

Name of Person Filing: GILLESPIE SHIELDS & DURRANT  
Your Address: 7319 N. 16<sup>th</sup> Street, Suite 100  
Your City, State, Zip Code: Glendale, Arizona 8520  
Your Telephone Number: (602) 870-9700  
ATLAS Number (if applicable): \_\_\_\_\_  
Attorney Bar Number (if applicable): David L. Goldfarb, Esq. #023230  
Representing: Respondent

MICHAEL K. JEANES, CLERK  
BY: \_\_\_\_\_ DEP

*S. Panicki*  
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## SUPERIOR COURT OF ARIZONA

RICHARD RIESS  
Name of Petitioner

Case No. FC 2011-093719

### PRELIMINARY INJUNCTION

AND

DESIREE TOMLIN RIESS  
nka DESIREE CAPUANO  
Name of Respondent

**WARNING: This is an official Order from the court. It affects your rights. Read this Order immediately and carefully. If you do not understand it, contact a lawyer for help.**

Your spouse has filed a "*Petition for Dissolution*" (Divorce) or "*Petition for Annulment*" or "*Petition for Legal Separation*" with the court. This Order is made at the direction of the Presiding Judge of the Superior Court of Arizona in Maricopa County. This Order has the same force and effect as any order signed by the judge. You and your spouse **must** obey this Order. This Order may be enforced by any remedy available under the law, including an "*Order of Contempt of Court*." To help you understand this Order, we have provided this explanation. Read the explanation and then read the statute itself. **If you have any questions, you should contact a lawyer for help.**

### EXPLANATION: (What does this Order mean to you?)

- ACTIONS FORBIDDEN BY THIS ORDER:** From the time the "*Petition for Dissolution*" (Divorce) or "*Petition for Annulment*" or "*Petition for Legal Separation*" is filed with the court, until the judge signs the Decree, or until further order of the court, both the Petitioner and the Respondent **shall not** do any of the following things:
  - ✓ You may **not** hide earnings or community property from your spouse, **AND**
  - ✓ You may **not** take out a loan on the community property, **AND**
  - ✓ You may **not** sell the community property or give it away to someone, **UNLESS** you have the written permission of your spouse or written permission from the court. The law allows for situations in which you may need to transfer joint or community property as part of the everyday running of a business, or if the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing, or court fees and attorney fees associated with this action. If this applies to you, you should see a lawyer for help, **AND**
  - ✓ Do **not** harass or bother your spouse or the children, **AND**
  - ✓ Do **not** physically abuse or threaten your spouse or the children, **AND**
  - ✓ Do **not** take the minor children, common to your marriage, out of the State of Arizona for any reasons, without a written agreement between you and your spouse or a Court Order, **before** you take the minor children out of the State.
  - ✓ Do **not** remove, or cause to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

**STATUTORY REQUIREMENTS:** Arizona Law, A.R.S. 25-315(A) provides:

- 1(a). **RESTRICTIONS ON PROPERTY OF THE MARRIAGE:** That both parties are enjoined from transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common or community property of the parties, **except** if related to the usual course of business, the necessities of life, or court fees and reasonable attorney fees associated with an action filed under this article, without the written consent of the parties or the permission of the court.
- 1(b). **REQUIREMENTS OF BEHAVIOR:** That both parties are enjoined from molesting, harassing, disturbing the peace, or committing an assault or battery on, the person of the other party or any natural or adopted child of the parties.
- 1(c). **RESTRICTIONS ABOUT YOUR MINOR CHILDREN:** That both parties are enjoined from removing any natural or adopted minor child(ren) of the parties, then residing in Arizona, from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.
- 1(d). **RESTRICTIONS ABOUT INSURANCE:** That both parties are enjoined from removing, or causing to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.
- 2. **EFFECTIVE DATE OF THIS ORDER:** This Order is effective against the person who filed for divorce, annulment, or legal separation (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served on the other party, or on actual notice of the Order, whichever is sooner. This Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Annulment, or Legal Separation.
- 3. **ORDER TO PETITIONER:** You **must** serve a copy of this Order upon the Respondent, along with a copy of the Petition for Dissolution, Annulment or Legal Separation, the Summons, and other required court papers.
- 4. **WARNING:** This is an official Court Order. If you disobey this Order, the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed by disobeying this Order.
- 5. **LAW ENFORCEMENT:** You or your spouse may file a certified copy of this Order with your local law enforcement agency. You may obtain a certified copy from the Clerk of the Court that issues this Order. If any changes are made to this Order and you have filed a certified copy of this Order with your local law enforcement agency, you **must** notify them of the changes.

**6. DESCRIPTION OF THE PARTIES:**

**Petitioner:**

Name: Richard Riess  
Date of Birth: 11-24-73

Gender: Male

**Respondent:**

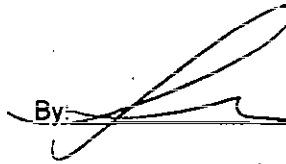
Name: Desiree Capuano  
Date of Birth: 10-01-80

Gender: Female

**AUG 24 2011**

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this \_\_\_\_\_ day of \_\_\_\_\_

Clerk of the Superior Court

By: 

S. PONICKI  
DEPUTY CLERK

