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6 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF SAN FRANCISCO

8 LAURA OWENS,

9 vs. Petitioner

10 MICHAEL MARRACCINI,

11 Respondent

) Case No: FDV-18-813693
12)
13) MOTION TO DISMISS DVRO PURSUANT TO
14) CCP §473(b)(d); NOTICE OF INTENT TO SEEK
15) SANCTIONS PURSUANT TO §271.
16)
17)
18)

INTRODUCTION

2 Respondent Michael Marraccini moves to vacate the Domestic Violence Restraining
3 Order obtained by Petitioner Laura Owens in January 2018, on the grounds that the order was
4 procured through fraud. What has become abundantly clear from all filings addressing Owens
5 requested renewal of the underlying DVRO is one fundamental truth. Laura Owens will not be
6 able to refute evidence, based on Owens' admissions, independent witness statements,
7 findings from separate court proceedings, a recent felony indictment for Fraudulent Schemes,
8 Perjury and Submitting false evidence, which proves Owens' fabrication of allegations of abuse
9 and the presentation of false evidence to obtain the 2018 restraining order. In doing so, Owens
10 deprived Marraccini of a fair opportunity to defend against the DVRO, satisfying the definition
11 of extrinsic fraud that warrants equitable relief.

13 Marraccini, compelled by the concealment of material facts of Laura Owens' scheme,
14 stipulated to the DVRO. He now stands resolute in asking this Court to vacate the fraudulently
15 obtained order in the interest of justice, ending a seven-year-old prejudicial restraint on his
16 freedoms, on his liberties, that Owens has used to taunt him wherever he goes. Owens, seeped
17 in animosity, the unearned robes afforded to genuine victims of abuse, and criminal intent, has
18 sought Marraccini out to affect his life in any possible way. Marraccini has moved on; he's
19 started a family with a beautiful wife and children. He has lived a crime-free life, full of love and
20 affection from those he actively supports. He's moved on in every imaginable capacity, but for
21 Owens' criminally inspired request to grasp at the ghosts of a relationship she relentlessly
22 coveted, that Marraccini wants to erase from existence. CCP 473 affords him that opportunity.

Factual and Procedural Background

25 1. Owens and Marraccini were in an on-and-off relationship from 2016 until mid-2017.
26 On January 7, 2018, an incident occurred in which Owens confronted Marraccini
27 (and his sister) in public, screaming accusations at Marraccini, prompting him to
28 ultimately call the police to defuse the situation. (**Exhibit A – San Francisco Police**

Report Follow-Up, Case Number 180018711, Picture of Investigating Officers)

2. Two days later, on January 9, 2018, Owens filed a request for a Domestic Violence Restraining Order in this Court (Case No. FDV-18-813693), which the Court granted on a temporary basis on January 10, 2018. Owens application for the DVRO alleged that Marraccini subjected her to extreme physical and emotional violence over the course of their relationship.

3. Owens submitted photographs of injuries that she claimed were caused by Marraccini's abuse, when in fact those photos were from an unrelated accident (Owens falling off a horse)¹. Owens also claimed the abuse was so severe it drove her to seek inpatient psychiatric treatment, a claim which she herself had contradicted in prior filings. (Exhibit B – Text Messages Regarding in-patient psychiatric therapy), (Exhibit C – Declaration of Laura Owens, March 29, 2018.)

4. Marraccini categorically denied Owens' allegations. On January 22, 2018, Marraccini filed his DV-120 Response, refuting every claim and alerting the Court to Owens's history of manipulative conduct, including instances where Owens had fabricated pregnancies and made conflicting medical claims during their relationship.

5. Both parties submitted additional declarations and some third-party witness

¹ In 2018, Owens submitted four photographs to this Court in support of her declaration. February 2017 Photographs – Two photographs purporting to show a bruise on Owens' arm are dated February 18, 2017. During that same month, Owens competed in three horse shows, including one held from February 15–19, 2017.

March 2017 Photograph – A third photograph, depicting redness around Owens' eye, is loosely dated "March 2017." That month, she competed in two horse shows: the Winter Equestrian Festival (March 15–19, 2017, WEF 10) and the Blenheim Spring Classic II (March 29–April 2, 2017).

May 2017 Photograph – A fourth photograph, showing redness around Owens' eyes and cheeks, is loosely dated "May 2017." In that month, she competed in three horse shows: the Del Mar National Horse Show, the Sonoma Horse Park Spring Classic, and the Central California Classic.

Despite Owens' extensive allegations of abuse, these four photographs constituted the entirety of her photographic evidence. (Exhibit D – Public Information Showing Owens Participation in horse events.)

1 statements in preparation for an evidentiary hearing on the DVRO. The evidentiary
2 hearing, originally set for January 26, 2018, was continued to allow discovery
3 (including depositions of the parties) and further evidence gathering.

4

5 6. By July 2018, Marraccini was emotionally and financially exhausted due to the
7 Petitioner's barrage of false narratives. Rather than continue to engage with what he
8 knew were baseless accusations, Marraccini made the practical decision to resolve
9 the matter by stipulation. On or about July 10, 2018, Marraccini, "simply wishing to
10 move on," agreed to enter into a stipulated restraining order, resulting in the
11 issuance of a two-year DVRO (through July 10, 2020) with no admissions of
12 wrongdoing and no factual findings against him.

13 7. The 2018 DVRO was issued without any finding that Marraccini committed domestic
14 violence.

15 8. The July 2018 stipulated DVRO was set to expire on July 10, 2020. On that date,
16 Petitioner Owens sought a renewal of the restraining order for an additional five
17 years.

18 9. The Court granted Petitioner's renewal request on September 11, 2020, extending
20 the DVRO to July 10, 2025. Petitioner has since treated the existence of the DVRO as
21 a tool to bolster her self-portrayal as a "domestic violence survivor."

23 10. Between 2021 and 2024, Petitioner made multiple public statements referencing the
24 restraining order and accusing Marraccini of heinous abuse – including a TEDx talk in
25 January 2022 and even a published essay (which was later removed due to questions
26 about its credibility). (https://www.youtube.com/watch?v=UIOX-_VDlfo)

1 11. In 2021–2023, Petitioner became involved in litigation in Arizona, where she accused
2 at least two other men of abuse after falsely claiming to be pregnant with their
3 children, strikingly similar to her modus operandi with Marraccini.

4
5 12. In one case, Owens obtained a protective order against a man (Greg Gillespie) after
6 he ended their relationship. (CV2021-052893). (Exhibit D, Civil Complaint – Owens
7 vs. Gillespie). In another, she obtained a restraining order and filed a paternity suit
8 against a former Bachelor TV show star (Clayton Echard) following an alleged “twin
9 pregnancy”.

10
11 13. These out-of-state matters culminated in June 2024, when the Maricopa County
12 Superior Court in Arizona conducted a trial on Petitioner’s paternity claims against
13 Mr. Echard.

14
15 14. In that proceeding, evidence was presented that Petitioner had never been pregnant
16 at all, that she had fabricated evidence (including bogus positive pregnancy tests and
17 doctored medical records), and that she had lied under oath in support of her
18 claims.

19
20 15. The Arizona court expressly found that Petitioner Owens had provided false
21 testimony and that her petition was “fraudulent,” as part of “a pattern of similar, if
22 not identical behavior” in comparison to her prior schemes. The court noted that
23 Owens’s claims were not credible and had been concocted to manipulate the targets
24 of her accusations. Petitioner was ordered to pay over \$149,000 in attorney’s fees to
25 Mr. Echard as a result of her bad-faith, fraudulent conduct. (FC2023-052771). **Exhibit**
26 **E – Findings After Trial – Judge Mata**

27
28 16. Shortly thereafter, in May 2025, Petitioner was indicted by a grand jury in Arizona on

1 seven felony counts, including fraudulent schemes, perjury, forgery, and evidence
2 tampering, all arising from her elaborate false pregnancy and abuse scams in the
3 Echard matter. (Exhibit F – Criminal Indictment)

4

5 17. It is against this backdrop that Petitioner filed yet another Request to Renew her
6 DVRO against Marraccini on or about July 10, 2025, seeking to extend the restraining
7 order permanently as the July 2025 expiration approached.

8

9 18. Owens renewal request is set for a hearing in October 2025. Marraccini has opposed
10 the renewal and now additionally brings an immediate motion to vacate the original
11 DVRO on the grounds of extrinsic fraud, citing newly discovered evidence that was
12 unavailable at the time of the 2018 stipulation.

13

14 19. New evidence of extrinsic fraud, including unknown evidence from the 2018
15 stipulation, allows this court to vacate the 2018 orders that have been obtained
16 through mistake or excusable neglect, based on what is now known to be Laura
17 Owens fraudulent scheme, perfected over the course of nearly a decade.

18

19 20. The evidence now available paints a devastating picture of Petitioner's lack of
20 truthfulness and her abuse of the judicial process. Marraccini urges the Court to
21 consider the full evidentiary record, which was not available at the time of the 2018
22 DVRO, and to exercise its authority to vacate an order that was fundamentally built
23 on fraud.

24

25 I. POINTS AND AUTHORITIES

26 **Relief Under CCP § 473(d) and Equitable Power:** Courts have the authority to set aside
27 void judgments or orders upon motion by either party after notice to the other party. Notice
28 has been achieved under the instant case by virtue of Marraccini's filed response to Owens

1 DVRO renewal request filed August 25, 2025, and through this filed motion.

2

3 CCP § 473 codifies the court's inherent power to vacate void judgments. In *People v.*
4 *One 1941 Chrysler 6 Touring Sedan*, the court declared that a void judgment could be set aside
5 under Cal. Code Civ. Proc. § 473. *People v. One 1941 Chrysler 6 Touring Sedan (1947) 81 CA2d*
6 *18, 22.* In *National Diversified Servs., Inc. v. Bernstein*, the court clarified that Cal Code Civ Proc
7 § 473 reflects the court's inherent power to address void judgments. *National Diversified Servs.,*
8 *Inc. v. Bernstein (1985) 168 CA3d 410, 416*

9

10 In addition to statutory authority, courts possess inherent equitable powers to set aside
11 judgments obtained through extrinsic fraud or mistake, even when statutory deadlines have
12 expired. Extrinsic fraud occurs when a party is prevented from fully participating in the case due
13 to deception or misconduct by the opposing party, such as being kept in ignorance of the
14 proceedings or being misled into not defending the case. In *Rodriguez v. Cho*, 236 Cal. App. 4th
15 742, the court reaffirmed that relief could be granted under equitable principles if extrinsic
16 fraud or mistake prevented a party from presenting their case, *as in Rodriguez v. Cho, 236 Cal.*
17 *App. 4th 742.* The court in *Olivera v. Grace*, 19 Cal. 2d 570 also highlighted that equitable relief
18 could be sought through a motion in the original action or an independent action in equity,
19 provided the fraud or mistake was extrinsic.

20

21 **The distinction between extrinsic and intrinsic fraud is critical.** Intrinsic fraud, such as
22 perjury or forged evidence (and there is certainly plenty of that in this case), presented during
23 the trial, does not warrant equitable relief because the affected party had the opportunity to
24 address it during the proceedings. In contrast, extrinsic fraud involves circumstances that
25 prevent a fair trial, such as a lack of notice or deliberate concealment of material facts. Extrinsic
26 fraud must relate to the manner in which the judgment was procured, not the issues decided in
27 the judgment. *Hanley v. Hanley, 114 Cal. 690, 693.* In addition, the courts have recognized that
28 the terms "extrinsic fraud" and "extrinsic mistake" are broadly interpreted to encompass

1 circumstances that deprive a party of a fair hearing, even if the circumstances do not strictly
2 qualify as fraud or mistake. This principle was discussed in *In re Marriage of Park*, 27 Cal. 3d
3 337, and reaffirmed in subsequent cases.

4

5 California courts have consistently articulated a **three-part test** for granting equitable
6 relief from a judgment on the grounds of extrinsic fraud or mistake. The moving party must
7 demonstrate: (1) a meritorious defense to the claims upon which the judgment was entered,
8 (2) a satisfactory excuse for not fully presenting that defense in the original action, and (3)
9 diligence in seeking relief once the fraud or mistake was discovered. *Rappleyea v. Campbell*, 8
10 Cal. 4th 975 (1994) 8 Cal.4th 975, 982, Burnete v. La Casa Dana Apartments, 148 Cal. App. 4th
11 1262,

12

13 The courts have also clarified that while **there is no strict deadline for filing a motion**
14 based on extrinsic fraud or mistake, the motion must be made within a reasonable time after
15 the fraud or mistake is discovered. This requirement is closely tied to the principle of avoiding
16 prejudice to the opposing party, as highlighted in Rappleyea and other cases. *Burnete v. La Casa*
17 Dana Apartments, 148 Cal. App. 4th 1262.

18

19 A Domestic Violence Restraining Order (DVRO), though civil in nature, is a serious order
20 often made under expedited circumstances. The statutory framework and case law emphasize
21 the significant impact and purpose of DVROs in protecting individuals from abuse, as seen in
22 the broad legislative intent to prevent domestic violence and the serious consequences of
23 violating such orders. *Navarro v. Cervera*, 108 Cal. App. 5th 229, *G.G. v. G.S.*, 102 Cal. App. 5th
24 413.

25

26 A DVRO obtained through extrinsic fraud may be vacated in equity. If a court finds that a
27 restraining order was procured through deception or false evidence, the proper remedy is to
28 set it aside, thereby preserving the integrity of the court's processes. The policy favoring finality

1 of judgments yields to fraud that undermines the fairness of the original proceeding. The court
2 has the authority and duty to vacate a DVRO if evidence shows it was obtained by extrinsic
3 fraud.

4 **Argument**

5 **I. Marraccini is not Time Barred under §473**

6 Cal Code Civ Proc § 473 provides that a motion for relief from a judgment, order, or
7 proceeding must be made within six months of the entry of the judgment or order. This six-
8 month limitation is jurisdictional and cannot be extended under ordinary circumstances. *Cal*
9 *Code Civ Proc § 473*. However, California courts recognize an exception to this limitation in
10 cases involving extrinsic fraud or extrinsic mistake (*Weiss v. Othman, 2019 Cal. Super. LEXIS*
11 *34383, Weiss v. Othman, 2019 Cal. Super. LEXIS 34383*). Extrinsic fraud occurs when a party is
12 prevented from fully participating in the proceedings due to the opposing party's deceit or
13 concealment of material facts. *Kuehn v. Kuehn, 85 Cal. App. 4th 824*.

14

15 Marraccini challenges the 2018 Domestic Violence Restraining Order (DVRO) under
16 California Code of Civil Procedure (CCP) Section 473 and contests its subsequent renewals
17 based on the lack of litigation, absence of findings of domestic violence, and the petitioner
18 Owens' documented history of fraudulent conduct.

19

20 Cal Code Civ Proc § 473, a party may seek relief from an order or judgment if it was
21 obtained through mistake, inadvertence, surprise, or excusable neglect. The stipulated DVRO
22 issued in 2018 was not litigated on its merits and was agreed to under duress and exhaustion,
23 as he was emotionally and financially drained by Owens' false allegations. The stipulated order
24 contained no findings of domestic violence, which weakens its evidentiary basis for renewal.

25

26 Although statutory relief under § 473 would normally be time-barred, the doctrine of
27 extrinsic fraud applies. Marraccini did not know, and could not reasonably have known, that
28 Owens' conduct rose to the level of extrinsic fraud until recently. Owens' actions deprived him

1 of a fair opportunity to present his defense through material concealment of material facts,
2 which satisfies the criteria for equitable relief beyond the six-month jurisdictional bar. In such
3 cases, no statute of limitations applies, provided the aggrieved party seeks relief within a
4 reasonable time.

5

6 On May 25, 2025, Laura Owens was indicted on seven felony counts, including fraudulent
7 schemes, four counts of perjury, forgery, and evidence tampering (Exhibit F). Marraccini is a
8 named witness in the State of Arizona's case against Owens. This indictment represents the first
9 official corroboration that Owens's conduct was criminal in nature, and it provided Marraccini
10 with confirmation of the extrinsic fraud that had previously deprived him of a fair trial.

11

12 Owens sought renewal of the DVRO in July 2025, and Marraccini filed this motion in
13 September 2025. Accordingly, the motion was brought within a reasonable time, satisfying the
14 requirements of § 473.

15

16 **II. Owens's Pattern of Deceit Constitutes Extrinsic Fraud.**

17 Laura Owens has developed a scheme she frequently imposes on men she dates.

18

19 (1) **Initial Manipulation:** Owens begins relationships quickly, fostering dependency with
20 rapid discussions of family and commitment. Within months, she falsely claims
21 pregnancy, manipulating photographs and documents to lend credence to her
22 narrative. The takeaway: Owens expertly creates emotional traps, setting the stage
23 for deeper deceit.

24

25 (2) **Crisis Fabrication** (Miscarriage/Abortion/Inpatient Mental Health Care / Cancer /
26 Suicidal Ideations): Following the initial deceit, Owens invents medical emergencies
27 such as miscarriages, offering fake evidence like manipulated test results. She
28 assumes false identities to bolster these claims, fabricating correspondence from

1 supposed allies or medical professionals to strengthen her lies. This step illustrates
2 her meticulous crafting of fabricated crises to deepen her emotional control.²
3

4 (3) **False Allegations:** Owens then escalates by falsely accusing her partners of abuse,
5 presenting unsubstantiated claims of assault and harassment. This includes
6 submitting forged records and photographs as false evidence. Publicly posing as a
7 victim allows her to promote her false narrative. In each instance, evidence
8 contradicts her claims, as courts have often dismissed her lawsuits and noted her
9 lack of credibility. The pattern demonstrates her consistent use of deceit as a means
10 to manipulate those who dare reject her.

11
12 (4) **Assuming the Identity of Fake People:** Owens assumes the identities of aliases or
13 real individuals to support her conjured crises. For example, Dr. John C.K. Chan is an
14 actual medical professional for whom Owens authored forged medical letters
15 purporting to be from Dr. Chan, a gynecologic oncologist, stating she had ovarian
16 cancer and urging her partner to be supportive. (*Exhibit G – Forged Letter by Laura*
17 *Owens purporting to be Dr. Chan*) She forged notes from Dr. Rebecca Yee. (*Exhibit H*
18 – *Forged Letter by Laura Owens purporting to be Dr. Yee*). Owens faked
19 communications from entertainment manager David Katz in an attempt to mislead
20 Marraccini into thinking Mr. Katz would represent him in his podcast venture with
21 Owens. Owens claimed to have friends and associates who supported her story of
22 being pregnant with twins; the Court later found these claims unsubstantiated.
23 (*Exhibit E - Findings After Trial, Judge Mata, Maricopa County Superior Court,*
24 *Arizona, Case No. FC2023-052771*).

25
26 (5) **Forged Medical Records & Injury Photos** – To bolster her lies, Owens fabricates
27

28 ² With Mike Marraccini, she claimed multiple miscarriages and abortions in 2016-2017, while claiming to
be pregnant with twins. With Clayton Echard, she produced falsified ultrasound images and claimed to be
pregnant with twins.

1 documents and recycles unrelated injuries as abuse evidence.³ ⁴ Over a ten-year
2 span, Owens manufactured medical “proofs” to prop false narratives: forging an
3 oncology letter (Dr. John C.K. Chan), claiming an oophorectomy and surgical
4 abortion via purported notes (Rebecca Yee, M.D.)⁵, texting hCG and “oncology”
5 materials, and rebranding horse-fall injuries as domestic-violence bruises. In Arizona,
6 investigators found she altered an ultrasound image and fabricated a pregnancy
7 video, and filings show she submitted falsified medical records to her own expert; a
8 judge concluded she knowingly presented a false claim and referred her for
9 prosecution, now charged with fraud, forgery, perjury, and evidence tampering.
10 Together, these items form a continuous pattern of medical-evidence fakery used to
11 mislead partners and courts.

12

13 (6) **Restraining Orders** – Over the past decade, Laura Owens has repeatedly presented
14 herself as a victim of abuse, alleging physical assault, sexual assault, stalking,
15 harassment, and pregnancy-related coercion by numerous men. In each known
16 instance, however, her claims have been unsubstantiated, contradicted by evidence,
17 or proven to be false outright. Courts have dismissed her lawsuits and, in the most
18 egregious case, found that Owens fabricated evidence and lied under oath. Owens
19 often makes such accusations reactively (e.g., after a breakup or after the other
20 party seeks help or legal action against her), and she frequently invokes false
21 pregnancies or health crises as part of the narrative. In several cases, Michael
22 Marraccini (2018), Greg Gillespie (2021), and Clayton Echard (2023) obtained or
23 attempted protective orders against the men only after they sought to distance

24

25 ³ Owens attached a forged letter purporting to be from Dr. John C.K. Chan trying to convince Marraccini
26 that she had cancer.

26 ⁴ With Marraccini, she submitted photos of bruises from horseback riding accidents claiming they were
27 caused by abuse. She also sent him a photograph of what appeared to be a positive pregnancy test.
With others she submitted videos of Ultrasounds purporting them to be genuine evidence of pregnancy,
when in fact, the ultrasounds belonged to her sister.

28 ⁵ Laura Owens falsely used Dr. Rebecca Yee’s name, a real physician, in 2016 to lend credibility to
fabricated medical crises, including alleged pregnancy complications. There is no evidence that Dr. Yee
corroborated Owens’s claims.

themselves or took legal action against her.

(7) **Public Victim Narrative** – Owens then uses the existence of a DVRO or court filings to promote herself as a survivor in public forums, TEDx talks, essays, and podcasts, attempting to garner sympathy and credibility while vilifying her former partner.

(8) Collapse of the Fraud – Over time, her fabrications unraveled under scrutiny.

Independent courts and law enforcement eventually found her claims to be baseless, leading to dismissals, findings of fraud, and, most recently, a felony indictment for perjury, forgery, and fraudulent schemes. It was impossible for Marraccini to have understood at the time that he was dealing with a serial fraud.

Corroboration that Laura Owens is a Criminal: Owens pursued a paternity claim in

Arizona against a public figure (a former reality TV bachelor), claiming she was pregnant with his twins, only to have those claims exposed as elaborate fabrications. The Arizona judge, after a full evidentiary hearing, found Owens's testimony to be wholly not credible, describing her claims as "unreasonable" and "without basis or merit." (*Exhibit E - Findings After Trial, Judge Mata, Arizona, Case No. FC2023-052771*)

The court noted that Owens had presented a false claim and falsified evidence, and accused her of wasting the court's time with her lies. In fact, the Arizona judge was so alarmed by Owens's conduct that she referred the matter to prosecutors, observing that Owens appeared to have a pattern of similar fraudulent behavior in court. A grand jury thereafter indicted Owens on seven felony counts. (*Exhibit E*).

The indictment charges Owens with fraudulent schemes, forgery, four counts of perjury, and tampering with physical evidence. Investigators found that Owens went to extreme lengths to manipulate the legal process: she allegedly altered ultrasound images, fabricated a

1 pregnancy video, and lied repeatedly under oath in the Arizona case. *Exhibit F - Grand Jury*
2 *Criminal Indictment - Maricopa County, Arizona, July 2025*) These are not mere allegations by
3 Marraccini; they are findings and charges by courts and law enforcement authorities,
4 demonstrating Owens's propensity to lie to courts and manufacture evidence to achieve her
5 ends.

6 **Corroboration of Owens' Fraudulent Conduct Constitutes Extrinsic Fraud:** Marraccini's
7 discovery of Owens' fraudulent conduct in subsequent legal proceedings constitutes extrinsic
8 fraud. California courts have consistently held that extrinsic fraud justifies equitable relief from
9 a judgment or order, even after the expiration of the six-month period under *Cal Code Civ Proc*
10 *§ 473, Kuehn v. Kuehn, 85 Cal. App. 4th 824.*

11
12 Here, Owens' pattern of deceit, as documented in the Arizona court findings and her
13 subsequent indictment, demonstrates that she engaged in a scheme to manipulate the legal
14 system and fabricate allegations against Marraccini. This conduct prevented Marraccini from
15 fully litigating the 2018 DVRO, as he had no way of knowing Owens misconduct amounted to a
16 fraudulent scheme to harass and stalk him for the duration of the order, or that she would
17 continue this conduct indefinitely. This was bigger than the mischaracterization of photographs,
18 he said, she said, and a little minor perjury. This was the concealment of a full-on fraudulent
19 artifice, ripe with false medical evidence, false communications, a concerted emotional
20 harassment manipulation campaign, and a concerted effort to ruin Marraccini's life.

21
22 Under California's three-part test, Marraccini must show "(1) a meritorious defense; (2)
23 a satisfactory excuse for not presenting a defense in the first place; and (3) diligence in seeking
24 to set aside the [judgment] once discovered." *Rappleyea v. Campbell, 8 Cal. 4th 975 (1994) 8*
25 *Cal. 4th 975, 982.*

26
27 **(1) Meritorious Defense:** To satisfy this element, the movant must demonstrate facts
28 indicating that a different result would have been reached if the case had been

1 defended. For example, in People v. One Parcel of Land, 235 Cal. App. 3d 579, the
2 defendant showed a meritorious defense by declaring she did not knowingly allow
3 drug trafficking on her property. Similarly, in County of L.A. v. Warmoth, DNA
4 evidence was cited as potentially satisfying the meritorious defense requirement if
5 accurate, County of L.A. v. Warmoth, 62 Cal. App. 4th 1095.

7 Marraccini's defense is that Owens's abuse allegations were false, fabricated
8 from whole cloth. Substantial new evidence now confirms that Owens is a serial liar
9 who weaponizes false allegations, positioning herself as a victim to torment men
10 who have no interest in dating her. Had Marraccini been able to present new
11 evidence of Owens' fraudulent scheme, such as the Criminal Indictment, and
12 findings by other courts that anything Owens claims cannot be trusted, including
13 Judge Mata's findings, it is highly probable that no reasonable court could have
14 issued the DVRO. The evidence suggests that the likelihood of a different outcome
15 was significantly high. If the court had the opportunity to learn the full meritorious
16 scope of Owen's claims, there would have been a different result, satisfying the
17 meritorious defense requirement.

18
19 (2) **Valid Excuse for Not Presenting the Defense:** The movant must provide a
20 satisfactory explanation for failing to present a defense in the original action. In
21 People v. One Parcel of Land, 235 Cal. App. 3d 579, the defendant's attorney's
22 misconduct, including failing to oppose the default judgment and not returning calls,
23 was deemed a valid excuse, People v. One Parcel of Land, 235 Cal. App. 3d 579.
24 California courts have emphasized that the excuse must rise to the level of excusable
25 neglect or positive misconduct, as opposed to mere inexcusable neglect. People v.
26 One Parcel of Land, 235 Cal. App. 3d 579.

27
28 Extrinsic fraud typically exists where "*a party is deprived of his opportunity to*

1 *present his claim or defense to the court, ... kept in ignorance [of the true facts] or in*
2 *some other manner fraudulently prevented from fully participating in the*
3 *proceeding.” In re Marriage of Varner (1997) 55 Cal. App. 4th 128, 140. That is*
4 *exactly what occurred here. Owens’s fraudulent conduct “prevent[ed] a fair*
5 *adversary hearing,” by inducing the court to decide the case on false information.*
6 *Davi v. Belfiore (1957) 153 Cal.App.2d 325, 327.*

7

8 Through perjured testimony and fabricated corroborating evidence, Owens
9 misled the court and thwarted Marraccini’s ability to challenge her claims at the
10 evidentiary hearing. Marraccini had no way to expose Owens’s lies at the time. The
11 falsity of her testimony only came to light years later. Thus, unlike a mere case of
12 “intrinsic” fraud (e.g., perjury that could have been exposed at trial), Owens’s
13 actions amounted to **extrinsic** fraud because they “*fraudulently prevented*
14 *[Marraccini] from fully participating in the proceeding.” Kuehn v. Kuehn (2000) 85
15 Cal.App.4th 824, 832. In essence, Owens’s scheme robbed Marraccini of any
16 meaningful chance to present his defense, which is precisely the kind of injustice
17 California courts will not tolerate.*

18

19 **(3) Diligence in Seeking Relief:** The movant must act promptly upon discovering the
20 fraud or mistake. In People v. One Parcel of Land, 235 Cal. App. 3d 579, the
21 defendant demonstrated diligence by securing new counsel and filing for relief
22 within a month of discovering the default, People v. One Parcel of Land, 235 Cal.
23 App. 3d 579. Courts have stressed that a lack of diligence can bar equitable relief, as
24 seen in Freedman v. Pac. Gas & Elec. Co., 196 Cal. App. 3d 696, where a delay of
25 nearly three years was deemed insufficiently diligent, Freedman v. Pac. Gas & Elec.
26 Co., 196 Cal. App. 3d 696.

27

28 Marraccini satisfies this standard. The record shows that Owens’s fraud remained

1 well concealed until recently; it was only through later developments (including
2 documentation of her perjury and falsified evidence) that Marraccini discovered the depth
3 of Owens's deception. Marraccini did not sleep on his rights after this discovery. To the
4 contrary, he acted with appropriate diligence:

5

6 - May 25, 2025: Owens was indicted on seven felony counts, including
7 fraudulent schemes, perjury, forgery, and evidence tampering.

8

9 - July 10, 2025: Owens filed a request to renew the DVRO, extending its effect
10 until July 10, 2025.

11

12 - September 11, 2025: Marraccini responded by filing this motion to vacate,
13 following a thorough investigation into Owens's deceitful conduct.

14

15 Through these actions, Marraccini has demonstrated reasonable diligence in seeking
16 relief after discovering Owens's fraud.

17

18 There has been no prejudice to Owens in the timing, as she sought renewal
19 of the 2018 DVRO prior to this filing in July 2025. This was after her criminal
20 indictment in May of 2025. Marraccini brings this motion a little over a month after
21 Owens' request to renew, and after he has substantially replied to Owens'
22 allegations, and after a new investigation into the layers of deceit that he's suffered
23 now for nearly a decade.

24

25 **III. Owens Fraudulent Conduct Undermines the Legitimacy of the DVRO**

26 Relief is right here. To leave the 2018 DVRO is to bless a fraud on the court. The order
27 was intended to protect genuine victims, not to arm a liar. Owens used it to sell her false story
28 of being a survivor. That lie stains the law and weakens faith in it. The courts have stated that

1 they will not allow their orders to be used as tools of deceit. When fraud wins an order, the
2 court has the power to strip it away. *Kulchar v. Kulchar (1969) 1 Cal. 3d 467, 471.*

4 There is now strong evidence that Owens won the DVRO on a lie. The order was made
5 without any finding of abuse. Her deceit is plain. To maintain the order would be to perpetuate
6 the fraud. It would allow her to use the court's seal to pose as a victim, to tarnish Marraccini's
7 name, and to twist the truth. The courts of California have the power to stop this. In *Olivera v.*
8 *Grace (1942) 19 Cal. In 2d 570*, the court stated that equity may strike a judgment when the
9 need for justice outweighs the pull of finality. This is such a case.

10
11 In *Marriage of Park (1980) 27 Cal. 3d 337*, the court said fraud that keeps a man from a
12 fair hearing is enough to open a closed case. Finality does not save a lie. Owens used the DVRO
13 to dress her falsehoods in law. That abuse tips the scales. The court must guard the truth of its
14 orders. That weighs far more than Owens's thin claim to an order won by fraud.

15
16 Relief here serves the purpose of the law. The DVPA was made to protect the truth. It
17 was made so the courts could believe those in need. When Owens lied, she broke that trust.
18 She hurt Marraccini, and she hurt real victims who come in fear and in honesty. To strike the
19 order is to say the law is for protection, not revenge or vanity. To leave it is to reward her lies
20 and punish a man who did no wrong. That cannot stand.

21
22 **IV. Relief is Necessary to Prevent Further Misuse of the DVRO**

23 The 2018 order must be struck. If it stands, Owens will continue to use it to harm
24 Marraccini and possibly others. To leave it is to reward her lies. It would give her leave to twist
25 the courts again. The Arizona court saw it: her pattern of false claims. Marraccini was likely one
26 of the first. The law cannot be bent to serve such deceit.

27
28 For Marraccini, the order still cuts deep. A DVRO carries weight. It brands a man. It

1 follows him professionally, in his right to hold a gun, in his name. Each time he has to fly, TSA
2 pulls him aside. They take him to a small room. They question him, sometimes for hours. They
3 treat him as if he were a criminal. Yet no court has ever found he did wrong.

4

5 Justice calls for Marraccini's name to be cleared. The order was born of fraud. Lifting it
6 now harms no one. The relationship ended long ago. Marraccini lives in California. Owens went
7 to Arizona. She chased other lawsuits. She ran her fraudulent scheme on others. Whatever
8 need she claimed in 2018 was never real. There was no cause then. There is none now.

9

10 Marraccini has moved on. He has a wife, two children, and a life of his own. It is a life
11 Owens wanted but could never have. She should not matter to him now. She should be
12 nothing. A sour memory fading in the sun of what he has built. The court holds the chance to
13 end this. To strike down the wrong. To guard others from the reach of Owens and her
14 predatory ways.

15

16 **V. Sanctions Are Warranted Under Family Code § 271**

17 Respondent seeks a sanction award of the entirety of Mike's Legal Fees pursuant to
18 Family Code § 271 for the attorney's fees and costs incurred due to Petitioner's conduct in this
19 litigation.

20 This filing serves as notice that Respondent will pursue sanctions based on Petitioner's
21 misuse of the DVRO process, her fraudulent claims, and the unnecessary legal expenses her
22 conduct has caused. By including this notice in the present motion, Respondent satisfies the
23 statute's procedural requirement and ensures Petitioner has a fair opportunity to address the
24 sanctions request. Respondent submits that the Court may rule on sanctions with the motion to
25 vacate or, alternatively, defer the determination to a later hearing after the DVRO is resolved,
26 with this filing preserved as timely notice of Respondent's intent to seek relief.

27 Respondent further seeks sanctions under Family Code § 271 in light of Petitioner's
28 conduct, which can be accurately described as a 'litigation ambush.' Petitioner's actions in

1 obtaining and litigating the Domestic Violence Restraining Order (DVRO) have flagrantly
2 violated the Family Code's policy favoring cooperation and settlement. This litigation ambush is
3 characterized by Petitioner's fraudulent and misleading behavior, marking a deliberate attack
4 on judicial resources and fairness.

5

6 1. **Fraudulently Procured the DVRO:** Petitioner obtained the restraining order through
7 false and/or misleading representations, effectively perpetrating a fraud on the Court
8 during this ambush.

9

10 2. **Misled the Court and Abused the DVRO Process:** The petitioner presented misleading
11 evidence and omitted testimony to maintain the DVRO, further exemplifying the
12 ambush strategy that undermines the integrity of these proceedings. This misuse echoes
13 the core purpose of Family Code § 271, which penalizes tactics that price parties out of
14 justice and discourage cooperation, emphasizing the need for fair proceedings.

15

16 3. **Forced Unnecessary Fees and Litigation:** By pursuing an unwarranted DVRO, Petitioner
17 has turned this ambush into a costly affair, compelling Respondent to incur substantial
18 attorney's fees and costs to defend against the order and now to seek its dismissal.

19

20 This misconduct has escalated the conflict, prevented early settlement, and imposed
21 unnecessary litigation expenses on Respondent. Such conduct is exactly what Family Code §
22 271 is meant to deter. Section 271 allows the Court to award attorney's fees and costs as a
23 sanction based on conduct that furthers or frustrates the law's policy to promote settlement
24 and reduce litigation costs by encouraging cooperation. The statute's purpose is not simply fee-
25 shifting, but to punish bad behavior and encourage cooperation in family law cases. Here,
26 Petitioner's bad-faith tactics, executed under the guise of a litigation ambush, have clearly
27 frustrated the policy of the law by undermining settlement and increasing costs, triggering §
28 271's applicability.

1 Sanctions must be scaled to the payor's ability to pay and must consider the financial
2 circumstances of both parties. *In re Marriage of Norton, 206 Cal. App. 3d 53 (1988)*, *In re*
3 *Marriage of Battenburg, 28 Cal. App. 4th 1338 (1994)*. Sanctions under Cal Fam Code § 271
4 must not impose an unreasonable financial burden. *In re Marriage of Battenburg, 28 Cal. App.*
5 *4th 1338 (1994)*. The court has a duty and the authority to impose sanctions for conduct that
6 frustrates settlement or increases litigation costs, aligning with the policy goals of Cal Fam
7 Code § 271. *In re Marriage of Bergman, 168 Cal. App. 3d 742 (1985)*.

8 However, it is important to note that §271 does not require the conduct to rise to the
9 level of bad faith or frivolousness, as is required under other statutes like Cal Code Civ Proc §
10 128.5. Instead, it focuses on whether the conduct frustrates the policy of promoting settlement
11 and reducing litigation costs.

12 California courts have consistently imposed monetary sanctions under § 271 (and its
13 predecessor statutes) in response to similar bad-faith litigation tactics and abuse of the judicial
14 process. For instance, in *In re Marriage of Battenburg* (1994), the Court of Appeal upheld
15 sanctions against a party who pursued a “bogus spousal abuse” claim. *In re Marriage of*
16 *Battenburg, 28 Cal. App. 4th 1338 (1994)*. A spouse’s deliberate delaying tactics and bad-faith
17 conduct during divorce proceedings justified a \$15,000 attorney’s fee award as a sanction. *In re*
18 *Marriage of Bergman, 168 Cal. App. 3d 742 (1985)*. “Reprehensible conduct falling short of bad
19 faith” can warrant fee sanctions under the family law statutes. *In re Marriage of Norton, 206*
20 *Cal. App. 3d 53 (1988)*. These authorities make clear that courts will award attorneys’ fees as
21 sanctions where, as here, a party has acted in bad faith or engaged in litigation abuses that
22 thwart the policy of amicable resolution and fair dealing.

23 In this case, Respondent asserts that Petitioner’s conduct is more serious than the
24 examples cited above. By allegedly creating a false basis for a DVRO and requiring Respondent
25 to incur significant legal expenses, Petitioner has increased costs and utilized court resources.
26 This is the type of delay and expense that § 271 is intended to prevent. Respondent respectfully
27 requests that the Court order Petitioner to pay Respondent’s reasonable attorney’s fees and
28 costs resulting from this conduct, as permitted under Family Code § 271. The Court of Appeal

1 has clarified that § 271 sanctions must correspond to the actual attorney's fees and costs
2 caused by the conduct. The requested sanction seeks only those actual fees and expenses
3 incurred due to Petitioner's alleged misuse of the DVRO process. Awarding these fees and costs
4 will compensate Respondent and help deter future misuse of the court system.

5 If the Court does not grant sanctions immediately, the Respondent requests that the
6 Court defer deciding on the § 271 sanctions until after the DVRO motion is resolved, thereby
7 keeping the issue open for a later hearing. Waiting would let the Court fully consider
8 Petitioner's responsibility for Respondent's fees after the DVRO is addressed. This would
9 protect Respondent's right to relief under § 271 and let the Court focus on the DVRO first. Still,
10 because of the clear litigation abuse and § 271's focus on prompt action, Respondent believes a
11 sanctions award now is justified. Respondent asks the Court to grant the requested fees and
12 costs to ease the financial impact of Petitioner's actions and to discourage similar tactics in the
13 future. This would support the policy of encouraging cooperation and help restore fairness, as
14 intended by Family Code § 271.

15

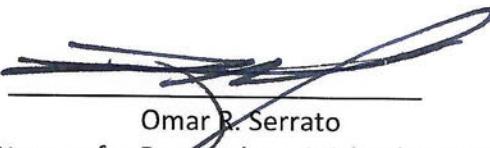
16 Dated: September 10, 2025

Respectfully Submitted,

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Omar R. Serrato
20 Attorney for Respondent, Michael Marraccini
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