

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

HORACIO LOZANO, ESQ., SBN 177173
LAW OFFICE OF HORACIO LOZANO
14717 HAWTHORNE BLVD., SUITE F
LAWDALE, CA 90260

TELEPHONE NO: (310) 675-2995 FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): RICHARD RIESS

RECEIVED
South Central District

OCT 08 2013

By B. Ortega, Deputy

FOR COURT USE ONLY

FILED

LOS ANGELES SUPERIOR COURT

OCT 08 2013

JONNA CLARKE, EXECUTIVE OFFICER/CLERK

BY Shari Blackwell DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 200 WEST COMPTON BLVD.,

MAILING ADDRESS: SAME

CITY AND ZIP CODE: COMPTON, CA 90220

BRANCH NAME: SOUTH CENTRAL DISTRICT

PETITIONER/PLAINTIFF: RICHARD RIESS

RESPONDENT/DEFENDANT: DESIREE CAPUANO

OTHER PARENT/PARTY:

REQUEST FOR ORDER

☒ Child Custody☐ Child Support☐ Attorney Fees and Costs☒

MODIFICATION

☒

Visitation

☐

Spousal Support

☐

Temporary Emergency Court Order

☒

Other (specify):

SEE ATTACHMENT #8

EX PARTE

CASE NUMBER:

TD035397

1. TO (name): DESIREE CAPUANO

2. A hearing on this Request for Order will be held as follows: If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or at the same time as the hearing (see item 7.)

a. Date: 10/31/13

Time: 8:00 A.M.

☒ Dept.: M☒ Room: 1211b. Address of court ☒ same as noted above ☐ other (specify):

3. Attachments to be served with this Request for Order:

a. A blank Responsive Declaration (form FL-320)

b. ☐ Completed Income and Expense Declaration (form FL-150) and a blank Income and Expense Declarationc. ☐ Completed Financial Statement (Simplified) (form FL-155) and a blank Financial Statement (Simplified)d. ☒ Points and authoritiese. ☒ Other (specify): DECLARATION OF RICHARD RIESS

Date: 10-5-13

HORACIO LOZANO

(TYPE OR PRINT NAME)

(SIGNATURE)

☒ COURT ORDER4. ☒ YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED.5. ☒ Time for ☒ service ☒ hearing is shortened. Service must be on or before (date): 10/9/13

6. Any responsive declaration must be served on or before (date): 10/24/13

7. The parties are ordered to attend mandatory custody services as follows:

8. ☐ You are ordered to comply with the Temporary Emergency Court Orders (form FL-305) attached.9. ☒ Other (specify): Petitioner and Respondent may each appear by Court Call for the hearing on 10/31/13.

Date: 10/8/13

STEPHEN M. JONES JUDICIAL OFFICER

To the person who received this Request for Order: If you wish to respond to this Request for Order, you must file a Responsive Declaration to Request for Order (form FL-320) and serve a copy on the other parties at least nine court days before the hearing date unless the court has ordered a shorter period of time. You do not have to pay a filing fee to file the Responsive Declaration to Request for Order (form FL-320) or any other declaration including an Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): HORACIO LOZANO, ESQ., SBN 177173 LAW OFFICE OF HORACIO LOZANO 14717 HAWTHORNE BLVD., SUITE F LAWDALE, CA 90260 TELEPHONE NO.: (310) 675-2995 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): RICHARD RIESS	FOR COURT USE ONLY			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 200 WEST COMPTON BLVD., MAILING ADDRESS: SAME CITY AND ZIP CODE: COMPTON, CA 90220 BRANCH NAME: SOUTH CENTRAL DISTRICT				
PETITIONER/PLAINTIFF: RICHARD RIESS RESPONDENT/DEFENDANT: DESIREE CAPUANO OTHER PARENT/PARTY:				
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> REQUEST FOR ORDER <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs </td> <td style="width: 33%; vertical-align: top;"> <input checked="" type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support SEE ATTACHMENT #8 </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Temporary Emergency Court Order <input checked="" type="checkbox"/> Other (specify): CASE NUMBER: TD035397 </td> </tr> </table>	REQUEST FOR ORDER <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs	<input checked="" type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support SEE ATTACHMENT #8	<input type="checkbox"/> Temporary Emergency Court Order <input checked="" type="checkbox"/> Other (specify): CASE NUMBER: TD035397	
REQUEST FOR ORDER <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs	<input checked="" type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support SEE ATTACHMENT #8	<input type="checkbox"/> Temporary Emergency Court Order <input checked="" type="checkbox"/> Other (specify): CASE NUMBER: TD035397		

1. TO (name): **DESIREE CAPUANO**

2. A hearing on this Request for Order will be held as follows: **If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or at the same time as the hearing (see item 7.)**

a. Date:	Time: 8:30 A.M.	<input checked="" type="checkbox"/> Dept.: M	<input checked="" type="checkbox"/> Room: 1211
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b. Address of court ☒ same as noted above ☐ other (specify):

3. Attachments to be served with this Request for Order:

a. A **blank Responsive Declaration** (form FL-320)

b. ☐ Completed *Income and Expense Declaration* (form FL-150) and a **blank Income and Expense Declaration**

c. ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a **blank Financial Statement (Simplified)**

d. ☒ Points and authorities

e. ☒ Other (specify): **DECLARATION OF RICHARD RIESS**

Date: 10.5.13

HORACIO LOZANO

(TYPE OR PRINT NAME)

(SIGNATURE)

☒ **COURT ORDER**

4. ☐ YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED.
5. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):
6. Any responsive declaration must be served on or before (date):
7. The parties are ordered to attend mandatory custody services as follows:
8. ☐ You are ordered to comply with the *Temporary Emergency Court Orders* (form FL-305) attached.
9. ☐ Other (specify):

Date:

JUDICIAL OFFICER

To the person who received this Request for Order: If you wish to respond to this Request for Order, you must file a Responsive Declaration to Request for Order (form FL-320) and serve a copy on the other parties at least nine court days before the hearing date unless the court has ordered a shorter period of time. You do not have to pay a filing fee to file the Responsive Declaration to Request for Order (form FL-320) or any other declaration including an Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155).

PETITIONER/PLAINTIFF: RICHARD RIESS
 RESPONDENT/DEFENDANT: DESIREE CAPUANO
 OTHER PARENT/PARTY:

CASE NUMBER:
 TD035397

REQUEST FOR ORDER AND SUPPORTING DECLARATION

☒ Petitioner ☐ Respondent ☐ Other Parent/Party 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)
- GABRIEL 13 JOINT LEGAL RICHARD RIESS

- d. ☒ As requested in form ☐ Child Custody and Visitation Application Attachment (form FL-311)
☐ Request for Child Abduction Prevention Orders (form FL-312)
☐ Children's Holiday Schedule Attachment (form FL-341(C))
☐ Additional Provisions—Physical Custody Attachment (form FL-341(D))
☐ Joint Legal Custody Attachment (form FL-341(E))
☒ Other (Attachment 1d)

- e. ☒ Modify existing order
 (1) filed on (date): FEBRUARY 6, 2013
 (2) ordering (specify): TEMPORARY PHYSICAL CUSTODY TO RESPONDENT, DESIREE CAPUANO

2. ☒ CHILD VISITATION (PARENTING TIME) ☐ To be ordered pending the hearing

- a. As requested in: (1) ☐ Attachment 2a (2) ☐ Child Custody and Visitation Application Attachment (form FL-311)
 (3) ☒ Other (specify): SEE ATTACHMENT
- b. ☒ Modify existing order
 (1) filed on (date): FEBRUARY 6, 2013
 (2) ordering (specify): NO VISITATION PENDING ORDER OF COURT.

- 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) ☐ Criminal: County/state: Case No. (if known): (3) ☐ Juvenile: County/state: Case No. (if known):
 (2) ☐ Family: County/state: Case No. (if known): (4) ☐ Other: County/state: Case No. (if known):

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

- a. Child's name and age b. ☐ I request support based on the child support guidelines c. Monthly amount requested (if not by guideline) \$

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

Notice: The court is required to order child support based on the income of both parents. It normally continues until the child is 18. You must supply the court with information about your finances by filing an *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155). Otherwise, the child support order will be based on information about your income that the court receives from other sources, including the other parent.

PETITIONER/PLAINTIFF: RICHARD RIESS	CASE NUMBER:
RESPONDENT/DEFENDANT: DESIREE CAPUANO	TD035397
OTHER PARENT/PARTY:	

4. ☐ SPOUSAL OR PARTNER SUPPORT (*An earnings assignment order may be issued.*)
- a. ☐ Amount requested (*monthly*): \$
- b. ☐ Terminate existing order
(1) filed on (*date*):
(2) ordering (*specify*):
- c. ☐ Modify existing order
(1) filed on (*date*):
(2) ordering (*specify*):
- d. ☐ The *Spousal or Partner Support Declaration Attachment* (form FL-157) is attached (*for modification of spousal or partner support after judgment only*)
- e. An *Income and Expense Declaration* (form FL-150) must be attached
5. ☐ ATTORNEY FEES AND COSTS are requested on *Request for Attorney Fees and Costs Order Attachment* (form FL-319) or a declaration that addresses the factors covered in that form. An *Income and Expense Declaration* (form FL-150) must be attached. A *Supporting Declaration for Attorney Fees and Costs Order Attachment* (form FL-158) or a declaration that addresses the factors covered in that form must also be attached.
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*):
- SEE ATTACHMENT #8

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)* (form DV-110), and *Notice of Court Hearing (Domestic Violence)* (form DV-109).

PETITIONER/PLAINTIFF: RICHARD RIESS	CASE NUMBER:
RESPONDENT/DEFENDANT: DESIREE CAPUANO	TD035397
OTHER PARENT/PARTY:	

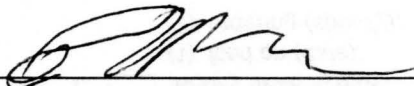
9. ☐ I request that time for service of the Request for Order and accompanying papers be shortened so that these documents may be served no less than (specify number): _____ days before the time set for the hearing. I need to have this order shortening time because of the facts specified in item 10 or the attached declaration.
10. ☒ FACTS IN SUPPORT of orders 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. The attached declaration must not exceed 10 pages in length unless permission to file a longer declaration has been obtained from the court.)

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

Date: 10/5/17

RICHARD RIESS

(TYPE OR PRINT NAME)


 (SIGNATURE OF APPLICANT)



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.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)

ATTACHMENT #8 TO REQUEST FOR ORDER

1. PETITIONER'S EX PARTE APPLICATION FOR VISITATION, OR FOR AN ORDER SHORTENING TIME, AS ALLOWED BY THE COURT ON FEBRUARY 6, 2013.
2. PETITIONER'S REQUEST FOR PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILD G [REDACTED] RIESS, BORN [REDACTED], 2000 SUBJECT TO RESPONDENT'S RIGHT OF REASONABLE OF VISITATION.
3. PETITIONER'S REQUEST TO HAVE THE SOLUTION FOCUSED EVALUATION PLACED BACK ON THE COURT'S CALENDAR.
4. PETITIONER'S REQUEST FOR HOLIDAY VISITATION WITH THE MINOR CHILD PENDING A HEARING ON THE MERITS.

(Required for verified pleading) The items on this page stated on information and belief (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with this court.

Page _____

DECLARATION OF RICHARD RIESS

I, RICHARD RIESS, hereby declare as follows:

1. I am the Petitioner in the within action. If called upon as a witness, I could and would testify competently to the following facts, all of which are within my own personal knowledge, except those matters specifically stated on information and belief, and as to those matters, I believe them to be true.

2. I request that the court receive this declaration into evidence as my direct testimony pursuant to *California Code of Civil Procedure* sections 2009 and 2015.5; *California Rules of Court*, Rule 1225; *Reifler v Superior Court* (1974) 39 Cal.App.3d 479; and *Marriage of Stevenot* (1984) 154 Cal.App.3d 1051. I also request that the court permit further offers of proof and other testimony and documentary evidence at the time.

3. I submit this declaration in support of my request for custody and visitation orders. Respondent and I have one minor child, G [REDACTED], age 13 .

4. For the reasons set forth below, I am requesting the Court make the following orders:

- a. Grant Petitioner's request for an order shortening time;
- b. Grant Petitioner's request for primary physical custody of the parties' minor child;
- c. Grant Petitioner's request to place the SFE back on the court's calendar;
- c. Grant Petitioner's request for holiday visitation.

BACKGROUND

5. This is Petitioner's pre-judgment request for order seeking a modification of custody orders. On February 6, 2013 Respondent was awarded temporary sole legal and physical custody of our son G [REDACTED].

REQUEST FOR ORDER SHORTENING TIME

6. The February 6, 2013 court's order authorized the filing of a request for order on an ex parte basis for custody. I am respectfully requesting the court consider and grant the request to shorten time.

7. Respondent picked up our son for winter vacation on December 16, 2012.

8. On January 16, 2013 Respondent appeared and the court granted her ex parte application for temporary legal and physical custody of our son G [REDACTED], born September 27, 2000. The matter was set for hearing on February 6, 2013.

9. I was detained by Immigration and Customs Enforcement (ICE) officers prior to the hearing date and unable to be physically present at the February 6, 2013 hearing. I appeared by telephone.

10. Among other orders, the court kept the ex parte custody and visitation orders of January 16, 2013 in full force and effect until the date of my release at the February 6, 2013 hearing. The court further authorized the fling, on an ex parte basis, of an application for custody upon my release.

11. Failed attempts, formally and informally, to resolve our custody disputes resulted in the Court ordering a solution focused evaluation on or about September 7, 2012. Custody of G [REDACTED] remained with me until December 16, 2012. The evaluation was initially calendared for March 13, 2013 and then continued to March 20, 2013 on the court's own motion.

12. G [REDACTED] was under my primary care and control from early 2002 until the Spring of 2011 when Respondent took him to Arizona without my authorization. Respondent was later

1 ordered to return the child to me. Respondent had no previous contact with G [REDACTED] when she
2 abducted him.

3 13. G [REDACTED] was spending the winter break with Respondent commencing December
4 16, 2012 and was scheduled to return to my custody on January 5, 2013.

5 14. On January 2, 2013 I was detained by ICE officers and released on February 15,
6 2013. The officers were following up on a tip of a "dangerous fugitive" living in the residence.

7 15. I am informed and believe, and on that basis allege that Respondent was
8 responsible for my detention. Respondent admitted filing the reports with ICE in order to have
9 me removed from the United States and unavailable for court proceedings. I am concerned that
10 Respondent is alienating G [REDACTED] from me by abusing the court process. In the past, Respondent
11 made repeated threats to report me to ICE to have me removed from the United States. The ICE
12 officer confirmed that the report came from a female who claimed to be my ex-wife. *See email*
13 *from Respondent attached as exhibit "A"*

14 16. No criminal charges or prosecution, and no new or further legal action, whether
15 criminal, civil or immigration related, has resulted from the arrests on January 2, 2013 and
16 March 20, 2013.

17 17. I was previously detained and released by ICE on or about August 30, 2011 for
18 similar reports. This was at or about the time Respondent took our son to Arizona without my
19 consent. The court later ordered Respondent return the minor child to California. I am also
20 informed and believe Respondent made the report to ICE.

21 18. G [REDACTED] remained in my custody and control following his return from Arizona in
22 November 2011 until December 2012 subject to Respondent's right of visitation. He would
23 spend school breaks and occasional extended weekends with Respondent.
24
25

1 19. I am concerned about Respondent's disregard for our son's stability and well-
2 being. I am concerned about Respondent's ability to properly care for our son and her
3 willingness to allow contact with G [REDACTED]. She monitors and controls the contact.

4 20. Respondent has demonstrated an ability and desire to deprive G [REDACTED] of a loving
5 relationship with his father. She continues to monitor and deprive G [REDACTED] from having
6 communication with me. She has threatened that ICE is not her only resource available to
7 prevent contact with G [REDACTED].

8 21. I am concerned that without proper court intervention Respondent will continue
9 with her quest to prevent G [REDACTED] from maintaining a relationship with me. Not once has she
10 stopped to think about G [REDACTED] and the effect it has on him.

11 22. I have had no visitation with G [REDACTED] since December 2012. I have had limited
12 telephone contact as permitted by Respondent since that date. The telephone contact
13 commenced on or about February 21, 2013.

14 23. Respondent's actions (filing false reports with ICE) have resulted in detentions
15 and prolonged absences from G [REDACTED]'s life.

16 24. I am concerned that Respondent continues to experiment with drugs and/or
17 alcohol while G [REDACTED] is under her custody and control.

18 25. G [REDACTED] has expressed displeasure with his current living situation and continues
19 to express a desire to remain with me. I am concerned that this separation is causing trauma and
20 emotional distress on him. G [REDACTED] is of age and I believe it is in his best interest for the court to
21 take into consideration his wishes regarding the custodial arrangement.

22 26. I believe Respondent deliberately filed false reports and allegations about me ,
23 with ICE in order to cause me to be detained and deported so that she could keep G [REDACTED] under
24 her custody and control.

1 27. I am concerned that Respondent continues to mislead the court in order to keep
2 the temporary custody orders in place.

3 28. My previous detentions were not related, nor were they the result of, any action
4 on my part but rather Respondent's intent to deprive me of a loving caring relationship with
5 G [REDACTED].

6 29. I am concerned that Respondent is deliberately interfering with my ability to
7 communicate and maintain a relationship with G [REDACTED] by withholding mail to him, not allowing
8 him to speak with me on the phone. Recent correspondence mailed to G [REDACTED] was returned as
9 undeliverable. The correspondence was addressed to Respondent's current mailing address filed
10 with the court. She continues to make false claims and reports about me to retain custody of our
11 son.

12 30. On February 16, 2013 I emailed Respondent to notify her that I was released from
13 custody. On February 17, 2013 I received a response to the email wherein Respondent threatens
14 to do whatever is necessary to keep away from G [REDACTED]. *See copy of emails attached as exhibit*
15 "A"

16 31. I am concerned that Respondent does not think about G [REDACTED]'s best interest or
17 how her actions may affect him. She has demonstrated a willingness to do things that are
18 harmful to G [REDACTED]'s psychological and emotional development so long as she gets what she
19 wants.

20 32. I am informed and believe that Respondent has threatened G [REDACTED] with calling
21 ICE should he return to live with me.

22 33. I am currently residing in Vancouver, British Columbia. In the meantime I am
23 working with ICE officials to clear my name to avoid future detentions. I have a place for
24 G [REDACTED] to stay. He can continue to visit with Respondent during holidays and school breaks.
25

EXHIBIT "A"



Richard Riess <richardriess@gmail.com>

Something to consider

Desiree Capuano <desiree.capuano@gmail.com>

Sun, Feb 17, 2013 at 10:34 PM

To: Richard Riess <richardriess@gmail.com>

Hi,

I want to throw something out there - I want to propose something and I would like for you to consider it. We can continue to go back and forth, tossing this poor kid between home, between states in this hostile environment for the next...however long. But the truth is - its exhausting (you can't tell me it's not). As well, G [REDACTED] will turn 18 in 6 short years. You and I have very different lifestyles but as I've told him - neither one is wrong - it's just different. Regardless of what you may think of me personally, I am a great mother, I am an excellent mother to our son. I never speak badly of you, I encourage him to say whatever is on his mind and when he tells me things he's done with you or things he remembers with you I always listen - I even try to remember good or funny times you and I had and I tell them to him. All I want is time to know him. I don't want money and I don't care about "winning" in court.

There was a time that you considered my offer to help. I'm proposing almost the same thing now. Let me keep him during the school year for now. Let me have time with him and you can do what you need to wherever it is that you plan on settling. I will not interfere with you talking to him and as soon as you're ready we'll work on getting him to see you - maybe you pay for a flight out and I pay for a flight back. I have no doubt that you will land a good job and probably be making more money than my conservative salary - which means neither of us will need money from the other.

As a safe measure for you (as I'm sure you would need it to trust me) if I fail to follow through on what I promise - if you feel your not seeing him enough, talking to him enough, or don't agree with the person he grows into while being with me you can always take me back to court and have the judge return him to you - you and I both know that the judge (for whatever reason) is in your court (so to speak).



Richard Riess <richardriess@gmail.com>

Continuation

Desiree Capuano <desiree.capuano@gmail.com>

Sun, Feb 17, 2013 at 10:50 PM

To: Richard Riess <richardriess@gmail.com>

I'm sorry - the last email was sent prematurely. To continue...

It does offend me that I have to defend myself and my lifestyle, I'll not lie...but what offends me more is that we have to resort to squabbling in a court like these less intelligent people. I hate sitting in that courtroom surrounded by those people because we are smart enough and reasonable enough to figure this out. If we both love G [REDACTED] and wants what's best for him then let's figure out how to let him have both parents. I don't want to keep him so I can go after child support - Jesus Richard, it wouldn't even do me any good right now as you have no income. You are right - I don't have a whole lot of money, but I have enough to support both boys.

I am hoping that you will at least consider this before immediately turning it down but I also want to make it very clear that I'm not proposing this out of weakness or fear. Immigration and homeland security are not my only avenues and if pushed I will pursue them - I agree that I will probably not "win" in family court, but I have no intention of "beating" you there. I propose this because I want G [REDACTED] to have both his parents, because (for some strange reason) that kid loves the shit out of you, and because I am tired of this battle. Hell, I'm even open to keeping him for just a year till you're on your feet and stable as long as you stop making it so difficult for me to talk to him and see him.

You and I have little to no trust between us and for good reason - but for the sake of the kids next 6 years, you think we can put all of that behind us and work together? I love him Richard and I want the best for him and the best thing for him is to have both of us in his life - I hope you can see that too. (I even keep up with the Jewish thing although I can't read the Torah with him (that would be on you) I do make sure he doesn't eat pork very often, showers before sunset if he does and I make sure he doesn't do any "work" on Saturdays).

I'm not trying to sabotage you, sever the relationship between you guys (or even damage it at all), or anything else. I'm just trying to have time to be his mother - something I haven't gotten to do until now.

Anyway - I really don't expect you to agree to try this but I can only hope.

If you've gotten this far then thank you for taking the time to read this.

EXHIBIT "B"

KYRENE SCHOOL DISTRICT SCHOOL CALENDAR 2013/2014

S	M	T	W	T	F	S
JULY 2013						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
TE -	2			ST -	0	
AUGUST 2013						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
TE -	22			ST -	20	
SEPTEMBER 2013						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					
TE -	21			ST -	20	
OCTOBER 2013						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
TE -	18			ST -	17	
NOVEMBER 2013						
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
TE -	21			ST -	18	
DECEMBER 2013						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
TE -	22			ST -	15	

Student Days (ST) = 90

Teacher Days (TE) = 106

JULY	
22	1st day for New Teachers
30	1st day for Returning Teachers
AUGUST	
5	Students Begin
SEPTEMBER	
2	Labor Day (Holiday)
OCTOBER	
4	End of 1st Quarter - 44 days
7-11	Fall Break
14	Staff Development Day - No School
NOVEMBER	
11	Veteran's Day (Holiday)
28-29	Thanksgiving (Holiday)
DECEMBER	
20	End of 2nd Quarter - 46 days
23	Winter Recess Begins
25	Christmas (Holiday)
JANUARY	
1	New Years (Holiday)
3	Winter Recess Ends
6	School Resumes
20	Martin Luther King Day (Holiday)
FEBRUARY	
17	President's Day (Holiday)
MARCH	
7	End of 3rd Quarter - 43 days
10-14	Spring Break
APRIL	
18	Schools Closed
MAY	
21	End of 4th quarter - 47 days
21	Last Day of Classes for Students
22	Last Day for Teachers

S	M	T	W	T	F	S
JANUARY 2014						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
TE -	23			ST -	19	
FEBRUARY 2014						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	
TE -	20			ST -	19	
MARCH 2014						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
TE -	21			ST -	16	
APRIL 2014						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
TE -	22			ST -	21	
MAY 2014						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
TE -	16			ST -	15	
JUNE 2014						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Student Days (ST) = 90

Teacher Days (TE) = 102

1 HORACIO LOZANO, ESQ. SBN177173
2 LAW OFFICE OF HORACIO LOZANO
3 14717 HAWTHORNE BLVD., SUITE F
4 LAWDALE, CA 90260
(310) 675-2995
(310) 675-2005 fax

5 ATTORNEY FOR PETITIONER: RICHARD REISS

6
7
8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**
10

11 RICHARD REISS

12 Petitioner,

13 v.

14 DESIREE CAPUANO

15 Respondent.

CASE NO.: TD035397

**DECLARATION REGARDING
EX-PARTE NOTICE**

16
17 I, Martha E. Barajas, declare as follows:

18 1. I am the legal assistant to attorney Horacio Lozano, an attorney licensed to
19 practice law in the State of California.

20 2. Mr. Lozano represents, Petitioner, Richard Reiss, in the above stated
21 matter.
22

23 3. On October 7, 2013, at 9:05 a.m. I called respondent, Desiree Capuano at
24 (480) 361-1650 I got her voicemail. I introduced myself and provided ex-parte notice. I
25 informed her that Mr. Lozano will appear ex-parte on Tomorrow, October 8, 2013 at 8:30 a.m. in
26
27
28

1 Dept. M of the Compton Superior Court located at 200 West Compton Blvd., Compton, CA
2 90220.

3 4. I further indicated that Mr. Lozano is going for an order shorting time.

4 5. I left the office telephone number and asked that she call with any questions.

5 I declare under penalty of perjury that the forgoing is true and correct.

6 Executed this this 7th day of October 2013 at Lawndale, California.
7

8
9 
10 MARTHA E. BARAJAS
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28

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3 14717 HAWTHORNE BLVD., SUITE F
4 LAWDALE, CA 90260
5 (310) 675-2995
6 (310) 675-2005

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OCT 15 2013
LOS ANGELES
SUPERIOR COURT

7
8 ATTORNEY FOR PETITIONER: RICHARD RIESS

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 RICHARD RIESS

CASE NO.: TD035397

12
13 Petitioner,

14 vs.

PROOF OF SERVICE

15 DESIREE CAPUANO

16
17 Respondent.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27
28 PROOF OF SERVICE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is 14717 Hawthorne Blvd., Suite F, Lawndale, CA 90260.

On October 8, 2013, I served the within, REQUEST FOR ORDER, BLANK RESPONSIVE DECLARATION TO REQUEST FOR ORDER, on all interested parties as follows:

Desiree Capuano
138200 S. 44th Street #1244
Phoenix, AZ 85044

☒ BY REGULAR MAIL ☒
☐ BY CERTIFIED MAIL ☐


I deposited such envelope in the mail at Lawndale, California with proper postage thereon fully prepaid. I am readily familiar with the business; practice of collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Lawndale, California, in the ordinary course of business. I am aware that on motion of the party service, service is presumed invalid if postage cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit; and or

☐ BY PERSONAL SERVICE - I delivered by hand, or () I caused to be delivered via messenger service, in an envelope to the addressee with delivery at the address stated above.

☐ VIA FACSIMILE TRANSMISSION - I caused such document to be transmitted to the addressee via facsimile machine, prior to 5:00 p.m. on the date specified to.

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

Executed this 8th day of October 2013, at Lawndale, California.


MARTHA E. BARAJAS



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