SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

In re the Matter of:
VINCENT MICHAEL HYLER, Petitioner,
and
CARLI MICHELLE HELLER, Respondent.

Case No. 25FL01030 (consolidated with No. 25FL01032)

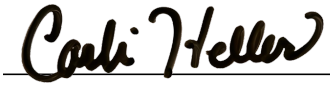
RESPONDENT'S CERTIFICATE OF COMPLIANCE WITH CODE OF CIVIL PROCEDURE SECTION 128.7, SUBDIVISION (c)(1)

(filed with Respondent's Motion for Sanctions under section 128.7, served October 13, 2026)

Carli Michelle Heller, Respondent, in propria persona, certifies:

1. On October 13, 2026, at 2:07 p.m. (Pacific), Respondent served the attached Motion for Sanctions under Code of Civil Procedure section 128.7, with its Exhibits 1–4, on counsel for Petitioner, Kali S. Perkins, Esq., Perkins Family Law, PC, by e-mail to kali@perkins-familylaw.com and service@perkins-familylaw.com. The e-mail was titled "Hyler v. Heller, No. 25FL01030 — Respondent's Motion for Sanctions under CCP § 128.7, served under § 128.7(c)(1)." The motion was served and not filed, as section 128.7, subdivision (c)(1), requires.
2. The twenty-one-day period after service, extended by two court days because service was electronic (Code Civ. Proc., § 1010.6, subd. (a)(3)(B)), ended on Thursday, November 5, 2026. Within that period, the challenged papers were not withdrawn or appropriately corrected, and no notice of withdrawal or correction was served on Respondent.
3. The motion is therefore filed, after the expiration of that period, as served, with this certificate.

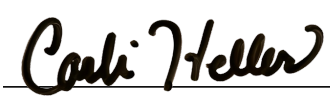
Dated: November 6, 2026



Carli Michelle Heller, Respondent, in propria persona

PROOF OF SERVICE

I am over the age of 18 and a party to this action. On November 6, 2026, I served the foregoing certificate and the Motion for Sanctions with Exhibits 1–4 on Kali S. Perkins, Esq., Perkins Family Law, PC, counsel for Petitioner, by electronic service to kali@perkins-familylaw.com and service@perkins-familylaw.com. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Carli Michelle Heller

Carli Michelle Heller

Respondent, in propria persona

Address confidential

cjj.heller@gmail.com

(239) 382-0668 · (410) 507-8198

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MENDOCINO

VINCENT MICHAEL HYLER,
Petitioner,
v.
CARLI MICHELLE HELLER,
Respondent.

Case No. 25FL01030
(consolidated with No. 25FL01032)

Hon. FredRicco McCurry, Department C

RESPONDENT'S NOTICE OF MOTION AND MOTION FOR SANCTIONS UNDER CODE OF CIVIL PROCEDURE SECTION 128.7 AGAINST KALI PERKINS, PERKINS FAMILY LAW, PC, AND PETITIONER VINCENT MICHAEL HYLER; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF CARLI MICHELLE HELLER; EXHIBITS 1–4; [PROPOSED] ORDER

Served October 13, 2026 under Code Civ. Proc. § 128.7(c)(1). Not to be filed before November 3, 2026. Hearing requested: the earliest date the clerk can assign after that date, with a request for an order shortening time.

NOTICE OF MOTION

TO PETITIONER VINCENT MICHAEL HYLER AND TO HIS ATTORNEY OF RECORD, KALI PERKINS, ESQ. (SBN 238461), PERKINS FAMILY LAW, PC, 125 EAST MILL STREET, UKIAH, CALIFORNIA 95482:

PLEASE TAKE NOTICE that Respondent Carli Michelle Heller moves the Court under Code of Civil Procedure section 128.7 for sanctions against Kali Perkins, Perkins Family Law, PC, and Petitioner Vincent Michael Hyler.

Safe harbor. This motion is served on October 13, 2026 as section 128.7, subdivision (c)(1), requires. It will not be filed with or presented to the Court unless, within 21 days after service, the challenged statement described below is withdrawn or appropriately corrected. If it is filed, Respondent will ask that it be heard in Department C on the earliest date the clerk can assign, and will apply for an order shortening time under Code of Civil Procedure section 1005, subdivision (b), so that the motion is heard before any further custody order is made in this matter.

The specific conduct (§ 128.7, subd. (c)(1)). The presentation to this Court, by signing, filing, and later advocating, of paragraph 12.A of the *Declaration of Vincent Michael Hyler in Support of Ex Parte Application for Temporary Emergency Custody Order*, filed August 12, 2026 (Exhibit 1). Paragraph 12.A states: "I surrendered the firearm referenced in the 2025 directive, Carli's July 5 declaration asserts this directive remains uncured; that is false." It then attaches, as the declaration's Exhibit F and as the proof of that statement, a *Receipt for Firearms, Firearm Parts, and Ammunition* (form DV-800) dated April 15, 2025. That receipt lists two rifles, a Winchester 70 and a Mauser M12, and at item 7 answers "No" to whether the declarant has or owns any other firearm. The firearm Respondent has identified since December 2024, a Remington shotgun, is not on it. The statement is contradicted by the exhibit offered to prove it. It was signed by Mr. Hyler under penalty of perjury, filed by Ms. Perkins, relied on by this Court on August 12, 2026, carried to Florida to obtain a warrant for the child, and advocated to this Court again on September 2 and October 6, 2026. It has never been withdrawn or corrected.

Sanctions requested. Respondent asks for the following orders under section 128.7, subdivision (d):

1. That paragraph 12.A of the August 12, 2026 declaration be stricken, and that the Court not consider it for any purpose, including the findings the Court must make under Family Code section 3044 before any further custody order in this matter.

2. That Ms. Perkins file and serve, within ten days of the order, a notice of errata in this action and in *Hyler v. Heller*, Lee County, Florida Case No. 26-DR-005826, where the same declaration was filed to obtain the warrant of August 19, 2026, withdrawing paragraph 12.A.

3. A monetary sanction against Kali Perkins and Perkins Family Law, PC, jointly, payable to the Court, in an amount the Court finds sufficient to deter repetition and not less than $1,000, the amount at which Business and Professions Code section 6086.7, subdivision (a)(3), requires the Court to notify the State Bar.

4. A monetary sanction against Petitioner Vincent Michael Hyler, who signed the statement under penalty of perjury, payable to the Court.

5. An order under section 128.7, subdivisions (c)(1) and (d), directing payment to Respondent of the reasonable expenses she incurred in presenting this motion and as a direct result of the violation, in an amount to be shown by supplemental declaration before the hearing.

Appropriate correction. For the purpose of the safe harbor, an appropriate correction is an amended declaration or notice of errata, filed in this Court and served on Respondent, that withdraws paragraph 12.A and states which firearms Mr. Hyler surrendered, to whom, and on what date, including the Remington shotgun or an explanation of its absence from the receipt.

This motion is based on this notice, the memorandum of points and authorities, the declaration of Carli Michelle Heller and Exhibits 1 through 4, the file in this action, and any argument at the hearing.

Dated: October 13, 2026



Carli Michelle Heller, Respondent

MEMORANDUM OF POINTS AND AUTHORITIES

I. The statement, and the exhibit that contradicts it

On August 12, 2026, Petitioner applied ex parte for a temporary emergency custody order. The application was filed by his counsel, Kali Perkins, and supported by his declaration signed under penalty of perjury. (Exh. 1.) Paragraph 12.A of that declaration answers Respondent's sworn statement, filed in Florida on July 5, 2026, that the firearm-surrender directive of the 2025 domestic violence restraining order in consolidated case No. 25FL01032 remained uncured. The paragraph says: "I surrendered the firearm referenced in the 2025 directive, Carli's July 5 declaration asserts this directive remains uncured; that is false." It offers one piece of evidence, Exhibit F, the DV-800 receipt of April 15, 2025.

The restraining order issued March 20, 2025 and was personally served March 21, 2025. (Exh. 2.) It ordered the surrender of all firearms within 24 hours. The receipt Mr. Hyler filed on April 16, 2025 records the transfer of two firearms to a licensed dealer in Ukiah on April 15, 2025: a Winchester 70 and a Mauser M12. At item 7, which asks whether he has or owns any other firearms, the box marked is "No." (Exh. 1, pp. G-2 to G-4.) The firearm Respondent identified is a Remington shotgun. Her message of December 2, 2024 records its arrival in the household. (Exh. 1, p. G-1.) Her messages of April 22, 2025, written the morning she read the receipt, record that the Remington was not on it. (Exh. 1, p. G-5.) The receipt does not list a Remington. It does not list a shotgun. It does not list a third firearm of any kind.

So the only evidence attached to prove that "the firearm referenced in the 2025 directive" was surrendered shows on its face that it was not. No investigation was needed to see this. It required reading the exhibit before attaching it.

II. The statement violates section 128.7, subdivision (b)(3), and both the attorney and the party are responsible for it

By presenting a paper to the court, "whether by signing, filing, submitting, or later advocating," an attorney and a party certify that "[t]he allegations and other factual

contentions have evidentiary support." (Code Civ. Proc., § 128.7, subd. (b)(3).) The certification is made "to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances." (*Id.*, subd. (b).) The test is objective: whether "any reasonable attorney would agree that [the contention] is totally and completely without merit." (*Peake v. Underwood* (2014) 227 Cal.App.4th 428, 440.) Bad faith need not be shown. (*Id.* at p. 451.) And the duty of inquiry does not end at filing: an attorney "cannot 'just cling tenaciously to the investigation he had done at the outset of the litigation and bury his head in the sand,'" but must "take into account" the adverse evidence as it appears. (*Id.* at p. 441.)

A factual contention contradicted by the exhibit attached to support it has no evidentiary support. That is the whole of the analysis. Ms. Perkins filed the declaration with Exhibit F attached. Exhibit F lists two rifles and a "No." Paragraph 12.A says the firearm at issue was surrendered. A reasonable attorney who reads her own exhibit cannot certify the sentence it contradicts. Mr. Hyler, who signed the receipt in 2025 and the declaration in 2026, certified both.

The violation continued. On August 27, 2026, Ms. Perkins served on Respondent a letter from Petitioner's Florida counsel stating that Respondent "has repeatedly alleged firearm possession and noncompliance with firearm-surrender requirements" and that "Vincent denies those allegations." (Exh. 4.) That is a denial, not an inquiry. On September 2 and October 6, 2026, Ms. Perkins appeared for Petitioner and relied on the August 12 application and its declaration in asking the Court to continue the orders obtained on it. (Heller Decl., ¶ 9.) Each appearance was a presentation of the paper by "later advocating" it. At no point has anyone on Petitioner's side withdrawn or corrected paragraph 12.A, though the receipt that contradicts it has been in their own file since April 2025.

III. The statement was not incidental

The ex parte application asked this Court to transfer physical custody of a two-year-old without notice to his mother, on the strength of the declaration. The order

issued the same day. (Exh. 1.) Whether the father had complied with a firearm-surrender directive issued under a domestic violence restraining order is a fact the Court had to weigh in making that order, and the form's finding on firearm access reflects what the Court was told. The same declaration was then filed in Lee County, Florida, as the basis for a warrant to take the child, which was executed on August 19, 2026. (Heller Decl., ¶ 7.) Before the Court makes any further custody order in this matter, it must address the presumption under Family Code section 3044. Whether the restrained party obeyed the firearm directive bears directly on that determination, and the only sworn statement on the point in the file is the one this motion challenges.

IV. The sanction

A sanction under section 128.7 "shall be limited to what is sufficient to deter repetition of this conduct or comparable conduct by others similarly situated," and "may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorney's fees and other expenses incurred as a direct result of the violation." (§ 128.7, subd. (d).) "Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees." (*Id.*, subd. (c)(1).) The limit on monetary sanctions against a represented party applies only to violations of subdivision (b)(2), the legal-contention certification. (*Id.*, subd. (d)(1).) This is a subdivision (b)(3) violation, and Mr. Hyler signed the statement himself.

The nonmonetary directives requested, striking the paragraph and requiring a notice of errata in both courts, correct the record the statement has traveled through. The monetary sanction requested against counsel is set at the floor at which the Legislature has decided the State Bar must be told: a court "shall notify the State Bar" of "[t]he imposition of any judicial sanctions against an attorney, except sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars ($1,000)." (Bus. & Prof. Code, § 6086.7, subd. (a)(3).) A sworn statement contradicted by

its own exhibit, used to take a child, and maintained for two months after the contradiction was pointed out, is the kind of conduct that threshold exists for. Respondent is self-represented and claims no attorney's fees. She asks for her expenses of presenting this motion and those incurred as a direct result of the violation, to be itemized by supplemental declaration. (§ 128.7, subds. (c)(1), (d).)

V. Safe harbor and service

Section 128.7, subdivision (c)(1), requires that the motion be served and not filed unless the challenged statement is not withdrawn or appropriately corrected within 21 days. This motion is served by personal delivery to Ms. Perkins's office and by electronic service, which a represented party who has appeared must accept (Code Civ. Proc., § 1010.6, subd. (b)(2)), on October 13, 2026. The 21 days end on November 3, 2026. The motion will not be filed before that date. The notice of motion describes what an appropriate correction would be, so that the safe harbor can do what it exists to do.

VI. Conclusion

Respondent asks that the Court grant the motion and make the orders requested in the notice of motion.

Dated: October 13, 2026



Carli Michelle Heller, Respondent

DECLARATION OF CARLI MICHELLE HELLER

I, Carli Michelle Heller, declare:

1. I am the Respondent in this action and the Petitioner in consolidated case No. 25FL01032. I am the mother of the child in this matter. I have personal knowledge of the facts stated here and could testify to them.

2. In December 2024 a Remington shotgun came into Mr. Hyler's household. My message of December 2, 2024, sent that night, records it. A true copy is at Exhibit 1, page G-1.

3. On March 20, 2025, this Court issued a domestic violence restraining order against Mr. Hyler in case No. 25FL01032 (form DV-110). It was personally served on him on March 21, 2025. It ordered him to surrender all firearms within 24 hours. A true copy of the order is Exhibit 2. The order was continued after a hearing on April 10, 2025 that he attended, and findings and order after hearing issued on May 13, 2025. It remained in force until July 3, 2025.

4. On April 16, 2025, Mr. Hyler filed a Receipt for Firearms, Firearm Parts, and Ammunition (form DV-800) dated April 15, 2025. It lists two firearms transferred to a licensed dealer in Ukiah, a Winchester 70 and a Mauser M12. At item 7, asking whether he has or owns any other firearms, the box marked is "No," and he signed under penalty of perjury. The Remington is not listed. A true copy (his Exhibit F to the August 12, 2026 declaration) is at Exhibit 1, pages G-2 to G-4. I read the receipt on the morning of April 22, 2025 and wrote the same morning that the Remington was not on it. True copies of those messages are at Exhibit 1, page G-5.

5. On July 5, 2026, I filed a declaration in a Florida proceeding stating that the 2025 surrender directive remained uncured.

6. On August 12, 2026, Mr. Hyler, through Ms. Perkins, applied ex parte in this Court for a temporary emergency custody order. His declaration in support, signed under penalty of perjury, states at paragraph 12.A: "I surrendered the firearm referenced in the 2025 directive, Carli's July 5 declaration asserts this directive remains uncured; that is

false," and attaches the April 15, 2025 receipt as Exhibit F. A true copy is at Exhibit 1, pages 1 to 4. The Court granted the application the same day.

7. The same declaration was filed in Lee County, Florida, Case No. 26-DR-005826, in support of a petition for a warrant to take physical custody of my son. The warrant issued August 19, 2026 and was executed at my home that evening.

8. On August 27, 2026, at 4:43 PM Pacific time, Ms. Perkins's office served on me a letter from Mr. Hyler's Florida counsel. The letter states that I have "repeatedly alleged firearm possession and noncompliance with firearm-surrender requirements" and that "Vincent denies those allegations." A true copy is Exhibit 4. No one has ever produced any receipt other than the one listing two rifles.

9. I attended the hearings in this matter on September 2, 2026 and, remotely, October 6, 2026. At both, Ms. Perkins appeared for Mr. Hyler and relied on the August 12, 2026 application and its declaration in asking that the orders obtained on it continue. At neither hearing, and at no other time, has Ms. Perkins or Mr. Hyler withdrawn or corrected paragraph 12.A or said anything about the Remington.

10. I asked Mr. Hyler's counsel in writing on August 22, 2026 where my son was and whether he was to be removed from Florida. A true copy is Exhibit 3. I have never received an answer.

11. I am self-represented. I will itemize the expenses of presenting this motion, and those incurred as a direct result of the violation, in a supplemental declaration before the hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 13, 2026, at Bonita Springs, Florida.



Carli Michelle Heller

INDEX OF EXHIBITS

Exhibit 1. Declaration of Vincent Michael Hyler in Support of Ex Parte Application for Temporary Emergency Custody Order, filed August 12, 2026 in this Court and certified in the Lee County, Florida file (pp. 1–4), with the firearm evidence: G-1, Respondent's message of December 2, 2024; G-2 to G-4, the DV-800 receipt of April 15, 2025 filed April 16, 2025 and attached to the declaration as its Exhibit F; G-5, Respondent's messages of April 22, 2025.

Exhibit 2. Domestic Violence Restraining Order (form DV-110), March 20, 2025, case No. 25FL01032, with the firearm-surrender order.

Exhibit 3. Respondent's written demand to Petitioner's counsel for the child's location, August 22, 2026, 12:45 PM ET, unanswered.

Exhibit 4. Letter of Petitioner's Florida counsel dated August 27, 2026, as served by Perkins Family Law, PC on August 27, 2026 at 4:43 PM PT ("Vincent denies those allegations").

The exhibit pages carry the exhibit labels and footers of the filings they were taken from; those labels are left as they are.

[PROPOSED] ORDER ON RESPONDENT'S MOTION FOR SANCTIONS UNDER CODE OF CIVIL PROCEDURE SECTION 128.7

Respondent's motion for sanctions under Code of Civil Procedure section 128.7 came on for hearing on _____, 2026 in Department C. Having considered the papers and the argument, and good cause appearing, the Court finds that paragraph 12.A of the Declaration of Vincent Michael Hyler filed August 12, 2026 was presented to the Court without evidentiary support, in violation of section 128.7, subdivision (b)(3), and orders:

1. Paragraph 12.A of the declaration filed August 12, 2026 is stricken and will not be considered for any purpose.

2. Within ten days, Kali Perkins shall file and serve a notice of errata withdrawing paragraph 12.A in this action and in Lee County, Florida Case No. 26-DR-005826.

3. Kali Perkins and Perkins Family Law, PC shall pay a sanction of $_____ to the Clerk of this Court within 30 days. The Clerk shall give the notice required by Business and Professions Code section 6086.7.

4. Vincent Michael Hyler shall pay a sanction of $_____ to the Clerk of this Court within 30 days.

5. Kali Perkins, Perkins Family Law, PC, and Vincent Michael Hyler shall pay Respondent $_____ for her reasonable expenses under section 128.7, subdivisions (c)(1) and (d), within 30 days.

Dated: _____

_____

Judge of the Superior Court