

Winston Secures Key Victory for Californians Fleeing Domestic Violence

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Winston & Strawn contributed to a significant win for domestic violence survivors in California that upheld their right to keep their address confidential to protect their safety and the safety of shelter residents and staff.

While the survivor was living in a domestic violence shelter the husband filed for divorce and despite being in contact with the survivor, misrepresented to the court that he could not serve her with the divorce paperwork because he could not find her. The court ultimately granted a default judgment against the survivor. The survivor eventually filed a motion to set aside the judgment for lack of notice, which the court denied.

Winston filed an amicus curiae brief on behalf of the California Women's Law Center in a matter before the California Court of Appeal that led to an appellate reversal and remand of a case where the husband obtained a dissolution of marriage based on fraud through a default judgment because his wife was in a confidential domestic violence shelter.

The California Court of Appeal found that the survivor's lack of notice in the divorce proceedings was not her fault.

"This is an important victory for Californians fleeing domestic violence. Here, the court of appeal acknowledged that there are valid reasons for survivors to keep their address and location confidential from their abusers, such as living at a domestic violence shelter, and that the survivor's refusal to provide her address in this case did not support a finding that she was avoiding the service process," said Aaron O'Dell. "We believe this ruling furthers California's well-established and longstanding public policy of protecting survivors of abuse," he added.

The Winston team that worked on this matter includes Los Angeles Partners **Diana Hughes Leiden** and **Aaron C. O'Dell**.

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