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8 UNITED STATES DISTRICT COURT FOR THE
9 NORTHERN DISTRICT OF CALIFORNIA

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12 Andrew G. Watters,
13 Plaintiff,
14 v.
15 Superior Court of the State of
16 California for the County of
San Mateo; Does 1-10,
17 Defendants.

Case no.
**COMPLAINT AND REQUEST FOR
INJUNCTION**

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1 **INTRODUCTION**

2 1. The purpose of this action is to rectify a blatant
3 violation of Plaintiff's freedom of speech by the court handling
4 one of his client's cases.

5 **PARTIES**

6 2. Plaintiff Andrew G. Watters is an attorney admitted in
7 California and in this District (Cal. license no. 237990).

8 3. Defendant Superior Court of the State of California for
9 the County of San Mateo is a component of the Judicial Branch of
10 California, which is a state government agency.

11 4. Defendants Does 1-10 are persons whose names and
12 capacities are unknown to Plaintiff at this time, and who are
13 named as Doe defendants pursuant to CCP sec. 474. As these
14 persons' identities and capacities are discovered, Plaintiff will
15 amend the complaint accordingly.

16 **JURISDICTION AND VENUE**

17 5. The U.S. District Court has subject matter jurisdiction
18 pursuant to 28 U.S.C. § 1331, which confers jurisdiction of
19 Federal Question cases on the Federal courts. This is a Federal
20 Question because Plaintiff's First Amendment rights are being
21 actively violated. This Court has subject matter jurisdiction
22 of any transactionally related State law claims pursuant to 28
23 U.S.C. sec 1367(a), in that the State law claims are so related
24 to the Federal claims that they comprise parts of the same case
25 or controversy, and therefore there is both Federal question
26 jurisdiction and supplemental jurisdiction.

27 6. This Court has personal jurisdiction over all of the
28 Defendants in that they are residents of this State or are deemed

1 residents of this State.

2 7. Venue is proper in this Court because a substantial
3 portion of the acts and omissions that occurred took place in
4 this District, and also because at least one Defendant resides
5 in this District, namely the Superior Court of the State of
6 California for the County of San Mateo.

7 **GENERAL ALLEGATIONS**

8 8. Plaintiff has been representing Respondent Eric Acosta
9 in San Mateo County Superior Court case number 20FAM01243-A and
10 20FAM01243 since September 2020. The -A case is a domestic
11 violence proceeding initiated by Petitioner Jennifer Acosta, and
12 the other case is a divorce initiated by Eric Acosta. Mr. Acosta
13 is a local general contractor, and Ms. Acosta is a stay-at-home
14 mother who is working on a paralegal program.

15 9. On June 24, 2021, Plaintiff took the deposition of
16 Ms. Acosta at her attorney's office pursuant to a valid notice
17 of deposition in both cases. The notices provided fair warning
18 that the proceedings would be video-recorded and audio-recorded
19 by Plaintiff. Plaintiff recorded the deposition on his own
20 equipment at his own expense, and he holds the copyright on the
21 footage.

22 10. The parties stipulated that Ms. Acosta would file
23 an application with the court for temporary orders restricting
24 dissemination of the video recording by July 9, 2021. Ms. Acosta
25 did not file the application as agreed, although she belatedly
26 filed an application on July 21, 2021. Mr. Acosta filed an
27 opposition detailing his First Amendment and Civil Code sec. 47
28 arguments. It was Plaintiff's intention to post the video on

1 his legal website and offer commentary and editorial about the
2 deposition and this case.

3 11. The application filed by Ms. Acosta was, shockingly,
4 granted by the Honorable Rachel Holt, Judge of the Superior
5 Court. The order enjoins Plaintiff and his client from
6 disseminating the video or any portion thereof, including posting
7 it online.

8 12. The order violates Plaintiff's right to freedom of
9 speech under the Federal and State Constitutions, as well as
10 the "true reporting" privilege under state law, specifically
11 Civil Code sec. 47(d). The order must be declared void and its
12 enforcement must be enjoined.

13 **FIRST CAUSE OF ACTION**

14 **CONSTITUTIONAL VIOLATIONS**

15 (Andrew G. Watters vs. all Defendants)

16 13. Plaintiff incorporates the above paragraphs by
17 reference.

18 14. Defendants, through the foregoing course of conduct,
19 violated Plaintiff's right to freedom of speech as guaranteed by
20 the Federal and State Constitutions.

21 15. Plaintiff has been harmed, in that he is enjoined from
22 exercising his freedom of speech, and enjoined from making a true
23 report of judicial proceedings under state law (Cal. Civil Code
24 sec. 47(d)).

25 16. Defendants' conduct was a substantial factor in causing
26 Plaintiff's harm, and is redressable in this Court.

27 17. Wherefore, Plaintiff prays for declaratory relief
28 declaring the state court order void under Federal law or any

1 other applicable basis, and a permanent injunction prohibiting
2 its enforcement.

3 **PRAYER**

4 1. Declaratory relief declaring the state court order void
5 under Federal law or any other applicable basis;

6 2. A permanent injunction prohibiting the enforcement of
7 the attached order filed by Defendant.

8 3. Costs of suit.

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10 Date: July 21, 2021

Andrew G. Watters

Andrew G. Watters
Pro Se

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<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: Lawrence S. Viola, Esq. SBN 130335 FIRM NAME: VIOLA LAW FIRM, P.C. STREET ADDRESS: 441 First Avenue/P.O. Box 1290 CITY: San Mateo STATE: CA ZIP CODE: 94401 TELEPHONE NO.: (650) 343-6400 FAX NO.: (650) 342-6854 E-MAIL ADDRESS: lviola@violaw.com ATTORNEY FOR (name): Petitioner, Jennifer Acosta</p>	<p>FOR COURT USE ONLY</p> <p>Electronically FILED</p> <p>By Superior Court of California, County of San Mateo ON 07/21/2021 By /s/ Krill, Becky Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: Hall of Justice and Records CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch</p>	RECEIVED
<p>PETITIONER: Jennifer Acosta RESPONDENT: Eric Acosta OTHER PARENT/PARTY:</p>	<p>JUL 21 2021</p>
<p>TEMPORARY EMERGENCY (EX PARTE) ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Property Control <input checked="" type="checkbox"/> Other (specify): Enjoin the dissemination of Petitioner's videotaped deposition</p>	<p>CASE NUMBER: 20FAM01243-A</p>

1. TO (name(s)): ERIC ACOSTA
 Petitioner Respondent Other Parent/Party Other (specify):

A court hearing will be held on the Request for Order (form FL-300) served with this order, as follows:

a. Date: 9/7/2021	Time: 9 am	<input checked="" type="checkbox"/> Dept.: 14	<input type="checkbox"/> Room:
b. Address of court <input checked="" type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

2. Findings: Temporary emergency (ex parte) orders are needed to: (a) help prevent an immediate loss or irreparable harm to a party or to children in the case, (b) help prevent immediate loss or damage to property subject to disposition in the case, or (c) set or change procedures for a hearing or trial.

COURT ORDERS: The following temporary emergency orders expire on the date and time of the hearing scheduled in (1), unless extended by court order:

3. CHILD CUSTODY

a. Child's name	Date of Birth	Temporary physical custody, care, and control to:		
		Petitioner	Respondent	Other Party/Parent
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continued on Attachment 3(a)

b. Visitation (Parenting Time) The temporary orders for physical custody, care, and control of the minor children in (3) are subject to the other party's or parties' rights of visitation (parenting time) as follows (specify):

See Attachment 3(b)

THIS IS A COURT ORDER.

TEMPORARY EMERGENCY (EX PARTE) ORDERS

PETITIONER: Jennifer Acosta RESPONDENT: Eric Acosta OTHER PARENT/PARTY:	CASE NUMBER: 20FAM01243-A
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3. CHILD CUSTODY (continued)

c. Travel restrictions

- (1) The party or parties with temporary physical custody, care, and control of minor children **must not remove the minor children from the state of California unless the court allows it after a noticed hearing.**
- (2) Petitioner Respondent Other Parent/Party must not remove their minor children (*specify*):
 - (a) from the state of California.
 - (b) from the following counties (*specify*):
 - (c) other (*specify*):

d. Child abduction prevention orders are attached (see form FL-341(B)).

- e. (1) **Jurisdiction:** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
- (2) **Notice and opportunity to be heard:** The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- (3) **Country of habitual residence:** The country of habitual residence of the child or children is (*specify*):
 - The United States of America Other (*specify*):
- (4) **If you violate this order, you may be subject to civil or criminal penalties, or both.**

4. PROPERTY CONTROL

a. Petitioner Respondent Other Parent/Party is given exclusive temporary use, possession, and control of the following property that the parties own or are buying lease or rent

b. Petitioner Respondent Other Parent/Party is ordered to make the following payments on the liens and encumbrances coming due while the order is in effect:

Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:

5. All other existing orders, not in conflict with these temporary emergency orders, remain in full force and effect.

6. OTHER ORDERS (*specify*): Additional orders are listed in Attachment 6. Respondent and his attorney are enjoined from disseminating Petitioner's videotaped deposition, which includes any posting of the deposition or any portion thereof on the internet.

Electronically
SIGNED

By /s/ Holt, Rachel

Date: 07/21/2021

JUDGE OF THE SUPERIOR COURT

THIS IS A COURT ORDER.

TEMPORARY EMERGENCY (EX PARTE) ORDERS