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|--|---|--|---|--|------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Richard Riess Lincoln St. Carson, CA 90745 TELEPHONE NO.: 310- [REDACTED] FAX NO. (Optional): E-MAIL ADDRESS (Optional): richardriess@gmail.com ATTORNEY FOR (Name): Richard Riess | | FOR COURT USE ONLY <div style="text-align: center;"> RECEIVED OCT 18 2011 SOUTH CENTRAL DISTRICT OFFICE AND COURT STAFF </div> | | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: 200 W. Compton Blvd. CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central District | | | | | |
| PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano | | | | | |
| <table border="0"> <tr> <td> ORDER TO SHOW CAUSE <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs </td> <td> <input type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support </td> <td> <i>Ex Parte</i> <input type="checkbox"/> Injunctive Order <input checked="" type="checkbox"/> Other (specify): Determine jurisdiction </td> </tr> </table> | | ORDER TO SHOW CAUSE <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs | <input type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support | <i>Ex Parte</i> <input type="checkbox"/> Injunctive Order <input checked="" type="checkbox"/> Other (specify): Determine jurisdiction | CASE NUMBER: TD035397 |
| ORDER TO SHOW CAUSE <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs | <input type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support | <i>Ex Parte</i> <input type="checkbox"/> Injunctive Order <input checked="" type="checkbox"/> Other (specify): Determine jurisdiction | | | |

1. TO (name): Desiree Capuano
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: **18 OCT 2011** Time: **8 AM** ☒ Dept.: **M** ☒ Room: **1211**

b. The address of the court is ☐ same as noted above ☐ other (specify):

c. ☒ The parties are ordered to attend custody mediation services as follows: **11/4/11, 10 AM, 825 Maple Ave, Torrance, CA**

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a **blank Responsive Declaration** (form FL-320), and the following documents be served with this order:

- a. (1) ☐ Completed *Income and Expense Declaration* (form FL-150) and a **blank Income and Expense Declaration**
 (2) ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a **blank Financial Statement (Simplified)**
 (3) ☐ Completed *Property Declaration* (form FL-160) and a **blank Property Declaration**
 (4) ☐ Points and authorities
 (5) ☐ Other (specify):

b. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):
 Any responsive declaration must be served on or before (date):

c. ☐ You are ordered to comply with the temporary orders attached.

d. ☐ Other (specify):

Date:

JUDICIAL OFFICER

NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

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| PETITIONER/PLAINTIFF: Richard Riess | CASE NUMBER: |
| RESPONDENT/DEFENDANT: Desiree Capuano | TD035397 |

APPLICATION FOR ORDER AND SUPPORTING DECLARATION
—THIS IS NOT AN ORDER—

☒ Petitioner ☐ Respondent ☐ Claimant requests the following orders:

1. ☒ CHILD CUSTODY ☒ To be ordered pending the hearing
- a. Child's name and age b. Legal custody to (name of person who makes decisions about health, education, etc.) c. Physical custody to (name of person with whom child will live.)
- G [redacted] Riess Richard Riess Richard Riess

- d. ☐ Modify existing order
 (1) filed on (date):
 (2) ordering (specify):

e. ☒ As requested in form ☐ FL-311 ☒ FL-312 ☐ FL-341(C) ☐ FL-341(D) ☐ FL-341(E)

2. ☒ CHILD VISITATION ☒ To be ordered pending the hearing

a. As requested in: (1) ☐ Attachment 2a (2) ☒ Form FL-311 (3) ☐ Other (specify):

- b. ☐ Modify existing order
 (1) filed on (date):
 (2) ordering (specify):

c. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one.) The orders are from the following court or courts (specify county and state):

- | | |
|--|--|
| (1) <input type="checkbox"/> Criminal: County/state: Case No. (if known): | (3) <input type="checkbox"/> Juvenile: County/state: Case No. (if known): |
| (2) <input type="checkbox"/> Family: County/state: Case No. (if known): | (4) <input type="checkbox"/> Other: County/state: Case No. (if known): |

3. ☐ CHILD SUPPORT (An earnings assignment order may be issued.)

- a. Child's name and age b. Monthly amount requested (if not by guideline)
 \$

- c. ☐ Modify existing order
 (1) filed on (date):
 (2) ordering (specify):

4. ☐ SPOUSAL OR PARTNER SUPPORT (An earnings assignment order may be issued.)

- | | |
|--|---|
| a. <input type="checkbox"/> Amount requested (monthly): \$ | c. <input type="checkbox"/> Modify existing order |
| b. <input type="checkbox"/> Terminate existing order | (1) filed on (date): |
| (1) filed on (date): | (2) ordering (specify): |
| (2) ordering (specify): | |

NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100), *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110), and *Notice of Court Hearing (Domestic Violence Prevention)* (form DV-109).

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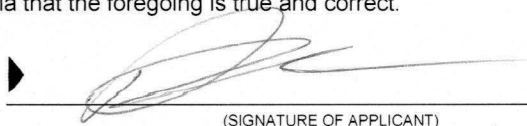
5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$ b. ☐ Costs: \$
6. ☐ PROPERTY RESTRAINT ☐ **To be ordered pending the hearing**
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ **To be ordered pending the hearing**
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. ☒ OTHER RELIEF (*specify*):
I request the Court communicate with the Arizona Superior Court to assert subject matter jurisdiction based on California being the Child's home state.
9. ☐ I request that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): _____ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in item 10 or the attached declaration.
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (*specify*):
☒ Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10-17-11

Richard Riess

(TYPE OR PRINT NAME)



(SIGNATURE OF APPLICANT)

| | |
|---|--------------|
| PETITIONER / PLAINTIFF: Richard Riess | CASE NUMBER: |
| RESPONDENT / DEFENDANT: Desiree Capuano | TD035397 |

REQUEST FOR CHILD ABDUCTION PREVENTION ORDERS

Attachment to ☐ Petition ☐ Response ☒ Application for Order and Supporting Declaration ☐ Responsive Declaration
☐ Other (specify):

1. Your name: Richard Riess

2. Do you think the other parent might take the children without your permission to

- a. ☐ another county in California? ☐ Yes ☐ No If "Yes," what county? (specify):
- b. ☒ another state? ☒ Yes ☐ No If "Yes," what state? (specify): Arizona
- c. ☐ a foreign country? ☐ Yes ☐ No If "Yes," what country? (specify):
- If "Yes," is the other parent a citizen of that country? ☐ Yes ☐ No
- If "Yes," does the other parent have family or emotional ties to that country? ☐ Yes ☐ No
- Explain:

3. Why do you think the other parent might take the children without your permission?

The other parent (check all that apply):

- a. ☒ has violated—or threatened to violate—a custody or visitation order in the past.
 Explain: Respondent has twice taken Child to another state without notifying Petitioner or the Court.
 She has recently taken Child to Arizona, filed for ex parte emergency custody and an order of protection there and refuses to allow Petitioner visits or to return Child to California.
- b. ☒ does not have strong ties to California.
 Explain any work, financial, social, or family situation that makes it easy for the other parent to leave California.
 Respondent does not have any ties to California and lives permanently in Arizona.
- c. ☒ has recently done things that make it easy for him or her to take the children away without permission. He or she has (check all that apply)
- ☐ quit his or her job. ☐ sold his or her home.
- ☐ closed a bank account. ☐ ended a lease.
- ☐ sold or gotten rid of assets. ☐ hidden or destroyed documents.
- ☐ applied for a passport, birth certificate, or school or medical records.
- ☒ Other (specify): In August Respondent took Child to Arizona while Petitioner was out of town.
 She immediately filed for custody in Arizona although California is Child's home state and she has been absent from Child's life for the last nine years.
- d. ☒ has a history of (check all that apply)
- ☐ domestic violence.
- ☐ child abuse.
- ☒ not cooperating with me in parenting.
- ☒ taking the children without my permission.
 Explain: In 2002 Respondent took Child to Florida and in 2011 Respondent took Child to Arizona, both times without notifying Petitioner or the Court. She continues to hold Child in Arizona and refuses to return him to California or to allow Petitioner to visit him.
- e. ☐ has a criminal record. Explain:

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I REQUEST THE FOLLOWING ORDERS:

4. ☐ **Supervised Visitation**
I ask the court to order supervised visitation.
Terms of visitation are attached (*check one*): ☐ form FL-341(A) ☐ as follows:

5. ☐ **Post a Bond**
I ask the court to order the other parent to post a bond for \$ _____. If the other parent takes the children without my permission, I can use this money to bring the children back.

6. ☐ **Do Not Move Without My Permission or Court Order**
I ask the court to order the other parent NOT to move with the children, without my written permission or a court order.

7. ☒ **No Travel Without My Permission or Court Order**
I ask the court to order the other parent NOT to travel with the children outside (*check all that apply*)
☒ this county ☐ the United States
☒ California ☐ other (*specify*): _____
without my written permission or a court order.

8. ☒ **Notify Other State of Travel Restrictions**
I ask the court to order the other parent to register this order in the state of Arizona before the children can travel to that state for visits.

9. ☐ **Turn In and Do Not Apply for Passports or Other Vital Documents**
I ask the court to order the other parent to turn in and NOT apply for passports or other documents (such as visas or birth certificates) that can be used for travel.

10. ☒ **Provide Itinerary and Other Travel Documents**
If the other parent is allowed to travel with the children, I ask the court to order the other parent to give me before leaving
☒ the children's travel itinerary.
☒ copies of round-trip airline tickets.
☒ addresses and telephone numbers where the children can be reached.
☐ an open airline ticket for me in case the children are not returned.
☐ other (*specify*): _____

11. ☐ **Notify Foreign Embassy or Consulate of Passport Restrictions**
I ask the court to order the other parent to notify the embassy or consulate of _____ of this order and to provide the court with proof of that notification within _____ calendar days.

12. ☐ **Foreign Custody and Visitation Order**
I ask the court to order the other parent to get a custody and visitation order in a foreign country equal to the most recent U.S. order before the children can travel to that country for visits. I understand that foreign orders may be changed or enforced depending on the laws of that country.

13. ☒ **Other (*specify*):**
I request the Court order Respondent to immediately return Child to California and to Petitioner's custody and care.

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: 10-17-11



SIGN HERE

| | |
|---------------------------------------|--------------|
| PETITIONER/PLAINTIFF: Richard Riess | CASE NUMBER: |
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CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

- TO ☒ Petition, Response, Application for Order or Responsive Declaration ☐ Other (specify):
☒ To be ordered now and effective until the hearing

1. ☒ **Custody.** Custody of the minor children of the parties is requested as follows:

| Child's Name | Date of Birth | Legal Custody to (person who makes decisions about health, education, etc.) | Physical Custody to (person with whom the child lives) |
|--------------------|-----------------|---|---|
| G [redacted] Riess | [redacted]/2000 | Richard Riess | Richard Riess |

2. ☒ **Visitation.**

- a. ☒ Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
b. ☐ See the attached _____-page document dated (specify date):
c. ☒ The parties will go to mediation at (specify location): Torrance Courthouse
d. ☐ No visitation
e. ☐ Visitation for the ☐ petitioner ☐ respondent will be as follows:

- (1) ☐ **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

- (a) ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent having the initial fifth weekend, which starts (date):

- (b) ☐ The petitioner will have fifth weekends in ☐ odd ☐ even months.

- (2) ☐ **Alternate weekends starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

- (3) ☐ **Weekdays starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

- (4) ☐ **Other (specify days and times as well as any additional restrictions):**

☐ See Attachment 2e(4).

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| PETITIONER: Richard Riess | CASE NUMBER: |
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3. ☐ **Supervised visitation.**

I request that (name): have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by (name): who is a ☐ professional ☐ nonprofessional supervisor. The supervisor's phone number is (specify):

I request that the costs of supervision be paid as follows: petitioner: percent; respondent: percent.

If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be bad for your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.

4. ☐ **Transportation for visitation and place of exchange.**

- ☐ Transportation **to** the visits will be provided by (name):
- ☐ Transportation **from** the visits will be provided by (name):
- ☐ Drop-off of the children will be at (address):
- ☐ Pick-up of the children will be at (address):
- ☐ The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- ☐ During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- ☐ Other (specify):

5. ☒ **Travel with children.** The ☐ petitioner ☒ respondent ☐ other (name): **must** have written permission from the other parent or a court order to take the children out of

- ☒ the state of California.
- ☐ the following counties (specify):
- ☐ other places (specify):

6. ☒ **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.

7. ☐ **Children's holiday schedule.** I request the holiday and visitation schedule set out on the attached ☐ form FL-341(C) ☐ other (specify):

8. ☐ **Additional custody provisions.** I request the additional orders regarding custody set out on the attached ☐ form FL-341(D) ☐ other (specify):

9. ☐ **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached ☐ form FL-341(E) ☐ other (specify):

10. ☒ **Other.** I request the following additional orders (specify):

Respondent immediately return Child to his home state of California and to Petitioner's custody and care.

Richard Riess
■■■ Lincoln St.
Carson, CA 90745
Pro Per

RECEIVED
OCT 18 2011
SOUTH CENTRAL DISTRICT
OFFICE AND COURT STAFF

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

RICHARD RIESS,
Petitioner,

v.

DESIREE CAPUANO,
Respondent.

Case No.: TD035397

DECLARATION OF LIZ M■■■ IN
SUPPORT OF EX PARTE REQUEST

I, Liz M■■■, hereby declare under penalty of perjury that all of the statements made herein are based on my own personal knowledge and observations and are true and correct.

1. In January 2002 I was employed as a teacher at the Der Kinder Garden preschool in Torrance.
2. I met Richard and G■■■ Riess in January 2002 when G■■■ started attending the Der Kinder Garden where I was working.
3. In March 2002 I began babysitting G■■■ when required by Richard.
4. From February 2003 through September 2005 Richard and G■■■ shared a residence with me. During that time I performed many of the day to day guardian tasks for G■■■, including taking him to preschool and preparing meals.
5. From September 2005 through July 2007, while Richard and G■■■ were out of town on business I remained in contact with G■■■.

6. On July 24, 2007, when Richard was arrested in Phoenix, AZ G [REDACTED] called me and requested I go to Phoenix to pick him up and care for him until Richard was released from custody.
7. On or about July 26, 2007 I met with Richard at the Maricopa County Jail and he requested I take care of G [REDACTED] until he is released from custody. Richard granted me temporary guardianship of G [REDACTED] pending his release from custody.
8. G [REDACTED] then remained in my care for the next four years (from July 2007 through August 2011) while Richard addressed his legal matters from within custody.
9. During the four years that I cared for G [REDACTED] Richard called on the telephone and spoke to G [REDACTED] approximately once per week. Richard always called on G [REDACTED]'s birthdays, holidays, and when G [REDACTED] did well in school and to congratulate him on his many accomplishments. G [REDACTED] always looked forward to Richard's calls and eagerly awaited Richard's return.
10. While G [REDACTED] was in my care he was repeatedly on the Honor Roll, and won first place in the school science fair one year, and third place the next. G [REDACTED] has never missed more than three days of school in an entire school year and consistently receives a grade of 4 (Excellent) in almost all of his classes.
11. From September 2009, and onwards, Richard consistently told myself and G [REDACTED] that he believed his period of detention would end in the summer of 2011.
12. During the time I was caring for G [REDACTED] while Richard was in custody neither myself nor G [REDACTED] heard from Desiree until March 2011, when Richard made a deliberate effort to put her and G [REDACTED] in contact.
13. I have never received any assistance or support from Desiree, financial or otherwise.

14. Desiree has never called on G [REDACTED]'s birthdays, any holidays or for any of G [REDACTED]'s accomplishments.
15. In February 2011 Richard forwarded Desiree's contact information to G [REDACTED] and I, and clearly stated to G [REDACTED] that it was his (G [REDACTED]'s) choice whether or not to contact Desiree. Richard stressed to G [REDACTED] that he would neither force nor discourage G [REDACTED] from contacting Desiree.
16. Richard directed me not to interfere with any contact between G [REDACTED] and Desiree or to influence G [REDACTED]'s decision whether or not to contact Desiree.
17. When Richard informed G [REDACTED] he had located Desiree, G [REDACTED] expressed no interest in establishing contact with her.
18. In March 14, 2011 G [REDACTED] asked me to call Desiree and introduce myself very briefly, which I did. G [REDACTED] then spoke to Desiree for the first time for approximately one hour.
19. Following that telephone call Gabriel expressed some excitement about having a brother but did not express an interest in maintaining communication with Desiree.
20. During that first telephone call Desiree told G [REDACTED] and me that she would come to Los Angeles to visit G [REDACTED] in the second weekend of May.
21. Over the next few weeks Desiree called for G [REDACTED] multiple times each week. Many times G [REDACTED] did not wish to speak to her and chose not to answer the telephone. The times G [REDACTED] did answer the calls from Desiree he spent more time speaking with Desiree's other child, Sage, than with Desiree.
22. Desiree consistently and repeatedly stated to both G [REDACTED] and me that it was not her intention to "uproot" G [REDACTED] or to "take him away from the only family he has ever known".

Desiree stated that she would not pressure G [REDACTED] and that "things would move only at a pace he was comfortable with".

23. In the last week of April Desiree called and informed G [REDACTED] that she would not be coming to visit him in May, but that she might be able to visit in June.
24. On June 3, 2011 Desiree came to Los Angeles to visit G [REDACTED] for the weekend. Desiree brought her current boyfriend along on the visit. This was the first time G [REDACTED] had ever met Desiree.
25. During the first visit in June Desiree again insisted to both me and G [REDACTED] that it was not her intention to take G [REDACTED] away.
26. The day after Desiree returned to Phoenix after visiting G [REDACTED] she called on the telephone and said that she had changed her mind and she was going to bring G [REDACTED] to live with her in Phoenix at the end of the school year. Desiree stated that she "had to move quickly because Richard was going to be released soon", that she "didn't care what Richard said", and that "Richard had the first ten years and now its [her] turn".
27. Upon hearing that Desiree intended to take him to Phoenix G [REDACTED] did not want to speak to Desiree anymore. He stopped accepting her calls because he was afraid she was going to take him away.
28. After a couple of weeks Desiree stated that she decided not to take G [REDACTED] to Phoenix until the following year and that she would just continue to visit with him in Los Angeles.
29. In June 2011 Richard informed me and G [REDACTED] that he would be released from custody by the end of the summer. G [REDACTED] was very excited about this and began counting the days.

30. On June 24 Desiree came for a second visit with G [REDACTED] for the weekend. During this visit Desiree stated that she was going to take G [REDACTED] to San Diego for a week in July. I immediately notified Richard of Desiree's plan to take G [REDACTED] to San Diego.
31. The trip to San Diego corresponded to the end of the school year.
32. Two days before Desiree was supposed to take G [REDACTED] to San Diego Richard called on the telephone and informed me that he had not heard from Desiree at all since her second visit and that she had not informed him of the San Diego trip. Richard stated that he could not permit the trip because he believed, based on Desiree's refusal to communicate with him, that Desiree was intending to take G [REDACTED] and not return him.
33. Richard immediately informed G [REDACTED] of his decision and explained why he believed Desiree did not intend to return him. G [REDACTED] then admitted that he was not comfortable going on the trip but did not want to upset Desiree.
34. I then called Desiree on the telephone to inform her of Richard's decision. Desiree became very angry, began yelling profanities and accusations at me and demanding to speak to G [REDACTED] immediately. She then proceeded to accuse G [REDACTED] of lying, ruining Sage's birthday and causing problems for everyone. Desiree also told G [REDACTED] that he was being unfair because the trip to San Diego had cost her so much money. G [REDACTED] had never been subjected to such behavior and became very upset.
35. Following that phone call G [REDACTED] decided not to have any further contact with Desiree until Richard was released from custody.
36. Over the next three weeks Desiree called only two or three times and each time G [REDACTED] refused to answer the calls because he was afraid of her.

37. After the telephone call on July 14 G [REDACTED] was afraid to stay at home on the weekends because he believed Desiree might show up and take him away. For that reason we began spending the weekends with my parents in Pasadena.
38. On August 7, 2011 G [REDACTED] and I were at my parent's house in Pasadena. At approximately 8:30am I received a call from Desiree on my mobile phone. She said she was at my house with the police and she was there to pick up G [REDACTED]. She demanded that I bring G [REDACTED] immediately.
39. I then brought G [REDACTED] home to address the matter. Upon our arrival Desiree was present with her boyfriend. G [REDACTED] told Desiree that he did not want to go with her. Desiree stated that she didn't care and that she was his mother so he had to go. G [REDACTED] requested Desiree call the police because he was afraid to go with her.
40. When the police arrived Desiree used the temporary custody order from 2001 to support her claim to custody. G [REDACTED] pleaded with the police not to make him go with her.
41. I informed the police that Desiree has been absent from G [REDACTED]'s life for the last nine years and that the father who had been raising G [REDACTED] had appointed me temporary guardian pending his release from custody. Desiree denied the allegation that she had been absent from G [REDACTED]'s life and insisted that Richard had been "hiding" G [REDACTED] from her all this time.
42. The police ordered that G [REDACTED] must go with Desiree because she had the custody order from 2001.
43. G [REDACTED] kept saying to me "Tell my dad I'm sorry, but I did everything I could." G [REDACTED] was very upset but tried very hard to remain dignified and honorable.
44. Desiree provided no notice before coming to Los Angeles and taking G [REDACTED].

45. Upon his arrival in Phoenix G [REDACTED] called me on the telephone on a daily basis. He remained very upset about being there. He expressed that he was very unhappy with Desiree. He was also very worried because he had not heard from Richard. We later learned that Desiree was not accepting Richard's telephone calls and all of the mail Richard sent G [REDACTED] was being returned "Attempted - Not Known, Unable to Forward".
46. G [REDACTED] would often speak to me in Spanish or he would take the telephone into the closet in his bedroom because he was afraid of how Desiree might react to what he was saying to me.
47. On August 31, 2011 Richard was released from custody. G [REDACTED] was very upset that he could not be here for his father's return. G [REDACTED] had been waiting four years to be back with his father.
48. In early September G [REDACTED] informed me that Desiree told him she has been recording and listening to his telephone calls, that she "didn't care if he told his father", and that she "was going to continue listening to the calls until whatever little secrets he has with his father stop". Neither G [REDACTED] nor I were aware we were being recorded or consented to being recorded.
49. At the same time G [REDACTED] learned his calls were being recorded he suddenly stopped calling regularly. When I did speak to him he was very reserved in his wording and his responses.
50. G [REDACTED] continues to express his unhappiness about being in Phoenix and with Desiree, however he continues to conduct himself with dignity and respect. Every time I speak to G [REDACTED] on the telephone I ask him if he still wants to come home and he clearly states that he does.
51. G [REDACTED] has told me that he has not made any friends in Phoenix because he does not want to be there and hopes he will not be there much longer. G [REDACTED] has many friends at the school

he has been attending for the last four years here in Carson and wants very much to return to that school for what will be his last year before proceeding to middle school.

52. Over the last nine years G [REDACTED] has become a part of my family and has grown very close with my parents, my sister, and many of my cousins and aunts and uncles.
53. There are many people amongst my family and friends that care very much for G [REDACTED] and ask about him on a daily basis. Everyone misses him very much and we are all hoping for his prompt return.

Dated this 17th day of October, 2011 at Carson, California.



Liz Munoz

Richard Riess
■■■ Lincoln St.
Carson, CA 90745
Pro Per

RECEIVED
OCT 18 2011
SOUTH CENTRAL DISTRICT
OFFICE AND COURT STAFF

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

RICHARD RIESS,
Petitioner,

v.

DESIREE CAPUANO,
Respondent.

Case No.: TD035397

**DECLARATION OF RICHARD RIESS IN
SUPPORT OF EX PARTE REQUEST**

I, Richard Riess, hereby declare under penalty of perjury that I am the Petitioner in the captioned matter that all of the statements made herein are based on my personal knowledge and are true and.

1. I am the natural father of G■■■ Riess who was born in Phoenix, Arizona on September 27, 2000 and is the subject of these proceedings.
2. Respondent and I were married on August 29, 2000 and remain married at this time.
3. In October 2001 Respondent and I separated and Respondent took G■■■ to Phoenix, AZ to live with Respondent's mother.
4. In December 2001 Respondent left G■■■ with her mother in Phoenix, AZ and moved back to Florida to rekindle a relationship with an ex-boyfriend, Michael Capuano who she had been secretly in contact with during the course of our marriage and time together. Respondent did not provide me or her mother any contact information in Florida.

5. Immediately upon learning Respondent had returned to Florida and left G [REDACTED] in Phoenix I brought G [REDACTED] back to California and filed for divorce and custody. The Court granted me temporary custody based on Respondent's disappearance and residence outside the State of California.
6. I also requested, and was granted, permission from the Court to take G [REDACTED] to Phoenix for Christmas as requested by Respondent's mother.
7. On February 6, 2002 the Superior Court of California, County of Los Angeles (Torrance Courthouse) issued a temporary custody order granting each parent equal custody rights, to be shared in two week intervals. The Court prohibited Respondent from driving cross country with G [REDACTED].
8. On February 6, 2002 Respondent stated in open court that she would reside with her mother in Phoenix, AZ. Respondent then immediately took G [REDACTED] to Florida, by driving cross country, without notifying me or the Court. I was notified after the fact by Respondent's attorney.
9. On March 6, 2002 I flew to Florida to bring G [REDACTED] back to California for my two week custody period.
10. Respondent did not then return to California to receive G [REDACTED] for any further custody periods.
11. In May or June 2002 Respondent married Michael Capuano in Florida while still married to me.
12. In September 2002 Respondent became pregnant with Mr. Capuano, subsequently changed her telephone number and her name (to Desiree Capuano), and did not notify me of her new contact information, whereabouts or name. From that point neither G [REDACTED] nor I received any contact from Respondent (save for one telephone call in May 2007, in response to my attempt to re-establish contact).
13. Respondent made no attempts to establish contact or to have a relationship with G [REDACTED] from

February 2002 through February 2011.

14. G [REDACTED] has resided in my care since birth and has, at all times, been in direct contact with me.
15. My friend, Liz M [REDACTED], has been in direct contact with G [REDACTED] from the age of 15 months and has substantially assisted me in caring for G [REDACTED].
16. At times, when I have been required to travel out of town on business or legal matters Miss M [REDACTED] has provided care for G [REDACTED] in her home.
17. Over the last nine years G [REDACTED] has developed a substantial bond with Miss M [REDACTED] as a parental/guardian figure and with much of Miss M [REDACTED]'s extended family who live in the Los Angeles area.
18. Due to Respondent's voluntary disappearance in September 2002 I opted to stay the dissolution and custody proceedings to ensure Respondent would be afforded a fair and reasonable opportunity to participate.
19. During the nine years that Respondent was absent from mine and Gabriel's lives she never contacted G [REDACTED] for birthdays, holidays or school accomplishments. Respondent also did not make a any contribution, financial or otherwise, to the care of G [REDACTED] during the nine year absence.
20. During Respondent's nine year absence G [REDACTED] and I were periodically in contact with Respondent's mother in Phoenix, AZ. Respondent's mother refused to inform me or G [REDACTED] of Respondent's contact information. Respondent was also in contact with her mother but made not attempt to establish contact with me or G [REDACTED].
21. On July 24, 2007 I was arrested in Phoenix and charged with two counts of forgery and one count of theft of means of transportation. Although I was held in custody for 15 months on those charges, the case was eventually dismissed on motion of the prosecutor.
22. At the time of my arrest I had no knowledge of Respondent's whereabouts and was, therefore,

unable to inquire whether she could, or would, care for G [REDACTED] while I was in custody.

23. In January 2011 I located Respondent in Scottsdale, AZ, through an investigator. I then established contact with Respondent so that G [REDACTED] may have the opportunity to meet and possibly get to know his mother, should he choose to do so.
24. From March through June 2011 Respondent spoke to G [REDACTED] a number of times via telephone.
25. Respondent only visited G [REDACTED] two times. In July 2011 Respondent made two trips to Los Angeles, CA to meet and visit G [REDACTED] over the weekend.
26. Both I and Respondent agreed that it would be very harmful to G [REDACTED]'s emotional and psychological well-being to be taken from the only home environment (with myself and Miss M [REDACTED]) he has ever known and relocated to Phoenix with Respondent. Respondent stated to me, Miss M [REDACTED] and G [REDACTED] that that was not her intention.
27. I have consistently stated that I will not force any custody decisions on G [REDACTED] and that G [REDACTED] alone should be permitted to choose which parent he will reside with. I sincerely believe G [REDACTED] is mature and intelligent enough to make that decision.
28. On August 7, 2011, while I was out of town, Respondent came to Los Angeles and took G [REDACTED], against his will and without my knowledge or consent, to Arizona. G [REDACTED] was in the care of Miss M [REDACTED] at the time. Respondent called the police and relied upon the temporary custody order from 2002 to support her claim to custody of G [REDACTED]. Upon returning to Arizona with G [REDACTED] Respondent immediately filed an ex parte petition for emergency custody, and commenced new custody proceedings in the Superior Court of Arizona (case no: FC2011-093719). Respondent also immediately enrolled G [REDACTED] in school in Arizona.
29. In her ex parte emergency custody request Respondent alleged: I had hid G [REDACTED] from her for nine years (yet she never notified the Court, the District Attorney's Office or the police); I would

frequently go out drinking all night leaving G [REDACTED] alone in the back seat of the car (yet she does not claim to have taken any action in response to that).


30. The ex parte petition was denied by the Arizona court on August 30, 2011. The Arizona court issued an order prohibiting either parent from taking G [REDACTED] out of the State of Arizona and set a hearing date for September 26, 2011.
31. For the first three weeks that Respondent has been holding G [REDACTED] in Arizona all of my mail to G [REDACTED] has been returned as "Attempted - Not Known, Unable to Forward" and Respondent only accepted two of my telephone calls to G [REDACTED].
32. Respondent informed me for the first time on September 11, 2011 that she had filed an ex parte request and commenced new custody proceedings in Arizona.
33. From August 7, 2011 through the present I has made numerous attempts to resolve this matter amicably and in the best interest of G [REDACTED], however Respondent has steadfastly refused to return G [REDACTED] to California or to my care.
34. In late August 2011 G [REDACTED] told me, via telephone, that Respondent had informed him that she had been recording and monitoring his telephone calls with me. G [REDACTED] stated Respondent told him that she "didn't care if he told his father" and that she "was going to continue listening to the calls until whatever little secrets he has with his father stop". Neither G [REDACTED] nor I knew we were being recorded or consented to being recorded.
35. When G [REDACTED] found out Respondent was monitoring his calls he became guarded when speaking over the telephone and that significantly affected my ability communicate openly with him.
36. Prior to being informed Respondent was recording and listening to his telephone calls G [REDACTED] would take the telephone into his closet and whisper to me due to his fear of Respondent or Respondent's other child hearing the conversation. G [REDACTED] would also speak to Miss M [REDACTED] in

Spanish because he was afraid of how Respondent would respond to what he was saying to M [REDACTED].

37. Since being taken to Arizona in August G [REDACTED] has consistently stated to me that he wishes to return to California and to my care as soon as possible. G [REDACTED] has also stated that he has not made any friends at his new school because he wants to come home and return to his previous school. G [REDACTED] has further stated that he is not comfortable in Respondent's home environment and has reasonable fears for his safety due to reports of violence and aggressive behavior from Respondent's other child and Respondent's sometimes erratic behavior.
38. G [REDACTED] has stated before and after being taken to Arizona by Respondent that he does not trust Respondent due to her repeated lies to him, me and Miss M [REDACTED] regarding her intentions, and her repeated failure to follow through on her promises to G [REDACTED] and to me.
39. On September 13, 2011 G [REDACTED], Respondent and I spoke via telephone. G [REDACTED] stated his desire to return to my care. G [REDACTED] stated he would like to live with me during the school year and with Respondent during the summers and major holidays. Respondent and I agreed that would be an acceptable arrangement. The following day Respondent refused to speak to me and obtained an order prohibiting me from having any unsupervised contact with G [REDACTED]. Respondent also cancelled her stipulation from the previous conversation.
40. On September 14, 2011 I received a telephone call from Respondent's attorney in the proceeding in Arizona, wherein the attorney directly and unequivocally told me that I could not take G [REDACTED] for my two week custody period and that if I did "it would be a waste of [my] time".
41. On September 16, 2011 Respondent filed, in the Arizona Court, a request for an Order of Protection barring me from visiting G [REDACTED] pending a hearing in the matter. The Arizona Court granted the request based on Respondent's false and unfounded allegations that I had hid G [REDACTED] from her for nine years and that there was a likelihood I would disappear with G [REDACTED].

42. On September 19, 2011 I filed a Motion to Dismiss the Arizona proceedings for lack of subject matter jurisdiction based on California being G [REDACTED]'s home state at the time the proceedings were commenced, based on Respondent's misconduct by taking G [REDACTED] to Arizona without my knowledge and for the purpose of commencing new custody proceedings there. The Arizona Court has not yet ruled on that motion.
43. On September 29, 2011 I commenced this proceeding based on California being G [REDACTED]'s home state.
44. On September 30, 2011 the original proceedings for custody of G [REDACTED], filed in 2001, were dismissed on motion of the Court pursuant to CCP 583.310 and 583.360.
45. In 2000 Respondent was arrested in Santa Monica, CA for being under the influence of a controlled substance and subsequently ordered to a psychiatric hospital in El Monte, CA for evaluation.
46. On October 9, 2011 I notified Respondent and her attorney (in the Arizona matter), via email and telephone, of my intention to file this ex parte application on October 18, 2011. Respondent made no comment and did not indicate whether or not she would appear.
47. I have not contacted the Los Angeles County District Attorney Child Abduction Section, or the Police or Sheriffs, regarding this matter.

Dated this 17th day of October, 2011 at Carson, California.


Richard Riess

| | | | |
|---|--------------------------------------|--|---------------------------------|
| NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Richard Riess Lincoln St. Carson, CA 90745 | | STATE BAR NUMBER | Reserved for Clerk's File Stamp |
| ATTORNEY FOR (NAME): Richard Riess | | <div style="text-align: center;"> RECEIVED OCT 18 2011 SOUTH CENTRAL DISTRICT OFFICE AND COURT STAFF </div> | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES | | | |
| COURT HOUSE ADDRESS: 200 W. Compton Blvd., Compton, CA 90220 | | | |
| PETITIONER / PLAINTIFF: Richard Riess | | | |
| RESPONDENT / DEFENDANT: Desiree Capuano | | | |
| CHILD'S NAME: (If more than one child, please attach list) G. Riess | CHILD'S DATE OF BIRTH: 09/27/2000 | CASE NUMBER: TD035397 | |
| DECLARATION OF EX PARTE NOTICE (Temporary Restraining Order) | | RELATED CASES (IF ANY): | |

I, Richard Riess, declare that:
(PRINT NAME)

1) I informed the other party in this action that I would be seeking a temporary restraining order as follows:

Person informed: Desiree Capuano Date and time informed: 10/9/11, 3:43pm

How informed:

- ☒ By telephone to the party
- ☒ By telephone to the attorney
- ☐ By personally informing: _____
- ☒ Other: by email to the party and to the attorney

I informed the person listed above that I would be seeking a temporary restraining order in Dept. M of the Superior Court located at 200 W. Compton Blvd, Compton, CA on 10/18/11, 200 11 at 8:30 a.m.

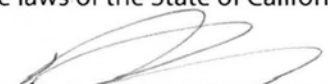
2) I told him/her the orders requested included, but were not limited to the following:

- ☐ That he/she not annoy, attack, molest, strike, batter, harass, assault, contact or disturb the peace of Petitioner/Respondent.
- ☐ That he/she stay 100 yards away from Petitioner/Respondent and Petitioner's/Respondent's home.
- ☐ That he/she be ordered to immediately move out of Petitioner's/Respondent's house.
- ☒ That Petitioner/Respondent have custody of the minor children.
- ☐ That he/she have no visitation with the children pending hearing.
- ☒ Other: That the court resolve the issue of jurisdiction and order Respondent to immediately return Child to his home state of California and to Petitioner's custody.

3) I informed the Petitioner/Respondent that he/she should appear at the above time and place if he/she wished to be heard by the court.

I declare the foregoing is true and correct under penalty of perjury under the laws of the State of California.

Date: 10/11/11


 Signature of Declarant

From: Desiree Capuano <desiree.capuano@gmail.com>
Subject: **Re: Ex parte hearing next week**
Date: October 14, 2011 2:58:04 PM PDT
To: Richard Riess <richardriess@gmail.com>

Richard,

Can you please send me a copy of the ex-parte paperwork so I can prepare for it? Am I correct in assuming that Tuesday, October 18th is the new date?

On Tue, Oct 11, 2011 at 6:49 PM, Richard Riess <richardriess@gmail.com> wrote:

Begin forwarded message:

From: Richard Riess <richardriess@gmail.com>
Date: October 10, 2011 12:37:21 PM PDT
To: David Goldfarb <dgoldfarb@gillaw.com>
Cc: Desiree Capuano <desiree.capuano@apollogrp.com>, Selena Hinton <shinton@gillaw.com>
Subject: **Re: Ex parte hearing next week**

David:

I will print and have the attached document signed by the party that mailed the documents and fax you the signed copy later today or tomorrow. I trust this form meets your requirements.

Now, may you please inform me of which court rule, statute or case requires that I provide notice of hearings to an attorney that is not representing any of the parties in the matter? I am not aware of any such requirement. And Judge Hannah only ordered me to provide you a copy of "anything that is filed by Petitioner in the California Court". Therefore, I am required to provide you a copy of any request for a hearing which I file, however, ex parte hearings are held on the same day the request is filed so it would be physically impossible for me to provide you a copy prior to the hearing. Also, Judge Hannah did not impose any requirement that I provide you a copy within any specific period of time after filing with the court. I take this to mean that as long as I provide you a copy concurrently with the notice I provide Desiree that is sufficient. At this time I have not yet filed the request for the ex parte hearing because I will do so at 8:00am on October 18, 2011 and the hearing will be held that morning. Also, I am required to file the FAM-018 - Declaration of Ex Parte Notice at the same time that I request the hearing. In that notice I will declare that I notified Desiree on October 9, 2011 by telephone and email. I believe I have fulfilled all of my notification requirements.

Again, I thank you for your time.

Richard

On 10/10/11 11:55 AM, David Goldfarb wrote:

Richard, please send me an acceptance of service and I will have her sign it. This is what I have asked for. Further, you must provide me written notices from the Court as to hearings, which you have not done.

David L. Goldfarb

Associate Attorney
Gillespie, Shields & Associates, P.A.
7319 N 16th Street, Suite 100
Phoenix, AZ 85020
(602) 870-9700 Phone
(602) 870-9783 Fax

"Your Family's Law Firm"

From: Richard Riess [<mailto:richardriess@gmail.com>]

Sent: Monday, October 10, 2011 11:54 AM

To: David Goldfarb

Cc: Desiree Capuano; Selena Hinton

Subject: Re: Ex parte hearing next week

David:

Fine. Send them back to me and I'll hire a process server. This is exactly the reason I said on the telephone that I believe it would be easier for everyone if I just hired a process server. To which you told me it wasn't necessary and to save my money. I told you on the phone that the Superior Court of California requires completion of the FL-330 and FL-115. And, the entire telephone call was not 20 minutes.

Another point: you do not need to hire a process server to serve her. Any person over the age of 18, who is not a party to the case may serve her. There is no requirement that he be a licensed process server.

Richard

On 10/10/11 11:47 AM, David Goldfarb wrote:

Facilitate service means that I would have her sign and notarize an acceptance of service. I can not do so as I told you. I also told you I would not hire a process server to serve her. I explained for close to 20 minutes on a call, that I would be happy to have her sign an acceptance of service, to please check your documents. You have given me documents for a process server, to which I told you not to.

David L. Goldfarb

Associate Attorney
Gillespie, Shields & Associates, P.A.
7319 N 16th Street, Suite 100
Phoenix, AZ 85020
(602) 870-9700 Phone
(602) 870-9783 Fax

"Your Family's Law Firm"

From: Richard Riess [<mailto:richardriess@gmail.com>]
Sent: Monday, October 10, 2011 11:42 AM
To: David Goldfarb
Cc: Desiree Capuano; Selena Hinton
Subject: Re: Ex parte hearing next week

David:

I, too, am Jewish and observe Yom Kippur. Contrary to your assertion, however, I had absolutely no way of knowing you would be out of the office or even that you observe Yom Kippur, or are Jewish.

I sent you a copy of those emails as a courtesy because Desiree asked me to. I am not required to include you in any correspondence regarding the California proceedings other than to send you a copy of any documents filed with the court - and that only because the court in Arizona, not the court in California, ordered me to do so. With respect to notice for ex parte hearings in California I am only required to attempt to provide 24 hours notice (California Rules of Court, Rule 3.1203). Friday at 4:30pm to Tuesday at 8:30am sufficiently meets that requirement. You may also notice I spoke to Desiree on Sunday and arranged to hold off on the hearing until Tuesday, October 18, 2011. That provides her more than a week's notice which is far greater than I am required to do. Further, you are not representing her in the California case and, therefore, I am not required to provide you any notice of any hearings in that case.

With respect to your melodrama about me being held accountable and my actions not being tolerated: you can save the theatrics for those parties with less experience dealing with attorneys. I have done nothing inappropriate and have not violated any rules of court. Again, I am not required to provide you any notice in the California case and have done so only as a courtesy to Desiree. Also, it is my understanding that since you are not a member of the California Bar you may not advise Desiree on matters pertaining to the California case so I am not clear on why she would want me to include you anyway.

And, regarding the documents I sent you: perhaps you can provide me a clear explanation of what the phrase "facilitate service" means to you, so there is no further

misunderstandings? As I requested in the letter I included with the documents - if you, or some other party associated with you, will be unable to complete the FL-330 and the FL-115 then please return the documents to me and I will hire a process server or have someone else hand her the documents then fill out the forms.

I thank you for your response and I look forward to receiving your response to the motion to dismiss which is due tomorrow.

Sincerely,
Richard

On 10/10/11 10:56 AM, David Goldfarb wrote:

4:30 on a Friday afternoon, a Jewish Holiday as you well know, to which you also knew I would be out of the office, is not sufficient notice. You will be held accountable for this Richard. Your actions in this regard will not be tolerated.

Additionally, you have sent me the wrong documents to serve her with. I told you that if you sent me an acceptance of service, then I would be more than happy to sign it. You have sent me proof of service as if I am serving her. I am here to facilitate service, I can not serve her, as I have repeatedly told you.

David L. Goldfarb

Associate Attorney
Gillespie, Shields & Associates, P.A.
7319 N 16th Street, Suite 100
Phoenix, AZ 85020
(602) 870-9700 Phone
(602) 870-9783 Fax

"Your Family's Law Firm"

From: Richard Riess [<mailto:richardriess@gmail.com>]
Sent: Friday, October 07, 2011 4:30 PM
To: Desiree Capuano; David Goldfarb
Subject: Ex parte hearing next week

Desiree:

Under California law I am required to attempt to provide you, Desiree, at least 24 hour's notice of an ex parte hearing. This serves as that notice. In addition, I just notified you verbally, over the telephone. This message then fulfills the requirement of the 24 hour notice.

You are hereby notified that an ex parte hearing will be held on Tuesday, October 11, 2011 at 8:30 AM, in the Compton Courthouse located at 200 W. Compton Blvd, Compton, CA. This hearing pertains to California case number TD035397, Richard Riess v. Desiree Capuano.

I respectfully request your attendance as I would much prefer to provide you the opportunity to be able to present your case before the court at that time. Also, I request that G [REDACTED] attend as well, as I believe the court would like to hear from him.

If you are not able to make it at this time please let me know and I will make it for another day that better suits your schedule.

I thank you for your time.

Sincerely,
Richard

| | |
|---|---------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) (Name, state bar number, and address): Richard Riess [REDACTED] Lincoln St. Carson, CA 90745 TELEPHONE NO.: 310-[REDACTED] FAX NO.: ATTORNEY FOR (Name): Richard Riess | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: 200 W. Compton Blvd. CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central District | |
| PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARENT: | |
| PROOF OF SERVICE BY MAIL | CASE NUMBER: TD035397 |

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

- I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:
 [REDACTED] Lincoln St.
 Carson, CA 90745
- I served a copy of the following documents (*specify*):
 FL-300, FL-310, FL-312, FL-311, Declaration of Richard Riess in Support of Ex Parte Request, Declaration of Liz M [REDACTED] in Support of Ex Parte Request, FL-305, FL-341(B), blank FL-320

by enclosing them in an envelope AND

- ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- The envelope was addressed and mailed as follows:
 - Name of person served: **Desiree Capuano**
 - Address: 20100 N. 78th Pl., #1080
 Scottsdale, AZ 85226
 - Date mailed: 10/19/11
 - Place of mailing (*city and state*): **Carson, CA**

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/19/11

Liz M [REDACTED]

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY MAIL

Use these instructions to complete the *Proof of Service by Mail* (form FL-335).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Personal Service* (form FL-330) if the documents are being personally served. The person who serves the documents must complete a proof of service form for the documents being served.

You cannot serve documents if you are a party to the action.

INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the Respondent and the Other Parent, you must complete two proofs of service, one for the Respondent and one for the Other Parent.

Complete the top section of the proof of service forms as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

You cannot serve a temporary restraining order by mail. You must serve those documents by personal service.

1. You are stating that you are at least 18 years old and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. List the name of each document that you mailed (the exact names are listed on the bottoms of the forms).
 - a. Check this box if you put the documents in the regular U.S. mail.
 - b. Check this box if you put the documents in the mail at your place of employment.
4.
 - a. Print the name you put on the envelope containing the documents.
 - b. Print the address you put on the envelope containing the documents.
 - c. Write in the date that you put the envelope containing the documents in the mail.
 - d. Write in the city and state you were in when you mailed the envelope containing the documents.
5. You are stating under penalty of perjury that the information you have provided is true and correct.

Print your name, fill in the date, and sign the form.

If you need additional assistance with this form, contact the Family Law Facilitator in your county.