

Republic of the Philippines
SUPREME COURT
Eighth Judicial Region
REGIONAL TRIAL COURT
Branch 11
Columbian, Leyte

MAUREEN G. MUELVANEY,
Petitioner.

SP. PROC. CASE NO. SP-CN-188

— VERSUS —

SPOUSES DAVID AND
ILYN OCANG OLESEN,
Respondent.

X

SUMMONS

TO:

SPS. DAVID and ILYN OCANG OLESEN
Block 2, Lot 15, Camella Homes,
Brgy. Tambulid, Ormoc City, and/or

Silia Punod Gamay, Brgy. Tinago
San Isidro, Leyte, and/or

2616 Hackworth St.
Ashland, Kentucky, USA 41101

GREETINGS:

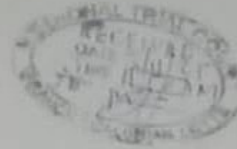
You are hereby required, within thirty (30) days after service of this Summons upon you, to file with this Court and serve on the petitioner your answer to the Petition, copy of which is hereto attached, together with the annexes. You are reminded of the provision in the IBP-OCA Memorandum on Policy Guidelines dated March 12, 2002 to observe restraint in filing a motion to dismiss and instead allege the grounds thereof as defenses in the answer. Furthermore, your answer should comply with new provisions of Sec. 6, Rule 7 of the 2019 Amendments to the 1997 Rules of Civil Procedure. If you fail to answer within the time fixed, the petitioner will take judgment by default and may be granted the relief applied for in the said petition.

2025. **WITNESS** my hand under the seal of the Court, this 19th day of March


ATTY. MARCELIANA F. YAP-APACIBLE
Clerk of Court VI

PHOTOCOPY:
EXTRA COPY

Republic of the Philippines
Eighth Judicial Region
REGIONAL TRIAL COURT
Branch 11
Municipality of Calubian



MAUREEN G. MULVANEY,
Petitioner,

-versus-

Case No. CP-CR-188

**SPOUSES DAVID AND
ILYN OCANG OLESEN,**
Respondent.

X-----X

**PETITION FOR RECOGNITION OF
FOREIGN JUDGMENT/ORDER**

Petitioner, through counsel, and unto this Honorable Court,
respectfully states:

I. NATURE AND PURPOSE OF PETITION

1. This is a Petition for Recognition and Enforcement of Foreign Judgment pursuant to Rule 39, Section 48 of the 1997 Rules of Civil Procedure, seeking to recognize and enforce the **Minute Entry Orders** for by the Superior Court for the State of Arizona in and for the County of Maricopa.

II. PARTIES

2. Petitioner is Maureen G. Mulvaney, of legal age and resident of 16026 36th St., Phoenix, AZ 85048-7322. She may be served with notices, orders and other processes of this Honorable Court through undersigned legal counsel/Attorney-in-fact, with office address at Lumbre Mapa Reli Law and Notarial Office, Unit 1 KYD Bldg. Lot 4 Malaki Subdivision, Brgy. 91 Abucay, Tacloban City.

3. Respondents are Spouses David Charles Olesen and Ilyn Ocang

2616 Hackworth St., Ashland, Kentucky, USA 41101 with email address at davidyesdude@gmail.com and Ilyn Ochang Olesen's family residence is Sitio Punod Gamay, Brgy. Tinago, San Isidro, Leyte. David and Ilyn Olesen also maintain residence at Block 2, Lot 15, Camella Homes, Brgy. Tambulilid, Ormoc City, Leyte, Philippines, where they may be served with notices, orders and other processes of this Honorable Court.

III. STATEMENT OF MATERIAL FACTS AND COMPLIANCE WITH REQUIREMENTS

1. Petitioner, MAUREEN G. MULVANEY is the Petitioner in the case docketed as FC 2019-098271 before the Superior Court of Arizona, Maricopa County;
2. On February 14, 2023, Petitioner filed a Petition for Contempt against respondents David and Ilyn Olesen for violating the Agreement and Final Order RE Visitation issued by the Superior Court of Arizona, Maricopa County on May 17, 2021;
3. In the course of the proceedings, Petitioner applied for the payment of attorneys fees and costs which the court granted in two Minute Entry resolutions dated May 30, 2024 and August 7, 2024 respectively;
4. In its Minute Entry resolution dated May 30, 2024, the court stated:

"IT IS ORDERED granting Petitioner's Application for *Attorney's Fees and Costs* and awarding Petitioner his attorney fees and costs in the amount of \$1,979.00.

IT IS FURTHER ORDERED that the attorney fees award totaling \$1,979.00 is hereby reduced to a judgment against Respondents and in favor of Petitioner. The judgment amount shall accrue at the rate of 9.50% until the judgment amount is fully paid."

5. Meanwhile, in its Minute Entry resolution dated August 7,

"IT IS ORDERED granting Petitioner's Application for Attorney's Fees and Costs and awarding Petitioner her attorney fees and costs in the amount of \$978.66.

IT IS FURTHER ORDERED that the attorney fees award totaling \$978.66 is hereby reduced to a judgment against Respondents and in favor of Petitioner. The judgment shall be paid within 60 days from the filing of this Order/Judgment. If the judgment amount is not timely paid, interest shall accrue at the rate of 9.50% beginning on the 61st day and shall continue to accrue until the judgment amount is fully paid."

6. To date, Respondents have not paid both judgment amounts.

IV. GROUNDS FOR PETITION

This Petition for Recognition and Enforcement of Foreign Judgment is filed pursuant to Rule 39, Section 48 of the 1997 Rules of Civil Procedure:

Section 48. Effect of foreign judgments or final orders. — The effect of a judgment or final order of a tribunal of a foreign country, having jurisdiction to render the judgment or final order is as follows:

- (a) In case of a judgment or final order upon a specific thing, the judgment or final order, is conclusive upon the title to the thing, and
- (b) In case of a judgment or final order against a person, the judgment or final order is presumptive evidence of a right as between the parties and their successors in interest by a subsequent title. (emphasis supplied)

Sections 24 and 25 of Rule 132 of the Rules on Evidence further requires:

Section 24. Proof of official record. — The record of public documents referred to in paragraph (a) of Section 19, when

publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office.

Section 25. What attestation of copy must state. — Whenever a copy of a document or record is attested for the purpose of evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

All these requisites laid down by the law for the recognition of foreign orders or judgment have been complied with.

V. DISCUSSION

The Minute Entry Orders were issued in accordance with the Arizona Rules of Family Law Procedure

Rule 78- Judgment, Attorney Fees, Costs, and Expenses of the Arizona Rules of Family Law Procedure state:

(e) Attorney Fees, Costs, and Expenses.

(1) **Asserting a Claim for Attorney Fees, Costs, and Expenses.** A claim for attorney fees, costs, and expenses must be made in the pleadings or by motion filed before trial or a post-judgment evidentiary hearing. A claim for attorney fees, costs, and expenses must also be included in any

and expenses not made in compliance with this subpart is waived absent good cause shown.

(2) Establishing a Claim. The claim must be supported by an itemized affidavit or exhibits submitted as directed by the court, or, in the court's discretion, by testimony.

(3) Time of Determination. The determination of attorney fees, costs, and expenses must be included in the judgment or as otherwise ordered by the court. If a party asserts a claim for attorney fees, costs, and expenses under subpart (e)(1), and a judgment is entered under this rule that omits a ruling on the claim, the claim is deemed denied unless the party files a timely Rule 83 motion within 15 days after entry of the judgment"

Rule 57 - Depositions by Oral Examination of the Arizona Rules of Family Law Procedure likewise provides:

(g) Failure to Attend a Deposition or Serve a Subpoena; Expenses. A party who attends a noticed deposition in person or by an attorney may recover reasonable expenses for attending, including attorney fees, if the noticing party failed to: **(1) attend and proceed with the deposition;** or **(2) serve a subpoena** on a nonparty deponent, who did not attend as a result of the lack of service. (emphasis supplied)

On two occasions, Respondent Ilyn Ochang Olesen failed or refused to attend the scheduled deposition on October 10, 2023 and May 17, 2024.

Pursuant to her said failure to attend these depositions, the Court issued the Minute Entry Orders directing respondents to pay the attorneys fees and costs.

Requisites for proving
the foreign law and for
recognition of foreign
judgment have been
complied with

In compliance with the Rules of Court, a certified true copy of the excerpt from the official publication of the Arizona Family Law Procedure is hereto attached and made an integral part of the Petition.

Certified true copies of the Minute Entry Orders of the Superior Court of Arizona issued by the Clerk of Superior Court and authenticated by means of Apostille by the secretary of State for the State of Arizona, United States of America are attached to the petition.

VI. SUMMARY OF WITNESSES AND INTENDED TESTIMONY

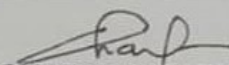
1. Petitioner Maureen G. Mulvaney will testify to prove the existence and validity of the minute entry orders issued by the foreign court of Arizona and the relevant foreign law, to testify to the circumstances of this case, to prove and identify the relevant documents.

PRAYER

WHEREFORE, Petitioner most respectfully prays that this Honorable Court issues an order:

1. Recognizing the Minute Entry Orders issued by the Superior Court of Arizona on May 30, 2024 and August 7, 2024;
2. Enforcing and giving full effect to the above-stated orders, directing respondents to pay the judgment costs plus interest;
3. Award payment of costs of litigation and attorney's fees to Petitioner on account of the bad faith of the Respondents which compelled the filing of this case.

respectfully submitted this December 6, 2024.


CHARMAINE JOY V. LUMBRE
COUNSEL FOR PETITIONER

Attorney-in-fact

Roll of Attorneys No. 64028

PTR No. 8484570 1-09-2024 issued at Tacloban City

IBP Lifetime Member Roll No. 019108

MCLE Compliance No. VII-0015270 issued on 4-11-22

Lumbre Mapa Reli Law and Notarial Office

Unit 1 KYD Bldg. Lot 4 Malaki Subd.

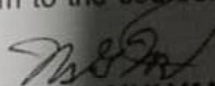
Brgy. 91 Abucay, Tacloban City

lumbremapareli@gmail.com/09396434948

VERIFICATION AND CERTIFICATE OF NON FORUM SHOPPING

I, **MAUREEN G. MULVANEY**, of legal age, single, of legal age, American Citizen, and with residence and postal address at 16026 S 36th St. Phoenix, AZ 85048-7322, after having been duly sworn in accordance with law, depose and state that:


1. I am the Petitioner in the above-stated case and I caused the preparation of the foregoing Petition;
2. I have read and understood its contents and the allegations in the pleading are true and correct based on my personal knowledge, or based on authentic documents;
3. The Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. Petitioner has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of our knowledge, no such other action or claim is pending therein, if there is such other pending action or claim, a complete statement of the present status thereof; and
6. If I should thereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five (5) calendar days therefrom to the court/office wherein our aforesaid Complaint has been filed.


MAUREEN G. MULVANEY
Affiant

SUBSCRIBED AND SWORN to before me this December 6, 2024 in the City of Tacloban, Philippines, affiant exhibiting to me her competent proof of identity as indicated above.

Doc No. 492
Page No. 100
Book No. XII
Series of 2024




RHEA P. RELI

Notary Public, Tacloban City, Philippines

My Commission Expires: December 31, 2024

My Notary No. is: 017343

My Notary No. is: 017343

My Notary No. is: 017343

My Notary No. is: 017343

My Notary No. is: 017343

Republic of the Philippines
Eighth Judicial Region
REGIONAL TRIAL COURT
Branch 11
Municipality of Calubian

MAUREEN G. MULVANEY,
Petitioner,

Case No. SPCN-188

-versus-

**SPOUSES DAVID AND
ILYN OCANG OLESEN,**
Respondent.

x-----x

JUDICIAL AFFIDAVIT

PRELIMINARY STATEMENT

I, **MAUREEN G. MULVANEY** of legal age, American Citizen, and a resident of 16026 36th St., Phoenix, AZ 85048-7322, do hereby execute this judicial affidavit in connection with the above-entitled case, in question and answer form, conducted by **ATTY. CHARMAINE JOY LUMBRE** at her office located at KYD Bldg. situated at Lot No. 04, Malaki Subdivision, Barangay 91, Abucay, Tacloban City on December 7, 2024. I am doing so under oath and that I may face criminal liability for false testimony or perjury.

PURPOSE OF TESTIMONY

The testimony of **MAUREEN G. MULVANEY** is being offered to prove:

1. That she is one of the parties to the case docketed as FC2019-098271;
2. That in the said case, the Court of Arizona issued Minute Entry Orders directing respondents to pay attorneys fees and costs;
3. That the Minute Entry Orders were validly issued in accordance with Arizona laws;
4. To identify relevant documents and testify on collateral matters in support of the Petition.

Q1: Please state your name, age, address and occupation.

A1: I am Maureen G. Mulvaney, of legal age, with residence address at 16026 36th St., Phoenix, AZ 85048-7322. I am a motivational speaker.

Q2: Why are you filing this petition?

A2: I am filing this petition in order to have the Minute Entry Orders issued by the Superior Court of Arizona for the payment of attorneys fees and costs recognized and enforced in the Philippines.

Q3: What are these Minute Entry Orders about?

A3: These Minute Entry Orders were issued by the Superior Court of Arizona in the proceedings for my Petition for Contempt against Respondents David and Ilyn Ocang Olesen. In these orders, the court ordered respondents to pay the amounts of \$1,979.00 with and \$978.66 with interest.

Q4: What are these attorneys fees and costs for?

A4: These were for the expenses arising from the depositions missed by Ilyn Ocang Olesen. The Minute Entry order dated May 30, 2024 was for the missed deposition on October 10, 2023 and the Minute Entry Order dated August 7, 2024 was for the missed deposition on May 17, 2024. These expenses were incurred due to Ilyn Ocang Olesen's deliberate failure to attend her scheduled deposition, without prior notice, causing significant setbacks and delays to the respondent, attorney, and court reporter.

Q5: If I showed you a copy of the Minute Entry Orders will you be able to recognize it?

A5: Yes.

Q6: I am showing to you two documents denominated as Minute Entry Order dated May 30, 2024 and Minute Entry Order dated August 7, 2024, respectively, both issued by the Superior Court of Arizona, Maricopa County. How are these related to the ones you mentioned earlier?

A6: Those are certified true copies issued by the Superior Court of Arizona of the Minute Entry Orders which I was talking about.

~~Manifestation:~~ We respectfully request that Minute Entry Orders be marked as Petitioner's Exhibit "A" and "B"

Q7: Why do you need to have these Minute Entry Orders issued by the court of Arizona recognized and enforced here in the Philippines?

A7: Because despite multiple court orders, the respondents have willfully refused to make the required payments and have strategically relocated to three different jurisdictions across two continents in a blatant attempt to mislead, obstruct, and evade the authority of the Arizona Superior Court. Now residing in the Philippines—beyond the court's jurisdiction—they continue their calculated efforts to avoid accountability for their intentional failure to attend depositions.

Q8: Where are they based?

A8: Based on the pleadings filed by Ilyn Ochang Olesen for a different case, she is based in Sitio Punod Gamay, Brgy. Tinago, San Isidro, Leyte. However, I also have information that she, along with David Olesen and their children, actually reside at Block 2, Lot 15, Camella Homes, Brgy. Tambulilid, Ormoc City, Leyte, Philippines. Ilyn Ochang Olesen has deliberately refused to provide her exact address in an ongoing effort to mislead the Arizona court, the Kentucky court, and the Philippine court. We just learned of the Ormoc address by chance.

Q9: What is the law of Arizona regarding award of attorneys fees and cost against litigants?

A10: Under *Rule 57 - Depositions by Oral Examination* of the Arizona Rules of Family Law Procedure, a party who attends a noticed deposition in person or by an attorney may recover reasonable expenses for attending, including attorney fees, if the noticing party failed to attend and proceed with the deposition.

Q11: What proof do you have that this is the prevailing law in Arizona, United States?

A11: I have here a photocopy from the official copy of the Arizona Rules of Family Law Procedure. This is an official publication of Arizona Court Rules, Arizona Rules of Family Law Procedure 2024 Edition which I will be presenting to the court during the course of the trial.

Manifestation: We respectfully request that an excerpt of the Arizona Rules of Family Law Procedure be marked as Petitioner's Exhibit "C."

Q12: Why did you include this in your petition?

A12: I included it to prove that the Minute Entry orders of the Superior Court for the State of Arizona in and for the County of Maricopa were issued in accordance with the foreign law in Arizona.

Q13: What do you pray from this court?

A13: I pray that the Honorable Court grants my petition, recognizes and enforce Minute Entry Orders directing the respondents to pay the judgment amount plus interest.

Q15: Are you willing to affix your signature here in order to prove that you have voluntarily made this affidavit and also understood what it means?

A15: Yes.

Q16: Are you aware that you are making these statements under oath and that you may face criminal liability for false testimony or perjury?

A16: Yes.

Q17: What else do you want to say, if any?

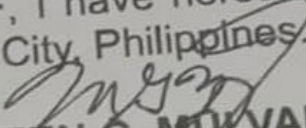
A17: There is none.

-----END-----

ATTESTATION OF WITNESS

I, **MAUREEN G. MULVANEY**, of legal age, single, of legal age, American Citizen, and with residence and postal address at 16026 S 36th St. Phoenix, AZ 85048-7322, with legal capacity and competence to comprehend without any vice of consent, hereby attest to have voluntarily and truthfully made the answers to the foregoing questions.

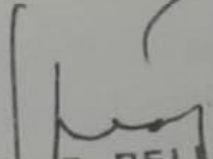
IN WITNESS WHEREOF, I have hereunto affixed my signature this December 7, 2024 in Tacloban City, Philippines.


MAUREEN G. MULVANEY
Affiant

SUBSCRIBED AND SWORN to before me on this December 7, 2024 in Tacloban City, Philippines with the affiant having exhibited to me competent evidence of identity, and she is the same person who personally signed the foregoing Judicial Affidavit before me and acknowledged that she executed the same.

Doc No. 493
Page No. 100
Book No. XII
Series of 2024.




RHEA P. RELI
Notary Public until December 31, 2024
Com. No. 01714-01-17
Roll No. 01714
IB: 01714
MCLE No. 01714
Unit 1, KYD Bldg., Lot 1, Matala Subd.,
Brgy. 91 Abucay, Tacloban City, PH

LAWYER'S SWORN ATTESTATION

I, **CHARMAINE JOY V. LUMBRE**, Filipino, of legal age, single, a member in good standing of the Integrated Bar of the Philippines, Leyte Chapter and with office address at KYD Bldg. situated at Lot No. 04, Malaki Subdivision, Barangay 91, Abucay Tacloban City, hereby depose under oath that:

I have faithfully recorded or caused to be recorded the questions I have asked to the above witness and the corresponding answer that the witness gave; and

I have not nor any other person present, assisted or coached the witness regarding the latter's answer.

IN WITNESS WHEREOF, I have hereunto affixed my signature
this, DEC 07 2024, 2024, in Tacloban City, Philippines.

CHARMAINE JOY V. LUMBRE

Affiant

IBP ID Roll of Attorney's No. 64028

SUBSCRIBED AND SWORN to before me this
DEC 07 2024 2024, affiant showing to me her competent
proof of identity as indicated above.

Doc. No.: 494
Page No.: 100
Book No.: XIII
Series of 2024



RHEA P. RELI

Notary Public until December 31, 2024
Commission No. 2073 01-17
Roll No. 17411
MCLE No. VII-0015274
Unit 1 KYD Bldg., Lot No. 4, Malaki Subd.,
Brgy. 91 Abuyan, Tugloban City, Negros

FC 2019-098271

05/30/2024

HONORABLE LISA S. WAHLIN

CLERK OF THE COURT
J. Calkins
Deputy

IN RE THE MATTER OF
MAUREEN G MULVANEY

CHRISTOPHER J TORRENZANO

AND

DAVID C OLESEN

DAVID C OLESEN
2616 HACKWORTH ST
ASHLAND KY 41101

ILYN OCANG OLESEN

ILYN OCANG OLESEN
SITIO PUNOD GAMAY
BRGY TINAGO, SAN ISIDRO
LEYTE
PHILIPPINES

KARI RUSK
P O BOX 1439
MARICOPA AZ 85139
DOCKET FC
JUDGE WAHLIN

MINUTE ENTRY

The Court has considered Petitioner's *Application for Attorney's Fees and Costs* filed April 25, 2024. Respondents did not file a response.

IT IS ORDERED granting Petitioner's *Application for Attorney's Fees and Costs* and awarding Petitioner his attorney fees and costs in the amount of \$1,979.00.

Docket Code 903

Form D000D

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2019-098271

05/30/2024

IT IS FURTHER ORDERED that the attorney fees award totaling \$1,979.00 is hereby reduced to a judgment against Respondents and in favor of Petitioner. The judgment amount shall accrue at the rate of 9.50% until the judgment amount is fully paid.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 78(c), Arizona Rules of Family Law Procedure.

Lisa S. Wahl

HONORABLE LISA S. WAHLIN
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: https://superiorcourt.maricopa.gov/lrc/fc_gn9/.

UNITED STATES OF AMERICA
STATE OF ARIZONA

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America
Pays / Pais:

This Public Document
Le présent acte public / El presente documento público

2. has been signed by: Jeff Fine
à été signé par
ha sido firmado por

3. acting in the capacity of Clerk of Superior Court
agissant en qualité de
quien actúa en calidad de

4. bears the seal / stamp of Jeff Fine
est revêtu du sceau / timbre de
y está revestido del sello / timbre de

Certified
Attesté / Certificado

5. at Phoenix, Arizona
à / en

6. on November 7, 2024
le / el día

7. by the Secretary of State, State of Arizona
par / por

8. No. 131126233
sous n° / bajo el número

9. Seal / Stamp
Sceau / timbre
Sello / timbre



10. Signature
Signature:
Firma:

Adrian Fontes

Adrian Fontes
Secretary of State

HONORABLE LISA S. WAHLIN

CLERK OF THE COURT
J. Calkins
Deputy

IN RE THE MATTER OF
MAUREEN G MULVANEY

CHRISTOPHER J TORRENZANO

AND

DAVID C OLESEN

DAVID C OLESEN
2616 HACKWORTH ST
ASHLAND KY 41101

ILYN OCANG OLESEN

ILYN OCANG OLESEN
SITIO PUNOD GAMAY
BRGY TINAGO, SAN ISIDRO
LEYTE
PHILIPPINES

DOCKET FC
JUDGE WAHLIN

MINUTE ENTRY

The Court has considered Petitioner's *Application for Attorney's Fees and Costs* filed July 11, 2024. Respondents did not file a response.

IT IS ORDERED granting Petitioner's *Application for Attorney's Fees and Costs* and awarding Petitioner her attorney fees and costs in the amount of \$978.66.

IT IS FURTHER ORDERED that the attorney fees award totaling \$978.66 is hereby reduced to a judgment against Respondents and in favor of Petitioner. The judgment shall be paid within 60 days from the filing of this Order/Judgment. If the judgment amount is not timely paid, interest shall accrue at the rate of 9.50% beginning on the 61st day and shall continue to accrue until the judgment amount is fully paid.

Docket Code 903

Form D000D

Page 1

CERTIFIED TRUE

