# IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

**FOURTH APPELLATE DISTRICT,**
**DIVISION ONE**

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| **SEELEEVIA YOUSIF,**<br>*Respondent and Appellant,*<br>*v.*<br>**OMAR MATTI,**<br>*Petitioner and Respondent.* | Court of Appeal<br>Case No. D073568<br>Superior Court of California, County of San Diego<br>The Honorable Sharon L. Kalemkiarian, Judge<br>Case No. DS59250 |

## BRIEF OF *AMICUS CURIAE* CALIFORNIA WOMEN'S LAW CENTER, NATIONAL HOUSING LAW PROJECT, PUBLIC LAW CENTER, AND THE SAN DIEGO VOLUNTEER LAWYER PROGRAM, INC., IN SUPPORT OF APPELLANT

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***AMICUS CURIAE***
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## *AMICUS CURIAE* BRIEF

## I. INTRODUCTION

If upheld, the trial court's order granting Respondent Omar Matti joint legal custody and de facto joint physical custody of his three-year-old child, A. with Appellant Seeleevia Yousif will harm women in California seeking protection for themselves and their children from domestic violence. The rebuttable presumption in California Family Code section 3044[1] was meant to protect women and children against the harms of domestic violence. Without strong guidance from this Court, trial courts in this district will continue to act outside the clear mandate of the statute to consider all of the factors in Section 3044(b) and to not consider irrelevant factors beyond those listed in that statute in deciding whether the presumption has been rebutted. To do so will harm abused women and children in our state, two of our most vulnerable populations.

It is imperative that this Court provide strong guidance to courts within the Fourth District on the correct application of the rebuttable presumption because misapplication of the rebuttal factors occurs on a frequent basis, and because the majority of domestic violence survivors in custody hearings are proceeding *pro per*, without representation from an attorney. Misapplication of the statute harms women and children, and is further compounded for women that are often forced to represent themselves in their custody

[1] All further statutory references are to the California Family Code unless otherwise indicated.

hearing. For these reasons, *amici* write in support of Appellant, requesting reversal of the trial court's order of joint custody.

## II. STATEMENT OF THE CASE

*Amicus Curiae* adopt the factual presentation of the case as articulated in the opening brief of Appellant Seeleevia Yousif.

## III. ARGUMENT

### A. The Misapplication of the Rebuttable Presumption Harms Domestic Violence Survivors and Their Children.

The California legislature has recognized that "the perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the child." (Cal. Fam. Code, § 3020, subd. (a)). In enacting Family Code section 3044, the legislature acknowledged this fact and the negative effects children face when placed into custody with an abusive parent, including the risk the children will be abused directly by their mothers' abusers.[2] In addition, children of abusers are more likely to witness physical abuse of their siblings and more likely to be subjected to emotional abuse than are children of non-abusive parents.[3] The legislature also

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[2] (Morrill, et al., *Child Custody and Visitation Decisions When the Father Has Perpetrated Violence Against the Mother* (2005) 11 Violence Against Women 1076, 1077 (hereafter Morrill).)

[3] (Bailey, *Prioritizing Child Safety as the Primary Best-Interest Factor* (2013) 47 Fam. L.Q. 35, 49.)

recognized that a disproportionately high percentage of child custody cases involve domestic violence.[4]

Section 3044 requires a court to determine whether a party seeking custody of a child has perpetrated domestic violence against the other parent. (Cal. Fam. Code, § 3044, subd. (a).) If such a determination is made, the statute requires the court to apply a rebuttable presumption that awarding custody to the perpetrator is not in the child's best interest. (*Id; S.M. v. E.P.* (2010) 184 Cal.App.4th 1249, 1267 ["[S]ection 3044 does not authorize a court that is making a custody determination to ignore a prior finding that one parent has perpetrated domestic violence against the other parent."].)

The statute's mandate is clear: "[i]n determining whether the presumption . . . has been overcome, the court ***shall*** consider ***all*** of the following factors…" (Cal. Fam. Code, § 3044, subd. (b) [emphasis added)]; *see also Ford Motor Credit Co. v. Price* (1985) 163 Cal.App.3d 745, 749 ["[T]he use of the word 'shall' in a statute generally imports a mandatory construction…"] [citation omitted].) Thus, the court must consider all seven factors outlined in subdivision (b) of section 3044 to make its determination of whether it is in the best interest of the child to rebut the presumption and award the abuser custody. To not consider all of the factors would be a misapplication of the unambiguous language of the statute.

Evidence shows that courts consistently misapply the presumption in domestic violence cases, thereby allowing domestic

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[4] (Morrill, *supra*, at p. 1078 [studies have shown between 25% and 50% of disputed custody cases involve domestic violence].)

violence perpetrators to abuse the system.[5] Custody and visitation issues are the most commonly cited problem faced by domestic violence survivors in seeking services, and trial courts continue to inconsistently apply the rebuttal factors.[6]

Additionally, reported appellate decisions do not provide clear guidelines for proper application of section 3044's standards, beyond emphasizing that the seven factors must be considered. (*Jason P. v. Danielle S.* (2017) 9 Cal.App.5th 1000, 1032, fn. 23 ["[S]ection 3044, subdivision (b) requires the court to *consider* the factors it lists, it does not require the court to find they all have been satisfied in order to find the presumption rebutted."].)

As of June 2018, a Westlaw search for "rebuttable presumption," "3044," and "custody" in California returned fourteen reported appellate cases. While four of these cases acknowledge the factors outlined in subdivision (b) of section 3044, the courts in those cases provide very limited instruction on how to

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[5] (Garvin, *The Unintended Consequences of Rebuttable Presumptions to Determine Child Custody in Domestic Violence Case*s (2016) 50 Fam. L.Q. 173, 178-79 (hereafter Garvin).)

[6] (Lemon & Wagner, *Family Violence Appellate Project Finds Many Family Law Judicial Officers Fail to Respond Appropriately in Domestic Violence Cases* (2017) 39 State Bar of Cal. Fam. L. News 27, 28 [finding that 90% of California domestic violence service providers surveyed reported issues with custody and visitation issues, including judges' refusal to apply the correct legal standards.].)

balance them.[7] In *Celia S. v. Hugo H.*, for example, the court mistakenly referred to the factors as comprising a "nonexclusive list." (*Celia S. v. Hugo H.* (2016) 3 Cal.App.5th 655, 662, fn. 3.) Thus, this Court should issue strong guidance to confirm that trial courts must properly apply the presumption by considering all of the factors and not considering extraneous factors beyond the statute.

### 1. *Common Misapplications of the Standard in Section 3044 Include Failing to Consider All Factors and Inserting Additional Irrelevant Factors.*

One of the most common misapplications of the Section 3044 factors occurs when a judge fails to consider all seven factors and instead bases his or her decision on only one or some of the factors.[8]

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[7] (*Keith R. v. Superior Court* (2009) 174 Cal.App.4th 1047, 1057 ["Before reaching any final custody decision, the court should conduct a detailed review of the evidence presented at trial and carefully weigh all of the relevant factors required by section 3044."]; *In Re Marriage of Fajota* (2014) 230 Cal.App.4th 1487, 1497 ["When considering whether the presumption provided in subdivision (a) of section 3044 has been rebutted, the trial court "shall" consider the following factors, as set forth in subdivision (b) of that provision…"]; *Ellis v. Lyons* (2016) 2 Cal.App.5th 404, 417 ["Section 3044, subdivision (b) states in relevant part: 'In determining whether the presumption set forth in subdivision (a) has been overcome, the court shall consider all of the following factors…']; *Jason P. v. Danielle S.*, *supra,* 9 Cal.App.5th at p. 1026 ["The statute provides seven factors the court is to consider in determining whether the presumption has been overcome."].)

[8] (Lemon, *Statutes Creating Rebuttable Presumptions Against Custody to Batterers: How Effective Are They?* (2001) 28 Wm. Mitchell L. Rev. 601, 663.)

For instance, family courts often fail to consider the second factor, whether a perpetrator has successfully completed a 52-week batterer's treatment program meeting the criteria mandated by California Penal Code section 1203.097. (*Jason P. v. Danielle S.*, *supra*, 9 Cal.App.5th at p. 1028 [finding that completion of a batterer's treatment program was not necessary to rebut the presumption "in the absence of evidence of physical violence," and instead that completion of a program of counseling to address harassment was sufficient].)

In this case, the trial court found that Mr. Matti had rebutted the presumption even though it appears several factors were not considered by the judge, including whether he had completed a 52-week batterer's program (Cal. Fam. Code, § 3044, subd. (b)(2)), whether he successfully completed a parenting class (Cal. Fam. Code, § 3044, subd. (b)(4)), or whether he had committed further acts of domestic violence (Cal. Fam. Code, § 3044, subd. (b)(7)). (Exhibits Supporting Petition for Writ of Mandate or Prohibition, pages 001 to 531, hereinafter "R." at 496-497, 502-503).[9]

A second frequent misapplication occurs when a trial court inserts their own factors beyond those delineated by section 3044(b). (*Keith R. v. Superior Court*, *supra*, 174 Cal.App.4th at p. 1056 [inappropriately balancing a policy preference for "frequent and continuing parental contact" against the factors in section 3044, even though section 3044(b)(1) specifically prohibits consideration of that

[9] Amici herein cites to the exhibits presented in support of Ms. Yousif's Petition for Writ of Mandate.

policy preference].) Indeed, such misapplication continues to occur despite clear language in the statute that continuing parental contact is expressly not to be considered in determining whether the presumption is rebutted. (*Ellis v. Lyons*, *supra*, 2 Cal.App.5th at p. 414 (2016) ["[W]hat a court may not do under [section 3044] . . . is rely 'in whole or in part' on section 3040's preference for frequent and continuing contact with the noncustodial parent."]; *see also In re Marriage of Fajota* (2014) 230 Cal.App.4th 1487, 1497 ["A court…abuses its discretion if it applies improper criteria or makes incorrect legal assumptions."].)

Furthermore, the statute expressly does not indicate that the seven factors are to be considered *among other factors*, or that the considerations are *not limited to* those enumerated. Subsections (c) and (d), by contrast, qualify that the interpretations of "perpetuat[ing] domestic violence" and "a finding by the court," respectively, are "not limited to" the provided definitions. The inclusion of the "not limited to" language in these subsequent sections indicates that the omission in subsection (b) was intentional. (*See People v. Childs* (2013) 220 Cal.App.4th 1079, 1102 ["When different words are used in adjoining subdivisions of a statute that were enacted at the same time, that fact raises a compelling inference that a different meaning was intended."]; *Archer v. United Rentals, Inc.* (2011) 195 Cal.App.4th 807, 823–24 [holding that among a set of statutes, each of which defined "cardholder," only those that expressly included "business purposes" in the definition could be inferred to cover business purposes; the absence of the term from the other provisions intentionally indicated a different meaning].)

In this case, the trial court found the presumption had been rebutted because it believed that A. would not be at risk with Mr. Matti because his family members, who had allowed the abuse of Ms. Yousif to continue for years, would be present when Mr. Matti was with A., even though the presence of family members is not a factor listed in section 3044. (R. at 499).

In addition, Mr. Matti used Ms. Yousif's inability to speak English as justification to rebut the presumption, even though language ability is not relevant to any factor within section 3044(b), nor did the court make any indication that it was. (R. at 496). To uphold a decision relying on consideration of language ability will harm the large number of non-English speaking victims of domestic violence seeking custody and safety for their children.

Such misapplications create an unsafe environment for survivors in custody hearings, as well as their children. This Court must provide strong guidance on the application of section 3044 to ensure women and families are protected from domestic violence as the legislature intended.

### 2. *Misapplication of the Rebuttable Presumption Is Damaging to the Best Interest of the Child.*

These misapplications fly in the face of the essence of section 3044—that giving an abusive parent custody is presumptively detrimental to the best interest of a child. (Cal. Fam. Code § 3044(a); *see also* Cal. Fam. Code, sec. 3011; Cal. Fam. Code, sec. 3020(a)). Yet, as it did here, trial courts often find the presumption has been rebutted as a result of blatant misapplication of the section 3044

standard.[10] In this case, Mr. Matti was found to have strangled, kicked, and physically evicted Ms. Yousif and their toddler son from the family home late at night. (R. at 440-41.) Ms. Yousif alleged this was but the last incident in a pattern of emotional and physical abuse against her for the duration of their marriage and as co-parents of A. (R. at 494-495.) The court examined some, but not all, of the section 3044 factors and inserted additional considerations beyond the enumerated factors in reaching its decision. (R. at 494-499.) As a result, the court awarded custody to Mr. Matti.

It is well settled that domestic violence is harmful to children, causing cognitive and psychological damage as well as harming social development.[11] Indeed, "[b]oth common sense and expert opinion indicate spousal abuse is detrimental to children." (*In re Benjamin D*. (1991) 227 Cal.App.3d 1464, 1471, fn.5.) Even witnessing domestic violence without directly experiencing it is damaging. (*See, e.g., In re Sylvia R*. (1997) 55 Cal.App.4th 559, 562). Living in an environment of abuse causes a "pattern of learned helplessness and dependency" that leads to a child's increased vulnerability to abuse later in life. (*In re Heather A*. (1996) 52 Cal.App.4th 183, 195-196, abrogated on other grounds by *In re R.T*. (2017) 3 Cal. 5th 622.) Thus,

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[10] (*See* Garvin, *supra*, at pp. 176-77, 188 [trial courts are inconsistent in their weighing of the rebuttal factors].)

[11] (Goodmark, *From Property to Personhood: What the Legal System Should Do for Children in Family Violence Cases*, 102 W. Va. L. Rev. 237, 245 (1999).)

"even if they are not physically harmed, children suffer enormously from simply witnessing the violence between their parents."[12]

The legislative history of section 3044 supports that it was introduced to protect children from the damaging effects of domestic violence and to protect children from abusive parents, who historically were highly successful at gaining full or joint custody. (Assem. Com. on Judiciary, Rep. on Assem. Bill No. 840 (1999-2000 Reg. Sess.) April 20, 1999.) One hearing transcript described the following statistics:

> "In 14 out of 16 studies, witnessing violence between one's parents or caretakers is a more consistent predictor of future violence than being the victim of child abuse." (Hotaling & Sugarman, An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge, Violence and Victims 1, 101-124.) Researchers Lewis, et al, found that 79% of violent children in institutions reported that they had witnessed extreme violence by the parents, whereas only 20% of the nonviolent offenders did so. (Fact Sheet on Children of Men Who Batter, compiled by the National Organization for Men Against Sexism, 1993, p.3.) Perhaps the most shocking finding of all was by the Department of Youth Services of Boston which reported that children of abused mothers are 6 times more likely to attempt suicide, and 74% more likely to commit crimes against the person. They were also 24 times more likely to have committed sexual assault crimes, and 50% more likely to abuse drugs and/or alcohol. (Women and Violence, Hearings before the U.S. Senate Judiciary Committee, August 29 and December 11, 1990, Senate Hearing 101-939, pt 2, p. 131.)

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[12] (Cahn, *Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions* (1991) 44 Vand. L. Rev. 1041, 1055-56.)

(*Ibid.*) The presumption thus functions as a preventative measure and a means of protecting children from these forms of harm.

Misapplication of the presumption hurts children by placing them in the custody of a parent who has demonstrated a tendency towards violence and will likely use the grant of custody as a tool for further abuse against, or a means of asserting continued control over, both the co-parent and the child.[13]

Here, if the trial court's order is not reversed, domestic violence victims and their children will, as A. was here, be put back into dangerous and unsafe situations, which the legislative history clearly indicates the legislature meant to prevent. Thus, this Court should provide clear guidance to this District that if domestic violence is involved, a judge is required at a minimum, to consider each of the seven factors in section 3044(b) and cannot consider and other irrelevant factors beyond those in 3044(b) in deciding whether the presumption has been rebutted. A strong decision from this Court will make clear that trial courts must be held accountable to apply the clear language of the statute, particularly because of the

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[13] (*See* Campbell, *How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to It* (2017) 24 UCLA Women's L.J. 41, 58-59 (hereafter Campbell); Schwaeber, *Domestic Violence: The Special Challenge in Custody and Visitation Dispute Resolution* (1998) 10 No. 8 Divorce Litig. 141.)

difficulty an abused parent faces in overturning a custody determination.[14]

### B. Domestic Violence Victims Like Ms. Yousif Are Often Unrepresented and Thus Must Rely on the Trial Court Correctly Applying the Law.

Domestic violence litigants, who are overwhelmingly unrepresented by attorneys at the trial level, face enhanced challenges in court proceedings. In some California communities, more than 75 percent of family law cases have at least one self-represented party.[15] The number of self-represented parties is even higher in domestic violence cases. (*Ross v. Figueroa* (2006) 139 Cal.App.4th 856, 861 [litigants in domestic violence restraining order cases are *pro per* over 90 percent of the time].)

The high cost of hiring an attorney and the lack of sufficient low-cost legal services contribute to an increased number of abused women proceeding *pro per* in custody matters.[16] The cost of hiring an attorney is too high for many survivors. The average family law

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[14] (*See* Atwood, *The Child's Voice in Custody Litigation: An Empirical Survey and Suggestions for Reform* (2003) 45 Ariz. L. Rev. 629, 667 fn. 232 ["A final custody decree is generally nonmodifiable except upon a showing of changed circumstances affecting the child's best interests."].)

[15] (Judicial Council of Cal., Elkins Family Law Task Force, Final Report and Recommendations (2010), p.10 (hereafter Elkins).)

[16] (The Family Violence Project of the National Council of Juvenile and Family Court Judges, *Family Violence in Child Custody Statutes: An Analysis of State Codes and Legal Practice* (1995) 29(2) Fam. L.Q. 29(2) 197, 215.)

attorney in California charges over $300 an hour and requires a retainer of $5,000.[17] Survivors who do not qualify for aid from legal services agencies are unable to overcome this financial burden, and as a result, must proceed *pro per*.[18] Further, those who do qualify for legal aid often represent themselves because underfunded legal service agencies are unable to serve them.[19] Even those with substantial incomes are likely burdened by the cost of counsel and the long-term impact it has on their family's financial stability.[20]

Self-represented litigants face difficulties in interpreting legal language and understanding court rules, procedures, and substantive standards. (*See* Judicial Council of Cal., *supra,* at pp. 1-3, 1-6). Language barriers further exacerbate these problems for non native English speaking survivors. (*Id.* at p. 1-4 ["[understanding the words used in the courtroom] is even more complicated for those

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[17] (*See* Elkins, *supra,* at p. 10.)

[18] (*Ibid*.; *see also* The Family Violence Project, *supra,* at p. 215 fn. 84.)

[19] (Elkins, *supra*, at p. 10 ["Legal services agencies in California are underfunded"]; The Family Violence Project, *supra,* at p. 215 fn. 84 [participants, domestic violence survivors, in the study reported that they proceeded *pro per* because waiting periods for legal services or *pro bono* representation were too long].)

[20] (*See* Judicial Council of Cal., Admin. Off. Of Cts., Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers (2007) pp. 1-2 (hereafter Judicial Council of Cal.) ["even individuals with large incomes are likely to find the cost of counsel represents a substantial burden that can have long-term impacts on family financial stability."].)

who do not speak English as their first language and or who come from different cultures."].) California courts have recognized these unique barriers and prioritize lessening the burden on self-represented family law litigants. (*See Elkins v. Superior Court* (2007) 41 Cal.4th 1337, 1369 fn. 20 ["we recommend to the Judicial Council that it establish a task force… to study and propose measures… to ensure access to justice for litigants, many of whom are self-represented."].)

Domestic violence victims who represent themselves in their proceedings are even more disadvantaged due to the power differential between a victim and her abuser. In abusive relationships, the abused individual is often conditioned to conform to the abuser's demands in order to protect herself. Years of this reinforced behavioral pattern make it difficult for victims to assert themselves in legal proceedings, particularly if they do not have an attorney to advocate on their behalf.[21] Further, research shows that domestic violence victims who represent themselves in litigation proceedings against their abusers are at greater risk for violence and intimidation from their abusers.[22]

Batterers have an additional unfair advantage when judges fail to understand the nuances of the batterer/victim relationship

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[21] (*See* Campbell, *supra,* at p. 50.)

[22] (Balos, *Domestic Violence Matters: The Case for Appointed Counsel in Protective Order Proceeding* (2006) 15 Temp. Pol. & Civ. Rts L. Rev. 557, 568-569 (2006).)

and the full future consequences of the abuser's behavior.[23] Batterers are "master manipulators" and take advantage of this confusion.[24] Batterers have been able to convince authorities that the victim is unfit or undeserving of sole custody in approximately 70% of challenged cases.[25] Further, batterer fathers are twice as likely to seek custody of their children than non-batterer fathers.[26] Parties who are able to obtain legal representation are significantly more likely to receive comprehensive relief than their *pro per* counterparts.[27] If a victim receives an adverse decision from the trial court judge, her chances of winning at the appellate level dwindle even further.[28]

Overwhelmingly, successful appeals of custody decisions involving domestic violence come when parties are represented by counsel.[29] Low-income victims fare worst when attempting to bring

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[23] (Brigner, *Why Do Judges Do That?*, in Domestic Violence, Abuse and Child Custody, (Hannah & Goldstein edit., 2010) pp. 13-6, 13-7.)

[24] (Campbell, *supra,* at p. 41.)

[25] (Brigner, *supra,* at pp. 13-6, 13-7.)

[26] (Campbell, *supra*, 25 UCLA Women's L.J. at p. 58 [citing Meier, *Rates at Which Accused and Adjudicated Batteries Receive Sole or Joint Custody* (2013) Domestic Violence Legal Empowerment and Appeals Project <http://perma.cc/S3C4-DU25> [as of June 15, 2018].)

[27] (Balos, *supra,* at p. 569.)

[28] (Garvin, *supra*, at pp. 190-191.)

[29] (*Id.* at pp. 190-191.)

an appeal *pro per*. (*See, e.g.*, *Foust v. San Jose Constr. Co.* (2011) 198 Cal.App.4th 181, 185-186 [noting that appellate courts in numerous situations have refused to reach the merits of an appellant's claims because the appellant was not able to pay for and procure a reporter's transcript].)

The uphill battle that *pro per* victims of domestic violence must fight in custody cases is compounded by the fact that courts, as the trial court did here, consistently misapply section 3044. A trial court's correct application of the section 3044(b) factors is essential for domestic violence victims who must represent themselves at the trial court level.[30] This Court must give strong guidance to the Fourth District and provide guidance to the trial court as to the correct legal application of the rebuttal factors so that *pro per* domestic violence victims, such as Ms. Yousif was here, are able to effectively protect themselves and their children as the California legislature intended. The only way that vulnerable domestic violence litigants in child custody hearings, and their children, can be ensured they will receive legal protection under 3044(b) is if this Court issues a clear opinion as to the correct application of those factors.

## CONCLUSION

For these reasons, *Amicus Curiae* respectfully, request in support of the Appellant, that the Court reverse the order granting

[30] (*See Id.* at p. 177.)

Matti joint legal and de facto physical custody with clear guidance and instructions to the trial courts to follow 3044 under the law.

DATED: June 18, 2018

Amy C. Poyer

**CERTIFICATE OF WORD COUNT**
**(Cal. Rules of Court, rule 8.204(c)(1).)**

The text of this brief consists of 4575 words as counted by the Microsoft Word for Mac Version 16.12 word processing program used to generate the brief.

Dated: June 18, 2018

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Amy C. Poyer

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 360 N. Sepulveda Blvd., Suite 2070, El Segundo California 90245.

On June 18, I served true copies of the following document(s) described as **BRIEF OF AMICUS CURIAE IN SUPPORT OF APPELLANT** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to Honorable Sharon L. Kalemkiarian at the address listed in the Service List and deposited it in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**BY EMAIL OR ELECTRONIC TRANSMISSION**: Based on a court order or an agreement of the parties to accept service by email or electronic transmission via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) as indicated on the attached service list:

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

Executed on June 18, 2018 at El Segundo, California.

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Amy C. Poyer

**SERVICE LIST**
***Matti v. Yousif***
Court of Appeal Case No. D073568

| Counsel Name and Address | Party(ies) Represented |
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| Honorable Sharon L. Kalemkiarian<br>Superior Court South County Division<br>500 Third Avenue, Dept. SB-17<br>Chula Vista, California 91910 | Trial Judge<br><br>***Via U.S. Mail*** |