

DAVID C. OLESEN
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

IN RE THE MATTER OF:

No. FC2019-098271

MAUREEN G. MULVANEY,

Petitioner,

MOTION TO DISMISS

and

DAVID C. OLESEN,

Respondent,

and

ILYN OCANG OLESEN,

Respondent,

(ASSIGNED TO THE HON. LISA WAHLIN)

NOTICE IS HEREBY GIVEN that Respondent, DAVID C. OLESEN, alleges that the claims for relief stated in the Petition, **AMENDED PETITION FOR CONTEMPT RE: GRANDPARENT VISITATION**, filed on February 17th 2023 by MAUREEN G MULVANEY, are, or may be, barred by reason of:

 X Failure to state a claim upon which relief can be granted

For Respondent's Answer to MAUREEN G. MULVANEY's Petition, **AMENDED PETITION FOR CONTEMPT RE: GRANDPARENT VISITATION**, DAVID C. OLESEN admits, denies and alleges as follows:

1. Allegations in paragraph ONE

 X ADMIT as true Deny State I have insufficient information to determine whether true or false.

2. Allegations in paragraph TWO

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

3. Allegations in paragraph THREE

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

4. Allegations in paragraph FOUR

☐ ADMIT as true ☒ Deny ☐ State I have insufficient information to determine whether true or false.

5. Allegations in paragraph FIVE

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

6. Allegations in paragraph SIX

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

7. Allegations in paragraph SEVEN

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

8. Allegations in paragraph EIGHT

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

9. Allegations in paragraph NINE

☐ ADMIT as true ☐ Deny ☒ State I have insufficient information to determine whether true or false.

10. Allegations in paragraph TEN

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

11. Allegations in paragraph ELEVEN

☐ ADMIT as true ☒ Deny ☐ State I have insufficient information to determine whether true or false.

12. Allegations in paragraph TWELVE

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

13. Allegations in paragraph THIRTEEN

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

14. Allegations in paragraph FOURTEEN

☒ ADMIT as true ☐ Deny ☐ State I have insufficient information to determine whether true or false.

1 15. Allegations in paragraph FIFTEEN

2 ☒ ADMIT as true ☐ Deny ☐ State I have insufficient information
3 to determine whether true or false.

4 16. Allegations in paragraph SIXTEEN

5 ☐ ADMIT as true ☐ Deny ☒ State I have insufficient information
6 to determine whether true or false.

7 17. Allegations in paragraph SEVENTEEN

8 ☐ ADMIT as true ☐ Deny ☒ State I have insufficient information
9 to determine whether true or false.

10 18. Allegations in paragraph EIGHTEEN

11 ☐ ADMIT as true ☒ Deny ☐ State I have insufficient information
12 to determine whether true or false.

13 19. Allegations in paragraph NINETEEN

14 ☐ ADMIT as true ☒ Deny ☐ State I have insufficient information
15 to determine whether true or false.

16 20. Allegations in paragraph TWENTY

17 ☐ ADMIT as true ☒ Deny ☐ State I have insufficient information
18 to determine whether true or false.

19 21. Allegations in paragraph TWENTY ONE

20 ☐ ADMIT as true ☐ Deny ☒ State I have insufficient information
21 to determine whether true or false.

22 22. Allegations in paragraph TWENTY TWO

23 ☐ ADMIT as true ☒ Deny ☐ State I have insufficient information
24 to determine whether true or false.

25 **RESPONDENTS ALLEGATIONS**

26 23. ILYN OLESEN is a natural born citizen of The Philippines.

27 24. A standing oral agreement between ILYN OLESEN and DAVID OLESEN has existed since marriage on
28 June 8th 2019 that at any time should ILYN OLESEN wish to return to the Philippines, for any reason, that
DAVID OLESEN would not prevent ILYN OLESEN from leaving the United States and would facilitate
ILYN OLESEN's return in a timely manner AND should they, ILYN OLESEN and DAVID OLESEN,
have any children together, those children would go with ILYN OLESEN, without question.

29 25. ILYN OLESEN is the Legal Mother of MATTHEW OLESEN, MIKAYLA OLESEN, and DANIEL
OLESEN and may travel with them with the consent of DAVID OLESEN.

- 1 26. It is unreasonable for me to withhold consent for ILYN OLESEN to travel with MATTHEW OLESEN,
2 MIKAYLA OLESEN, and DANIEL OLESEN to The Philippines.
- 3 27. The existing Agreement between DAVID OLESEN and MAUREEN G MULVANEY, AGREEMENT
4 AND FINAL ORDER RE VISITATION RULE 69 AGREEMENT, does not provide for imposing any
5 restrictions on my ability to give consent for ILYN OLESEN to travel with MATTHEW OLESEN and
6 MIKAYLA OLESEN or disclose the location or address thereof.
- 7 28. On February 1st 2023, DAVID OLESEN, at the time of giving consent for ILYN OLESEN to travel with
8 MATTHEW OLESEN, MIKAYLA OLESEN, and DANIEL OLESEN to The Philippines, presumed ILYN
9 OLESEN and the children, would eventually return to the United States.
- 10 29. It would be unlawful for me to prevent ILYN OLESEN from traveling to The Philippines
- 11 a. A.R.S. §13-1303. Unlawful imprisonment; classification; definition
- 12 A. A person commits unlawful imprisonment by knowingly restraining another person.
- 13 30. Although joined to this case, I have no ability to negotiate anything, regarding MATTHEW OLESEN and
14 MIKAYLA OLESEN, with MAUGREEN G. MULVANEY without the consent of ILYN OLESEN, the
15 Legal Mother of MATTHEW OLESEN and MIKAYLA OLESEN.
- 16 31. As admitted in the **MOTION FOR JOINDER OF THIRD PARTY RESPONDENT: ILYN OCANG**
17 **OLESEN**, filed May 3rd 2023 by Petitioner MAUREEN G. MULVANEY, **Introduction**, ...“If Adoptive
18 Mother is not joined as a party, the Court is unable to accord relief amongst the parties and enforce
19 Grandmother’s visitation and contact with the children”...
- 20 32. While joined to the case, ILYN OLESEN is no longer participating as required.
- 21 33. ILYN OLESEN is not a party to **AGREEMENT AND FINAL ORDER RE VISITATION RULE 69**
22 **AGREEMENT**, ordered May 17th 2021.
- 23 34. ILYN OLESEN, DANIEL OLESEN, MATTHEW OLESEN, and MIKAYLA OLESEN do not reside in
24 the jurisdiction of Maricopa County, Arizona in the United States of America and have not since February
25 3rd 2023.
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- 1 35. Petitioner MAUREEN G. MULVANEY is aware that on May 23rd 2023, ILYN OLESEN, filed for full
2 custody of DANIEL OLESEN, MATTHEW OLESEN and MIKAYLA OLESEN in The Philippines, and if
3 granted, I will have no authority to remove DANIEL OLESEN, MATTHEW OLESEN and/or MIKAYLA
4 OLESEN from The Philippines and return them to the United States.
- 5 36. MAUREEN G. MULVANEY is not a legal parent or guardian of either MATTHEW OLESEN or
6 MIKAYLA OLESEN and does not have the protections or privileges as a legal parent or guardian.
- 7 37. MAUREEN G. MULVANEY has repeatedly made allegations that have led to the involvement of law
8 enforcement and child protective services, all of which have been intrusive and disruptive and all of which
9 found no evidence of the children ever being in any danger of physical or mental abuse.
- 10 38. ILYN OLESEN left the United States with DANIEL OLESEN, MATTHEW OLESEN and MIKAYLA
11 OLESEN, for fear of unreasonable allegations and the unnecessary involvement of law enforcement and or
12 child protective services that would lead to MAUREEN G. MULVANEY to knowingly restrain ILYN
13 OLESEN from traveling to the Philippines with DANIEL OLESEN, MATTHEW OLESEN and
14 MIKAYLA OLESEN.
- 15 39. The existing Agreement between DAVID OLESEN and MAUREEN G MULVANEY, **AGREEMENT**
16 **AND FINAL ORDER RE VISITATION RULE 69 AGREEMENT** is effective for Three (3) years after
17 May 1st 2021 and set to expire April 30th 2024 and at such time MAUREEN G. MULVANEY will have
18 missed 15 visitation days and 46 phone calls.
- 19 40. I am aware of the visitation and communication orders and NO NOT possesses the ability to comply with
20 them unless I am physically with MATTHEW OLESEN and MIKAYLA OLESEN in the United States.
- 21 41. I am aware of the visitation and communication orders and NO NOT possesses the ability to comply with
22 them unless ILYN OLESEN, DANIEL OLESEN, MATTHEW OLESEN, and MIKAYLA OLESEN return
23 to the United States.
- 24 42. As of this day, February 5th 2024, I know ILYN OLESEN, DANIEL OLESEN, MATTHEW OLESEN, and
25 MIKAYLA OLESEN are NOT returning to the United States.
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1 43. Without ILYN OLESEN, MATTHEW OLESEN, and MIKAYLA OLESEN being within the jurisdiction
2 of the United States, I am NOT aware of any enforceable order this court may grant that may provide relief
3 for the Petitioner's claims.

4 44. Grandmother, MAUREEN G. MULVANEY, cannot be entitled to attorney's fees or costs, Pursuant to
5 A.R.S. §25-414(C), because MAUREEN G. MULVANEY is NOT a parent of MATTHEW OLESEN
6 and/or MIKAYLA OLESEN.

7
8 Respondent's GENERAL DENIAL: Respondent denies anything stated in the Petition that Respondent has not
9 specifically admitted, qualified, or denied.

10 **PETITIONERS REQUESTS**

A. Request A	<input type="checkbox"/> GRANT	<input checked="" type="checkbox"/> DENY
B. Request B	<input type="checkbox"/> GRANT	<input checked="" type="checkbox"/> DENY
C. Request C	<input type="checkbox"/> GRANT	<input checked="" type="checkbox"/> DENY
D. Request D	<input type="checkbox"/> GRANT	<input checked="" type="checkbox"/> DENY
E. Request E	<input type="checkbox"/> GRANT	<input checked="" type="checkbox"/> DENY
F. Request F	<input type="checkbox"/> GRANT	<input checked="" type="checkbox"/> DENY

