

245

DV-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

Filed
September 14, 2022

Clerk of the Court
Superior Court of CA
County of Santa Clara
22DV000779

By: jgamez

Fill in court name and street address:

Superior Court of California, County of

201 N. First Street
191 N. First Street
San Jose, CA 95113
Family Justice Center

Court fills in case number when form is filed.

Case Number:

22DV000779

1 Name of Person Asking for Order:

HANNA MARS

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.)

Address: 970 Corte Madera Ave., #716

City: Sunnyvale State: CA Zip: 94085

Telephone: (424) 542-4870 Fax: _____

E-Mail Address: annamars2017@gmail.com

2 Name of Person to Be Restrained:

KOSTIANTYN MARS

The court will fill out the rest of this form.

3 Notice of Hearing

The temporary orders which are granted and attached remain in full force and effect while you are in court until your hearing is finished

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

Hearing
Date

Date: 10/05/2022 Time: 9:00AM

Dept.: 70 Room: _____

Name and address of court if different from above:

4 Temporary Restraining Orders (Any orders granted are attached on form DV-110.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form DV-100, Request for Domestic Violence Restraining Order, are (check only one box below):

(1) ☒ All GRANTED until the court hearing.

(2) ☐ All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3) ☐ Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form DV-100, Request for Domestic Violence Restraining Order, are:

(1) ☐ The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5.)

(2) ☐ The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.

(3) ☐ Further explanation of reason for denial, or reason not listed above:

5 Confidential Information Regarding Minor

- a. ☐ A Request to Keep Minor's Information Confidential (form DV-160) was made and **GRANTED** (see form DV-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. If the request was granted, the information described on the order (form DV-165, item ⑦) must be kept **CONFIDENTIAL**. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.

6 Service of Documents by the Person in ①

At least ☒ five ☐ _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form (DV-109, Notice of Court Hearing) to the person in ② along with a copy of all the forms indicated below:

- a. DV-100, Request for Domestic Violence Restraining Order (file-stamped)
- b. ☒ DV-110, Temporary Restraining Order (file-stamped) **IF GRANTED**
- c. DV-120, Response to Request for Domestic Violence Restraining Order (blank form)
- d. DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
- e. DV-250, Proof of Service by Mail (blank form)
- f. ☐ DV-170, Notice of Order Protecting Information of a Minor, and DV-165, Order on Request to Keep Minor's Information Confidential (file-stamped), **IF GRANTED**
- g. ☐ Other (specify): _____

Date: Signed: 9/14/2022 03:12 PM

Disqualified in 2017**for seizure of property and racketeering**

Judicial Officer

James E. Towery

Right to Cancel Hearing: Information for the Person in ①

- If item ④ a(2) or ④ a(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item ⑥ on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item ⑥ served on the other person within the time listed in item ⑥.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on form DV-110 will end on the date of the hearing.

To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Personal Service*, may be used.
- For information about service, read form DV-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Read form DV-115-INFO, *How to Ask for a New Hearing Date*.

To the Person in ② :

- If you want to respond in writing, mail a copy of your completed form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in ① and file it with the court. You cannot mail form DV-120 yourself. Someone age 18 or older—not you—must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the hearing.
- For information about responding to a restraining order and filing your answer, read form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested. You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years.
- The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

DV-110 Temporary Restraining Order

Instruction: The person asking for a restraining order must complete items ①, ②, and ③ only. The court will complete the rest of this form.

① **Protected Person** (name) HANNA MARS

② **Restrained Person**

*Full Name: Kostiantyn Mars

*Gender: ☒ M ☐ F ☐ Nonbinary

*Age: 35 (Give estimate, if age unknown.)

Date of Birth: 4/20/1987 Height: 6' Weight: 230 lbs.

Hair Color: Light Brown Eye Color: Grey/Green

*Race: White/Ukrainian

Relationship to person in ①: Husband

Address of restrained person: 970 Corte Madera Ave. #716

City: Sunnyvale State: CA Zip: 94085

Type, number, and location of firearms or ammunition:
Unknown

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Clerk stamps date here when form is filed.

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Clerk of the Court
Superior Court of CA
County of Santa Clara
22DV000779
By: jgamez

Fill in court name and street address:

Superior Court of California, County of
Santa Clara County
201 N. First Street
191 N. First Street
San Jose, CA 95113
Family Justice Center

Court fills in case number when form is filed.

Case Number:

22DV000779

③ ☒ **Other Protected People**

In addition to the person named in ①, the people listed below are protected by the orders listed in ⑥ through ⑨.

Full name	Relationship to person in ①	Age
<u>Maksym Mars</u>	<u>Son</u>	<u>6</u>
_____	_____	_____
_____	_____	_____

☐ Check here if you need to list more people. List them on a separate piece of paper, write "DV-110, Other Protected People" at the top, and attach it to this form.

(The court will complete the rest of this form)

④ **Your Hearing Date (Court Date)**

The temporary orders which are granted and attached remain in full force and effect while you are in court until your hearing is finished



This order expires at the end of the hearing listed below:

Hearing Date: 10/05/2022 Time: 9:00 ☒ a.m. ☐ p.m.

This is a Court Order.

Temporary Restraining Order
(CLETS—TRO)
(Domestic Violence Prevention)

Hanna Mars

DV-110, Page 1 of 7



This order must be enforced throughout the United States. See page 5.

To the Person in (2)

The judge has granted temporary orders. See items (5) through (18).

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.

(5) No Guns, Other Firearms, or Ammunition

- You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms you have in your immediate possession or control.
- Within 48 hours of receiving this order, you must file a receipt with the court that proves guns have been turned in or sold. (You may use form DV-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)
- ☒ The court has received information that you own or possess firearm(s) or ammunition.

(6) Cannot Look for Protected People

You must not take any action to look for any person protected by this order, including their addresses or locations.

- ☐ If checked, this order was **not granted** because the judge found good cause not to make the order.

(7) Order to Not Abuse ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

You must not do the following things to the person in (1) and any person listed in (3):

- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.
- "Disturb the peace" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status.

This is a Court Order.

Temporary Restraining Order
(CLETS—TRO)
(Domestic Violence Prevention)

Hanna Mars

8 No-Contact Order ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

a. You must **not** contact ☒ the person in ① ☒ the persons in ③ directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.

b. ☒ ~~Exception to 8a:~~

~~(1) ☒ You may have brief and peaceful contact with the person in ① only to communicate about your children for court-ordered visits.~~

~~(2) ☒ You may have contact with your children only during court-ordered contact or visits.~~

(3) ☐ Other (explain): _____

c. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

9 Stay-Away Order ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

a. You must stay at least (specify): 300 yards away from (check all that apply):

☒ Person in ①.

☐ School of person in ①.

☒ Home of person in ①.

☒ Persons in ③.

☒ Job or workplace of person in ①.

☒ Children's school or child care.

☒ Vehicle of person in ①.

☐ Other (explain): _____

b. ☒ ~~Exception to 9a:~~

The stay-away orders do not apply:

~~(1) ☒ For you to briefly and peacefully exchange your children for court-ordered visits.~~

~~(2) ☒ For you to visit with your children for court-ordered contact or visits.~~

(3) ☐ Other (explain): _____

10 Order to Move Out ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

You must take only personal clothing and belongings needed until the hearing and move out immediately from (address): 970 Corte Madera Ave., #716, Sunnyvale, CA 94085

11 Other Orders ☒ Not requested ☐ Denied until the hearing ☐ Granted as follows:

Gnyda Hanna Nahorna kicked out from home Hope, my mom, 95 years old senior woman with disabilities - causing terminal injuries and death.

This attack was preceded by threats from her father Gondon Nahorny to kill my mom

12 Child Custody and Visitation ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

Child custody and visitation are ordered on the attached Form DV-140, Child Custody and Visitation Order, or (list other form): _____. The parent with temporary custody of the child must not remove the child from California without permission from the court.

This is a Court Order.

Temporary Restraining Order
(CLETS—TRO)
(Domestic Violence Prevention)

Hanna Mars

13 Protect Animals ☒ Not requested ☐ Denied until the hearing ☐ Granted as follows:

- a. ☐ You must stay at least _____ yards away from the animals listed below.
- b. ☐ You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14 Control of Property ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

Until the hearing, only the person in (1) can use, control, and possess the following property:

Exclusive use of 2014 VW Tiguan and restrained person to return the keys to me.

Seizure of property, VW Tiguan; extortion of keys

15 Health and Other Insurance ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

The person ☒ in (1) ☒ in (2) is ordered not to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties—or their children, if any—for whom support may be ordered, or both.

16 Record Communications ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

The person in (1) may record communications made by the person in (2) that violate this order.

17 Property Restraint ☐ Not requested ☐ Denied until the hearing ☒ Granted as follows:

The person ☐ in (1) ☒ in (2) must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (If the court granted (8), the person in (2) must not contact the person in (1). To notify the person in (1) of new or big expenses, have a server mail or personally give the information to the person in (1) or contact their lawyer, if they have one.)

18 Pay Debts Owed for Property ☒ Not requested ☐ Denied until the hearing ☐ Granted as follows:

The person in (2) must make these payments until this order ends:

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

This is a Court Order.

19 Orders That May Be Made at the Hearing Date (Court Date)

If the person in (1) checked any of these orders on form DV-100, a judge could grant them at your court date.

- Child Support
- Spousal Support
- Lawyer's Fees and Costs
- Pay Expenses Caused by Abuse
- Batterer Intervention Program
- Transfer of Wireless Phone Account

20 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this order for free.

Bring a copy of all the papers that you need to be served to the sheriff or marshal.

21 Attached pages

Number of pages attached to this seven-page form: 2

Judge's Signature

**Disqualified in 2017
for seizure of property and racketeering**

Date: Signed: 9/14/2022 03:15 PM



James E. Towery

Judge or Judicial Officer

Certificate of Compliance With VAWA

This temporary protective order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

Warnings and Notices to the Restrained Person in 2**Your Address to Receive Court Orders**

If the judge makes a restraining order at the hearing (court date), which has the same orders as in this Temporary Restraining Order, you will get a copy of that order by mail at your last known address, which is written in ② on page 1. If your address was not listed on this form or is incorrect, contact the court. If you did not go to your court date and want to know if the judge granted a restraining order against you, contact the court.

Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to your hearing (court date), the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve form FL-150, Income and Expense Declaration, or form FL-155, Financial Statement (Simplified), if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve form FL-150, Income and Expense Declaration, so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required if Order Is Violated

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

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Penal Code, §13710(b).)

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Penal Code, § 136.2, and Family Code, §§ 6383(h), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Child Custody and Visitation

- The custody and visitation orders are on form DV-140. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- At items 8b(1) or 9b(1) of this order, the judge may allow the person in ② to have brief and peaceful contact with the person in ①, as needed to follow court-ordered visits. Conduct of the person in ② that is not brief and peaceful is a violation of this order.
- Forms DV-100 and DV-105 are not orders. Do not enforce them.

(The clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

This form is attached to (check one): ☒ DV-110 ☐ DV-130

① Name of Protected Person: Hanna Mars ☒ Mom ☐ Dad ☐ Other*

② Other Parent's Name: Kostiantyn Mars ☐ Mom ☒ Dad ☐ Other*

* If Other, specify relationship to child: _____

The Court Orders:

③ ☒ Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health, education. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Aggravated kidnapping; seizure of custody

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. <u>Maksym Mars</u>	<u>11/23/2015</u>	☒	☐	☐	☒	☐	☐
b. _____	_____	☐	☐	☐	☐	☐	☐
c. _____	_____	☐	☐	☐	☐	☐	☐

☐ If more children, check here. Attach a sheet of paper and write "DV-140, Child Custody" for a title.

* If Other, specify relationship to child and name of person: _____

④ ☒ Child Visitation is ordered as follows:

a. ☒ No visitation to ☐ Mom ☒ Dad ☐ Other (name): pending hearing

b. ☐ See the attached _____ - page document, dated: _____

c. ☐ The parties must go to mediation at: _____

d. ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other (name): _____ will be:

(1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month

from _____ at _____ a.m. ☐ p.m. to _____ at _____ a.m. ☐ p.m.

(2) ☐ Weekdays (starting): _____

from _____ at _____ a.m. ☐ p.m. to _____ at _____ a.m. ☐ p.m.

(3) ☐ Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-140, Other Visitation" for a title.

⑤ ☐ Supervised Visitation or Exchange

Visits and/or exchanges of children are supervised as specified on Form DV-150, Supervised Visitation and Exchange Order.

No visitations and no calls - used to block me from preventing international abduction of my son Max Mars outside of the United States.

Kidnappers Gnyda Hanna Nahorna and her father Gondon Nahornyy are detaining my son Max Mars hostage without access to phone and internet, coercing Max to accept inevitability of international abduction to Ukraine.

Kidnapping and holding my son hostage they explain by "court orders" obtained by bribing disqualified child traffickers Towery, Flint and Lowney.

This is a Court Order.

6 ☐ **Responsibility for Transportation for Visitation**

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. ☐ Mom ☐ Dad ☐ Other (name): _____ take children to the visits.
 b. ☐ Mom ☐ Dad ☐ Other (name): _____ pick up children from the visits.
 c. ☐ Drop-off/pick-up of children will be at (address): _____

7 ☒ **Travel With Children**

☒ Mom ☒ Dad ☐ Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:

- a. ☒ The State of California
 b. ☐ The United States of America ← Child trafficking outside US allowed
 c. ☐ Other place(s) (list): _____

8 ☐ **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent's permission. ☐ The orders in Form DV-145, *Order: No Travel with Children*, are attached and must be obeyed. (Fill out and attach Form DV-145 to this form.)

9 ☐ **Other Orders**

Check here and attach any other orders to this form. Write "DV-140, Other Orders" as a title.

10 **Jurisdiction**

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with § 3400).

11 **Notice and Opportunity to Be Heard**

The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

12 **Country of Habitual Residence**

The country of habitual residence of the child or children in this case is ☒ The United States of America or ☐ Other (specify): _____

13 **Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.

14 **Duration of Child Custody, Visitation, and Support Orders**

If this form is attached to Form DV-130 (*Restraining Order After Hearing*), the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

This is a Court Order.

Child Custody and Visitation Order
 (Domestic Violence Prevention)

DV-140, Page 2 of 2

DV-100**Request for Domestic
Violence Restraining Order**

Instructions: To ask for a domestic violence restraining order, you will need to complete this form and other forms. After you complete this form, see next steps on page 12.

Clerk stamps date here when form is filed.

Filed
September 14, 2022
Clerk of the Court
Superior Court of CA
County of Santa Clara
22DV000779
By: jgamez

1 Person Asking for Protection

a. Your name: HANNA MARS

b. Your age: 33

c. **!** Address where you can receive court papers

(This address will be used by the court and by the person in **2** to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: 970 Corte Madera Ave., #716

City: Sunnyvale State: CA Zip: 94085

d. **!** Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in **2** to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: (424) 542-4870 Fax: _____

Email Address: annamars2017@gmail.com

e. Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

201 N. First Street
191 N. First Street
San Jose, CA 95113
Family Justice Center

Court fills in case number when form is filed.

Case Number:

22DV000779

2 Person You Want Protection From

a. Full Name: KOSTIANTYN MARS

b. Age (give estimate if you do not know exact age): 35

c. Date of Birth (if known): April 20, 1987

d. Gender: ☒ M ☐ F ☐ Nonbinary

e. Race: White/Ukrainian

This is not a Court Order.

3 Your Relationship to the Person in 2

(If you do not have one of these relationships with the person in 2, you are not eligible for this type of restraining order. You may be eligible for another type of restraining order. Learn more at www.courts.ca.gov/selfhelp-abuse.htm.)

☒ **Check all that apply**

- a. ☒ We have a child or children together
(names of children): MAKSYM MARS
- b. ☒ We are married or registered domestic partners.
- c. ☐ We used to be married or registered domestic partners.
- d. ☐ We are dating or used to date.
- e. ☐ We are or used to be engaged to be married.
- f. ☐ We are related. The person in 2 is my (check all that apply):
- | | |
|---|--|
| ☐ Parent, stepparent, or parent-in-law | ☐ Brother, sister, sibling, or sibling-in-law |
| ☐ Child, stepchild, or legally adopted child | ☐ Grandparent or grandparent-in-law |
| ☐ Child's spouse | ☐ Grandchild or grandchild-in-law |
- g. ☒ We live together or used to live together. (If checked, answer question below):

Have you lived together with the person in 2 as a family or household (more than just roommates)?

- ☒ Yes ☐ No (If no, you do not qualify for this kind of restraining order unless you checked one of the other relationships listed above.)

4 Other Restraining Orders and Court Cases

- a. Are there any restraining orders currently in place or that have expired in the last six months (examples: Did the police give you a restraining order that lasts a few days? Do you have one from the criminal court?)
- ☒ No
- ☐ Yes (If yes, give information below and attach a copy if you have one.)
- (1) (date of order): _____ (date it expires): _____
- (2) (date of order): _____ (date it expires): _____
- b. Are you involved in any other court case with the person in 2?
- ☒ No
- ☐ Yes (If you know, list where the case was filed (city, state, or tribe), the year it was filed, and case number.)
- ☐ Custody _____
- ☐ Divorce _____
- ☐ Juvenile Court _____
- ☐ Criminal _____
- ☐ Other (what kind of case?): _____

This is not a Court Order.

Describe Abuse

In this section, explain how the person in (2) has been abusive. The judge will use this information to decide your request. Here are some examples of what "abuse" means under the law (*not a complete list*):

- harassed you
- made repeated unwanted contact with you
- tracked, controlled, or blocked your movements
- kept you from getting food or basic needs
- isolated you from friends, family, or other support
- made threats based on actual or suspected immigration status
- made you do something by force, threat, or intimidation
- stopped you from accessing or earning money
- hit, kicked, pushed, or bit you
- injured you or tried to
- threatened to hurt or kill you
- sexually abused you
- abused a pet or animal
- destroyed your property
- choked or strangled you
- abused your children

5 Most recent abuse

- a. Date of abuse (*give an estimate if you don't know the exact date*): September 2, 2022
- b. Did anyone else hear or see what happened on this day?
☐ I don't know ☒ No ☐ Yes (*If yes, give names*): _____
- c. Did the person in (2) use or threaten to use a gun or other weapon?
☒ No ☐ Yes (*If yes, describe gun or weapon*): _____
- d. Did the person in (2) cause you any emotional or physical harm?
☐ No ☒ Yes (*If yes, describe harm*):
My husband has been threatening me with deportation and taking our child Maksym from me. See my attached declaration
- e. Did the police come? ☐ I don't know ☒ No ☐ Yes (*If the police gave you a restraining order, list it in (4).*)
- f. Give more details about how the person in (2) was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.
On September 2, 2022, my husband forced me to sign a document taking me off of our lease and telling me that by this Friday I must move out and rent my own apartment without our son and if I place our son on the lease, he will force me to move to the Ukraine without our son. He and our son have green card, but my husband did not submit the documents for my green card so I do not yet have one.
- g. How often has the person in (2) abused you like this?
☐ Just this once ☐ 2-5 times ☐ Weekly ☒ Other: Regularly over the last year.
 Give dates or estimates of when it happened, if known:
See my attached declaration

This is not a Court Order.

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6) Has the person in (2) abused you in a different way from the abuse you described in (5)?

If yes, describe below.

- a. Date of abuse (give an estimate if you don't know the exact date): See my attached declaration
- b. Did anyone else hear or see what happened on this day?
- ☐ I don't know ☐ No ☐ Yes (If yes, give names): _____
- c. Did the person in (2) use or threaten to use a gun or other weapon?
- ☐ No ☐ Yes (If yes, describe gun or weapon): _____
- d. Did the person in (2) cause you any emotional or physical harm?
- ☐ No ☐ Yes (If yes, describe harm): _____
- _____
- e. Did the police come? ☐ I don't know ☐ No ☐ Yes (If the police gave you a restraining order, list it in (4).)
- f. Give more details about how the person in (2) was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- g. How often has the person in (2) abused you like this?
- ☐ Just this once ☐ 2-5 times ☐ Weekly ☐ Other: _____
- Give dates or estimates of when it happened, if known:

This is not a Court Order.

7 Is there other abuse by the person in ② that you want the judge to know about?

If yes, describe below.

a. Date of abuse (give an estimate if you don't know the exact date): See my attached declaration

b. Did anyone else hear or see what happened on this day?

☐ I don't know ☐ No ☐ Yes (If yes, give names): _____

c. Did the person in ② use or threaten to use a gun or other weapon?

☐ No ☐ Yes (If yes, describe gun or weapon): _____

d. Did the person in ② cause you any emotional or physical harm?

☐ No ☐ Yes (If yes, describe harm): _____

e. Did the police come? ☐ I don't know ☐ No ☐ Yes (If the police gave you a restraining order, list it in ④.)

f. Give more details about how the person in ② was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.

g. How often has the person in ② abused you like this?

☐ Just this once ☐ 2-5 times ☐ Weekly ☐ Other: _____

Give dates or estimates of when it happened, if known:

☐ Check this box if you need more space to describe the abuse. You can use form DV-101, Description of Abuse, and turn it in with this form. You can also use a separate sheet of paper, write "Describe Abuse" at the top, and turn it in with this form.

This is not a Court Order.

8 Other Protected People

Do you want the restraining order to protect your children, family, or someone you live with?

a. ☐ No

b. ☒ Yes (If yes, complete the section below):

(1) Full name	Age	Relationship to you	Lives with you?
Maksym Mars	6	son	☒ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

☐ Check this box if you need to list more people. Use a separate piece of paper and write "DV-100, Other Protected People" at the top. Turn it in with this form.

(2) Why do these people need protection?

My husband is using Maksym threatening to keep him from me if I don't do what he wants. My husband has physically harmed Maksym and has been emotionally damaging him by telling him that I don't love him and I don't take care of him.

9 Does Person in (2) Have Firearms (Guns) or Ammunition?

a. ☒ I don't know

b. ☐ No

c. ☐ Yes (If you have information, complete the section below.)

(1) Describe firearms or ammunition (examples: long, short, black, silver, handgun, rifle, semiautomatic):

(2) Number of firearms or ammunition, if known:

(3) Where they are located or stored, if known:

This is not a Court Order.

Choose the Orders That You Want a Judge to Make

In this section, you will choose the orders you want a judge to make now. Every situation is different.
Choose the orders that fit your situation.

☒ Check all the orders that you want a judge to make (order).

10 ☒ Order to Not Abuse

I ask the judge to order the person in (2) to not do the following things to me or anyone listed in (8):

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.

Disturbing the peace includes, but is not limited to:

- Isolating you from friends, relatives, or other support; keeping you from food or basic needs; controlling or keeping track of you, including your movements, contacts, actions, money, or access to services; and making you do something by force, threat, or intimidation, including threats related to actual or suspected immigration status.
- Destroying your mental or emotional well-being. This can be done directly or indirectly, such as through someone else. This can also be done in any way, including by phone, text, or online.

11 ☒ No-Contact Order

I ask the judge to order the person in (2) to not contact me or anyone listed in (8).

12 ☒ Stay-Away Order

a. I ask the judge to order the person in (2) to stay away from:

☒ Check all that apply

☒ Me.

☒ My vehicle.

☒ My children's school or childcare.

☒ My home.

☐ My school.

☐ Other (please explain):

☒ My job or workplace.

☒ Each person in (8).

b. How far do you want the person to stay away from all the places you checked above?

☐ 100 yards (300 feet) ☒ Other (give distance in yards): 300

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12 Stay-Away Order (continued)

c. Do you and the person in (2) live together or live close to each other?

☐ No

☒ Yes (If yes, check one):

☒ Live together (If you live together, you can ask that the person in (2) move out in (13).)

☐ Live in the same building, but not in the same home

☐ Live in the same neighborhood

☐ Other (please explain):

d. Do you and the person in (2) have the same workplace or go to the same school?

☒ No

☐ Yes (If yes, check all that apply):

☐ Work together at (name of company):

☐ Go to the same school (name of school):

☐ Other (please explain):

13 ☒ Order to Move Out

a. I ask the judge to order the person in (2) to move out of the home, located at:

(Give address): 970 Corte Madera # 716, Sunnyvale, CA 94085

b. I have a right to live at this address because:

☒ Check all that apply

☐ I own the home.

☐ My name is on the lease.

☐ I live at this address with my child(ren).

☒ I have lived at this address for 1 years, 11 months.

☐ I pay for some or all the rent or mortgage.

☒ Other (please explain): I was on the lease until Kostianyn forced me to sign a lease amendment removing me from the lease & giving me until this Friday to move.

14 ☐ Other Orders

(Describe any additional orders you want the judge to make to keep you, your children, or the people in (8) safe.):

15 ☒ Child Custody and Visitation

Check this box if you have a child with the person in (2) and want the court to make or change a child custody/visitation order. You must also fill out form DV-105, Request for Child Custody and Visitation Orders, and attach

This is not a Court Order.

16 ☐ **Protect Animals**

- a. (You may ask the court to protect your animals, your children's animals, or the person in (2)'s animals.)

	Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
(1)				
(2)				
(3)				
(4)				

- b. I ask the judge to protect the animals listed above by ordering the person in (2) to:

☒ Check all that apply

- (1)
- ☐
- Stay away from the animals by at least:

☐ 100 yards (300 feet) ☐ Other (give distance in yards): _____

- (2)
- ☐
- Not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.

- (3)
- ☐
- Give me sole possession, care, and control of the animals because (check all that apply):

☐ Person in (2) abuses the animals. ☐ I take care of these animals.☐ I purchased these animals. ☐ Other (please explain): _____17 ☒ **Control of Property**

- a. I ask the judge to give
- only me**
- temporary use, possession, and control of the property listed here (describe):

2014 VW Tiguan (my husband took and hid the keys from me)

- b. Explain why you want control of the property you listed:

I need transportation. My husband has another vehicle that he drives.18 ☒ **Health and Other Insurance**

I ask the judge to order the person in (2) to not make any changes to any insurance or other coverage for me, the person in (2), or our children, including not being allowed to cancel, cash, borrow against, transfer, dispose of, or change the beneficiaries for the insurance.

19 ☒ **Record Communications**

I ask the judge to allow me to record calls or communications the person in (2) makes to me, when those calls or communications violate this restraining order.

This is not a Court Order.

20 ☒ **Property Restraint** (only if you are married or a registered domestic partner with the person in ②.)

I ask the judge to order the person in ② not to borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in ② to notify me of any new or big expenses and to explain them to the court.

21 ☐ **Extend My Deadline to Give Notice to Person in ②**

(Usually, the judge will give you about two weeks to give notice, or to "serve" the person in ② of your request. If you need more time to serve, the judge may be able to give you a few extra days.)

I ask the judge to give me more time to serve the person in ② because (explain why you need more time):

22 ☐ **Pay Debts (Bills) Owed for Property**

(If you want the person in ② to pay any debts owed for property, list them and explain why. The amount can be for the entire bill or only a portion. Some examples include rent, mortgage, car payment, etc.)

a. I ask the judge to order the person in ② to make these payments while the restraining order is in effect:

(1) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

(2) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

(3) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Explain why you want the person in ② to pay the debts listed above:

b. **Special decision (finding) by the judge if you did not agree to the debt (optional)**

(If you did not agree to the debt or debts listed above, you can ask the judge to decide (find) that one or more debts was made without your permission and resulted from the person in ②'s abuse. This may help you defend against the debt if you are sued in another case.)

Do you want the judge to make this special decision (finding)?

☐ No ☐ Yes (If yes, answer the questions below.)

(1) Which of the debts listed above resulted from the abuse? (check all that apply):

☐ a(1) ☐ a(2) ☐ a(3)

(2) Do you know how the person in ② made the debt or debts?

☐ No ☐ Yes

(If yes, explain how the person in ② made the debt or debts):

This is not a Court Order.

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Orders That You Want a Judge to Make at Your Court Date

Below is a list of orders that a judge cannot make right away but can make at your court date in a few weeks. The person in (2) must be notified of your court date before the judge can consider making any of the orders listed below. Check all the orders that you want the judge to make at your court date.

23 ☐ Pay Expenses Caused by the Abuse

I ask the judge to order the person in (2) to pay for things caused directly by the person in (2) (damaged property, medical care, counseling, temporary housing, etc.). Bring proof of these amounts to your court date.

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

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

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

24 ☒ Child Support (this only applies if you have a minor child with the person in (2))

☒ Check all that apply

- a. ☒ I do not have a child support order and I want one.
- b. ☐ I have a child support order and I want it changed (attach a copy if you have one).
- c. ☐ I now receive or have applied for TANF, Welfare, or CalWORKS.

25 ☒ Spousal Support (this only applies if you are married or a registered domestic partner with person in (2))

I ask the judge to order the person in (2) to give me financial assistance.

26 ☒ Lawyer's Fees and Costs

I ask that the person in (2) pay for some or all of my lawyer's fees and costs.

27 ☐ Batterer Intervention Program

I ask the judge to order the person listed in (2) to go to a 52-week batterer intervention program. (The goal of a batterer's intervention program is to stop abuse. There are weekly classes to teach accountability, abuse effects, and gender roles. If ordered to complete this program, the person in (2) would have to show proof to the judge that they enrolled and completed the program.)

28 ☒ Transfer of Wireless Phone Account

(If the person in (2) holds the rights to your cell phone account, you can ask the judge to transfer your number or your child's number to you. This means you will be financially responsible for these accounts. If you want to have control over a mobile device, like a cell phone, make this request at (17).)

I ask the judge to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed below to me because the account currently belongs to the person in (2):

a. ☒ My number ☐ Number of child in my care (including area code): (424) 542-4870

b. ☐ My number ☐ Number of child in my care (including area code): _____

This is not a Court Order.

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Automatic Orders That a Judge Can Make Right Away

29 ☐ **No Guns, Other Firearms, or Ammunition**

If the judge grants you a restraining order, the person in (2) must sell or turn in any firearms that they have or control. The person in (2) would also be prohibited from buying firearms and ammunition.

30 ☐ **Cannot Look for Protected People**

If the judge grants you a restraining order, the person in (2) will not be allowed to look for the address or location of any person protected by the restraining order, unless the court finds good cause not to make this order.

31 **Additional pages**

If you used additional paper or forms, enter the number of extra pages attached to this form: _____

32 **Your signature**

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

Date: 09/13/2022

Hanna Mars
Type or print your name

[Signature]
Sign your name

33 **Your lawyer's signature (if you have one)**

Date: _____

Lawyer's name

Gnyda Hanna Nahorna submitted DVRO fraud immediately after I refused to surrender custody and refused to give up passport of my son to her father Gordon Nahornyy in response to his threats to kill my mom and kidnap my son Max

Lawyer's signature

Your Next Steps

1 You must complete at least three additional forms:

- Form DV-110, Temporary Restraining Order (only items 1, 2 and 3)
- Form DV-109, Notice of Court Hearing (only items 1 and 2)
- Form CLETS-001, Confidential CLETS Information
- If you are asking for child custody and visitation, you must complete form DV-105, Request for Child Custody and Visitation Orders and form DV-140, Child Custody and Visitation Order.

2 Turn in your completed forms to the court. Find out when your forms will be ready for pick up.

3 Once you get your forms back from the court, have someone "serve" a copy of all forms on the person in (2). The sheriff or marshal can do this for free. Learn more about how to "serve" your papers and prepare for your court date: <https://selfhelp.courts.ca.gov/sheriff-serves-your-request-restraining-order>.

4 If you are asking for child support, spousal support, or lawyer's fees, you must also complete form FL-150, Income and Expense Declaration. If you are only asking for child support (item 23), you may be eligible to fill out a simpler form, FL-155. Read form DV-570 to see if you are eligible. Turn in your completed form to the court before your court date. You must also have someone mail or personally deliver a copy to the person in (2).

This is not a Court Order.

DECLARATION ATTACHMENT TO REQUEST FOR RESTRAINING ORDER

I, Hanna Mars, requesting party herein, testify truthfully to the facts stated herein.

1. I am seeking a domestic violence restraining order against my husband Kostiantyn Mars (hereinafter "Kostiantyn"). I was married to Kostiantyn Mars (hereinafter Kostiantyn) on June 5, 2015. As a result of our marriage, we have one wonderful child together, Maksym - age 6 (DOB:11/23/2015).

2. I was three months pregnant when we married, after I had known Kostiantyn for approximately seven months. Things were OK until Maksym was born. After Maksym was born I rarely saw Kostiantyn as we slept in separate rooms where I cared for our baby and during the day Kostiantyn was at work. We only occasionally had dinner together and Kostiantyn was not caring, but his behavior was not abusive as it later became.

3. When Maksym turned about age one, my husband started to become abusive toward and controlling of me. For the short periods of time he was at home, he constantly disparaged me telling me I was a bad wife, and I didn't know how to keep the house in order. He would go around the home and tell me that I failed to put items back in their proper place. All the time he would disparage me and tell me that I was stupid, dumb, that I was worth nothing. He also started calling me a bitch when yelling at me. This behavior continued after we moved to the United States in May of 2019. Kostiantyn told me that this move was best for our son.

4. We lived in the Los Angeles area for about one year and then moved to the Bay Area in October of 2020. Things remained about the same with Kostiantyn disparaging me and calling me names; however, the frequency with which it occurred increased. We had a one bedroom apartment. Kostiantyn took over the one bedroom and used it as his office to work from home. Maksym and I slept in the living room. We rarely saw Kostiantyn except for dinner and sometimes on weekends. My job was helping Maksym with online school and keeping him quiet or taking him outside of our house because if there was noise, Kostiantyn would start yelling at me in front of our child about the noise.

5. Things really escalated in January of 2022 and again in June of 2022 when Kostiantyn brought his 94 year old grandmother over from Ukraine. Since January of 2022, Kostiantyn has been threatening me with regard to our son and my immigration status. Kostiantyn also started physically and emotionally injuring our son Maksym, then age six. From January until September when I began to intervene and try to keep Maksym away from his father, Kostiantyn would spank Maksym telling me and Maksym that "it educates him." On multiple occasions Kostiantyn would grab Maksym so he couldn't get away from him, pull down his pants and underwear and smack him on his bottom hard three to five times leaving red marks which would last for at least one hour. I was afraid of Kostiantyn, but after months of this behavior, I would try to talk to Maksym and remove him from the situation before it escalated. Prior to that, when I

tried to intervene, Kostiantyn would yell at me, grab my hand and tell me that "I was preventing him from raising his son and it was necessary for Maksym or he otherwise wouldn't understand and he would "behave like a girl." Kostiantyn would then threaten to take Maksym away from me telling me that "I am a softie with him." I was afraid of Kostiantyn so I didn't call the police. I just kept trying to intervene and protect my son and myself. If I told Kostiantyn that I would call the police, he would tell me, "what do you think you will say to the police. You don't speak the language." He would then continue to threaten that he would take Maksym from me.

6. Also since January of 2022, Kostiantyn has been hiding important legal documents from me such as Maksym's birth certificate, our marriage certificate, and our son's green card and Ukrainian passport. I am very concerned about his hiding Maksym's documents in light of his threatening to take Maksym from me.

7. Around mid-July of this year, Kostiantyn went through the necessary process to obtain his and Maksym's green cards. Although we filled out paperwork, I don't think Kostiantyn filed the documents necessary for my green card as I still haven't received mine. As part of the process of obtaining Maksym's green card, Maksym needed to be vaccinated. One of those vaccines was Hepatitis A vaccine which is given in two doses the second of which is at least six months from the first. When we took Maksym to the CVS to get his second dose, Kostiantyn told the pharmacist that it was OK for Maksym to get his second dose and that it has been six months since the first dose. He lied however, as he was in a hurry to get Maksym's green card. I told the pharmacist it has been only four months and he refused to give Maksym the vaccine that day.

8. Kostiantyn was angry that I told the pharmacist the truth and threatened me and told me "If you screw up the green card process for our son, I will make you return to Ukraine and you will never see Maksym again." Before going to the pharmacy, I told Kostiantyn that the first dose of vaccination was enough to get a green card, but he did not listen. After we left the CVS pharmacy, Kostiantyn again put me down in front of Maksym, yelling at me and threatening me saying, "You are a stupid fool idiot, because of you Maksym may not get a green card, why are you getting involved in this with your stupid words?. "You are nobody without me and it depends on me whether you stay in America or not." Kostiantyn then said to Maksym that I was a bad mother and I did not love him. Maksym began to cry and I asked Kostiantyn not to yell and say these things to our child. Kostiantyn just yelled at me and continued to scream and humiliate me in front of our son.

9. In August and September, Kostiantyn just started doing things to make my caring for Maksym difficult or trying to move me out of his and Maksym's life. On August 17, 2022, Kostiantyn took the child car seat from the car which I was driving and said that he will now keep the car seat in his car and he will determine whether I can use it or not. A little later, my husband said that he will stop giving me the car seat because he will take our son where he needs to go and he does not need to go anywhere with me. He then told me "I could buy my own car seat after our divorce. Since we lived in the Ukraine everytime Kostiantyn was unhappy about something with

me, he would tell me, "We will divorce, just not right now."

10. On September 1, 2022, Kostiantyn forced me under duress and coercion to sign a document removing me from the lease for our apartment. Exhibit "B." He told me that if I didn't sign this lease amendment, he would take our son from me and cancel my green card process. I was very scared and so I signed the lease amendment. This was done after he sent a misleading text message to our apartment landlord telling them that he wanted me off the lease and that I should have no keys to our mailbox. Exhibit "A." Kostiantyn had stated telling me for about one month prior to this that I needed to find my own apartment, and threatening me that I should not add our son's name to any lease I enter into because our son will live with only him. He gave until this Friday, September 16, 2022 to leave our apartment. This is difficult for me as I don't speak English well and I don't have a job that pays enough for me to pay for an apartment of my own. I work about 15 hours per week and gross about \$2,400 per month. I am a UX designer, but I have only 6 months part-time experience in the U.S. and although I have looked for full-time work, all employers tell me that they are looking for someone with more experience.

11. On September 4, 2022, Kostiantyn disparaged me in front of our son again. He told our son that "your mom keeps you starving and she is not a good mother." Our son was upset and told his father that I had just fed him. Kostiantyn did not stop and kept telling our son bad things about me. On September 9, 2022, Kostiantyn told me to "voluntarily" sign a lease where I would exclude our son from the lease" as "our son cannot live with me." Kostiantyn threatened me, "if you include our son on the lease, I will take away your parental rights and stop your green card process." I don't know if Kostiantyn even started the process as I am the only family member without a green card still.

12. Since we have lived in the U.S., Kostiantyn has hid all financial information from me. He never allows me to see his pay stubs, our tax returns or bank statements - any document that would indicate how much he earns. Even with the tax return, he would just bring me the signature page and tell me to sign. He would never let me review it.

13. More recently, on September 13, 2022, Kostiantyn called my parents and told my father, "if she doesn't sign a lease agreement with the apartment for herself before September 16, 2022 and leave, I will do everything to send her to Ukraine and she will never see our son. Maksym should not be included in her apartment. You will never see your grandchild ever again."

14. Over the past year with Kostiantyn's behavior and what he says to our son, Maksym has been very concerned and often cries. Maksym will take my hand and say, "Mom, I want you to always be there, Dad says that you will go to a psychiatric hospital." I then hug my son and tell him I will always be here for him and never leave him. I am very concerned for Maksym and myself with Kostiantyn's controlling and threatening behavior. I have always been Maksym's primary parent, both in the Ukraine and in the U.S. Kostiantyn spent very little time with Maksym working most of the time. He is now using Maksym as a control device such that if I

don't do what he wants, he will take Maksym from me. He continues to try to convince Maksym that I am a bad mother and do not care for him. This is so detrimental to Maksym.

15. I am requesting a restraining order against Kostiantyn protecting both me and Maksym. I am requesting full legal and physical custody of Maksym and I will need child and spousal support until I can find a full-time job. As Kostiantyn took the keys to the 2014 Volkswagen Tiguan that I had been driving. Kostiantyn drives our other car, a 2022 Hyundai so he has the use of a vehicle. He just took the second car away from me to be spiteful. I ask that the court award me the exclusive use of the Tiguan. I also ask that I be allowed to stay in the apartment in which we currently live and that Kostiantyn be ordered to immediately vacate the property. As I have very little income, I am also asking that my husband pay me \$10,000 so that I can retain an attorney to represent me in this matter.

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

Dated: September 13, 2022


HANNA MARS

EXHIBIT «A»

9:55



Remove tenant Inbox



Constantine Mars 9:18 AM



to Summerhill, mcastaneda, me

Hello Michelle and Leasing Team,

Please help us to remove Hanna Mars from our Lease Agreement and get an updated copy of the Lease Agreement.

Also, I kindly ask you to hold off from issuing any new keys (especially mailbox keys) for Hanna, because we are going through divorce and Hanna is moving out. Any attempts of Hanna to interfere with my family's mailbox are no legit anymore.

Thank you for understanding and support,

Best regards,
Constantine Mars,
424-542-9709



Summerhill Park 9:35 AM



to Constantine, me

Hi Constantine and Hanna,

Can you please confirm your apartment number?

There will be a \$100 administrative fee to remove a lease holder from the lease.

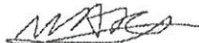
Constantine, we will also need you to send
our proof of income. We would need your last

“EXHIBIT B”

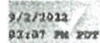
CHANGE IN ROOMMATE AMENDMENT

This Change in Roommate Amendment ("Amendment") dated September 1, 2022 modifies the lease agreement dated October 9, 2021 (the "Lease") by and between Essex Management Corporation, as agent for Owner ("Landlord"), and Kostiantyn Mars and Hanna Mars (individually and collectively referred to herein as "Resident") for the rental of the premises located at 870 GORTE MADERA AVE #716, Sunnyvale, CA 94085 ("Premises" or "Unit") within the community commonly known as Summerhill Park (the "Community" or "Property"). Landlord and Resident are collectively referred to herein as the "Parties." All terms not specifically defined herein shall have the same definition as found in the Lease. Resident and Landlord agree as follows:

1. It is agreed that Hanna Mars (vacating resident's name(s)) (hereinafter "Vacating Resident(s)"), shall be released of all responsibility under the Lease as of September 1, 2022. In exchange for being let out of the Lease, Vacating Resident(s) hereby relinquish all rights and possession of the Unit and interest in any deposit held by Landlord to Current Resident(s) and New Resident(s) (if any).
2. The remaining Current Residents and New Resident(s), if any, hereby accept all responsibility and liability as set forth in the Lease, including providing a current proof of renter's insurance.
3. New Resident(s) hereby accept, along with the Current Resident(s) the Premises in its as-is condition existing on the September 1, 2022 and Landlord shall have no obligation to make any improvements to the Premises upon entering into this agreement.
4. If any provision of this Amendment or the Lease is invalid or unenforceable under applicable law, such provision shall be ineffective to the extent of such invalidity or unenforceability only without invalidating or otherwise affecting the remainder of this Amendment or the Lease.
5. Except as specifically stated herein, all other terms and conditions of the Lease shall remain unchanged. In the event of any conflict between the terms of this Amendment and the terms of the Lease, the terms of this Amendment shall control.

RESIDENT


Kostiantyn Mars (Resident)



Date



Signed by Hanna Mars

Fri Sep 2 2022 12:06:12 PM PDT

Key: 1F1D90C5; IP Address: 98.42.211.174

Hanna Mars (Resident)

Date

LANDLORD:

Essex Management Corporation, a California corporation, as Agent for Owner

By:

 Print Name: Jessica Alvarez Title: Community Manager Date: September 1, 2022

DV-105**Request for Child Custody and Visitation Orders**

Case Number:

22DV000779

This form is attached to (check one): ☒ form DV-100 ☐ form DV-1201 Your name: HANNA MARS ☒ Mom ☐ Dad ☐ Other*2 Other parent's name: Kostiantyn Mars ☐ Mom ☒ Dad ☐ Other*

*If Other, specify relationship to child: _____

3 ☒ **Child Custody**

I ask the court for custody as follows:

Child's Name	Date of Birth	Legal Custody to (Person who makes decisions about health, education, and welfare):			Physical Custody to (Person you want the child to live with):		
		Mom	Dad	Other	Mom	Dad	Other
a. <u>Maksym Mars</u>	<u>11/23/2015</u>	☒	☐	☐	☒	☐	☐
b. _____	_____	☐	☐	☐	☐	☐	☐
c. _____	_____	☐	☐	☐	☐	☐	☐
d. _____	_____	☐	☐	☐	☐	☐	☐

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Child Custody" for a title.4 ☐ **Change Current Court Order**

I want to change a current child custody or visitation court order.

Case Number (if you have it): _____ County: _____

Explain your current order and why you want a change. _____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Change Current Court Order" for a title.5 **Child's Address**

Where has the child in ③ lived for the last five years? List each city and state the child has lived in unless it is unknown to the other parent and you want to keep it confidential because of domestic violence or child abuse. Start with where the child lives now and work backwards in time. If the current address is confidential, check the box below and just provide the current state.

Child ③ a addresses (city and state):	Child ③ a lived with:	Dates lived there:
	Mom Dad Other	
☐ Confidential <u>970 Corte Madera Ave. #716</u>	☒ ☒ ☐	From <u>Sept 2020</u> to <u>present</u>
<u>Los Angeles, CA</u>	☒ ☒ ☐	From <u>June 2020</u> to <u>Sept. 2020</u>
<u>Marina Del Rey, CA</u>	☒ ☒ ☐	From <u>April 2019</u> to <u>June 2020</u>
<u>Kyiv, Ukraine</u>	☒ ☒ ☐	From <u>Birth</u> to <u>April 2019</u>

☐ Check here if you need more space. Attach a sheet of paper and write "DV-105, Child's Address" for a title.**This is not a Court Order.**

6 Other Children's Addresses

- ☐ Check here if the other child's (or children's) address information is the same as listed in (5).
- ☐ If it is different, check here. Attach a sheet of paper and write "DV-105, Other Children's Addresses" for a title. List other children's address information, including dates, and name of person(s) child lived with.

7 Other Custody Case

Were you involved in, or do you know of, any other custody case for any child listed in this form?

- ☒ No ☐ Yes (If yes, fill out below and attach a copy of any custody or visitation orders if you have them):

a. Name of each child in other case: _____

b. Type of case: ☐ Parentage (Paternity) ☐ Domestic Violence ☐ Child Support
☐ Juvenile/Dependency ☐ Guardianship ☐ Other (specify): _____
☐ Divorce

c. I was a ☐ party ☐ witness ☐ Other (specify): _____

d. Court (name): _____

Address: _____ County: _____ State: _____

e. Date of court order: _____

f. Case number (if you have it): _____

8 Other People With or Claiming to Have Custody or Visitation Rights

Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? ☒ No ☐ Yes (If yes, fill out below.)

That person (give name and address): _____

☐ has custody ☐ claims custody rights ☐ claims visitation rights

for these children (name of each child): _____

9 ☒ Visitation

I ask the court to order that the person in (2) have the following temporary visitation rights:

☒ Check all that apply

a. ☒ No visitation until the hearing

b. ☐ No visitation after the hearing

c. ☐ The following visitation ☐ until the hearing ☐ after the hearing

(1) ☐ Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month

from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)

(2) ☐ Weekdays (starting): _____

from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)

This is not a Court Order.

10 ☐ Other Visitation

I ask the court to make other visitation orders, like summer vacation, birthdays, and holidays. (List the orders you want on a separate sheet of paper. Write "DV-105, Other Visitation" for a title and attach it to this form.)

11 ☐ Responsibility for Transportation

(The parent will take or pick up the child or make arrangements for someone else to do so.)

I ask the court to order that:

- a. ☐ Mom ☐ Dad ☐ Other (name): _____ take children to the visits.
 b. ☐ Mom ☐ Dad ☐ Other (name): _____ pick up children from the visits.
 c. ☐ Drop-off / pick-up of children will be at (address): _____
 d. ☐ Check here if other arrangement. Attach a sheet of paper and write "DV-105, Responsibility for Transportation" for a title.

12 ☒ Supervised Visitation

- a. I ask that the visitation in (9) be supervised by

☐ a professional supervisor ☒ a non-professional supervisor ☐ Other: _____
 (Name and telephone number, if known): _____

- b. I ask that the visitation in (10) be supervised by:

☐ a professional supervisor ☐ a non-professional supervisor ☐ Other: _____
 (Name and telephone number, if known): _____

- c. I ask that any costs for supervision be paid by:

Mom _____% Dad 100% Other (name): _____%

13 ☒ Travel With Children

I ask the court to order that:

☐ Mom ☒ Dad ☐ Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:

- a. ☒ California. South Bay Counties: Santa Clara, Alameda, Monterey, Marin, Stanislaus, Merced, Contra Costa, San Mateo,
 b. ☒ County of (list): _____ San Francisco, San Joaquin, San Benito & Santa Cruz
 c. ☐ Other place(s) (list): _____

14 ☐ Child Abduction Risk

☐ I believe that there is a risk the other parent will take our child out of California and hide the child from me.

(If you check this box you must fill out and attach form DV-108, Request for Order: No Travel with Children.)

Important Instructions

- You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.
- If the court makes a temporary custody order, the parent receiving custody must not take the child out of California without a noticed hearing. (See Family Code, § 3063.)

This is not a Court Order.

#245

ATTACHMENT FM-1013

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: HANNA MARS 970 CORTE MADERA AVE, #716 SUNNYVALE, CA 94085		TELEPHONE NUMBER: 424.542.4870	Filed FOR COURT USE ONLY September 14, 2022 Clerk of the Court Superior Court of CA County of Santa Clara 22DV000779 By: jgamez
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 201 North First Street, San Jose, CA 95113 MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San José, California 95113 BRANCH NAME: Family Justice Center			
PETITIONER: HANNA MARS RESPONDENT: KOSTIANTYN MARS		CASE NUMBER: 22DV000779	
DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR ORDERS		DEPARTMENT NUMBER: 76 FCS NUMBER:	

I, the undersigned, declare:

1. I am (choose one):

- a. ☐ attorney for Petitioner ☐ attorney for Respondent ☐ attorney for child(ren)
b. ☒ self-represented Petitioner ☐ self-represented Respondent
c. ☐ other (explain): _____

2. The opposing party or minor children is represented by an attorney: ☐ Yes ☒ No

(If you checked "Yes", fill in the name, address, and telephone number of all attorneys.

If you checked "No", fill in the other party's name address, and telephone number.)

Party/Attorney name: **KOSTIANTYN MARS**Address/Telephone number: **970 CORTE MADERA AVE #716, SUNNYVALE, CA 94085**

Child's attorney name and address: _____

3. OTHER CASES: Have the parties to this case been involved in another Family, Probate Juvenile, or Criminal Court Case? ☐ Yes ☒ No If there has been another case, fill in the case number: _____4. OTHER APPLICATIONS: I or another party ☐ have ☒ have not made previous application(s) on the same issue. Orders were ☐ were not ☐ granted on the prior application(s). Explain in your declaration.

5. NOTICE

a. I HAVE given notice to all opposing parties and/or their attorney by the following method:

☐ Personal delivery ☐ Fax ☐ Overnight Carrier ☐ First Class Mail ☐ Other: _____
Date: _____ Time: _____ Person who received: _____

I have received confirmation that the other party has received my papers as follows: (Check one below)

- ☐ In person/telephone (describe):
☐ Written confirmation of receipt

b. I ask the Court not to require notice of the ex parte request for orders because (Check all that apply. In the space provided below in 5.c. and on any attached pages or a separate sworn declaration, you must give facts that support a request not to give notice for each box you check in 5.b. (except for Domestic Violence Prevention Act (DVPA) restraining orders):

- ☒ This is an application for Domestic Violence Prevention Act (DVPA) restraining orders.
☐ This application involves a matter not requiring notice under State Rules, Rule 5.170;
☐ Giving notice would frustrate the purpose of the order;
☒ Giving notice would result in immediate and irreparable harm to the applicant or the children who may be affected by the order sought;
☐ Giving notice would result in immediate and irreparable damage to or loss of property subject to disposition in the case;
☐ The parties agreed in advance that notice will not be necessary with respect to the matter that is the subject of the request for emergency orders. Provide documentation of this agreement; and/or,

ROHC/JCM/09-14-22/mk

22DV000779


Signature of Declarant

PETITIONER:	CASE NUMBER 22DV000779
RESPONDENT:	

INSTRUCTIONS

For more information please refer to Superior Court of California, County of Santa Clara Local Rules 5 A & B and California State Rules, Rules 5.151, 5.165, 5.167, and 5.170.

This form is required in Santa Clara County, if you are asking the Judge to make immediate orders (also known as emergency or ex parte orders) without the other party being present for a hearing. This form must be completed in any case where ex parte orders or emergency orders are requested. If you are required to give notice, notice must be given before 10:00 a.m. on the court day before the Judge reviews the application, or the application will be delayed another 24 hours. Notice means providing the other side of the case, either all other attorneys or any self-represented party, with copies of any papers that you want the Judge to review and any orders that you are requesting. If you have given notice to the other side of your case, you must state the form of notice given. If you ask the Court to not require notice, you must explain why. Sometimes notice is not required, such as cases involving allegations of domestic violence or where the safety of a party or a child might be at risk if notice is given. It is up to the Judge in your case to determine whether notice will be required or not.

SECTION #1

State whether you are the Petitioner or the Respondent in the case. Once a case is filed, the parties keep the same status in the case. You do not change from the Respondent to the Petitioner by filing a new motion in the case. If you do not have an attorney, you are considered self-represented.

SECTION #2

If any other party is represented by an attorney, you must provide the Court with the attorney's name and address. If the other party is not represented by an attorney, you must provide the Court with the other party's address.

SECTION #3

It is very important to list all other cases in which you and the other party have been involved with the courts. This would include other Family Law, Probate, Juvenile, Restraining Order, Child Support, Civil, or Criminal matters. If you do not have the case number, please put "unknown" and list the county and the year of the filing, if possible.

SECTION #5a.

Unless notice is excused by the Court, you must provide notice of this application to all other parties and attorneys before you deliver a copy to the Court. When you give such notice, specify how you did it (by fax, courier, or personally, for example), who received it and at what time and on which date. Also, please explain how you know that the other side received copies of your papers and what response you were given.

SECTION #5c.

If you believe that you should not be required to give notice of this application and are asking the Court not to require notice, explain why in this section. Check as many boxes as apply. You must also write out any further explanation of your reasons for not giving notice or provide a separate declaration.

After this form is completed, attach it to your application or motion and submit them to the Court Specialist's Office at the Family Court Facility where you are dropping off your paperwork for review.