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FILED
Clerk of the Superior Court

APR 08 2003

By: N. FUENTECILLA, Deputy

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
FAMILY LAW CENTRAL**

Marriage of:

Petitioner: MICHELE LALLY

Respondent: CLIFFORD L. ROEPKE

No. D472021

**STIPULATION TO CUSTODY
EVALUATION AND ORDER
THEREON**

1. There is currently pending before the Court and Order to Show Cause for Modification of Custody and Visitation, Custody Evaluation and Order for Payment, initially filed by Respondent, Clifford L. Roepke, on February 2, 2004, and currently set for hearing on March 23, 2004.
2. The parties hereby stipulate and agree to subject themselves and the minor child, to a psychological evaluation for the purpose of offering the court an expert opinion regarding the best interest of the minor child at issue. Pursuant to this stipulation, the court hereby orders that a mental health worker shall be appointed as an expert to conduct a custody investigation and file a written confidential report on the issues of custody and visitation, which shall include a recommendation.
3. It is agreed that the psychological evaluation will be administered by the following mental health professional hereinafter referred to as the Evaluator: Stephen E. Doyne, Ph.D., whose office is

1 located at 9834 Genesee Avenue, Suite 321, La Jolla, CA 92037. Said evaluator shall proceed to
2 do the necessary evaluation, supervision, and reporting as that person shall determine.

3 4. The written report of the evaluator will be considered by the court at any future hearing. The report
4 shall be sent, in a sealed envelope, directly "c/o The Supervising Judge of Family Law, Central, at
5 1501-1555 Sixth Avenue, San Diego, CA 92101, and not to any specific judicial officer. Further,
6 it shall be made available only to the parties or their attorneys of record at least ten days prior to
7 any hearing regarding the issue of custody.

8 5. The parties represent to the court that one of them or their counsel has contacted the Evaluator and
9 determined that the evaluator is willing to accept this assignment and that, assuming the parties
10 co-operate with the process and pay the required fee, the evaluation together with a written report
11 will be completed by the date of June 30, 2004.

12 6. It is further represented to the court that the Evaluator requires a minimum fee in the sum of
13 \$2,000 to be paid by husband with the Court reserving jurisdiction over the ultimate allocation of
14 the total cost of the evaluation.

15 7. At a future hearing, this court will inquire as to the financial condition of each person able to pay
16 the whole or part of any expenses incurred in the preparation of the report and shall make
17 appropriate orders therefor, which may include reimbursement to either party who has made
18 payment prior to that date. Either party may pay the share of the other party to avoid delay in the
19 evaluation subject to the preceding provision of this paragraph.

20 8. The parties each understand and acknowledge that in stipulating to pay the above-referenced fees
21 in a timely manner that they are subjecting themselves to a court order to pay as indicated above,
22 and that they may not be relieved of this obligation unless they seek another court order.

23 9. The parties acknowledge that they understand that failure to cooperate with the evaluator, or
24 failure to pay the fees as ordered herein, will give cause for the opposing party to request, without
25 further notice, that the court, at the court's discretion, proceed without the defaulting party's right
26 to present evidence concerning the best interest of the child.

27 10. It is further represented that the Evaluator has agreed to complete this evaluation and report
28

conditioned upon the payment of his fee and cooperation of the parties.

11. The parties stipulate that they will each be entitled to receive a copy of the Evaluator's written report a minimum of ten days prior to any trial or hearing in this matter unless failure to receive same is as a result of the complaining party's failure to timely perform his or her obligations pursuant to this stipulation.
12. The parties further stipulate that the written report will be admissible without further foundation. Either party may require the Evaluator to appear for cross-examination. The Evaluator will have the right to request additional fees for such appearance at the time of trial or hearing.
13. Counsel for Respondent will immediately mail a copy of this order to the evaluator. Thereafter, acceptance of the fee or any portion thereof by the Evaluator will be considered by the court as approval by the evaluator of the terms and conditions of this assignment.
14. The court's approval of this stipulation and adoption its terms as the court's order is not to be considered by the parties or their counsel as an endorsement or recommendation of the Evaluator by the court or the County of San Diego.
15. This case will be continued to the a date either on or subsequent to June 30, 2004, after consulting with the Court's calendar clerk, in Department F-1 of the Superior Court at 1:45 p.m.

AGREED AS TO FORM AND CONTENT:

SIGNATURE ON DUPLICATE

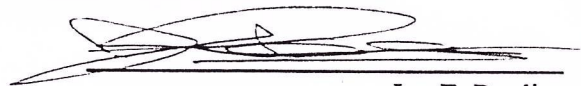
Date and signature of Petitioner PAGE

SIGNATURE ON DUPLICATE

Marc D. Shular
Attorney for Petitioner PAGE

SIGNATURE BY FAX, ATTACHED

Date and Signature of Respondent



Jac F. Pouliot
Attorney for Respondent

IT IS SO ORDERED.

Dated:

APR 08 2004

THOMAS C. HENDRIX

Judge of the Superior Court

1 conditioned upon the payment of his fee and cooperation of the parties.

2 11. The parties stipulate that they will each be entitled to receive a copy of the Evaluator's written
3 report a minimum of ten days prior to any trial or hearing in this matter unless failure to receive
4 same is as a result of the complaining party's failure to timely perform his or her obligations
5 pursuant to this stipulation.

6 12. The parties further stipulate that the written report will be admissible without further
7 foundation. Either party may require the Evaluator to appear for cross-examination. The
8 Evaluator will have the right to request additional fees for such appearance at the time of trial or
9 hearing.

10 13. Counsel for Respondent will immediately mail a copy of this order to the evaluator. Thereafter,
11 acceptance of the fee or any portion thereof by the Evaluator will be considered by the court as
12 approval by the evaluator of the terms and conditions of this assignment.

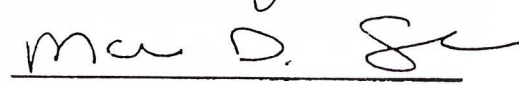
13 14. The court's approval of this stipulation and adoption its terms as the court's order is not to be
14 considered by the parties or their counsel as an endorsement or recommendation of the
15 Evaluator by the court or the County of San Diego.

16 15. This case will be continued to the a date either on or subsequent to June 30, 2004, after
17 consulting with the Court's calendar clerk, in Department F-1 of the Superior Court at 1:45 p.m.

18 **AGREED AS TO FORM AND CONTENT:**

19  3/15/04
20 Date and signature of Petitioner

Date and Signature of Respondent

21 
22 Marc D. Shular
23 Attorney for Petitioner

Jac F. Pouliot
Attorney for Respondent

24 **IT IS SO ORDERED.**

25 Dated:

Judge of the Superior Court

- 1 conditioned upon the payment of his fee and cooperation of the parties.
- 2 11. The parties stipulate that they will each be entitled to receive a copy of the Evaluator's written
- 3 report a minimum of ten days prior to any trial or hearing in this matter unless failure to receive
- 4 same is as a result of the complaining party's failure to timely perform his or her obligations
- 5 pursuant to this stipulation.
- 6 12. The parties further stipulate that the written report will be admissible without further
- 7 foundation. Either party may require the Evaluator to appear for cross-examination. The
- 8 Evaluator will have the right to request additional fees for such appearance at the time of trial or
- 9 hearing.
- 10 13. Counsel for Respondent will immediately mail a copy of this order to the evaluator. Thereafter,
- 11 acceptance of the fee or any portion thereof by the Evaluator will be considered by the court as
- 12 approval by the evaluator of the terms and conditions of this assignment.
- 13 14. The court's approval of this stipulation and adoption its terms as the court's order is not to be
- 14 considered by the parties or their counsel as an endorsement or recommendation of the
- 15 Evaluator by the court or the County of San Diego.
- 16 15. This case will be continued to the a date either on or subsequent to June 30, 2004, after
- 17 consulting with the Court's calendar clerk, in Department F-1 of the Superior Court at 1:45 p.m.

18 **AGREED AS TO FORM AND CONTENT:**

19 _____
20 Date and signature of Petitioner

21 _____
22 Marc D. Shular
23 Attorney for Petitioner

24 **IT IS SO ORDERED.**

25 Dated:

26 _____ 4/3/04
27 Date and Signature of Respondent

28 _____
Jac F. Pouliot
Attorney for Respondent

Judge of the Superior Court