

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2002-008730

10/28/2004

JUDGE PRO TEM LAWRENCE MARKS  
FOR HON. ROLAND J. STEINLE

CLERK OF THE COURT  
T. Fenton  
Deputy

IN RE THE MATTER OF  
TEANIE BRADLEY

FILED: 11/03/2004

PATRICK J MCGILL

AND

BRIAN LANDI

BRIAN LANDI  
512 TROUTWOOD PL  
FUQUAY VARINA NC 27526-0000

BRIAN W YEE PHD  
7220 N 16TH ST BLDG K  
PHOENIX AZ 85020-0000  
DAVID WEINSTOCK PHD  
5111 N SCOTTSDALE RD STE 104  
SCOTTSDALE AZ 85250-0000

MINUTE ENTRY

11:01 a.m. Courtroom 601. This is the time set for a Status Conference. Petitioner/Mother is present with counsel, Patrick J. McGill. Respondent/Father is present, appearing on his own behalf. The Family Court Advisor, Dr. David Weinstock, is present telephonically.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

Discussion ensues between the Court, counsel for Petitioner/Mother, and the Respondent/Father.

The Family Court Advisor presents his oral report to the Court and recommends that a Custody Evaluator be appointed in this matter.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2002-008730

10/28/2004

11:09 a.m. Dr. Weinstock is excused from further attendance at this matter.

Further discussion ensues between the Court, counsel for the Petitioner/Mother, and the Respondent/Father.

Based upon the report of Dr. David Weinstock in which he feels that the parties have problems communicating and that a full custody study is necessary, which should not be done by him,

**IT IS ORDERED** appointing the following evaluator from the Court-approved list to evaluate the parties and the minor child, Tavian Landi (d.o.b. 03/08/00):

**Brian W. Yee, Ph.D.**  
**7220 North 16<sup>th</sup> Street, Building K**  
**Phoenix, Arizona 85020**  
**Telephone: (602) 943-0447**

**IT IS FURTHER ORDERED** that the evaluator shall notify the Court and counsel, or the parties if pro se, immediately upon receipt of this order if he or she will not accept this appointment. Acceptance of the appointment indicates the capability of complying with the terms of this order.

**IT IS FURTHER ORDERED** that the evaluation shall be conducted on the following basis:

1. Scope. The evaluator shall conduct a **full** evaluation regarding custody and visitation.

The evaluator may make any other recommendations he or she determines the Court should consider to promote the physical, mental, or moral or emotional health of the child. The evaluator may also assist the parties to resolve their dispute amicably if possible.

2. Timely Written Report. The evaluator shall prepare a written report not later than 14 days prior to the next scheduled hearing. The report shall be delivered to the Court and counsel, or the parties if pro se, unless the evaluator asserts extraordinary circumstances, such as imminent life threat or the potential for serious harm to a person related to the case. In the event, the Court shall make a ruling regarding dissemination. The acceptance of this appointment by the evaluator indicates a capability of completing a written report in a timely manner and the ability to appear and testify in court upon reasonable notice.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2002-008730

10/28/2004

3. Initial Contact. Counsel for both parties, or the parties if pro se, shall make the initial contact with the evaluator through a joint conference or conference call within 10 days of receipt of this order and thereafter shall arrange for the appointments of the persons to be examined. The initial conference with the evaluator shall be used to summarize the issues present in this case, to arrange for the initial appointments of the persons the evaluator wishes to examine, and to allow the evaluator to request information he or she believes to be pertinent.
4. Authority of Evaluator/Cooperation by Parties/Waiver of Confidentiality. The evaluator shall have the following authority with regard to the minor child and family members:

The evaluator shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor child in this case pursuant to applicable Arizona statutes and case law. The evaluator shall have: (a) Reasonable access to the child and family members with reasonable notice; and (b) Reasonable notice of any and all judicial proceedings including requests for any examination affecting the child and shall be provided copies of all minute entries, orders and pleadings filed in this case.

The evaluator shall also have access to:

1. all therapists of the child and parties;
2. all school and medical records of the child and parties;
3. any and all psychological testing or evaluations performed on the child or the parties;
4. any and all teachers/child care providers for the child.

At the request of the evaluator, each party shall execute any and all releases or consents necessary to authorize the evaluator's access to the information described herein. No other clinicians (i.e., therapists, psychologists, social workers, etc.) are to work on this case during the course of the evaluation without the consent or authorization of the evaluator, unless otherwise authorized by court order.

The parties are informed that the Court is the identified client of the evaluator in this case. The evaluator serves the Court in this case; therefore, neither the parties nor their child are patients of the evaluator. There is no confidentiality relating to the parties' communications with/to the evaluator or concerning the evaluator's activities or recommendations. The evaluator may engage in written or verbal communication with any person he or she perceives capable of providing information relevant to the care and welfare of the child.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2002-008730

10/28/2004

The evaluator may request that the parties and/or child participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessments, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The evaluator shall be promptly provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted by the date requested. This Order shall act as a release by the parties of all information requested by the evaluator and shall further obligate the parties for any costs associated with the production of those records to the evaluator. Any such costs shall be paid promptly.

5. No Ex-Parte Contact. The parties and counsel shall not have substantive ex-parte discussions with the evaluator, but shall conduct all communication through conference calls or conferences, unless agreed upon otherwise by all parties and counsel. Copies of any documentation provided by counsel or the parties to the evaluator shall concurrently be sent by the providing person to the other side. Copies shall be sent to counsel if the other side is represented by counsel.

The evaluator may have ex-parte contact with the Court regarding scheduling matters.

6. Fees. The evaluator's fee and costs shall be paid one-half by the Petitioner and one-half by the Respondent, subject to reapportionment and/or further order of the Court. Fees shall be payable at the time of the first appointment and costs shall be paid in advance, or as directed by the evaluator. In the event any person (including a child) fails to appear at the time of an appointment, the person responsible for the missed appointment shall be obligated to pay any cost associated with the missed appointment.
7. Evidence. The written report of the evaluator may be received in evidence without the necessity of any foundation and without any objection to hearsay statements contained therein or any other objection.
8. Testimony. Each party shall have the right to call the evaluator as a witness. If only one party believes that the evaluator's live testimony is necessary in addition to the written report, that party shall be responsible for 100% of the costs incurred in connection with the evaluator testifying at the court hearing.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2002-008730

10/28/2004

9. Immunity. The evaluator acts as a quasi-judicial officer in his or her capacity pursuant to this Order, and as such, the evaluator has limited immunity consistent with the Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order.

Any alleged impropriety or unethical conduct by the evaluator **shall** be brought to the attention of the Court in writing.

**IT IS FURTHER ORDERED** that at the discretion of Dr. Yee, the interview or interviews with the Respondent/Father, Brian Landi, may be accomplished by telephone or by Dr. Yee appointing a Custody Evaluator in Raleigh, North Carolina, where the Respondent resides, to work with Dr. Yee in the evaluation process.

**IT IS FURTHER ORDERED** that Dr. Yee may consult, as appropriate, with Dr. David Weinstock, who has done the initial evaluation as the Family Court Advisor.

**IT IS FURTHER ORDERED** that the fees of any other Custody Evaluator selected by Dr. Yee in North Carolina shall be paid in advance one-half by the Petitioner and one-half by the Respondent, or as directed by the Custody Evaluator, subject to reapportionment and/or until further order of the Court.

**IT IS FURTHER ORDERED** that the parties shall cooperate with Dr. Yee and any other appointed Evaluator.

11:22 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/ssc/sschome.html>.