

1 ERIC B. JONES (*IN PRO PER*)
2 ADDRESS
3 CITY, CA ZIP
4 Tel: (415) 123-4567
5 Email: email address

6 In pro per, as Trustee of the LARRY LASAGNA 2002 REVOCABLE TRUST,
7 and as Executor of the ESTATE OF LARRY LASAGNA, Deceased,
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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF [NAME COUNTY]**
12

13
14 IN RE THE ESTATE OF JUDY [SURNAME] } **CASE NO. RP21094431**
15 } **NAME OF THE DOCUMENT FOR**
16 } **EXAMPLE "EX PARTE APPLICATION**
17 } **REQUESTING COURT ISSUE A**
18 } **TEMPORARY RESTRAINING ORDER**
19 } **AGAINST DEFENDANT BENEFICIARY**
20 }
21 } **Date: February 9, 2024**
22 } **Time: 10:30 AM**
23 } **Dept.: Probate, 201**
24 } **Action Filed: July 13, 2021**
25 } **Reservation ID: 780799297986**
26 }
27 }
28 }

1.
22 DATED: _____, 2023

Respectfully submitted,

LAW OFFICE OF DAVID W. TATE

By:

DAVID W. TATE, ESQ.
Attorneys for all Respondents and
Moving Parties

1
2 [PROPOSED] Temporary Restraining Order and Order to Show Cause

3 In the Matter of: Judy Brakebill Jones 2008 Revocable Trust Case No.:

4
5 [PROPOSED] TEMPORARY RESTRAINING ORDER

6 The ex parte application of Eric B. Jones, successor trustee of the

7
8 Judy Brakebill Jones 2008 Revocable Trust, having been read and considered, and good
9 cause

10 appearing, the Court finds as follows:

11 1. Immediate and irreparable harm. Absent a temporary restraining order, Trust assets
12 —including the net proceeds from the unauthorized sale of a Mercedes -Benz and digital
13 assets contained in the decedent's iPhone—may be dissipated or destroyed before a
14 noticed motion can be heard. Monetary damages alone will not restore lost access to
15 digital credentials or preserve misappropriated funds.

16
17 2. Probable success on the merits. The evidence demonstrates a substantial likelihood
18 that petitioner will prevail on his petition under Probate Code § 850. Respondents admit
19 selling the Trust's automobile and depositing the proceeds into a non -beneficiary's
20 account, and there is strong evidence of bad -faith retention of Trust property.

21
22 3. Balance of harms. The harm to petitioner if relief is not granted outweighs any
23 hardship to respondents. The order maintains the status quo and merely preserves
24 assets that belong to the Trust.

25
26 4. Bond. A nominal bond of \$1 000 is sufficient to protect respondents in the unlikely
27 event that they sustain damages from this order.

28 Accordingly, IT IS ORDERED that, pending the hearing on the Order to Show Cause:

1 a. Non -Disposition of Trust Assets. Respondents Heidi Marichen Jones Blanchard,
2 Gretchen Angela Jones (Shay Labadidi), and Gary William Jones, and their agents, are
3 enjoined

4 from selling, transferring, withdrawing, concealing or otherwise disposing of Trust
5 property , including but not limited to the \$10 650 net proceeds from the sale of the
6 Mercedes -Benz and any accounts, instruments or digital wallets traceable to those funds.
7

8 b. Device Turnover and Preservation. Respondents shall deliver to a neutral forensic
9 custodian the decedent's original iPhone, SIM cards, backups, and related access credentials
10 within 24 hours of service of this order. Respondents shall not alter, delete or wipe any data
11 from the device or associated accounts. The custodian is authorized to image the device and
12 maintain a chain -of-custody report.
13

14 c. Financial Institution Notifications. Petitioner is authorized to notify banks, brokerages
15 and other financial institutions of this order and instruct them to freeze or flag any accounts
16 holding the misappropriated funds pending further order of this Court.
17

18 d. Non -Impersonation / Non -Interference. Respondents shall not impersonate the trustee,
19 claim authority as "co -executor," or otherwise interfere with the administration of the Trust.
20 Respondents shall not harass, threaten or intimidate petitioner in his capacity as trustee.

21 e. Service and Notice. Petitioner shall serve this order personally on respondents immediately
22 and may use substituted service if personal service is impracticable. Financial institutions shall
23 comply upon receipt.
24

25 ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

26 Respondents are ordered to show cause on [date within 15 days] at [time] in Department ____
27 why a preliminary injunction should not issue continuing the terms of this Temporary
28

1 Restraining Order until entry of judgment. Any opposition shall be filed and served by [5 court
2 days before the hearing] ; any reply shall be filed and served by [2 court days before the
3 hearing] .

4 IT IS SO ORDERED.

5 Date: _____
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