

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Desiree Capuano 13820 S. 44th St. #1244 Phoenix, AZ 85044 TELEPHONE NO.: 480-361-1650 FAX NO. (Optional): E-MAIL ADDRESS (Optional): desiree.capuano@gmail.com ATTORNEY FOR (Name):	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 Branch	
PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARTY:	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER	CASE NUMBER: TD035397
HEARING DATE: 10/31/2013 TIME: 8:00am DEPARTMENT OR ROOM: M	

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:
 Order currently in effect

2. CHILD VISITATION (PARENTING TIME)
 - a. I consent to the order requested.
 - b. I do not consent to the order requested, but I consent to the following order:
 If international travel of a minor is permitted and documented by this court I would consent to the visitation requested by the petitioner.

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):

4. SPOUSAL OR PARTNER SUPPORT
 - 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 RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARTY:	CASE NUMBER: TD035397
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5. ATTORNEY'S 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:

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:

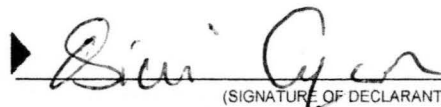
9. SUPPORTING INFORMATION
- Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).
 See Attached Declaration

NOTE: To respond to 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 and all attachments are true and correct.

Date: 10/19/2013

Desiree Capuano _____
 (TYPE OR PRINT NAME)

 _____
 (SIGNATURE OF DECLARANT)

RESPONSIVE DECLARATION OF DESIREE CAPUANO

I, DESIREE CAPUANO, hereby declare as follows:

1. I, the respondent, did pick up G [REDACTED] Riess for the scheduled winter vacation on December 16th 2012. This was after the petitioner and G [REDACTED] attempted multiple times to deny the vacation entirely and then to dictate events and actions once G [REDACTED] was within my care (see exhibit A).
2. On January 2nd, 2013 I learned that the respondent was being detained in the custody of Homeland Security for matters pertaining to Immigration and Custody Enforcement.
3. On January 16th, I appeared before the court to request temporary custody to allow me to enroll G [REDACTED] in school. This request was granted and a hearing date scheduled for February 6th, 2013.
4. Both the Petitioner and I appeared before this court on February 6th, 2013 and the temporary custody order remained in effect as the Petitioner was still being detained with the condition that either party could present before the court a request to change the order.
5. After repeated attempts by the Petitioner to change the custody and visitation schedule that resulted in multiple visits to mediation, a Solution Focused Evaluation was ordered. The evaluation was scheduled for March. Due to a mix-up with dates the evaluation was taken off calendar. I have already paid the \$200 fee for this evaluation to take place. I ask that if it is put back on calendar that I am not made to pay it again.
6. G [REDACTED] Riess was in the care and control of the Petitioner from early 2002 until late 2007. From late 2007 until August of 2011 G [REDACTED] Riess was in the care and control of the non-legal guardian Liz M [REDACTED] as the Petitioner was in Federal Detention in the state of Arizona.
7. I had contact with G [REDACTED] Riess beginning February of 2011. In May and June of 2011 I traveled from Arizona to Los Angeles twice over the weekends to visit in person with my son who was still in the sole custody of Liz M [REDACTED]. I had plans with G [REDACTED] to attend a vacation in San Diego

for a week in July. Liz M [REDACTED] was initially supportive of these plans. The day before I was due to pick up G [REDACTED] I received a phone call that neither he nor Liz "could agree" to this vacation. I was then told by Liz that because she feared my coming to Los Angeles anyway she would be taking my son to an undisclosed location so I would not be able to contact him.

8. Understanding that Liz M [REDACTED] had no legal right to my son and his father was in a federal detention facility in Arizona, I did arrive in Los Angeles with the police and the order from 2002 granting joint custody and return with G [REDACTED] to Arizona.
9. The Petitioner was released from custody in August of 2011. He immediately took residence in Liz M [REDACTED]'s home and filed the petition to have G [REDACTED] returned to him which was granted.
10. In direct response to item number 14 in the petitioners' declaration, the Petitioner was taken into custody by ICE officers on January 2nd. He was deported to Canada on February 15th. I have no knowledge of what communication transpired between ICE officers and the petitioner.
11. In defense of the email entitled "Exhibit A" of the Petitioners Declaration, the only threat that was ever made was to unmask the truth of the Petitioners identity. He was falsely claiming to be a person of name Patrick [REDACTED] from Florida. He told this court that Richard Riess from Canada was nothing more than a case of mistaken identity. Knowing the truth for myself, I was not going to allow that lie to perpetuate at the cost of my child. My plan was engage media sources – not physical harm. This was rendered unnecessary by the federal government.
12. I have no knowledge of what transpired between Federal agents and the petitioner. I have not been made aware of charges, allegations, pending orders, or anything of the like. I do know that the petitioner has been deported back to Canada and is currently living in Vancouver, British Columbia.
13. It is true that the order set in place prior to this temporary one granted me, the respondent, visitation of G [REDACTED] over school breaks and long weekends with primary custody granted to the

Petitioner. This order was worked out and agreed upon by myself and the petitioner on our own. We brought this recommendation to the court to approve.

14. In direct response to item number 19 in the Petitioners Declaration, G [REDACTED]'s stability and well-being are all I am concerned with. I have tried many times to work out something with the Petitioner where we could share our child, as evidenced in the email entitled "Exhibit A" of the Petitioners own Declaration. I believe the best approach is to have a relationship with both parents. It is unfortunate that this is not possible due to the Petitioners actions; however I support every means of preserving the relationship between the petitioner and his son.
15. The petitioner claims that I "demonstrate an ability and desire to deprive G [REDACTED] of a loving relationship with his father" as well as communication. I ask that this be justified with examples as the Petitioner has not provided supporting documentation of this and therefore can only be taken as his opinion. G [REDACTED] has a cell phone in his possession at all times that his father got for him and maintains. This cell phone contains multiple methods of communication between them including Skype where they can visually see each other while talking. I encourage G [REDACTED] in that communication and listen when he tells me things they spoke of. I make only positive remarks and make every effort to support his relationship with his Father. I do not interfere.
16. The only time communication was limited between the petitioner and G [REDACTED] was when we attended a family reunion in Las Vegas for a week in August prior to G [REDACTED] receiving the phone from his father. I informed the Petitioner that because we are out of town and didn't have any other communication methods he could call G [REDACTED] that week on my work phone if he wanted or needed to.
17. There is also a matter of receiving packages sent by the petitioner. I am given no information about packages that are sent unless there is an issue with them arriving. I have never been told ahead of time that a package is coming or to expect it. The petitioner has never organized the

delivery of a package with me. These items are being shipped internationally sometimes from what I understand, to Liz M [REDACTED] in California who in turn ships them to my address. This makes it slightly more complicated. Instead, what I get is an email accusing me of tampering with my son's mail, a threat that it is a federal offense to do so, and the weight of now having to track down a mysterious package (see Exhibit B). This has happened multiple times, however – more often than not, G [REDACTED] does receive items sent by his father.

18. To date, G [REDACTED] has received from the petitioner video games, money for video games, candy, chocolate bars, a phone, potato chips, and 3 tee-shirts that are sized too large for G [REDACTED] to wear. No other assistance has been given to either G [REDACTED] or me for G [REDACTED]'s daily needs.
19. In response to the Petitioners item number 24; I do not experiment with drugs and/ or alcohol. This is a completely unfounded accusation that has no merit, weight, or truth.
20. I do not know if G [REDACTED] has told the Petition that he is displeased by living with me. G [REDACTED] has expressed no such sentiment to me. In fact, he elected to be home with me and his brother over spending a second night at a friends' house because according to him, he "missed home."
21. G [REDACTED] is now in the 7th grade. This means that most of his homework is independent and he doesn't require my assistance. He has had some projects that I have helped with time management; however, I did not help him with the material. I have not received his quarterly grades yet, but as soon as I do I will be scanning them and emailing them to the Petitioner. So far, there has been nothing to provide to the petitioner. If he would like a copy of G [REDACTED]'s grades mailed to him directly, he would need to provide an address other than Liz M [REDACTED] as I have been instructed that she want's no further involvement of any kind.
22. There is nothing that the office at G [REDACTED]'s school can provide to the petitioner, beyond maybe G [REDACTED]'s attendance (which is perfect). I fail to see why he continues to call the school,

however – he is listed as G [REDACTED]'s father. Again, no phone number or address is given as I have not been provided any aside from Liz M [REDACTED]'s.

- ✓ 23. The area I am behind on is medical and dental appointments. Being a single mom of 2 children, not receiving any assistance from either one of the fathers has been a challenge, however I would like to remind the court that I carry the fully insurance through my work for G [REDACTED]. My salary has not changed in 3 years, but my expenses have. Health care appointments are at the very top of my list of things to take care of, but have taken more time than I would like. G [REDACTED] also requires an eye specialist which will need to be referred.
24. I have considered the possibility of gaining additional part-time employment on weekends to provide the additional funds necessary to cover things like the co-payments. If this happens, both my children will be with my mother, their maternal grandmother - they would not be left alone.
25. G [REDACTED] has his own room with his own items. He is woken up by the family dog on school morning. I make his lunch every day and he rides the bus to school and back. His homework is done in a timely manner and dinner is on the table by 7:30. Showers are rotated between the 2 boys. Teeth are brushed twice a day. Bed time on school nights is no later than 10pm and they get to stay up later on the weekends. Both boys have chores and do their own laundry. G [REDACTED] has a group of 6 or 7 kids from school that he is close with. These kids have attended a slumber party at my house, multiple sleep-overs, and a school dance to name a few events. He is excelling in school and life and has a full-time relationship with his father as much as he can with the physical distance. He also now has a full-time relationship with his mother, his brother, his grandmother, and great-grandfather which is more 'biological family' than he's ever known.
26. There is no basis for the petitioners request to remove G [REDACTED] from my home and care as technically G [REDACTED] is considered a resident of Arizona as he as resided in Arizona for more than

six months. I also do not agree with the petitioners request to be granted custody. I also fear that if the Petitioner is granted full custody and G [REDACTED] is allowed to leave the United States that will be the last time that I will see my son as he will be beyond the reach of this court and our laws. Regarding travel for visitation from either party, being a minor - international travel is difficult and complicated. I ask that the court take into account all of the facts before making its decision, but most of all, my hope is that the court sees how much I love my son and that the best place for him to be is with me as I can provide a more loving and stable environment while keeping him in the country of his birth.

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

Respectfully submitted to this Honorable Court on this 19th day of October, 2013.

A handwritten signature in cursive script, reading "Desiree Capuano", written over a horizontal line.

Desiree Capuano

Exhibit A



Desiree Capuano <desiree.capuano@gmail.com>

Winter break

2 messages

G [redacted] Riess <g [redacted]@gmail.com>
To: desiree.capuano@gmail.com

Mon, Nov 26, 2012 at 8:01 AM

dear Desiree

I do not wish to go to Arizona for my Winter break this year. This was entirely my decision my father had nothing to do in the matter so if you wish to speak to me about it call at around 6:00 PM.

sincerely
G [redacted]

Desiree Capuano <desiree.capuano@gmail.com>
To: G [redacted] Riess <g [redacted]@gmail.com>

Mon, Nov 26, 2012 at 3:19 PM

I am your mother and out of respect for another human being you will address me as such. The custody and visitation schedule was one that you proposed and has since been laid out in a court of law. Out of respect for the law we will carry through with the plan that was set down unless otherwise determined by the family judge.

I love you.
[Quoted text hidden]



Desiree Capuano <desiree.capuano@gmail.com>

Chanukah

G [redacted] Riess <g [redacted]@gmail.com>

Thu, Nov 29, 2012 at 5:29 PM

To: Desiree Capuano <desiree.capuano@gmail.com>

Dear Mother

I wish to inform you that if I do go to Arizona for my break if you plan on getting me Christmas presents that they be Chanukah presents, I'll be there for the last day and a half of Chanukah so if you could give them to me at that time that would be great :) and if I may ask you to not wrap them in Christmas wrapping (you could put them in a box or something like that.) and if you have any special events planned FOR Christmas I will not be able to take part in them simply because it would violate my religious commandments, that is all

Sincerely

G [redacted]

Exhibit B



Desiree Capuano <desiree.capuano@gmail.com>

Fwd: Your Amazon.com order of "Grand Theft Auto V" has shipped!

Richard Riess <richardriess@gmail.com>

Thu, Sep 19, 2013 at 5:20 PM

To: G [redacted] Riess <g [redacted]@gmail.com>, Desiree Capuano <desiree.capuano@gmail.com>

G [redacted], Desiree:

According to Amazon and the carrier, OnTrac, the package was delivered and signed for at 12:49pm today. Also, according to USPS the other envelope Liz sent last week was also received earlier this week.

Desiree: If these items have arrived (as Amazon and USPS confirm they have) I insist you provide them to G [redacted] immediately as interfering with my mail to him not only violates the court's instructions to you, but it's also a federal offense.

Thanks,
Richard

----- Forwarded message -----

From: Amazon.com <ship-confirm@amazon.com>

Date: Thu, Sep 19, 2013 at 5:21 AM

Subject: Your Amazon.com order of "Grand Theft Auto V" has shipped!

To: "richardriess@gmail.com" <richardriess@gmail.com>

Your Recommendations | Your Orders | Amazon.com



Shipping Confirmation

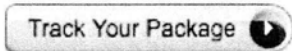
Order #104-7827578-4938636

Hello Richard Riess,

Thank you for shopping with us. We thought you'd like to know that we shipped your item, and that this completes your order. Your order is on its way, and can no longer be changed. If you need to return an item from this shipment or manage other orders, please visit Your Orders on Amazon.com.

Your guaranteed delivery date is:

Thursday, September 19, 2013



Your order was sent to:

**G [redacted] Riess
13820 S 44TH ST # 1244
PHOENIX, AZ 85044-4847
United States**

Your package is being shipped by ONTRAC and the tracking number is C11229009281139. Depending on the ship speed you chose, it may take 24 hours for your tracking number to return any information.

Shipment Details



Grand Theft Auto V
Sold by Amazon.com LLC

\$59.12



Item Subtotal:	\$59.12
Shipping & Handling:	\$3.99
Total Before Tax:	\$63.11
Sales Tax Collected:	\$5.24
Shipment Total:	\$68.35
Paid by Visa:	\$68.35

Returns are easy. Visit our Online Return Center.

If you need further assistance with your order, please visit Customer Service.

We hope to see you again soon!

Amazon.com

Shoe Store

[Learn more](#)



Next time get
**FREE Two-Day
Shipping**

amazonPrime [Learn more](#)



This email was sent from a notification-only address that cannot accept incoming email. Please do not reply to this message.



Amazon.com - Your Account.htm

197K



Desiree Capuano <desiree.capuano@gmail.com>

Fwd: Your Amazon.com order of "Grand Theft Auto V" has shipped!

Richard Riess <richardriess@gmail.com>

Thu, Sep 19, 2013 at 6:07 PM

To: Desiree Capuano <desiree.capuano@gmail.com>

Okay, let me say this as simply as possible, since you seem to be more obtuse (or just belligerent) than I could have imagined: the package was delivered to your address today. Someone using the initials FD signed for it. It is there, period. I will not accuse you of something without proof, but I will gladly state my belief - and my belief is: you are withholding the package that was delivered from Amazon today and you are withholding the envelope Liz sent, on my behalf, last week. You are jealous that I am able to provide things for G [REDACTED] that you cannot and, perhaps out of spite, you are refusing to give them to him because they will make him happy and it pisses you off that I am able to make him happy from 1500 miles away and you are not! That is my belief. I do not state it as a fact - only a belief. But, I'm usually right about these things. Now go get pissed off and tell everyone how much of an asshole I am and how I treat you so bad.

Richard

[Quoted text hidden]

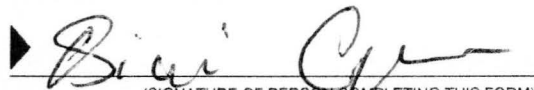
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Desiree Capuano 13820 S. 44th St #1244 Phoenix, AZ 85044</p> <p>TELEPHONE NO.: 480-361-1650 FAX NO. (Optional): E-MAIL ADDRESS (Optional): desiree.capuano@gmail.com ATTORNEY FOR (Name):</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR 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 Branch</p>	
<p>PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARENT/PARTY:</p>	<p>CASE NUMBER: TD035397</p> <p>(If applicable, provide): HEARING DATE: 10/31/2013 HEARING TIME: 8:00am DEPT.: M</p>
<p style="text-align: center;">PROOF OF SERVICE BY MAIL</p>	

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:
 13820 S. 44th St. #1244
 Phoenix, AZ 85044
- I served a copy of the following documents (specify):
 Responsive Declaration (FL-320)
 Attached Declaration
 Proof of Service by Mail (FL-335)
 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: **Richard Riess**
 - Address: **14717 Hawthorne Blvd. Suite F**
Lawndale, CA 90260
 - Date mailed: **10/19/2013**
 - Place of mailing (city and state): **Awautukee, AZ**
- I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used 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: 10/19/2013

Desiree Capuano
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON COMPLETING THIS FORM)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Desiree Capuano 13820 S. 44th St #1244 Phoenix, AZ 85044 TELEPHONE NO: 480-361-1650 FAX NO. (Optional): E-MAIL ADDRESS (Optional): desiree.capuano@gmail.com ATTORNEY FOR (Name):	FOR COURT USE ONLY
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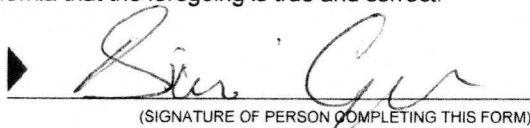
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 Phoenix, AZ 85044
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 Proof of Service by Mail (FL-335)

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- a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
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 Lawndale, CA 90260
 - c. Date mailed: 10/19/2013
 - d. Place of mailing (*city and state*): Ahwatukee, Arizona
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Date: 10/19/2013

Desiree Capuano
(TYPE OR PRINT NAME)


(SIGNATURE OF PERSON COMPLETING THIS FORM)