 1609 James M. Wood Blvd., 2nd Fl
 Los Angeles, CA 90015
 (213) 249-9999
 www.nationwideasap.com

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on 07/20/2013.


Signature:
 OMAR SHAMMOUT

Attorney or Party without Attorney: JORDAN SUSMAN, ESQ., SBN: 246116 FREEDMAN + TAITELMAN LLP 1901 AVENUE OF THE STARS 500 LOS ANGELES, CA 90067 TELEPHONE No.: (310) 201-0005 FAX No. (Optional): (310) 201-0045 E-MAIL ADDRESS (Optional): Attorney for: Plaintiff World Mission Society Church of God				FOR COURT USE ONLY		
Ref No. or File No.: 2311.1						
Insert name of Court, and Judicial District and Branch Court: LOS ANGELES SUPERIOR COURT - CENTRAL DISTRICT						
Plaintiff: WORLD MISSION SOCIETY CHURCH OF GOD, ETC. Defendant: DIANE SIMS, ETC., ET AL.						
PROOF OF SERVICE BY MAIL		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: BC505762	

- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the Summons; Complaint; Civil Case Cover Sheet (served in complex cases only); NOTICE OF CASE MANAGEMENT CONFERENCE; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE; VOLUNTARY EFFICIENT LITIGATION STIPULATIONS
- By placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, CA, California, addressed as follows:
 - Date of Mailing: July 18, 2013
 - Place of Mailing: LOS ANGELES, CA, California
 - Addressed as follows: JEFF SIMS, AN INDIVIDUAL
9018 BALBOA BLVD. #358
NORTHRIDGE, CA 91325

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, CA, California in the ordinary course of business.

Fee for Service:


Nationwide Legal, LLC (12-234648)
 1609 James M. Wood Blvd., 2nd Fl
 Los Angeles, CA 90015
 (213) 249-9999
 www.nationwideasap.com

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on July 20, 2013.

Signature: _____

REYNA ALVAREZ

PROOF OF SERVICE BY MAIL

Order#: 570327/mailproof

1. **Party or parties** (answer one):

a. ☒ This statement is submitted by party (name): World Mission Society Church

b. ☐ This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)

a. The complaint was filed on (date): April 12, 2013

b. ☐ The cross-complaint, if any, was filed on (date):

3. **Service** (to be answered by plaintiffs and cross-complainants only)

a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.

b. ☐ The following parties named in the complaint or cross-complaint

(1) ☐ have not been served (specify names and explain why not):

(2) ☐ have been served but have not appeared and have not been dismissed (specify names):

(3) ☐ have had a default entered against them (specify names):

c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. **Description of case**

a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):

Plaintiffs seek an injunction to limit the time, place and manner of Defendants' protest activities.

PLAINTIFF/PETITIONER: World Mission Society Church of God

CASE NUMBER:

DEFENDANT/RESPONDENT: Diane Sims and Jeff Sims

BC505762

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

Plaintiff is a church. Defendants are protestors who have gathered outside of plaintiff's property and protested in a manner that unlawfully trespassed on plaintiff's property, disrupted worship services, and verbally and physically harassed members of the Church. Plaintiff therefore seeks a narrow time, place, manner restriction on Defendants' protests.

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain):*

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability):*

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one):*

a. ☒ days *(specify number):* 2 days

b. ☐ hours (short causes) *(specify):*

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section):*

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption):*

PLAINTIFF/PETITIONER: World Mission Society Church of God	CASE NUMBER:
DEFENDANT/RESPONDENT: Diane Sims and Jeff Sims	BC505762

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: World Mission Society Church of God	CASE NUMBER:
DEFENDANT/RESPONDENT: Diane Sims and Jeff Sims	BC505762

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☐ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------|---------------|
| Plaintiff | All Discovery | January, 2014 |

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: World Mission Society Church of God	CASE NUMBER:
DEFENDANT/RESPONDENT: Diane Sims and Jeff Sims	BC505762

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☒ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*): This case concerns plaintiff's request for a narrow time, place, manner restriction on defendants' protest activities. Plaintiff does not allege any economic damages.

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

20. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: July 20, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

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

GO
4
2
GO
P
2
NO
GO
P
GO

41
FILED
LOS ANGELES SUPERIOR COURT

AUG 14 2013

JOHN A. CLARKE, CLERK

BY E. GARCIA, DEPUTY

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

1
2
3
4
5
6
7
8
9
10 **WORLD**

Plaintiff(s),

11
12 vs.

13 **SIMS**

14 Defendant(s).

BC505762
Case

ORDER RE NON-JURY TRIAL
SETTING AND TRIAL

PREPARATION; **ADVISEMENT**

RE BENCH TRIAL AND
PRO. PER. STATUS

ANTICIPATED LENGTH TO
SUBMISSION: **4 DAY**

15
16
17
18
19 IT IS HEREBY ORDERED THAT:

20 1. The within case is hereby set for trial at 8:30 a.m. in
21 Department 41 of the above-captioned court, 111 North Hill Street, Los
22 Angeles, California 90012, on 6/23/14.

23 2. The within case is hereby set for final status conference at
24 8:30 a.m. in Department 41 of the above-captioned court, 111 North
25 Hill Street, Los Angeles, California 90012, on 6/12/14.

26 3. All self-represented parties and counsel for each party
27 represented by an attorney at law are ordered to meet and confer to
28 accomplish the following tasks, and to exchange with each other, and

1 to file by 12:00 noon on the fifth court day before the date set for
2 final status conference, each of the following:

3 3.1 Jointly prepared and jointly signed brief
4 statement of the case not exceeding 5 double-spaced
5 typewritten pages in length, suitable to acquaint the court
6 with the general nature of the case and the conflicting
7 positions of the parties.

8 3.2 Jointly prepared and jointly signed list of names
9 of prospective witnesses and of other persons of importance
10 in the case.

11 3.3 A jointly-prepared and jointly signed list of
12 exhibits.¹

13 3.4 Separate trial briefs.

14 3.5 A jointly-prepared and jointly signed list of the
15 principal issues to be determined at trial. See CCP 632,
16 California Rules of Court, Rule 3.1590.

17 4. Except as specifically otherwise ordered herein, all parties
18 and all counsel are ordered to comply strictly with the Local Rules
19 and California Rules of Court.

20 5. All self-represented parties and counsel for each party
21

22 ¹ At trial, we will need the actual exhibits, pre-marked,
23 listed on index or table of contents, pre-bound in 3-ring notebooks
24 and tabbed.

25 There must be at least 5 sets of such exhibits, one for the
26 clerk, one for the court, one for the witness, and one for each
27 self-represented party or each party's attorney. The sets for the
28 use of the court and the use of the clerk will not be used by self-
represented parties, counsel, or the witness for questioning of the
witnesses.

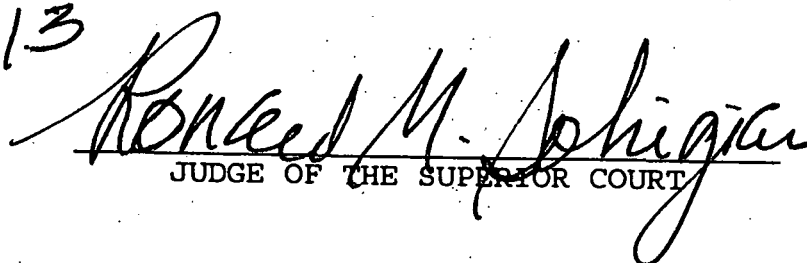
The self-represented parties and/or counsel for the parties
must number the pages in each exhibit.

1 represented by an attorney at law are ordered to meet and confer and
2 to accomplish the items referred to above in secs. 3 and 4 by 10 days
3 before the date set for final status conference referred to above in
4 sec. 2. → SEE ATTACHMENT A.

5 ¶. Plaintiff must give written notice in the manner prescribed
6 by law forthwith upon receipt of this order, and must file proof of
7 service by 12:00 noon on the 5th day before the date set above in sec.
8 2.

9 DATED:

8/14/13


JUDGE OF THE SUPERIOR COURT

ATTACHMENT A

6. A natural person has the legal right to represent himself or herself in a California court without an attorney at law, i.e., to be self-represented ("in propria persona", or "in pro. per."). Baba vs. Board of Supervisors (2004) 124 Cal.App.4th 504, 522-526. But a person who is not a California attorney at law does not have the legal right to represent anybody other than himself or herself in a California court -- not even a close relative, a person for whom one has a power of attorney or guardianship, a corporation, any other entity, or even a spouse unless the spouse "neglects to defend." See, e.g., CCP 371; Merco Construction Engineers, Inc. vs. Municipal Court (1978) 21 Cal.3d 724, 730; Drake vs. Superior Court (1994) 21 Cal.App.4th 1826, 1830-1832; and J.W. vs. Superior Court (1993) 17 Cal.App.4th 958. Federal law is essentially the same -- a person who is not an attorney at law admitted to practice cannot represent another person, whether a natural or jural person. See, e.g., United States ex rel. Mergent Services vs. Flaherty (2nd Cir. 2008) 540 F.3d 89, 92-93; and United States ex rel. Lu vs. Ou (7th Cir. 2004) 368 F.3d 773, 775-776.

7. Not being represented in court by an attorney at law is almost always unwise. A person who does not have an attorney at law is usually at a disadvantage. Court proceedings and the law can be technical and complicated. Attorneys at law have legal training. If an attorney commits inexcusable neglect causing a party's default and the attorney attests to that inexcusable neglect on the attorney's part, California law requires the court to set aside the default; that is not true if the self-represented party commits inexcusable neglect. CCP 473.

8. The judge cannot help or coach a litigant. Helping or coaching a litigant might interfere with the judge's impartiality, might raise concerns from the other side, might turn the judge into an advocate, might risk having some error made by the judge harm the litigant without a remedy, might constitute unlawful practice of law by the judge, and might risk the judge's helping or coaching without knowing all the facts or law.

9. Being a pro. per. litigant does not, however, entitle any party to preferential consideration. A party proceeding in propria persona "is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys." Barton vs. New United Motor Manufacturing, Inc. (1996) 43 Cal.App.4th 1200, 1210. "'When a litigant is appearing in propria persona, he is entitled to the same, but no greater, consideration than other litigants and attorneys. . . Furthermore, the in propria persona litigant is held to the same restrictive rules of procedure as an attorney.'" Bianco vs. California Highway Patrol (1994) 24 Cal.App.4th 1113, 1125-1126, quoting from Nelson vs. Gaunt (1981) 125 Cal.App.3d 623, 628, 639.

10. This case is set for jury trial because it seeks an injunction. Suits for injunctions are within the equitable

jurisdiction of this court and are not jury triable. Arciero
Ranches vs. Meza (1993) 17 Cal.App.4th 114, 125.

08/15/2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/14/13

DEPT. 41

HONORABLE RONALD M. SOHIGIAN

JUDGE

E. GARCIA

DEPUTY CLERK

HONORABLE
#7

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

G. MACK, CRT ASST

Deputy Sheriff

NONE

Reporter

8:30 am

BC505762

Plaintiff

Counsel

JORDAN SUSMAN (X)

WORLD MISSION SOCIETY CHURCH OF

Defendant

Counsel

JEFF SIMS (X)

VS

DIANE SIMS (X)

VS

DIANE SIMS ET AL

BOTH IN PROPRIA PERONSA

NATURE OF PROCEEDINGS:

CASE MANAGEMENT CONFERENCE;

Matter is called for hearing.

The Court having reviewed the case file, now confers with both sides.

After conferring with both sides, the Court now sets the matter for Trial as follows:

The Court sets the matter for a Final Status Conference on 6/12/14, and a Court Trial on 6/23/14, both dates are at 8:30 a.m., in this Department.

An "Order RE Non-Jury Trial Setting and Trial Preparation, Advisement Regarding Pro Per Status," is signed and filed this date.

Notice by Plaintiff.

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

Attorneys for Plaintiff
World Mission Society Church of God

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 16 2013

John A. Clarke, Executive Officer/Clerk
BY Raul Sanchez, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,

Plaintiff,

vs.

DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762

NOTICE OF ORDER

1 PLEASE TAKE NOTICE that on August 14, 2013, the Court in the above-referenced
2 action entered an Order re Non-Jury Trial Setting and Trial Preparation; Advisement re Bench Trial
3 and Pro. Per. Status. A true and correct copy of the Order is attached hereto as Exhibit A.
4

5 Dated: August 16, 2013

FREEDMAN + TATTELMAN LLP

6
7 By: 

Jordan Susman
Attorneys for Plaintiff
World Mission Society Church of God

08/16/2013

FILED
LOS ANGELES SUPERIOR COURT

AUG 14 2013

JOHN A. CLARKE, CLERK

BY E. GARCIA, DEPUTY

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

WORLD

Plaintiff(s),

vs.

SIMS

Defendant(s).

BC505762
Case

ORDER RE NON-JURY TRIAL
SETTING AND TRIAL
PREPARATION; **ADVISEMENT**
RE BENCH TRIAL AND
PRO. PER. STATUS
ANTICIPATED LENGTH TO
SUBMISSION: **4 DAY**

IT IS HEREBY ORDERED THAT:

1. The within case is hereby set for trial at 8:30 a.m. in Department 41 of the above-captioned court, 111 North Hill Street, Los Angeles, California 90012, on 6/23/14.

2. The within case is hereby set for final status conference at 8:30 a.m. in Department 41 of the above-captioned court, 111 North Hill Street, Los Angeles, California 90012, on 6/12/14.

3. All self-represented parties and counsel for each party represented by an attorney at law are ordered to meet and confer to accomplish the following tasks, and to exchange with each other, and

1 to file by 12:00 noon on the fifth court day before the date set for
2 final status conference, each of the following:

3 3.1 Jointly prepared and jointly signed brief
4 statement of the case not exceeding 5 double-spaced
5 typewritten pages in length, suitable to acquaint the court
6 with the general nature of the case and the conflicting
7 positions of the parties.

8 3.2 Jointly prepared and jointly signed list of names
9 of prospective witnesses and of other persons of importance
10 in the case.

11 3.3 A jointly-prepared and jointly signed list of
12 exhibits.¹

13 3.4 Separate trial briefs.

14 3.5 A jointly-prepared and jointly signed list of the
15 principal issues to be determined at trial. See CCP 632,
16 California Rules of Court, Rule 3.1590.

17 4. Except as specifically otherwise ordered herein, all parties
18 and all counsel are ordered to comply strictly with the Local Rules
19 and California Rules of Court.

20 5. All self-represented parties and counsel for each party
21

22 ¹ At trial, we will need the actual exhibits, pre-marked,
23 listed on index or table of contents, pre-bound in 3-ring notebooks
24 and tabbed.

25 There must be at least 5 sets of such exhibits, one for the
26 clerk, one for the court, one for the witness, and one for each
27 self-represented party or each party's attorney. The sets for the
28 use of the court and the use of the clerk will not be used by self-
represented parties, counsel, or the witness for questioning of the
witnesses.

The self-represented parties and/or counsel for the parties
must number the pages in each exhibit.

1 represented by an attorney at law are ordered to meet and confer and
2 to accomplish the items referred to above in secs. 3 and 4 by 10 days
3 before the date set for final status conference referred to above in
4 sec. 2. → SEE ATTACHMENT A.

5 ¶ 4. Plaintiff must give written notice in the manner prescribed
6 by law forthwith upon receipt of this order, and must file proof of
7 service by 12:00 noon on the 5th day before the date set above in sec.
8 2.

9 DATED: 8/14/13

10
11 Ronald M. Schigler
12 JUDGE OF THE SUPERIOR COURT
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A

6. A natural person has the legal right to represent himself or herself in a California court without an attorney at law, i.e., to be self-represented ("in propria persona", or "in pro. per."). Baba vs. Board of Supervisors (2004) 124 Cal.App.4th 504, 522-526. But a person who is not a California attorney at law does not have the legal right to represent anybody other than himself or herself in a California court -- not even a close relative, a person for whom one has a power of attorney or guardianship, a corporation, any other entity, or even a spouse unless the spouse "neglects to defend." See, e.g., CCP 371; Merco Construction Engineers, Inc. vs. Municipal Court (1978) 21 Cal.3d 724, 730; Drake vs. Superior Court (1994) 21 Cal.App.4th 1826, 1830-1832; and J.W. vs. Superior Court (1993) 17 Cal.App.4th 958. Federal law is essentially the same -- a person who is not an attorney at law admitted to practice cannot represent another person, whether a natural or jural person. See, e.g., United States ex rel. Mergent Services vs. Flaherty (2nd Cir. 2008) 540 F.3d 89, 92-93; and United States ex rel. Lu vs. Ou (7th Cir. 2004) 368 F.3d 773, 775-776.

7. Not being represented in court by an attorney at law is almost always unwise. A person who does not have an attorney at law is usually at a disadvantage. Court proceedings and the law can be technical and complicated. Attorneys at law have legal training. If an attorney commits inexcusable neglect causing a party's default and the attorney attests to that inexcusable neglect on the attorney's part, California law requires the court to set aside the default; that is not true if the self-represented party commits inexcusable neglect. CCP 473.

8. The judge cannot help or coach a litigant. Helping or coaching a litigant might interfere with the judge's impartiality, might raise concerns from the other side, might turn the judge into an advocate, might risk having some error made by the judge harm the litigant without a remedy, might constitute unlawful practice of law by the judge, and might risk the judge's helping or coaching without knowing all the facts or law.

9. Being a pro. per. litigant does not, however, entitle any party to preferential consideration. A party proceeding in propria persona "is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys." Barton vs. New United Motor Manufacturing, Inc. (1996) 43 Cal.App.4th 1200, 1210. "'When a litigant is appearing in propria persona, he is entitled to the same, but no greater, consideration than other litigants and attorneys. . . Furthermore, the in propria persona litigant is held to the same restrictive rules of procedure as an attorney.'" Bianco vs. California Highway Patrol (1994) 24 Cal.App.4th 1113, 1125-1126, quoting from Nelson vs. Gaunt (1981) 125 Cal.App.3d 623, 628, 639.

10. This case is set for jury trial because it seeks an injunction. Suits for injunctions are within the equitable

00011512013
00011512013

jurisdiction of this court and are not jury triable. Arciero
Ranches vs. Meza (1993) 17 Cal.App.4th 114, 125.

08/15/2013
08/16/2013

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

4

6

7

8

9

0

1

2

3

4

5

16

17

8

20

21

22

23

24

25

26

27

28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan Susman (SBN 246116) Freedman + Taitelman LLP 1901 Avenue of the Stars, Suite 500 Los Angeles, CA 90067 TELEPHONE NO.: 310-201-0005 FAX NO. (Optional): 310-201-0045 E-MAIL ADDRESS (Optional): jsusman@ftllp.com ATTORNEY FOR (Name): Plaintiff World Mission Society Church of God	FOR COURT USE ONLY <div style="font-size: 1.2em; font-weight: bold;">FILED</div> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES <div style="font-size: 1.2em;">SEP 10 2013</div> AP John A. Clarke, Executive Officer/Clerk BY <u><i>A. Penkler</i></u> , Deputy A. Penkler
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	CASE NUMBER: <div style="display: flex; justify-content: space-between;"> BC505762 41 </div>
PLAINTIFF/PETITIONER: World Mission Society Church of God DEFENDANT/RESPONDENT: Diane Sims; Jeff Sims; Does 1-50	
REQUEST FOR (Application) <input checked="" type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment	

1. TO THE CLERK: On the complaint or cross-complaint filed
- on (date): April 12, 2013
 - by (name): World Mission Society Church of God
 - ☒ Enter default of defendant (names):
Diane Sims; Jeff Sims
 - ☐ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

- e. ☐ Enter clerk's judgment
- (1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.
 - (2) ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
 - (3) ☐ for default previously entered on (date):

2. Judgment to be entered.	Amount	Credits acknowledged	Balance
a. Demand of complaint	\$	\$	\$
b. Statement of damages *			
(1) Special	\$	\$	\$
(2) General	\$	\$	\$
c. Interest	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$
e. Attorney fees	\$	\$	\$
f. TOTALS	\$	\$	\$

g. Daily damages were demanded in complaint at the rate of: \$ _____ per day beginning (date):

(* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

- ☐ (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: September 9, 2013
Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(1) <input checked="" type="checkbox"/> Default entered as requested on (date): (2) <input type="checkbox"/> Default NOT entered as requested (state reason):	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <div style="font-size: 1.2em; font-weight: bold;">SEP 10 2013</div> </div> <div style="text-align: right;"> <div style="font-size: 1.2em; font-weight: bold;">John A. Clarke</div> </div> </div> <div style="text-align: right; margin-top: 10px;"> <u><i>A. Penkler</i></u>, Deputy Clerk, by _____ </div>
--	--

**FOR COURT
USE ONLY**

PLAINTIFF/PETITIONER: World Mission Society Church of God	CASE NUMBER:
DEFENDANT/RESPONDENT: Diane Sims; Jeff Sims; Does 1-50	BC505762

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant ☐ did ☐ did not for compensation give advice or assistance with this form.
(If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state):

- | | |
|--|----------------------------|
| a. Assistant's name: | c. Telephone no.: |
| b. Street address, city, and zip code: | d. County of registration: |
| | e. Registration no.: |
| | f. Expires on (date): |

5. ☒ **Declaration under Code of Civil Procedure Section 585.5** (required for entry of default under Code Civ. Proc., § 585(a)).

This action

- a. ☐ is ☒ is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
b. ☐ is ☒ is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
c. ☐ is ☒ is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a. ☐ **not mailed** to the following defendants, whose addresses are **unknown** to plaintiff or plaintiff's attorney (names):
b. ☒ **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

(1) Mailed on (date) September 9, 2013

(2) To (specify names and addresses shown on the envelopes):

See attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: September 9, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- | | |
|--------------------------|----|
| a. Clerk's filing fees | \$ |
| b. Process server's fees | \$ |
| c. Other (specify): | \$ |
| d. | \$ |
| e. TOTAL | \$ |

f. ☐ Costs and disbursements are waived.

9. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

8. ☒ **Declaration of nonmilitary status** (required for a judgment). No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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

Date: September 9, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

DECLARATION OF MAILING

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, 500, Los Angeles, CA 90067.

On September 9, 2013, I served the following document(s) **REQUEST FOR ENTRY OF DEFAULT** on the interested parties in this action as follows:

☒ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business day delivery to the address(es) listed below.

☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth below on this date before 5:00 p.m. from The transmission was completed without error.

X Diane M. Sims
9018 Balboa Blvd. #358
Northridge, CA 91325

X Jeff Sims
9018 Balboa Blvd. #358
Northridge, CA 91325

☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct. CCP §2015.5.

Executed on September 9, 2013, at Los Angeles, California.


Jordan Susman

PROOF OF SERVICE

Jordan Susman, Esq. (SBN: 246116)
jsusman@ftllp.com
FREEDMAN + TAITELMAN LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
Telephone: (310) 201.0005
Facsimile: (310) 201.0045

Attorneys for Plaintiff
World Mission Society Church of God

FILED
LOS ANGELES SUPERIOR COURT

SEP 20 2013

JOHN A. CLARKE CLERK
BY RAUL SANCHEZ DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

WORLD MISSION SOCIETY CHURCH
OF GOD, a California nonprofit
corporation,

Plaintiff,

vs.

DIANE SIMS, an individual, JEFF SIMS, an
individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. BC505762 041

NOTICE OF ENTRY OF DEFAULT

1 TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE that on September 10, 2013, the Court entered default against
3 Defendants Diane Sims and Jeff Sims. A true and correct copy of the Entry of Default is attached
4 hereto as Exhibit A.

5
6 Dated: September 19, 2013

FREEDMAN + TAITELMAN LLP

7
8 By: 

Jordan Susman

Attorneys for Plaintiff

World Mission Society Church of God

09/20/2013

09/20/2013

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan Susman (SBN 246116) Freedman + Taitelman LLP 1901 Avenue of the Stars, Suite 500 Los Angeles, CA 90067 TELEPHONE NO.: 310-201-0005 FAX NO. (Optional): 310-201-0045 E-MAIL ADDRESS (Optional): jsusman@ftllp.com ATTORNEY FOR (Name): Plaintiff World Mission Society Church of God	FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES SEP 10 2013 BY <u><i>A. Pergler</i></u> Clerk A. Pergler Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	CASE NUMBER: BC505762
PLAINTIFF/PETITIONER: World Mission Society Church of God DEFENDANT/RESPONDENT: Diane Sims; Jeff Sims; Does 1-50	
REQUEST FOR (Application) <input checked="" type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment	

1. TO THE CLERK: On the complaint or cross-complaint filed

a. on (date): April 12, 2013

b. by (name): World Mission Society Church of God

c. ☒ Enter default of defendant (names):
Diane Sims; Jeff Simsd. ☐ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

e. ☐ Enter clerk's judgment(1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.(2) ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)(3) ☐ for default previously entered on (date):

2. Judgment to be entered.

	<u>Amount</u>	<u>Credits acknowledged</u>	<u>Balance</u>
a. Demand of complaint	\$	\$	\$
b. Statement of damages *			
(1) Special	\$	\$	\$
(2) General	\$	\$	\$
c. Interest	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$
e. Attorney fees	\$	\$	\$
f. TOTALS	\$	\$	\$

g. Daily damages were demanded in complaint at the rate of: \$
(* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

per day beginning (date):

3. ☐ (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: September 9, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

**FOR COURT
USE ONLY**(1) ☒ Default entered as requested on (date):(2) ☐ Default NOT entered as requested (state reason):

Clerk, by

SEP 10 2013**John A. Clarke**
A. Pergler Deputy

Page 1 of 2

Ex A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan Susman (SBN 246116) Freedman + Taitelman LLP 1901 Avenue of the Stars, Suite 500 Los Angeles, CA 90067 TELEPHONE NO.: 310-201-0005 FAX NO. (Optional): 310-201-0045 E-MAIL ADDRESS (Optional): jsusman@ftllp.com ATTORNEY FOR (Name): Plaintiff World Mission Society Church of God		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES SEP 10 2013 BY <u>A. Pergler</u> Clerk Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: World Mission Society Church of God DEFENDANT/RESPONDENT: Diane Sims; Jeff Sims; Does 1-50		
REQUEST FOR (Application) <input checked="" type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment		CASE NUMBER: BC505762

1. TO THE CLERK: On the complaint or cross-complaint filed

- a. on (date): April 12, 2013
- b. by (name): World Mission Society Church of God
- c. ☒ Enter default of defendant (names):
Diane Sims; Jeff Sims
- d. ☐ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

e. ☐ Enter clerk's judgment

- (1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.
- (2) ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
- (3) ☐ for default previously entered on (date):

2. Judgment to be entered.

	Amount	Credits acknowledged	Balance
a. Demand of complaint	\$	\$	\$
b. Statement of damages *			
(1) Special	\$	\$	\$
(2) General	\$	\$	\$
c. Interest	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$
e. Attorney fees	\$	\$	\$
f. TOTALS	\$	\$	\$

g. Daily damages were demanded in complaint at the rate of: \$
 (* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

per day beginning (date):

3. ☐ (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: September 9, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT
USE ONLY

- (1) ☒ Default entered as requested on (date):
 (2) ☐ Default NOT entered as requested (state reason):

SEP 10 2013

John A. Clarke

Clerk, by A. Pergler Deputy

Page 1 of 2

PLAINTIFF/PETITIONER: World Mission Society Church of God	CASE NUMBER
DEFENDANT/RESPONDENT: Diane Sims; Jeff Sims; Does 1-50	BC505762

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant ☐ did ☐ did not for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):

- a. Assistant's name: c. Telephone no.:
b. Street address, city, and zip code: d. County of registration:
e. Registration no.:
f. Expires on (date):

5. ☒ **Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 585(a)).**

This action

- a. ☐ is ☒ is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
b. ☐ is ☒ is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
c. ☐ is ☒ is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this Request for Entry of Default was

- a. ☐ not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):
b. ☒ mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

(1) Mailed on (date): September 9, 2013

(2) To (specify names and addresses shown on the envelopes):
See attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.
Date: September 9, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

7. **Memorandum of costs (required if money judgment requested).** Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees \$
b. Process server's fees \$
c. Other (specify): \$
d. \$
e. TOTAL \$
f. ☐ Costs and disbursements are waived.

9. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

8. ☒ **Declaration of nonmilitary status (required for a judgment).** No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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

Date: September 9, 2013

Jordan Susman

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

DECLARATION OF MAILING

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, 500, Los Angeles, CA 90067.

On September 9, 2013, I served the following document(s) **REQUEST FOR ENTRY OF DEFAULT** on the interested parties in this action as follows:

☒ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business day delivery to the address(es) listed below.

☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth below on this date before 5:00 p.m. from The transmission was completed without error.

Diane M. Sims
9018 Balboa Blvd. #358
Northridge, CA 91325

Jeff Sims
9018 Balboa Blvd. #358
Northridge, CA 91325

☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct. CCP §2015.5.

Executed on September 9, 2013, at Los Angeles, California.


Jordan Susman

PROOF OF SERVICE

09/20/2013

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

PROOF OF SERVICE

W
H
E
N
I
N
T
E
R
V
E
N
I
E
N
C
E
S
O
C
C
U
R

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan Susman (SBN 246116) FREEDMAN + TAITELMAN LLP 1901 Avenue of the Stars, Suite 500, Los Angeles, CA 90067 TELEPHONE NO.: 310-201-0005 FAX NO. (Optional): 310-201-0045 E-MAIL ADDRESS (Optional): jsusman@ftllp.com ATTORNEY FOR (Name): Plaintiff World Mission Society Church of God		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles JAN 14 2014 Sherri R. Carter, Executive Officer/Clerk By <u>Gerald Mack</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		Received JAN 14 2014	
PLAINTIFF/PETITIONER: World Mission Society Church of God DEFENDANT/RESPONDENT: Diane Sims, Jeff Sims		Filing Window	
REQUEST FOR DISMISSAL		CASE NUMBER: BC 505762 d41	
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.			
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)			

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) ☐ With prejudice (2) ☒ Without prejudice
- b. (1) ☐ Complaint (2) ☐ Petition
- (3) ☐ Cross-complaint filed by (name):
- (4) ☐ Cross-complaint filed by (name):
- (5) ☒ Entire action of all parties and all causes of action
- (6) ☐ Other (specify):*

on (date):

on (date):

2. (Complete in all cases except family law cases.)

The court ☐ did ☒ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: January 13, 2014

Jordan Susman

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:

- ☒ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

(SIGNATURE)

** If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

(To be completed by clerk)

4. ☒ Dismissal entered as requested on (date): **JAN 14 2014**
5. ☐ Dismissal entered on (date): as to only (name):
6. ☐ Dismissal **not entered** as requested for the following reasons (specify):
7. a. ☐ Attorney or party without attorney notified on (date):
- b. ☐ Attorney or party without attorney not notified. Filing party failed to provide
☐ a copy to be conformed ☐ means to return conformed copy

Date:

JAN 14 2014

Clerk, by

Gerald Mack, Deputy

PLAINTIFF/PETITIONER: World Mission Society Church of God
 DEFENDANT/RESPONDENT: Diane Sims, Jeff Sims

CASE NUMBER:
 BC 505762

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
 - a. ☐ not recovering anything of value by this action.
 - b. ☐ recovering less than \$10,000 in value by this action.
 - c. ☐ recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. ☐ All court fees and court costs that were waived in this action have been paid to the court *(check one)*: ☐ Yes ☐ No

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

Date: _____

 (TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY MAKING DECLARATION)

 (SIGNATURE)

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

PROOF OF SERVICE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan Susman (SBN: 246116) FREEDMAN + TAITELMAN, LLP 1901 Avenue of the Stars, Suite 500 Los Angeles, CA 90067 TELEPHONE NO.: (310) 201-0005 FAX NO.: (310) 201-0045 E-MAIL ADDRESS: jsusman@ftllp.com ATTORNEY FOR (Name): Plaintiff World Mission Society Ch	FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles FEB 24 2014 Sherri B. Carter, Executive Officer/Clerk By <u>Raul Sanchez</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill St. MAILING ADDRESS: same CITY AND ZIP CODE: Los Angeles 90012-3014 BRANCH NAME: Central District	CASE NUMBER: BC505762 D-41
PLAINTIFF/PETITIONER: World Mission Society Church o DEFENDANT/RESPONDENT: Diane Sims and Jeff Sims	
NOTICE OF ENTRY OF DISMISSAL AND PROOF OF SERVICE <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify):	

TO ATTORNEYS AND PARTIES WITHOUT ATTORNEYS: A dismissal was entered in this action by the clerk as shown on the Request for Dismissal. (Attach a copy completed by the clerk.)

Date: February 24, 2014

Jordan Susman

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

(SIGNATURE)

PROOF OF SERVICE

1. I am over the age of 18 and not a party to this cause. My residence or business address is:

2. ☐ I am a resident of or employed in the county where the mailing occurred. I served a copy of the *Notice of Entry of Dismissal and Request for Dismissal* by mailing them, in a sealed envelope with postage fully prepaid, as follows:
 - a. ☐ I deposited the envelope with the United States Postal Service.
 - b. ☐ I placed the envelope for collection and processing for mailing following this business's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
 - c. Date of deposit: _____
 - d. Place of deposit (city and state): _____
 - e. Addressed as follows (name and address): _____

3. ☐ I served a copy of the *Notice of Entry of Dismissal and Request for Dismissal* by personally delivering copies as shown below:
 - a. Name of person served: _____
 - b. Address at which person served: _____
 - c. On (date): _____
 - d. At (time): _____

4. ☒ I served a copy of the *Notice of Entry of Dismissal and Request for Dismissal* by electronically serving copies as shown below (complete if electronic service is used based on a court order or agreement of the parties):
 - a. Name of person served: _____
 - b. Electronic service address of person served: _____
 - c. On (date): _____
 - d. At (time): _____
 - e. Electronic service address from which I served the documents: _____
 - ☐ Proof of electronic service is attached.

5. ☐ Proof of service on additional parties is attached.

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan Susman (SBN 246116) FREEDMAN + TAITELMAN LLP 1901 Avenue of the Stars, Suite 500, Los Angeles, CA 90067 TELEPHONE NO.: 310-201-0005 FAX NO. (Optional): 310-201-0045 E-MAIL ADDRESS (Optional): jsusman@ftllp.com ATTORNEY FOR (Name): Plaintiff World Mission Society Church of God	FOR COURT USE ONLY <div style="text-align: center; font-weight: bold; font-size: 1.2em;">FILED</div> Superior Court of California County of Los Angeles <div style="text-align: center; font-weight: bold; font-size: 1.2em;">JAN 14 2014</div> Sherri R. Carter, Executive Officer/Clerk By <u>Gerald Mack</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	<div style="text-align: center; font-weight: bold; font-size: 1.2em;">Received</div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">JAN 14 2014</div>
PLAINTIFF/PETITIONER: World Mission Society Church of God Filing Window DEFENDANT/RESPONDENT: Diane Sims, Jeff Sims	
REQUEST FOR DISMISSAL CASE NUMBER: BC 505762	
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) ☐ With prejudice (2) ☒ Without prejudice
- b. (1) ☐ Complaint (2) ☐ Petition
- (3) ☐ Cross-complaint filed by (name):
- (4) ☐ Cross-complaint filed by (name):
- (5) ☒ Entire action of all parties and all causes of action
- (6) ☐ Other (specify):*

on (date):

on (date):

2. (Complete in all cases except family law cases.)

The court ☐ did ☒ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)

Date: January 13, 2014

Jordan Susman

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

*If dismissal requested is of specified parties only or of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:

- ☒ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

(To be completed by clerk)

4. ☒ Dismissal entered as requested on (date):5. ☐ Dismissal entered on (date):

as to only (name):

6. ☐ Dismissal not entered as requested for the following reasons (specify):7. a. ☐ Attorney or party without attorney notified on (date):

b. ☐ Attorney or party without attorney not notified. Filing party failed to provide

☐ a copy to be conformed ☐ means to return conformed copy

Date:

Clerk, by

Deputy

PLAINTIFF/PETITIONER: World Mission Society Church of God
 DEFENDANT/RESPONDENT: Diane Sims, Jeff Sims

CASE NUMBER:
 BC 505762

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for (name):
2. The person named in item 1 is (check one below):
 - a. ☐ not recovering anything of value by this action.
 - b. ☐ recovering less than \$10,000 in value by this action.
 - c. ☐ recovering \$10,000 or more in value by this action. (If item 2c is checked, item 3 must be completed.)
3. ☐ All court fees and court costs that were waived in this action have been paid to the court (check one): ☐ Yes ☐ No

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

Date: _____

 (TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY MAKING DECLARATION)

 (SIGNATURE)

02/26/2014

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA }
3 }ss.
4 COUNTY OF LOS ANGELES }

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1901 Avenue of the Stars, 500, Los
7 Angeles, CA 90067.

8 On January 13, 2014, I served the following document(s) **REQUEST FOR DISMISSAL**
9 on the interested parties in this action as follows:

10 [X] by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage
11 thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice
12 for collection and processing of correspondence and other materials for mailing with the United
13 States Postal Service. On this date, I sealed the envelope(s) containing the above materials and
14 placed the envelope(s) for collection and mailing at the address above following our office's ordinary
15 business practices. The envelope(s) will be deposited with the United States Postal Service on this
16 date, in the ordinary course of business.

17 [] by transmitting via facsimile the document(s) listed above to the fax number(s) set forth
18 below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as
19 complete and without error, and a transmission report was properly issued by the transmitting
20 facsimile machine.

21 [] by placing the document(s) listed above in a sealed Federal Express envelope and affixing a
22 pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business
23 day delivery to the address(es) listed below.

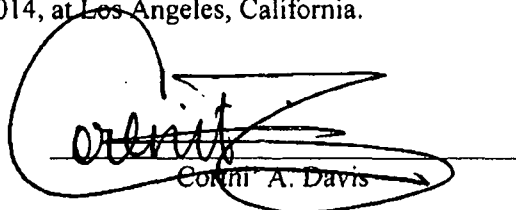
24 [] by transmitting via electronic mail the document(s) listed above to the addresses set forth
25 below on this date before 5:00 p.m. from The transmission was completed without error.

26 Diane M. Sims
27 9018 Balboa Blvd. #358
28 Northridge, CA 91325

Jeff Sims
9018 Balboa Blvd. #358
Northridge, CA 91325

[X] STATE - I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. CCP §2015.5.

Executed on January 13, 2014, at Los Angeles, California.


Corrin A. Davis

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA]
]ss.
3 COUNTY OF LOS ANGELES]

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action; my business address is 1901 Avenue of the Stars, 500, Los
6 Angeles, CA 90067.

7 On February 24, 2014, I served the following document(s) **NOTICE OF ENTRY OF
DISMISSAL AND PROOF OF SERVICE** on the interested parties in this action as follows:

8 ☒ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage
9 thereon fully prepaid, addressed as set forth below. I am "readily familiar" with the firm's practice
10 for collection and processing of correspondence and other materials for mailing with the United
11 States Postal Service. On this date, I sealed the envelope(s) containing the above materials and
12 placed the envelope(s) for collection and mailing at the address above following our office's ordinary
business practices. The envelope(s) will be deposited with the United States Postal Service on this
date, in the ordinary course of business.

13 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth
14 below on this date before 5:00 p.m. from (310) 201-0045. The transmission was reported as
complete and without error, and a transmission report was properly issued by the transmitting
15 facsimile machine.

16 ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a
17 pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business
day delivery to the address(es) listed below.

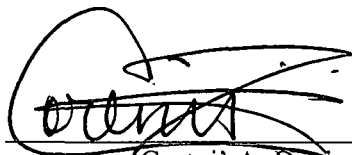
18 ☐ by transmitting via electronic mail the document(s) listed above to the addresses set forth
19 below on this date before 5:00 p.m. from The transmission was completed without error.

20 Diane M. Sims
9018 Balboa Blvd. #358
Northridge, CA 91325

Jeff Sims
9018 Balboa Blvd. #358
Northridge, CA 91325

22 ☒ STATE - I declare under penalty of perjury under the laws of the State of California that the
23 above is true and correct. CCP §2015.5.

24 Executed on February 24, 2014, at Los Angeles, California.

25 
26 Cortni A. Davis
27
28