

SEVENTH JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF

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MAY 17 2013 2:53 PM

VIRGINIA VIVIAN  
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BY Alga Huf DEPUTY

Joseph Herrera

PLAINTIFF,

vs.

Case No. D-725-CV-2013-64

Charlene West

DEFENDANT.

EDMUND H. KASE III

APPLICATION FOR TEMPORARY RESTRAINING ORDER  
AND PERMANENT INJUNCTION

I am the Plaintiff and I request a temporary RESTRAINING ORDER against the Defendant for these reasons:

1. I live in Socorro County, New Mexico
2. The person or persons I want a restraining order against live at this address (you must include address, city and zip code):

P.O. Box 98 193 Chambon Rd  
Lamitar NM 87823

3.a. The Plaintiff and Defendant have the following relationship (check all that apply) but this case DOES NOT involve domestic violence:

- a)  married or formerly married to each other,
- b)  dating or have an intimate relationship now or in the past,
- c)  co-parents of a child,
- d)  related as parent and child,
- e)  related as present or former step-parent and step-child,
- f)  related as grandparent and grandchild,
- g)  related as present or former step-grandparent and step-grandchild or,
- h)  related as present or former parent in law or grandparent in law to the other

OR

3.b. The Plaintiff and Defendant do not have any relationship as listed above in 3.a.

NOTE: If Plaintiff and Defendant are related in any way as listed in 3.a. AND your case involves domestic violence OR if you allege STALKING or SEXUAL ASSAULT by anyone, regardless of your relationship, request a Petition for Order of Protection from Domestic Abuse.

4. The Defendant has taken the following action(s) that seriously harm me (describe and include the place, date and time): On May 15, 2013, at 5:40 P.M. the

Defendant became verbally abusive and threatening me  
at my place of work demanding that I provide information  
Do not write on the back of this page, add extra pages if needed.

5. I have no adequate remedy at law for the harm threatened by Defendant (such as money damages that I can pursue later) and, if the court doesn't act to stop the Defendant I will suffer the following irreparable harm: I May lose my job

6. I should not have to give security (such as a bond) prior to the issuance of a temporary restraining order because:

The Defendant will not incur any money damages due to the issuance of a restraining order.

Other (Describe): \_\_\_\_\_

I understand that the Judge may decide that I have to pay a bond or give other security before the issuance of a restraining order. I understand that this security will be used to pay Defendant or any other party for costs and damages as may be incurred or suffered if found to be wrongfully restrained.

PLAINTIFF REQUESTS THE COURT TO ISSUE THE FOLLOWING ORDERS:

- A) A Temporary Restraining order until a hearing can be had on this matter;
- B) A Preliminary Injunction effective until a final decision is made on the merits;
- C) A Permanent Injunction effective until further notice from the Court.

PLAINTIFF SPECIFICALLY REQUESTS THAT THE COURT ORDER THAT:

- Defendant does not threaten, harm, alarm or annoy me or my family and household members;
- Defendant stays at least 500 yards away from me, my residence, my workplace
- Defendant stays at least 1,500 yards away from my children's school because of the

following reasons \_\_\_\_\_;

Defendant does not telephone me or contact me in any way;

Defendant does not block me in public places or roads;

I also request that Defendant be ordered not to do the following: come to

my workplace

PLAINTIFF ALSO REQUESTS that the Defendant pay me back for the costs and expenses incurred in bringing this case and for any other relief that the Court deems proper.

RESPECTFULLY SUBMITTED:

Joseph Herrera  
Signature of Plaintiff

Joseph Herrera  
Print name

1300 Vista Dr.  
Address

Socorro NM 87801  
City/State/Zip Code

STATE OF NEW MEXICO )ss.  
COUNTY OF )

I, Joseph Herrera, being first duly sworn upon my oath, depose and state that I am the Plaintiff in the above entitled cause, I have read the Application for Temporary Restraining Order and Preliminary Injunction, and I state that the contents therein are true and correct to the best of my information and belief.

Joseph Herrera  
Signature of Plaintiff

SUBSCRIBED AND SWORN TO before me this date May 17, 2013

My Commission Expires: 3/15/17  
Gina P Egler  
Notary Public

