

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 06-18-09  
Honorable CRAIG D. KARLAN  
Honorable

Judge N. ESTRADA  
Judge Pro Tem J. MORGAN  
Deputy Sheriff C. BERNAL CSR #3959

Dept: WEN  
Deputy Clerk  
Court Assistant  
Reporter

8:30 am

SD026864

Daniel Giersch (N/A)

Counsel For  
Petitioner:

VS.

Kelly Giersch (N/A)

Counsel For  
Respondent:

NATURE OF PROCEEDINGS: RESPONDENT'S (KELLY GIERSCH) EX PARTE  
APPLICATION FOR ORDER FOR PETITIONER TO PRODUCE A COPY OF  
ALL DOCUMENTS RELATED TO VISA APPLICATION;

Ex Parte Application, as captioned above, is withdrawn by  
the moving party respondent.

Stipulation/Settlement Agreement is signed by both sides and  
the Court and is filed this date.

06/19/2009 15:53 FAX

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NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: P. GLASS 9320 Wilshire Blvd #306 BH CA 90212		STATE BAR NUMBER 226296	Reserved for Clerk's File Stamp <b>FILED</b> LOS ANGELES SUPERIOR COURT JUN 18 2009 JOHN A. CLARKE, CLERK EY NEYA ESTRADA, DEPUTY CASE NUMBER: SD 026 864
ATTORNEY FOR (NAME): Respondent Kelly Rutherford			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURT HOUSE ADDRESS: 1725 Main St.			
PETITIONER / PLAINTIFF: Daniel Giersch			
RESPONDENT / DEFENDANT: Kelly Giersch (Rutherford)			
CLAIMANT:			
<input checked="" type="checkbox"/> STIPULATION AND ORDER ON ORDER TO SHOW CAUSE (Ex parte) <input type="checkbox"/> SETTLEMENT AGREEMENT AT TIME OF TRIAL <input type="checkbox"/> STIPULATION TO FURTHER JUDGMENT ON RESERVED ISSUES		DEPARTMENT / COURTROOM: HEARING DATE: 6/18/09 CONTINUATION DATE / TIME: n/a. RESPONDENT'S FILING FEE: <input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID	

**THE PARTIES AGREE TO THE FOLLOWING MATTERS, WHICH SHALL BE THE ORDERS OF THE COURT.**

- TEMPORARY ORDERS PENDING JUDGMENT OR FURTHER COURT ORDER (PENDENTE LITE)**  
The orders agreed to herein shall stay in effect until superseded by judgment or further order of Court, whichever first occurs, and all other orders made in this case shall remain in full force and effect except as otherwise provided herein.
- SETTLEMENT AGREEMENT**  
The orders agreed to herein shall be included in a judgment or further judgment to be filed herein.
- MODIFICATION**  
The orders agreed to herein modify the prior orders and/or the judgment made in this case. All other orders made in this case shall remain in full force and effect except as provided herein.  
The judgment in this case was filed on \_\_\_\_\_ . The last order modified hereby was filed on \_\_\_\_\_ .

**NOTICE AND OPPORTUNITY TO BE HEARD** (Mandatory for custody orders under FC53048a): The parties understand that they have the right to advance notice of court proceedings and an opportunity to be heard by the court, including the rights to present evidence, cross examine witnesses and argue, and by signing this agreement, waive any right to further notice and opportunity to be heard for the purpose of the validity of court orders made from this agreement.

**INSTRUCTIONS FOR USE OF THIS FORM:** This form is provided in three sections.

Part A (4 pages) includes this title page and a signature page which should be used in all cases, and also provides for agreements for restraining orders, attorney fees, judgment and other orders.

Part B (6 pages) provides for agreements for parentage, child custody and child, spousal and family support orders.

Part C (4 pages) provides for agreements for property division orders.

**USE ONLY THOSE PAGES THAT ARE NECESSARY FOR YOUR AGREEMENTS.**  
**NUMBER THE PAGES CONSECUTIVELY WITH THE SIGNATURE PAGE AT THE END.**  
**AFTER SIGNING, SEPARATE THE COPIES FROM THE ORIGINALS BEFORE SUBMITTING TO THE CLERK.**

IN RE: THE MATTER OF:

DATE 6/18/09	(NAME) PETITIONER: Daniel Giersch	CASE NUMBER SD 026 864
	(NAME) RESPONDENT: Kelly Giersch (Puthorford)	RELATED CASES (IF ANY):

700. SEPARATE STIPULATION RE WAIVER OF FINAL DECLARATION OF DISCLOSURE (FC52105, Optional):

The parties waive the requirements of FC52105a for service on the other of a final declaration of disclosure and make the following representations:

- (1) Both parties have complied with FC52104 and the preliminary declarations of disclosure have been completed and exchanged.
- (2) Both parties have completed and exchanged a current income and expense declaration, that includes all material facts and information regarding that party's earnings, accumulations, and expenses.
- (3) Both parties have fully complied with FC52102 and have fully augmented the preliminary declarations of disclosure, including disclosure of all material facts and information regarding the characterization of all assets and liabilities, the valuation of all assets that are contended to be community property or in which it is contended the community has an interest, and the amounts of all obligations that are contended to be community obligations or for which it is contended the community has liability.
- (4) This waiver is knowingly, intelligently, and voluntarily entered into by each of the parties.
- (5) Each party understands that this waiver does not limit the legal disclosure obligations of the parties, but rather is a statement under penalty of perjury that those obligations have been fulfilled. Each party further understands that noncompliance with those obligations will result in the court setting aside the judgment.

THE UNDERSIGNED DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FACTS STATED IN THE FORGOING WAIVER OF FINAL DECLARATION OF DISCLOSURE ARE TRUE AND CORRECT.

Date: \_\_\_\_\_

SIGN HERE FOR OPTIONAL DISCLOSURE WAIVER ONLY

	most recent
Petitioner	Respondent

750. OTHER ORDERS:

Daniel Giersch shall provide to Respondent's counsel, a copy of his VISA and his VISA APPLICATION, along with any supporting documentation submitted with the VISA APPLICATION that are in his custody, possession or control or that are in the custody, possession or control of his immigration attorney or any other 3<sup>rd</sup> party who made submission of same, by the close of business on Thursday, June 25, 2009. If the supporting materials for the VISA APPLICATION are not in the custody, possession or control of the parties named herein, a signed statement under penalty of perjury by

Petitioner

hired by Petitioner

IN RE. THE MATTER OF:

DATE 6/18/09	(NAME) PETITIONER: Daniel Giersch	CASE NUMBER SD 026 864
	(NAME) RESPONDENT: Kelly Giersch (Rutherford)	RELATED CASES (IF ANY):

800. ATTORNEY FEE ORDERS (FC55270-72, 2030-32, 7640):

- The issue of attorney's fees and costs for either party is reserved until further order of court.
- Petitioner  Respondent  Claimant shall pay to attorney for  Petitioner  Respondent  Claimant, as a contributory share of the payee's attorney fees and costs, the sum of \$ \_\_\_\_\_,  payable by \_\_\_\_\_  OR payable in installments of \$ \_\_\_\_\_ per month on the \_\_\_\_\_ day of each month commencing \_\_\_\_\_ and continuing until paid in full.
- If any \_\_\_\_\_ installments remain unpaid for \_\_\_\_\_ or more days after the due date, the entire remaining balance shall become immediately due and payable and shall bear interest at the legal rate from the date of default.
- Neither party shall be responsible for the attorney fees and costs of the other except as otherwise ordered herein or in any other court order.

850. OTHER ORDERS:

- 851.  Each of the parties shall, upon demand, execute and deliver all documents necessary to carry out the terms of this stipulation / agreement, and upon failure to do so, the court, upon appropriate application, may appoint the Clerk of the Superior Court as its commissioner to execute documents specified by court order (LASC Local Rule 3.0c).
- 852.  This agreement covers all matters in dispute in this hearing / Order to Show Cause / motion / trial.
- 853.  All issues not resolved by this agreement are reserved for determination at a further hearing or trial.
- 854.  This hearing / Order to Show Cause / motion / trial is continued to \_\_\_\_\_ at a.m./p.m. in Department \_\_\_\_\_.  On the following issues only:

900. ORDERS RELATING TO JUDGMENTS ONLY:

- 901.  The parties waive their rights to a trial and to notice of trial for the purpose of having the court grant a judgment pursuant to the terms of this agreement which may be heard by a court commissioner sitting as a judge pro tem.
- 902.  All parties waive the right to appeal, to request a statement of decision, and to move for a new trial.
- 903.  The parties were married on \_\_\_\_\_ and separated on \_\_\_\_\_.
- 904.  Respondent was served with the summons herein on \_\_\_\_\_ or first appeared herein on \_\_\_\_\_.
- 905.  The parties' marital status shall terminate upon filing of the judgment of dissolution unless a later date is specified here: \_\_\_\_\_ (FC552339-40).
- 906.  The parties are the parents of each minor child named in the petition or complaint filed herein and a judgment establishing the parent child relationship may be granted herein under the Uniform Parentage Act (FC57600-7730).
- 907. The attorney for the  Petitioner  Respondent, or that party if unrepresented, shall, within 10 days, prepare a judgment according to this agreement and submit it to the other party's attorney, or to the other party if unrepresented, for approval as to the form and content thereof and then file it with the court. If either party or attorney fails to prepare or approve the judgment, or file objections to it within 10 days of service, the other party or attorney may prepare and submit the judgment to the court with a proof of service on the other party or attorney. (See LA Local Rules 3.0, 14.7, CRC Rule 232e and CCP5664.6).
- 908.  The court is requested to sign this agreement to make these orders effective immediately as temporary orders pending the filing of the judgment. (Otherwise these agreements do not become orders until filing of the judgment)
- 909.  All prior orders made in this case shall terminate upon the filing of this agreement.
- 910.  \_\_\_\_\_

I HAVE READ AND I AGREE TO EACH PAGE OF THIS DOCUMENT. I UNDERSTAND THAT THESE AGREEMENTS ARE TO BE COURT ORDERS AND THAT WILLFUL VIOLATION OF COURT ORDERS MADE AS A RESULT OF THESE AGREEMENTS MAY SUBJECT THE PARTY IN VIOLATION TO CIVIL OR CRIMINAL PENALTIES, OR BOTH.

Petitioner	<del>Respondent</del> <i>Miriam Giersch</i>
<i>Felic T. Hallin</i>	<i>[Signature]</i>
Attorney for Petitioner	Attorney for Respondent

IT IS SO ORDERED.

CRAIG D. KARLAN

DATED: 6/18/09

*[Signature]*  
Judge of the Superior Court