

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2003-002259

01/29/2004

JUDGE PRO TEM JEREMY E. BUTLER  
FOR HON. JOHN R. DITSWORTH

CLERK OF THE COURT  
MARIAN K. SMITH  
Deputy

IN RE THE MARRIAGE OF  
PHILLIP ZIOLA

FILED: 02/04/2004

PHILLIP ZIOLA  
14203 N 19 AVE APT 2039  
PHOENIX AZ 85023

AND

MELISSA ZIOLA

PATRICK SAMPAIR

SUPPORT SERVICES-CCC  
PHILLIP ZIOLA  
14230 N 19 AVE APT 33  
PHOENIX AZ 85023

MINUTE ENTRY

Prior to the start of this proceeding, Respondent's exhibit #1 and #2 were marked for identification.

This is the time set for an Evidentiary Hearing on Father's Petition for temporary orders in the pending dissolution of marriage. Respondent/Mother is present and represented by above-named counsel. Petitioner/Father is neither present nor represented by counsel, nor has he contacted the Court with a reason for his absence.

Discussion is held with the Court. Respondent has traveled to Arizona from Nebraska to be present at this hearing pursuant to the Court's previous order that she transport the parties' minor child to allow Father parenting time.

Melissa Ziola is sworn and testifies that Father has paid no child support since the parties separated. Mother is requesting temporary child support.

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Exhibit #1 and #2 are offered by Mr. Sampair and received in evidence.

The Court having considered the testimony presented this date, and Father's failure to appear at this proceeding that was set pursuant to his petition,

IT IS ORDERED as follows:

(1) Awarding sole custody of the minor child, Tierra Ziola (born May 11, 1999) to Mother. Melissa Ziola.

(2) Mother may temporarily relocate the child to Nebraska.

(3) Father shall pay child support to Mother in the amount of \$520 a month commencing February 1, 2004, until further order of the Court. Said child support shall be due on the first of each month and shall be paid through the Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072.

(4) Father shall immediately provide Mother with his current address and telephone number and the name/address of his present employer for the Order of Wage Assignment.

IT IS FURTHER ORDERED that Mother may appear telephonically for any additional pre-trial hearings. Mother shall be responsible for initiating the telephone contact my calling **602-506-8288** at the designated (Arizona) time.

IT IS FURTHER ORDERED that Mother and counsel shall make additional efforts to locate Father today so that Father may have some parenting time between now and 12:00 noon tomorrow (Friday, January 31), at which time Mother may leave for her return trip to Nebraska.

**IT IS FURTHER ORDERED** setting Trial in the dissolution of marriage on **MONDAY, MAY 10, 2004, at 2:30 p.m.** before the Honorable John Ditsworth at the following location:

**MARICOPA COUNTY SUPERIOR COURT  
201 WEST JEFFERSON  
CENTRAL COURT BUILDING  
6<sup>th</sup> FLOOR-COURTROOM 602  
PHOENIX, ARIZONA 85003**

**TIME ALLOTTED: 2 HOURS**

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**NOTE:** Prior to all hearings or court appearances, the parties or counsel representing them are directed to check in with a member of the Court's staff in **Suite 6-B** to advise of their presence by using the telephone on the 6th floor wall near the elevators.

IT IS FURTHER ORDERED as follows:

(1) All discovery shall be completed by **5:00 p.m. 30 days prior to the trial date.**

**Pretrial Matters**

(2) All parties shall exchange updated Disclosure Statements pursuant to Rule 26.1 of the Arizona Rules of Civil Procedure including Spousal Affidavits, Child Support Worksheets and inventory of all disputed property by **5:00 p.m. 20 days prior to the trial date.** Counsel and/or parties shall personally meet face to face for the exchange, and shall discuss the disputed issues, witnesses and all evidence. Each side shall file a Notice of Disclosure pursuant to Rule 26.1(b)(1), Arizona Rules of Civil Procedure.

(3) All parties shall serve final witness and exhibit lists and a separate formal written designation and disclosure of all final expert witness opinions by **5:00 p.m. 10 days prior to the trial date.** Such information must be reasonably disclosed on an ongoing basis pursuant to Rule 26.1 prior to this date. Any objections to the exhibits must be served and filed no later than **5:00 p.m. 5 days prior to the trial date.** If no objections are filed, the right to object at Trial will be deemed waived.

**Joint Pretrial Statement**

(4) The parties shall file a Joint Pretrial Statement pursuant to Rule 16(d), Arizona Rules of Civil Procedure, and Rule 6.5, Maricopa County Local Rules, **by 5:00 p.m. 5 days prior to the trial date.**

(5) The parties **shall** exchange with each other and present to the Court with the Joint Pretrial Statement all of the following:

- An updated Affidavit of Current Financial Information pursuant to Rule 6.4(b), Local Rules of Maricopa County.
- A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

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- If there are disputed custody or visitation issues, a proposal for custody and visitation.
- A proposal of how the property and assets should be divided, and the proposed disposition of each issue before the Court.
- If there are disputed division of property issues, a current and detailed inventory and monetary valuation of the property and assets of the parties.

(6) Both sides **shall** bring to the Clerk of this division any exhibits to be used at the trial **by noon 5 days prior to the trial date or they will be precluded from the trial.** All trial exhibits shall have been exchanged before that time. No duplicate exhibits shall be presented for marking.

**IT IS FURTHER ORDERED** that failure of counsel or of any party to file a proper Joint Pretrial Statement, present exhibits for marking 5 days before trial, appear at the trial and present the documents in proper form, including each and every attachment required may, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.6 and Rule 16(f), Rules of Civil Procedure, including proceeding to hear this matter as by default, dismissal of the proceeding, continuance of the trial and monetary sanctions.

**IT IS FURTHER ORDERED** that if this matter is settled and will proceed in the manner of a default or by stipulated Decree, either party may contact this division for an expedited hearing date or the parties may present a stipulated decree and all related documents for immediate entry.

**IT IS FURTHER ORDERED** postponements and schedule changes will not ordinarily be granted. Such changes will be granted only in accordance with appropriate rules, based on a showing of factual good cause, and require the express written approval of the Court.

FILED: Exhibit Worksheet

10:34 a.m. Hearing concludes.

**IT IS FURTHER ORDERED** that the requirements of Rule 58(d) are waived in the interest of judicial economy and to shorten the administrative time involved in the processing of a separate written order. Accordingly,

This minute entry is signed as a formal written order of the Court.

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/ s / JUDGE PRO TEM JEREMY E. BUTLER

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JUDICIAL OFFICER OF THE SUPERIOR COURT