

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-093719

09/26/2011

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT  
E. Toledo  
Deputy

IN RE THE MATTER OF  
RICHARD RIESS

RICHARD RIESS  
406 1/2 E LINCOLN ST  
CARSON CA 90745

AND

DESIREE TOMLIN RIESS

DAVID LEE GOLDFARB

TOMOTHY NELSON

TIMOTHY V NELSON

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom SEF 204

2:30 p.m. This is the time set for Temporary Orders Hearing. Petitioner/Father is present telephonically on his own behalf. Respondent/Mother is present and represented by above named counsel. Best Interest Attorney for the minor child Timothy V. Nelson is present.

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

**IT IS ORDERED** Petitioner's Motion to Appear Telephonically is granted.

Discussion is held with the Court.

Best Interest Attorney presents statements to the Court.

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**IT IS ORDERED** the Respondent shall respond to Petitioner's Motion to Dismiss within 10 days from today's date.

**IT IS FURTHER ORDERED** anything that is filed by the Petitioner in the California Court shall be copied to Respondent's counsel.

Respondent's counsel has agreed to facilitate service for the California filings.

Petitioner indicates his new address on the record.

**LET THE RECORD REFLECT** that the above-named courtroom clerk updates the Petitioner's address as stated on the record this date.

Discussion is held with the Court.

**IT IS FURTHER ORDERED** neither parent may involve the minor child in, or disclose to him the details of, this litigation.

**IT IS FURTHER ORDERED** that Father shall have telephonic contact with the minor child.

**IT IS FURTHER ORDERED** affirming the Court's temporary order that Mother have sole legal custody pending the next hearing date.

**IT IS FURTHER ORDERED** granting the Petitioner's motion to continue and setting this matter on **November 16, 2011 at 1:30 p.m.** before this division:

The Honorable John R. Hannah  
Southeast Judicial District  
Courtroom 204  
222 East Javelina Avenue  
Mesa, Arizona 85210

**Time Allotted: 2 hours**

**IT IS ORDERED** setting this cause for **Trial** to the Court on **March 15, 2012 at 1:30 p.m.** before:

The Honorable John R. Hannah  
Southeast Judicial District

SUPERIOR COURT OF ARIZONA  
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Courtroom 204  
222 East Javelina Avenue  
Mesa, Arizona 85210

**Time Allotted: 3 hours**

3:04 p.m. Matter concludes.

With regard to the Temporary Orders Hearing,

Failure of counsel or of 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 Superior Court, Maricopa County, including hearing this matter as a default.

**IT IS FURTHER ORDERED:**

1. The parties shall exchange lists of witnesses and exhibits thirty days prior to hearing. The lists shall disclose the testimony of each witness. A complete, numbered set of the exhibits listed shall be supplied to the other party together with the list, even if the exhibits have been previously produced. **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 shall be filed no later than seven (7) days prior to the hearing. Failure to file written objections shall be deemed a waiver of the right to object at the hearing.**
3. All discovery shall be completed no later than **thirty (30) days** prior to the Evidentiary Hearing.
4. The parties shall file the following documents **five (5) days** prior to the Evidentiary Hearing:
  - a. A Joint Prehearing Statement required by Rule 6.8(b), Local Rules of Superior Court, Maricopa County.

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- b. An Affidavit of Financial Information, if an affidavit has not been filed within the past six (6) months that is substantially accurate at the time of the hearing.**
- c. If either party believes child support is an issue, a Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.
- d. Any written objections to the admission into evidence of exhibits listed and exchanged by an opposing party. Objections that are not made are waived unless the basis for the objection was not known or could not reasonably have been known by counsel or the party making the objection.**
- e. If spousal maintenance is requested, the party requesting spousal maintenance shall prepare a document listing the amount of spousal maintenance requested, the need for spousal maintenance, including a list of monthly expenses, and the factors under A.R.S. § 25-319 justifying the amount of spousal maintenance. The document shall be provided to the other party no later than **five (5) days** prior to the date set for hearing.
- f. If division of debts is at issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred and who should pay the debt.

**IT IS ORDERED** that the parties and, if represented, counsel shall provide to the clerk of this division **any exhibits they shall seek to admit into evidence.** **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 12:00 p.m. on November 9, 2011. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** No Hearing exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

**NOTICE**

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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 hearing or the evidentiary hearing. If you make a written request before the hearing 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 and law 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 Prehearing Statement.

With regard to the Trial,

**LET THE RECORD REFLECT** that motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

**IT IS FURTHER ORDERED** all discovery shall be completed by **February 15, 2012**.

A **Joint Pretrial Statement** shall be filed pursuant to Rule 6.8(b), Local Rules of Maricopa County (Domestic Relations Proceedings) no later than **March 8, 2012**. If a Joint Pretrial Statement is impossible, then this Court will accept Separate Pretrial Statements. If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pretrial Statement:

1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A current and detailed inventory and appraisal of the property and assets of the parties.
3. A proposal of how the property and assets should be divided and the proposed disposition of each issue before the Court.

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4. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

Objections and pretrial motions not filed by **March 1, 2012** will be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present the Joint Pretrial Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

**NOTICE**

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 and law 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.

If time allows for closing arguments, the Court may hear closing arguments at that time.

**IT IS FURTHER ORDERED** any evidence intended to be submitted as exhibits at the time of the Trial/Evidentiary Hearing must be brought to this Division **no later than 12:00 p.m. on March 8, 2012 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to this Division and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

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**IT IS FURTHER ORDERED** that in the event the parties have a natural or an adopted minor, unemancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with A.R.S. § 25-831 et seq. Prior to the trial, and file proof thereof prior to or at the trial. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE TRIAL, THE COURT MAY VACATE THE TRIAL AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.** If only one party has completed the Parent Education Program, the Court may permit that party to proceed by default.

IF EITHER PARTY FAILS TO APPEAR FOR TRIAL, THE TRIAL MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE TRIAL MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

**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) court business days** before the scheduled hearing.

**NOTICE:** A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

**LET THE RECORD REFLECT** that this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance if requested and granted. If there is difficulty with the telephonic appearance the above-set Trial will NOT be reset. Please be sure that any telephonic appearance **MUST** be from a land line, not a cell phone, and not on speaker phone.

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>.