

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-014487

07/31/2007

HONORABLE JEFFREY A. HOTHAM

CLERK OF THE COURT
G. Smith
Deputy

IN RE THE MATTER OF
DEANNA L CADLE

GLORIA L CALES

AND

CARY L LOVINS

MELVIN STERNBERG

CONCILIATION SERVICES-CCC
MCSO-OIC

MINUTE ENTRY

Courtroom CCB 601

8:41 a.m. This is the time set for Return Hearing regarding Respondent/Father's Motion for Post-Decree Temporary Order Without Notice for Modification of Child Custody, filed July 13, 2007. Petitioner/Mother is present with above-named counsel. Respondent/Father is present with Bryan Levy on behalf of above-named counsel, who is appearing for limited purposes only.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

LET THE RECORD REFLECT that a Post-Decree Temporary Order Without Notice was signed by the Honorable J. Kenneth Mangum on July 13, 2007.

Discussion commences regarding Father's Motion for Post-Decree Temporary Order Without Notice for Modification of Child Custody and Father's Petition to Modify Child Custody, Parenting Time and Support.

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8:53 a.m. Erin Gunderson, CPS Investigator, is now present telephonically.

Discussion commences regarding the case status of this matter.

Erin Gunderson is sworn and testifies.

The witness is excused.

LET THE RECORD REFLECT that the Court reviews Phoenix Police Department Report DR07-71358563 in open Court this date.

IT IS THEREFORE ORDERED setting Father's Petition to Modify Child Custody, Parenting Time and Support for Evidentiary Hearing on **November 29, 2007 at 9:00 a.m.** before:

The Honorable Jeffrey Hotham
Maricopa County Superior Court
Central Court Building
201 W. Jefferson, 6th Floor
Courtroom 601
Phoenix, Arizona 85003

Time Allotted: 1 day.

Pursuant to Rule 16(h), Arizona Rules of Civil Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the evidentiary hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rule 26.1, Arizona Rules of Civil Procedure, including an exchange of all relevant information, documents and exhibits **seven (7) days prior to the hearing** .

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2. All depositions and discovery contemplated by Rules 26 through 37, Arizona Rules of Civil Procedure, shall be completed and any motions regarding discovery shall be filed no later than **seven (7) days prior to the hearing**.
3. Counsel and both parties shall personally meet, face to face, **five (5) days prior to the hearing** to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. If division of debts is at issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred and who should pay the debt no later than **seven (7) days prior to the hearing**.
5. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including

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each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS ORDERED that, if either party has more than 10 exhibits to be marked, arrangements shall be made to deliver the exhibits to this Division **at least three days prior to hearing**. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 5.1(c), Arizona Rules of Civil Procedure.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

Pursuant to the parties' stipulation,

IT IS ORDERED as follows:

1. Father shall be designated the primary residential parent of the minor child, Krystina, for temporary purposes;
2. Parenting time and telephonic contact between Mother and Krystina shall be at Krystina's discretion.
3. Within 15 days of this date, Father shall arrange for Krystina to participate in counseling, with her first session to be held within 10 days thereafter. Father shall immediately advise Mother of the individual conducting Krystina's counseling. Mother shall be entitled to all counseling records regarding Krystina and shall be permitted to participate in said counseling as recommended by the counselor.

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Discussion commences regarding the minor children's school enrollment.

Pursuant to the parties' stipulation,

IT IS ORDERED that Father shall be permitted to enroll the minor child, Krystina, in a high school he deems appropriate. Mother shall be listed as an emergency contact at the high school. Mother shall also be entitled to all school records regarding Krystina and shall be apprised of all grades.

IT IS FURTHER ORDERED that the minor child, Jordan, shall continue to attend the school she is currently enrolled in.

Discussion commences regarding the Temporary Order as to the minor child, Jordan.

IT IS ORDERED the parties are referred to Conciliation Services for a Parenting Conference including open negotiations as appropriate. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED that each party is directed to immediately go to Conciliation Services and complete necessary forms following this hearing. This Court has contacted Conciliation Services and set the initial Parenting Conference for September 18, 2007 at 8:00 a.m. in Conciliation Services.

WARNING

YOU WILL HAVE TO PAY A \$200 FEE IF YOU DO NOT ATTEND THE PARENTING CONFERENCE SESSION. IF YOU CANNOT ATTEND, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION.

IF YOU REACH A FULL AGREEMENT ABOUT CUSTODY AND PARENTING TIME AND DO NOT PLAN TO COME TO THE PARENTING CONFERENCE SESSION, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AS SOON AS POSSIBLE OF THE SETTLEMENT TO AVOID PAYING THIS FEE. A COPY OF THE WRITTEN SETTLEMENT, DATED AND SIGNED BY BOTH PARTIES, MUST BE DELIVERED TO CONCILIATION SERVICES.

Pursuant to the parties' stipulation,

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IT IS ORDERED that, prior to leaving the Courthouse this date, counsel shall agree upon a date and time for the minor child, Krystina, to return to Mother's home to obtain some of her belongings.

Based on the arguments of counsel this date,

IT IS ORDERED vacating Judge Mangum's Temporary Order granting Father temporary sole custody of the minor child, Jordan, and restricting Mother's parenting time with her as supervised.

IT IS FURTHER ORDERED affirming the prior custody and parenting time Orders as to Jordan. Mother shall remain the primary residential parent of Jordan and Father shall have parenting time with her on Wednesday evenings and on alternating weekends.

IT IS FURTHER ORDERED dismissing the Order of Protection that Father obtained against Mother, issued July 12, 2007.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure (ARFLP).

/ s / HONORABLE JEFFREY A. HOTHAM

JUDICIAL OFFICER OF THE SUPERIOR COURT

9:47 a.m. Matter concludes.

FILED: Hearing Order re: Order of Protection.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.