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F I L E D
Clerk of the Superior Court
MAR 19 2010
By: K. Raab, Deputy

Attorney for Respondent; RONALD SHANE MODICA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

MICHELLE MODICA
Petitioner,

V.

RONALD SHANE MODICA
Respondent.

) Case No. D 495935

) DECLARATION OF RONALD SHANE
MODICA IN SUPPORT OF EMERGENCY
ORDERS

I, Ronald Shane Modica, hereby declare as follows:

1. I am the Respondent in the above referenced matter. I have personal knowledge of the facts contained in this declaration and if called on would so testify.
2. The Petitioner and I have one minor child together, Avery, who is 5 years old. Our visitation schedule, off and on when Petitioner is in town, is that Petitioner has our son on some weekends and takes him to school on Mondays. I pick him up there and have him the balance of the time.
3. Yesterday I received an urgent phone call from Petitioner that I needed to pick our child up and "protect him" because of a breaking storing between her and Sandra Bullock's husband Jesse James. She was afraid that the paparazzi would harass our child. (Michelle Modica aka McGee). I went and got our child, and the Petitioner told me that she was going to hide out at an undisclosed location.

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4. The story she told broke today and she is on the front page of a tabloid. (See Attached Articles) As prophesized, the reporters and photographers are everywhere. They are following me, asking for statements, interfering with my business. They have told me they know where I live and where Avery goes to school, giving me veiled threats unless I give them my side of the story. This is upsetting my entire family and business partners.

5. When this storm hit, I called Michelle and told her that I am keeping Avery away from this but she insisted that visitation should continue as before, even though she wanted to keep Avery safe.

6. If she sees Avery, she will bring these curiosity seekers and glory hounds down on herself and Avery, totally confusing him and frankly scaring him.

7. I am therefore asking for temporary sole legal and physical custody of our child until the next hearing previously set for May 12, 2010. Hopefully this incident and these issues calm down by that time so that we can get back to the normal routine.

I declare under penalty of perjury under the laws of the state of California that the forgoing is true and correct and that this declaration is executed the 18th day of March, 2010.


RONALD SHANE MODICA
RESPONDENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TIMOTHY J. McDERMOTT (619) 858-0154 3033 FIFTH AVE. STE. 210 SAN DIEGO, CA. 92103 TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): RESPONDENT		FOR COURT USE ONLY FILED Clerk of the Superior Court MAR 19 2010 By: K. Raab, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> FAMILY COURT BLDG., 1555 6TH AVE., SAN DIEGO, CA 92101-3294 <input type="checkbox"/> MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE, VISTA, CA 92081-6651 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		
PETITIONER(S) MICHELLE MODICA		
RESPONDENT(S) RONALD SHANE MODICA		
EX PARTE APPLICATION (Family Law)		CASE NUMBER D 495935

TIME ESTIMATE 10 MINUTES Opposed Unopposed

I state under penalty of perjury the following information:

Domestic Paternity Other _____
 Name of Opposing Attorney/Pro Per MICHELLE MODICA

- Relief being requested:
 Temporary Restraining Orders Order After Hearing Being Submitted for Signature
 Order Shortening Time Child Custody/Visitation Order
 Other (specify): _____
- Ex parte relief is necessary because: PETITIONER INVOLVED IN A NATIONAL INCE INCIDENT THAT THREATENS OUR CHILD WITH HARRASSMENT
- Was notice given to opposing attorney/pro per? Yes No
- If no notice, state reason(s): _____
- Evidentiary declaration(s) submitted? Yes No
- Proposed order submitted? Yes No
- Has applicant appeared ex parte before? Yes No
- If yes, was same relief granted denied not requested

Dated: MARCH 18, 2010 Signed: 

DISPOSITION

Relief Denied Granted as follows: ~~Improper notice~~ No declaration of notice filed. Order is not being given as 2 per yesterday and it is support also under court. Mom's papers do not suggest an emergency.

PTNR/RESP TO PREPARE ORDER
 Dated: 3/19/10 Signed: 

ROBERT C LONGSHORE Judge/Commissioner

THIS FORM IS NOT REQUIRED FOR WAGE ASSIGNMENTS, NAME CHANGES, UNOPPOSED ORDERS, WRITS OR OTHER SITUATIONS WHERE A FORMAL ORDER IS BEING PRESENTED FOR SIGNATURE

