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5 ATTORNEY FOR PETITIONER

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 In re the Matter of:)

9 MAUREEN G. MULVANEY,)

10 Petitioner,)

11 and)

12 DAVID C. OLESEN,)

13 Respondent.)

No. FC2019-098271

**AMENDED PETITION FOR
CONTEMPT RE: GRANDPARENT
VISITATION**

(Assigned to the Hon. Lisa Wahlin)

14
15 **COMES NOW** Petitioner, MAUREEN G. MULVANEY, hereinafter
16 "Grandmother," pursuant to Rules 28, 91, and 92, *Arizona Rules of Family*
17 *Law Procedure*, and A.R.S. §25-414(A), and for her *Amended Petition for*
18 *Contempt re: Grandparent Visitation*, alleges as follows:

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1. An Agreement and Final Order Re Visitation (“Final Orders”) was signed on May 17, 2021, by the Honorable Rodrick J. Coffey of the Maricopa County Superior Court and entered by the Clerk on the same day.

2. Grandmother is the maternal grandmother, and Respondent, DAVID C. OLESEN, hereinafter “Father,” is the legal father, to two minor children, namely [REDACTED] age [REDACTED] and [REDACTED] [REDACTED] age [REDACTED].

3. Regarding visitation, the Final Orders state, in pertinent part as follows:

...

B. Visitation. The parties shall exercise the following visitation schedule:

1. Grandmother shall have unsupervised visitation with [REDACTED] commencing the Friday immediately preceding the first Saturday of every month starting at 5:00 p.m. on Friday through 7:00 p.m. the first Saturday of the month. Grandmother’s visitation shall commence Friday, April 30, 2021.

2. Grandmother shall have unsupervised visitation with [REDACTED] the first Saturday of every month starting at 9:00 a.m. through 7:00 p.m. Grandmother’s visitation shall commence Saturday, May 1, 2021.

.....

4. In the event that the weekend of the first Saturday of the month does not work for either party, the party with the

1 conflict shall reschedule no less than seven (7) days prior
2 to the commencement of the ordered visitation. The
3 parties are encouraged to reschedule as far in advance
4 upon awareness of any conflict with Grandmother's
5 visitation. In the event the visit must be rescheduled for
6 either party or for Children, the parties shall first make a
7 reasonable attempt to reschedule within the same month
8 as the missed visit. If the visit cannot be rescheduled
9 within the same month, Grandmother shall be entitled to
10 an additional visit in another month, at her choosing,
11 such that Grandmother will have a total of twelve (12)
12 visitation weekends with [REDACTED] and [REDACTED] in a
13 calendar year. All make up visitation shall be
14 memorialized via email between the parties. The calendar
15 year shall be defined as May 1st through April 30th of the
16 following year.

17 (See, Final Orders, pages 3-4, ¶B)

18 ...

19 **C. Communication Provisions with Children.** The Parties
20 shall exercise the following communication schedule:

1. Grandmother shall have not less than forty (40) video/telephone contacts with Children in any given calendar year, defined as May 1st through April 30th of the following year.
2. Grandmother shall have video/telephone contact with Children every Saturday at 9:00 a.m. that Grandmother does not have in-person visitation, unless a different day and time has been arranged in advance between the parties, memorialized in writing via email. If the video/telephone contact does not take place, the contact shall be rescheduled for the next earliest opportunity that Grandmother and Children are available.

(See, Final Orders, page 4, ¶C)

1 4. Father prevented Grandmother from exercising her scheduled
2 visitation for the weekend of February 3 – 4, 2023, as well as her scheduled
3 phone contact on February 11, 2023, and he has indicated an intent to
4 relocate the children out of Arizona such that future compliance with the
5 Final Orders is highly improbable.

6 **Friday, February 3, 2023**

7 5. On Friday, February 3, 2023, Grandmother received an email
8 from Father at 3:36 p.m. stating, “[t]he children will not be available for their
9 visitation this weekend.”

10 6. Father did not provide seven (7) days advanced notice nor offer to
11 reschedule Grandmother’s visitation as required by the Final Orders. Thus,
12 Grandmother drove to Father’s residence, located at 3123 S Don Carlos
13 Circle Mesa, AZ 85202, to pick up [REDACTED]

14 7. While at Father’s residence, Grandmother texted Father
15 requesting he send out [REDACTED] Father responded stating “I cannot do that
16 ... I am not even in the state.”

17 8. Grandmother called the Mesa Police Department to report
18 Father’s violation of the court order and to help confirm the location of the
19 children. When Mesa Police arrived at Father’s residence, they called Father,
20 who reported to the police he was “out of the state,” and the children were

1 with his wife in the Philippines.

2 **Saturday, February 4, 2023**

3 9. On Saturday, February 4, 2023, Grandmother received notice
4 Father had returned to his residence.

5 10. Grandmother drove to Father's residence, noticed his car was
6 parked out front, and texted him at 8:59 a.m. requesting he send [REDACTED]
7 out for visitation. Father responded stating the children were not there.

8 11. Grandmother contacted the Mesa Police Department again. Two
9 officers arrived and reviewed the Final Orders, then approached Father's
10 residence to check on the children and speak with Father. Father answered
11 the door and handed the officers his phone while on an active video call with
12 his wife, who reported she was in the Philippines with the children. The
13 officers reported Father's wife was in a hotel room, but it was unclear if she
14 was in the Philippines. They also reported that Father's wife told them 'she
15 did not want [Grandmother] coming to their house to pick up the children
16 so she left the country to go to the Philippines.'

17 12. The officers further reported that after ending the call with
18 Father's wife, Father notified them he had purchased a one-way ticket to the
19 Philippines for the children, indicating they would not be returning to the
20 United States.

1 13. Further, Grandmother discovered Father's home is in the process
2 of being sold. Upon information and belief, Father's residence is set to close
3 on Friday, February 10, 2023.

4 **Saturday, February 11, 2023**

5 14. Grandmother called Father's phone on Saturday, February 11,
6 2023, for her court-ordered phone contact with the children. Grandmother
7 made several attempts to contact Father, but he did not answer or respond.

8 15. Grandmother texted Father the same day requesting proof of the
9 whereabouts and well-being of the children. Father responded with photos
10 of the children in the Philippines. The photos showed the children at the Mall
11 of Asia on February 8, 2023.

12 **Contempt and Enforcement**

13 16. Grandmother does not know the details of Father's intent to
14 relocate. Prior to being told the children were in the Philippines without a
15 return flight purchased, the children made comments to Grandmother about
16 possibly moving to Kentucky.

17 17. Grandmother witnessed Father moving out of his Mesa residence
18 and believes the home has been sold.

19 18. Father is aware of the visitation and communication orders and
20 possesses the ability to comply with them. Father knowingly and willfully

1 disobeyed this Court's order for Grandmother's visitation and telephone
2 contact with the children, and he has implied taking future action that would
3 further impede his ability to comply with the orders.

4 19. If Father is moving, Father should be instructed to immediately
5 disclose his intended destination and new home address, as well as his
6 current contact information.

7 20. Pursuant to A.R.S. §25-414(A), Father should be found in
8 contempt of court for his knowing and willful failure to comply with this
9 court's order and he should be ordered to provide Grandmother with make-
10 up visitation time.

11 21. Further, if Father is moving with the children more than 50 miles
12 within Arizona, or out of state, a modification of the current orders may be
13 required to facilitate Grandmother's visitation time in the best interest of the
14 children.

15 22. Pursuant to A.R.S. §25-324, Grandmother is entitled to her
16 reasonable attorney's fees and costs incurred in this action. Father's failure
17 to comply with this Court's orders for Grandmother's visitation time is
18 unreasonable *per se*. But for Father's interference with her visitation time,
19 Grandmother would not have incurred any attorney's fees.

20 / / /

1 **WHEREFORE**, based upon the foregoing allegations, it is hereby
2 respectfully requested that this Honorable Court order Father to appear and
3 show cause why, if any he may have, the Court should not enter the following
4 orders:

5 A. Issue an Order to Appear requiring Father's personal
6 appearance pursuant to Rule 92, *Arizona Rules of Family Law Procedure*.

7 B. Pursuant to A.R.S. §25-414(A), find Father in contempt of court
8 for his failure to comply with the Final Orders.

9 C. Order Father to facilitate make-up visitation time for
10 Grandmother.

11 D. Order Father to disclose the current location of the children,
12 his new home address, and current contact information.

13 E. Award Grandmother her reasonable attorney's fees and costs
14 incurred herein.

15 F. Enter such further and other relief as deemed just and proper
16 under the premises.

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FROM SMITH & GADOW, PC
2201 E. CAMELBACK ROAD
SUITE 650
PHOENIX, AZ 85016

RESPECTFULLY SUBMITTED this 17th day of February, 2023.

FROM SMITH & GADOW, P.C.



Christopher Torrenzano
2201 E. Camelback Road, Ste. 650
Phoenix, AZ 85016
Attorney for Petitioner

ORIGINAL of the foregoing e-filed with the
Clerk of the Maricopa County Superior
Court this 17th day of February, 2023.

COPY of the foregoing delivered
this 17th day of February, 2023, to:

Judge Lisa Wahlin
Maricopa County Superior Court

COPY of the foregoing emailed
this 17th day of February, 2023, to:

David C. Olesen
EMAIL: dauidyesdude@gmail.com
Respondent, *in propria persona*



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AMENDED PET4CONTEMPT (FINAL).DOCX/cjt

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DECLARATION

MAUREEN MULVANEY hereby declares under the penalty of perjury that she is the Petitioner named in the foregoing Petition for Contempt re: Grandparent Visitation; that she has read and knows the contents thereof and that the matters and things therein stated are true except as to those matters therein stated upon information and belief, and as to such matters, she believes them to be true.

Maureen Mulvaney

MAUREEN MULVANEY

FROM SMITH & GADOW, PC
2201 E. CAMELBACK ROAD
SUITE 650
PHOENIX, AZ 85016

From: pasupport@courts.az.gov
Subject: Submission Delivered
Date: Friday, February 17, 2023 12:03:01 PM

Dear Christopher J. Torrenzano:

This email verifies the receipt of 2 documents submitted by you to Maricopa County Superior Court on 02/17/2023 12:02:49 PM.

IMPORTANT: Except for the Superior Court in Maricopa County and Pima County, if you have filed into a Family, Probate, or Guardianship case, and a filing fee is normally assessed for the document filed, you must contact the Clerk's Office immediately to make payment. Your submission will not be accepted until payment has been made.

Case #:	FC2019098271
Case Style:	Mulvaney Vs. Olesen
Document Title:	Enforce Petition to Enforce - Other Order Proposed Order/Judgment
Matter #:	Mulvaney
Memo:	
Total Filing Fee:	\$0.00
Total Application Fee:	\$6.50
eService Fee:	\$0.00
3% Payment Processing Fee:	\$0.20
Total Fee:	\$6.70
Paid By:	Pay By Credit/Debit Card
Total Paid:	\$6.70
Receipt #:	8120722340833166
EFSP Filing ID:	1893290
EFM Submission ID:	2780131

You will receive a follow-up email when your filing has been docketed with the Clerk.

This is a non-monitored email. Do not reply directly to it. If you have any questions about this filing please contact AOC support at pasupport@courts.az.gov or call 602-452-3519 or 800-720-7743.

Thank you,
Arizona eCourt Services