

**ATTACHMENT C**

**RESPONDENT(S) ARGUMENT(S)**

SEP 5 2019



# T.A.J. OFFICE & SCHOOL SUPPLY



11410 Long Beach Blvd. Lynwood, CA 90262 TEL: 310 763 5072 FAX 310 763 5260.

ATTENTION: <u>Cherice Swadensky to the Board</u>	FROM TO: <u>Gloria Villabos Alvarado</u>
SEND TO: <u>Cal Pers Executive Office</u>	LOCATION: _____
LOCATION: _____	DATE: <u>9/4/19</u>
FAX NUMBER: <u>916-795-3972</u>	PHONE NUMBER: _____
NUMBER OF PGS. _____ PLUS COVER SHEET	

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

Gloria Villalobos Alvarado  
[REDACTED]  
[REDACTED]

SEP 5 2019

September 3, 2019

Cheree Swedensky, Assistant to the Board  
CalPERS Executive Office  
P.O. Box 942701  
Sacramento, CA 94229-2701  
OAH Case No: 2019010708  
Agency Case No: 2018-0835

RE: "Respondent's Argument"

*This letter is an official respond to the decision made from Judge; Ji-Lan Zang in regarding to the Appeal of Death Benefits Payable Upon the Death of Juliana Wiard.*

*As you know Juliana Wiard and her brother Deno Anthony Wiard didn't have a healthy childhood. Unfortunately, their life was at danger many times. The family was not aware of the situation until Juliana located her Grandmother Villalobos Alvarado. After finding out about the situation and seeing the kind of life style Wiard was giving to them, we took action and decided to take her to court. Wiard has been an alcohol and cocaine user for many years and that is the reason why she lost custody of her two children. As of now Wiard continues to struggle with her addictions. Grandmother Villalobos Alvarado has provided care to Juliana and Deno Anthony Wiard until her death and paid all funeral and interment expenses. Documents have been sent to be reviewed.*

*CalPERS requested copies and any additional documents that might be found in Juliana's belongings. Documentation has been filed and provided to CalPERS. This has been a painful and difficult task for our family to complete. Juliana's clothes and other personal things are still in boxes.*

*On page 10 the Judge states that under circumstances the Will was discovered was highly suspect and two months after Villalobos Alvarado submitted her application for Survivor Benefits and stating decedent did not have a will.*

*\* Nobody was aware of the document that was found "WILL" in her iPad, it's very clear that Juliana never mentioned anything to us but we can assure you that Juliana intentions was to leave all/any documents in order. Juliana and Martinez Villalobos did have a conversation where Juliana was asked to please go with Martinez Villalobos and sign a Power of Attorney in case something happened to her and Juliana agreed. Juliana was a planner and she was going through a lot for quite some time, between preparing herself to take the Lieutenant test and purchasing her condo. Juliana's plans where to settle in her condo, do a welcome home on 7/8/17 and then she was going to sign the Power of Attorney for Martinez Villalobos. On 6/18/17 such tragedy happened and was found dead in her condo, everything that was planned came to end on that date.*

*The Judge also mentions that one year after Juliana's death when CalPERS had determined that Wiard is the sole beneficiary of decedent's Basic Death Benefits, Martinez Villalobos suddenly finds the WILL and submits it to CalPERS.*

- ✦ We respect the decision of Judge Judge: Ji-Lan Zang and we want to provide you with more evidence and proof that we stating the truth. Juliana last Will was to leave everything in her name to Grandmother Villalobos Alvarado who she saw as her mother and nothing to Wiard.

The Judge also stated that even if the "WILL" is valid it doesn't specifically discuss decedent's CalPERS death benefits

- ✦ Only thing we can say is; we can assure you all that Juliana did not planned dying that night on 6/18/17.

Grandmother Villalobos Alvarado is a Senior that has no need to be lying, God is our witness that everything that was said is true. Aunt Martinez Villalobos always been independent and was there to help raised Juliana and Deno A. Wiard. Attached are copies of the restraining order against Wiard and audio recordings so you can hear with your own ears the tone and attitude Wiard leaves on Villalobos Alvarado voicemail multiple times for many years now.

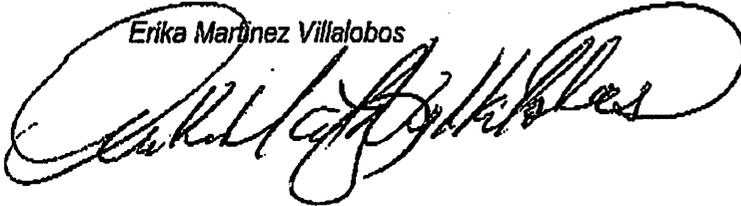
Juliana and Deno A. Wiard lived a very sad reality with Wiard, unfortunately the system is all wrong and there are more children going through what they went through and nothing is being done.

Thank you,

Gloria Villalobos Alvarado



Erika Martinez Villalobos



# EA-100 Request for Elder or Dependent Adult Abuse Restraining Orders

Read *Can an Elder or Dependent Adult Abuse Restraining Order Help Me?* (form EA-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

Clerk stamps date here when form is filed.

**FILED**  
 Superior Court of California  
 County of Los Angeles

**AUG 17 2018**

Sherril R. Carter, Executive Officer/Clerk  
 By [Signature], Deputy

### 1 Elder or Dependent Adult in Need of Protection

Full Name: Gloria Villalobos  
 Sex:  M  F Age: 72

### 2 Person From Whom Protection Is Sought

Full Name: Gloria Wiard  
 Address (if known): Unknown  
 City: Compton State: CA Zip: 90221

Fill in court name and street address:

Superior Court of California, County of  
 LOS ANGELES COUNTY  
 LOS ANGELES SUPERIOR COU  
 COMPTON SUPERIOR COURT  
 200 W. COMPTON BLVD.  
 COMPTON, CA 90220  
 SOUTH CENTRAL DISTRICT

### 3 Person Requesting Order

Who is asking the court for protection? (Check a, b, or c):

a.  The elder or dependent adult named in 1.

b.  Name: \_\_\_\_\_  
 conservator of the  person  estate  person and estate  
 of the person named in 1, appointed by (name of court): \_\_\_\_\_  
 Case No.: \_\_\_\_\_

Court fills in case number when form is filed.

Case Number:  
**18CMR001585**

c.  Other (name) \_\_\_\_\_

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use form MC-025, Attachment.)

### 4 Contact Information

Contact information for the person asking the court for protection

a. Your Lawyer (if you have one for this case)

Name: Self-Represented State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. The person in 1 does not have to give telephone, fax, or e-mail.)

Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**This is not a Court Order.**



Compton Legal Aid  
 Prepared By:

Case Number: 18CMR001585

5 Description of Protected Person

The person named in 1 (check a or b):

- a. [X] Is age 65 or older and a resident of California.
b. [ ] Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights.

6 Additional Protected Persons

a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in 1? [ ] Yes [X] No (If yes, list them):

Table with columns: Full Name, Sex, Age, Lives with you?, How are they related to you? Includes rows for listing additional persons.

[ ] Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a-Additional Protected Persons" for a title. You may use form MC-025, Attachment.

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

[ ] Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 6b-Why Others Need Protection" for a title.

7 Relationship of Parties

How does the person in 1 know the person in 2? (Explain below):

[ ] Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7-Relationship of Parties" for a title.

8 Venue

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

- a. [X] The person in 2 lives in this county.
b. [X] The person in 1 was abused by the person in 2 in this county.
c. [ ] Other (specify):

This is not a Court Order.



Case Number: 19CV00017

**9 Other Court Cases**

a. Has the person in (1) or any of the persons named in (6) been involved in another court case with the person in (2)?  No  Yes (If yes, specify the kind of each case and indicate where and when each was filed):

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(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 Custody	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____
(7) <input type="checkbox"/> Guardianship	_____	_____	_____
(8) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(9) <input type="checkbox"/> Small Claims	_____	_____	_____
(10) <input type="checkbox"/> Criminal	_____	_____	_____
(11) <input type="checkbox"/> Other (specify):	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to the person in (1) or any of the persons named in (6) and the person in (2)?  No  Yes (If yes, attach a copy if you have one.)

**10 Description of Abuse**

a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in (2) abused the person in (1).

(1) When did it happen? (Provide date or estimated date): 08/15/2018

(2) Who else was there?  
The Respondent and myself

(3) Describe what happened below.  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 10b(3)---Describe Abuse" for a title.  
See attached declaration

(4) Was the abuse solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

Yes, only financial abuse.  No, the abuse included other forms of abuse described above.

**This is not a Court Order.**



Case Number: 18CMR001587

10 b. (5) Did the person in (2) use or threaten to use a gun or any other weapon?

[ ] Yes [X] No (If yes, explain below):

[ ] Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 10b(5)—Use of Weapons" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(6) Was the person in (1) harmed or injured as a result of the acts of abuse described above?

[X] Yes [ ] No (If yes, explain below):

[ ] Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 10b(6)—Harm or Injury" for a title.

Emotional Distress

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(7) Did the police come? [X] Yes [ ] No

If yes, did they give the person in (1) or the person in (2) an Emergency Protective Order? [ ] Yes [X] No

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

[ ] the person in (1) [ ] the person in (2) [ ] the persons in (6).

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

c. Is the person in (2) a care custodian who deprived the person in (1) of (kept from him or her, did not allow him or her to have or receive, or did not provide him or her with) goods or services that the person needed to avoid physical harm or mental suffering?

[ ] Yes [X] No (If yes, describe below what the person was deprived of and how that affected him or her):

[ ] Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 10c—Deprivation by Care Custodian" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Has the person in (2) abused the person in (1) at other times?

[X] Yes [ ] No (If yes, describe prior incidents and provide dates below):

[ ] Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 10d—Previous Abuse" for a title.

SEE ATTACHED DECLARATION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is not a Court Order.**



Case Number: 18GMRO01500

Check the orders you want

11  Personal Conduct Orders

I ask the court to order the person in (2) not to do any of the following things to the person in (1) or to any person to be protected listed in (6):

- a.  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
b.  Contact the person, either directly or indirectly, in any way, 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.
c.  Other (specify):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11c-Other Personal Conduct Orders," for a title.

The person in (2) 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.

12  Stay-Away Orders

a. I ask the court to order the person in (2) to stay at least 100 yards away from (check all that apply):

- (1)  The elder or dependent adult in (1).
(2)  The persons in (6).
(3)  The home of the elder or dependent adult.
(4)  The job or workplace of the elder or dependent adult.
(5)  The vehicle of the elder or dependent adult.
(6)  Other (specify):

b. If the court orders the person in (2) 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 below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12b-Stay-Away Orders," for a title.

This is not a Court Order.



Case Number: **18CMR00158r**

**13**  **Move-Out Order**

I ask the court to order the person in **(2)** to move out from and not return to the residence at (address):

The person in **(1)** will suffer physical or emotional harm if the person in **(2)** does not leave the residence. The person in **(2)** is not named in the title or lease of the residence, either alone or with others beside the person in **(1)**.

I ask for this move-out order right away to last until the hearing, because:

- a. The person in **(2)** assaulted or threatened the person in **(1)**; and
- b. The person in **(1)** has the right to live at the above residence. (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 13b—My Right to Residence," for a title.

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**14** **Guns or Other Firearms and Ammunition**

Does the person in **(2)** own or possess any guns or other firearms?  Yes  No  I don't know

*Unless the abuse is only financial, if the judge grants a protective order, the person in **(2)** 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 person in **(2)** will also be ordered to turn in to law enforcement, or sell to or store with a gun dealer, any guns or firearms within his or her immediate possession or control.*

**15**  **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in **(2)** to last until the hearing. I am presenting form EA-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in **(2)** 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):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15—Temporary Restraining Order" for a title.

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**16**  **Request to Give Less Than Five-Days' Notice of Hearing**

*You must have your papers personally served on the person in **(2)** at least five days before the hearing, unless the court orders a shorter time for service. (Form EA-200-INFO explains What Is "Proof of Personal Service"? Form EA-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 on the next page:

**This is not a Court Order.**



Case Number: **18CMR001585**

**16**  Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Request to Give Less Than Five-Days' Notice" for a title.

**17** **No Fee to Serve Orders** If you want the sheriff or marshal to serve (notify) the person in **2** about the orders for free, ask the court clerk what you need to do.

**18**  **Lawyer's Fees and Costs**  
I ask the court to order payment of my  Lawyer's fees  court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 18—Lawyer's Fees and Costs" for a title.

**19**  **Possession and Protection of Animals**

I ask the court to order the following:

a.  That the person in **1** be given the sole possession, care, and control of the animals listed below, which he/she owns, possesses, leases, keeps, or holds, or which reside in his/her household.  
(Identify animals by, e.g., type, breed, name, color, sex.)

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

I request sole possession of the animals because (specify good cause for granting order):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 19a—Possession of Animals" for a title.

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

b.  That the person in **2** must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**This is not a Court Order.**



Case Number: **18CMR001585**

**20**  **Additional Orders Requested**

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

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 20—Additional Orders Requested," for a title.

Multiple horizontal lines for writing additional orders.

**21** Number of pages attached to this form, if any: 1

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

\_\_\_\_\_  
*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: 08/17/2018

Gloria Villalobos  
*Type or print your name*

*Gloria Villalobos*  
*Signature of person filling out this request*

**This is not a Court Order.**

**DECLARATION OF GLORIA VILLALABOS**

1  
2 I, Gloria Villalobos, am the Petitioner in this action. The Respondent, Gloria Wiard, is my  
3 daughter.

**DV-100 Attachment- Recent Abuse**

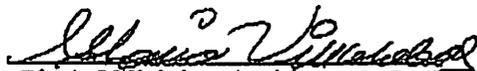
4  
5 On August 15, 2018, at around 2:00pm, the Respondent showed up at my house uninvited. The  
6 Respondent opened the gate and banged on the front door loudly. She yelled, "Open the door! Open the  
7 fucken door! Why are you hiding? I don't give a fuck I am going to make you come outside." I  
8 looked through the living room window and noticed that the Respondent was stumbling. It became clear  
9 to me that she was under the influence of either alcohol or drugs. In fear that the Respondent would  
10 break into my house and harm me, I called my younger daughter. My younger daughter called the police  
11 and informed them of the incident. When the Respondent heard the police, she fled in an unknown  
12 direction. The police did not file a report but advised me to file a restraining order against the  
13 Respondent.

14  
15 On or around August 13, 2018 at 3:24pm, the owner of the locate donut shop called me. She said,  
16 "Your daughter is here and she's very drunk. She is angry and is looking for you." She advised me  
17 not to go to the donut shop because the Respondent was being aggressive.

18 The Respondent is short-tempered, controlling and aggressive. She uses alcohol/drugs on a  
19 daily basis and has a criminal record. The Respondent does not live with me but continues to come to  
20 my house uninvited. She shows up at my house late at night and bangs loudly on the doors. She yells  
21 derogatory things at me like "stupid" and "bitch". The Respondent has caused me emotional distress and  
22 anxiety. I have trouble sleeping and do not feel safe in my own home. I fear that without the protection  
23 of this order the Respondent abuse will escalate. Based on the facts mentioned above, I respectfully  
24 request that the court grant me the Requested Domestic Violence Restraining Order.

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

27 Dated: August 17, 2018

28  
  
Gloria Villalobos, Petitioner In Pro Per

DECLARATION OF GLORIA VILLALABOS