

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-011630

10/13/2005

PRO TEM ANDREW GASTELUM
FOR HONORABLE RAYMOND P. LEE

CLERK OF THE COURT
L. Black
Deputy

ATLAS #000151152302
IN RE THE MATTER OF
JENNIFER L MURPHY

FILED: 10/14/2005

JENNIFER L MURPHY
2378 VELMA
COLUMBUS OH 43211

AND

ADRIAN R LOPEZ

JOHN G BEDNARZ

MINUTE ENTRY

Courtroom 606.

10:14 a.m. This is the time set for Return Hearing. Petitioner/Mother is telephonically present on her own behalf. Respondent/Father is present with counsel, John G. Bednarz.

A digital audio record of this proceeding is made by the FTR (For The Record) system in lieu of a court reporter.

Discussion ensues between the Court, counsel and the parties regarding the status of this case.

THE COURT NOTES that Father had been given temporary custody of the parties' minor children until hearing on August 10, 2005 at which time the temporary order expired due to lack of service upon Mother.

Counsel for Father advises the Court that Father has existing concerns and requests that the Court grant temporary sole custody of the parties' minor children to Father or at the least order that Mother return the minor children to Arizona.

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Mother advises the Court that she requires additional time to retain counsel.

Jennifer L. Murphy is sworn and testifies regarding the history in this case.

Adrian R. Lopez is sworn and testifies regarding the history in this case.

Discussion ensues between the Court, counsel and the parties regarding Mother's flight from Arizona to Ohio with the minor children in late July 2005.

Further discussion ensues between the Court, counsel and the parties regarding the allegations of drug usage.

THE COURT FINDS that based upon the testimony of the parties, Father did have physical custody of the minor children from late February 2005 to late July 2005 and that prior to that time he was co-parenting the children with Mother until she left the residence in late February.

THE COURT FURTHER FINDS that Mother did leave the state of Arizona with the parties' minor children without telling Father.

THE COURT FURTHER FINDS that the parties' minor children are residents of the state of Arizona.

THE COURT FURTHER FINDS that there are significant allegations of drug abuse that appear to be substantiated.

Accordingly,

IT IS ORDERED granting Father, Adrian R. Lopez, temporary sole custody of the parties' minor children, Michael P. Lopez (DOB: 3/31/01) and Nicholas M. Lopez (DOB: 8/4/02), until further determination of the Court.

IT IS FURTHER ORDERED that Father shall retrieve the children in Ohio on Saturday, October 15, 2005 from Mother's residence, avowed to be 2378 Velma Avenue, Columbus, Ohio 43211.

IT IS FURTHER ORDERED settling and approving formal Warrant to Take Physical Custody of Children signed by the Court this date.

IT IS FURTHER ORDERED setting this matter for an Evidentiary Hearing on Wednesday, January 11, 2006 at 10:30 a.m., before the Honorable Raymond P. Lee.

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(time allotted: 1 ½ hours) Each party shall have one-half of the allotted time to present his/her case.

The hearing will be held at the following location:

**CENTRAL COURT BUILDING
201 WEST JEFFERSON
PHOENIX, ARIZONA
COURTROOM 605, SUITE 6-E**

**THIS IS A FIRM TRIAL DATE. NO CONTINUANCE SHALL BE GRANTED
ABSENT EXTRAORDINARY CIRCUMSTANCES.**

The Court will hear the following issues at the time set for trial:

- (1) Custody.
- (2) Parenting time.

Failure of counsel or any party to appear at the hearing or to comply with the orders below may result in the imposition of any or all available sanctions authorized by Rule 6.2, Local Rules of the Superior Court of Maricopa County, including hearing this matter as a default.

IT IS FURTHER ORDERED AS FOLLOWS:

- (1) The parties shall exchange copies of exhibits and lists of witnesses (including disclosure of the anticipated testimony of each witness) on or before **December 12, 2005** (30 days prior to trial). The parties/counsel shall use their best efforts to resolve the issues raised in the petition or motion scheduled for hearing. Absent good cause, exhibits not exchanged will not be admitted, witnesses not listed will not testify, and testimony not disclosed will not be admitted.
- (2) Any objection to the exchanged exhibits or witnesses shall be filed on or before **December 27, 2005** (15 days prior to trial). Failure to file written objections may be deemed a waiver of the right to object at the hearing, subject to ruling by the Court.
- (3) All discovery shall be completed no later than **January 2, 2006** (10 days before trial).

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- (4) The parties shall file a Joint Pretrial Statement and deliver a copy to this Division by 12:00 noon on **January 9, 2006** (3 days before trial) that includes the following:
- A list of any remaining contested issues.
 - A brief statement as to each party's position on the contested issues.
 - Any suggested/recommended solutions to those issues.
 - An Affidavit of Financial Information, if any affidavit has not been filed within the past 12 months that is substantially accurate at the time of the hearing.
- (5) Any exhibits to be used at the hearing shall be hand delivered to the clerk of this Division by 12:00 noon on **January 9, 2006** (3 days before trial).

IT IS FURTHER ORDERED that the parties may present to the Court a Stipulation resolving any issues or a Stipulated Agreement, with accompanying documents subject to the Court's review for sufficiency, for immediate entry should the parties reach full settlement in this case.

This Court utilizes a digital audio recording system to preserve the official record of proceedings. If a party wants a court reporter to record a proceeding in this Court, a written request must be filed with the Clerk of the Court and a copy to be provided to Court Administration at least 72 hours before the commencement of the proceeding.

10:30 a.m. The matter concludes.

IT IS FURTHER ORDERED that the requirements of Rule 58(d), Arizona Rules of Civil Procedure are waived out of necessity on the part of the Court to shorten the time involved in the processing of a separate written order, and in the interest of judicial economy. Accordingly,

This minute entry is signed as a formal written order of the Court this 13th day of October, 2005.

/s/ HONORABLE ANDREW GASTELUM

JUDICIAL OFFICER OF THE SUPERIOR COURT

NOTE: Any person representing himself/herself is responsible for notifying the Court of a change of address to assure they receive timely notice of any mailings from

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the Court. A form for this purpose may be downloaded from the Court's internet web site at:

<http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

LATER:

THE COURT FINDS that it is appropriate for a Guardian Ad Litem to be appointed in this matter. Accordingly,

IT IS ORDERED that a Guardian Ad Litem shall be appointed in this matter by issue of separate minute entry.