

1 Audrey T. Courson (Bar No. 291039)
2 Law Offices of Audrey T. Courson
3 100 Pine Street, Suite 1250
4 San Francisco, CA 94111
5 audrey@coursonlaw.com
6 Telephone: 415.745.3681

7 Attorney for Respondent Tara Walsh

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10
11 In re Matter of:

12 STEPHEN RUSSELL,

13 Petitioner,

14 v.

15 TARA WALSH,

16 Respondent.

Case No. FPT-18-377425

**DECLARATION OF ATTORNEY LYDIA
ANTONCIC IN SUPPORT OF RESPONSE
TO PETITIONER'S REQUEST FOR
TEMPORARY EMERGENCY CUSTODY
ORDER**

Date: 7-10-18
Time: 1:30 p.m.
Dept.: 404

17
18 1. I, LYDIA ANTONCIC, am an attorney at law duly licensed to practice before the
19 Courts of the State of New York. I represent Respondent TARA WALSH ("Tara") in the
20 restraining order action that is pending in Westchester County, New York. All of the information
21 contained herein is true to the best of my knowledge, and I would offer the same if called to
22 testify.

23 **Petitioner was Properly Served with the Temporary Order of Protection.**

24 2. I represented Tara at the hearing on the temporary order of protection that took
25 place on July 2, 2018 in Westchester County.

26 3. During that hearing, the Judge ordered that service of the Temporary Order for
27 Protection (protecting Tara and the parties' daughter, Evie Walsh) could be made upon Steve's
28 California attorney, Stacey Poole.

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. I am in the process of obtaining the transcript from that hearing.

5. On July 2, 2018, I emailed copies of the Summons, Family Offense Petition and Temporary Order of Protection to Stacey Poole. (See a true and correct copy of the email attached hereto as **Exhibit A**).


6. On July 3, 2018, my paralegal served a copy of the Summons, Family Offense Petition and Temporary Order of Protection to Stacey Poole by mailing her the same. (See Affidavit of Service attached hereto as **Exhibit B**).

The Westchester County Court Indicated that the Family Offense Case Will Proceed in New York.

7. As I stated, I am in the process of obtaining the transcript from the July 2, 2018 hearing. But I think it's relevant to note that the Court indicated the parties' family offense matter will proceed in New York and not in California.

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

Dated: July 10, 2018


Lydia Antoncic

BY FAX

EXHIBIT A

Subject: Walsh v. Russell
Date: Monday, July 2, 2018 at 4:53:27 PM Pacific Daylight Time
From: Lydia S. Antoncic
To: stacey@cafamilylaw.com
CC: Vital Branding, Audrey Courson
Priority: High
Attachments: Jul 2 Service Docs TOP.pdf

Dear Ms. Poole,

I represent Tara Walsh in a New York family offense action filed against your client. Attached please find a summons, petition and Temporary Restraining Order for service upon your client. When we were in court today the Court directed service upon you as his attorney. The next court date is July 17th at 9:30 am.

Please let me know if you have any questions or would like to discuss further.

Thanks,

Lydia S. Antoncic, Esq., CFP®
Lydia S. Antoncic, PC
914.712.8778
914.738.1157 (f)
www.lsafamlaw.com
AV Preeminent® Peer Review Rated
Rated by SuperLawyers®
Certified Financial Litigator™

Office Address: 8 Madison Avenue 2nd Floor, Valhalla, NY 10595
Mailing Address: 1333A North Avenue #545, New Rochelle, NY 10804

CONFIDENTIALITY NOTICE: This email contains confidential information which may also be legally privileged and which is intended for the use of the recipient(s) named above. If you are not the intended recipient, you are hereby notified that forwarding or copying of this email, or the taking of any action in reliance on its contents, may be strictly prohibited. If you have received this email in error, please notify us immediately by reply email and delete this message from your inbox.

EXHIBIT B

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of Family Offense Proceeding -----X

File No. 154703

TARA WALSH,

Petitioner,

Docket No. O-06917-18

-against-

AFFIDAVIT OF SERVICE

STEPHEN G. RUSSELL,

Respondent.

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

TERESA L. PICCILLO, being duly sworn says, deposes and says:

I am not a party to the action, am over 18 years of age and reside at 66 Crisfield Street, Yonkers, New York.

On July 3, 2018, I served a true copy of the annexed **SUMMONS DATED JULY 2, 2018, FAMILY OFFENSE PETITION DATED JUNE 25, 2018 AND TEMPORARY ORDER OF PROTECTION DATED JULY 2, 2018** in the following manner: by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Stacey Poole, Esq.
Attorney for Respondent
535 Pacific Avenue
2nd Floor
San Francisco, CA 94133

RECEIVED FAMILY COURT
WHITE PLAINS, NY
2018 JUL -9 AM 8:54


TERESA L. PICCILLO

Sworn to before me this
5th day of July, 2018


Notary Public

PETER S. DAWSON
Notary Public, State of New York
No. 02DA6182558
Qualified in Westchester County
Commission Expires February 25, 2020

**FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

GF2 8/2002

In the Matter of a Family Offense Proceeding

File #: 154703
Docket #: O-06917-18

Tara Walsh,

Petitioner,

SUMMONS

- against -

Stephen G Russell,

Respondent.

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To: Stephen G Russell
301 Mission Street, Apt. 55D
San Francisco, CA 94105

A petition under Article 8 of the Family Court Act having been filed with this Court, and annexed hereto

YOU ARE HEREBY SUMMONED to appear before this court on

Date/Time: July 17, 2018 at 9:30 AM
Purpose: Further PP
Part: 3
Floor/Room: Floor 3/Room 308
Presiding: Hon. Arlene A. Gordon-Oliver
Location: Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, NY 10601

to answer the petition and to be dealt with in accordance with the Family Court Act.

On your failure to appear as herein directed, a warrant may be issued for your arrest.

Dated: July 2, 2018

James McAllister, Clerk of Court

NOTICE: Family Court §154(c) provides that petitions brought pursuant to Article 4, 5, 6, 8 and 10 of the Family Court Act, in which an order of protection is sought or in which a violation of an order of protection is alleged, may be served outside the State of New York upon a Respondent who is not a resident or domiciliary of the State of New York. If no other grounds for obtaining personal jurisdiction over the Respondent exist aside from the application of this provision, the exercise of personal jurisdiction over the respondent is limited to the issue of the request for, or alleged violation of, the order of protection. Where the Respondent has been served with this summons and petition does not appear, the Family Court may proceed to a hearing with respect to issuance or enforcement of the order of protection.

F.C.A. § 812 et seq.

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

AGO
11/2/17
930

TARA WALSH,

Petitioner,

-against-

STEPHEN RUSSELL,

Respondent.

FAMILY OFFENSE
PETITION
Docket No.
File No.

154703

0-06917-18

RECEIVED FAMILY COURT
WESTCHESTER COUNTY, NY
NOV 25 PM 2:58

To the Family Court:

The undersigned Petitioner respectfully states that:

1a. Petitioner resides at:

394 WHIPPOORWILL ROAD, CHAPPAQUA

County of WESTCHESTER, State of NEW YORK 10514.

1b. Respondent resides at:

301 MISSION STREET APT. 55D,

County of SAN FRANCISCO, State of CALIFORNIA 94105.

2. Petitioner has a child in common with Respondent.

3a. Respondent committed the following family offenses against Petitioner and / or
Petitioner's child, which constitute:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Disorderly conduct | <input type="checkbox"/> Menacing 3 rd , 2 nd degree |
| <input checked="" type="checkbox"/> Harassment 2 nd , 1 st degree | <input checked="" type="checkbox"/> Stalking 4 th , 3 rd , 2 nd , 1 st degree |
| <input checked="" type="checkbox"/> Aggravated harassment 2 nd degree | <input checked="" type="checkbox"/> Criminal mischief |
| <input checked="" type="checkbox"/> Attempted assault | <input type="checkbox"/> Criminal obstruction breath blood circulation |
| <input checked="" type="checkbox"/> Assault 3 rd , 2 nd degree | <input type="checkbox"/> Strangulation 2 nd , 1 st degree |
| <input checked="" type="checkbox"/> Reckless endangerment | <input checked="" type="checkbox"/> Coercion 2 nd degree |
| <input type="checkbox"/> Sexual misconduct | <input type="checkbox"/> Identity theft 3 rd , 2 nd , 1 st degree |
| <input type="checkbox"/> Forcible touching | <input type="checkbox"/> Grand larceny 4 th , 3 rd degree |
| <input type="checkbox"/> Sexual abuse 3 rd , 2 nd degree | |

On or about June 4, 2018, Petitioner was in a taxi in California with her child (Evelyn Walsh, DOB, 1/27/2018) on her way to the airport to return home to New York when one of Respondent's security guards entered the front seat of the taxi in an attempt to prevent Petitioner from leaving California. The security guard threatened Petitioner that if she left California she would be arrested causing Petitioner to be afraid and alarmed. Petitioner was so afraid that she did not leave California on that date.

On or about March 22, 2018 the San Francisco police called Petitioner and left a message on Petitioner's cell phone stating that they had received a telephone call from Petitioner's sibling who was alarmed about Petitioner's safety. The police advised Petitioner to call "911." Respondent overheard the message from the police and ordered Petitioner to call the police and say that she wasn't being abused. Based on Respondent's past behavior Petitioner was afraid and called "911" and said she was not being abused which was not true.

In or about March 9, 2018, Petitioner was holding on to her laptop when Respondent got angry and aggressively tried to grab the laptop out of Petitioner's hands. When Petitioner refused to give the laptop to Respondent he repeatedly and forcefully pushed Petitioner around the room causing her body to strike the kitchen counter repeatedly and causing Petitioner to fall on the floor repeatedly. Petitioner was recovering from childbirth (Caesarian) and suffered substantial pain and had bruising and pain in and about her backside and leg for approximately two weeks, and limped for about a week as a result of Respondent's conduct. Respondent took Petitioner's laptop, broke it in half with his hands, took Petitioner's cell phone and smashed it against the counter until it broke and disconnected the Wi-Fi. Respondent had taken Petitioner's other cell phone the day before and smashed it causing it to break. Respondent's actions caused Petitioner to be extremely alarmed and afraid for her safety and she locked herself in her daughter's bedroom. Petitioner wanted to call the police but did not have a phone.

In or about January 31, 2018, Petitioner was in New York Presbyterian Hospital having just given birth to the parties' daughter. Respondent was in Petitioner's apartment in Brooklyn and believed he was being watched with spying devices and ripped the furniture apart, and threw items around the apartment, hitting and denting the walls, and breaking mirrors. Respondent's security detail advised Petitioner not to return to the apartment because of its condition. Respondent's erratic and violent behavior caused Petitioner to be very afraid and alarmed.

On or about January 24, 2018 when Petitioner was 9 month's pregnant. Respondent told Petitioner, "We need to return to your parents' house" because he was afraid the apartment they were living was outfitted with spying apparatus. Petitioner refused and Respondent threatened, "I will smash your cell phone in your face." This behavior alarmed and frightened Petitioner.

Since on or about January, 2018 through on or about mid-June, 2018 security guards hired by Respondent constantly monitored Petitioner's home and followed Petitioner and her daughter whenever they left their home. Petitioner constantly asked Respondent to stop his security detail from monitoring and following her but he refused. The continuous monitoring by Respondent's security guards make Petitioner feel controlled, harassed, afraid and alarmed because she feels Respondent is always watching her.

Respondent's physically and verbally abusive course of conduct causes Petitioner to fear for her safety and the safety of her child, therefore, Petitioner seeks an Order of Protection from Family Court.

3b. If applicable, include "aggravating circumstances" here:

On or about March 9, 2018 Respondent repeatedly and forcefully pushed Petitioner around the room causing her body to strike the kitchen counter and floor repeatedly and causing substantial pain and bruising in and about her backside and leg for approximately two weeks, and causing Petitioner to limp for about a week.

4. The following children live with Petitioner:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Relationship to Petitioner</u>	<u>Relationship to Respondent</u>
Evelyn Walsh	1/27/2018	Daughter	Daughter

5. Upon information and belief, Respondent owns or has access to guns, knives, other weapons or other dangerous instruments as follows:

Upon information and belief, Respondent has access to several handguns guns and a taser that are located at Respondent's mother's house or with his security detail.

6. Upon information and belief, the following criminal, matrimonial or family court proceedings involving Respondent have been filed:

Respondent has filed for custody in California (San Francisco Superior Court).

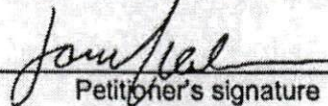
7. Indicate whether a previous application has been made to any court or judge for the relief requested in this petition: N/A

WHEREFORE, Petitioner respectfully requests this Court to:

- Adjudge the Respondent to have committed the family offenses alleged;
- Enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;
 - Refrain from harassment, assault, threats, stalking, menacing, or any of the family offenses against Petitioner or Petitioner's children (if any);
 - Stay away from Petitioner;
 - Stay away from Petitioner's child;
 - Stay away from Petitioner's home;
 - No communication and no contact either directly or through Respondent's agent, by telephone, email, social media or otherwise;
 - Order that Petitioner be awarded temporary custody of the child named herein;
- Enter a Finding of Aggravating Circumstances, if applicable; and
- Order Respondent to observe such other conditions as are necessary to further the purposes of protection; and
- Order any other and further relief as the Court may deem just and proper.

Dated: _____

6/25/18



Petitioner's signature

ORI No: NY059023J
Order No: 2018-004286
NYSID No: _____

At a term of the Family Court of the State of New York,
held in and for the County of Westchester, at Courthouse 111 Dr.
Martin Luther King Jr. Blvd., White Plains, NY 10601, on July 02,
2018

PRESENT: Honorable Arlene A. Gordon-Oliver
In the Matter of a FAMILY OFFENSE Proceeding

Tara Walsh (DOB: 09/10/1984),
Petitioner

- against -

Stephen G Russell (DOB: 12/04/1973),
Respondent

File # 154703
Docket # O-06917-18
Temporary Order of Protection

Ex Parte

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.

A petition under Article 8 of the Family Court Act, having been filed on June 25, 2018 in this Court and good cause having been shown, and Stephen G Russell having been not present in Court.

NOW, THEREFORE, IT IS HEREBY ORDERED that Stephen G Russell (DOB:12/04/1973) observe the following conditions of behavior:

[01] Stay away from:

[A] Evelyn Walsh (DOB: 01/27/2018) and Tara Walsh (DOB: 09/10/1984);

[B] the home of Evelyn Walsh (DOB: 01/27/2018) and Tara Walsh (DOB: 09/10/1984) at 394 Whippoorwill Road, Chappaqua, NY 10514;

[C] the school of Evelyn Walsh (DOB: 01/27/2018) and or daycare;

[E] the place of employment of Tara Walsh (DOB: 09/10/1984);

[14] Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with Evelyn Walsh (DOB: 01/27/2018) and Tara Walsh (DOB: 09/10/1984);

[02] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against Evelyn Walsh (DOB: 01/27/2018) and Tara Walsh (DOB: 09/10/1984);

Index No. **FU #154703** Year 20

**FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

In the Matter of a Family Offense Proceeding

TARA WALSH,

Petitioner,

-against-

STEPHEN G. RUSSELL

Respondent.

AFFIDAVIT OF SERVICE

Attorney for

LYDIA S. ANTONCIC, P.C.

Petitioner

Office Address: 8 Madison Avenue, Second Floor, Valhalla, NY 10595
Mailing Address: 1333A North Avenue #545, New Rochelle, NY 10804
(914) 712-8778 (914) 738-1157 (F)
lydia@lsafamlaw.com

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fees earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: Signature
Print Signer's Name.....

Service of a copy of the within is hereby admitted.

Dated:
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on 20

NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the
Hon., one of the judges of the within-named Court,
at
on 20, at M.

Dated:
Attorney for **LYDIA S. ANTONCIC, P.C.**

To: Office Address: 8 Madison Avenue, Second Floor, Valhalla, NY 10595
Mailing Address: 1333A North Avenue #545, New Rochelle, NY 10804
(914) 712-8778 (914) 738-1157 (F)
lydia@lsafamlaw.com

Attorney(s) for