

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
HARBOR JUSTICE CENTER

09 FEB 25 PM 4: 11

ALAN CARLSON, CLERK OF THE COURT

[Signature] DEPUTY

Craig Monteilh
14 Crocket
Irvine, CA 92604
Telephone: (949)395-8784

Attorney in pro per;

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, HARBOR JUSTICE CENTER

NEWPORT BEACH FACILITY

ISLAMIC CENTER OF IRVINE

Plaintiff,

vs.

CRAIG MONTEILH,

Defendants.

Case No.: 07HL02626

NOTICE OF MOTION TO SET ASIDE
RESTRAINING ORDER POINTS AND
AUTHORITIES IN SUPPORT AND
DECLARATION OF CRAIG F. MONTEILH

Date: March 20, 2009

Time: 8:30 AM

Division: H-11

To the PLAINTIFF ISLAMIC CENTER OF IRVINE and their Attorney Omar A. Siddiqui:


NOTICE IS HEREBY GIVEN that on March 20, 2009 at 8:30 AM, or as soon thereafter as the matter may be heard, in Department H-11, of the above entitled Court, located at 4601 Jamboree Road, Newport Beach, CA 92660-2595, Defendant CRAIG MONTEILH will move this Court for an Order to set aside this Courts previous Order, entered June 29, 2007, entitled ORDER AFTER HEARING ON PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE. This ORDER contained PERSONAL CONDUCT ORDERS and STAY AWAY ORDERS, which required the Defendant to stay at least 200 yards away from The Islamic Center of Irvine and from MOHAMMED ELISISY and all Employees of the Islamic Center.

1 The basis for this Request is that all that at all times relevant to the Restraining Order, the
2 Petitioner was under the direction of the Federal Bureau of Investigation, Counter – Terrorism Unit
3 (Joint Terrorism Task Force) and acting under the direction of FBI Agents Paul Allen and Kevin
4 Armstrong, (see attached Declaration of Petitioner CRAIG MONTEILH).

5 The original Order was issued by this Court on June 29, 2007 based upon the application of the
6 Plaintiff, ISLAMIC CENTER OF IRVINE. The Defendant MONTEILH did not oppose the prior
7 Motion, based upon the direction of the Field Officers of the Federal Bureau of Investigation.

8 This Motion will be based on this Notice of Motion, the Declaration of Craig Monteilh and the
9 memorandum of Points and Authorities served and filed herewith, on the records on file herein and on
10 such evidence as may be presented at the hearing of this Motion.

11 Date: 2/25/09

12 

13 Craig F. Monteilh, Attorney in pro per

1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO
2 SET ASIDE RESTRAINING ORDER

3
4 INTRODUCTION:

5 The present Motion by the Defendant CRAIG MONTEILH is to request that this Court set
6 aside an ORDER AFTER HEARING ON PETITION OF EMPLOYER FOR INJUNCTION
7 PROHIBITING VIOLENCE OR THREATS OF VIOLANCE AGAINST EMPLOYEE. This Order
8 was Issued by this Court on June 29, 2007, a copy of which is attached as Exhibit 1. The basis for the
9 Defendants request is that at all times the Defendant performed any act about which the Plaintiff has
10 complained, it was as a result of his employment by the Federal Bureau of Investigation, who had
11 instructed Defendant to infiltrate suspected terrorist organizations as a confidential informant.

12
13 FACTUAL STATEMENT:

14 Defendant CRAIG MONTEILH while being employed as a self-employed fitness consultant.
15 In approximately July 2006 he was contacted by agents of the Federal Bureau of Investigation and was
16 asked by them to act as an informant, as to potential terrorist activities in Orange County. At their
17 request he attended daily prayers at least three times a day as well as Friday prayers at the Mosque. He
18 took the name of Farouk al-Aziz and began attending various other Islamic events.

19 At the direction of the FBI he attempted to infiltrate and spy on the activities of the members of
20 the Mosque in an effort to uncover potential terrorists and plots against the Government. He was
21 instructed by his handlers to act in a manner that suggested that he was a terrorist, in an effort to
22 uncover any potential terrorists or potential terrorist operations against the Government.

23 His actions made many of the members of the Mosque uncomfortable and the Attorney for the
24 Mosque Omar Siddiqui contacted him in an effort to get him to stop attending regular prayers. He did
25 receive copies of the Application for a Restraining Order but at the direction of his handlers he ignored
26 it and did not appear at the hearing.

27 The Defendant was never a threat to the Islamic Community, he was only there at the request of
28 the FBI to see if he could uncover any terrorist activity. He was recruited by the FBI to act as an

1 informant. He presents no danger to the Islamic Community. However the mere existence of this
2 Restraining Order in the Public Record has a serious impact on the Defendant and his family by
3 restricting his movement and the fact that this ORDER exists in the Public Record, has a serious
4 impact on his ability to obtain employment.

5
6 LEGAL ARGUMENT:

7 A copy of the Court's ORDER obtained by the Plaintiff on June 29, 2007 is set out as Exhibit 1
8 to this Motion. On page two of that ORDER, it states the conclusion of the Court. The Court without
9 opposition entered PERSONAL CONDUCT ORDERS and STAY AWAY ORDERS, that severely
10 restrict the activities of the Defendant. These ORDERS were based upon a perceived threat to the
11 Islamic Community, that was not true. The perception of a threat was caused by the efforts of the
12 Federal Bureau of Investigation to gather information that they felt consistent with their role in society.
13 It is however the Defendant, who in an effort to serve his Country, followed the instruction of the
14 representatives of the FBI, who is now subject to the stigma of a Public Record that contains a
15 RESTRAINING ORDER, that effects his attempts to find employment and restricts his movements in
16 his hometown the City of Irvine.

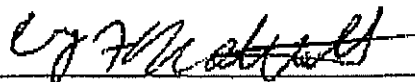
17 The legal authority presented by the ORDER, (exhibit 2) cites CCP 527.8 as it's authority.
18 This section of the California Civil Code of Procedure applies to Injunctive relief by an Employer
19 against an employee? It is assumed that the basis, for the relief, is contained in sub-section (3) which
20 talks about a "course of conduct" which is assumed to be attributed to Mr. Monteilh. Mr. Monteilh did
21 act in a manner which may have made many members of the Irvine Mosque nervous but he did those
22 things at the direction of the FBI in an effort to help his Country. The Court, without opposition,
23 conclude that the Defendant was in violation of this section. Had the Court realized why the
24 Defendant was acting as he did it clearly would not have entered the ORDER that it did.

25
26 CONCLUSION:

27 Quite simply stated the Court was not fully informed as to all of the facts, when it entered it's
28 ORDER of June 29, 2007. This factual misunderstanding was caused by Agents of the Federal Bureau

1 of Investigation, who were acting on what they perceived to be the best interest of the United States.
2 The problem is that the Defendant is now the sole individual who must continue to pay for this
3 abundance of caution. There is no reason to continue the Restraining Order. If all of the facts were
4 made available to the Court in the first place, we can be certain that the Court would not have issued
5 it's ORDER to begin with. Now all that we ask is that this Court after full disclosure, correct this
6 mistake.

7 Date: 2/25/09

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9 Craig Monteilh, Attorney in pro per

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1 **DECLARATION BY CRAIG MONTEILH IN SUPPORT OF PETITION TO SET**
2 **ASIDE RESTRAINING ORDER.**

3 I Craig Monteilh do hereby declare, that I am the Defendant in the above entitled Action and
4 the Petitioner of the present Motion to Set Aside the Restraining Order, that this Court entered on June
5 29, 2007. I am a resident of Irvine California and over 18 years of age. I am a self employed fitness
6 consultant and have been operating in that capacity for over ten years.

7 On or about July 2006 I was approached by FBI Agent Tracy Hanlon, who asked me if I was
8 interested in work that involved matters of National Security. I was asked to infiltrate Mosques in
9 Orange County Area for the purpose of identifying, thwarting, disrupting and or destroying Terrorist
10 operations.

11 I agreed to assist her and the FBI and began attending services at the Islamic Center of Irvine in
12 July 2006. I attended their daily prayers at least three times a day and attended Friday prayers at the
13 Mosque for 11 months. From July 2006 to June 2007. I also attended various other Islamic practices
14 and events during that same time period. While attending those events I used the name Farouk al-
15 Aziz.

16 At the direction of Agents Paul Allen and Kevin Armstrong I used the Islamic Center as a
17 forum to advance an agenda that involved organizing terrorist activities, making reference to "jihad"
18 (Holy War) and organizing terrorist plots and or activities. At the direction of these Agents, who told
19 me that my activities were at their direction pursuant to a National Security Directive called
20 OPERATION FLEX, which was signed by President Bush as executive order #12356. I was told by
21 Agents Allen and Armstrong that the National Security Directive was put into action by the authority
22 of Assistant Director of the Los Angeles Region of the FBI, J. Steven Tidwell, along with Special
23 Agent in charge Barbara Walls.

24 I was told by my handlers that the United States Intelligence Community, had raw intelligence
25 that indicated that the certain members of the Islamic Community in Orange County, were plotting
26 Terrorist Acts in Orange County.

27 From July 2006 to October 2007 I operated as a confidential informant for the FBI by
28 infiltrating specific Mosques in the Islamic Community. I reported to the FBI every day by written

1 report. I always carried electronic video and listening devices on my person, for purposes of gathering
2 intelligence. I also collected emails of suspected terrorist activity. A majority of those emails were
3 from Ahmadullah Sais Niazi, who as of February 19, 2009 was arrested by joint Terrorism Task Force
4 Agents for his ties to al-Qaeda and is currently in custody as a result of my efforts.

5 Late May 2007 I was contacted by Mosque Attorney Omar Siddiqui who requested that I stop
6 attending prayers. I was directed by Special Agent Paul Allen of the FBI to ignore him. Then Mr.
7 Siddiqui filed with this Court an Application to grant the Islamic Center, a Restraining Order against
8 me, which has had a serious impact on my ability to earn a living, by providing false and misleading
9 information to prospective employers, who have denied me employment based upon what appears to
10 them to be terrorist activities. A copy of that Restraining Order is attached as Exhibit 1 and
11 incorporated herein by reference.

12 The above facts are within my own personal knowledge and if called as a witness I can testify
13 competently thereto. The above Declaration has been made under Penalty of Perjury, according to the
14 Laws of the State of California.

15 Date: 2/25/09



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17 Defendant, Craig Monteilh
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PROOF OF SERVICE

1
2 **State of California,**)
3)
4 **County of Orange**)

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6 I am employed in the County of Orange, State of California. I am over
7 the age of eighteen (18) and not a party to the within action. My business address
8 is 5160 Birch Street, Suite 200, Newport Beach, California 92660.

9 On February 25, 2009, I served the foregoing document described
10 as **NOTICE OF MOTION, MEMORANDUM OF POINTS AND AUTHORITIES,**
11 **DECLARATION BY CRAIG MONTEILH IN SUPPORT OF MOTION TO SET**
12 **ASIDE RESTRAINING ORDER** on the interested parties in this action by placing
13 a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

14 Omar A. Siddiqui
15 ULWELLING & SIDDIQUI LLP
16 695 Town Center Drive, Suite 700
17 Costa Mesa, CA 92626

18 X **(BY MAIL)** As follows: I am "readily familiar" with the
19 firm's practice of collection and processing of corres-
20 pondence for mailing. Under that practice, it would be deposited with
21 the U.S. Postal Service on that same day with postage thereon fully
22 prepaid at Newport Beach, California in the ordinary course of
23 business. I am aware that on motion of the party served, service is
24 presumed invalid if postal cancellation date postage meter date is
25 more than one (1) day after the date of deposit for mailing an affidavit.

26 **(BY PERSONAL SERVICE)** I delivered such envelope by
27 hand to the offices of the addressee(s).

28 **Executed on February 25, 2009 at Newport Beach, California.**

X **(STATE)** I declare under penalty of perjury under the
Laws of the State of California that the above is true and correct.


John S. Gray