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5 Attorneys for Protected Persons,
6 James Kiraly and Thomas Kiraly

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10 In Re the Matter of: KIRALY

11 Petitioner/Protected Persons: JAMES
12 KIRALY, THOMAS KIRALY, ET AL.

13 and

14 Respondent/Restrained Person:
15 ROBERT KIRALY

Associated Matters
No. 112 DV015924 and No. 112DV015910

STIPULATION AND ORDER RE STAY
AWAY ORDERS (NON-CLETS) WITH CLETS
TRIGGER AND LIQUIDATED DAMAGES

Dept.: 75
Judge: Hon. L. Michael Clark

16 Protected persons, James Kiraly and Thomas Kiraly have each filed separate
17 Requests for Domestic Violence Restraining Orders against Restrained Person, Robert
18 Kiraly resulting from alleged incidents of harassment from August 2011 through June 2012.
19 Thomas Kiraly has filed under case No. 112 DV015924. James Kiraly has filed under case
20 No. 112DV015910. These matters have been associated by order of the court. No
21 evidentiary hearing has been conducted and it is the parties desire to stipulate to certain
22 orders herein to avoid the cost of such a hearing. As such, there has been no finding
23 regarding any incident described in the two Restraining Orders. James Kiraly and Thomas
24 Kiraly are represented by Michael T. Bonetto of the law firm Hoge, Fenton, Jones, and
25 Appel, Inc. Robert Kiraly is represented by John H. Perrott of the Law Offices of Thomas
26 Chase Stutzman.

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Stipulation and Order for Non-CLETS Restraining Orders With CLETS Trigger and Liquidated Damages
Matter of Kiraly

Associated Cases No. 112 DV015924 and No. 112DV015910

1 It is the intention of the parties by stipulation herein to ensure that each person
2 protected under this stipulation is afforded the right to be free from harassment without the
3 need to enter any party's name into the CLETS database. It is also the intent of the parties
4 that, should a violation of this order occur, such violation shall demonstrate and constitute
5 good cause for the issuance of a CLETS Restraining Order After Hearing. As such, THE
6 PARTIES DO HEREBY STIPULATE AS FOLLOWS:

7 **PERSONS COVERED BY STAY-AWAY/NON-HARRASSMENT ORDER:**

8 (1) JAMES FRANCIS KIRALY, Petitioner/Protected Person (hereinafter "James")

9 Residence: 32 La Gaviota, Pismo Beach, CA 93449-2849

10 (2) GRACE VIOLET KIRALY, Wife of Protected Person, James Kiraly

11 Residence: 32 La Gaviota, Pismo Beach, CA 93449-2849

12 (3) THOMAS EVAN KIRALY, Petitioner/Protected Person (hereinafter "Thomas")

13 Residence: 3611 Glenview Avenue Glenview, KY 40025

14 (4) KAREN LOUISE KIRALY, Wife of Protected Person, Thomas Kiraly

15 Residence: 3611 Glenview Avenue Glenview, KY 40025

16 (5) RIANE CATHERINE KIRALY, Daughter of Protected Person, Thomas Kiraly

17 Residence: 641 Pleasant View Rd, Apt 157, Middleton, WI 53562

18 (6) JAMES THOMAS KIRALY, Son of Protected Person, Thomas Kiraly

19 Residence: 3611 Glenview Avenue Glenview, KY 40025

20 (7) MICHAEL JOSEPH KIRALY, Son of Protected Person, Thomas Kiraly

21 Residence: 3611 Glenview Avenue Glenview, KY 40025

22 **PERSON ORDERED TO STAY AWAY AND COMPLY WITH NON-**
23 **HARRASSMENT ORDERS:**

24 ROBERT KIRALY, Respondent/Restrained Person (hereinafter "Robert"),
25 age 54, born 6/6/58.

1 **STAY AWAY/NON-HARRASSMENT ORDERS:**

2 1. ROBERT shall stay away and refrain from contacting (either directly or
3 indirectly) any of the Protected Persons listed hereinabove by any means, including but not
4 limited to telephone, mail, e-mail, or other electronic means. Indirect contact shall include
5 *but not be limited to* contacting neighbors, friends, business associates, and church
6 members (congregation and religious officials) of any Protected Person for purposes of
7 discussing, stalking, or harassing any Protected Person. Indirect contact shall not include
8 other family members not specifically referenced in this agreement unless contact is made
9 for the purposes of passing along information to any protected person.

10 2. ROBERT shall stay away from all Protected Persons including: The home of
11 each protected person, the job, workplace, or business associations of each protected
12 person, the vehicle of each protected person, the school of any protected person (as
13 applicable) and the church of any protected person. ROBERT shall not harass, threaten,
14 follow, stalk, disturb the peace, or keep under surveillance any Protected People listed
15 hereinabove either directly or indirectly through others.

16 3. The personal conduct and stay away orders set forth above shall expire at
17 midnight on December __, 2017.

18 **RECORDING COMMUNICATIONS**

19 4. Each Protected Person has the right to record any and all communications
20 made by ROBERT that violate the terms of this stipulation and order.

21 **LIQUIDATED DAMAGES:**

22 5. Upon proof by a preponderance of the evidence, in a court of law that
23 ROBERT has violated the terms of this agreement, ROBERT shall pay as liquidated
24 damages the sum of \$5,000 per violation to James (if the violation is against James or
25 Grace) or Thomas (if the violation is against Thomas, Karen, Michael, James T. or Riane).
26 The prevailing party in any action relative to this contract shall be entitled to recover from
27 the other party his or her reasonable attorney fees and costs pursuant to Civil Code section

1 1717.

2 **CLETS TRIGGER:**

3 6. Upon proof by a preponderance of the evidence, in a court of law that
4 ROBERT has violated the terms of this agreement, a CLETS restraining order shall issue
5 for a period of five (5) years for each and every Protected Person. Upon the occurrence of
6 any such violation, the Protected Person shall file a motion with the court in Santa Clara
7 County under one or both of the above referenced case numbers to enforce this provision.
8 That party's burden of proof shall be limited to demonstrating by a preponderance of the
9 evidence that a single violation occurred. Upon meeting this burden of proof, the parties
10 stipulate that a CLETS order will issue which reflects those orders set forth in the attached
11 **Exhibit A** (for James and Grace) or **Exhibit B** (for Thomas, Karen, Michael, James T. and
12 Riane).

13 **AGREEMENT TO ACCEPT SERVICE BY MAIL**

14 7. The parties stipulate that notice of any motion to enforce the terms of this
15 agreement can be made by US Mail, notwithstanding any other provisions or limitations in
16 the law which require personal service. Service by mail shall be made to the last known
17 address of ROBERT: 2680 Fayette Drive, Apt. #311, Mountain View, CA, 94040 and shall
18 be presumed valid. In the event ROBERT moves from his current residence, he shall
19 provide written notice of his new address within thirty (30) days of any such move. Such
20 notice of any relocation by Robert shall be made on counsel for the Protected Persons:
21 Hoge, Fenton, Jones, & Appel, Inc., Sixty South Market Street, Suite 1400 San Jose,
22 California 95113-2396.

23 **AGREEMENT TO ELIMINATE WEBSITES AND ATTORNEY REFERENCES**

24 8. ROBERT agrees to immediately take down the websites created in the
25 names of Michael Bonetto and Natasha Parrett and remove references to both individuals
26 as well as the law firm Hoge, Fenton, Jones and Appel, Inc from any and all websites over
27 which ROBERT has control.

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SIGNATURE VIA FACSIMILE AND COUNTERPARTS:

9. This Stipulation may be signed in counterparts. Each counterpart shall be deemed part of the original document. This stipulation may also be signed by facsimile and such facsimile signatures shall be valid as originals.

IT IS SO STIPULATED.

DATED: December ____, 2012.

JAMES KIRALY, Protected Person

DATED: December ____, 2012.

THOMAS KIRALY, Protected Person

DATED: December ____, 2012.

ROBERT KIRALY, Restrained Person

Approved as to form and substance:

HOGE, FENTON, JONES & APPEL, INC.

By: _____
MICHAEL T. BONETTO
Attorney for Protected Party

Law Offices of Thomas Chase Stutzman

By: _____
JOHN H. PERROTT
Attorney for Restrained Person

ORDER

IT IS SO ORDERED.

DATED: _____, 2012.

JUDGE OF THE SUPERIOR COURT