

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**RETAIL CRIME  
RESTRAINING ORDER  
PETITIONER PACKET**



<b>FORMS INCLUDED IN THIS PACKET</b>	
How Do I Get an Order to Prohibit Retail Crime?	Judicial Council Form #RT-100-INFO
Petition for Retail Crime Restraining Order	Judicial Council Form #RT-100
Notice of Court Hearing	Judicial Council Form #RT-109
Attachment to Judicial Council Form	Judicial Council Form #MC-025
Confidential Information for Law Enforcement	Judicial Council Form #CLETS-001
Civil Case Cover Sheet	Judicial Council Form #CM-010
Proof of Personal Service	Judicial Council Form #POS-020
Retail Crime Restraining Order	Judicial Council Form #RT-130

**These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.**

### **What is a retail crime restraining order?**

It is a court order that prohibits an individual from going to a specific business or locations of a business chain or franchise, based on prior crimes committed or alleged to have been committed by the individual.

A retail crime restraining order may be issued in a criminal or civil case. These instructions address retail theft restraining orders in the civil context only.

### **Can I get a retail crime restraining order?**

A retail business can ask for a retail crime restraining order if somebody has been arrested two or more times for shoplifting, theft, vandalism, or assault or battery of a business employee with the same retail establishment and the person who was arrested is likely to return to the business. A prosecuting attorney, a city attorney, county counsel, or a lawyer representing the business must file the petition for a retail crime restraining order.

### **How will the order help me?**

The court can order a person not to enter or be on the grounds of a business.

In a retail theft case, the court cannot:

- Order a person to pay money that they owe you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance

If you need these remedies, you must file a civil action.

### **Do I need a lawyer?**

Yes. Only lawyers may ask for retail crime restraining orders.

### **What forms do I need to get the order?**

Your lawyer must fill out all of form [RT-100](#), *Petition for Retail Crime Restraining Order* and form [CLETS-001](#), *Confidential Information for Law Enforcement*. If they need attachments, they may use form [MC-025](#). They must also fill out items 1, 2, and 3 on form [RT-109](#), *Notice of Court Hearing*.

### **Where can I get these forms?**

Your lawyer can get the forms from legal publishers or from the California Courts website at [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms). Your lawyer also may be able to find them at your local courthouse or county law library.

### **What do I need to get the order?**

Your lawyer must go to the superior court in the county where the business is located or where the person to be restrained lives. At the court, your lawyer should ask where to file a request for a retail crime restraining order.

After your lawyer files a request with the court clerk, the clerk will give your lawyer a hearing date on the *Notice of Court Hearing* form.

### **How long does the order last?**

A retail crime restraining order could last up to two years.

### **How will the person to be restrained know about the order?**

Someone age 18 or older, who is not involved in this case, must serve (give) the person to be restrained a copy of the order. The server should then fill out form [POS-020](#), *Proof of Personal Service—Civil*, and give it to your lawyer to file with the court.

### **What if the restrained person does not obey the order?**

Call the police. The restrained person can be arrested and charged with a crime.

### **Do I have to go to court?**

Your lawyer must go to court on the date provided by the clerk.

**Do I need to bring a witness to the court hearing?**

Witnesses are not required, but it helps to have more proof of the arrests and the likelihood of the person returning than just your word. The court may or may not let witnesses speak at the hearing. So, if possible, your lawyer should bring their statements under oath to the hearing. (Your lawyer can use form [MC-030](#), *Declaration*, for this.)

**What happens after the hearing?**

If the court grants the restraining order, the judicial officer may ask your lawyer to fill out form [RT-130](#), *Retail Crime Restraining Order*, and return it to the court.

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court your lawyer can use form [MC-410](#), *Disability Accommodation Request*, to make your request. Your lawyer can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO](#), *How to Request a Disability Accommodation for Court*.

**What if I don't speak English?**

When you file your papers, have your lawyer ask the clerk if a court interpreter is available. Your lawyer can also use form [INT-300](#), *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to [selfhelp.courts.ca.gov/request-interpreter](https://selfhelp.courts.ca.gov/request-interpreter).

**Can I agree with the restrained person to cancel the order?**

No. Once the order is issued, only the judicial officer can change or cancel it. Your lawyer or the restrained person would have to file a request with the court to cancel the order.

**For help in your area, contact:**

*[Local information may be inserted.]*

**Petition for Retail Crime  
Restraining Order**

Clerk stamps date here when form is filed.

This petition must be filed by an attorney as required by Penal Code section 490.8(e). Also fill out *Confidential Information for Law Enforcement* (form [CLETS-001](#)) with as much information as you know.

Fill in court name and street address:

**Superior Court of California, County of San Diego**

- ☐ CENTRAL DIVISION, HALL OF JUSTICE,  
330 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,  
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,  
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,  
500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

**Case Number:****1 Retail Establishment**

Name: \_\_\_\_\_

DBA (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ This establishment is a chain or franchise.**2 Attorney Filing Petition**

a. Name: \_\_\_\_\_

- is a ☐ Prosecuting Attorney
- ☐ City Attorney
- ☐ County Counsel
- ☐ Attorney Representing a Retail Establishment

b. State Bar No.: \_\_\_\_\_

Office or Firm Name: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

c. Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4 Venue**

Why are you filing in this county? (Check all that apply):

- a. ☐ The respondent lives in this county.
- b. ☐ The retail establishment is located in this county.
- c. ☐ Other (specify): \_\_\_\_\_

**This is not a Court Order.**



## 7 Respondent's Likelihood of Return

Explain why you believe respondent is likely to return to the retail establishment.

- ☐ Response is stated in Attachment 7.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## 8 Orders Requested

- a. I ask the court to order the respondent **not** to enter the retail establishment named in (2), be present on the grounds of the retail establishment named in (2), or be present on any parking lot next to and used for the retail establishment named in (2).
- b. ☐ The retail establishment named in (2) is a chain or franchise. I ask the court to include all retail establishments in the chain or franchise located in the State of California within \_\_\_\_\_ miles of the address provided in (2) to be included in the order. Those establishments are located at the following addresses (*list addresses*):

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- ☐ Additional addresses are listed in Attachment 8.

9 ☐ Additional Orders Requested

I ask the court to make the following additional orders (*specify*):

- ☐ Additional orders requested are stated in Attachment 9.

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**This is not a Court Order.**

Case Number:

10 Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name*

▶ \_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Name of retail establishment*

▶ \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

**This is not a Court Order.**

Clerk stamps date here when form is filed.

**1 Retail Establishment**

Name: \_\_\_\_\_

DBA (if applicable): \_\_\_\_\_

**2 Attorney Filing Petition**

a. Name: \_\_\_\_\_

State Bar No.: \_\_\_\_\_

Firm or Office Name: \_\_\_\_\_

b. Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of San Diego**

- ☐ CENTRAL DIVISION, HALL OF JUSTICE,  
330 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,  
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,  
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,  
500 3RD AVE., CHULA VISTA, CA 91910

Fill in case number:

**Case Number:** \_\_\_\_\_**3 Respondent**

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.***4 Notice of Hearing****A court hearing is scheduled on the request for restraining order against the respondent:****Hearing  
Date**

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**To the person in ③:**

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order, which could last up to two years. After you receive a copy of the order, you could be arrested if you violate the order.





**5 Service of Documents by Petitioner**

At least ☐ five ☐ \_\_\_\_\_ days before the hearing, someone age 18 or older—not anyone involved in the case—must personally give (serve) a court file-stamped copy of this form RT-109 to the respondent along with a copy of all the forms indicated below:

- a. RT-100, *Petition for Retail Crime Restraining Order* (file-stamped)
- b. [RT-120](#), *Response to Petition for Retail Crime Restraining Order* (blank form)
- c. [RT-120-INFO](#), *How Can I Respond to a Petition for Retail Crime Restraining Order?*
- d. ☐ Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**To the Petitioner:**

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form POS-020, *Proof of Personal Service—Civil*, may be used. File the completed form with the court before the hearing, and bring a copy with you to the court hearing.
- Your attorney must attend the hearing if you want the judge to make any of the orders you requested on form RT-100, *Petition for Retail Crime Restraining Order*. Bring any evidence or witnesses you have.
- For more information, read form RT-100-INFO, *How Do I Get an Order to Prohibit Retail Crime?*

**To the Respondent:**

- If you want to respond to the request for orders in writing, file form [RT-120](#), *Response to Petition for Retail Crime Restraining Order*, and have someone age 18 or older—**not you or anyone involved in the case**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form POS-030, *Proof of Service by First-Class Mail—Civil*, may be used. File the completed form with the court before the hearing, and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- You are entitled to representation by court-appointed counsel. You may request such representation on form RT-120, *Response to Petition for Retail Crime Restraining Order*.
- For more information, read form RT-120-INFO, *How Can I Respond to a Petition for Retail Crime Restraining Order?*

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms) for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

**—Clerk's Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk's Certificate*

[seal]

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

SHORT TITLE:

CASE NUMBER:

ATTACHMENT (Number): \_\_\_\_\_

*(This Attachment may be used with any Judicial Council form.)**(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

# CLETS-001 Confidential Information for Law Enforcement

**Instructions:** If you are asking for a restraining order, you must complete this form and give it to the court clerk, along with the other court forms required in your case. If the judge grants the restraining order, information you give on this form will be entered into a database (called CLETS) to help law enforcement enforce the order. If information changes later, you may complete this form again and turn it in to the court.

**To Court Clerk: Do not file this form. The information on this form must be entered into the protective order registry in CLETS.**

*Court fills in case number when form is received.*

**Case Number:**

**Information that has a star (\*) next to it is required. All other information is helpful.**

Date received by court: \_\_\_\_\_

## 1 Person You Want a Restraining Order Against

\*Name: \_\_\_\_\_  
Other names used: \_\_\_\_\_  
Marks, scars, or tattoos: \_\_\_\_\_ SSN: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Driver's license (number and state): \_\_\_\_\_  
Vehicle type: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Plate number: \_\_\_\_\_  
Name of employer and address: \_\_\_\_\_

Does the person speak English? ☐ Yes ☐ I don't know ☐ No (list language): \_\_\_\_\_

Does the person have any firearms (guns), firearm parts, ammunition, or body armor?

☐ No ☐ I don't know

☐ Yes (Give any information you have below, like the type, amount, or location of any items, if known.)

\_\_\_\_\_  
\_\_\_\_\_

## 2 \*Your Name: \_\_\_\_\_

(Skip 3 and 4 if you are asking for a gun violence restraining order (form GV-100).)

## 3 Your Information

\*Age: \_\_\_\_\_ Date of Birth (month, day, year): \_\_\_\_\_ \*Gender: ☐ M ☐ F ☐ X (nonbinary)  
Race: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Do you speak English? ☐ Yes ☐ No (list language): \_\_\_\_\_

## 4 Other People You Want Protected

*Name: _____	*Gender: _____	Race: _____	Date of Birth: _____
*Name: _____	*Gender: _____	Race: _____	Date of Birth: _____
*Name: _____	*Gender: _____	Race: _____	Date of Birth: _____
*Name: _____	*Gender: _____	Race: _____	Date of Birth: _____

☐ Check here if you have more people to list. Write them on a separate piece of paper, write "Item 4" at the top, and attach it to this form.

**This is not a Court Order—Do not place in court file.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO.:</div> </div> <div>EMAIL ADDRESS:</div> <div>ATTORNEY FOR (Name):</div>		<b>FOR COURT USE ONLY</b>	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		CASE NUMBER:  JUDGE: DEPT.:	
CASE NAME:			
<b>CIVIL CASE COVER SHEET</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$35,000)         </div> <div style="width: 45%;"> <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$35,000 or less)         </div> </div>		<b>Complex Case Designation</b> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Counter         <input type="checkbox"/> Joinder       </div> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

*Items 1–6 below must be completed (see instructions on page 2).*

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint ( <i>not specified above</i> ) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition ( <i>not specified above</i> ) (43)
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2. This case ☐ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties<br>b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve<br>c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses<br>e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court<br>f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (*check all that apply*): a. ☐ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (*specify*):
5. This case ☐ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)
- Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

# INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

### Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death

Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)

Medical Malpractice–Physicians & Surgeons  
Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)

Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)

Intentional Infliction of Emotional Distress

Negligent Infliction of Emotional Distress

Other PI/PD/WD

### Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)

Defamation (e.g., slander, libel) (13)  
Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (*not medical or legal*)

Other Non-PI/PD/WD Tort (35)

### Employment

Wrongful Termination (36)

Other Employment (15)

### Contract

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (*not unlawful detainer or wrongful eviction*)

Contract/Warranty Breach–Seller

Plaintiff (*not fraud or negligence*)

Negligent Breach of Contract/Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open book accounts) (09)

Collection Case–Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (*not provisionally complex*) (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

### Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

### Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

### Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ–Administrative Mandamus

Writ–Mandamus on Limited Court

Case Matter

Writ–Other Limited Court Case Review

Other Judicial Review (39)

Review of Health Officer Order

Notice of Appeal–Labor Commissioner

Appeals

### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)

Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims

(*arising from provisionally complex case type listed above*) (41)

### Enforcement of Judgment

Enforcement of Judgment (20)

Abstract of Judgment (Out of County)

Confession of Judgment (*non-domestic relations*)

Sister State Judgment

Administrative Agency Award

(*not unpaid taxes*)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment Case

### Miscellaneous Civil Complaint

RICO (27)

Other Complaint (*not specified above*) (42)

Declaratory Relief Only

Injunctive Relief Only (*non-harassment*)

Mechanics Lien

Other Commercial Complaint

Case (*non-tort/non-complex*)

Other Civil Complaint

(*non-tort/non-complex*)

### Miscellaneous Civil Petition

Partnership and Corporate

Governance (21)

Other Petition (*not specified above*) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late Claim

Other Civil Petition

1. I am over 18 years of age and **not a party to this action**.
2. I served the following **documents** (*specify*):

3. I personally served the following **persons** at the address, date, and time stated:

- Name:
- Address:
- Date:
- Time:

4. I am

a. ☐ not a registered California process server.

b. ☐ a registered California process server.

c. ☐ an employee or independent contractor of a registered California process server.

d. ☐ exempt from registration under Business & Professions Code section 22350(b).

6. ☐ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7. ☐ I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

## INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE—CIVIL

*(This information sheet is not a part of the Proof of Service form and does not need to be copied, served, or filed.)*

**NOTE:** This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Personal Service* (form POS-020).

A person at least 18 years of age or older must serve the documents. There are two main ways to serve documents: (1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document.

The person who personally served the documents must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

### INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, fillable versions of the form are available at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).

*Complete the top section of the proof of service form as follows:*

First box, left side: In this box print the name, address, and phone number of the person *for whom* you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are listed on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The number should be the same as the case number on the documents that you served.

*Complete all applicable items on the form:*

1. You are stating that you are over the age of 18 and that you are not a party to this action.
2. List the name of each document that you delivered to the person. If you need more space, check the box in item 2, complete the *Attachment to Proof of Personal Service—Civil (Documents Served)* (form POS-020(D)), and attach it to form POS-020.
3. Provide the name of each person served, the address where you served the documents, and the date and time of service. If you served more than one person, check the box in item 3, complete the *Attachment to Proof of Personal Service—Civil (Persons Served)* (form POS-020(P)), and attach it to form POS-020.
4. Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."
5. Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.
6. You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.
7. Do not check this box unless you are a California sheriff or marshal.

**At the bottom, fill in the date on which you signed the form, print your name, and sign the form at the arrow. By signing, you are stating under penalty of perjury that all the information that you have provided on form POS-020 is true and correct.**



**1 Restrained Person**

(Information that has a star (\*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

\*Name: \_\_\_\_\_

\*Gender: ☐ M ☐ F ☐ Nonbinary \*Race: \_\_\_\_\_

\*Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of San Diego**

- ☐ CENTRAL DIVISION, HALL OF JUSTICE,  
330 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,  
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,  
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,  
500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

**Case Number:**

**2 Protected Retail Establishment**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

- ☐ Additional addresses: The court finds that the retail establishment is part of a chain or franchise and includes the following additional establishments in the State of California within \_\_\_\_\_ miles of the address above: (list addresses):

\_\_\_\_\_

- ☐ Additional addresses are listed in Attachment 2.

**3 Expiration Date**

This order expires on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ midnight

If no expiration date is written here, this Order expires two years from the date of issuance.

**4 Hearing**

a. This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
in Dept.: \_\_\_\_\_ by (judicial officer): \_\_\_\_\_

b. These people were at the hearing:

- (1) ☐ The person in ①.
- (2) ☐ The lawyer for the retail establishment in ② (name): \_\_\_\_\_
- (3) ☐ The lawyer for the person in ① (name): \_\_\_\_\_

- ☐ Additional persons present are listed at the end of this Order on Attachment 4.

**This is a Court Order.**

**5 Stay-Away Order**

The restrained person must not:

- Enter the retail establishment named in ②.
- Be present on the grounds of the retail establishment named in ②.
- Be present on any parking lot next to and used for the retail establishment named in ②.

Not obeying this order can result in being arrested and charged with a crime and can include up to six months in jail.

**6 Service**

- a. ☐ The restrained person personally attended the hearing. No other proof of service is needed.
- b. ☐ The restrained person did not attend the hearing. Law enforcement or someone who is at least 18 years old and not a party to the action must personally serve a copy of this Order on the restrained person.

7 Number of pages attached to this Order, if any: \_\_\_\_\_

**To the Petitioner for the Protected Retail Establishment:****8 Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☐ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. ☐ By the close of business on the date that this Order is made, the petitioner for the protected retail establishment should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_  
\_\_\_\_\_

- ☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 8.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**

**Instructions for Law Enforcement****Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing (see (4)), the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

**Start Date and End Date of Orders**

This Order *starts* on the date next to the judge's signature on page 2 and *ends* on the expiration date in (3) on page 1.

**Notice/Proof of Service**

The law enforcement officer must first determine if the restrained person had notice of the order. If notice cannot be verified, the officer must advise the restrained person of the terms of the order and then enforce it. (Fam. Code, § 6383(e).)

Consider the restrained person served (given notice) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the hearing or was informed of the order by an officer. An officer can obtain information about the contents of the order and proof of service in CARPOS.

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued protecting the protected party from the restrained person, the orders must be enforced in the following priority** (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code section 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment, retail crime), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

(Clerk will fill out this part.)

Clerk's Certificate  
[seal]

**—Clerk's Certificate—**

I certify that this *Retail Crime Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**