

CASE #: A177318, Div: 5

**IMMEDIATE TEMPORARY STAY
by August 24, 2026 (firearms relinquishment hearing - Family Code section 6389)**

**Case no. _____
Trial Court case no. 26FAM01592**

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT**

ANDREW G. WATTERS,
Petitioner

v.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN MATEO,**
Respondent,

MAHSA PARVIS,
Real Party in Interest.

Commissioner Brooke Murphy Kent
San Mateo County Superior Court
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**PETITION FOR WRIT OF SUPERSEDEAS, OR IN THE ALTERNATIVE,
PROHIBITION; REQUEST FOR IMMEDIATE STAY REGARDING FIREARMS
COMPLIANCE HEARING**

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I. INTRODUCTION

Appellant Andrew G. Watters petitions for a writ of supersedeas or other appropriate relief directed to the Superior Court of San Mateo County, together with a stay request, restraining enforcement of the firearms-related provisions of a domestic violence temporary restraining order (“TRO”) entered against him based on a re-filed, frivolous case from 2023 that previously terminated in his favor.

The underlying dispute concerns a request filed by real party in interest Mahsa Parvis (known in prior proceedings as Mahsa Parviz) more than five years after her brief dating relationship with Watters ended, and roughly three years after a substantially identical request by real party in the same court was dismissed in 2023. (Vol. 1 Exh N, p. 7-60).

Parviz’s basis for the current TRO is (1) a single automated Apple “Find My” notification that does not identify Watters, his device, or his account, and (2) an allegation that Watters threatened to publish or published sexually explicit or defamatory material, unsupported by any copy, link, or metadata, and contradicted by the referenced webpage's own last-modified date. (Vol. 1 Exh. A, p. 45) Neither assertion is true and both are demonstrably false; however, on this thinnest possible record, the court issued a TRO on August 4, 2026, ordering Watters, among other things, to relinquish his lawfully owned firearms and ammunition. (Vol. 1 Exh. C, p. 51-59). *Watters has yet to be served with the order.*

On August 10, 2026, Watters filed an ex parte application, supported by his declaration and a memorandum of points and authorities, to recall and dissolve the

TRO on the grounds that Petitioner's evidence is fabricated and untrue, and does not amount to reasonable proof of a recent act of abuse under Family Code section 6300; that Petitioner materially misrepresented the disposition of her 2023 proceeding against him in the same court; and that the order severely prejudiced Watters as a shooting sports enthusiast and a CCW permit-holder (Vol. 1 Exh. D, p. 60-98), violating his civil rights.

Despite Watters's valid and well-supported motion to dissolve, the trial court denied the request, stating that the situation was not an emergency under Rule of Court 5.151(b). (Vol. 1 Exh. K, p. 113). *Rule 5.151(b) does not require any emergency, specifically references irreparable harm, and is often used for scheduling and other matters.* This denial leaves Watters without any remedy to challenge the violation of his rights in the trial court, and requires him to turn in his firearms without sufficient cause or any due process. The Domestic Violence hearing was continued to September 16, 2026 at Watters's request, and the trial court continued the TRO in place pending that hearing. (Vol. 1 Exh. J, p. 110-112). The irreparable harm to Watters is being without his firearms for a months-long period while this case resolves and being unable to renew his CCW permit that expires in October 2026, even though Watters is highly likely to prevail both in the trial court and on appeal. The notice of appeal followed Watters unsuccessfully challenging the TRO in the trial court, Vol. 1 Exh. L-M p. 116-117, and so this petition seeks to enjoin the enforcement of the firearm portions of the TRO pending resolution of this appeal.

II. PETITION FOR WRIT OF SUPERSEDEAS OR PROHIBITION

i. The Parties

1. Andrew G. Watters is the Appellant, the Petitioner here, and the respondent in the underlying case.
2. Mahsa Parvis (also known as Mahsa Parviz) is the petitioner in the underlying restraining order filing, and Appellee/Respondent here.

ii. Summary of Material Facts

3. Watters and Parvis dated briefly in April and May 2021. They never married, lived together, or had children together, and the relationship has never resumed; Watters ended the relationship in May 2021 due to Parviz's bizarre, erratic behavior, and it has now been more than five years since the end of the relationship. Vol. 1 Exh. G at p. 93; Watters Decl. ¶¶ 4, 7, 10–11.).
4. In December 2021, Parvis was convicted of federal offenses pre-dating the relationship and spent the following several years in federal custody, being released in early 2026. (Vol. 1 Exh. G at p. 94; Exh. F. at p. 73, 78-79 (MPA pp. 10–11.)
5. In 2023, Parvis previously sought a domestic violence restraining order against Watters in the same court, Case No. 23FAM01495. No order was granted, and the case was dismissed because Parviz failed to appear since she was in Federal prison. (Vol. 1 Exh. F at p. 77-78 (MPA pp. 8–9)).
6. On August 3, 2026, Petitioner filed the current DV-100 request, spelling her name differently than in the 2023 proceeding to prevent the trial court from

finding her prior filing with a name search, and represented that a restraining order had been in effect within the preceding six months, even though the judicially noticeable record shows her 2023 request was not granted and was dismissed. (Vol. 1 Exh F. at p. 86-87; MPA pp. 17–18.)

7. Parviz’s stated basis for the current request is (a) a single automated Apple “Find My” notification, dated July 30, 2026, that does not identify Watters, his device, or his account, and (b) an allegation that Watters published or threatened to publish sexually explicit or defamatory material on July 27, 2026, unsupported by any copy, link, or metadata, and contradicted by the referenced webpage's own last-modified date of February 12, 2026. (Vol. 1 Exh. F at p. 84-85; MPA pp. 14–16). Watters explains in his declaration the circumstances of the sole sexual video of the parties, which was taken by Parviz on her phone, and which was erased by the Federal government as part of Parviz’s prosecution. (Vol. 1 Exh. G at p. 95; Watters decl. at para. 18-19). Parviz expressly sought removal of the “Hall of Shame” web page about her, which was denied by the trial court and appears to have been her sole goal. (Vol. 1 Exh. C at p. 54; (DV-110 at p. 4)).
8. On August 4, 2026, the superior court issued a TRO and set a firearms-compliance review hearing for August 24, 2026, although Watters has yet to be served with any such notice. The noticed hearing on the DVRO request was set for August 26, 2026. (Vol. 1 Exh. C).

9. On August 10, 2026, Watters filed an ex parte application, supported by his declaration and a memorandum of points and authorities, to recall and dissolve the TRO. (Vol. 1 Exh. D-H).
10. On August 11, 2026, Watters filed a request to continue the hearing due to a scheduling conflict arising from a multi-week jury trial in another county. The DVRO hearing is currently scheduled for September 16, 2026. (Vol. 1 Exh. I).
11. The superior court denied the ex parte application on the ground that Watters had not demonstrated sufficient urgency to justify ex parte relief. (Vol. 1 Exh. K). The trial court did not address any aspect of the merits or procedure raised by Watters, nor the violation of his rights.
12. To this day, the TRO and other notices have not been served.
13. The notice of appeal and this petition followed.

iii. Necessity for the Writ and Immediate Stay

14. The TRO violates Watters's Second Amendment rights as a lawful gun owner by affirmatively requiring him to relinquish his firearms before the merits of the DVRO are assessed by the Court, based on a false and malicious petition resulting in the thinnest possible basis for a Temporary Restraining Order. Watters has a substantial gun collection and possesses significant ammunition; to make him turn it all in for safekeeping for a months-long (or longer) period based on this false and malicious filing is an extreme hardship

and is also unjust. In addition, Watters is now unable to renew his CCW permit, which currently expires in October 2026 (Vol. II, Exh. O, p. 313) and may only be renewed for 90 days following its expiration without re-applying as a new applicant. If this Court does not grant relief, Watters will also be placed in or remain in the CLETS/CARPOS system and subject to arrest and criminal prosecution for any alleged violation of the TRO, however minor or disputed, for the duration of the case. For the trial court to grant the request based on Parvis's false, malicious filings from a recycled case from 2023 that terminated in Watters's favor is an egregious violation of Watters's civil rights and right to due process of law. It should be noted that in the 2023 case, the Temporary Restraining Order was denied based on similar facts.

15. The TRO's stay-away and no-contact provisions also restrict Watters's movement and communications, and its mere pendency against a practicing California attorney carries professional and reputational consequences that persist regardless of the proceeding's ultimate outcome. Watters has already suffered severe embarrassment from having to disclose the pending proceedings in other matters, which was Parvis's stated goal when filing the prior related case in 2023.

16. The TRO applies to four additional protected parties including Parvis's mother, father, husband, and daughter (the daughter who was taken away from Parvis in Texas after her parental rights were terminated). Appellant has never met any of these parties, nor does he know their whereabouts. The

mere fact that Watters does not know where these parties reside or what they even look like is problematic and carries the risk of a potential violation of the TRO without any intent.

17. Watters seeks an immediate stay of the firearms-surrender and CLETS-reporting provisions of the TRO. Without an immediate stay, the harm described above will already have occurred before this Court can rule on the merits of the petition. Because Watters is highly likely to succeed on his appeal, the violation of his rights is substantial, irreparable, and ongoing.

iv. Authenticity of Exhibits

18. Except where indicated below, all exhibits accompanying this petition are true and correct copies of documents filed with or issued by the San Mateo County Superior Court, consistent with rule 8.486(b).

19. The exhibits are incorporated by reference as though fully set forth in this petition and are paginated consecutively; page references in this petition are to that consecutive pagination.

Prayer

Petitioner Andrew G. Watters therefore prays this Court grant this petition as follows:

1. Pending consideration of this petition, issue an immediate temporary stay, and a writ of supersedeas, restraining enforcement of the firearms-surrender and CLETS-reporting provisions of the TRO pending resolution of this appeal.

2. In the alternative, and independent of whether the TRO is dissolved in its entirety, issue a writ of prohibition temporarily restraining enforcement of the TRO's firearms-surrender and CLETS-reporting provisions until this appeal is resolved, and unless and until the respondent court conducts a noticed evidentiary hearing sustaining those provisions on the merits according to law.
3. Grant such other and further relief as the Court deems just.

Verification

I, Andrew G. Watters, declare as follows:

I am the Appellant in this proceeding. I have read the foregoing Petition for Writ of Supersedeas, and know its contents. The matters stated therein are true of my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on Aug. 17, 2026, at Redwood City, California.

Andrew G. Watters

Andrew G. Watters

III. MEMORANDUM OF POINTS AND AUTHORITIES

Statement of Facts

Petitioner Andrew G. Watters and Mahsa Parvis (also known as Mahsa Parviz) dated briefly in April and May 2021—more than five years ago. (Declaration of Andrew

George Watters in Support of Ex Parte Application to Recall and Dissolve Temporary Restraining Order, filed August 10, 2026 (“Watters Decl.”) ¶ 4.) They never married, lived together, or had children together, and the relationship has never resumed. (Watters Decl. ¶ 4, 7, 10, 11.). Watters ended the relationship in May 2021 due to Parvis’s bizarre, erratic behavior and made no attempt to resume it.

Parvis was arrested in June 2021 on federal charges pre-dating the relationship, convicted in December 2021, and spent the following several years in federal prison, being released in early 2026. (Respondent's Memorandum of Points and Authorities in Support of Ex Parte Application to Recall and Dissolve Temporary Restraining Order, filed August 10, 2026 (“MPA”) at pp. 10–11; Watters Decl. ¶ 8.) In 2023, while in custody, Parviz previously sought a domestic violence restraining order against Watters in the same court, Case No. 23FAM01495; no TRO was granted and the case was dismissed for failure to prosecute. (MPA pp. 8–9; Watters Decl. ¶ 21.)

On August 3, 2026, Parvis re-filed the case with the current DV-100 request, spelling her name differently than in the 2023 filings to hide her prior filing, and falsely representing that a restraining order had been in effect within the preceding six months, notwithstanding that her 2023 request was not granted and the case was dismissed. (MPA pp. 17–18.)

Parvis’ sole basis for the current request is an automated Apple “Find My” notification, dated July 30, 2026, stating that a sound was played on a device identified

only as “M.” The notification does not identify Watters, his device, his account, or any login, IP address, or authentication associated with him. (MPA pp. 14–15; Watters Decl. ¶¶ 13–16.) Additionally, she claimed that Watters threatened to publish or published sexually explicit or defamatory material on July 27, 2026, in retaliation for an insurance-related inquiry from her family. Parvis supplied no copy, link, screenshot, or other data showing that any such content was posted. (MPA pp. 15–16; Watters Decl. ¶¶ 17–20.) The stated publication or threat never occurred, nor was there any effort by Parvis or her family to contact Watters for his insurance information as claimed by Parvis, and Watters has been happily married to someone else since early 2022, including two children. Watters Decl. at para. 12.

On August 4, 2026, the superior court issued the TRO and set a firearms-compliance review hearing for August 24, 2026, although Watters has yet to be served with any notice of this hearing or the requirements thereof; and set the noticed hearing on the DVRO request is currently set for September 16, 2026.

On August 10, 2026, Watters filed an ex parte application, supported by his declaration and the MPA, to recall and dissolve the TRO on the ground that Petitioner’s showing does not amount to reasonable proof of a recent act of abuse under Family Code section 6300 and violated Watters’s civil rights. The superior court denied the application on August 12, stating in a one sentence note that Watters had not demonstrated sufficient urgency. There was no effort by the trial court to address the merits or the matters actually

raised in Watters’s application. The notice of appeal and this petition followed on August 14, 2026.

ARGUMENT

i. The Legal Standard Governing a Stay Pending Writ Review

A reviewing court has the power stay proceedings during the pendency of an appeal or to issue a writ of supersedeas or to suspend or modify an injunction while an appeal is pending (Code Civ. Proc., § 923.) That authority is exercised through a petition for writ of supersedeas (Cal. Rules of Court, rule 8.112) or, where the challenged order is temporary and no judgment has yet been entered, through a request for a stay or a writ of mandate or prohibition. (Code Civ. Proc., §§ 1085, 1103.) Courts apply the same three factors in this case: (1) the petitioner’s probability of success on the merits, (2) the petitioner’s exposure to irreparable harm absent a stay, and (3) whether the balance of hardships favors a stay. (*White v. Davis* (2003) 30 Cal.4th 528, 554.) Appellant satisfies all three of these factors, as discussed below.

A prohibitory injunction, one that restrains a party from acting, is ordinarily not stayed by the mere perfecting of an appeal, while a mandatory injunction, one that compels a party to perform an affirmative act, ordinarily is stayed automatically. *Daly v. San Bernardino County Bd. of Supervisors* (2021) 11 Cal.5th 1030 (discussing Code Civ. Proc., § 916, subd. (a)). The TRO’s command that Watters relinquish his firearms compels an affirmative act and is therefore properly understood as mandatory in character, yet the

superior court has continued to treat the entire order, including that provision, as fully enforceable notwithstanding Watters's challenge. The lower court has shown no inclination to recognize any distinction between the TRO's prohibitory and mandatory components, so Appellant seeks this Court's order confirming and enforcing a stay of the firearms-surrender and CLETS-reporting provisions specifically, while potentially leaving the stay-away provisions undisturbed if necessary.

ii. Watters Has a Strong Probability of Success on the Merits

Watters unquestionably has a high probability of prevailing on the appeal of the grant as well as the refusal to dissolve the TRO/injunction. The basis for the TRO (that has been turned into an injunction) is *totally and completely without merit*, and is based on demonstrably false and malicious pretenses *from a previously dismissed case by the same petitioner*.

The Domestic Violence Prevention Act ("DVPA") authorizes a protective order only *upon reasonable proof of a past act of abuse*. (Fam. Code, § 6300, subd. (a).) Electronic conduct rises to the level of abuse only where the evidence shows that the restrained party *actually accessed, read, or misused the protected party's private information*, not merely that an ambiguous automated notification was received. (In re *Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483). A single item of ambiguous, unauthenticated evidence, without more, does not establish that the protected party's peace was disturbed. (*Curcio v. Pels* (2020) 47 Cal.App.5th 1). The burden of proof remains on

the party seeking protection throughout, and the issuance of a TRO creates no presumption that the underlying allegations are true. (*In re Marriage of Davila & Mejia* (2018) 29 Cal.App.5th 220, 226.)

The Apple notification identifies no device, account, login, or IP address connecting Watters to the July 30, 2026, event. The claimed July 27, 2026, publication of private sexual video is unsupported by any link, copy, screenshot, or metadata, and is affirmatively contradicted by the webpage's own last-modified date of February 12, 2026, more than five months before the alleged event, as well as Watters's declaration stating that he made no modifications on the indicated date, nor does he possess any lewd video of the parties (MPA pp. 15–16). Petitioner's own DV-100 misrepresents the disposition of her 2023 proceeding against Watters in the same court, a proceeding that was denied and dismissed, not converted into an order that later expired. (MPA pp. 17–18.) On this record, the TRO cannot survive.

iii. The Balance of Hardships Weighs in Watters's Favor

Absent a stay, Watters is commanded to surrender lawfully owned firearms and his CCW permit, remain listed in CLETS, will be unable to renew his CCW permit, and remain exposed to arrest and criminal prosecution for any alleged violation of the TRO, however minor or disputed, for the duration of a case that may not be finally resolved until well after the September 16, 2026, hearing. (MPA p. 21). The TRO's mere pendency against a practicing California attorney also carries professional and reputational consequences.

(*Curcio v. Pels, supra*). The TRO extends to four additional protected persons whom Watters has never met and whose whereabouts he does not know, creating an ongoing risk of an inadvertent violation through no fault of his own. Each of these harms compounds daily that the TRO's firearms and CLETS provisions remain in force, and each will already have occurred before this Court can resolve the petition on the merits.

The superior court's ruling denying dissolution of the TRO reflects no engagement whatsoever with the facts, much less the irreparable nature of the harm Watters described in his ex parte application. This includes his listing in CLETS, his exposure to arrest for any alleged violation, his forced surrender of lawfully owned firearms, and a CCW permit that cannot be restored to their prior status even if he ultimately prevails¹, and reputational harm to a practicing California attorney that persists independent of the case's outcome. (MPA p. 21.) Rather than weighing any of those consequences against the thinness of Petitioner's showing, the superior court denied relief in a single conclusory line: that Watters had not demonstrated sufficient urgency-- without addressing why continuing, unrecoverable harm to a respondent does not qualify as urgent. This is precisely the kind of indifference to injury that requires this Court's intervention.

iv. In the Alternative, This Court Should Issue a Writ of Prohibition Restraining Enforcement of the TRO's Firearms-Surrender Provisions.

¹ The CCW permit expires in mid-October and must be renewed within 90 days of that date under Penal Code sec. 26225(e), i.e., mid-January 2027.

Even if this Court is not prepared to direct dissolution or stay of the TRO in its entirety, it should independently restrain enforcement of the firearms-surrender and CLETS-reporting provisions. Restraining only the firearms provisions rather than the TRO in its entirety is the relief that could address some of the harm, which respects the superior court's authority to maintain the stay-away terms undisturbed, while this appeal is resolved. Real party's asserted safety interest in those terms does not depend on Watters's continued dispossession of firearms. Appellant has never been shown to have used or threatened to use firearms against Parvis, nor has he ever possessed the firearm that Parvis claims to have seen (Watters Decl. ¶ 27–29). Imposing a non-discretionary firearms forfeiture based solely on an automated notification and an unsupported publication allegation, without any analysis of that evidence, deprives Appellant of his civil due process and Second Amendment rights. Accordingly, and in the alternative to dissolving the TRO in its entirety, Appellant requests that this Court issue a writ of prohibition restraining the respondent court, real party, and any law enforcement agency from enforcing the TRO's firearms-surrender, and CLETS-reporting provisions until the trial court conducts an evidentiary hearing on the merits of Petitioner's claims.

v. THE TEMPORARY RESTRAINING ORDER AND THE DENIAL OF DISSOLUTION OF THE T.R.O. VIOLATES THE SECOND AMENDMENT AND PETITIONER'S RIGHT TO DUE PROCESS OF LAW

The Supreme Court in the recent case of *United States v. Rahimi*, 602 U.S. 680 (2024), discussed the Second Amendment as it relates to Domestic Violence restraining

orders at length. In that case, 18 U.S.C. sec. 922(g) was properly applied to a criminal defendant who had a valid Domestic Violence restraining order issued against him after notice and a hearing during which he had the chance to participate--as opposed to an ex parte temporary restraining order issued on the papers. The case makes clear that a *meaningful deliberative and adjudicative process must occur* in order to dispossess someone of their firearms. That did not happen here in the least.

Here, The ex parte TRO that purports to prohibit Watters from possessing and that mandatorily requires Watters to turn in all his firearms and ammunition within 24 hours of service violates the Second Amendment and Watters's right to due process of law before his liberty and property are taken. This is especially true where there is not even a claimed threat of violence, which is required under both the Federal statute and *Rahimi*. In other words, this is exactly the type of restraining order that violates the Second Amendment.

Conclusion

Petitioner respectfully requests that this Court grant the petition as set forth in the Prayer above by immediately staying enforcement of the TRO's firearms-surrender and CLETS-reporting provisions with a writ of supersedeas, thereby vacating the August 24, 2026 firearms-compliance review hearing, and, following full briefing, issue a peremptory writ of mandate directing the respondent court to vacate its order denying dissolution and to recall and dissolve the TRO or, in the alternative, a writ of prohibition and prohibitory

injunction restraining enforcement of its firearms provisions absent a proper evidentiary hearing and the required findings under the law.

Date: August 17, 2026

Andrew G. Watters

Andrew G. Watters

CERTIFICATE OF WORD COUNT

I certify that the word count of this petition is 4,382 words, based on the word count function of the computer used to prepare the petition.

Date: August 17, 2026

Andrew G. Watters

Andrew G. Watters