

PETITIONER: KIM BASINGER	CASE NUMBER: BD 337 739
RESPONDENT: ALEC BALDWIN	

7. PROPERTY CONTROL To be ordered pending the hearing
- a. The petitioner respondent is given the exclusive temporary use, possession, and control of the following property we own or are buying (specify):
- b. The petitioner respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|-------------|--------------------------|---------------|

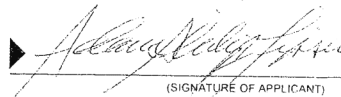
8. I request that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (specify number) _____ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. OTHER RELIEF (specify): THE PETITIONER REQUESTS THAT THE COURT ISSUE A PREFILING ORDER PREVENTING THE RESPONDENT, ALEC BALDWIN, FROM FILING ANY NEW LITIGATION IN THIS MATTER WITHOUT FIRST OBTAINING LEAVE OF THE COURT. FURTHER, PETITIONER REQUESTS THAT THE COURT CONTINUE RESPONDENTS ORDER TO SHOW CAUSE FILED ON APRIL 18, 2006, UNTIL SUCH TIME AS THE COURT HEARS PETITIONER'S WITHIN MOTION FOR A PREFILING ORDER.
10. FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (specify):
 contained in the attached declaration.

SEE ATTACHED MEMORANDUM OF POINTS AND AUTHORITIES.

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

Date: APRIL 27, 2006

ADAM PHILIP LIPSIC, ESQ. FOR HERSH, MANNIS & BOGEN, LLP
(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)

PETITIONER/PLAINTIFF: KIM BASINGER	CASE NUMBER: BD 337 739
RESPONDENT/DEFENDANT: ALEC BALDWIN	

TEMPORARY ORDERS
Attachment to Order to Show Cause (FL-300)

1. PROPERTY RESTRAINT

- a. Petitioner Respondent is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
 - The other party is to be notified of any proposed extraordinary expenditures and an accounting of such is to be made to the court.
- b. Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor child or children.
- c. Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. PROPERTY CONTROL

- a. Petitioner Respondent is given the exclusive temporary use, possession, and control of the following property the parties own or are buying (*specify*):

 - b. Petitioner Respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |

3. MINOR CHILDREN

- a. Petitioner Respondent will have the temporary physical custody, care, and control of the minor children of the parties, subject to the other party's rights of visitation as follows:

- b. Petitioner Respondent must not remove the minor child or children of the parties
 - (1) from the State of California.
 - (2) from the following counties (*specify*):
 - (3) other (*specify*):
- c. Child abduction prevention orders are attached (see form FL-341(B)).
- d. (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 §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 the United States of America other (*specify*):
 - (4) Penalties for violating this order: If you violate this order you may be subject to civil or criminal penalties, or both.

4. OTHER ORDERS (*specify*): THE RESPONDENT IS PROHIBITED FROM FILING ANY NEW LITIGATION IN THESE PROCEEDINGS WITHOUT FIRST OBTAINING LEAVE OF THE PRESIDING JUDGE.

Date: _____

JUDGE OF THE SUPERIOR COURT

5. The date of the court hearing is (*insert date when known*): APRIL 28, 2006

CLERK'S CERTIFICATE

(SEAL)

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

HERSH, MANNIS & BOGEN, L.L.P.
9150 Wilshire Boulevard, Suite 209
Beverly Hills, California 90212-3429
Phone: (310)786-1910 Fax: (310)786-1917

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION

4 On April 18, 2006, the Petitioner was served with yet another Order to Show
5 Cause (hereinafter "OSC"), which is a duplication of most, if not all, of the
6 Respondent's previous requests, including, but not limited to, once again, requests
7 regarding telephone time, the right of first refusal and more flexibility in the custodial
8 schedule to accommodate the Respondent's alleged professional commitments. A
9 true and correct copy of the Respondent's moving papers is attached hereto as Exhibit
10 "1" and is incorporated herein by this reference. The Petitioner strongly believes that
11 once the Court reviews the Respondent's moving papers, the Court will agree that,
12 once again, the Respondent has demonstrated no change of circumstances that
13 justify his filing of the instant OSC, and that further, the Court's prior adjudication of
14 most of these issues is *res judicata*, rendering the vast majority, if not all, of the
15 Respondent's requests contained in his moving papers moot. Further, the Petitioner
16 contends that this Court, now possessing a working knowledge and history of this
17 matter, will conclude, once again, that the Respondent provides no foundation for the
18 allegations contained in his moving papers and will deny the requests.

19 In light of the Respondent's continued pattern of conduct in this matter, more
20 specifically, his repeated filings of the same requests with this Court based on
21 factually unsupported conclusions, which attempt to set aside an existing Custody
22 Judgment, the Petitioner has been forced to bring the within motion.

23 **This *ex parte* application requests that the Court issue a prefiling order,**
24 **enjoining and preventing the Respondent from filing any action in this matter**
25 **without first obtaining the Court's permission.** In the alternative, the Petitioner is
26 requesting that the Court continue Respondent's Order to Show Cause filed on April
27 18, 2006, until such time as the Court hears Petitioner's within motion for a prefiling
28 order. Since the Respondent cannot speak about the case in the media, he continues

HERSH, MANNIS & BOGEN, L.L.P.
9150 Wilshire Boulevard, Suite 209
Beverly Hills, California 90212-3429
Phone: (310)786-1910 Fax: (310)786-1917

1 to create pleadings that are open to the public, knowing that the media will be
2 attracted to the unsubstantiated attacks on the Petitioner and creating the mean-
3 spirited scenario that he wants. The Respondent's pleadings repeatedly contain
4 fabricated renditions of the events and circumstances that have transpired between
5 the parties for the sole purpose of keeping the Respondent's name in the public
6 limelight while at the same time, attempting to demean the Petitioner and her
7 attorneys. As a result, the Petitioner has been forced to incur excessive attorney's
8 fees and costs to defend against the Respondent's baseless allegations and recurring
9 requests for alterations to the Custody Judgment none of which, the Petitioner
10 contends, are warranted.

11 The parties' minor child is only 10 ½ , which means the Petitioner is subject to
12 the Respondent's shenanigans for at least 7 ½ more years. The Petitioner has no
13 doubt that the Respondent's pattern of conduct will continue. Unfortunately, the
14 Respondent has placed the Court in an untenable position where it must question the
15 true purpose and intent of these repeatedly unsubstantiated Orders to Show Cause.
16 However, the Petitioner submits that the purpose is clear; it is once again aimed at
17 creating a media frenzy for Respondent's self-serving goals of wrongfully maligning
18 the Petitioner and the minor child, and to circumvent the Court's prior orders
19 preventing the parties from litigating the case in the media. The Court needs to
20 implement some method to curb the Respondent's conduct, and the Petitioner is
21 merely requesting that this Court implement the only mechanism that can prevent the
22 Respondent from continuing to file these actions that have absolutely no merit. The
23 Respondent continues to misuse the judicial system for his own self-serving reasons,
24 and it is the Petitioner's hope that by this Court deeming the Respondent to be the
25 "vexatious" litigant that he is, that the Respondent's actions will be stopped!

26 ///

27 ///

28 ///

2
MEMORANDUM OF POINTS AND AUTHORITIES