

Desiree Y. Capuano
13820 S. 44th Street #1244
Phoenix, Arizona 85044
(480) 455-2086
Petitioner



COPY

MAY 14 2015

MICHAEL K. JEANES, CLERK
D. RODRIGUEZ, CLERK
DEPUTY CLERK

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

DESIREE Y. CAPUANO
Petitioner/Plaintiff

Case No. FN 2014-001201

ATLAS No. _____

RICHARD S. RIESS
Respondent/Defendant

**PROPOSED RESOLUTION STATEMENT
OF PETITIONER**

The undersigned party provides the following specific positions on each of the issues in this case as follows:

1. The parties were married on August 26, 2000, in Las Vegas, Nevada. Petitioner has requested that the marriage be annulled pursuant to A.R.S. §25-301, based on the fact that the parties' marriage was occasioned by Respondent having committed bigamy, fraud and misrepresentation. Specifically, Respondent was already married at the time he entered into the marriage with Petitioner. The parties have been living separate and apart since October 2001, and Respondent, who is also known as Patrick Fox, has been living in Canada since June 2013 after having being deported as he is not a United States citizen.
2. Custody. The parties have one minor child common to their marriage, namely: Gabriel T. Riess, age 13. This Court has no jurisdiction over the minor child pursuant to A.R.S. §25-314, as both Petitioner and Respondent have participated as a party in litigation concerning custody of the minor child in the state of California, County of Los Angeles, Case No. TD 03-5397, wherein Petitioner has been awarded sole physical and legal custody of the minor child and Orders are in place relating to custody, parenting time and child support.
3. Spousal Maintenance. Petitioner has alleged in her Petition that neither party is entitled to spousal maintenance and Respondent has stated in his Response that he is in agreement with same.

4. Community Property. There is no community property to be divided as the parties have lived separate and apart since October 2001 and Respondent has stated in his Response that he is in agreement with same.
5. Community Debt. There is no community debt to be divided as the parties have lived separate and apart since October 2001 and Respondent has stated in his Response that he is in agreement with same.
6. Separate Property. It is Petitioner's position that the parties be affirmed all sole and separate property they have acquired since they began to live separate and apart in October 2001.
7. Separate Debt. Petitioner should be responsible for her sole and separate debt she has incurred since October 2001 and Respondent should be responsible for his sole and separate debt he has incurred since October 2001.
8. Jurisdiction. Respondent has alleged in his Response that this Court has no jurisdiction to annul the parties' marriage stated that "a petition for dissolution of marriage has already been filed on November 28, 2012, and is currently pending in the Superior Court of Los Angeles (case no. TD035397)." However, as previously stated in Petitioner's Motion to Set Trial previously filed with the Court, Respondent has misled this Court and attached hereto as Exhibit "A" is a copy of Minute Entry dated February 7, 2014, filed in the Superior Court of California, County of Los Angeles, case number TD035397 which states on page 2, the following:

"The Court is unable to take status as the case is not a case for Dissolution and the parties have not filed a Petition for Dissolution. Petitioner and Respondent may file a dissolution petition within their State of residency as both parties reside outside of the State of California."

Although Respondent filed a Petition for Dissolution of Marriage on November 28, 2012, in the Superior Court of California, County of Los Angeles, case number TD035397, he is aware that it was later rejected as evidenced by the attached California Court case docket wherein there is no record of Respondent's Petition for Dissolution of Marriage filed on November 28, 2012. See copy of same attached hereto as Exhibit "B". More importantly, California refused to take jurisdiction as neither party no longer resides in California. Respondent resides in Canada and Petitioner resides in Arizona.

9. Attorney's Fees. Petitioner is requests her fees and costs she has incurred pursuant to A.R.S. §25-324, as Respondent has taken an unreasonable position causing delay in resolution of this matter in having stating that there is a petition for dissolution of the parties' marriage pending in the California Court. Respondent has further misled this

Court in using a former address from when he resided in California when he has been living in Canada since June 2013 as evidenced by Petitioner having served him **on two separate occasions** as reflected in Petitioner's Notice of Service Upon Respondent filed with the Court on March 6, 2015, and recently having had to serve Respondent with the Order to Appear for the Resolution Management Conference. Petitioner has incurred significant fees and costs as a result of this Court requiring her to serve Respondent through the Hague Convention in British Columbia.

10. Settlement: I verify that the above statements are true upon my best information and belief and I am willing to settle and resolve this case based upon the information provided above. I will be prepared to show documentation to support my position at the time of the conference or hearing.

RESPECTFULLY SUBMITTED this 14th day of May, 2015.



DESIREE Y. CAPUANO
PETITIONER/WIFE

COPY of the foregoing delivered this
14th day of May, 2015, to:

Jay Adleman
Maricopa County Superior Court

COPY of the foregoing emailed and
mailed this same day to:

Richard S. Riess (Alias: Patrick Fox)
3846 Sunset Street #203
Burnaby, BC V5G 1T3
Respondent

By Desiree Capuano

EXHIBIT "A"

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 02-07-14		Dept: SCM
Honorable STEPHEN M. LOWRY	Judge SLBLACKWELL	Deputy Clerk
Honorable	Judge Pro Tem	Court Assistant
D. CASTANEDA	Deputy Sheriff LUCY VARELA	Reporter

11:00 am

TD035397

Richard Riess (X)

Counsel For
Petitioner:

HORACIO LOZANO (X)

VS.

Desiree Capuano (X)

Counsel For
Respondent:

In Pro Per (X)

NATURE OF PROCEEDINGS: TRIAL SHORT CAUSE-STATUS ONLY; CHILD
INTERVIEW

Matter is called for hearing.

Sharis Peters, Child Custody Evaluator is sworn and testify.

Petitioner is appearing by CourtCall.

Petitioner and Respondent are sworn and testify.

Matter is heard. Attorney for the Petitioner cross examines
the Evaluator, Sharis Peters.

The Court grants Petitioner additional parenting time during
summer break.

Respondent/Mother will have minor child, Gabriel Riess, born
09-27-2000 from June 8, 2014 through June 21, 2014. Minor
child shall fly to Canada and Petitioner will have minor
child Gabriel Riess from June 21, 2014 through July 25,
2014. Petitioner is ordered to return the minor child to
Respondent/mother on July 25, 2014.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 02-07-14		Dept: SCM
Honorable STEPHEN M. LOWRY	Judge SLBLACKWELL	Deputy Clerk
Honorable	Judge Pro Tem	Court Assistant
D. CASTANEDA	Deputy Sheriff LUCY VARELA	Reporter

11:00 am

TD035397

Richard Riess (X)

Counsel For
Petitioner:

HORACIO LOZANO (X)

VS.

Desiree Capuano (X)

Counsel For
Respondent:

In Pro Per (X)

Order to Show Cause-RE: Review is set for July 21, 2014 at 08:00 a.m. in this department.

Petitioner and Respondent may appear by CourtCall at the next hearing set.

The Court is unable to take status as the case is not a case for Dissolution and the parties have not filed a petition for Dissolution.

Petitioner and Respondent may file a dissolution petition within their State of residency as both parties reside outside of the State of California.

The Country of habitual residence of the child or children in this case is the United States. This Court has jurisdiction over the minor child because California is the State of Jurisdiction.

Both parties acknowledge being advised that any violation of this order may result in Civil or Criminal penalties, or both.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	02-07-14	Dept: SCM
Honorable	STEPHEN M. LOWRY	Judge
Honorable		SLBLACKWELL
		Deputy Clerk
		Court Assistant
		Reporter
	D. CASTANEDA	Deputy Sheriff
		LUCY VARELA

11:00 am

TD035397

Richard Riess (X)

Counsel For
Petitioner:

HORACIO LOZANO (X)

VS:

Desiree Capuano (X)

Counsel For
Respondent:

In Pro Per (X)

Petitioner is ordered to pay Court Reporter fees in the amount of \$30.00 for the hearing set for July 21, 2014.

Counsel for the Petitioner will provide notice to Respondent and pay the appropriate fees forthwith.

EXHIBIT "B"

Case Summary

Case Number: TD035397
RICHARD RIESS VS DESIREE CAPUANO

Filing Date: 09/29/2011
Case Type: Petition-Cust. & Support of Minor (General Jurisdiction)
Status: Pending

Future Hearings

None

[Documents Filed](#) | [Proceeding Information](#)

Parties

CAPUANO DESIREE - FORMER Respondent in Pro Per
CAPUANO DESIREE - Respondent
CAPUANO DESIREE - Respondent In Pro Per
KARAPETIAN HENRIK - FORMER Attorney for Respondent
LOZANO HORACIO - FORMER Attorney for Petitioner
REISS RICHARD - Petitioner In Pro Per
RIESS RICHARD - Petitioner
RIESS RICHARD - FORMER Petitioner in Pro Per

[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

Documents Filed (Filing dates listed in descending order)

Click on any of the below link(s) to see documents filed on or before the date indicated:

[01/28/2013](#) [12/20/2011](#)

08/01/2014 Order - And Finding After Hearing
Filed by Respondent

07/14/2014 Declaration
Filed by Respondent

07/14/2014 Proof of Service-Mail
Filed by Respondent

05/05/2014 Substitution of Attorney
Filed by Petitioner

04/24/2014 Substitution of Attorney
Filed by Petitioner

04/07/2014 Order - And Finding After Hearing

04/07/2014 Notice
Filed by Petitioner

01/27/2014 Proof of Service-Mail

Filed by Respondent

01/27/2014 Declaration-Income & Expense
Filed by Respondent

01/27/2014 Stipulation & Order

12/16/2013 Notice-Trial

12/04/2013 Declaration-Income & Expense
Filed by Petitioner

12/02/2013 Request-Trial Setting
Filed by Petitioner

11/05/2013 Notice-Ruling
Filed by Petitioner

10/23/2013 Proof of Service-Mail
Filed by Respondent

10/21/2013 Responsive Declaration
Filed by Respondent

10/15/2013 Proof of Service-Mail
Filed by Petitioner

10/08/2013 Substitution of Attorney
Filed by Petitioner

10/08/2013 Application-Ex Parte
Filed by Petitioner

07/19/2013 Proof of Service-Mail
Filed by Respondent

07/19/2013 Notice-Change of Address
Filed by Respondent

03/14/2013 Proof of Service-Mail
Filed by Petitioner

03/13/2013 Declaration
Filed by Petitioner

03/01/2013 Order - And Finding After Hearing
Filed by Respondent

02/21/2013 Notice-Change of Address
Filed by Petitioner

01/30/2013 Responsive Decl-OSC/MOTION
Filed by Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
[TOP](#) [01/28/2013](#) [12/20/2011](#)

01/28/2013 Proof of Service-Mail
Filed by Respondent

01/23/2013 Declaration
Filed by Petitioner

01/16/2013 Application-Ex Parte
Filed by Respondent

01/09/2013 Notice-Change of Address
Filed by Petitioner

01/09/2013 Request-Continuance
Filed by Petitioner

01/09/2013 Declaration
Filed by Petitioner

12/17/2012 Proof of Service-Mail
Filed by Petitioner

11/28/2012 Application-Ex Parte
Filed by Petitioner

10/23/2012 Proof of Service-Mail
Filed by Petitioner

09/11/2012 Request- Waive Court Fees
Filed by Petitioner

09/11/2012 Declaration
Filed by Petitioner

09/11/2012 Request-Custody, Support, etc
Filed by Petitioner

09/11/2012 Order-Court Fee Waiver
Filed by Petitioner

02/28/2012 Proof of Service-Mail
Filed by Respondent

02/28/2012 Proof of Service
Filed by Respondent

02/28/2012 Response
Filed by Respondent

02/24/2012 Proof of Service-Mail
Filed by Petitioner

02/21/2012 Responsive Decl-OSC/MOTION
Filed by Respondent

02/14/2012 Declaration (CHILD VISITATION SCHEDULE)
Filed by Petitioner

02/14/2012 Application-Ex Parte
Filed by Petitioner

02/14/2012 Declaration
Filed by Petitioner

02/07/2012 Substitution of Attorney
Filed by Respondent

02/03/2012 Declaration (VISITATION SCHEDULE)
Filed by Petitioner

02/03/2012 OSC-Modification
Filed by Petitioner

02/01/2012 Proof of Service-Mail
Filed by Petitioner

01/20/2012 Declaration-Income & Expense
Filed by Respondent

01/20/2012 Responsive Decl-OSC/MOTION
Filed by Respondent

01/20/2012 Proof of Service-Mail
Filed by Respondent

01/12/2012 Proof of Service-Mail
Filed by Petitioner

01/06/2012 Proof of Service-Mail
Filed by Petitioner

01/03/2012 Declaration-Income & Expense
Filed by Petitioner

01/03/2012 Order-Show Cause
Filed by Petitioner

12/30/2011 Declaration (SUBMIT CITIZENSHIP DOCUMENTS)
Filed by Petitioner

12/30/2011 Request (SUPPORTING PROOF OF CITIZENSHIP)
Filed by Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
[TOP](#) [01/28/2013](#) [12/20/2011](#)

12/20/2011 Proof of Service-Mail
Filed by Petitioner

12/08/2011 Order-After Hearing
Filed by Petitioner

11/18/2011 Response
Filed by Respondent

11/18/2011 Substitution of Attorney
Filed by Respondent

11/18/2011 Declaration-Uniform Custody Minor'
Filed by Respondent

11/18/2011 Proof of Service
Filed by Respondent

11/18/2011 Responsive Decl-OSC/MOTION
Filed by Respondent

11/01/2011 Proof of Service-Mail
Filed by Petitioner

11/01/2011 Verification of Completion
Filed by Petitioner

11/01/2011 Notice-Acknowledgement of Receipt
Filed by Petitioner

10/18/2011 Application-Ex Parte

10/18/2011 Declaration-Re Notice- Given
Filed by Petitioner

10/04/2011 OSC-Custody and/or Visitation
Filed by Petitioner

10/04/2011 Declaration-Uniform Custody Minor'
Filed by Petitioner

09/29/2011 Declaration-Uniform Custody Minor'
Filed by Petitioner

09/29/2011 Order-Court Fee Waiver

Filed by Petitioner

09/29/2011 Request- Waive Court Fees
Filed by Petitioner

09/29/2011 Petition
Filed by Petitioner

09/29/2011 Summons-Family Law
Filed by Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
[TOP](#) [01/28/2013](#) [12/20/2011](#)

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Proceedings Held (Proceeding dates listed in descending order)

07/21/2014 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
OSC-Review - **Held-Order made**

03/07/2014 at 11:00 AM in Department SCM, Lowry, Stephen, Presiding
Hearing-Child Custody Evaluation - **Held-Continued-Court's Motion**

01/27/2014 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
Conference-Trial Setting - **Held-Trial date set**

10/08/2013 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
Application-Ex-Parte & Order - **Granted-In part**

03/20/2013 at 08:30 AM in Department SCM, Lowry, Stephen, Presiding
OSC-Order to Show Cause - **Not held-No appearances**

03/12/2013 at 13:30 PM in Department SCM, Lowry, Stephen, Presiding
OSC-Custody, Visit, Child Support (SFE vacated from 03/13/13 and reset for 03/20/13) - **Held-Order made**

02/06/2013 at 08:30 AM in Department SCM, Lowry, Stephen, Presiding
OSC-Custody and/or Visitation - **Held-Order made**

01/16/2013 at 08:30 AM in Department SCM, Lowry, Stephen, Presiding
Request-Ex Parte - **Granted**

01/11/2013 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
Request-Re Child Support - **Continued-by Plaintiff/Petitioner**

09/14/2012 at 08:30 AM in Department SCM, Lowry, Stephen, Presiding
Nunc Pro Tunc Order - **Completed**

09/07/2012 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
OSC -Re Child Support - **Held-Continued Evidentiary Hrg**

03/07/2012 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
OSC -Re Child Support - **Held-Continued**

02/21/2012 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
OSC-Order to Show Cause - **Continued-Court's own motion**

02/14/2012 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
Ex Parte - OSC - **Granted-Order made**

12/06/2011 at 22:55 PM in Department SCM, Lowry, Stephen, Presiding
OSC-Custody and/or Visitation - **Held-Order made**

11/08/2011 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
Ex Parte - OSC - **Held-Continued**

10/18/2011 at 08:00 AM in Department SCM, Lowry, Stephen, Presiding
Ex Parte - OSC - Held-Continued

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