

**Petition for Workplace Violence Restraining Orders**

Clerk stamps date here when form is filed.

Read *How Do I Get an Order to Prohibit Workplace Violence* (form WV-100-INFO) before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

**FILED**

AUG 27 2021

Clerk of the Court  
Superior Court of California, County of Santa Clara  
BY NGUYEN DEPUTY

Fill in court name and street address:

Superior Court of California, County of Santa Clara

191 N. First St  
San Jose, CA 95113

Court fills in case number when form is filed.

Case Number:  
**21CH010237**

**BY FAX****1 Petitioner (Employer)**a. Name: Santa Clara Valley Transportation Authorityis a ☐ corporation ☐ sole proprietorship☒ (specify): Special District

and is filing this suit on behalf of the employee identified in item (2).

b. Lawyer for Petitioner (if any for this case)

Name: Geoff Spellberg/Evelyn Tran State Bar No.: 121079Firm Name: Renne Public Law Group/General Counsel VTA

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

c. Address: 3331 North First Street,City: San Jose State: CA Zip: 95134Telephone: 408 321 2300

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

E-Mail Address: Angelique.Gaeta@vta.org**2 Employee in Need of Protection**Full Name: Maurice BeardSex: ☒ M ☐ F Age: 55**3 Respondent (Person From Whom Protection Is Sought)**Full Name: Frank Rene Lopez Age: 55Address (if known): 416 Santa Barbara Ave., Apt. ACity: Daly City State: CA Zip: 94014**4 Additional Protected Persons**

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

☒ Yes ☐ No (If yes, list them):

Full Name	Sex	Age	Household Member?	Relationship to Employee
All VTA employees as Respondent			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	All co-workers
threatened to "shoot the place up."			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

☐ Additional protected persons are listed in Attachment 4a.**This is not a Court Order.**

4 b. Why do these people need protection? *(Explain):*

☒ Response is stated in Attachment 4b.

Respondent was an operator trainee at VTA and on two occasions stated that if he failed the testing he "would shoot the place up." In light of the recent mass shooting, all VTA employees need protection.

5 **Relationship of Employee and Respondent**

a. How does the employee know the respondent? *(Describe):* ☐ Response is stated in Attachment 5a.

Respondent was an operator trainee at VTA and so is a co-worker to all VTA employees.

b. Respondent ☐ is ☒ is not a current employee of petitioner. *(Explain any decision to retain, terminate, or otherwise discipline the respondent):* ☐ Response is stated in Attachment 5b.

Respondent was immediately terminated after the threats were reported.

6 **Venue**

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

a. ☐ The respondent lives in this county.

b. ☒ The respondent has caused physical or emotional injury to the petitioner's employee in this county.

c. ☒ Other *(specify):* Petitioner VTA is located in this County

7 **Other Court Cases**

a. Has the employee or any of the persons named in 4 been involved in another court case with the respondent?

☒ No ☐ Yes *If yes, check each kind of case and indicate where and when each was filed:*

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Small Claims	_____	_____	_____
(9)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other <i>(specify):</i>	_____	_____	_____

b. Are any restraining orders or criminal protective orders now in effect relating to the employee or any of the persons in 4 and the respondent? ☒ No ☐ Yes *(If yes, attach a copy if you have one.)*

**This is not a Court Order.**





**8 Description of Respondent's Conduct**a. Respondent has *(check one or more)*:

- (1) ☐ Assaulted, battered, or stalked the employee
- (2) ☒ Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

b. One or more of these acts *(check either or both)*:

- (1) ☒ Took place at the employee's workplace
- (2) ☒ Can reasonably be construed to be carried out in the future at the employee's workplace

Address of workplace: Threat occurred at Chaboya yard (2240 S. 7th Street, San Jose), but there are numerous VTA facilities and bus and light rail vehicles.

c. Describe what happened. *(Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses):*☐ Response is stated in Attachment 8c.

Respondent Frank Rene Lopez was a trainee operator working in the Coach Operators training program at the VTA Chaboya Yard. On August 16, 202, during a training break, Respondent stated to another trainee operator (John Paul Williams) that Respondent was having a bad day at training and stated "that if I don't pass the [training] test, I am going to shoot up the place."

Mr. Williams reported the comment to his supervisor who in turn contacted the VTA risk manager who contacted the Santa Clara County Sheriff's Department.

Sheriff's Lieutenant Jose Cardoza headed the investigation and ultimately Respondent was arrested and charged with making criminal threats in violation of Penal Code section 422. When questioned after the arrest, Respondent admitted making the statement.

During the course of the investigation, the Sheriff investigators spoke with a trainee operator named Vincent Hobbs. Mr. Hobbs stated that about two weeks before the August 16 incident, Respondent had said to Hobbs on a training run that Respondent would shoot up the place if he failed the training. Mr. Hobbs told Respondent that was not something to joke about, but did not report the comment.

Thus, Respondent has twice threatened co-workers he would "shoot up the place" if he failed training.

d. Was the employee harmed or injured? ☐ Yes ☒ No *(If yes, describe harm or injuries):*☐ Response is stated in Attachment 8d.e. Did the respondent use or threaten to use a gun or any other weapon? ☒ Yes ☐ No *(If yes, describe):*☐ Response is stated in Attachment 8e.

Respondent on two occasions told his co-workers that he would "shoot up the place" (i.e., shoot up VTA) if Respondent failed training.

**This is not a Court Order.**

- 8 f. For any of the incidents described above, did the police come? ☒ Yes ☐ No ☐ I don't know

If yes, did the employee or the respondent receive an Emergency Protective Order?

☒ Yes ☐ No ☐ I don't know

If yes, the order protects (*check all that apply*):

☐ the employee ☐ the respondent ☒ one or more of the persons in ④.

(Attach a copy of the order if you have one.)

### Check the orders you want ☒

#### 9 ☒ Personal Conduct Orders

I ask the court to order the respondent **not** to do any of the following things to the employee or to any person to be protected listed in ④:

- a. ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. ☒ Commit acts of unlawful violence on or make threats of violence to the person.
- c. ☒ Follow or stalk the person during work hours or to or from the place of work.
- d. ☒ Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- e. ☒ Enter the person's workplace.
- f. ☒ Other (*specify*):  
☐ As stated in Attachment 9f.  
 Stay away from all VTA facilities and be prohibited from riding in any VTA vehicle.

*The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

#### 10 Stay-Away Order

- a. I ask the court to order the respondent to stay at least 300 yards away from (*check all that apply*):

- (1) ☒ The employee.
- (2) ☒ The other persons listed in ④.
- (3) ☒ The employee's workplace.
- (4) ☒ The employee's home.
- (5) ☐ The employee's school.
- (6) ☐ The school of the employee's children.
- (7) ☐ The place of child care of the employee's children.
- (8) ☒ The employee's vehicle.
- (9) ☒ Other (*specify*):  
 All VTA facilities and all VTA employees and the residences of all VTA employees. Respondent cannot board any VTA vehicle.

**This is not a Court Order.**



- 10 b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☒ Yes ☐ No (If no, explain):  
☐ Response is stated on Attachment 10b.

11 **Guns or Other Firearms and Ammunition**

Does the respondent own or possess any guns or other firearms? ☐ Yes ☐ No ☒ I don't know

*If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession or control.*

12 ☒ **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form WV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to go to court to seek a TRO against him/her?

☒ Yes ☐ No (If you answered no, explain why below):

☐ Reasons are stated in Attachment 12.

13 ☒ **Request for Less Than Five Days' Notice of Hearing**

*You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why:

☐ Reasons are stated in Attachment 13.

Service was effected immediately. In light of the recent mass shooting at VTA, Petitioner VTA requests that this matter be determined on an expedited basis.

14 ☒ **No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

**This is not a Court Order.**

Case Number:

21CH010237

**15** ☒ **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

**16** ☒ **Court Costs**

I ask the court to order the respondent to pay my court costs.

**17** ☐ **Additional Orders Requested**

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

☐ Additional orders requested are stated in Attachment 17.

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**18** Number of pages attached to this form, if any: 2

Date: August 25, 2021

Geoff Spellberg/Evelynn Tran

*Lawyer's name (if any)*

  
*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: August 26, 2021

Santa Clara Valley Transportation Authority, by

*Name of petitioner*

  
*Signature*

A. Gaeta, Chief of System Safety and Security

*Title*

**This is not a Court Order.**



**EPO-002  
GUN VIOLENCE EMERGENCY PROTECTIVE ORDER**

LAW ENFORCEMENT CASE NUMBER:  
21-229-0037T

**1. RESTRAINED PERSON (insert name):** Frank Rene Lopez

Address or Mailing 416 Santa Barbara Avenue, Apartment A, Daly City, CA 94014

Address:

Sex: ☒ M ☐ F Ht.: 6'02" Wt.: 188 Hair color: Black

Eye color: Brown Race: Hispan Age: 55 Date of birth: 07/25/1966

**2. TO THE RESTRAINED PERSON (also see important Warnings and Information on page 2):**

You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine while this order is in effect. However a gun violence restraining order that lasts from 1 - 5 years may be obtained from the court. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

If you have any firearms, ammunition, and magazines, you MUST IMMEDIATELY SURRENDER THEM if asked by a police officer. If a police officer does not ask you to surrender any of the above, within 24 hours of getting this order, you must take them to a police station or a licensed gun dealer to sell or store them and must file a receipt with the court proving that this has been done. You have 48 hours to file a receipt with the court shown to the right. If you do not file a receipt within 48 hours you have violated this order and can go to jail.

**3. This order will last until:** November 15, 2021 Time 5:00 PM

INSERT DATE OF 21st CALENDAR DAY (DO NOT COUNT DAY THE ORDER IS GRANTED)

**4. Court Hearing** ☐ A court hearing will be set within 21 days.

☒ A court hearing will take place at the court above on: Date: September 20, 2021 Time/Dept: 1:30 PM/ Dep. 66

You must go to the court hearing if you do not want this restraining order against you. At the hearing, the judge can make this order last from 1 - 5 years.

**5. Reasonable grounds for the issuance of this order exist, and a Gun Violence Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving any firearms, ammunition, or magazines; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.**

**6. Judicial officer (name):** Hon. Judge Cindy Hendrickson granted this order on (date): 8-17-2021 at (time): 12:57 PM

**APPLICATION**

**7. Officer has a reasonable cause to believe that the grounds set forth in item 5, above, exist (state supporting facts and dates; specify weapons—number, type and location):**

Two weeks ago, Frank Lopez made a comment to a VTA employee about wanting to shoot up the place (VTA Chaboya Yard). On 08-16-2021, during a break, Frank Lopez made a comment to other VTA employees and said, "If I don't pass, I'm going to come back in here and take care of business and shoot the place up." Frank Lopez stated he was frustrated with how his job training was going and only made the comments as a joke. One VTA employee was concerned about the comments and reported it.

**8. ☐ Firearms were ☐ observed ☐ reported ☐ searched for at the scene ☐ seized.**

☐ Ammunition (including magazines) was ☐ observed ☐ reported ☐ searched for at the scene ☐ seized.

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

By: Sergeant Nore Cortez 91897

(PRINT NAME OF LAW ENFORCEMENT OFFICER)

Agency: Santa Clara County Sheriff's Office

Address: 55 W. Younger Avenue, San Jose, CA 95110

[Signature] #1882

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Telephone No: (408)808-4500

Badge No: 1887

**PROOF OF SERVICE**

**9. I personally delivered copies of this Order to the restrained person name in item 1.**

Date of service: 8/17/21 Time of service: 1450 Address: 150 W. Hedding St. San Jose CA 95110

**10. At the time of service, I was at least 18 years of age.**

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

Date: 8/17/21 EDWARD MUNA

(TYPE OR PRINT NAME OF SERVER/LAW ENFORCEMENT OFFICER)

[Signature] #2077

(SIGNATURE OF SERVER)



**GUN VIOLENCE EMERGENCY PROTECTIVE ORDER  
WARNINGS AND INFORMATION**

EPO-002

**TO THE RESTRAINED PERSON:** You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm, ammunition, or a magazine. (Pen. Code, § 18125 et seq.) A violation of this order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) Law enforcement is required to ask for your firearms. You must surrender them on request to law enforcement.

Within 24 hours of receipt of this order, you must turn in all firearms, ammunition, and magazines to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48-hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800).

This Gun Violence Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front. The court will hold a hearing within 21 days to determine if a longer-term order should be issued. If the date and time are not stated in item 4 on the front, you will get a notice with the date and time of the hearing in the mail at the residential address listed on page 1 of this form. If you would like to respond to this order in writing you must use *Response to Gun Violence Emergency Protective Order* (form GV-020). A family member, employer, coworker, teacher, or school administrator may also seek a gun violence restraining order that lasts from 1 to 5 years from the court.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

This protective order must be enforced by all law enforcement officers in the state of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

**A LA PERSONA RESTRINGIDA:** Tiene prohibido ser dueño de un arma de fuego, municiones o cargadores, o poseer, comprar, recibir, o tratar de comprar o recibir un arma de fuego, municiones o cargadores. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden está sujeta a una multa de \$1000 o encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego, municiones y cargadores a una agencia del orden público o venderlos a un comerciante de armas autorizado, o almacenarlos con el mismo hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado dentro de las 48 horas de recibir esta orden. Se puede usar el formulario GV-800, *Prueba de entrega, venta o almacenamiento de armas de fuego, municiones y cargadores*, por este propósito.

Esta orden de protección de emergencia de armas de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 de la primera página. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo. Si la fecha y la hora no se indican en el punto 4 de la primera página, recibirá un aviso con la fecha y la hora de la audiencia por correo a la dirección residencial indicada en la primera página. Si desea responder a esta orden por escrito, tiene que usar el formulario GV-020, *Respuesta a la orden de protección de emergencia de armas de fuego*. Un miembro de su familia, su empleador, un colega del trabajo, un maestro o profesor, o administrador educativo también puede solicitar al tribunal una orden de restricción más permanente.

Si contraviene esta orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o tratar de comprar o recibir un arma de fuego, municiones o cargadores por otro periodo de cinco años más, comenzando a partir del vencimiento de la orden de restricción de armas de fuego más permanente. (Código Penal, § 18205.)

Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma deberá hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

**To law enforcement:** The Gun Violence Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. Ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control. A copy must be filed with the court as soon as practicable after issuance so a hearing can be set, if one was not already scheduled. If the court did not give you a hearing date when issuing the order (to put in item 4 on the front), the court will set a hearing within 21 days and will provide you with notice of the hearing. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this temporary Gun Violence Emergency Protective Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

EPO-002 (Rev. September 1, 2020)

**Gun Violence Emergency Protective Order (CLETS-EGV)**

EPO-002, Page 2 of 2

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