

Richard Riess  
[REDACTED] Lincoln St.  
Carson, CA 90745  
310-[REDACTED]  
Pro Per

ORIGINAL FILED  
JUL 13 2011  
LOS ANGELES  
SUPERIOR COURT

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

Richard Riess,  
Petitioner,

v.

Desiree Capuano,  
Respondent.

Case No.: TD035397

**OBJECTIONS TO RESPONDENT'S  
PROPOSED ORDER**

Petitioner, pro se, respectfully submits his objections to Respondent's Proposed Findings and Order After Hearing. For the reasons provided herein Petitioner respectfully requests the Court reject Respondent's proposed Findings and Order After Hearing and accept Petitioner's attached Findings and Order After Hearing.

**1. Respondent erroneously assigned visitation for two adjacent holidays to the same parties.**

At the hearing on December 6, 2011 the Court ordered visitation for holidays, other than Child's summer, winter and spring breaks, be assigned alternating such that Child would spend one holiday with Petitioner, the next with Respondent, then the next with Petitioner, et cetera. Using this approach Child would spend Martin Luther King's birthday weekend with Petitioner, President's Day

weekend with Respondent, and Memorial Day weekend with Petitioner.

Respondent's proposed Order, however, requires that Child spend both President's Day weekend and Memorial Day weekend with the same party.

For this reason, Petitioner respectfully requests the Court reject the proposed Findings and Order After Hearing submitted by Respondent.

**2. Respondent erroneously stated alternating visitation for Labor Day weekend.**

At the hearing on December 6, 2011 the Court ordered that Child would be returned to Petitioner one week before the start of school at the end of each summer break. It was agreed that visitation with Respondent would be impractical for the Labor Day weekend because Child would have been returned only days before the start of the Labor Day weekend after having spent two full months with Respondent in Arizona.

Respondent's proposed Order would have Child returning to Petitioner in Los Angeles on August 28, 2011, then to Respondent in Phoenix on September 1, 2011, and again back to Petitioner in Los Angeles on September 3, 2011.

Moreover, Respondent's proposed Order would defeat the purpose of Child returning to his home in California a week before the start of school – which is to permit Petitioner and Child sufficient time to prepare for the start of the school year.

For this reason, Petitioner respectfully requests the Court reject the proposed Findings and Order After Hearing submitted by Respondent.

Respectfully submitted this 12<sup>th</sup> day of December, 2011.

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a cursive, somewhat abstract shape.

---

Richard Riess

RECEIVED

DEC 13 2011

FL-340

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address) <b>Richard Riess</b> Lincoln St. Carson, CA 90745  TELEPHONE NO.: 310- FAX NO. (optional): ATTORNEY FOR (Name): <b>Richard Riess</b>	FOR COURT USE ONLY  SOUTH CENTRAL DISTRICT OFFICE AND COURT STAFF
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> 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:	
<b>FINDINGS AND ORDER AFTER HEARING</b>	CASE NUMBER: TD035397

1. This proceeding was heard  
 on (date): 126/11 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):  
 Other present  Attorney present (name): Henrik Karapetian  
 On the order to show cause or motion filed (date): 10/18/11 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:

JUDICIAL OFFICER

Approved as conforming to court order.

SIGNATURE OF ATTORNEY FOR  PETITIONER / PLAINTIFF  RESPONDENT / DEFENDANT





Attorney for Petitioner:  
IN PRO PER

Attorney for Respondent:  
HENRIK KARAPETIAN

---

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):  
[REDACTED] RIESS, DOB: [REDACTED]-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

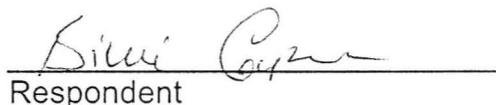
In entering into this stipulation, each acknowledges that it is necessary to do so for the best interests of our child(ren).

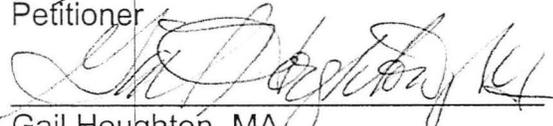
Each of us acknowledges that we received a copy of this stipulation and if represented, we will immediately provide a copy to our attorneys. The stipulation will be filed with the court on the day of the next scheduled hearing or 10 calendar days from today, whichever comes first, unless a written objection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

\_\_\_\_\_  
Judge of the Superior Court

PETITIONER/PLAINTIFF: <b>Richard Riess</b> RESPONDENT/DEFENDANT: <b>Desiree Capuano</b>	CASE NUMBER: <b>TD035397</b>
--	---------------------------------

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**
  - a.  Transportation **to** the visits will be provided by the  petitioner  respondent  
 other *(specify)*: \_\_\_\_\_
  - b.  Transportation **from** the visits will be provided by the  petitioner  respondent  
 other *(specify)*: \_\_\_\_\_
  - c.  Drop-off of the children will be at *(address)*: \_\_\_\_\_
  - d.  Pick-up of the children will be at *(address)*: \_\_\_\_\_
  - e.  The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint  
 devices.
  - f.  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.
  - g.  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
  - a.  the state of California.
  - b.  the following counties *(specify)*: \_\_\_\_\_
  - c.  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	CASE NUMBER:
RESPONDENT: Desiree Capuano	TD035397

## 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 in the presence of 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*):

**ATTACHMENT TO FINDINGS AND ORDER AFTER HEARING**

1. Petitioner to file a declaration with the Court with a true and correct copy of a document establishing his U.S. citizenship by January 6, 2012 and Petitioner to serve a copy of the same document to Respondent's counsel by January 6, 2012.

[END OF ORDER]

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) (Name, state bar number, and address): Richard Riess Lincoln St. Carson, CA 90745</p> <p>TELEPHONE NO.: 310- FAX NO.:</p> <p>ATTORNEY FOR (Name): Richard Riess</p>	<p>FOR COURT USE ONLY</p> <p><b>ORIGINAL FILED</b></p> <p>DEC 20 2011</p> <p><b>LOS ANGELES SUPERIOR COURT</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> Los Angeles</p> <p>STREET ADDRESS: 200 W. Compton Blvd. MAILING ADDRESS: 200 W. Compton Blvd. CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central District</p>	
<p>PETITIONER/PLAINTIFF: Richard Riess</p> <p>RESPONDENT/DEFENDANT: Desiree Capuano</p> <p>OTHER PARENT:</p>	
<p><b>PROOF OF SERVICE BY MAIL</b></p>	<p>CASE NUMBER: TD035397</p>

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

1. 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.

2. My residence or business address is:  
Lincoln St, Carson, CA 90745

3. I served a copy of the following documents (*specify*):  
Objections to Respondent's Proposed Order, Attachments "Conciliation Court Agreement and Stipulated Order Re Custody and Parenting Plan", FL-340, FL-341, FL-341(C), FL-341(E), Attachment to Findings and Order After Hearing.

by enclosing them in an envelope AND

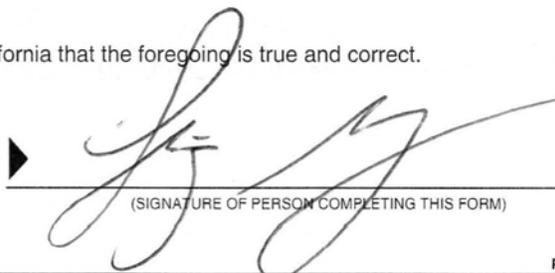
- a.  **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice 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.

4. The envelope was addressed and mailed as follows:
- a. Name of person served: Henrik Karapetian
  - b. Address: 100 N. Brand Blvd, Suite 207, Glendale, CA 91203
  - c. Date mailed: 12/<sup>13</sup>/~~12~~/11
  - d. Place of mailing (*city and state*):

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

Date:

Liz M  
(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.*