

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

E. GREGORY ALFORD, CFLS SBN: 56431

JAC F. POULIOT, ESQ. SBN: 62431

LAW OFFICE OF E. GREGORY ALFORD

1551 FOURTH AVENUE, SUITE 301

SAN DIEGO, CALIFORNIA 92101

TELEPHONE NO.: (619) 232-4734

FAX NO.: (619) 239-3345

ATTORNEY FOR (Name): CLIFFORD L. ROEPKE

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

☐ COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814☒ FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101-3294☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6651☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649FILED
STEPHEN HUNBERG
Clerk of the Superior Court

SEP 17 2002

By: C. SCHEEVEL, Deputy

PETITIONER: MICHELE LALLY

RESPONDENT: CLIFFORD L. ROEPKE

ORDER TO SHOW CAUSE FOR ☐ MODIFICATION☒ Child Custody ☒ Visitation ☐ Injunctive Order☐ Child Support ☐ Spousal Support ☒ Other (specify):☐ Attorney Fees and Costs Restoration of Child's correct name

CASE NUMBER:

D472021

1. TO (name): MICHELE LALLY
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: 12/2/02 Time: 9:00 am ☐ Dept.: FI ☐ Room.:b. The address of the court is ☒ same as noted above ☐ other (specify):c. ☒ The parties are ordered to meet with Family Court Services Counselor on 11/14/02 at 8:00 a.m., or at such other time as the counselor may direct. The location and telephone number for the appointment is:☒ FAMILY COURT BUILDING, 1555 6TH AVE., SAN DIEGO, CA (SECOND FLOOR) (619) 236-2681☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA (619) 236-2681☐ NORTH COUNTY, 325 S. MELROSE DR, VISTA, CA (760) 940-4433☐ EAST COUNTY, 250 E. MAIN ST., EL CAJON, CA (619) 441-4387☐ SOUTH COUNTY, 500 3RD AVE., CHULA VISTA, CA (619) 691-4455

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration*, a blank *Responsive Declaration*, and the following documents be served with this order:

a. (1) ☐ Completed *Income and Expense Declaration* and a blank *Income and Expense Declaration*(2) ☐ Completed *Financial Statement (Simplified)* and a blank *Financial Statement (Simplified)*(3) ☐ Completed *Property Declaration* and a blank *Property Declaration*(4) ☐ Points and authorities(5) ☐ Other (specify):b. ☐ Time for ☐ service ☐ hearing is shortened. Service shall be on or before (date):

Any responsive declaration shall be served on or before (date):

c. ☐ You are ordered to comply with the temporary orders attached.d. ☐ Other (specify):

Date:

SEP 17 2002

JAMES R. MILLIKEN

JUDICIAL OFFICER

NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form 1285.50) or *Financial Statement (Simplified)* (form 1285.52) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least ten calendar days before the hearing date.

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PETITIONER/PLAINTIFF: MICHELE LALLY	CASE NUMBER:
RESPONDENT/DEFENDANT: CLIFFORD L. ROEPKE	D472021

(THIS IS NOT AN ORDER)

- ☐ Petitioner ☒ Respondent ☐ Claimant requests the following orders be made:
1. ☒ CHILD CUSTODY ☐ To be ordered pending the hearing
 a. Child (name and age) b. Request custody to (name) c. ☐ Modify existing order
 CLIFFORD ROEPKE (1) filed on (date):
 (2) ordering (specify):
2. ☒ CHILD VISITATION ☐ To be ordered pending the hearing
 a. ☒ Reasonable d. ☐ Modify existing order
 b. ☐ Other (specify): (1) filed on (date):
 c. ☐ Petitioner ☐ Respondent shall not remove (2) ordering (specify):
 the minor child or children of the parties
 (1) ☐ from the State of California. (2) ☐ other (specify):
3. ☐ CHILD SUPPORT (A Wage and Earnings Assignment Order will be issued.)
 a. Child (name and age) b. Monthly amount c. ☐ Modify existing order
 (if not by guideline) (1) filed on (date):
 \$ (2) ordering (specify):
4. ☐ SPOUSAL SUPPORT (A Wage and Earnings Assignment Order will be issued.)
 a. ☐ Amount requested (monthly): \$ c. ☐ Modify existing order
 b. ☐ Terminate existing order (1) filed on (date):
 (1) filed on (date): (2) ordering (specify):
 (2) ordering (specify):
5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$ b. ☐ Costs: \$
6. ☒ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
 a. The ☐ petitioner ☐ respondent ☐ claimant are restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
☐ and applicant will be notified at least five business days before any proposed extraordinary expenditures and an accounting of such will be made to the court.
 b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor children.
 c. ☐ Neither party shall incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

NOTE: TO OBTAIN DOMESTIC VIOLENCE (PERSONAL CONDUCT AND HARASSMENT) RESTRAINING ORDERS, YOU MUST USE THE FORMS APPLICATION AND DECLARATION FOR ORDER (DOMESTIC VIOLENCE PREVENTION) (FORM DV-100) AND ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (CLETS) (DOMESTIC VIOLENCE PREVENTION) (FORM DV-110).

(Continued on reverse)

E. GREGORY ALFORD ATTY TEL:239-3345

Sep 12 02 12:57 No.003 P.02

PETITIONER/PLAINTIFF: MICHELLE LALLY

CASE NUMBER:

RESPONDENT/DEFENDANT: CLIFFORD L. ROEPKE

10472021

7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ Petitioner ☐ Respondent are given the exclusive temporary use, possession, and control of the following property we own or are buying (specify):
- b. ☐ Petitioner ☐ Respondent are ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | Debt | Amount of payment | Pay to |
|------|-------------------|--------|
| | | |
8. ☐ I request that time for service of the Order to Show Cause and accompanying papers be shortened to that they may be served no less than (specify number): _____ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. ☒ OTHER RELIEF (specify): 1. Restoration of minor child's correct name.
2. Statement of facts and statement of decision.
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (specify):
☒ contained in the attached declaration.
- SEE ATTACHMENT #10

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

Date: September 12, 2002

CLIFFORD L. ROEPKE

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)

1 1. I am asking that the Court award me primary physical custody of our minor child, Oliver, born
2 June 30, 1995, now 7 years old, because I believe it will be in their best interest for the
3 following reasons:

4
5 a. I have had a lot of difficulty in arranging for visitation with our son. Petitioner has constantly
6 frustrated my attempts at visitation. She places unreasonable conditions on my visitation with
7 Oliver. For example, she often insists that she be present during my time with Oliver. She
8 does not allow overnight visits.

9
10 b. Since she is unwilling to share our son with me, I believe it would be in Oliver's best interest
11 to live primarily with me as I will certainly arrange ample time with Petitioner.

12 2. Petitioner and I have been separated since December 1996. Since then, it has been a struggle to
13 spend even a small amount of time with Oliver because of Petitioner's unreasonable refusal to
14 let me spend quality time with our son.

15
16 3. I live in San Mateo county and Petitioner lives in San Diego County.

17 4. In mid June of this year, Petitioner was to be in the San Francisco Bay Area with our son and
18 told me that Oliver would be available for visitation the weekend of June 15-16. I was unable to
19 reach Petitioner by phone so I sent her a fax on June 6, 2002, asking for time with Oliver during
20 that weekend. I did not receive any fax or written response. Rather Petitioner contacted me by
21 phone and told me that I was not allowed to see our son alone and that during any contact with
22 him, she would have to be present.

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24
25 5. I was to be in the San Diego area the week of August 24, through 31, 2002. I notified my
26 attorney of that fact and my attorney wrote Petitioner a letter dated August 5, 2002, asking that I
27 be able to spend the week with Oliver while in San Diego before Oliver returned to school. A
28 copy of my attorney's letter is attached as **Exhibit A**. My attorney's letter requested a response

1 by August 9, 2002. Petitioner did not respond by that date. On August 16, 2002, having heard
2 nothing from Petitioner, I sent Petitioner a follow-up fax explaining where I would be during my
3 week in San Diego and to reiterate my request to see Oliver during that week. On August 16,
4 2002, Petitioner responded to me by fax stating that "Oliver has plans the week of Aug. 24 -
5 Sept. 1...." Then, in a letter dated August 21, 2002, in response to my attorney's August 5, 2002
6 letter, Petitioner wrote: "Unfortunately I will be in the Bay area the week that Mr. Roepke will
7 be in San Diego." In view of Petitioner's plans to be in the Bay Area, I canceled my trip to San
8 Diego and proceeded to make arrangements to see Oliver in the Bay area. Petitioner agreed to
9 three days visitation with Oliver but it turned out she was actually offering two 8-hour visits as
10 Petitioner would not allow overnight visits.
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14 6. Petitioner does not seem to understand that it is **not in Oliver's best interest** to have contact
15 with his father only in the presence of Petitioner and her family. These emotionally-trained
16 situations can be felt by Oliver and it does not constitute quality time for either of us. The most
17 frustrating part of Petitioner's behavior is that, in her writings to me, she makes it sound as if I
18 am making no attempts to spend time with Oliver when in fact she is the one frustrating my
19 contacts with our son.
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22 7. It has come to my attention that Petitioner has registered our son for the current school year
23 under the name of Oliver Lally rather than Oliver J. Lally-Roepke. I request an order of the court
24 that Petitioner use our minor child's correct name for all purposes.
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