

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-050002

08/29/2013

HONORABLE GERALD PORTER

CLERK OF THE COURT  
T. McMillian  
Deputy

IN RE THE MATTER OF  
DEBORAH KAY SNOW

HOPE E FRUCHTMAN

AND

SCOTT J KENNEDY

SCOTT J KENNEDY  
P O BOX 72198  
PHOENIX AZ 85050

MINUTE ENTRY

Courtroom 110-Northeast Regional Court Center

8:41 a.m. This is the time set for Review Hearing. Petitioner is present with above-named counsel. Respondent is neither present nor represented by counsel.

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

The following petition is outstanding: Petition for Modification of Legal Decision Making, Parenting Time, and Child Support filed by Petitioner on August 8, 2013.

This review hearing was scheduled to review the report of the child interview. A copy of the report is provided to Petitioner to review.

Matters discussed.

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**IT IS ORDERED** denying the Motion to Disqualify Opposing Counsel and Sanctions for Numerous Violations of the Rules of Professional Conduct filed by Respondent on August 16, 2013.

The Court has reviewed the Non-Confidential Child Interview Report completed on August 26, 2013. Accordingly, as an emergency order of the Court,

**IT IS ORDERED** suspending Respondent's parenting time.

**IT IS FURTHER ORDERED** on a temporary basis granting Petitioner temporary sole legal custody of the parties' child, Quinlan Kennedy, dob August 31, 2000.

Based on the Child Interview Report, the Court has concerns about Father's drinking, and the Court has concerns based on the Child Interview and the Court's own interaction with Father about Father's anger.

**IT IS FURTHER ORDERED** Mother is to shield the minor child from conversations or communications between Mother and Father. The minor child may not hear messages or communications of any kind between Mother and Father.

**IT IS FURTHER ORDERED** all communication shall cease between Father and Mother.

**IT IS FURTHER ORDERED** further communication between Father and counsel for Mother shall be written, shall be no more than 100 words, shall be limited to one communication a day, and shall be civil and non-threatening. Father is advised that violations of this order will result in attorney's fees and sanctions against him.

**IT IS FURTHER ORDERED** setting Evidentiary Hearing to the Court on **October 11, 2013 at 1:30 p.m. (90 minutes allotted)** in this Division before:

**The Honorable Gerald Porter  
Northeast Regional Court Center  
Courtroom 110  
18380 North 40th Street  
Phoenix, Arizona 85032**

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

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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 **September 24, 2013**.

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

1. A current Affidavit of Financial Circumstances, including each party's two most recent tax returns and wage statements.

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2. If there are disputed child support issues, 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 legal decision-making, access or parenting time issues, a specific proposal for legal decision-making and parenting time by each party.

**IT IS FURTHER ORDERED** that Mother shall provide proof of payment and the cost of medical insurance for the parties' child by **September 24, 2013**.

**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 any documents or other items intended to be submitted as exhibits at the time of the Trial shall be hand-delivered directly to the Clerk of this Division by **October 4, 2013**. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. Exhibits submitted less than five (5) business days prior to the hearing may not be marked. The exhibits shall be submitted with a coversheet listing the cause number, which party is submitting the exhibits, and a description of each exhibit. Exhibits shall be separated by a sheet of **colored** paper to easily identify where one exhibit ends and the next begins.

**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 legal decision-making, 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.

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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 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.

8:50 a.m. Matter concludes.

**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.

/ S / HON. GERALD PORTER

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JUDICIAL OFFICER OF THE SUPERIOR COURT

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>.