

2005

# Lara Young v. David Young : Reply Brief of Appellant

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

Case No. 20040227 - CA  
District Ct No. 95-46-00158

.A10  
DOCKET NO. 20040227-CA

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LARA YOUNG,

Petitioner/Appellee,

vs.

DAVID YOUNG

Respondent/Appellant.

---

Appeal from the Third District Court, Summit County, Judge Bruce C. Lubeck

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**REPLY BRIEF OF RESPONDENT - APPELLANT**

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Respondent/Appellant request a published decision by this Utah Court of Appeals

**FILED**  
UTAH APPELLATE COURTS

FEB 04 2005

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Honorable Judge Bruce C. Lubeck, Third District Court of Summit County, Utah

Honorable Judge Helen L. Halpert, Superior Court of the State of Washington for the  
County of King

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All Federal and Utah State Rules apply to this appeal and case as allowed by law, and specifically;

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## **STATEMENT OF JURISDICTION**

This is an appeal from a final decision of the Third District Court, Summit County entered on November 25, 2003, District Court Case No. 95-46-00158. This Court has jurisdiction pursuant to Utah Code Ann. 78-2a-3 (2)(h).

## **STATEMENT OF ISSUES**

1. While applying the factual records and evidence, in conjunction with the statutory workings of the Parental Kidnapping Prevention Act (the PKPA), the current Utah's Uniform Child Custody Jurisdiction and Enforcement Act (the UCCJEA) and their multi-step analysis, including all procedural changes between the UCCJEA and the abolish Utah Child Custody Jurisdiction Act (the UCCJA), and all appropriate decisional laws, did the District Court error in staying Petitioners/Appellee's motion to Quash Service of Summons, pursuant to UCA § 78-45c-202 (UCA § 202) Exclusive Continuous Jurisdiction, and UCA § 78-45c-207 (UCA § 207) inconvenient forum?
2. While trying to articulate this case, is/was the Third District Court, the Washington Superior Court, and the Respondent/Appellant (being) subjected to the malicious, frivolous, misleading, fraudulent conduct, also co-defined within the Utah Rules 33, 34 and 40 (Rule 33,34,40) of Appellate Procedures by a vexatious Petitioners/Appellee, her attorneys, including the representing law firms, from the States of Utah and Washington, that causes an inoperative Decree of Divorce (Decree) and wrongful error by the District Trail Court staying the Petitioners/Appellee's motion to Quash Service of Summons?

## **STANDARD OF REVIEW**

Wherefore, using the framework co-defined within the pre-empted federal PKPA, the current UCCJEA, and/or questioning whether to cling to, or be bound by the older Utah

UCCJA that was Legislatively abolished in the year 2000. Review is sought that this court apply the Rules 33, 34, 40 and the laws of the PKPA and UCCJEA, in accessing damages brought forth by the frivolous filings of petitions and motions by a vexatious Petitioner/Appellee, her attorneys, along with all persons and/or law firms that contributed to this case. Including the further assessment's of how such damages should be compensated to the Respondent/Appellant.

### **CONSTITUTIONAL & STATUTORY PROVISIONS**

The determinative statutes herein are Utah's UCCJEA, Utah Code Ann. §§ 78-45c-101, 202, 206, 207, 208, 110, 205, 108, and 312.

Parental Kidnapping Prevention Act (the PKPA) 28 U.S.C. § 1738A (d) and (e).

Utah Rules of Appellate Procedures 33, 34 and 40 (Rule 33,34,40).

Uniform Child-Custody Jurisdiction and Enforcement Act (1997), including the texts of the "Prefatory Note and Comments", build by the "National Conference of Commissioners on Uniform State Laws" (NCCUSL). (addendum "b")

### **STATEMENT OF THE CASE**

#### **A. NATURE OF THE CASE**

Respondent/Appellant is requesting relief in this matter that the Third District Court erred in its ruling and order entered on November 25, 2003, District Court Case No. 95-46-00158. The Respondent/Appellant is basing and applying workings of his argument on the Utah's UCCJEA, the NCCUSL (1997) draft the UCCJEA, and on the PKPA as a matter of law. The Rules 33, 34, 40, the PKPA, and UCCJEA accordingly; will show excessive damages from Simultaneous Proceeding, frivolous timing of petitions and motions for the purpose of a delay and harassment of this case, whereby rendering the parties' Decree

of Divorce inoperative, as the damaging outcome from the Petitioners/Appellee's actions and of the Third District Courts order.

**B. COURSE OR PROCEEDINGS & DISPOSITION OF THE CASE**

1. On June 30, 2003, a Petition To Modify was filed in Utah's Third District Court by the Respondent/Appellant (R. at 567, 637). Respondent/Appellant filed and mail service of summons to her in Washington State. (R. at 0567)
2. On August 6, 2003, Disrespectful of the Parties' Decree and Joint Legal Custody status Petitioner/Appellee filed her first frivolous Petition of this case for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule, Parenting Plan in the Superior Court of the State of Washington. From this date forward to the current, damages have/are occurring from an inoperative Decree. (addendum "c" of the Respondents/Appellant's brief), (R. at 727 through 944)
3. On August 11, 2003, at 8:04 a.m., Petitioner/Appellee filed her second frivolous Motion regarding this case, " Motion to Quash Service of Summons", and "Memorandum in support of motion to Quash Service of Summons", with the Third District Court of Summit County Utah, (R. at 0644 -692).
4. On that same day of August 11, 2003 at 11:00 am, the scheduled hearing took place, at the Third District Court of Summit County Utah, regarding Respondent's Motion for Temporary Relief that was filed on June 30, 2003 (see addendum "d") (R. at 0693).
5. On November 17, 2003: Hearing took place in the Third District Court of Summit County Utah regarding: Petitioner's motion to Quash, at 11:00 a.m. Minutes Oral Argument, (R. at 964) (addendum "o")
6. On November 20, 2003: Mr. Henry R. Hanssen, Jr., Washington State attorney for

the Petitioner/Appellee, intervened in the Utah proceeding by mailing an exclusive ex-parte letter to the Honorable Helen L. Helpert, State of Washington. And on November 21, 2003, faxed the same letter to the Third District Court, Summit County, Utah (addendum “g”). (R. at 0966,)

7. On November 24, 2003: A ex-parte Chambers/Telephonic hearing was held. Appearances where by Third District Court, appearing in Utah Chambers. King County Superior Court, appearing Telephonically from Washington State. And Mr. Hansen, Esquire of the Plaintiff (Petitioner/Appellee), also intervening in the Utah proceeding by appearing Telephonically form Washington (addendum “f”). (R. at 0976)

8. On November 25, 2003: Before, Notice and allowing an Opportunity to be heard – Joinder, regarding Petitioner’s motion to Quash, the Third District Court of Summit County Utah, Ruling and Order were filed. (R. at 0973)

9. On December 8, 2003: Respondent Motions This Court to Reconsider it’s Ruling And Order Dated November 25, 2003. (R. at 0977)

### **C. STATEMENT OF FACTS**

1. The parities where married on July 11, 1992, Park City, Utah. (R. at 001 – 011)
2. The parities are the parents of one minor child, Kayla MacKenzie Young (Kayla), born January 25, 1995. (R. at 001 - 011)
3. Nine and a half months after the birth of the minor child, on November 8, 1995, at 6:35 pm, a Verified Divorce Complaint was served upon the Respondent/Appellant, including a Verified Complaint for Ex-Parte Protective Order, during his group marriage counseling session. (R. at 1-11), (see Ex-parte order, Reply Brief, addendum “p”).
4. November 14, 1995, and 6 days after being served November 8, 1995, a letter was

sent to Respondent/Appellant attorney from Petitioners/Appellee's attorney, "dismiss the Cohabitant Abuse Complaint". (Reply Brief, addendum "q")

5. November 27, 1995, Hearing was held, regarding agree-to, "Stipulation Regarding Dismissal with Prejudice and Temporary Order" (R. at 012 - 021).

6. November 20, 1996, The Respondent/Appellant served a "Summon" and a "Verified Complaint For Malicious Prosecution" to the Petitioner/Appellee. (addendum "r")

7. November 26, 1996, Divorce case was tried at the Third District Court, Utah. The parties' were awarded joint legal custody of Kayla (R. at 0155-0178), Minute Entry (Stip Read into Record; Div Granted; Spouse Abuse & Tort Action to be Dismissed & Sealed) original missing from Record. (R. at 0124), (R. at 012, 021).

8. August 12, 1998 Petition to Modify Decree by Petitioner/Appellee.

Respondent/Appellant was ordered retro back, and pay forward a 333% monthly increase in Child Support, and a shift from 50 – 50% contribution, to the new 333% amount and the current contribution of 82% of the support. Utah's O.R.S. department collects and forwards the monthly support. (R. at 323, 324)

9. May 5, 1999 Petition to Modify Decree was filed (R. at 326). Petitioner/Appellee moved from Utah, to California on October 4, 1999. Hearing for Petition to Modify was on November 2, 1999. At the November 2, 1999, Petitioner/Appellee had the first good faith chance to address issues of her move, visitation, transportation cost for visitation and support. (R. at 462, 464)

10. On October 4, 1999, without written notice to the Respondent/Appellant, or the Utah Third District Court as a mater of the parties' Decree and Utah law, Petitioner/Appellee moved from Utah, to Fremont California. (R. at 462, 464)



11. April 2, 2000, Petition to Modify Decree. Second good faith chance for Petitioner/Appellee to address relocation issues before the court (R. at 481,483) (R. at 532)

### **SUMMARY OF THE ARGUMENT AND RESTATEMENT OF THE ISSUES**

The Petitioners/Appellee's brief in this case acknowledges and except the statutory workings of the PKPA, and Utah's UCCJEA was a "complete replacement" of the older UCCJA. Along with undisputed fact and evidence in this case that Respondent/Appellant has been a resident and ongoing contestant in the parties Decree rendering state of Utah, and wherefore the Respondent/Appellant and "this court has exclusive, continuing jurisdiction. Exclusive, continuing jurisdiction, under UCA § 202 (1)(b), and the PKPA's 28 U.S.C. § 1738A (d) as a resident of Utah. "Determining jurisdiction over custody matters is a question of law. See, e.g. In re D.S.K., 792 P.2d 118, 123 (Utah Ct. App. (1990)) (citing Dragoov. Dragee, 298 N.W.2d 231, 232 (1980)). Therefore, we give no deference to the trial court. See id." Kingdon v. Kingdon filed October 2, 2003, (2003 UT App. 326) Case No. 20020631-CA. (affd. without published opinion)

The arguments of this case are therefore procedural in nature, as to if the district court applied them correctly and consistently with the PKPA and the UCCJEA multi-step process, but could not have done so do to the lack of facts and evidence from the Petitioner/Appellee. Most important, is that they where not applied fairly and accordingly to ethical manner of all law(s) applied to this case. (R. at 000- 1022) Procedural is outline by the following: "Our prior cases involving interstate custody disputes have been decided under the UCCJA and the PKPA. See, e.g., Luna, 1999 ND 79, 592 N.W.2d 557; Zimmerman v. Newton, 1997 ND 197, 569 N.W.2d 700. Therefore, we now outline the

multi-step process a court must follow in interstate custody disputes in determining whether to exercise jurisdiction under the UCCJEA and the PKPA.” *Benson v. Benson*, 2003 ND 131, 667 N.W.2d 582. (also see, cited within Petitioners/Appellee’s brief p. 7)

## **ARGUMENTS**

**I. The Third District Court did not apply the factual records, standards of evidence, the PKPA, the UCCJEA, decisional laws, a multi-step analysis, therefore error in staying Motion to Quash Service of Summons, pursuant to UCA § 202 Exclusive Continuous Jurisdiction, and UCA § 207 inconvenient forum.**

Due to the lack of facts and evidence, the Petitioners/Appellee’s is frivolously arguing that Utah is an inconvenient forum (UCA § 207) in the Respondent/Appellant decree rendering state of Utah, citing *Liska* at 648, and a best interest of the child as the evidential standard. Rule 33 (a). states:

“(a) Damages for delay or frivolous appeal. Except in a first appeal of right in a criminal case, if the court determines that a motion made or appeal taken under these rules is either frivolous or for delay, it shall award just damages, which may include single or double costs, as defined in Rule 34, and/or reasonable attorney fees, to the prevailing party. The court may order that the damages be paid by the party or by the party’s attorney.”

1. Citing *Liska v. Liska* (Utah 1995) in this case, is a distortion of case precedent that is not warranted by existing law, or based on a good faith argument to reverse existing law related to this case. (Rule 33 (b)). Rule 33 (b). state:

“(b) Definitions. For the purposes of there rules, a frivolous appeal, brief, or other paper is one that is not grounded in fact, not warranted by existing law, or not based on a good faith argument to extend, modify, or reverse existing law. An appeal, motion, brief, or other paper interposed for the purposes of delay is one interposed for any improper purpose such as to harass, cause needless increase in the cost of litigation, or gain time that will benefit only the party filing the appeal, motion, brief, or other paper.”

The Utah courts made this statement about the PKPA; “Our conclusion reaffirms the sound policy determinations that prompted Congress’s passage of the PKPA. Congress

intended by passage of the PKPA to, among other things, “discourage continuing interstate controversies over child custody in the interest of greater stability of (the) home environment and of secure family relationships for the child. See Parental Kidnapping Prevention Act of 1980, Pub. L. No. 96-611, 94 Stat. 3566, 3569 (congressional findings and declaration of purpose).” In re E.H.H., 2000 UT APP 368, 16 P.3d 1257.

Therefore, even though a PKPA argument was missing from the Brief of Petitioner/Appellee including the, “Statutory Provisions”, and all documents submitted by her in this case, we cannot deny that the supremacy of PKPA applies to this case. Utah further stated; “In sum, because we are not bound by our decision in R.N.J., we would be remiss if we were to embrace it as persuasive authority given that it overlooks binding precedent, makes an incorrect interpretation of law, and has since been legislatively overruled.” “the Utah Legislature amended the Utah UCCJA to include termination of parental rights in the definition of a child custody proceeding. See UCA § 102(4) (Supp.2000) (effective July 1, 2000)”, In re E.H.H., 2000 UT APP 368, 16 P.3d 1257 (also see footnote 23).

In other words, the precedent set by Liska should be considered out dated as a persuasive authority, and not warranted by existing UCA § 202 law, in this case. This is due to the fact that the Utah legislators have totally abolished the old UCCJA for a newer UCCJEA, and the fact that the PKPA 28 U.S.C. § 1738A (d), where one parent continues to reside in Utah (UCA § 202) (Respondent/Appellant) pre-empts the UCCJA, UCCJEA and decisional laws of Liska by virtue of its federal supremacy. (Rule 33 (b))

2. California Superior Court, which established the following rules and multi-step process needed to determine a significant connection in a case, such as this:

“Exclusive continuing jurisdiction is not affected by the child’s residence in another state for six months or more. Although the new state becomes the child’s home state, significant connection jurisdiction continues in the state of the prior decree where the court record and other evidence exists and where one parent or another contestant continues to reside. Only when the child and all parties have move away is deference to another state’s continuing jurisdiction no longer required. (emphasis in the original)”.

“Modification jurisdiction is perhaps best viewed as an extension of the recognition and enforcement provisions of the Uniform Act (cites). The decree state is not effectively enforcing the New York decree if it modifies the decree as soon as the child has spent six months within its borders. Under section 5163, the strong presumption is that the decree state will continue to have modification jurisdiction until it loses all or almost all connections with the child. (emphasis in the original)” Kumar v. Superior Court (1982) 32 Cal.3d 689, 699 (186 Cal.Rptr.772, 778).

By virtue of the PKPA supremacy, the “strong presumptive authority” of Kumar v. Superior Court, and the internal laws of the state of Utah, where the Decree was rendered, this court should conclude in its analysis that “until it loses all or almost all connections with the child ” jurisdiction should continue as the Respondent/Appellant, and therefore the minor child is significant connected with the State of Utah.

With that said, a further multi-step analysis of substantial evidence must also take place in order for the total criteria in Utah’s UCA § 202 are to be met in this case, and/or view for corretiveness by this court of appeals. Utah legislators totally abolished the old UCCJA for a newer UCCJEA in the year 2000, and in doing so, change the evidential standard from a best interest of the child standard, as use to affirm the Liska case, to a

jurisdictional standards of evidence. (see, Respondents/Appellants Brief, Prioritizing evidence as a matter of UCCJEA law, specifically page's 23 through 28).

Within Petitioner/Appellee Brief are the following interposed deceptions of "Substantial evidence": "school teachers", "classmates", "medical care", "pediatrician resides", "babysitter", "after school care providers", etc. Though important interest of the minor child, are frivolous statements that not grounded by facts to be interposed in good faith within this UCCJEA case. Furthermore, Number 8 and 9 of her Brief, "has exercised visitation with Kayla on approximately six (6) occasions", and "has not traveled to either California or Washington (to) see Kayla", also cannot be supported by evidence in this case, but the facts could be construed two ways. One, confirms that Parental Alienation Syndrome (PAS) is/has been occurring. Or two, the statement is fraudulent way to deceive this court of actual visitations. (see, parenting time tracker, addendum "s") (Rule 33 (b)).

None of these arguments above are strong enough to reverse existing UCCJEA law back to a UCCJA "best interest of the child" standard of evidence. (Rule 33 (b)) Therefore, without clear and convincing evidence, the Third District Court error in fining Utah to be an inconvenient forum (UCA § 207) base on frivolous evidence. As further stated within the following Utah case; "Finally, there is no proper evidence supporting an adequate finding that Utah declined to exercise jurisdiction because it was an "inconvenient forum." Utah Code Ann. § 78-45c-207 (2002), See id." Kingdon v. Kingdon, filed October 2, 2003, (2003 UT App. 326) Case No. 20020631-CA."

3. On August 6, 2003, Petitioner/Appellee filed her first frivolous Petition of this case for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule, Parenting Plan in the Superior Court of the State of Washington for the County of King

(addendum “c” of the Respondents/Appellant’s brief, argument number II.A. – 1.

Unjustifiable Simultaneous Proceeding as a matter of UCCJEA law, pages 28 - 32. Also see, R. at 727 through 944, submitted to the Third District Court in “Respondent’s Memorandum in Support to Decline Petitioners Motion to Quash Service of Summons Ex A through K), thus creating Simultaneous Proceeding (UCA § 206).

The UCCJEA multi-step process is correctly defined in Respondent/Appellant brief (addendum “b”), on page 35 of 55, of the UCCUSL’s 207, comments:

“There are two departures from Section 7 of the UCCJA. First, the court may not simply dismiss the action. To do so would leave the case in limbo. Rather the court shall stay the case and direct the parties to file in the State that has been found to be the more convenient forum.” *(emphasis added)*

Though Petitioners/Appellee’s creation of Simultaneous Proceeding is based on the need to delay the Respondents/Appellant’s Petition filed in Utah on June 30, 2003 (Rule 33 (b)). The actions of filings in Washington State before relinquishing Utah’s jurisdiction caused the parties’ Decree of Divorce Order to be halted, leaving it inoperative, and without a jurisdiction. The damages caused from filing Simultaneous Proceeding in this case, can be based on the U.S. Supreme Court determination that “a custody decree” “is not a final judgment”. See Ford v Ford (1962) 371 U.S. 188, Kovacs v Brewer (1958) 356 U.S. 604, May v Anderson (1953) 345 U.S. 528, New York ex rel. Halvey v. Halvey (1947) 330 U.S. 610.

In other words, the parties’ Decree of divorce is a final order, and not a final judgment because the Decree is always in movement, allowing fluctuation of change over the course of its existence. Therefore, the true operational intentions of the parties’ Decree of Divorce is where it can operate in a stable jurisdiction without interferences from a malicious, vexatious

Petitioner/Appellee filing frivolous Simultaneous Proceedings. And because this Decree (final order) is not a one shot final judgment, movement with the Decree has and will continue to be vexatious from the Petitioner/Appellee as shown by patterns of frivolous filing listed within this Reply Brief, under ARGUMENTS I, page 7, and specifically II, page 15. "represented a sufficient record upon which the bankruptcy court could conclude that Armstong was a vexatious litigant", and "basis for filing restrictions, abuses of the court system and vexatious litigation may warrant the imposition of filing restrictions and conditions" , In re Armstrong v Rushton, 294 B.R. 344,362 (10th Cir. BAP 2003) (RAP UT-03-061), citing Tripathi, 878 F.2d at 353; Winslow v Hunter (In re Winslow), 17 F.3d 314, 315 (10th Cir. 1994) (en banc) (per curiam) (repetitive filings attacking a ten-year old state court proceeding); Werner v Utah, 32 F.3d 1446, 1447 (10th Cir. 1994) (per curiam).

At around 8:04 a.m. on August 11, 2003 Petitioner filed a second frivolous Motion to Quash Service of Summons, with the Third District Court, Utah, (R. at 0644).

On that same day of August 11, 2003 at 11:00 am, the scheduled hearing took place, at the Third District Court, Utah, regarding Respondent's Motion for Temporary Relief that was filed on June 30, 2003 (see addendum "d"), (R. at 0693).

On November 17, 2003: Hearing took place for Petitioner's motion to Quash, at 11:00 a.m. (note, this hearing, or a transcript of this hearing is not of records, R. at 964)

On November 20, 2003: Mr. Henry R. Hanssen, Jr., Washington State attorney for the Petitioner/Appellee, intervened in the Utah proceeding by mailing an exclusive ex-parte letter to the Honorable Helen L. Helpert, King County Superior Court, State of Washington.

November 21, 2003: Mr. Henry R. Hanssen, Jr., faxed the same letter to the Honorable Judge Bruce C. Lubeck, Third District Court, Summit County, Utah (addendum "g"). (R. at 0966,)

On November 24, 2003: An ex-parte Chambers/Telephonic hearing was held. Appearances where by the Honorable Bruce C. Lubeck, Third District Court, Summit County Utah, appearing in Utah Chambers. The Honorable Helen L. Helpert, King County Superior Court, State of Washington, appearing Telephonically form Washington. And Mr. Hansen, Esquire of the Plaintiff (Petitioner/Appellee) in Washington, also intervened in the Utah proceeding by appearing Telephonically from Washington (addendum “f”). (R. at 0976)

The letter from Mr. Hanssen and listed persons that participated above in said “Chambers/Telephonic hearing” on November 24, 2003, violated the following UCCJEA and the PKPA laws:

1. Failed to give “Notice to persons (the Respondent/Appellant) of a Chambers/Telephonic hearing being held on November 24, 2003, as a matter of UCCJEA law: UCA § 108 (1)(2). (addendum “f” pages 37, 38) (R. at 0976)
2. Failed to allow Respondent/Appellant to participate in the November 24, 2003 Communication Between Courts, UCA § 110 (see addendum “f” pages 36,37) (R. at 0976), including an ex-parte communication: UCA § 110 (2). (addendum “f” pages 38, 39, 40) (R. at 0976)
3. Failed to give Notice and allow an Opportunity to be heard – Joinder, to the Respondent/Appellant before the Third District Court final Ruling and Order on November 25, 2003, regarding the November 20, 2003 evidence submitted to the courts of Washington and Utah, and the evidence presented at the November 24, Chambers/Telephonic hearing, UCCJEA law UCA § 205 (1)(3), and the PKPA § 1738A(e). (addendum “f” pages 40, 41, 42,) (R. at 0976)



Whereby, the Third District Court could not have been properly supported by evidence, “an adequate finding that Utah declined its jurisdiction” without errors to the laws of Utah’s UCCJEA, the PKPA, specifically, UCA§ 206, UCA § 207, UCA § 108, UCA § 110, UCA § 205, UCA § 208, and Rule 33 (b). And whereby, the timeline listed above, of all issues under “c” shows that the Utah’s Third District Court did not follow the multi-step process test needed to apply the statutes of Utah’s UCCJEA 101 and the PKPA correctly to this case, *Benson v. Benson*, 2003 ND 131, 667 N.W.2d 582.

The decisional law of *Kingdon v. Kingdon* fully supports and concurs with this argument; “Here, the trial court did not properly relinquish Utah’s jurisdiction because the court failed to follow the dictates of Utah’s Uniform Child Custody Jurisdiction and Enforcement Act (the UCCJEA)”. “Even if this minute entry were to qualify as a memorandum, the parties were not “informed promptly of the communication and granted access to the record” pursuant to subsection four. Utah Code Ann. § 78-45c-110 (4). Finally, there is no proper evidence supporting an adequate finding that Utah declined its exercise jurisdiction because it was an “inconvenient forum.” Utah code Ann. § 78-45c-207 (2000) *Kingdon v. Kingdon*, filed October 2, 2003, (2003 UT App. 326) Case No. 20020631-CA.”

And finely, the court concluded that; “Because we conclude that Utah did not properly relinquish its jurisdiction over the custody decree and modification”, “therefore this court should remand this case for appropriate treatment of the jurisdiction issue under the UCCJEA and the PKPA” *Kingdon v. Kingdon*, filed October 2, 2003, (2003 UT App. 326) Case No. 20020631-CA.”

Lack of evidence and the filing of frivolous motions (Rule 33(b)), this Utah Court of Appeals, should conclude that Utah did not properly relinquish its jurisdiction over the

parties' Decree on November 25, 2003.

**II. The act the Petitioner/Appellee filing frivolous Simultaneous Proceeding (UCA § 206) caused a halting of jurisdiction, and further caused a wrongful error by the District Trial Court staying the Petitioners/Appellee's motion to Quash Service of Summons, whereby leaving the parties' Decree inoperable, is therefore cause for the Respondent/Appellant to seek a judgment award, and award of damages by this Utah Court of Appeals (Rule 33, 34, 40).**

"Thus, conceding that there was no counterclaim does not make her opening brief any less frivolous. Therefore, pursuant to rules 33 and 40 of the Utah Rules of Appellate Procedure, Sunrider is awarded its attorney fees incurred in this appeal." Peterson v Sunrider Corp.

2002 Ut 43, 18 48P.3d 918, 928-929.

The Respondent/Appellant is asking this Utah Court of Appeals to review the history of the parties' and the continual deceptive and disrespectful actions of the Petitioner/Appellee to this Utah Court of Appeals, Utah's Third District Court, the Superior Court of Washington, and foremost the parties' Decree of Divorce.

Starting on November 8, 1995, at 6:35 pm, an Ex-Parte Protective and Divorce Complaint was served upon the Respondent/Appellant during his group marriage counseling session. As of the record or otherwise, serves was not warranted by existing laws and/or a prior abuse complaint. (R. at 1-11) (R. at 727 - 944.) (addendum "p")

November 14, 1995, 6 days after being served, the Petitioners/Appellee attorney mailed a letter stating they would withdraw the ex-parte abuse Act if we agree to their terms of the letter regarding the pending temporary order. Timing of service and contents of this letter is proof of the Petitioners/Appellee interposed the Abuse Act for the purpose to harass, humiliate, intimidate, and gain an unfair advantage and control of the pending temporary order. (R. at 1-11) (R. at 727 - 944.) (addendum "q").

November 27, 1995, “Stipulation Regarding Dismissal” (R. at 012-021).

November 20, 1996, The Respondent/Appellant served a “Complaint For Malicious Prosecution” to the Petitioner/Appellee, for the November 8, 1995 filing and service of the ex-parte false allegations of abuse complaint. Tort action was based on “Malicious Prosecution”, and miss-use of the judicial system by way of said frivolous and disrespectful filing of Utah’s Co-habitant Abuse Act as a way to deceive the district court. (addendum “r”)

November 26, 1996, Divorce case was tried. The Utah court awarded the parties’ joint legal custody of Kayla, and Petitioner/Appellee Lara Young was awarded physical custody. Minimum 30% visitation allowed by Utah was awarded to Respondent/Appellant. (R. at 0155-0178). Tort Action was Dismissed & Sealed (addendum “r”). At trial, an agreement was made, absent any monetary compensations and/or punitive damages to deter Petitioner/Appellee from committing similar acts in the future, the court expunged all ex-parte information from the files in trade of the Respondent/Appellant dropping the complaint. (R. at 012, 021)

October 4, 1999, Petitioner/Appellee moved from Utah, to Fremont California. Wherefore, this and other relocation actions were without written notice, and are matters completely disrespectful to the well fair of the minor child, Respondent/Appellant, the Decree of Divorce, joint legal custody status, Utah family law, and Third District Court. (R. at 567- 637).

November 2, 1999: Hearing for the May 5, 1999 filing of Petition to Modify Decree Petitioner/Appellee, stated to the court that she would address relocation out of state, child issues, decrease in visitation from the state aloud 30 % to the current 12 –15%, transportation

expenses, and other matters in writing, but disrespectfully to the court and the minor child, Respondent/Appellant has not received any writings of related issues. (R. at 462, 464).

April 2, 2000, Hearing, Petition to Modify Decree, (see, Minutes Pet To Modify Mot To Dismiss R. at 532). No change in decree. Again, the Petitioner/Appellee had another second good faith opportunity to address her relocation issues before the court. (R. at 513 - 518) (R. at 1000,1017)

June 30, 2003, Petition To Modify Decree was filed by the Respondent/Appellant. Most important was the adoption of a much needed Parenting Plan, and addition of a Special Master to assist in communication and in-stability issues of the minor child Kayla by the Petitioner/Appellee 8 relocation moves in 5 plus years, including changing to different school for every year of her life. (R. at 0567- 0637).

August 6, 2003, Petitioner/Appellee filed her first frivolous Petition of this case in the State of Washington (R. at 727 - 944). Thus, creating Simultaneous Proceeding because Petitioner/Appellee failed to relinquish Utah's jurisdiction before said filings in Washington. This frivolous filing, along with her Motion to Quash filed on August 11, 2003 in Utah, where "not grounded in fact, warranted by existing (PKPA and UCCJEA) law, or not based on a good faith argument to extend, modify, or reverse existing law" and/or Decree. Where as these multiple filings where "interposed for the purposed of delay" of the Respondents/Appellants June 30, 2003 Petition. These filing where created for the "improper purpose to harass, cause needless increase in the cost of litigation" to the Respondent/Appellant, this Utah Appeals Court, Utah's Third District Court, and the Washington State court systems. Whereby caused actions of halting any movement of the parties' Decree, rendering it inoperative (a.k.a., "limbo") (Rule 33 (b)). This court

should also conclude that Petitioners/Appellee's Washington Petition and Plan is frivolous, and contains: date and times for less non-custodial parenting time than the current 12 to 15% or the 30% awarded by Utah, including no defined holidays, and has disrespectfully linked support and transportation cost for visitations. (addendum "c, d, e") (R. at 722 - 944) (Rule 33 (b))

At 8:04 a.m. on August 11, 2003: Petitioner/Appellee filed the second frivolous Motion in 5 days (Motion to Quash). (R. at 0644) (Rule 33 (b))

On that same day of August 11, 2003: at 11:00 am, Respondent/Appellant hearing took place for the June 30, 2003 Motion. Hearing was quashed. Petitioner/Appellee failed a third good faith opportunity to address moving issues before the court, and before this case commenced. (addendum "d"), (R. at 0693) (R. at 513 - 518) (R. at 1000,1017) (Rule 33 (b))

November 17, 2003: Hearing took place in the Third District Court of Summit County Utah for: Petitioner's motion to Quash, at 11:00 a.m. (R. at 964) (Rule 33 (b))

November 20, 2003: Mr. Henry R. Hanssen, Jr., Washington State attorney for the Petitioner/Appellee, intervened in the Utah proceeding by mailing an exclusive ex-parte letter to the Superior Court, State of Washington and faxed on November 21, 2003 the same letter to the Third District Court, Utah (addendum "g"). (R. at 0966). This frivolous action of Mr. Hanssen was conduct unbecoming a member of any Bar Association. (Rule 33 (b)) and (Rule 40(a)(b))

November 24, 2003: An ex-parte Chambers/Telephonic hearing was held. Mr. Hansen, Esquire of the Plaintiff (Petitioner/Appellee) in Washington intervened in the Utah proceeding by appearing Telephonically from Washington. This was a frivolous action by

Mr Hanssen that was disrespectful of the Judges and Courts of Washington and Utah, and again, was conduct unbecoming a member of any Bar Association. (addendum “f”) (R. at 0976) (Rule 33 (b)) and (Rule 40(a)(b))

November 25, 2003: Notice, Opportunity to be heard, regarding Motion to Quash, before the Third District Court made its Ruling and Order. (R. at 0973) (Rule 33 (b))

May 10, 2004: Email to Respondent/Appellant, indicating Petitioner/Appellee move across town to the home of her boy friend, relocating the minor child to a new school leaving behind classmates and neighborhood friend and activities. Damage occurred when the minor child forced to move to a new school for the last month of the school year. Respondent/Appellant was unable to respond due to an inoperative Decree and no jurisdiction to remedy damages to the minor child. (addendum “t”) (Rule 33 (b))

September 7, 2004: Respondent/Appellant email request for visitation with the minor child. The reply was a disrespectful “No” by the Petitioner/Appellee. This email shows continual disrespect and damages to the minor child when trying to maintain visitations with her father and extended family. The current inoperable Decree has caused damages by preventing resolution of communication and visitations. (addendum “u”) (Rule 33 (b))

January 11, 2005: Email letter from Kayla’s forth grade teacher, worries of Kayla failing the forth grade. Sent to Petitioner/Appellee, c.c. Respondent/Appellant. Worries of teacher where caused by mother own vacation time and her disrespecting the school, teacher workload, Kayla’s extra homework, Kayla missing recess time to make-up schoolwork. Current inoperable Decree has caused damages by preventing resolution to the minor child’s schooling issues. (addendum “v”) (Rule 33 (b))

December 6, 2004, Petitioner/Appellee’s committed fraud to this Utah Court of Appeals,

within their Brief, page 11, by quoting the NCCUSL and the Respondent/Appellant to say:

“promote cooperation with the courts of other States to the end that a custody decree is rendered in the State which can best decide the case in the best interest of the child,” the Utah court correctly stayed these proceedings, allowing...” *emphasis added*, citing “See UCCJEA, § 101, cmt. (2), *Appellant Brief*, addendum B.”

The correct citing of § 101, comment (2) ~~by the NCCUSL~~ is:

“...that a custody decree is rendered in the State which can best decide the case in the interest of the child...”.

Petitioner/Appellee’s version was disrespectful to this Court and the NCCUSL by interposing “best” in a NCCUSL document, whereby this action was a deceitful intent to strengthen their “best interest of the child” arguments as evidence. (Rule 33 (b))

The Petitioner/Appellee interposed in their Breif, page 4, between number 16, dated Wednesday August 6, 2003, and item 18, dated Monday August 11, 2003, to imply that the Respondent/Appellant answered, and therefore is participating in the Washington State proceedings. This deception continues with item 14, page 6. Fraud occurred when in both dates of this deception stated that, this “answers” is of record within the Third District Courts Ruling and Order R at 968, it is not of record, or of its Order. (See certificate of mailing August 8, 2003, addendum “w”), (R at 968) (Rule 33 (b))

Attorney Henry R. Hanssen for the Petitioner/Appellee in Washington State continues to file a barrage of intimidating tactic interposed for the purpose to harass Respondent/Appellant, by the needless and frivolous filings of Petitions and Motions in Washington, whereby abusing the judicial system to this day that is mimicking the high-pressure tactics that lead to the change of the old UCCJA to the new UCCJEA. Mr. Hanssen is/was not license in Utah to intervene in any Utah proceeding. (addendum “x”), (Rule 33 (b)), and (Rule 40 (a)(b)).

## **CONCLUSION**

Key to a decision by this court of Appeal, in this case, is that the federal government, state legislators, including Utah own, have spent years enacting statues that where meant to clean up ambiguous questions of interstate child custody laws, and “Discourage the use of the interstate system for continuing controversies over child custody”, a.k.a., excessive litigation.

The Petitioner/Appellee has had a number of good faith opportunities to meet and consult the Respondent/Appellee in advance as to the legal effect of her relocations out of State would have on the visitation time, and a relationship with his daughter. But the patterns of the Petitioner/Appellee persist, she has chosen to avoided the Respondent/Appellant, any mediation, and courts all together, and stay the path of a vexatious litigant, filing needless and frivolous litigations, and in this case, has used the interstate “system for continuing controversies over child custody”.

In order to stop continual and future frivolous filings and disrespectful conduct that has happen in this UCCJEA case, is for this Utah Courts of Appeals to determines and conclude that the filing of Petitioner/Appellee first frivolous motion in the State of Washington creating Simultaneous Proceeding (UCA § 206), and the second frivolous Motion in Utah to Quash Service of Summons (Quashing Respondent/Appellant’s June 30, 2003 Utah motion) was solely for the purpose of delay, halting the parties decree of divorce whereby making it legally and physically inoperative from any movement. That all Petitions, Motions and Brief filed in this case are by a vexatious Petitioner/Appellee where their actions were fraudulent, deceitful, and classic bad faith UCCJA and PKPA pressure tactics that where mulishly inflicted on the Respondent/Appellant, all which contributed to the outcome of damages.



Justice in this case demands the Respondent/Appellant have returned to him the jurisdiction that was unlawfully relinquish from Utah, and for this Utah Court of Appeals to determine a proper judgment of award, fees, costs and damages due in the recovery of the parties Utah jurisdiction under the Utah Rules of Appellate Procedures 33, 34 and 40, and the laws of the PKPA, and all UCCJEA laws including UCA § 208, and 312.

### **STATEMENT OF THE RELIEF SOUGHT**

With regards to the “Statement of the Relief Sought” within the Respondents/Appellee Brief, this Reply Brief request the following additional Relief.

Legal Definition of Punitive Damages:

The purpose of punitive damages is to punish a defendant and to deter a defendant and others from committing similar acts in the future.  
citing: [www.lectlaw.com/def/d006.htm](http://www.lectlaw.com/def/d006.htm)

Respondent/Appellant has been intimidated by the high-pressure tactic interposed for the purpose to harass by the needless and frivolous filings of Petitions and Motions in the State of Washington and Utah, from both Petitioner/Appellee, her attorneys, and their supporting firms listed on page “ii”, and has suffered great mental anguish to his damage in sum not less than \$1,000,000.00. Respondent/Appellant and the minor child will continue to experience mental anguish and suffering due to damage of irreplaceable visitation time (parenting time), and the irretrievable legal time and rights to parent his daughter Kayla. (Rules 33 (b))

The circumstances under which the frivolous actions of Simultaneous Proceeding that caused an inoperative Decree in this case, and the acts that were brought on and committed by the Petitioner/Appellee, and her attorneys, constituted vexatious, wanton, and reckless disregard of Respondent/Appellant rights and a willful attempt to injure

Respondent/Appellant for which he claims punitive damages in a sum of seven (7)

plus figures and not less than \$1,000,000.00. (Rule 33 (b) and (c):

“(1) The court may award damages upon request of any party or upon its own motion. A party may request damages under this rule only as..., or as part of a party’s response to a motion or other paper.”)

Respondent/Appellant was forced to incur expenses, fees, lost of business revenue, and time away from earning a income unnecessarily, due to the actions brought by the Petitioner/Appellee in Washington and Utah States. Respondent/Appellant should be awarded judgment against Petitioner/Appellee, her attorneys and supporting law firms for all cost and expenses and fee he was forced to incur unnecessarily in defending against the frivolous actions of Petitioner/Appellee.

Wherefore, Respondent/Appellant prays for a judgment against Petitioner/Appellee for malicious and frivolous delays, in which caused an inoperative Decree as a vexatious litigant, awarding Respondent/Appellant damages in such sum as may be proved at the time of the Utah Court of Appeal Decisions on this case, but in no event less than \$100,000.00. In addition, awarding Respondent/Appellant a judgment for the fees he was force to incur unnecessarily in defending the action bought by Petitioner/Appellee against Respondent/Appellant and for punitive damages of Ten (10) times the amount of actual damages, but in no event, less than the sum of \$1,000,000.00 together with Respondent’s/Appellant’s costs, and such other and further relief as the Court shall deem proper. Rules 34:

“(a) To whom allowed. Except as otherwise provided by law...” “if a judgment or order is reversed, costs shall be taxed against the appellee unless otherwise ordered: if a judgment or order is affirmed or reversed n part, or is vacated, costs shall be allowed as ordered by the court...”

“(c) Costs of briefs and attachments, record, bonds and other expenses on appeal.”

Respondent/Appellant further prays for judgments, award of damages, sanctions and discipline against Petitioner/Appellee attorneys Nancy Mismash, U.B.A. #6615, attorney for the Petitioner/Appellee in Salt Lake City, Utah, and Henry R. Hanssen Jr., W.S.B.A. #7537, attorney for the Petitioner/Appellee in Bellevue Washington, including all persons and/or law practitioners and their firms willing to flaunt their professional clout, whereby to gain or profit by listing their names within all documents related to this case, and refer said judgments and actions to the Office of Professional Conduct of the Utah State Bar, wherefore to suspend or disbar said members of the Utah State Bar (Rule 33,34,40). Rules 40:

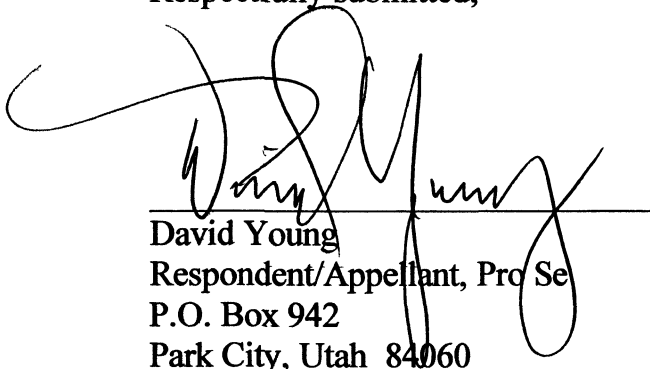
“(a) Attorney’s or party’s certificate. Every motion, brief, and other paper...” “The signature of an attorney or party constitutes a certificate...” “has red the motion, brief, or other paper;...” “it is not frivolous or interposed for the purpose of delay as defined in Rule 33.”...

“(b) Sanctions and discipline of attorneys and parties. The court may,... if requested, take appropriate action against any attorney or person... conduct unbecoming a member of the Bar.”

This appeal, as allowed by law, or in the alternative that this mater be reversed and remanded for further proceedings before the district court, and for all other relief, at law and in equity, to which Respondent/Appellant may be justly entitled.

DATED this 4<sup>th</sup> day of FEBRUARY, 2005

Respectfully submitted;



David Young  
Respondent/Appellant, Pro Se  
P.O. Box 942  
Park City, Utah 84060

**CERTIFICATE OF MAILING/DELIVERY**

I herby certify that (2) two true and correct copies of the foregoing Reply Brief of Respondent/Appellant, was deposited in the United States Mail, postage prepaid, or (hand) delivered on

this 4<sup>th</sup> day of FEBRUARY, 2005

Nancy Mismash, #6615  
Attorney for the Petitioner/Appellee  
136 South Main Street, Suite 404  
Salt Lake City, Utah 84104

A handwritten signature in black ink, appearing to read "Nancy Mismash", is written over a horizontal line.

## **APPENDIX**

**Addendums "a" through "n" can be found within the; Brief of the Respondent/Appellant.**

### **REPLY BRIEF ADDENDUMS: Table of Content**

“o.” Minutes Oral Argument, November 17, 2003:.....	3
“p.” Complaint for Ex-parte Order, Notice of Hearing:.....	15
“q.” Letter from Petitioner/Appellee attorney dismissing Ex-parte complaint:.....	5, 15
“r.” Complaint For Malicious Prosecution, Order Expunging Record:.....	5, 15
“s.” Parenting Time Tracker for Visitations:.....	10
“t.” Petitioner/Appellee Email, indicating May 2004 relocation, new school:.....	19
“u.” Petitioner/Appellee Email, denying visitation to Respondent/Appellant and child.....	19
“v.” Emailed to Petitioner/Appellee from forth grade teacher; concerns about failing:.....	19
“w.” Declaration of Mailings from Mr. Hanssen:.....	20
“x.” Pressure tactics from Mr. Hanssen's Motions & Petitions in WA State:.....	20

**IN THE UTAH COURT OF APPEALS**

Case No. 20040227 - CA  
District Ct No. 95-46-00158

---

LARA YOUNG,

Petitioner/Appellee,

vs.

DAVID YOUNG

Respondent/Appellant.

---

Appeal from the Third District Court, Summit County, Judge Bruce C. Lubeck

---

**ADDENDUM OF REPLY BRIEF - RESPONDENT - APPELLANT**

David Young  
Respondent / Appellant – Pro Se  
P.O. Box 942  
Park City, Utah 84060  
435/ 649-2197

---

Nancy Mismash, #6615  
Kevin M. McDonough #5109  
Mismash & McDonough, LLC  
136 South Main Street, Suite 404  
Salt Lake City, Utah 84101

David Young  
P.O. Box 942  
Park City, Utah 84060

Respondent / Appellant – Pro Se

Attorneys for the Petitioner/Appellee

Respondent/Appellant request a published decision by this Utah Court of Appeals

## **APPENDIX**

**Addendums "a" through "n" can be found within the; Brief of the Respondent/Appellant.**

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<b>“w.”</b>	Declaration of Mailings from Mr. Hanssen:.....	20
<b>“x.”</b>	Pressure tactics from Mr. Hanssen's Motions & Petitions in WA State:.....	20

# Addendum

“o”



3RD DISTRICT CT- SILVER SUMMIT COURT  
SUMMIT COUNTY, STATE OF UTAH

---

LARA YOUNG,	:	MINUTES
Plaintiff,	:	ORAL ARGUMENT
	:	
vs.	:	Case No: 954600158 DA
	:	
DAVID YOUNG,	:	Judge: BRUCE LUBECK
Defendant.	:	Date: November 17, 2003

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Clerk: luwenl

PRESENT

Defendant(s): DAVID YOUNG  
Plaintiff's Attorney(s): NANCY A MISMASH  
Audio  
Tape Number: cd Tape Count: 2:05

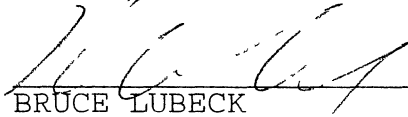
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HEARING

Petitioner's counsel Nancy Mismash present. Respondent present without counsel. Petitioner's motion to quash argued. After listening to arguments of counsel & respondent, Court takes matter under advisement and

will make written ruling once contact with Judge in State of Washington has been made.

Dated this 17 day of Nov, 2003

  
\_\_\_\_\_  
BRUCE LUBECK  
District Court Judge

# Addendum

“p”

1735 S IDEWILDEN  
6:35 p.m.  
11/8/95  
SP  
Steve Polster

MARGO HILLER-POLSTER & ASSOCIATES, L.L.C.  
Margo Hiller-Polster (6890)  
Duane D. Carling (7161)  
Attorneys for Plaintiff  
165 South West Temple, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 359-4209  
Facsimile: (801) 359-1953

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IN THE THIRD JUDICIAL DISTRICT COURT  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

---

LARA YOUNG,	)	
	)	
Plaintiff,	)	VERIFIED COMPLAINT FOR EX-
	)	PARTE PROTECTIVE ORDER
vs.	)	
	)	Civil No. <u>95-43-00157 SA</u>
DAVID YOUNG,	)	
	)	Judge _____
Defendant.	)	

---

COMES NOW THE PLAINTIFF WHO COMPLAINS AGAINST THE DEFENDANT  
AND FOR CAUSE OF ACTION ALLEGES AS FOLLOWS:

1. This complaint is filed pursuant to the Utah Cohabitant Abuse Act. Utah Code Ann. § 30-6-1 *et seq.*
2. Plaintiff Lara Young is a resident of Summit County, State of Utah.
3. The acts complained of herein took place in Summit County, State of Utah.

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COPIES TO:

— PETITIONER  
— RESPONDENT

INITIAL MP

Info. Only  
SUM. CO. SHERIFF  
POLICE IN PC/KAMAS

Info. only

TO BE RETURNED TO  
COURT WITH PROOF  
OF SERVICE Box

Steve Polster

FILED 11-8-95

ME 9:48 am

AT THE REQUEST OF Margo Hiller Polster

4. The parties were married on July 11, 1992, in Deer Valley, Utah.
5. Irreconcilable differences have caused the irreparable breakdown of the marriage, making continuation of the marriage relationship impossible.
6. Lara Young intends to file a Verified Divorce Complaint immediately.
7. The parties have had heated arguments which have led to this state of affairs.
8. Plaintiff Lara Young fears that Defendant David Young may react violently upon service of the Verified Divorce Complaint. she cannot anticipate how he may react.
9. Plaintiff Lara Young further fears the Defendant David Young may try to disrupt her child care business which she operates out of her residence at 2706 Annie Oakley, Park City, Utah, 84060, with a child care license from the State of Utah.
10. Defendant David Young has made threats to commit acts of violence and intimidation if Plaintiff Lara Young files for divorce.

#### **PRAYER FOR RELIEF**

WHEREFORE, for all of the above stated reasons and for good cause showing, Plaintiff Lara Young respectfully prays this Court issue the following relief, ex-parte:

1. That this Court issue a Protective Order to:
  - a. Restrain the Defendant from intentionally harming, attempting to harm, and from placing the Plaintiff and her minor child in fear of physical harm.
  - b. Prevent the Defendant from entering Plaintiff's dwelling and child care facility located at 2706 Annie Oakley, Park City, Utah, 84060.

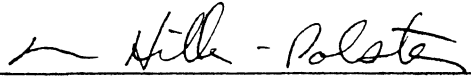
c. Prevent the Defendant from any contact with the Plaintiff and her minor child, except for exercising his visitation rights to see his minor child, Kayla Mackenzie Young. These visits may be arranged through Lara Young's legal counsel, Margo Hiller-Polster, at the above indicated address.

2. Assess the costs of service of this Order to the Defendant.

3. Assess the Defendant to pay reasonable attorneys fees in the amount of \$600.00 (4 hours @ \$150.00 per hour) for the preparation of this Order.

4. Any other further relief as the Court deems appropriate.

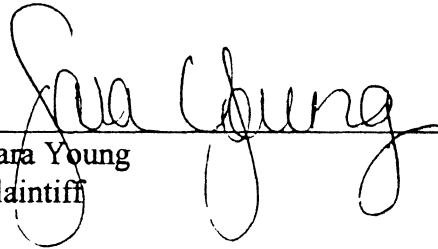
DATED this 17<sup>th</sup> day of November, 1995.

  
\_\_\_\_\_  
Margo Hiller-Polster  
Attorney for Lara Young

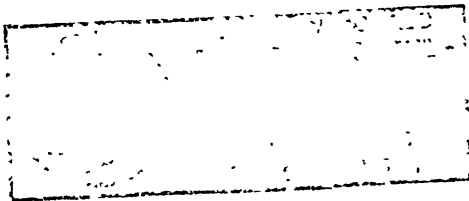
**VERIFICATION**


STATE OF UTAH :  
COUNTY OF Winnemucca : ss.

Lara Young, being first duly sworn upon oath, deposes and says that she is the Plaintiff in the above-entitled matter; that she has read the Complaint, and that the allegations set forth therein are true and correct of her own information and knowledge, and that she believes she is entitled to the relief prayed for, and that the said legal action is not instigated for harassment, abuse of process or delay.

  
\_\_\_\_\_  
Lara Young  
Plaintiff

Subscribed and Sworn to before me this 7 day of November, 1995.



  
\_\_\_\_\_  
Notary Public  
11/2/97  
Commission Expiration

Facsimile: (801) 359-1953

**IN AND FOR SUMMIT COUNTY, STATE OF UTAH**

Defendant.

[illegible]

Judge \_\_\_\_\_

1. David Young is restrained from causing, attempting to cause or threatening the minor child, Kayla Mackenzie Young, with any physical harm whatsoever.

2. David Young is restrained from causing, attempting to cause or threatening Lara Young with any physical harm whatsoever.

3. David Young is ordered to immediately vacate Lara Young's dwelling, located at 2706 Annie Oakley, Park City, Utah, 84060.

4. David Young is restrained from entering Lara Young's dwelling and child care facility at 2706 Annie Oakley, Park City, Utah, 84060.

5. David Young is restrained from contacting Lara Young or their minor child Kayla Mackenzie Young, except for exercising his visitation rights to see Kayla, which should be arranged through Lara Young's legal counsel, Margo Hiller-Polster, at the above indicated address.

6. A hearing on Lara Young's Verified Complaint for Protective Order will be held on the 27th day of Nov., 1995, at the hour of 10:00 A.m. before Judge/~~Commissioner~~ Frank G. Noel at the Third District Court House located at 50 North Main, Coalville, Utah, 84017.

7. Lara Young, or her counsel, is ordered to have a copy of this Ex-Parte Protective Order, together with a copy of the Verified Complaint for Protective Order personally served upon David Young.

8. Lara Young, or her counsel, is ordered to cause a copy of this Ex-Parte Protective Order, together with a copy of the proof of service, to be delivered to the appropriate law enforcement agency.



**MARGO HILLER-POLSTER & ASSOCIATES, L.L.C.**  
Margo Hiller-Polster (6890)  
Duane D. Carling (7161)  
Attorneys for Plaintiff  
165 South West Temple, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 359-4209  
Facsimile: (801) 359-1953

IN THE THIRD JUDICIAL DISTRICT COURT  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

**LARA YOUNG,**

Plaintiff,

**VS.**

DAVID YOUNG,

Defendant.

## NOTICE OF HEARING

Civil No. 95-4300157 SIA

**Judge**

STATE OF UTAH TO THE DEFENDANT DAVID YOUNG:

YOU ARE NOTIFIED that a hearing concerning Lara Young's complaint will be held on the 27<sup>th</sup> day of November, 1995, at the hour of 10:00 a.m., at the Third District Judicial District Court at 50 North Main, Coalville, Utah, 84017, before Judge FRANK DOEI.

9. This Ex-Parte Protective Order will be effective for twenty (20) days or until this matter is heard, whichever comes first.

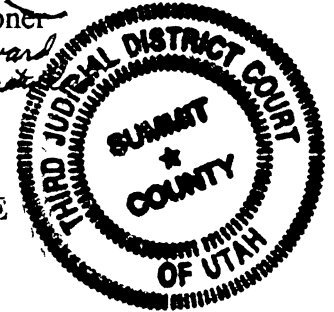
DATED this 8<sup>th</sup> day of November, 1995, at the hour of 9:38 a.m.

By the Court:

  
District Court Judge/Commissioner

*J. Over*  
*Deputy*


**VIOLATION OF THIS EX-PARTE PROTECTIVE ORDER IS A CRIME  
CONSTITUTING A CLASS B MISDEMEANOR, FOR WHICH YOU CAN BE  
ARRESTED, FINED AND/OR JAILED.**



You are required to be present at the hearing. Failure to appear at the hearing may result in your default being entered and in the granting of the relief requested by the Plaintiff in her complaint.

You may petition the Court for an earlier hearing date if you so desire.

DATED this 8 day of November, 1995.

  
Margo Hiller-Polster  
Attorney for Lara Young

Defendant's Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Addendum

“q”

MARGO HILLER-POLSTER & ASSOCIATES, L.L.C.  
*Attorneys at Law*

165 South West Temple • Suite 400 • Salt Lake City, Utah 84101  
Telephone (801) 359-4208 • Facsimile (801) 359-1953

November 14, 1995

Transmitted via facsimile to: (801) 649-8412

Brent A. Gold  
2064 Prospector Avenue  
P.O. Box 1994  
Park City, Utah 84060

Dear Mr. Gold,

I am writing to inform you that a stipulated Mutual Temporary Restraining Order, that we initially rejected, is acceptable to Lara Young. There is no need to try all of these issues if we can agree on some items.

*with pre-judgment*  
Lara Young agrees to dismiss the Cohabitant Abuse Complaint so long as the following conditions are met:

- (1) Lara will have exclusive use and control over the marital residence, to be able to reside and to operate her child care services without interference and harassment from David,
- (2) David is restrained from contacting Lara, harassing Lara or having others contact or harass her on his behalf (a mutual TRO is acceptable);
- (3) David is restrained from interfering or interrupting Lara's child care business or operations,
- (4) David is restrained from conducting his business on the premises of the marital residence for the time being (we can return to this issue at a later time if it is desired);
- (5) All of these provisions will continue until the Divorce is final and the division of the marital estate has either been agreed upon by the parties or ordered by the Court.

*th*  
- Nov 27 *Strick*

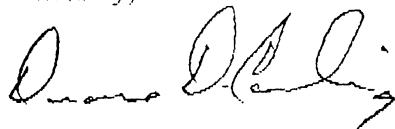
If you choose, we can have a trial on the issue of using the marital residence as a place of business. However, we feel it is imperative that the parties remain separate and apart for the time being.

Also, you should make arrangements through this office for David to collect his personal items from the marital residence, since he did not come on Thursday, November 9, 1995, as had been previously arranged. We would also like to make arrangements for a child visitation plan.

Further, we have contacted Laura Schroeder, Lara's therapist who is acquainted with the spousal abuse allegations. She would be a necessary witness in a trial on this issue. She informs us that she will require two weeks notice before she can appear for a hearing. Please note this consideration.

Please give us a call concerning these or any other matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Duane D. Carling".

Duane D. Carling  
Associate

# Addendum

“r”

E. H. FANKHAUSER  
Bar No. 1032  
Attorney for Plaintiff  
243 East 400 South, Suite 200  
Salt Lake City, Utah 84111  
Telephone: 534-1148

---

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

---

DAVID YOUNG,

Plaintiff,

vs.

LARA YOUNG,

Defendant.

\*

\*

\*

\*

\*

VERIFIED COMPLAINT FOR  
MALICIOUS PROSECUTION

Case No. 9603-00150 CV

Judge

---

Plaintiff, for cause of action against Defendant, alleges as follows:

1. Defendant is a resident of Park City, Summit County, Utah and at all times material hereto Plaintiff was a resident of Summit County, State of Utah.

2. On the 7th day of November, 1995, Defendant commenced a action against the Plaintiff for an Ex Parte Protective Order. A copy of Defendant's Verified Complaint, which was served upon Plaintiff, is attached hereto, made a part hereof and marked Exhibit "A".



E. H. FANKHAUSER, No. 1032  
Attorney for Plaintiff  
243 East 400 South, Suite 200  
Salt Lake City, Utah 84111  
Telephone: 534-1148

---

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

---

DAVID YOUNG,	*	
	*	SUMMONS
Plaintiff,	*	
	*	Civil No. 9603-00150 CV
vs.	*	
	*	Judge
LARA YOUNG,	*	
	*	
Defendant.	*	

---

THE STATE OF UTAH TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file an Answer in writing to the attached Complaint with the Clerk of the above entitled Court, Summit County Courthouse P.O. Box 128 Coalville, Utah 84017, and to serve upon, or mail to:

E. H. FANKHAUSER  
Attorney for Plaintiff  
243 East 400 South, Suite 200  
Salt Lake City, Utah 84111

a copy of said Answer within 20 days after service of this Summons upon you. If you fail to so do, Judgment by Default will be taken against you for the relief demanded in said Complaint which has been filed with the Clerk of the Court and a copy attached hereto and herewith served upon you.

DATED this 20 day of November, 1996

  
\_\_\_\_\_  
E. H. FANKHAUSER  
Attorney for Plaintiff

Serve Defendant(s):  
2706 Annie Oakley  
Park City, Utah 84060

3. The Ex Parte Protective Order was issued by the Court and served upon Plaintiff with a copy of Defendant's Verified Complaint. A copy of the Protective Order served upon the Plaintiff is attached hereto and marked Exhibit "B", with a copy of the Notice of Hearing. The Ex Parte Protective Order ordered the Plaintiff to appear before the Court and defend the action brought by Defendant. Plaintiff did appear and defend against the Verified Complaint, the charges alleged by Defendant and the Protective Order brought by Defendant.

4. When Defendant filed the Verified Complaint for Ex Parte Protective Order, she knew that the allegations contained in the Verified Complaint were false, and there was no probable cause for the charges and allegations against the Plaintiff alleging abuse and that the Plaintiff had not abused the Defendant, the parties minor child, or placed her or the parties minor child in fear of harm. Defendant filed the action for Protective Order maliciously, with the intent to injure Plaintiff in his reputation, business and bring his good name into public disrespect. Further, Defendant, in bringing the action for Protective Order, sought to gain an advantage in the parties pending divorce action.

5. On the date of hearing, November 27, 1995, the Protective Order, with Defendant's Verified Complaint, was dismissed on the Motion of Plaintiff, with prejudice.

6. By reason of Defendant bringing the action described

above, Plaintiff has suffered great injury to his reputation in the community where he lives and works, has been humiliated and intimidated and has suffered great mental anguish to his damage in a sum not less than \$20,000.00. Plaintiff will continue to experience mental anguish and suffering due to damage to his reputation and in his profession as a salesman.

7. Plaintiff was forced to incur attorney's fees unnecessarily, due to the action brought by the Defendant for an Ex Parte Protective Order. Plaintiff should be awarded judgment against Defendant for all attorney's fees he was forced to incur unnecessarily in defending against the action of Defendant.

8. The circumstances under which the action of the Defendant was brought and the acts committed by Defendant, constituted wanton and reckless disregard of Plaintiff's rights and a wilful attempt to injure Plaintiff for which he claims punitive damages in a sum not less than \$60,000.00.

WHEREFORE, Plaintiff prays for a judgment against Defendant for malicious prosecution, awarding Plaintiff damages in such sum as may be proved at the time of trial, but in no event less than \$20,000.00. In addition, awarding Plaintiff a judgment for the attorney's fees he was forced to incur unnecessarily in defending the action brought by Defendant against Plaintiff and for punitive damages of three (3) times the amount of actual damages, but in no event, less than the sum of \$60,000.00, together with Plaintiff's

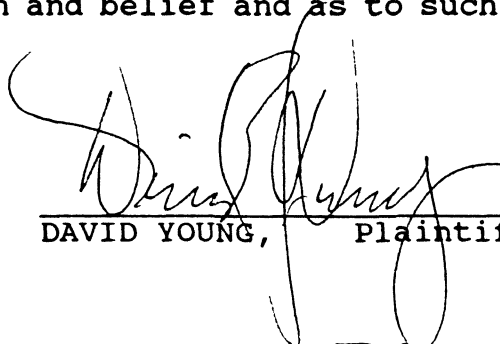
costs, and such other and further relief as the Court shall deem proper.

DATED this 20 day of November, 1996.

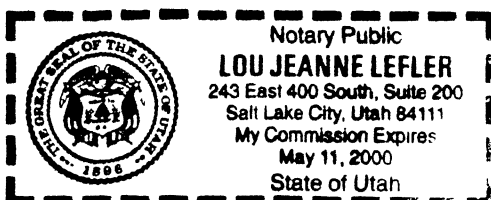
  
\_\_\_\_\_  
E. H. FANKHAUSER  
Attorney for Plaintiff

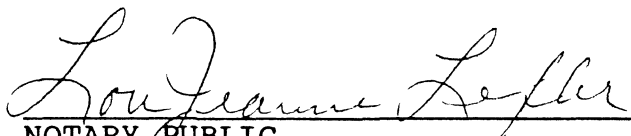
STATE OF UTAH                    )  
                                      : ss.  
COUNTY OF SALT LAKE        )

Personally appeared before me, the undersigned Notary Public, DAVID YOUNG, who acknowledged to me that he is the Plaintiff named in the foregoing action; that he has read the Complaint and the matters stated therein are true to his own knowledge, except as to matters stated on information and belief and as to such matters, he believes them to be true.

  
\_\_\_\_\_  
DAVID YOUNG,                   Plaintiff

Subscribed and sworn to before me this 20 day of November, 1996.



  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing in Salt Lake County, Utah  
My Commission Expires: 5/11/2000

E. H. FANKHAUSER  
Bar No. 1032  
Attorney for Respondent  
243 East 400 South, Suite 200  
Salt Lake City, Utah 84111  
Telephone: 534-1148

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

---

LARA YOUNG,

Petitioner,

vs.

DAVID YOUNG,

Respondent.

\*

\*

ORDER EXPUNGING RECORD

\*

Case No. 954<sup>6</sup>300157 SA

\*

Judge Pat B. Brian

\*

---

The above entitled matter was before the Court informally on November 26, 1996, in relation to the divorce action between the above named parties, scheduled for trial on the same date. At the conclusion of the divorce action, the Court, after inquiry, and on its own motion, determined that expungement of the cohabitant abuse action brought by Petitioner, Lara Young, against the Respondent, David Young, in this Court, Civil No. 954300157 SA, would be in the best interest of the parties and particularly the Respondent, David Young, now, therefore,

IT IS HEREBY ORDERED AND ADJUDGED that the record of the cohabitant abuse action brought by Petitioner, Lara Young, against the Respondent, David Young, Civil No. 954300157 SA, be and the same is hereby expunged by this Order and that inspection of the record of said proceeding shall hereafter only be permitted by the Court upon Petition, by the Petitioner, or Respondent, the persons named in such Petition.

IT IS FURTHER ORDERED AND ADJUDGED that the Petitioner's case against the Respondent shall be deemed never to have occurred and the Petitioner may properly reply accordingly upon any inquiry in the matter or with regard to the said matter.

DATED this \_\_\_\_\_ day of November, 1996.

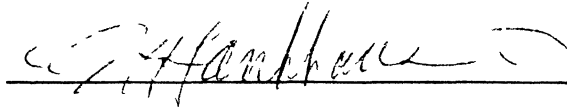
BY THE COURT:

---

PAT B. BRIAN  
DISTRICT JUDGE

MAILING CERTIFICATE

I certify a true and correct copy of the forgoing was mailed to Evelyn Saunders, Attorney for Defendant, 401 Main Street, P.O. Box 3418, Park City, Utah 84060 on this 20 day of November, 1996.



# Addendum

“S”



2002

2002

# SPARC Separated Parenting Access and Resource Center (SPARC) Parenting Time Tracker

Parenting Time Summary For The Year: 2002

Monthly Time Statistics											
Scheduled Parenting Time						Actual Parenting Time Received					
Month	Hours	Days	% Of Month	Days With Contact	Overnights	Hours	Days	% Of Month	Non-Cust. Hours	Non-Cust. %	Other Parent %
January	106.6	4.2	13.4%	14	2	78.3	3.3	10.6%			88.6%
February	158.0	6.6	23.5%	15	5	127.0	5.3	18.9%			81.1%
March	134.8	5.8	19.0%	18	4						100.0%
April	129.5	5.4	18.0%	13	4						100.0%
May	78.5	3.3	10.7%	12	2	215.2	9.4	28.9%			21.1%
June	144.0	6.0	20.0%	15	4	276.8	11.5	38.4%			61.6%
July	180.0	6.7	21.5%	16	5	404.8	16.9	54.4%			45.6%
August	188.5	7.0	22.6%	17	5						100.0%
September	220.5	9.2	30.6%	17	8						100.0%
October	167.0	7.0	22.4%	17	5						100.0%
November	125.0	5.2	17.4%	12	4						83.5%
December	284.0	12.3	38.5%	20	11	122.9	5.1	18.5%			86.0%
Annual Totals:	1880.0	78.3	24.5%	183	59	1224.7	51.0	14.0%			86.0%
Difference Between Scheduled and Actual Totals: 315.3 hours, 17.3 days											

Event Flags											
Month	Regular	Missed	Denied	Supervised	Telephone	1st Refusal	Travel visits	Custom2	Expenses	Mileage	Mileage \$
January			11								
February		3	7				6		\$219.50		
March											
April			14								
May		1	12				10		\$180.00		
June			9				12		\$77.50		
July			8				17		\$99.50		
August			17								
September			17								
October			17								
November			12								
December		3	12				6		\$172.00		
Annual Totals:		7	142				55		\$749.50		

Event Flags: 0-360 Mileage Calculation Rate

Custom List Definition		
Custom1	Custom2	Custom Value #2
Custom Value #1	Custom Value #2	

By changing the text in the two gray cells, you can change the names of the last two Event Flag columns. This also changes the last two choices in the drop-down "Type" list in the Month pages. It does not change "Type" names already entered in the charts. This allows you create custom Events that you can track and collect statistics on.

Actual % of time = 23.57%

Days 3 yrs 1/2 = 310.70 From Mother  
Mothers 3 yrs 1/2 = 85.19

Actual % of time = 14.87 - 50%

Days 3 yrs 1/2 = 54.30  
Kayla Is Denied 35.13%  
Access to Her Father

2001

\* SPARC

## Separated Parenting Access and Resource Center (SPARC) Parenting Time Tracker

## Parenting Time Summary For The Year 2001

Help	Monthly Time Statistics															
Scheduled Parenting Time						Actual Parenting Time Received										
Month	Hours	Days	% Of Month	Days With Contact	Overnights	Hours	Days	% Of Month	Non-Cust Hours	Non-Cust %	Other Parent %	Days With Contact	Overnights	Missed/ Denied	Times Late	Un-scheduled
January	213.0	8.8	28.6%	19	7						100.0%			19		
February	85.0	3.5	12.6%	11	2						100.0%			11		
March	168.5	7.0	22.6%	18	8						100.0%			17		
April	312.0	13.0	43.3%	20	12	189.5	7.9	26.3%			73.7%	9	8	12		1
May	157.0	6.5	21.1%	17	5						100.0%			16		
June	144.0	6.0	20.0%	15	4						100.0%			15		
July	303.5	12.6	40.8%	19	13	588.7	24.5	79.1%			20.9%	25	24	2		6
August	139.0	5.8	18.7%	15	4	20.8	0.9	2.8%			97.2%	2	1	15		2
September	80.5	3.4	11.2%	10	2	79.1	3.3	11.0%			89.0%	4	4	9		3
October	138.5	5.8	18.6%	15	4						100.0%			15		
November	215.5	9.0	29.9%	17	8	92.0	3.8	12.8%			87.2%	6	4	12		
December	123.0	5.1	16.5%	12	4	133.7	5.6	18.0%			82.0%	6	5	12		6
Annual Totals:	2,079.5	86.6	23.7%	198	69	1,103.7	46.0	12.6%			87.4%	51	46	155		20
Difference between Scheduled and Actual totals:						975.7 hrs.	40.7 days	11%				137 days	22 nights			

## Event Flags

Month	Regular	Missed	Denied	Supervised	Telephone	1st Refusal	Travel visit	Custom2	Expenses	Mileage	Mileage \$
January			19								
February			11								
March			18								
April		2	9				10		\$180.00		
May			16								
June			15								
July			2				25		\$180.00		
August			15				2		\$180.00		
September			5				4				
October			15								
November			11				5		\$250.00		
December			11				6		\$200.00		
Annual Totals:		3	149				52		\$990.00		

\$ 0.360 Mileage Calculation Rate

## Custom List Definition

Custom1

Custom2

Custom Value #1

Custom Value #2

By changing the text in the two gray cells, you can change the names of the last two Event Flag columns. This also changes the last two choices in the drop-down "Type" list in the Month pages. It does not change Type names already entered in the charts. This allows you create custom Events that you can track and collect statistics on.

$\frac{1}{2} \frac{d}{dt} \left( \frac{1}{2} m v^2 \right) = \frac{1}{2} m v \frac{dv}{dt}$   
 $\frac{1}{2} \frac{d}{dt} \left( \frac{1}{2} m v^2 \right) = \frac{1}{2} m v \frac{dv}{dt}$   
 $\frac{1}{2} \frac{d}{dt} \left( \frac{1}{2} m v^2 \right) = \frac{1}{2} m v \frac{dv}{dt}$

SPARC

2008

## Monthly Time Statistics

## Event Flags

### Mileage Calculation Rate

### Custom List Definition

By changing the text in the two gray cells, you can change the names of the last two **Event Flag** columns. This also changes the last two choices in the drop-down **Type** list in the Month pages. It does not change Type names already entered in the charts. This allows you create custom Events that you can track and collect statistics on.

2093

year to Date — 2003

SPARC

# Separated Parenting Access and Resource Center (SPARC) Parenting Time Tracker

## Parenting Time Summary For The Year: 2003

### Monthly Time Statistics

JBL																
Scheduled Parenting Time						Actual Parenting Time Received										
Month	Hours	Days	% Of Month	Days With Contact	Oovernights	Hours	Days	% Of Month	Non-Court Hours	Non-Court %	Other Parent %	Days With Contact	Oovernights	Misad/ Denied	Times Late	Un-scheduled
January	74.5	7.8	22.5%	18	5	78.3	3.0	10.5%			86.5%	4	3	15	1	1
February	177.0	7.4	26.3%	16	6	58.8	2.4	8.4%			91.6%	4	3	13	1	1
March	76.0	9.2	10.2%	10	2	58.6	2.8	7.9%			92.1%	4	3	6	1	1
April	287.5	12.4	41.3%	20	11						100.0%			20		
May	54.5	18.3	32.5%	21	6						100.0%			21		
June	98.5	4.1	13.8%	11	3	68.6	2.9	9.5%			90.5%	4	3	8	1	1
July	164.0	6.2	20.7%	14	3	178.1	7.3	23.5%			76.1%	8	7	8		2
August	134.0	5.6	18.0%	14	4	65.0	27.3	88.0%			12.0%	28	28	14		14
September	134.0	6.8	16.8%	14	4						100.0%			14		
October	144.5	6.0	19.4%	16	4						100.0%			16		
November	266.5	14.3	37.0%	18	19						100.0%			18		
December	84.0	3.5	11.3%	10	3						100.0%			10		
Annual Totals:	1993.0	82.6	22.6%	182	65	1,099.3	45.6	12.5%			87.5%	52	47	149	3	26
Difference between Scheduled and Actual years:						-87.2 hrs.	37 days	10%				130 days	18 nights			

0-350	Mileage Calculation Rate
-------	--------------------------

Custom List Definition	
Custom1	Custom2
Custom Value #1	Custom Value #2
<p>By changing the text in the two gray cells, you can change the names of the last two Event Flag columns. This also changes the last two choices in the drop-down "Type" list in the Month pages. It does not change Type names already entered in the charts. This allows you create custom Events that you can track and collect statistics on.</p>	

Actual % of Time < Yr to date>: Mothers Time with Maxima = 87.5%  
; Fathers time with Keyla = +12.5%

Kayla Will Have to Make up time, or she  
Is Being Denied Access: With Her Father

$$\frac{100\%}{2.50\%} = 12.50$$

37.50%



# Petitioner's Parent Time Schedule For - 2004

## SPARC Separated Parenting Access and Resource Center (SPARC) Parenting Time Tracker

Parenting Time Summary For The Year: 2004

Month	Monthly Time Statistics										Actual Parenting Time Received			
	Scheduled Parenting Time					Non-Cust					Other Parent			
	Hours	Days	% Of Month	Days With Contact	Overnights	Hours	% Of Month	Non-Cust Hours	Non-Cust %	Days With Contact	Overnights	Missed/Denied	Times Late	Un-scheduled
January	140.5	5.8	18.9%	15	4	73.0	10.5%		100.0%	4	3	14		
February	207.0	8.6	29.7%	18	7	73.0	10.5%		100.0%					
March	143.8	6.0	19.2%	17	4	217.0	30.1%		100.0%	10	9	11		10
April	86.5	3.6	12.0%	11	2	217.0	30.1%		100.0%	8	7	11		8
May	287.0	12.0	38.6%	18	11	174.0	24.2%		100.0%	28	28	3		3
June	80.5	3.8	12.6%	11	2	666.0	86.6%		100.0%	4	3	18		
July	489.0	20.4	65.7%	23	19	73.0	10.1%		100.0%					
August	272.5	11.4	38.6%	18	10									
September	255.0	10.6	35.4%	20	9									
October	208.0	8.7	28.0%	19	7									
November	241.0	8.8	28.3%	16	8									
December	245.0	10.2	32.9%	17	9	174.0	23.4%		78.6%	8	7	10		1
Annual Totals:	2,635.0	109.8	30.9%	203	92	1,377.0	15.7%		84.3%	62	57	167		21
Difference between Scheduled and Actual Totals:						423.0 hrs	3.2% days			141 days	3.5 nights			

### Event Flags

Month	Regular	Missed	Denied	Supervised	Telephone	1st Refusal	Travel Visits	Custom2	Expenses	Mileage	Mileage \$
January									\$180.00		
February											
March											
April									\$180.00		
May									\$180.00		
June											
July											
August									\$180.00		
September											
October											
November									\$180.00		
December									\$180.00		
Annual Totals:									\$900.00		

0.360 Mileage Calculation Rate

Custom List Definition	
Custom1	Custom2
Custom Value #1	Custom Value #2

By changing the text in the two gray cells, you can change the names of the last two Event Flag columns. This also changes the last two choices in the drop-down "Type" list in the Month pages. It does not change "Type" names already entered in the charts. This allows you create custom Events that you can track and collect statistics on.

Actual % of Time: Mother's time with Taylor = 84.3%  
 : Father's time with Taylor = 15.7%

Kayla Is Being Denied Access And Time With Her Father, For year 2004

3.13%

# Addendum

“t”

## David Young

---

**From:** Lara Young [lyoung@tgic.com]  
**Sent:** Monday, May 10, 2004 10:50 AM  
**To:** getdyoung@att.net  
**Subject:** moving

David, I wanted to email you and let you know that Kayla and I will be moving in with Jay in June. I am not sure exact dates but will be at the beginning of June. By recommendation of her present teacher and of the principal we (Kayla and myself) have discussed whether or not she would like to start at her new school before the year ends. This way she will get acquainted with some children and the schools surroundings. Jay, Kayla and I have met with the principal of her new school. Kayla has decided that she would like to do so. She will however participate in her end of the year 3rd grade party at Carl Sandburg Elementary. She will be starting school at Discovery Elementary June 2nd. Therefore, I would like to try and be settled for her sake before this date. I have not officially signed her up for Discovery, so if you have any concerns please contact me and let me know. This is your 30 day notice of moving.

New address:

1427 E Lake Sammamish Pkwy SE  
Sammamish, WA 98075

Thanks,

Lara Young

TRIAD GUARANTY INSURANCE  
LARA YOUNG  
ACCOUNT REPRESENTATIVE  
425-802-0690

# Addendum

“u”



## David Young

---

**From:** Lara Young [lyoung@tgic.com]  
**Sent:** Tuesday, September 07, 2004 9:43 PM  
**To:** getdyoung@att.net  
**Subject:** RE: Kayla schedule

No she does not. The schools website is [www.discovery.issaquah.wednet.edu](http://www.discovery.issaquah.wednet.edu)  
Her teacher is Ms. Kiemel, she starts school tomorrow morning. I just received some of your briefs from the Appeals court. What are you trying to accomplish? What are you trying to prove with your accusations regarding my trips with Kayla to Hawaii and Mexico? You have no evidence to prove these accusations. Jay has paid for all trips stated, except of course for my trip to Florida that was paid for by Triad Guaranty Inc. I would be happy to furnish the court with receipts if you would like. As for the trip to Italy that has not even occurred will be our honeymoon, but why would you waste the courts time with accusations that have not even happened, or be negative about an opportunity for your daughter to travel, something she would otherwise not be doing if it were not for her stepfather. I also do not understand your continuous statements that you have had to pay a % of Kayla's child support. For the first 5 years of her life you only paid 138.00/mo for child support and the rest you have barely paid what is owed..so I am not sure what you are trying to accomplish with this? Sympathy? Last time you played that card I believe the words out of the judges mouth were and I quote,"Don't waste my time or the courts time again until you have a job earning at least 40,000 a year."  
Furthermore, you have never paid a medical bill in her entire life or carried insurance for her- except of course life insurance which I have yet to see proof of for the last five years. Oh, and there is the angle that I have moved too much in the past four years. As far as my records show you have moved 5 times in the last 2 years? Two of which have been in the last 8 months. How will that play out in front of the judge? Oh, and living at poverty level is just not going to fly when the avg apartment you are renting @ Powderwood runs from 1,000- 1,500/mo? The numbers don't quite add up, but they never have- have they? If you really were at poverty level how could you afford the gas all the way to California and back? Wouldn't you be applying for welfare at this point? Really David you are insulting my intelligence, as well as the courts. I think at this point you have painted a very bad picture to the courts of your living situation and financial stability to be awarded custody of Kayla. If you continue to make these unfounded statements about myself it only is hurting your credibility. I already have 6 written statements from Doctors, teachers, child care providers, parents stating how happy and well adjusted Kayla is. Again, I am asking you what are you trying to accomplish? Please think about it and get back to me. I really would like to know what it is you are wanting?

Lara

-----Original Message-----

**From:** David Young [mailto:getdyoung@att.net]  
**Sent:** Tuesday, September 07, 2004 1:45 PM  
**To:** Lara Young  
**Subject:** Kayla schedule

Lara,

I'm trying to plan a trip to include Kayla at my father's 80th birthday, weekend of October 1st. Does Kayla have a half day of school on Friday the 1st, or Monday off? Do these dates work for you?  
Also, could you please send me her school information and schedule for the year.

# Addendum

“v”

**David Young**

**From:** David Young [getdyoung@att.net]  
**Sent:** Monday, January 10, 2005 8:54 AM  
**To:** Tasha Kiemel  
**Cc:** Nancy Weinstein  
**Subject:** FW: Kayla

Dear Tasha,

Thank you for carbon coping me with this email. Your concern for Kayla's welfare and the good faith intentions of your email is greatly appreciated. I share in your thoughts regarding Kayla trying to keep up with the rest of the class and her home practice assignments. My biggest fear is that she will get overwhelmed and fully discouraged as she falls further behind.

Time spent with Kayla is my priority, but only amounts to 12 to 15 percent a year. Though she has missed 10 days (10 out of 74 school days = 14.3%) of school this year, it is not because of time spent with me for visitation. These missed days were choices of her mother. The first 6 days was her mother pulling her out of school for their trip to Hawaii in October. The other 4, was her mother December/January trip to Hawaii where she schedule her flight to arrive home at midnight January 5<sup>th</sup> (Wednesday), and where Kayla's flight back from Utah could only be made for Thursday morning. As it turned out, her mother not only chose to have Kayla miss the first 3 days of school this year, but also not to take her to a half day of school on Thursday the 6<sup>th</sup>.

I have spent the last few years trying to stabilize Kayla's life, especially with regards to her schooling. Kayla has been in a different school and/or daycare every year of her life, and for the most part any means to resolve this problem are through the courts. This is where currently her mother has sided-track a 2 years jurisdiction appeal where these issues can be heard.

For the most part any communication with Lara and myself is at Zero, as my hand are tied in jurisdictional limbo. As you can tell by my tone I am as frustrated as you are starting to be, but I would like to help you in reaching the school standards, and making sure Kayla is successful in the 4<sup>th</sup> grade. Therefore, if Kayla's school issues do get any worse, I will not hesitate to take are concerns above and beyond the state jurisdictional levels to the Federal courts. So please keep me informed with Kayla's progress, and/or any other concerns you and the school has.

Sincerely,  
 David Young  
 Kayla Young's father

-----Original Message-----

**From:** Kiemel, Tasha DSC-Staff [mailto:KiemelT@issaquah.wednet.edu]  
**Sent:** Friday, January 07, 2005 5:02 PM  
**To:** 'Lara Young'  
**Cc:** 'getdyoung@att.net'  
**Subject:** Kayla

Hi Lara!

Kayla will be bringing home quite a bit of missed home practice to be working on over the next week. She has until Friday for her math, Thursday for her science assessment, and ASAP for her writing assignment. I have to admit that Kayla missed a lot of instruction this week. I taught an entire math unit, all with brand new learning (no review); we started a new type of writing- compare/contrast essays; we started a new book and new literature circles (meeting again on Monday); I assigned a new book report; and we prepared for a science assessment, while continuing to work on our space day projects.

1/10/05

I realize the importance of Kayla being able to spend time with both of her parents, but I am very concerned about Kayla's ability to get caught up with the rest of the class. As you saw with her last math and science assessment, she is struggling to retain the information we are learning. The more school she misses, the more she is going to fall behind and the less she is going to *understand* as the class moves forward. I think that the math tutoring she goes to is very beneficial, but it doesn't necessarily cover everything we are learning in class.

To date, Kayla has missed 10 days. At the beginning of the year you asked me if Kayla should be evaluated for special education services and at that time I said no, but if Kayla continues to miss this much school, she may need extra academic support to meet standard and be successful in 4<sup>th</sup> grade.

Kayla maintains a very positive attitude and has made some great choices regarding her learning- staying in at recess to work on missed work, talking to Mrs. Taylor about time management, meeting with me about her report card grades. It is great to see her taking responsibility to herself and her learning. I just hope that she doesn't get discouraged while she is trying to make up all of her missing work.

I just wanted to make sure you were aware of my thoughts.

Ms. Kiemel  
Tasha Kiemel  
4th grade  
Discovery Elementary  
2300 228th Ave SE  
Sammamish, WA 98075  
425.837.4071

# Addendum

“w”

1  
2  
3  
4  
5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
6 IN AND FOR THE COUNTY OF KING

7 In Re the Marriage of:

8 LARA YOUNG,

9 Petitioner,

10 vs.

11 DAVID YOUNG,

12 Respondent.

NO. 03-3-09663-0 SEA

DECLARATION OF MAILING

13 I declare under penalty of perjury under the laws of the State of Washington that the  
14 following is true and correct:

15 At all times hereinafter mentioned, I was and am a citizen of the United States of  
16 America, a resident of the State of Washington, over the age of twenty-one years, not a party  
17 to the above entitled action, and competent to be a witness herein.

18 On the date of August 7, 2003 I duly mailed by U.S. Mail to the Respondent, David  
19 Young, by then and there mailing to:

20 David Young  
21 7933 Cedar Way  
22 Park City, Utah 84060

23 a true copy of the original documents listed below:

- 24 1. Petition for Modification/Adjustment of Custody Decree/Parenting  
Plan/Residential Schedule;

INSLEE, BEST, DOEZIE & RYDER, P.S.

ATTORNEYS AT LAW  
777 - 108th Avenue N.E.  
Suite 1900  
P.O. Box C 90016  
Bellevue, Washington 98009-9016  
(425) 455-1234

2. Proposed Parenting Plan;  
3. Order Setting Case Schedule for Establishment or Modification of Parenting Plan.

Date: 8/8/03

Signature: April J. Kasch

Place: Bellevue

Printed/Typed Name: April J. Kasch

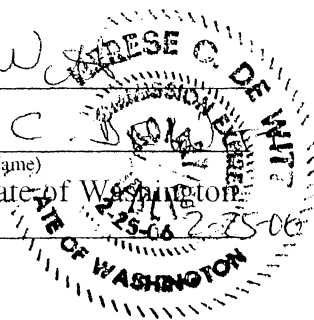
SUBSCRIBED AND SWORN to before me this 8th day of August, 2003.

Therese C. Delw

NAME: THERESE C.  
(Print Name)

Notary Public in and for the State of Washington

Commission Expires: 2-25-06



INSLEE, BEST, DOEZIE & RYDER, P.S.  
ATTORNEYS AT LAW  
777 - 108th Avenue N.E.  
Suite 1900  
P.O. Box C-90016  
Bellevue, Washington 98009-9016  
(425) 455-1234

700 25 450 450  
1460 U.S. POSTAGE PE2236985  
0281 \$01.750 AUG 08 03  
9090 98004

**INSLEE, BEST, DOEZIE & RYDER, P.S.**

ATTORNEYS AT LAW  
Rainier Plaza, Suite 1900  
777 108th Ave. N.E.  
P.O. Box C-90016  
Bellevue, WA 98009-9016

David Young  
7933 Cedar Way  
Park City, Utah 84060



# Addendum

“X”

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re the Marriage of:

LARA YOUNG,

Petitioner,

vs.

DAVID YOUNG,

Respondent.

NO. 03-3-09663-0 SEA

DECLARATION OF HENRY R.  
HANSEN, JR.

My name is Henry R. Hansen, Jr. and I am the attorney for the Petitioner, Lara Young (n/k/a Boitano).

Petitioner previously filed a motion to compel discovery. The Court entered an order on December 17, 2004 requiring Respondent to furnish a complete set of answers to Interrogatories and all documents requested by not later than January 3, 2005. The Court imposed terms of \$500.00. Trial is presently set for January 24, 2005. A copy of the order compelling discovery is attached marked as Exhibit "A". Attached marked as Exhibit "B"

DECLARATION OF HENRY R. HANSEN, JR. -

Page 1

359202|0001|314391.01|6q13011.DOC

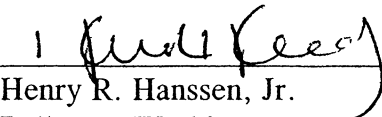
INSLEE, BEST, DOEZIE & RYDER, P.S.

ATTORNEYS AT LAW  
777 - 108th Avenue N.E.  
Suite 1900  
P.O. Box C-90016  
Bellevue, Washington 98009-9016  
(425) 455-1234

1 is a declaration of mailing of said order. Attached marked as Exhibit "C" is a copy of the  
2 letter send to Respondent together with the order compelling discovery.

3 To the date of this motion, nothing has been received from Respondent. This has  
4 severely prejudiced Petitioner's ability to prepare for trial since this matter was initiated by  
5 Respondent. Respondent is in arrears on child support owing to Petitioner and, apparently,  
6 initiated this proceeding to gain some type of leverage. Under the circumstances, this  
7 proceeding should be dismissed. If for any reason the Court chooses not to dismiss this  
8 proceeding, it is respectfully requested that this matter be continued so that discovery can be  
9 received and Petitioner will have a fair opportunity to prepare for trial. In view of my trial  
10 schedule, it is requested that trial be continued until March 7, 2005.

11 I declare under penalty of perjury under the laws of the State of Washington that the  
12 foregoing declaration is true and accurate to the best of my knowledge and belief.

13  
14   
Henry R. Hanssen, Jr.  
15 Bellevue, Washington

16 Dated: 1/5/05  
17  
18  
19  
20  
21  
22

EXHIBIT A

Hon. Glenna S. Hall

Post-it® Fax Note 7671		Date 12/20/09	# of pages 2
To HANK HANSEN		From BARBARA	
Co./Dept.		Co. JUDGE HALL	
Phone #		Phone # 206-296-9220	
Fax # 425-635-7720		Fax #	

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re the Marriage of:

LARA YOUNG,

Petitioner,

vs.

DAVID YOUNG,

Respondent.

NO. 03-3-09663-0 SEA

ORDER COMPELLING DISCOVERY  
AND CONTINUING TRIAL DATE☒ Clerk's Action Required

This matter having come on duly for a hearing before the undersigned Judge of the above-entitled Court upon motion filed by Petitioner for compelling discovery; the Court having considered the motion and related documents submitted by Petitioner, the reply, if any, submitted by Respondent, and other materials submitted by the Parties as part of this motion; the Court having reviewed the records and files herein and deeming itself fully advised in the premises; the Court having determined that just cause exists for the entry of this Order; now, therefore,

ORDER COMPELLING DISCOVERY AND  
CONTINUING TRIAL DATE - Page 1  
359202|0001|313016.01|6p\$w011.DOC

**PROPOSED**  
INSLEY, BEST, DOEZIE & RYDER, P.S.  
ATTORNEYS AT LAW  
777 - 108th Avenue N.E.  
Suite 1900  
P.O. Box C-90018  
Bellevue, Washington 98008-0016  
(425) 455-1234

1 IT IS HEREBY ORDERED that Respondent shall furnish a complete set of answers  
2 to Interrogatories and responses to Requests for Production of Documents, together with a  
3 complete and legible set of documents requested by said requests for production of  
4 documents to counsel for Petitioner on or before Dec. 23 Jan 3, 2005, 2004; and

5 IT IS HEREBY ORDERED that Respondent shall pay terms to Petitioner for the  
6 necessity of this motion in the sum of \$ 500; and

7 ~~IT IS ORDERED that trial in this matter is continued until March 21, 2005 and the~~  
8 ~~present trial date of January 24, 2005 is hereby stricken and the Clerk of the Court shall~~  
9 ~~issue a new case schedule to conform to the new trial date.~~ C.C.S.

10 DONE IN OPEN COURT this 17<sup>th</sup> day of December, 2004.

11  
12   
JUDGE GLENN S. HALL

13 Presented by:

14 INSLEE, BEST, DOEZIE & RYDER, P.S.

15  
16 By Henry R. Hanssen, Jr.  
17 Henry R. Hanssen, Jr.  
18 W.S.B.A. #7537  
Attorneys for Petitioner

19 Stipulated and Agreed; Notice of Presentation Waived:

20  
21 By \_\_\_\_\_  
22 David Young, Respondent Pro Se

ORDER COMPELLING DISCOVERY AND  
CONTINUING TRIAL DATE – Page 2  
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INSLEE, BEST, DOEZIE & RYDER, P.S.  
ATTORNEYS AT LAW  
777 – 108th Avenue N.E.  
Suite 1900  
P.O. Box C-90016  
Bellevue, Washington 98009-9016  
(425) 455-1234

Exhibit B

Hon. Glenna S. Hall

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re the Marriage of:

LARA YOUNG,

Petitioner,

vs.

DAVID YOUNG,

Respondent.

NO. 03-3-09663-0 SEA

DECLARATION OF MAILING

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of twenty-one years, not a party to the above entitled action, and competent to be a witness herein.

On the date of Dec. 21, 2004 I duly mailed by U.S. Mail to the Respondent, David Young, by then and there mailing to:

Mr. David Young  
P.O. Box 942  
Park City, Utah 84060

DECLARATION OF MAILING – Page 1

359202|0001|307679.01|61#n01!.DOC

INSLEE, BEST, DOEZIE & RYDER, P.S.

ATTORNEYS AT LAW  
777 – 108th Avenue N.E.  
Suite 1900  
P.O. Box C-90016  
Bellevue, Washington 98009-9016  
(425) 455-1234



A true copy of the original documents listed below:

1. Letter;
2. Order Compelling Discovery and Continuing Trial Date.

Date: 12/21/04

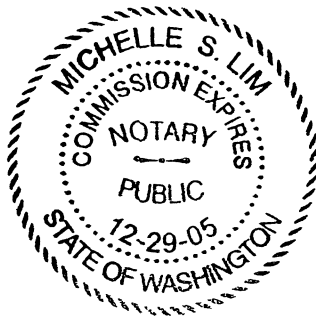
Signature: April J. Kasch

Place: Bellevue, WA

Printed/Typed Name: April J. Kasch

STATE OF WASHINGTON     )  
  ) ss  
COUNTY OF KING         )

I certify that I know or have satisfactory evidence that April J. Kasch is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



DATED: 12/21/04  
Michelle S. Lim

NAME: Michelle S. Lim  
(Print Name)

Notary Public in and for the State of Washington  
Commission Expires: 12/29/05

EXHIBIT C

---

INSLEE, BEST, DOEZIE & RYDER, P.S.

---

ATTORNEYS AT LAW

Henry R. Hanssen, Jr.  
Writer's Direct Line:  
(425) 450-4236  
E-Mail Address:  
hhanssen@insleebest.com

Rainier Plaza, Suite 1900  
777 - 108th Avenue N.E.  
P.O. Box C-90016  
Bellevue, Washington 98009-9016  
(425) 455-1234  
Fax: (425) 635-7720  
www.insleebest.com

December 21, 2004

Mr. David Young  
P.O. Box 942  
Park City, Utah 84060

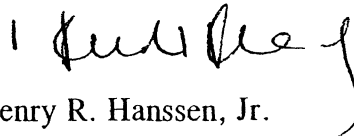
Re: Young Modification  
King County Superior Court Cause No. 03-3-09663-0-SEA

Dear Mr. Young:

Please find enclosed the Order Compelling Discovery entered by the Court on December 17, 2004, and which I received today December 21, 2004. Please note that a complete set of answers to interrogatories and requests for production of documents together with a complete and legible set of documents requested needs to be furnished to this office on or before January 3, 2005.

Very truly yours,

INSLEE, BEST, DOEZIE & RYDER, P.S.



Henry R. Hanssen, Jr.

HRH:ajk  
Enclosure(s)  
cc: Lara Young

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re the Marriage of:

LARA YOUNG,

Petitioner,

vs.

DAVID YOUNG,

Respondent.

NO. 03-3-09663-0 SEA

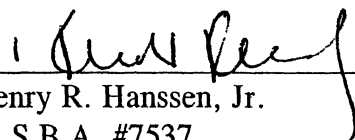
MOTION FOR ORDER SHORTENING  
TIME

Comes now the Petitioner by and through her counsel of record and respectfully moves the Court for an order shortening time to hear the motion regarding discovery and to dismiss this proceeding. It is respectfully requested that the Court hear this matter and make a ruling thereon on Thursday, January 13, 2005.

DATED this 5 day of January, 2005.

INSLEE, BEST, DOEZIE & RYDER, P.S.

By

  
Henry R. Hanssen, Jr.  
W.S.B.A. #7537

Attorneys for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

In Re the Marriage of:

LARA YOUNG,

vs.

DAVID YOUNG,

Petitioner,

Respondent.

NO. 03-3-09663-0 SEA

NOTICE FOR HEARING

SEATTLE COURTHOUSE ONLY

(Clerk's Action Required ) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:

PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: January 13, 2005 Day of Week: Thursday

Nature of Motion: Motion to Shorten Time/Motion to Dismiss and for Other Relief

CASES ASSIGNED TO INDIVIDUAL JUDGES - Seattle

If oral argument on the motion is allowed (LR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. **Working Papers:** The judge's name, date and time of hearing must be noted in the upper right corner of the Judge's copy. **Deliver Judge's copies to Judges' Mailroom at C203.**

☒ Without oral argument (Mon - Fri)

☐ With oral argument Hearing

Date/Time: January 13, 2005

Judge's Name: Glenna S. Hall

Trial Date: January 24, 2005

CHIEF CRIMINAL DEPARTMENT - Seattle in E1201

☐ Bond Forfeiture 3:15 pm, 2<sup>nd</sup> Thur of each month

☐ Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts)  
3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT - Seattle -- (Please report to W965 for assignment)

**Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing**

☐ Extraordinary Writs (Show Cause Hearing) (LR 98.40) 1:30 p.m. Tues/Wed -report to Room W855

☐ Supplemental Proceedings  
(1:30 pm Tues/Wed)(LR 69)

☐ DOL Stays 1:30 pm Tues/Wed

☐ Motions to Consolidate with multiple judges assigned  
without oral argument) (LR 40(a)(4))

Non-Assigned Cases:

☐ Non-Dispositive Motions M-F (without oral argument).

☐ Dispositive Motions & Revisions (1:30 pm Tues/Wed)

☐ Certificates of Rehabilitation (Employment) 1:30 pm  
Tues/Wed (LR 40(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: [Signature] Print/Type Name: Henry R. Hanssen, Jr. Phone: (425) 455-1234

WSBA # 7537 (if attorney) Attorney for: Petitioner Date: 1/5/05

Address: 777 - 108th Ave. NE, #1900 City, State, Zip: Bellevue, WA 98004

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice (including Guardian Ad Litem) on page 2. Serve a copy of this notice of hearing, with motion documents, on all parties.

**DO NOT USE THIS FORM FOR FAMILY LAW, EX PARTE OR RALJ MOTIONS.**

Notice For Hearing - Seattle Only  
(NTHG) Rev. 4/5/02, Page 1 Of 2

SEATTLE

Inslee, Best, Doezie & Ryder, P.S.

777 - 108th Ave NE, #1900

P.O. Box C-90016

Bellevue, WA 98009-9016

Ph: 425-455-1234 ~ Fax: 425-635-7720

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE
---

Name David Young  
 Service Address: P.O. Box 942  
 City, State, Zip Park City, UT 84060  
 WSBA#            Atty For: Pro Se  
 Telephone:                                 

Name                                   
 Service Address:                                   
 City, State, Zip                                   
 WSBA#            Atty For:                                   
 Telephone:                                 

Name                                   
 Service Address:                                   
 City, State, Zip                                   
 WSBA#            Atty For:                                   
 Telephone:                                 

Name                                   
 Service Address:                                   
 City, State, Zip                                   
 WSBA#            Atty For:                                   
 Telephone:                                 

Name                                   
 Service Address:                                   
 City, State, Zip                                   
 WSBA#            Atty For:                                   
 Telephone:                                 

Name                                   
 Service Address:                                   
 City, State, Zip                                   
 WSBA#            Atty For:                                   
 Telephone:                                 

### IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than **six** court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

**THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.**

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

Hon. Glenna S. Hall

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re the Marriage of:

LARA YOUNG,

Petitioner,

vs.

DAVID YOUNG,

Respondent.

NO. 03-3-09663-0 SEA

DECLARATION OF MAILING

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of twenty-one years, not a party to the above entitled action, and competent to be a witness herein.

On the date of Jan. 6, 2005 I duly mailed by U.S. Mail to the Respondent, David Young, by then and there mailing to:

Mr. David Young  
P.O. Box 942  
Park City, Utah 84060

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A true copy of the original documents listed below:

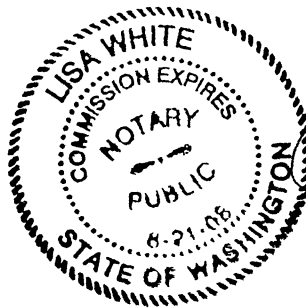
1. Petitioner's Witness and Exhibit List.

Date: 1/6/05 Signature: April Kasch

Place: Bellevue, WA Printed/Typed Name: April J. Kasch

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that April J. Kasch is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



DATED: January 6, 2005  
[Signature]

NAME: LISA WHITE  
(Print Name)

Notary Public in and for the State of Washington  
Commission Expires: 8-21-08



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re the Marriage of:

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DAVID YOUNG,

Respondent.

NO. 03-3-09663-0 SEA

PETITIONER'S WITNESS AND EXHIBIT  
LIST

Comes now the Petitioner, Lara Young (n/k/a Boitano), by and through her counsel  
of record, and respectfully submits the following list of witnesses and exhibits pursuant to  
KCLR 16.

**I. WITNESSES**

1. Lara Young (n/k/a Boitano), Petitioner, will be called to testify as to all  
issues.
2. David Young, Respondent, will be called to testify as to all issues.

PETITIONER'S WITNESS AND EXHIBIT LIST -

Page 1

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**INSLEE, BEST, DOEZIE & RYDER, P S.**

ATTORNEYS AT LAW  
777 - 108th Avenue N E  
Suite 1900  
P O Box C-90016  
Bellevue, Washington 98009-9016  
(425) 455-1234

3. Witnesses previously listed in Disclosure of Primary Witnesses will be called to testify as needed.

4. Petitioner reserves the right to call additional witnesses based upon receipt of discovery once that has been furnished by respondent and which is presently overdue.

## II. EXHIBITS

1. Current Parenting Plan.

2. Order Re: Child Support.

3. Documentation regarding child support arrearage.

4. Petitioner reserves the right to supplement the list of exhibits once overdue discovery has been furnished by Respondent.

DATED this 5 day of January, 2005.

INSLEE, BEST, DOEZIE &amp; RYDER, P.S.

By 1. Kerli Reed  
Henry R. Hanssen, Jr.  
W.S.B.A. #7537  
Attorneys for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re the Marriage of:

LARA YOUNG,

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NO. 03-3-09663-0 SEA

DECLARATION OF HENRY R.  
HANSEN, JR.

My name is Henry R. Hansen, Jr. I am the attorney for the Petitioner, Lara Young (n/k/a Boitano). I am submitting this declaration in support of the motion to compel discovery and for a continuance of trial date.

On August 13, 2004 we served Petitioner's First Set of Interrogatories and Requests for Production of Documents upon Respondent by mail. Attached marked as Exhibit "A" is a copy of said discovery requests. Attached marked as Exhibit "B" is a copy of the Affidavit of Mailing.

DECLARATION OF HENRY R. HANSEN, JR. -

Page 1

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1 It has now been nearly four months since the discovery was sent to Respondent but  
2 we have received no answers and no documents. Accordingly, I scheduled a KCLR 37  
3 conference for Thursday, December 2, 2004 at 11:00 a.m. Because Respondent resides in  
4 Utah, I offered that he could attend by telephone rather than by person. I asked that he call  
5 my office on that date and at that time and furnished him with my phone number. Attached  
6 marked as Exhibit "C" is a copy of the letter dated November 18, 2004 pertaining to the  
7 KCLR 37 conference. Attached marked as Exhibit "D" is a declaration of mailing of said  
8 letter. Mr. Young previously advised this office in writing that this was the correct mailing  
9 address for him.

10 I received no call on December 2, 2004. I then attempted to call Mr. Young and got  
11 a message on his voicemail and left him a message. There was never a return call. I have  
12 received no answers to discovery and no documents in response to the Request for  
13 Production of Documents. This has prejudiced my client and I in our ability to properly  
14 prepare for trial.

15 This trial was initiated by Mr. Young himself. It is respectfully requested that he be  
16 ~~ordered to furnish discovery answers and requested documents and that the trial be continued~~  
17 to March 21, 2005 to allow for receipt of said discovery requests and preparation for trial.

18 It is also requested that terms be rewarded in the sum of \$500.00 for the necessity of  
19 bringing this motion.  
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DECLARATION OF HENRY R. HANSEN, JR. -


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Bellevue, Washington 98009-9016  
(425) 455-1234

1 I declare under penalty of perjury under the laws of the State of Washington that the  
2 foregoing declaration is true and accurate to the best of my knowledge and belief.

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HENRY R. HANSSEN, JR.  
5 Bellevue, Washington

6 Dated: 12/6/04

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DECLARATION OF HENRY R. HANSSEN, JR. -

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6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
7 **IN AND FOR THE COUNTY OF KING**

8 In Re the Marriage of:

9 LARA YOUNG,

10 Petitioner,

11 vs.

12 DAVID YOUNG,

13 Respondent.  
14

NO. 03-3-09663-0 SEA

MOTHER'S FIRST SET OF  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED TO FATHER

15 TO: DAVID YOUNG, Father/Respondent Pro Se

16 The following Interrogatories are propounded for answer pursuant to CR 33, said  
17 Interrogatories being as stated below, and Requests for Production permitting the discovery  
18 of the documents, pursuant to CR 34, with regard to the documents and other tangible things  
19 listed below.

20 **A. PROCEDURES**

21 The original of these Interrogatories has been served upon you. These  
22 Interrogatories are to be answered under oath within 30 days of the date of service, pursuant

MOTHER'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED TO FATHER – Page

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