

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address) The Law Office of Henrik Karapetian Henrik Karapetian, Esq. 100 North Brand Blvd., Suite 207 Glendale, CA 91203 TELEPHONE NO.: 818-476-0092 FAX NO. (optional): 818-937-0862 ATTORNEY FOR (Name): Jesus Alfonso	FOR COURT USE ONLY ORIGINAL FILED JAN 29 2012 LOS ANGELES SUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: same CITY AND ZIP CODE: Compton, 90220 BRANCH NAME: South Central	
PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER:	
FINDINGS AND ORDER AFTER HEARING	CASE NUMBER: TD 035397

1. This proceeding was heard
 on (date): 12/6/2011 at (time): 8:30AM in Dept.: M Room:
 by Judge (name): Stephen Lowry ☐ Temporary Judge
- ☒ Petitioner/plaintiff present ☐ Attorney present (name):
☒ Respondent/defendant present ☒ Attorney present (name): Henrik Karapetian
☐ Other present ☐ Attorney present (name):
 On the order to show cause or motion filed (date): 10/18/2011 by (name): Petitioner

2. THE COURT ORDERS

3. Custody and visitation: ☒ As attached on form FL-341 ☐ Not applicable
4. Child support: ☐ As attached on form FL-342 ☒ Not applicable
5. Spousal or family support: ☐ As attached on form FL-343 ☒ Not applicable
6. Property orders: ☐ As attached on form FL-344 ☒ Not applicable
7. Other orders: ☒ As attached ☐ Not applicable

8. ☐ Attorney fees (specify amount): \$
 Payable to (name and address):

Payable ☐ forthwith ☐ other (specify):

9. All other issues are reserved until further order of court.

Date: 1/9/12

Stephen M. Lowry
 STEPHEN M. LOWRY

JUDICIAL OFFICER

Approved as conforming to court order.

SIGNATURE OF ATTORNEY FOR ☐ PETITIONER / PLAINTIFF ☐ RESPONDENT / DEFENDANT

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

CHILD CUSTODY AND VISITATION ORDER ATTACHMENT

- TO ☒ Findings and Order After Hearing ☐ Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children
☐ Other (specify):

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

<u>Child's name</u>	<u>Date of birth</u>	<u>Legal custody to</u> (person who makes decisions about health, education, etc.)	<u>Physical custody to</u> (person with whom the child lives)
Gabriel Riess	9/27/2000	Joint	Petitioner

2. ☒ **Visitation**

- a. ☐ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
b. ☒ See the attached 4-page document dated (specify date): December 6, 2011
c. ☐ The parties will go to mediation at (specify location):
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).



CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

Attorney for Petitioner:
IN PRO PER

Attorney for Respondent:
HENRIK KARAPETIAN

DEC 06 2011
John A. [Signature] Executive Officer/Clerk

By [Signature], Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

IN RE MATTER OF:

Case Number: TD035397
BG# 114287

Petitioner: Father
RICHARD S. RIESS

Respondent: Mother
DESIREE CAPUANO

CONCILIATION COURT AGREEMENT AND STIPULATED ORDER
RE CUSTODY AND PARENTING PLAN

The aid of the Conciliation Court having been requested to effect an amicable settlement of the problems existing between the above-named parties, and a court conference having been held thereon in order to maintain an amicable relationship between the parties for the best interest of their child(ren), the parties hereby agree, each with the other and with the Conciliation Court, and pursuant to the agreement of the parties IT IS SO ORDERED:

- ☒ This Court has jurisdiction over the minor child/ren because California is the child's home state.
- ☒ The parties were (personally) present when they signed the attached custody/visitation agreement.
- ☒ The habitual residence of the child/ren is the United States of America.
- ☒ Both parties acknowledge being advised that any violation of this order may result in civil or criminal penalties, or both.

Any prior orders regarding the child(ren) shall remain in full force and effect unless modified herein.

Commencing 12-06-2011: The following order pertains to the child(ren):
GABRIEL RIESS, DOB: 09-27-2000.

CONCILIATION COURT AGREEMENT AND STIPULATED ORDER
RE CUSTODY AND PARENTING PLAN

I. LEGAL CUSTODY OF THE CHILD(REN) SHALL BE DETERMINED BY FURTHER ORDER OF THE COURT:

II. PARENTING SCHEDULE:

A. FATHER SHALL HAVE THE CARE AND RESPONSIBILITY OF THE CHILD(REN) AS FOLLOWS:

1. The child(ren) shall be in Father's care during all time not designated below as Mother's time.

B. MOTHER SHALL HAVE THE CARE AND RESPONSIBILITY OF THE CHILD(REN) AS FOLLOWS:

1. Winter school break 2011 the child shall be with mother from 12-30-2011 to 01-07-2012. Commencing Spring school break 2012, the child shall be in mother's care each Spring and Winter school break from the last day of school at the beginning of the break, to the day immediately prior to school beginning at the end of the break. Commencing Summer school break 2012, the child shall be in mother's care each summer school break from the day following the last day of school at the beginning of the break, to 7 days prior to school beginning at the end of the break. Other than emergencies, any changes to the above schedule shall be as the parents mutually agree at least two weeks in advance.

2. Additional time during the school year shall be as mother is able to travel to Los Angeles, CA, with at least two weeks prior notification; and taking into consideration the child's academic schedule during school days.

3. Federal Holiday extended weekends, (Memorial Day, MLK Day and President's Day) **shall be determined by further order of the court.**

C. Additional time with father, while the child is scheduled to be with mother during summer school breaks, shall be as father is able to travel to Peoria, AZ; and taking into consideration the child's schedule while in mother's care.

IV. TRANSPORTATION ARRANGEMENTS

A. All transportation of the minor child/ren shall be provided by adults with a valid driver's license. The child/ren shall at all time use legally required safety equipment when traveling in any vehicle.

B. All exchanges shall be conflict free, without negative comments or gestures. All family members and friends shall comply with this order.

V. OTHER ORDERS REGARDING THE CHILD(REN):

- A. Neither parent shall speak in a negative, disrespectful or derogatory manner to or about the other parent in the child(ren)'s presence or within hearing distance of the child(ren). Both parents shall ensure that all other family members and friends comply with this order.
- A. Parents shall refrain from using the children to carry messages to the other parent
- B. Parents shall refrain from discussing their relationship, relationships with other and/or their custody case with the children. All family members and friends shall comply with this order.
- D. Each parent shall keep the other informed of his/her address and a telephone contact number, along with any change/s to same within 72 hours of such change.

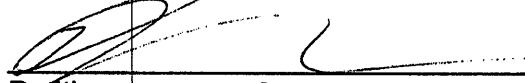
**CONCILIATION COURT AGREEMENT AND STIPULATED ORDER
RE CUSTODY AND PARENTING PLAN**

In entering into this stipulation, each acknowledges that it is necessary to do so for the best interests of our child(ren).

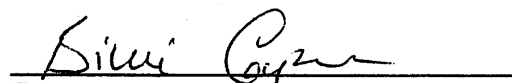
Each of us acknowledges that we received a copy of this stipulation and if represented, we will immediately provide a copy to our attorneys. The stipulation will be filed with the court on the day of the next scheduled hearing or 10 calendar days from today, whichever comes first, unless a written objection is received prior to that time. Any written objection must be received by .

Written objection must be mailed or faxed to: Family Court Services, 111 N. Hill Street, Room 241, Los Angeles, CA 90012, FAX (213) 680-1043 or (213) 617-7253, ATT: Supervisor, Family Court Services. Please include your Conciliation Court File number and full names of both parties.

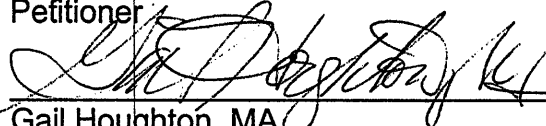
Dated: 12-05-2011



Petitioner



Respondent



Gail Houghton, MA
Family Court Services Specialist

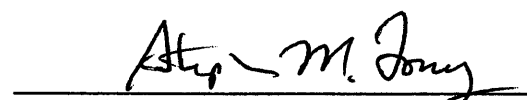
ORDER

THE COURT FINDS THAT:

1. This Court has jurisdiction over the minor child/ren because California is the child/ren's home state.
2. The habitual residence of the child/ren is the United States of America.
3. Both parties have been advised that any violation of this order may result in civil or criminal penalties, or both.

The foregoing written stipulation between the parties is declared the order of the Court and order filed. The petitioner and respondent are ordered to comply with and perform each and all of the terms, conditions, and provisions of the stipulation and agreement, and said agreement shall remain in full force and effect unless changed by written agreement of the parties in the Conciliation Court, or by further order of the Court.

Date: 12/6/11



Judge of the Superior Court

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

3. ☐ **The court acknowledges** that criminal protective orders in case number (*specify*):
in (*specify court*): relating to the parties in this case are in effect
under Penal Code section 136.2, are current, and have priority of enforcement.
4. ☐ **Supervised visitation.** Until ☐ further order of the court ☐ other (*specify*):
the ☐ petitioner ☐ respondent will have supervised visitation with the minor children according to the schedule
set forth on page 1. (**You must attach form FL-341(A).**)
5. ☐ **Transportation for visitation**
- ☐ Transportation to the visits will be provided by the ☐ petitioner ☐ respondent
☐ other (*specify*):
 - ☐ Transportation from the visits will be provided by the ☐ petitioner ☐ respondent
☐ other (*specify*):
 - ☐ 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*):
6. ☐ **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*):
7. ☐ **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. Form FL-341(B) is attached and must be obeyed.
8. ☒ **Holiday schedule.** The children will spend holiday time as listed in the attached ☒ form FL-341(C)
☐ other (*specify*):
9. ☐ **Additional custody provisions.** The parents will follow the additional custody provisions listed in the attached
☐ form FL-341(D) ☐ other (*specify*):
10. ☒ **Joint legal custody.** The parents will share joint legal custody as listed in the attached ☒ form FL-341(E)
☐ other (*specify*):
11. ☐ **Other (*specify*):**
12. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and
Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
13. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the
laws of the State of California.
14. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
☒ the United States ☐ other (*specify*):
15. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

PETITIONER: Richard Riess RESPONDENT: Desiree Capuano	CASE NUMBER: TD 035397
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CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☐ Petition or Application for Order ☒ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Pet" or "Resp" to specify each parent's years—odd, even, or both ("every year")—and under "Time" specify the starting and ending days and times.

Holiday	Time (from when to when) (Unless otherwise noted, all single-day holidays start at a.m. and end at p.m.)	Every Year Petitioner/ Respondent	Even Years Petitioner/ Respondent	Odd Years Petitioner/ Respondent
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)			Pet	Resp
Lincoln's Birthday				
President's Day (weekend)			Resp	Pet
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)			Resp	Pet
Father's Day				
July 4th				
Labor Day (weekend)			Pet	Resp
Columbus Day (weekend)			Resp	Pet
Halloween				
Veteran's Day (weekend)			Pet	Resp
Thanksgiving Day				
Thanksgiving weekend				
Winter Break, first half				
Winter Break, second half				
New Year's Eve				
Child's birthday				
Mother's birthday				
Father's birthday				
Breaks for year-round schools				
Summer Break, first half				
Summer Break, second half				
Other (specify):				

- ☐ Any three-day weekend not specified above will be spent with the parent who would normally have that weekend.
☐ Other (specify):

2. **Vacations.** The ☐ petitioner ☐ respondent may take a vacation of up to (specify number): ☐ days ☐ weeks with the children the following number of times per year (specify): . They must notify the other parent in writing of their vacation plans a minimum of (specify number): days in advance and provide the other parent with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.
☐ The other parent has (specify number): days to respond if there is a problem with the schedule.
- a. ☐ This vacation may be outside California.
 b. ☐ Any vacation outside ☐ California ☐ the United States requires prior written consent of the other parent or a court order.
 c. ☐ Other (specify):

PETITIONER: Richard Riess	CASE NUMBER:
RESPONDENT: Desiree Capuano	TD 035397

JOINT LEGAL CUSTODY ATTACHMENT

- TO ☐ Petition or Application for Order ☒ Findings and Order After Hearing or Judgment
☐ Stipulation and Order for Custody and/or Visitation of Children

1. The parents will have joint legal custody of the minor children.
2. In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:
 - a. ☒ Enrollment in or leaving a particular private or public school or daycare center
 - b. ☐ Participation in particular religious activities or institutions
 - c. ☒ Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
 - d. ☒ Selection of a doctor, dentist, or other health professional (except in emergency situations)
 - e. ☒ Participation in extracurricular activities
 - f. ☐ Out-of-country or out-of-state travel
 - g. ☐ Other (specify):

Both parents may share their religious beliefs with the minor child but may not criticize the other parent's religious beliefs in any way towards the minor child.

In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.

3. If a parent does not obtain the required consent of the other parent to the decisions checked in item 2:
 - a. He or she may be subject to civil or criminal penalties.
 - b. The court may change the legal and physical custody of the minor children.
 - c. ☐ Other consequences (specify):
4. ☐ **Special decision-making designation**
 - a. The ☐ petitioner ☐ respondent will be responsible for making decisions regarding the following issues (specify):
 - b. ☐ Each parent will have access to the children's school, medical, and dental records and the right to consult with professionals who are providing services to the children.
5. ☐ **Health-care notification**
 - a. ☐ Each parent must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (specify number): days of the commencement of the first such treatment or examination.
 - b. ☐ Each parent is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
 - c. ☐ Both parents are required to administer any prescribed medications for the children.
6. ☒ **School notification.** Each parent will be designated as a person the children's school will contact in the event of an emergency.
7. ☐ **Name.** Neither parent will change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other parent.
8. ☐ Other (specify):

1 **ATTACHMENT TO FINDINGS AND ORDER AFTER HEARING**

2

3 1. Petitioner to file a declaration with the Court with a true and correct copy of either

4 a birth certificate or passport established U.S. citizenship status by January 6, 2012 and

5 Petitioner to serve a copy of the same documents to Respondent's counsel by January 6, 2012.

6 2. Counsel for Respondent to prepare an Order After Hearing.

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8 **[END OF ORDER]**

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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I am employed in Los Angeles County. My business address is 100 North Brand Blvd., Suite
5 #207, Glendale, CA 91203. I am over the age of 18 years and am not a party to this cause.

6 On **December 7, 2011**, I served the foregoing document, bearing the title:

7 Findings and Order After Hearing (FL-340), Attachments FL-341, FL341c, FL-341e and Attachment to
8 Findings and Order After Hearing

9 ☐ By placing true copies thereof enclosed in sealed envelope/s addressed as stated on the attached
10 mailing list.

11 ☒ By placing ☒ the original ☐ true copies thereof enclosed in sealed envelope/s addressed as
12 follows:

13 Richard Riess
14 406 ½ E. Lincoln St.
15 Carson, CA 90745

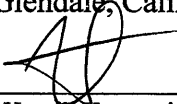
16 ☒ BY MAIL I placed such envelope/s for collection and mailing on this date following ordinary
17 business practices.

18 ☐ BY PERSONAL SERVICE I delivered such envelopes by hand to the above or attached listed
19 address/es.

20 ☐ BY FACSIMILE by transmitting true copies thereof by facsimile to interested counsel's fax
21 terminal number, and then receiving a fax receipt thereof by counsel's terminal. The fax
22 machine I used compiled with rule 2003 and no error was reported by the machine. Pursuant to
23 rule 2005, I caused the machine to print a transmission record of the transmission.

24 ☒ STATE: I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 Executed on **December 7, 2011** in Glendale, California.

27 
28 _____
Henrik Karapetian

PROOF OF SERVICE