

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>Henrik Karapetian, Esq.</b> <b>The Law Office of Henrik Karapetian</b> <b>100 North Brand Blvd., Suite 207</b> <b>Glendale, California 91203</b> TELEPHONE NO.: <b>818-476-0092</b> FAX NO.: <b>818-937-0862</b> ATTORNEY FOR (Name): <b>Desiree Capuano</b>			FOR COURT USE ONLY           CASE NUMBER:  <b>TD 035397</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: <b>200 W. Compton Blvd.</b> MAILING ADDRESS: <b>same</b> CITY AND ZIP CODE: <b>Compton, 90220</b> BRANCH NAME: <b>South Central</b>			
PETITIONER/PLAINTIFF: <b>Richard Riess</b>  RESPONDENT/DEFENDANT: <b>Desiree Capuano</b>			
<b>RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION</b>			
HEARING DATE: <b>2/21/2012</b>	TIME: <b>8:00AM</b>	DEPARTMENT OR ROOM: <b>M</b>	

1. ☐ CHILD CUSTODY
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested but I consent to the following order:

2. ☐ CHILD VISITATION
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested but I consent to the following order:

3. ☒ CHILD SUPPORT
- a. ☐ I consent to the order requested.
- b. ☐ I consent to guideline support.
- c. ☒ I do not consent to the order requested, but I consent to the following order:
- (1) ☒ Guideline
- (2) ☒ Other (specify):

Impute income on Petitioner on ability to earn: \$176,800 and issuance of gavron warning, including 10 in-person job contacts per week with proof submitted to my attorney of record

4. ☐ SPOUSAL SUPPORT
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☐ I consent to the following order:

5. ☐ ATTORNEY FEES AND COSTS
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☐ I consent to the following order:

PETITIONER/PLAINTIFF: Richard Riess	CASE NUMBER:
RESPONDENT/DEFENDANT: Desiree Capuano	TD 035397

6. ☐ PROPERTY RESTRAINT

- a. ☐ I consent to the order requested.  
b. ☐ I do not consent to the order requested.  
c. ☐ I consent to the following order:

7. ☐ PROPERTY CONTROL

- a. ☐ I consent to the order requested.  
b. ☐ I do not consent to the order requested.  
c. ☐ I consent to the following order:

8. ☒ OTHER RELIEF

- a. ☐ I consent to the order requested.  
b. ☐ I do not consent to the order requested.  
c. ☒ I consent to the following order:

Impute income on Petitioner on ability to earn: \$176,800 and issuance of gavron warning, including 10 in-person job contacts per week with proof submitted to my attorney of record

9. ☒ SUPPORTING INFORMATION

- ☒ contained in the attached declaration.

**NOTE:** To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

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

Date: 1/ /2012

Desiree Capuano

(TYPE OR PRINT NAME)



Signature via FAX

(SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: Richard Riess	CASE NUMBER:
RESPONDENT/DEFENDANT: Desiree Capuano	TD 035397

6. ☐ PROPERTY RESTRAINT
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- c. ☐ I consent to the following order:

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- a. ☐ I consent to the order requested.
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- c. ☒ I consent to the following order:

Impute income on Petitioner on ability to earn: \$176,800 and issuance of gavron warning, including 10 in-person job contacts per week with proof submitted to my attorney of record

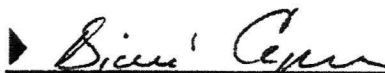
9. ☒ SUPPORTING INFORMATION
- ☒ contained in the attached declaration.

**NOTE:** To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

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

Date: 1/14/2012

Desiree Capuano  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

**DECLARATION OF DESIREE CAPUANO**

**Case Name: Riess v. Capuano**

**Case No.: TD 035397**

I, DESIREE CAPUANO, declare as follows:

1. I am the Respondent in the above referenced matter. I have personal knowledge of the statements contained herein. Of those statements which I do not have personal knowledge, I declare based on information and belief.
2. I respectfully request the court to order the following:
  - a. Impute income on Petitioner based on his ability to earn: \$176,800 per year;
  - b. A Gavron Warning placed on Petitioner to become self-sufficient in a reasonable amount of time, including 10 in-person job contacts per week with proof submitted to my attorney of record;
  - c. Guideline Child Support; and
  - d. Any other orders deemed reasonably and necessary by this honorable Court.
3. Petitioner Richard Riess (hereinafter, "Petitioner") and I have one child together, G [REDACTED] Riess, (hereinafter, "our minor child") on [REDACTED]/2000.
4. Petitioner and I had a previous dissolution of marriage case in the Superior Court of California, County of Los Angeles, Case No. YD042145 (December 21, 2001).
5. There is currently a custody and visitation order in place ordered by this Court on December 6, 2011.
6. Petitioner readily admits that he has no bills in his name as his friend, Ms. Munoz supports him.
7. Petitioner readily admits that he was a software engineer. He has the skills, training, and experience to make far more than I am able to make. He states his previous income for his position as a software engineer as \$176,800.
8. In fact, Petitioner clearly states that he supported our minor child and I during our marriage, which clearly shows he has the ability to maintain gainful employment.

1 9. Petitioner has no physical or mental disabilities that prevent him from finding similar work.

2 Petitioner's only lapse in employment was because he was in prison for four years as he readily  
3 admits.

4 10. Petitioner has failed to provide any evidence in support of the fact that he has made any meaningful  
5 effort to find employment that reflects his abilities.

6 11. It is quite clear that the law states that one cannot avoid work or quit one's employment in order to  
7 obtain spousal support. The same can and should be said regarding child support.

8 12. I ask that this Honorable Court use Petitioner's earning capacity in lieu of his actual income as the  
9 facts in this matter support such finding.

10 13. Petitioner is willfully avoiding employment and is asking this court for support from me. If he were  
11 working then the support order would clearly be lower. As such, I ask that this Honorable Court  
12 impute income upon Petitioner based on his ability to earn: \$176,800 and to order a gavron warning  
13 upon Petitioner regarding the same, including 10 in-person job contacts per week with proof  
14 submitted to my attorney of record.

15 14. In addition, Petitioner has failed to provide any income information, at a minimum, his latest federal  
16 tax return.

17 15. Petitioner further has not provided a shred of evidence in support of his position that he is a lawful  
18 resident of this country as ordered by this Court on December 6, 2011. I have serious concerns  
19 about his ability to support our minor child and be around in the future without some proof of lawful  
20 residency.

21 16. I currently have an income of \$4,838.00 per month. My expenses are significant and I have another  
22 child from another relationship.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
24 correct.  
25 [SIGNATURE ATTACHED TO FL-320]