

Why this application is presented on an ex parte basis

On August 25, 2026, Petitioner, through counsel, rejected a written settlement offer under which (a) the DV petition would be dismissed with prejudice and the TRO dissolved, and (b) Respondent would delete all website content about Petitioner, including the Hall of Shame page that Petitioner specifically wants removed. Counsel stated that the offer was declined and no counter-offer would be forthcoming. He identified no remaining protective need. Counsel previously did not respond to Respondent's effort to determine what Petitioner wants.

Three days later, on August 28, 2026 at 11:03 p.m., Mr. Tsivyan emailed a copy of the August 4 DV-110, asserted that the email constituted "effective service," purported to start a Family Code section 6389 relinquishment clock, and gave notice that if Respondent does not confirm relinquishment by September 1, 2026, Petitioner will file an ex parte application on September 2, 2026 to continue the September 16, 2026 merits hearing on the ground that Petitioner "cannot safely appear" while Respondent remains in possession of firearms.

To this day, Respondent has *still not been properly served with the TRO*, and Respondent has merely been insisting on strict compliance with the law because his Constitutional rights are involved.

These developments occurred after this Court denied Respondent's August 10, 2026 application to recall and dissolve the TRO without reaching the merits, on the stated ground that the request was not an emergency under Rule 5.151. The August 25 rejection of the settlement offer and the August 28 threatening email are new facts. Waiting for a regularly noticed motion would allow the claimed relinquishment deadline and the threatened September 2 continuance to take effect before the Court can act—these are authorized bases for ex parte relief under Rule 5.151.

Irreparable harm

The TRO places Respondent in CLETS, restricts movement and contact, and is now being used to demand immediate surrender of lawfully owned firearms and to postpone the already-continued merits hearing in a baseless, malicious case arising out of a relationship that ended in May 2021, more than five years ago. Respondent is a practicing California attorney and a CCW permit holder whose permit expires in October 2026 and cannot be renewed longer than 90 days after that date. Professional, reputational, and liberty harms are occurring now and cannot be undone after the fact. Local Rule 5.6(H) expressly authorizes a responding party to seek set-aside of an ex parte order before the noticed hearing, and authorizes the Court to modify the order or set an earlier hearing in lieu of set-aside. Here, a stay is requested of the firearms provisions under CCP 918(a) due to the filing of an appeal and the Court of Appeal's guidance that a stay request is required before the Court of Appeal will consider supersedeas.

This application is based on

this application, the accompanying declaration of Andrew G. Watters, the memorandum of points and authorities, Exhibits A and B (the August 24–25 settlement correspondence and the August 28 email), the papers previously filed on August 10, 2026 (declaration, memorandum, DV-300, and Request for Judicial Notice), the Court's August 4, 2026 DV-109 and DV-110, and such argument as the Court may hear.

DECLARATION OF ANDREW G. WATTERS IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY STAY

I, Andrew G. Watters, declare as follows:

1. I am the Respondent in this action. I am over the age of eighteen and have personal knowledge of the matters stated in this declaration. If called as a witness, I could and would testify competently to them.

2. I am an attorney licensed to practice in California. I reside in California and maintain my law office in Redwood City.
3. I previously submitted a declaration filed August 10, 2026, in support of my ex parte application to recall and dissolve the Temporary Restraining Order entered August 4, 2026. This declaration summarizes the facts and addresses developments after that filing.
4. Petitioner and I dated for approximately one month in April and May 2021. We never married, never became engaged, never lived together, and never had children together. I ended the relationship in May 2021 due to Petitioner's bizarre behavior. It has never resumed. I have been married to someone else since early 2022 and have two children. I have had no personal interaction with Petitioner for approximately five years and have no desire to resume any relationship or communication with her, much less determine her location or threaten her.
5. On August 4, 2026, this Court issued a partial TRO. The Court granted personal-conduct, no-contact, stay-away, and firearms-related orders, and denied Petitioner's request for an order requiring removal of website content, finding that request "overly broad" and that the Court needed additional information. (DV-109, item 4.b.(3); DV-110, item 14.)
6. On August 10, 2026, I filed an ex parte application, declaration, memorandum, DV-300, and Request for Judicial Notice seeking to recall and dissolve the TRO. The Court denied that application without reaching the merits, on the ground that I had not shown sufficient urgency under rule 5.151. The merits hearing, originally set for August 26, 2026, was continued to September 16, 2026, at my request because of a scheduling conflict with a multi-week jury trial.
7. On August 24, 2026, I sent Petitioner's counsel a written settlement offer, expressly labeled a settlement communication. The material terms were:
 - a. Petitioner's DV petition would be dismissed with prejudice and the TRO dissolved. The parties would continue to maintain their positions as to what happened between them, and I would maintain that I have done nothing wrong and deny all of Petitioner's claims;
 - b. Upon court approval of the dismissal and the dismissal appearing on the docket, I would delete all content about Petitioner from my website within 24 hours or as soon as I received a copy of the order, whichever was earlier, including the Hall of Shame page and case documents from the various cases between the parties; and
 - c. The parties would release each other from claims, except that I expressly reserved the right to explain in future court filings or administrative filings (including CCW permit renewal) the circumstances of the settlement. In other forums, including online, the parties would state only that they had amicably settled on a confidential basis.
8. Those terms would have given Petitioner the two things she has actually pursued: an end to this case and removal of the online content about her that this Court declined to enjoin on August 4.
9. On August 25, 2026, at 12:19 p.m., Michael Tsivyan, Esq., wrote: "Your settlement offer has been rejected. No counter-offer will be forthcoming." He did not identify any remaining protective need, any unaddressed safety concern, or any term that would make dismissal acceptable if the web page content came down. A true and correct copy of the August 24–25 email thread is attached as Exhibit A.
10. On August 28, 2026, at 11:03 p.m., Mr. Tsivyan emailed me a copy of the August 4 DV-110. He asserted that I had made a general appearance and consented to electronic service; that the email constituted effective service of the TRO; that Family Code section 6389 required relinquishment of firearms within 24 hours, plus two court days under Code of Civil Procedure section 1010.6; and that if he did not receive written confirmation by September 1, 2026 that I had relinquished all firearms, he would file an ex parte application on September 2, 2026 to continue the

September 16, 2026 trial, based on a declaration that Petitioner cannot safely appear while I remain in possession of firearms. A true and correct copy of that email is attached as Exhibit B.

11. I have not contacted, followed, approached, or attempted to locate Petitioner or any additional protected person listed on the TRO (Shamsi Parviz, Bahman Parviz, Clara Parviz, or Blake Maso). I have never met Petitioner's parents. I do not know the present locations of the additional protected persons. It should be noted that Clara is the daughter who was taken away from Petitioner after her parental rights were terminated in Texas, and also the subject of Petitioner's obsessive crusade to regain custody.

12. I have never had access to Petitioner's Apple or iCloud account. I did not cause a "Find My" sound to be played on any device of hers on July 30, 2026 or at any other time. I did not publish or republish, or threaten to publish, any sexually explicit or other content about Petitioner on July 27, 2026.

13. Petitioner's own DV-100 requested, as "other orders," removal of the Hall of Shame web page and related content. That request was denied at the TRO stage. The August 25 rejection of an offer that would have given her that relief and a with-prejudice dismissal is inconsistent with a genuine need for emergency court protection. It is consistent with using the TRO, the firearms provisions, and a threatened continuance as leverage after this Court refused to order the speech relief she wants. Thus, this action is being brought for an improper purpose.

14. I am a practicing attorney. The pendency of this TRO, CLETS entry, and counsel's threat to postpone the merits hearing inflict professional and personal harm that is occurring now. My CCW permit expires in October 2026 and cannot be renewed after 90 days from mid-October. Turning in my entire gun collection for safekeeping and being unable to renew my CCW permit is an extreme and undue burden on me considering that this action is completely baseless and malicious.

15. I request that the Court stay enforcement of the firearms provisions of the TRO, including any claimed firearms-compliance deadline based on the August 28 email, pending the resolution of my appeal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed August 31, 2026, at Redwood City, California.

Andrew G. Watters

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Court issued a partial Temporary Restraining Order on August 4, 2026, on a thin record: an unattributed Apple notification and an alleged July 27, 2026 publication that Petitioner did not attach and that her own exhibits date to months earlier. The Court denied the website-takedown order Petitioner actually requested, finding it overly broad. Respondent then offered, in writing, the two things that would end the dispute: dismissal with prejudice and dissolution of the TRO, and deletion of all website content about Petitioner. Counsel rejected that offer and stated that no counter-offer would be forthcoming. Days later, counsel purported to start a firearms-relinquishment clock by late-night email and threatened to continue the September 16 merits hearing if Respondent does not comply.

That sequence is not the use of the Domestic Violence Prevention Act for protection. (Fam. Code, § 6220.) It is the use of an ex parte TRO as leverage to extract speech concessions this Court already declined to order, and to delay the hearing at which the merits can be tried. Respondent asks only that enforcement be stayed—particularly the claimed firearms deadline and the threatened September 2 continuance—until resolution of his pending appeal.

II. AUTHORITY TO STAY OR SET ASIDE AN EX PARTE TRO BEFORE THE NOTICED HEARING

San Mateo Local Rule 5.6(H) provides that if a responding party requests that an ex parte order be set aside before the date set for hearing, notice shall be given to the moving party, and the Court may order an earlier hearing date or modify the orders on a proper showing in lieu of setting them aside. California Rules of Court, rule 5.151, authorizes emergency family-law orders where irreparable harm is shown. Code of Civil Procedure section 533 authorizes modification or dissolution of a temporary restraining order upon a showing that the ends of justice would be served. Family Code section 6300, subdivision (a), requires reasonable proof of a past act or acts of abuse before protective orders may issue. Family Code section 6320, subdivision (a), requires good cause to protect additional family members. CCP sec. 918(a) allows the trial court to stay enforcement of any order while an appeal is pending, and otherwise. A stay request was expressly required by the Court of Appeal before it will consider Respondent’s petition for supersedeas.

Respondent already filed form DV-300 and an August 10 application. The Court denied that application as lacking emergency under rule 5.151(b), without addressing the merits. Rule 5.151(b) itself identifies irreparable harm, not a separate undefined “emergency,” as the standard. In any event, the August 25 rejection and the August 28 email are new facts. Petitioner is no longer merely awaiting a hearing. She is using the TRO as a lever after refusing a complete walk-away that included the speech relief she sought and that the Court denied.

III. THE RECORD SUPPORTS AN INFERENCE OF IMPROPER PURPOSE

The Court must consider the totality of the circumstances. (Fam. Code, § 6301, subd. (d).) Relevant circumstances include:

A 30-day dating relationship that ended in May 2021, with no resumed contact. A 2023 DVPA filing in this Court, Case No. 23FAM01495, that produced no restraining order and was dismissed. Petitioner’s answer of “Yes” on DV-100 item 4(a) to a restraining order dated July 6, 2023, when no order issued. Petitioner’s answer of “No” on DV-100 item 4(b) to other cases with Respondent, while attaching federal-case papers. This Court’s finding that the website-removal request was overly broad. Counsel’s August 25 rejection, with no counter-offer, of an offer that would have dismissed the case with prejudice, dissolved the TRO, and removed the content. Counsel’s August 28 email converting that rejection into a firearms deadline and a threatened continuance of the hearing at which the merits can be tried.

Curcio v. Pels (2020) 47 Cal.App.5th 1 holds that the DVPA does not authorize an order merely because conduct is upsetting or a former partner objects to speech. *In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483 requires actual access or misuse of private electronic information—not an unattributed automated notification. Petitioner still has neither. The burden remains on the party seeking protection; issuance of a TRO creates no presumption. (*Curcio*, supra, at pp. 17–19; *In re Marriage of Davila & Mejia* (2018) 29 Cal.App.5th 220, 226.)

Evidence Code section 1152 restricts use of settlement offers to prove liability. This application does not offer the August 24 communication to prove that Petitioner’s underlying claims are false. It offers the rejection of complete relief to show that the case is being maintained for a purpose other than protection: content control and delay. That is a non-liability purpose. Even if the Court declines to consider the text of the offer, it may consider the undisputed subsequent fact that Petitioner was offered dismissal-plus-takedown and declined without a safety-based counter, then escalated the process.

IV. TEMPORAY STAY IS THE PROPORTIONATE REMEDY

Respondent does not ask the Court to decide the entire DVRO on this paper. He asks the Court to freeze enforcement—especially the firearms clock counsel started by email on August 28 and the threatened September 2 continuance—until the pending appeal is resolved. That is consistent with Local Rule 5.6(H) and with the Court’s August 4 decision not to grant the speech injunction Petitioner wanted, as well as CCP sec. 918(a).

A stay does not leave a genuine safety request unheard. The no-abuse, no-contact, and stay-away terms can be addressed at the already-set hearing. What should not continue, on this record, is use of an ex parte TRO to force firearms surrender and to postpone the hearing after Petitioner refused a settlement that would have ended the case and removed the very speech that she objects to.

A domestic violence restraining order is not an ordinary injunction. Its violation can carry criminal consequences, and its mere existence imposes professional and reputational harm. (*Curcio*, supra, 47 Cal.App.5th 1.) Those burdens should not be enlarged by a late-night email “service” used to manufacture a new emergency after Petitioner declined the relief she claimed to need.

V. CONCLUSION

The Court should stay enforcement of the August 4, 2026 Temporary Restraining Order pending resolution of the pending appeal, stay any September 2 continuance application predicated on alleged non-relinquishment of firearms, and either dissolve the TRO pending hearing or advance the hearing on Respondent’s DV-300.

Dated: August 31, 2026

Respectfully submitted,

Andrew G. Watters
Respondent, in pro per