

Clerk stamps date here when form is filed.

FILED
SANTA BARBARA
SUPERIOR COURT

JUN - 6 2011

GARY M. BLAIR, EXEC. OFFICER

By Rosa Reyes
ROSA REYES, Deputy Clerk

① Your name (person asking for protection):

Christine Sontag

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Diana Jessup Lee (Bar No. 155191), Reicker, Pfau Pyle & McRoy LLP, 1421 State Street, Suite B, Santa Barbara, CA 93101; (805)966-2440

Fill in court name and street address:

Superior Court of California, County of Santa Barbara
1100 Anacapa Street
Santa Barbara, CA 93101

② Name of person you want protection from:

William Bookout

Describe the person: Sex: M F Weight: 190

Height: 6' Race: Caucasian Hair Color: Brown

Eye Color: Brown Age: 47 Date of Birth: 12/27/1963

Home Address (if you know): _____

City: _____ State: _____ Zip: _____

Work Address (if you know): 470 Price Street

City: Pismo Beach State: CA Zip: 93449

Court fills in case number when form is filed.

Case Number:

1381216

③ Besides you, who needs protection? (Family or household members)

Full name	Sex	Age	Lives with you?	How are they related to you?
<u>George Leis</u>	<u>M</u>	<u>52</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>co-worker</u>
<u>Gerald J. Ford</u>	<u>M</u>	<u>66</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>co-worker</u>
<u>Carl B. Webb</u>	<u>M</u>	<u>61</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>co-worker</u>
<u>Richard A. Nightingale</u>	<u>M</u>	<u>63</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>co-worker</u>

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

④ Why are you filing in this court? (Check all that apply):

The person in ② lives in this county.

I was hurt (physically or emotionally) by the person in ② here.

Other (specify): The harassment has occurred in this County.

⑤ How do you know the person in ②? (Describe):

Respondent is a borrower who obtained a loan from Petitioner's employer which is a bank. Respondent has now defaulted on his loan and will not cease his incessant harassment of Petitioner and her co-workers.

This is not a Court Order.



Your name: Christine Sontag

- ⑥ Describe how the person in ② has harassed you:
- a. Date of most recent harassment: May 27, 2011
 - b. ~~Who was there?~~ See Attachment Item No. 6; see also Declaration of Christine Sontag and Declaration of Diana Jessup Lee
 - c. Did the person in ② commit any acts of violence or threaten to commit any acts of violence against you?
 Yes No
If yes, describe those acts or threats: _____

 - d. Did the person in ② engage in a course of conduct that harassed you and caused substantial emotional distress? Yes No
If yes, describe: See Attachment Item No. 6; see also Declaration of Christine Sontag and Declaration of Diana Jessup Lee
 - e. Did the conduct of the person in ② described above seriously alarm, annoy, or harass you? Yes No
 Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.

Check the orders you want

⑦ **Personal Conduct Orders**

I ask the court to order the person in ② to **not** do the following things to me or anyone listed in ③:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in ② will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

⑧ **Stay-Away Orders**

I ask the court to order the person in ② to stay at least (*specify*): 100 yards away from me and the people listed in ③ and the places listed below: (*Check all that apply*):

- a. My home
- b. My job or workplace
- c. My children's school or child care
- d. My vehicle
- e. Other (*specify*): _____

If the court orders the person in ② to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? Yes No

If no, explain: _____

This is not a Court Order.



Your name: Christine Sontag

Case number:

1381216

9 **Others to Be Protected**

Should the other people listed in **(3)** also be covered by the orders described above?

Yes No Does not apply

If yes, explain: The other Protected Persons are fellow employees, officers and/or directors of Petitioner at Santa Barbara Bank & Trust, N.A., who have also been harassed by Respondent in the same manner as Petitioner and as more thoroughly described in Attachment Item No. 6 and the Declaration of Christine Sontag.

10 **Order About Guns or Other Firearms**

I ask the court to order the person in **(2)** to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms and to sell or turn in any guns or firearms that he or she controls.

11 **Other Orders**

I ask the court to order the person in **(2)** to *(specify)*: _____

12 **Temporary Orders**

Do you want the court to make orders now on the matters listed in **(7)**, through **(11)** that will last until the hearing? Yes No

If yes, explain why you need these orders right now: _____

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 **Delivery of Orders to Law Enforcement**

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: Santa Barbara Police Department
Address: 215 East Figueroa Street
City: Santa Barbara State: CA Zip: 93101

b. Name of Agency: Santa Barbara County Sheriff's Department
Address: 4434 Calle Real
City: Santa Barbara State: CA Zip: 93110

See attached for additional Law Enforcement Agencies

14 **Other Court Cases**

Have you ever asked any court for other restraining orders against the person in **(2)**? Yes No

If yes, specify the counties and case numbers if you know them: _____

This is not a Court Order.



Your name: Christine Sontag

15 **Time for Service**

You must have your papers personally served on (notify) the person in (2) at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

16 **No Fee for Filing**

I ask the court to waive the filing fee because the person in (2) has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

17 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve (notify) the person in (2) about the orders for free because:

- a. My request for orders is based on stalking; or
- b. My request for orders is based on a credible threat of violence; or
- c. I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

18 **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. Lawyer's fees
- b. Out-of-pocket expenses

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
<u>Attorneys fees</u>	<u>\$28,305</u>	_____	<u>\$</u> _____
<u>Costs of Petition</u>	<u>\$ 395</u>	_____	<u>\$</u> _____
_____	<u>\$</u> _____	_____	<u>\$</u> _____

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

19 **Additional Relief**

I ask the court for additional relief as may be proper.

20 Number of pages attached to this form, if any: 360

Date: June 3, 2011

Diana Jessup Lee
Lawyer's name

REICKER, PFAU, PYLE & McROY LLP

[Signature]
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: June 3, 2011

Christine Sontag
Type or print your name

Christine M Sontag
Sign your name

This is not a Court Order.

Request for Orders to Stop Harassment
Petitioner: Christine Sontag
Respondent: William Bookout

Attachment Item 3 – Describe Protected Persons

Additional Protected Persons

John R. Mackall	61	Male
Mark K. Olson	48	Male
Carol Zepke	61	Female
Debbie Whiteley	57	Female
Doug Lutz	51	Male
Sandra Sheffield	48	Female
Kelley McCord	25	Female
D. Vernon Horton	71	Male
William R. Loomis	62	Male
Edward E. Birch	72	Male
Kathy J. Odell	65	Female
Debra Stevenson	53	Female
Clayton C. Larson	65	Male
Gordon J. Wahlgren	61	Male
Mary Mascolo	57	Female

Request for Orders to Stop Harassment
Petitioner: Christine Sontag
Respondent: William Bookout

Attachment Item 6 – Describe Harassment

Petitioner Christine Sontag ("Sontag") is an officer and an employee of Santa Barbara Bank & Trust, N.A. ("SBBT"). Respondent William Bookout ("Bookout") took out a Small Business Administration ("SBA") sponsored loan from SBBT in 2003. Bookout defaulted on that loan in 2006, and thereafter SBBT and Bookout entered into a Forbearance Agreement in 2007 which allowed Bookout to cure his default and modified the terms of the loan. Bookout again defaulted on the Forbearance Agreement in December 2009 and has failed to make any payments since that time. SBBT's original outside counsel, George Lazar contacted Bookout in December 2010 and notified him that as a result of his default, SBBT was commencing foreclosure proceedings on the property securing repayment of Bookout's loan.

Bookout responded by making baseless and unsupported allegations of fraud and misconduct against SBBT. Due to the false and serious nature of Bookout's allegations, Mr. Lazar demanded that Bookout was to direct all communications regarding his loan to Mr. Lazar and to no other employees, officers or directors of SBBT. A true and correct copy of several letters sent by Mr. Lazar to Bookout beginning in December 2010 advising him that he was to direct all communications only to him are hereto attached as Exhibit A and incorporated herein. Bookout disregarded the demands. The communications set forth in Exhibit A demonstrate that Mr. Lazar continually demanded that Bookout cease all communications with any SBBT employees, officers or directors.

In the four and a half months since December 2010, Bookout has bombarded SBBT employees with more than 200 communications on an almost daily basis. Bookout sends emails, voicemails, telephone calls and letters to various SBBT officers, directors and employees. A sampling of some of these communications is attached hereto as Exhibit H and incorporated herein. Due to the fact that Bookout's communications are so voluminous, and in deference to the Court's filing system, not all of Bookout's communications have been included, but both Sontag and counsel for Sontag attest to the fact that the total number of written communications from Bookout to SBBT employees, officers and directors since December 2010 exceeds 200. (See Declaration of Christine Sontag, ¶ 10 and Declaration of Diana Jessup Lee, ¶ 2.) Most of the communications are nearly identical, repeat the same false and unsupported accusations against SBBT, and repeat the same questions over and over. Most of the employees, officers and directors that have been the target of Bookout's communications have no involvement with the processing of Bookout's loan. (See Declaration of Christine Sontag, ¶ 3.) Furthermore, almost all of the employees, officers and directors that Bookout has harassed are not even a part of SBBT's SBA lending department which is in charge of Bookout's loan. (See Declaration of Christine Sontag, ¶ 4.) Receiving and determining what to do with Bookout's voluminous and hostile emails and telephone

calls has distracted many employees from their assigned duties. (See Declaration of Christine Sontag ¶¶ 7 and 8.)

In March 2011, the responsibility for handling Bookout's claims was transferred to Diana Jessup Lee. Ms. Lee contacted Bookout and advised him that she was the designated representative for SBBT who would be handling his loan and that all communications regarding his loan were to be directed to her and no other SBBT employee, director or officer. True and correct copies of several initial letters sent by Ms. Lee to Bookout advising him that all communications were to be directed to her are attached hereto as Exhibit B and incorporated herein. Again, Bookout disregarded these demands and continued his almost daily barrage of communications to various SBBT employees, officer and directors. (See Exhibit H.) As reflected in Exhibit B, the communications sent by Ms. Lee demonstrate that Ms. Lee continually asked Bookout to stop contacting SBBT employees, officer and directors and that he ignored this demand.

These communications from Bookout have at all times been unwelcome, annoying and constitute harassment of SBBT employees, officers and directors. (See Declaration of Christine Sontag, ¶ 4.) True and correct copies of two occasions where SBBT employees memorialized telephone discussions with Bookout where they advised Bookout that he was not to contact them again and only speak through SBBT's counsel are attached hereto as Exhibit C and incorporated herein. Bookout's communications have distracted SBBT's employees, officer and directors from carrying out their day-to-day tasks because they continue to be bombarded with communications from Bookout. These communications serve no legitimate purpose because the employees, officers and directors who Bookout has contacted have no authority to discuss Bookout's loan with him and, for the most part, are not even in the department that handles Bookout's loan. Furthermore, at all times between December 2010 and the present day, Bookout has been told that his communications with SBBT employees, officers and directors were to cease and that all communications by him are to be directed to Mr. Lazar and subsequently to Ms. Lee, and that any and all of his questions would be answered by those designated representatives. (See Exhibits A through D.) True and correct copies of several letters from Sontag to Bookout stating that all communications were to be directed to SBBT's counsel and that no SBBT employee, officer or director would respond to Bookout's accusations are attached hereto as Exhibit D and incorporated herein.

In April 2011, Ms. Lee and a management level SBBT officer attended a mediation with Bookout to attempt to resolve Bookout's issues. Immediately after the mediation, Bookout resumed his campaign of sending communications to various SBBT representatives other than Ms. Lee in direct contradiction to the agreement that had been reached by the parties at the mediation. (See Exhibit H.)

After the mediation, on May 6, 2011, SBBT voluntarily provided additional documentation to Bookout in an attempt to address all of his concerns regarding the handling of the loan. A true and correct copy of the May 6, 2011 letter is attached hereto as Exhibit E and incorporated herein. This act of good faith was not reciprocated as Bookout continued his

almost daily barrage of harassing communications to employees, officers and board members, despite his agreement not to do so. (See Exhibit H.)

After nearly five months of constant harassment and as the volume of communications from Bookout increased, several SBBT employees, officers and directors (the additional Protected Persons identified in Paragraph 3 of the Request for Orders to Stop Harassment) began complaining to SBBT's management. (See Declaration of Christine Sontag, ¶ 7.) These individuals, including Sontag, attested to the fact that Bookout's ongoing harassment was distracting them and preventing them from carrying out their work. (See Declaration of Christine Sontag, ¶ 7 and 8.) These individuals also expressed their concern that Bookout's tone is becoming more desperate and, as a result, more alarming to them because they are concerned that Bookout may resort to violence or other drastic measures. (See Declaration of Christine Sontag, ¶ 7.)

In response, on May 10, 2011, Sontag wrote a letter to Bookout again demanding that Bookout direct all communications regarding his loan to Diana Jessup Lee and nobody else at SBBT including herself. (See Exhibit D.) Bookout immediately violated this demand on the same day. (See Exhibit H.) On May 12, 2011, Ms. Lee wrote another letter to Bookout reiterating Sontag's demand from the prior day that he cease all communications with any SBBT employee, officer or director and warning him that a temporary restraining order would be sought if he failed to abide by this demand. (See Exhibit B.) Again, Bookout violated this demand on the very same day. (See Exhibit H.)

In light of Bookout's continuing harassment, on May 19, 2011, Ms. Lee sent a final cease and desist letter to Bookout. In that letter, Ms. Lee again repeated SBBT's demand that Bookout direct all communication regarding the loan to her and no other SBBT employee, officer or director. In an effort to dissuade Bookout from continuing his harassment, Ms. Lee again answered the four main questions that Bookout has continually asked over and over for the past five months. A true and correct copy of the May 19, 2011 letter is attached hereto as Exhibit F and incorporated herein. This effort, as with all prior efforts, was ignored by Bookout causing this Request to become necessary. True and correct copies of the several letters sent by Bookout after the May 19, 2011 cease and desist letter and prior to the filing of this Request are attached hereto as Exhibit G and incorporated herein.

An Order from this Court is necessary to stop the harassment of the Protected Persons.

PETITIONER/PLAINTIFF: Christine Sontag
RESPONDENT/DEFENDANT: William Bookout

CASE NUMBER:

Attachment to Request for Orders to Stop Harassment

Attachment 13: Delivery of Orders to Law Enforcement

Additional Agencies:

San Luis Obispo County Sheriff's Department
1681 Front Street
Oceano, CA 93445

Pismo Beach Police Department
1000 Bello Street
Pismo Beach, CA 93449

Attachment 13: Delivery of Orders to Law Enforcement

DECLARATION OF CHRISTINE SONTAG

I, CHRISTINE SONTAG, declare as follows:

1. I am the Senior Vice President and Senior Associate General Counsel of Santa Barbara Bank & Trust, N.A. ("SBBT"). I am the Petitioner in this action. I have personal knowledge of the matters set forth below, except as to matters stated on information and belief, and as to those matters I believe them to be true.

2. Attached hereto as Exhibit A are true and correct copies of letters sent by SBBT's outside counsel George Lazar to Respondent William Bookout stating that Mr. Lazar was to be Mr. Bookout's sole point of contact at SBBT and that Mr. Bookout was not to contact any of SBBT's employees, officers or directors on any matters related to his Small Business Administration loan with SBBT.

3. Since December 2010, the vast majority of employees, officers and directors of SBBT that Mr. Bookout has contacted regarding his loan have no involvement with the processing of his loan. Furthermore, other than Sandra Sheffield, none of the employees, officers or directors of SBBT contacted by Mr. Bookout are part of SBBT's Small Business Administration lending department which was tasked which handling Mr. Bookout's loan.

4. Since December 15, 2010, all of the communications Mr. Bookout sent directly to employees, officer and directors of SBBT have been unwelcome, annoying and have harassed those individuals who have been the target of Mr. Bookout's actions. At all times since December 15, 2010, SBBT has made it clear to Mr. Bookout that any communications regarding his loan were to be directed to either Mr. Lazar or Ms. Lee.

5. Attached hereto as Exhibit C are true and correct copies of emails sent to me by employees of SBBT memorializing telephone calls received by those employees from Mr. Bookout in which those employees directed Mr. Bookout to contact SBBT's outside counsel and asked that he cease all contact with any SBBT employee, officer or director.

6. Attached hereto as Exhibit D are true and correct copies of several communications I sent directly to Mr. Bookout advising him that all communications regarding his loan were to be

1 directed to Ms. Lee and that he was to cease contacting any SBBT employees, officers or directors on
2 matters related to his loan.

3 7. After nearly five months of continuous harassment on the part of Mr. Bookout and a
4 refusal by him to only direct his communications to SBBT's outside counsel, the additional Protected
5 Persons (identified in this Request) began contacting me and complaining that Mr. Bookout's ongoing
6 harassment was distracting them and preventing them from carrying out their day-to-day work tasks.
7 Based upon my review of the communications traffic from Mr. Bookout to these individuals and the
8 amount of time they spent reporting these communications, I agreed with their concerns. Some of the
9 Protected Persons also expressed their concern that Mr. Bookout's tone is becoming more desperate
10 and, as a result, more alarming to them because they are concerned that he may resort to violence or
11 other drastic measures if his demands are not met.

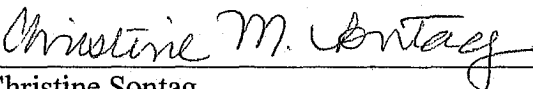
12 8. Mr. Bookout's communications to me have been annoying and have simply harassed
13 me. Mr. Bookout's conduct and his communications to me have distracted me from my job tasks and
14 have prevented me from carrying out my day-to-day work tasks.

15 9. Attached hereto as Exhibit G are true and correct copies of the communications Mr.
16 Bookout sent to me and the other Protected Persons after he received the cease and desist letter from
17 Ms. Lee on May 19, 2011.

18 10. Attached hereto as Exhibit H is a sampling of the over 200 emails, letters and
19 telephone calls which Mr. Bookout transmitted to me and the other Protected Persons since December
20 2010. Portions of the produced communications were redacted to avoid duplication and to save the
21 Court's time. The entirety of the communications sent by Mr. Bookout have not been produced in
22 deference to the Court's filing system.

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

25 Dated: June 3, 2011

26
27 
28 Christine Sontag

DECLARATION OF DIANA JESSUP LEE

I, DIANA JESSUP LEE, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I am outside counsel for Santa Barbara Bank & Trust, N.A. ("SBBT") and in that capacity the Protected Persons in this Petition. I have personal knowledge of the matters set forth below, except as to matters stated on information and belief, and as to those matters I believe them to be true.

2. I have reviewed the email communications from Mr. Bookout to the Protected Persons since December 2010. Those communications are in excess of 200. Attached hereto and incorporated herein as Exhibit H are true and correct copies of a representative sampling of Mr. Bookout's communications to the Protected Persons. If the Court would like to see all of Mr. Bookout's communications, I will provide them. However, in deference to the Court's filing system, I attached only a representative sampling of his communications.

3. Attached hereto and incorporated herein as Exhibit B are true and correct copies of emails I sent to Mr. Bookout advising him that I am outside counsel for SBBT and that I am to be his sole point of contact with SBBT on matters related to his loan or his dispute. In these letters I also demand that Mr. Bookout cease all contact with any SBBT employees, officers and directors.

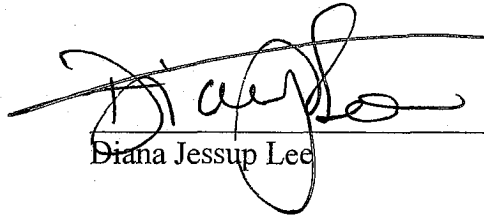
4. After participating in a full day of mediation with Mr. Bookout on May 6, 2011, I sent Mr. Bookout a letter with additional information that he had requested during the mediation. A true and correct copy of this letter is attached as Exhibit E and incorporated herein.

5. After Mr. Bookout refused to cease his contact with SBBT employees, officers and directors despite numerous requests to do so, on May 19, 2011, I wrote to Mr. Bookout explaining that his emails and other communications constitute harassment because they are annoying, alarming and serve no legitimate purpose. I also explained that as a result of his irrational and harassing conduct some employees have become frightened and concerned that he could escalate to violence. In that letter I again answered his most repeated questions, and warned him that if he contacts any SBBT employees, officers or directors, I will seek a restraining order against you. A true and correct copy of my May 19, 2011 letter is attached as Exhibit F and incorporated herein. Unfortunately, Mr. Bookout

1 has disregarded all requests for him to stop harassing SBBT employees, officers and directors, making
2 this request for a restraining order necessary.

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

5 Dated: June 3, 2011

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8 Diana Jessup Lee

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