

<p><b>PARTY WITHOUT ATTORNEY OR ATTORNEY:</b> STATE BAR NUMBER.</p> <p>NAME: Stacey Poole (SBN 202964)          FIRM NAME: LERNER * POOLE, LLP          STREET ADDRESS: 535 PACIFIC AVENUE, 2ND FLOOR          CITY: SAN FRANCISCO STATE: CA ZIP CODE: 94133          TELEPHONE NO.: (415) 391-6000 FAX NO.: (415) 391-6011          E-MAIL ADDRESS: stacey@cafamilylaw.com          ATTORNEY FOR (name): Stephen Russell</p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO</b>          STREET ADDRESS: 400 McAllister          MAILING ADDRESS: Same          CITY AND ZIP CODE: San Francisco, CA 94102          BRANCH NAME:</p> <p>PETITIONER: Stephen Russell          RESPONDENT: Tara Walsh          OTHER PARENT/PARTY:</p> <p style="text-align: center;"><b>DECLARATION REGARDING NOTICE AND SERVICE OF REQUEST          FOR TEMPORARY EMERGENCY (EX PARTE) ORDERS</b></p>	<p><b>FOR COURT USE ONLY</b></p> <p style="font-size: 2em; color: blue;"><b>ENDORSED FILED</b></p> <p style="font-size: 0.8em; color: blue;">Superior Court of California County of San Francisco</p> <p style="font-size: 1.5em; color: blue;"><b>JUL 09 2018</b></p> <p style="font-size: 1.2em; color: blue;"><b>CLERK OF THE COURT</b>          BY: <u>KELLY DAVIES</u>  <i>Deputy Clerk</i></p> <p>CASE NUMBER:  <b>FPT-18-377425</b></p>
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**NOTICE:** Do not use this form to ask for domestic violence restraining orders. Before completing this form, read your court's local procedures for requesting temporary emergency orders and obtaining the information needed to complete item 2 of this form. Courts may grant temporary emergency orders with or without an emergency hearing. Find local rules at [courts.ca.gov/3027.htm](http://courts.ca.gov/3027.htm).

1. I am (specify)  attorney for  petitioner  respondent  other parent/party  
 not a party in the case (name and title/relationship to party):

2. I  did  did not give notice that  
 there will be an emergency court hearing on a request for temporary emergency (ex parte) orders.  
 papers will be submitted to the court asking a judicial officer to grant temporary emergency orders without a hearing on the date, time, and location indicated below:

a. Date: 7/10/2018	Time: 1:30 p.m.	<input checked="" type="checkbox"/> Dept.: 404 <input type="checkbox"/> Room:	
b. Address of court: <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. **NOTICE** (If you gave notice, complete item 3a. If you did not give notice complete item 3b or 3c.)

a.  I gave notice as described in items (1) through (5):

(1) I gave notice to (select all that apply)

- |                                             |                                                           |
|---------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> petitioner         | <input type="checkbox"/> petitioner's attorney            |
| <input type="checkbox"/> respondent         | <input checked="" type="checkbox"/> respondent's attorney |
| <input type="checkbox"/> other parent/party | <input type="checkbox"/> other parent's/party's attorney  |
| <input type="checkbox"/> child's attorney   | <input type="checkbox"/> Other (specify):                 |

(2) I gave notice

- |                                                                      |                               |                  |                                          |
|----------------------------------------------------------------------|-------------------------------|------------------|------------------------------------------|
| <input type="checkbox"/> personally on (date):                       | at (location):                | , California; at | <input type="checkbox"/> a.m.            |
| <input checked="" type="checkbox"/> by telephone on (date): 7/9/2018 | telephone no.: (415) 745-3681 | at 8:50          | <input checked="" type="checkbox"/> a.m. |
| <input type="checkbox"/> by voicemail on (date):                     | voicemail no.:                | at               | <input type="checkbox"/> p.m.            |
| <input type="checkbox"/> by fax on (date):                           | fax no.:                      | at               | <input type="checkbox"/> a.m.            |
|                                                                      |                               |                  | <input type="checkbox"/> p.m.            |

(3) I gave notice (select one):

- by 10 a.m. the court day before this emergency hearing.  
 after 10 a.m. the court day before this emergency hearing because of the following exceptional circumstances (specify):

PETITIONER: Stephen Russell RESPONDENT: Tara Walsh OTHER PARENT/PARTY:	CASE NUMBER: FPT-18-377425
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3. a. (4) I notified the person in 3a(1) that the following temporary emergency orders are being requested (*specify*):  
 1) Evelyn Walsh be returned to San Francisco; 2) temporary custody to Father; 3) informing San Francisco Court of the pending protective order action in Westchester County set to be heard July 17, 2018 so that communication between the courts can commence as required under the UCCJEA.

(5) The person in 3a(1) responded as follows:  Attachment 3a(5)  
 No response as of 10:30 a.m. on July 9, 2018.

(6) I  do  do not believe that the person in 3a(1) will oppose the request for temporary emergency orders.

b.  Request for waiver of notice. I did not give notice about the request for temporary emergency orders. I ask that the court waive notice to the other party to help prevent an immediate (*identify the exceptional circumstances*)

- (1)  danger or irreparable harm to myself (or my client) or to the children in the case.
- (2)  risk that the children in the case will be removed from the state of California.
- (3)  loss or damage to property subject to disposition in the case.
- (4)  Other exceptional circumstances (*specify*):

Facts in support of the request to waive notice (*specify*):  Attachment 3b.

c.  Unable to provide notice. I did not give notice about the request for temporary emergency orders. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were (*specify below*):  Attachment 3c.

4.  SERVICE OF FORMS

a. An unfiled copy of *Request for Order* (form FL-300) for temporary emergency orders, *Temporary Emergency (Ex Parte) Orders* (form FL-305), and related documents were served on

- petitioner  petitioner's attorney  other parent/party  other parent/party's attorney
- respondent  respondent's attorney  child's attorney
- Other (*specify*):

b. Method of service:

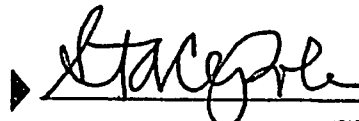
- Personal service on (*date*): 7/9/2018 at (*location*): San Francisco, California; at  a.m.  p.m.
- Fax on (*date*): fax no.: at  a.m.  p.m.
- Overnight mail or other overnight carrier

c.  Documents were not served on the opposing party due to the exceptional circumstances specified in  3b, above  3c, above  Attachment 4c.

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

Date: July 9, 2018

STACEY POOLE \_\_\_\_\_  
 (TYPE OR PRINT NAME)

 \_\_\_\_\_  
 (SIGNATURE)

DECLARATION REGARDING NOTICE AND SERVICE OF REQUEST

FOR TEMPORARY EMERGENCY (EX PARTE) ORDERS

RUSSELL, STEPHEN