

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-001209

08/07/2012

HONORABLE GERALD PORTER

CLERK OF THE COURT
C. Kelly
Deputy

IN RE THE MATTER OF
CAROLYN PATRICIA FOSTER

MICHAEL P SCHLOSS

AND

DON DEE CASTILE

DON DEE CASTILE
20701 BEACH BLVD # 40
HUNTINGTON BEACH CA 92648

LAB EXPRESS INC - PHOENIX
JUDITH LEWIS-THOME
PO BOX 10735
PHOENIX AZ 85064-0735

MINUTE ENTRY

NE-Courtroom 110

9:21 a.m. This is the time set for Review Hearing re: Court Appointed Advisor's Report dated August 3, 2012 and Father's drug test results. Petitioner is present with above-named counsel. Appearing telephonically is Respondent on his own behalf. Appearing telephonically is the Court Appointed Advisor, Judith Lewis-Thome.

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

The Court is advised that Mother is not in agreement with the Court Appointed Advisor's report dated August 3, 2012; however, Father does agree with the report.

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The Court Appointed Advisor is sworn and makes oral statements and recommendations to the Court.

The Court has not received Father's drug test results from LabExpress.

9:36 a.m. Court stands at recess.

9:46 a.m. Court reconvenes with both parties, Mr. Schloss and Ms. Lewis-Thome present.

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

Court Appointed Advisor is sworn and makes oral statements and recommendations to the Court.

The Court is advised by LabExpress that Father has tested positive for THC. Father's statement is that he will stop smoking marijuana and will take a urinalysis test in 30 days or a hair follicle test in 90 days at his own expense. The Court indicates that Father will test on October 1, 2012 after the hearing.

IT IS ORDERED that no later than **August 27, 2012**, the parties shall provide one another a list of any person they intend to call as a witness, including a general description of what each person will be testifying to.

IT IS FURTHER ORDERED that the parties shall exchange any documents or exhibits they intend to use to the other party **no later than August 27, 2012**.

IT IS FURTHER ORDERED both parties shall disclose an updated Affidavit of Financial Information and supporting documents, including the most recent two (2) year's tax returns and the most recent two (2) wage statements by August 27, 2012.

IT IS FURTHER ORDERED Respondent shall immediately disclose an updated Affidavit of Financial Information and supporting documents, including tax returns and proof of earnings **by August 27, 2012**.

IT IS FURTHER ORDERED that on Tuesdays, Wednesdays and Thursdays at 7:30 p.m., Father will originate a call to Mother to let her know that he is reading to Skype. Skype shall last for the duration the child is comfortable.

IT IS FURTHER ORDERED that Respondent sign a release for medical records. Mr. Schloss will provide Respondent with the release to be signed.

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IT IS FURTHER ORDERED setting Evidentiary Hearing to the Court re: Parenting Time and Child Support on **OCTOBER 1, 2012, at 1:30 p.m.** (90 minutes allotted) in this Division at:

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law 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 trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing 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 FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.

3. Counsel and both parties shall personally meet, face to face, at least 20 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. 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, or employer possessing any relevant and discoverable 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 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

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

1. A current Affidavit of Financial Circumstances.
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 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 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if either party has more than 10 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least 5 days prior to hearing to schedule a time to deliver said exhibits to the Clerk. 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.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be

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submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

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 this division five (5) business days before the scheduled hearing.

9:55 a.m. Matter concludes.

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