

Honorable James L. Robart
Honorable Michelle L. Peterson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTANEDA JUAREZ, *et al.*,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, *et al.*

Respondents-Defendants,

NO. C20-0700 JLR-MLP

NOTICE OF SUPPLEMENTAL
AUTHORITY

Pursuant to Local Rule 7(n), Federal Respondents provide the Court with notice of supplemental authority in response to the Court's May 26, 2020 Minute Order. Dkt. No. 74. In the Order, the Court asks the parties for more information in regards to a 2007 order of protection for Petitioner Avendaño. Order, at 2. Federal Respondents attach hereto a true and accurate copy of the petition and resulting order of protection.¹

¹ The names of the petitioner(s) of the order of protection have been redacted for privacy purposes.

1 DATED this 26th day of May, 2020.

2
3 Respectfully submitted,

4 BRIAN T. MORAN
United States Attorney

5 /s/Michelle R. Lambert
6 MICHELLE R. LAMBERT, NYS #4666657
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Filed at Burien Courthouse
AUG 10 2007

STATE OF WASHINGTON
KING COUNTY DISTRICT COURT
South Division, Burien Courthouse

NO. 72-351

Petitioner

vs.

WILFREDO FAVELA
Respondent

PETITION FOR ORDER
FOR PROTECTION
(PTORPRT) (All Cases)

1. ☒ I am ☐ A member of my family or household is the victim of domestic violence committed by the respondent as described in the statement below.

3. My age is:
☐ Under 16 ☐ 16 or 17 ☒ 18 or over

2. ☒ I live in this county.
☐ I left my residence because of abuse and this is the county of my new or former residence.

Respondent's age is:
☐ Under 16 ☐ 16 or 17 ☒ 18 or over

4. My relationship with the respondent is:
☐ Spouse
☐ Former spouse
☐ Parent or child
☐ In-law
☐ Related by blood
☐ Have child in common
☐ Presently reside together

☒ Resided together in past
☐ Presently dating
☒ Dated in past

5. Identification of Minors (If applicable) ☐ No Minors involved.

Name (First, Middle Initial, Last)	Age	Race	Sex	How Related to Petitioner	Respondent	Resides with
	7	Hispanic	F	MOTHER	NO RELATION	MOTHER
	4	Hispanic	F	MOTHER	NO RELATION	MOTHER

6. Other court cases or other restraining, protection or no-contact orders involving me, the minors and the respondent:

CASE NAME	N/A		
CASE NUMBER	N/A		
COURT/COUNTY	N/A		

REQUEST FOR TEMPORARY ORDER: AN EMERGENCY EXISTS as described in the statement below: I need a temporary restraining order issued immediately without notice to the respondent until a hearing to avoid irreparable injury. I request a Temporary Order for Protection that will:

I REQUEST AN ORDER FOR PROTECTION following a hearing THAT WILL:	
	<p>¹ RESTRAIN respondent from causing any physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input type="checkbox"/> me <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:</p>
X X	<p>² RESTRAIN respondent from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with <input checked="" type="checkbox"/> me <input checked="" type="checkbox"/> the minors named in paragraph 5 above, subject to any court-ordered visitation <input type="checkbox"/> these minors only, subject to any court-ordered visitation:</p>
	<p>³ EXCLUDE respondent from <input type="checkbox"/> our shared residence <input type="checkbox"/> my residence <input type="checkbox"/> my workplace <input type="checkbox"/> my school; <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only: <input type="checkbox"/> other: You have a right to keep your residential address confidential.</p>
	<p>⁴ DIRECT respondent to vacate our shared residence and restore it to me.</p>
X X	<p>⁵ PROHIBIT respondent from knowingly coming within, or knowingly remaining within <u>3 miles</u> (distance) of: <input type="checkbox"/> our shared residence <input checked="" type="checkbox"/> my residence <input type="checkbox"/> my workplace <input type="checkbox"/> my school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in paragraph 5 above. <input type="checkbox"/> these minors only: <input type="checkbox"/> other:</p>
	<p>⁶ GRANT me possession of essential personal belongings, including the following:</p>

		⁷ Grant me use of the following vehicle: Year, Make & Model _____ License No. _____
		⁸ OTHER: _____
		⁹ DIRECT the respondent to participate in appropriate treatment or counseling services.
		¹⁰ REQUIRE the respondent to pay the fees and costs of this action.
		¹¹ REMAIN EFFECTIVE longer than one year because respondent is likely to resume acts of domestic violence against me if the order expires in a year.
Check the following only if you are requesting protection involving a minor:		
		¹² Subject to any court-ordered visitation, GRANT me the care, custody and control of <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
		¹³ RESTRAIN respondent from interfering with my physical or legal custody of <input checked="" type="checkbox"/> the minors named in paragraph 5 above <input checked="" type="checkbox"/> these minors only:
		¹⁴ RESTRAIN the respondent from removing from the state: <input type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:

REQUEST FOR SPECIAL ASSISTANCE FROM LAW ENFORCEMENT AGENCIES:

I request the court order the appropriate law enforcement agency to assist me in obtaining:

- ☐ Possession of my residence. ☐ Use of designated vehicle.
☐ Possession of my essential personal belongings at ☐ the shared residence ☐ respondent's residence ☐ other.
☐ Custody of ☐ the minors named in paragraph 5 above ☐ these minors only (If applicable):

☐ OTHER: _____

Domestic violence includes physical harm, bodily injury, assault, stalking, OR inflicting fear of imminent physical harm, bodily injury or assault between family or household members.

STATEMENT: The respondent has committed acts of domestic violence as follows. (Describe specific acts of domestic violence and their approximate dates, beginning with the most recent act. You may want to include police responses.)

Describe the most recent incident or threat of violence and date:

8/9/07 Respondent showed up @ my residence @ around 9 p.m. He wanted to enter my apt. even when I specifically

told him to go away. He stayed for 10 min. doors & windows. He also kept calling on my cellphone. He left a message stating that my time was up. My daughters and I felt threatened. We locked ourselves in the restroom. The incident was reported to police @ around 10 p.m. by my boyfriend.

Describe the past incidents where you experienced violence, where you were afraid of injury or where the respondent threatened to harm or kill you:

8/7 He showed up (the respondent) @ my apt. @ around 7 p.m. He insisted to talk to me for about 5 min. I told him to leave but he didn't listen to me.

8/6 The respondent
8/19 The respondent get in my car and insisted to talk to me. I told him to get out of my vehicle but he refused to do so. He insisted in talking to me. He was saying that there were some pending situations we needed to fix.

Describe any violence or threats towards children:

8/6 The respondent showed up @ my apt @ about 7 p.m. He said he needed to talk to me about certain people that want to cause harm to me and my daughters. He said he wants to protect me. I think he's lying because there's no known reason I feel should feel I be threatened.

Describe medical treatment you received and for what:

Anti-stress medication.

Describe any threats of suicide or suicidal behavior by the respondent:

None that I'm aware of. But he has drinking problems and is currently receiving psychological treatment.

Does the respondent own or possess firearms? ☐ Yes ☒ No

Does the respondent use firearms, weapons or objects to threaten or harm you? Please describe:

No.

If you are requesting that the protection order lasts longer than one year, describe the reasons why:

The respondent lives close by where I work, live and take my daughters to babysitter and school. The respondent is a relative of my husband (we are separated as of Nov. 06).

Other

The respondent is a stubborn person. Even when I tried to avoid him @ all times, he insisted talking to me.

(Continue on separate page if necessary)

Check box if substance abuse is involved: ☒ alcohol ☐ controlled drugs ☐ other

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED 8/10/07 at BURDEN Washington.

Signature of Petitioner

You have a right to keep your residential address confidential. If you have one, please provide an address, other than your residence, where you may receive legal documents:

CERTIFICATION - State of Washington, County of King. The undersigned, duly authorized clerk of the King County District Court, Washington, hereby certifies that the document on which this stamp is imprinted is a true and correct copy of the original filed in the Court.

SIGNED _____

_____, Court Clerk

STATE OF WASHINGTON
KING COUNTY DISTRICT COURT
South Division, RJC Courthouse

ORDER FOR PROTECTION

NO. 72-00351

Court Address _____

_____, 1983
Petitioner (First, Middle, Last Name) DOB
v.
Pavela-Avendano, Wilfredo _____ 1973
Respondent (First, Middle, Last Name) DOB

Telephone Number: () _____

(Clerk's Action Required) (ORPRT)

Respondent's Distinguishing Features:

RESPONDENT IDENTIFIERS

Sex	Race (female)	Hair
M	H	BR
Height	Weight	Eyes
5' 7"	175	BR

CAUTION:

Access to weapons: ☐ yes ☐ no ☒ unknown

Names of Minors:	First	Middle	Last	Age
OR	_____			7 (female)
<input type="checkbox"/> No Minors Involved				4 (female)

THE COURT HEREBY FINDS:

The court has jurisdiction over the parties, the minors, and the subject matter and the respondent has been provided with reasonable notice and an opportunity to be heard. Notice of this hearing was served on the respondent by ☒ personal service ☐ service by mail pursuant to court order ☐ service by publication pursuant to court order ☐ other Respondent appeared

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Based upon the case record, the court finds that the respondent's relationship to the petitioner is:

- ☐ spouse or former spouse ☒ current or former dating relationship ☐ in-law ☐ parent or child
☐ parent of a common child ☐ stepparent or stepchild ☐ blood relation other than parent or child
☒ current or former cohabitant as intimate partner ☐ current or former cohabitant as roommate

Additional findings of this order are set forth below.

THE COURT HEREBY ORDERS:

- ☒ That the respondent is restrained from committing acts of abuse as listed in restraint 1, on page 2.
☒ No-contact provisions apply as set forth on the following pages.

The terms of this order shall be effective until (date):

August 29, 2008

The court further finds that the respondent committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of petitioner, and **IT IS ORDERED THAT:**

✓	<p>1. Respondent is RESTRAINED from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p>(If the respondent's relationship to the petitioner is that of spouse or former spouse, parent of a common child, or former or current cohabitant as intimate partner, then effective immediately, and continuing as long as this protection order is in effect, the respondent may not possess a firearm or ammunition. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)</p>
✓	<p>2. Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by Respondent's lawyer(s) with <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p>If both parties are in the same location, respondent shall leave.</p>
✓	<p>3. Respondent is EXCLUDED from petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input checked="" type="checkbox"/> school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> Other</p> <p><input checked="" type="checkbox"/> Petitioner's address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of the address which is: [REDACTED]</p>
✓	<p>4. Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.</p> <p><input type="checkbox"/> This address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of this address which is:</p>
✓	<p>5. Respondent is PROHIBITED from knowingly coming within, or knowingly remaining within <u>500</u> feet (distance) of: petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input checked="" type="checkbox"/> school; <input checked="" type="checkbox"/> the day care or school of <input checked="" type="checkbox"/> the minors named in the table on page one <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> Other:</p>
	<p>6. Petitioner shall have possession of essential personal belongings, including the following:</p>
	<p>7. Petitioner is granted use of the following vehicle:</p> <p>Year, Make & Model _____ License No. _____</p>
	<p>8. Other:</p>

<input type="checkbox"/>	<p>9. Respondent shall participate in treatment and counseling as follows:</p> <p><input type="checkbox"/> domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at: _____</p> <p><input type="checkbox"/> parenting classes at: _____</p> <p><input type="checkbox"/> drug/alcohol treatment at: _____</p> <p><input type="checkbox"/> other: _____</p>
<input type="checkbox"/>	10. Petitioner is granted judgment against respondent for \$ _____ fees and costs.
<input type="checkbox"/>	11. Parties shall return to court on _____, at _____ .m. for review.
<p>Complete only if the protection ordered involves minors: This state <input checked="" type="checkbox"/> has exclusive continuing jurisdiction; <input type="checkbox"/> is the home state; <input type="checkbox"/> no other state has exclusive continuing jurisdiction; <input type="checkbox"/> other: _____</p>	
<input checked="" type="checkbox"/>	12. Petitioner is GRANTED the temporary care, custody, and control of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input checked="" type="checkbox"/>	13. Respondent is RESTRAINED from interfering with petitioner's physical or legal custody of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input checked="" type="checkbox"/>	14. Respondent is RESTRAINED from removing from the state <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input checked="" type="checkbox"/>	<p>15. The respondent will be allowed visitations as follows: _____</p> <p>NONE Respondent is not father of children named.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.</p>
<p>If the person with whom the child resides a majority of the time plans to relocate the child, that person must comply with the notice requirements of the Child Relocation Act. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09, RCW 26.10 or RCW 26.26 for more information.</p>	
<p>WARNINGS TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW <u>and will subject a violator to arrest</u>. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. §§ 2261, 2261A, or 2262.</p> <p>Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the respondent has at least two previous convictions for violating a protection order issued under Titles 10, 26 or 74 RCW.</p>	

If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to Burien PD (KCSO contract) ☐ County Sheriff's Office ☒ Police Department WHERE PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

SERVICE

- ☒ The clerk of the court shall also forward a copy of this order on or before the next judicial day to KCSO (White Center) ☒ County Sheriff's Office ☐ Police Department WHERE RESPONDENT LIVES which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.
- ☐ Petitioner shall serve this order by ☐ mail ☐ publication.
- ☐ Petitioner shall make private arrangements for service of this order.
- ☒ Respondent appeared and was informed of the order by the court; further service is not required.

- ☐ The law enforcement agency where ☐ petitioner ☐ respondent lives shall:
- ☐ assist petitioner in obtaining:
- ☐ Possession of petitioner's ☐ residence ☐ personal belongings located at: ☐ the shared residence ☐ respondent's residence ☐ other: _____
- ☐ Custody of the above-named minors, including taking physical custody for delivery to petitioner.
- ☐ Use of above designated vehicle.
- ☐ Other: _____
- ☐ Other: _____

THIS ORDER IS IN EFFECT UNTIL THE EXPIRATION DATE ON PAGE 1.

If the duration of this order exceeds one year, the court finds that an order of less than one year will be insufficient to prevent further acts of domestic violence.

Dated 08/29/2007

at 3:20 pm

a.m./p.m.

Judge D. Mark Eide

Presented by:

I acknowledge receipt of a copy of this Order:



8/29/07
Date

Wilfreds Jamb 08-29-07
Respondent Date

A Law Enforcement Information Sheet (LEIS) must be completed.