

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-007470

12/17/2009

HONORABLE MICHAEL R. MCVEY

CLERK OF THE COURT
M. Wilson
Deputy

IN RE THE MATTER OF
LOGAN SCOTT MCQUEARY

LOGAN SCOTT MCQUEARY
P O BOX 8103
PHOENIX AZ 85066

AND

ELIZABETH JOANNE JOHNSON

ELIZABETH JOANNE JOHNSON
4605 S PRIEST DR LOT 153
TEMPE AZ 85282

AZ DEPARTMENT OF VITAL
RECORDS
CONCILIATION SERVICES-CCC
DOCKET-FAMILY COURT CCC
FAMILY COURT SERVICES-CCC

PATERNITY JUDGMENT

Old Court House – Courtroom 301

1:47 p.m. This is the time set for Return Hearing on Motion for Pre-Decree Temporary Order without Notice for Child Custody filed December 14, 2009. Petitioner/Father, Logan Scott McQueary, is present on his own behalf. Respondent/Mother, Elizabeth Joanne Johnson, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-007470

12/17/2009

Pursuant to stipulation of the parties and the birth certificate provided by Father,

THE COURT FINDS that Logan Scott McQueary (DOB: 1/12/1985) is the natural father of the minor child, Gabriel Scott Johnson, born on May 3, 2009, to Elizabeth Joanne Johnson.

IT IS ORDERED declaring that Logan Scott McQueary (DOB: 1/12/1985) is the natural father of the minor child, Gabriel Scott Johnson, born on May 3, 2009, to Elizabeth Joanne Johnson.

IT IS FURTHER ORDERED that a new amended or supplemented birth certificate for the minor child shall be prepared and issued to reflect the true paternity of the child if the name of the natural father does not now appear on the original certificate, and to reflect the true name of the minor child if the child's true name does not now appear on the original certificate.

IT IS FURTHER ORDERED that the parties shall take all necessary steps to have the birth certificate of the minor child amended in accordance with this order if the correct information does not now appear on the original certificate. Information for amendment of an Arizona birth certificate may be obtained from the Office of Vital Records, Department of Health Services, 1818 W. Adams, Phoenix, Arizona 85007; Phone (602) 364-1300. A certified copy of this minute order may be obtained after ten days of receipt of same, and shall then be provided, together with all other required documents and fees, to the Office of Vital Records, so that the birth certificate can be amended or supplemented as ordered herein.

LET THE RECORD REFLECT that the parties agree to share joint legal custody of the minor child.

TEMPORARTY PARENTING TIME ORDERS

IT IS ORDERED that until the trial, the child shall reside with Mother from Wednesday morning at 8:00 a.m. until Sunday morning at 8:00 a.m. and with Father from Sunday at 8:00 a.m. through Wednesday at 8:00 a.m.

IT IS FURTHER ORDERED that in 2009 and every odd-numbered year thereafter, Mother shall have parenting time with the child on Christmas Eve and Father shall have parenting time with the child on Christmas Day. In 2010 and every even-numbered year thereafter, Father shall have a parenting time with the child on Christmas Eve and Mother shall have parenting time with the child on Christmas Day. Christmas Eve is defined as December 24 at 8:00 a.m. through December 25 at 8:00 a.m. Christmas Day is defined as December 25 at 8:00 a.m. through December 26 at 8:00 a.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-007470

12/17/2009

PARENTING CONFERENCE REFERRAL

IT IS ORDERED the parties shall participate in a **Parenting Conference**. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

IT IS FURTHER ORDERED that immediately following this hearing each party is directed to pay the **\$300 per party** fee at the Clerk of the Court filing counter. Forms to request a fee deferral are available at the filing counter.

WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

FILED: Acknowledgment and Notice of Parenting Conference (2)

TRIAL SETTING ORDER

IT IS ORDERED setting Trial to the Court on **March 26, 2010 at 8:30 a.m.** (90 minutes allotted) in this Division before:

**The Honorable Michael R. McVey
Maricopa County Superior Court
Old Courthouse - Courtroom 301
125 West Washington
Phoenix, Arizona 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-007470

12/17/2009

argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

DISCLOSURE AND DISCOVERY

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least thirty (30) days prior to trial.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least fifteen (15) days prior to trial.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than five (5) days prior to trial.

JOINT PRETRIAL STATEMENT

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-007470

12/17/2009

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor un-emancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-007470

12/17/2009

EXHIBITS

IT IS FURTHER ORDERED that any documents or other items intended to be submitted as exhibits at the time of the Trial shall be **hand-delivered directly to this Division at least five (5) business days prior to Trial** for marking. **Exhibits shall not be delivered to the mailbox or to Court Administration or they may not be marked.** Exhibits submitted less than five (5) business days prior to Trial may not be marked. The exhibits shall be submitted with a coversheet listing the cause number, which party is submitting the exhibits, and a description of each exhibit. Exhibits shall be separated by a sheet of **colored** paper to easily identify where one exhibit ends and the next begins. Duplicate exhibits shall not be presented and will not be marked. Please do not submit exhibits to be marked in binders (bench copy of exhibits may be submitted in a binder). **PLEASE DO NOT ATTACH EXHIBITS TO THE JOINT PRETRIAL STATEMENT OR THEY WILL NOT BE MARKED.**

FINDINGS OF FACT

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than twenty (20) days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than ten (10) days prior to trial.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-007470

12/17/2009

LET THE RECORD REFLECT that this Court intends to refer this matter to the appropriate Title IV-D Commissioner for calculation of child support as Mother has informed this Court that she has been receiving aid from the State.

2:12 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/s/ MICHAEL R. MCVEY

HON. MICHAEL R. MCVEY
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.