

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

10TH CIRCUIT – DISTRICT DIVISION – DERRY

Docket No. 473-2016-CV-124

Christina DePamphilis

v.

Paul Maravelias

PETITIONER'S MOTION FOR MODIFICATION OF STALKING FINAL ORDER OF PROTECTION TO INCLUDE FURTHER CONDITIONS

NOW COMES the Petitioner Christina DePamphilis, by and through her attorneys, Preti Flaherty PLLP, and respectfully submits the within Motion for Modification of Stalking Final Order of Protection to Include Further Conditions and, in support thereof, states as follows:

1. In a June 15, 2018 Order, the Court granted Petitioner's Motion to Extend the Stalking Final Order of Protection in this case until February 5, 2019.
2. Respondent subsequently filed a Motion for Reconsideration, seeking the Court to reverse its decision on Petitioner's Motion to Extend, to which Petitioner is objecting in a separate pleading.
3. As the Court is aware from the evidence and testimony presented at the extension hearing, in a November 2017 letter to undersigned counsel, Respondent vowed to "go nuclear and utterly destroy (Christina's) academic and professional future..." (Petitioner's Ex. 2 at hearing). On December 10, 2017, Respondent made good on that threat by sending an e-mail to four Windham High School teachers calling Christina libelous names and urging that she be kicked out of the National Honor Society (Petitioner's Ex. 3 at hearing).

4. In addition, Respondent introduced numerous exhibits at the hearing demonstrating that he is closely monitoring Petitioner's social media and Internet activity and accessing material that he is not intended to see.

5. Respondent was criminally charged with violating the Stalking Order by sending the December 2017 e-mail to Christina's school. The State, however, recently *nol prossed* the charge.

6. Given this evidence, corroborated and confirmed by Respondent's own testimony, it is appropriate that Petitioner be afforded further specific protections under the Stalking Final Order of Protection. The requested protections are:

- a. Respondent shall not gain access to or possess any of Petitioner's social media communications either directly or through a third party;
- b. Respondent shall not communicate with Petitioner's current or future academic providers; and
- c. Respondent shall not communicate with Petitioner's current or future employers.

7. While the State, in this instance, chose not to prosecute Respondent for his e-mail to Windham High School, this does not mean it was legitimate or protected conduct. Without any doubt, the e-mail was intended to academically and reputationally harm Christina, as Respondent had pledged to do one month earlier.

8. By requesting that Respondent be prohibited from contacting Christina's present and future schools and employers, such harassment and potential academic and professional harm will be prevented.

9. A Final Order of Protection may only be modified by order of the Court. RSA 173-B:5, VIII (a). These are well-justified modifications to the Order which are tailored to the facts and history of this case and are "necessary to bring about a cessation of abuse." *See* RSA

173-B:5, I. The three requested conditions also address Petitioner's legitimate concern that Respondent may take further actions that will harm her academic and professional future.

WHEREFORE, for the reasons set forth above, Petitioner respectfully requests this Honorable Court to:

- A. Grant Petitioner's Motion by adding the three conditions requested;
- B. Modify the Stalking Final Order of Protection to include the following three conditions:
 - 1. Respondent shall not gain access to or possess any of Petitioner's social media communications either directly or through a third party;
 - 2. Respondent shall not communicate with Petitioner's current or future academic providers; and
 - 3. Respondent shall not communicate with Petitioner's current or future employers; and
- C. Grant such other relief as may be just and proper.


Respectfully submitted,

CHRISTINA DePAMPHILIS

By her attorneys,

PRETI, FLAHERTY, BELIVEAU &
PACHIOS, PLLP

Dated: July 2, 2018

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