

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. JEFFREY T. BERGIN

CASE NO. DC20130035

COURT REPORTER: Sue Auletta
Courtroom - 683

DATE: September 04, 2013

ERIC HUEBNER
Petitioner

Jacob M. Amaru, Esq. counsel for Petitioner

and

JEWELLIAN RUSSELL
Respondent

MINUTE ENTRY

PETITIONER'S EX PARTE PETITION FOR PICK UP ORDER

Petitioner is present, appearing telephonically. Respondent is not present.

Mr. Amaru advises the Court that the Petitioner/Father has purchased a ticket to arrive in Tucson tomorrow for the purpose of picking up the minor child and provides the Court with a Verified Petition for Issuance of a Warrant to Take Physical Custody of a Minor Child to be filed in court.

Eric Heubner is sworn and questioned by the Court.

The Petitioner/Father having appeared telephonically before this Court with counsel present, with an *Ex Parte* Petition for Pick Up Order without notice requesting an order authorizing law enforcement in the State of Arizona to assist Petitioner/Father in the pick-up and return of the minor child, Elijah T. Huebner (DOB: 07/29/2011) to the State of Ohio; the Court having reviewed the pleadings, testimony of the Petitioner/Father and argument of counsel,

THE COURT FINDS

1. That Petitioner/Father Eric Heubner established a basis for the entry of an Emergency *Ex-Parte* Temporary Restraining Order as evidenced by the July 24, 2013 Magistrate Order issued by The Honorable Richard M. Landis, Magistrate, Court of Common Pleas, Juvenile Division, Butler County, Ohio (case number JS20130560).
2. The Ohio Court found the risk of irreparable harm to the child existed if no Order was entered.
3. The Ohio Court further found that the Respondent/Mother Jewelian Russell poses a risk of flight from Ohio or another state with the child.

C. Holden
Deputy Clerk

MINUTE ENTRY

4. As a result, the Ohio Court granted the temporary sole physical custody and legal decision-making of the minor child, Elijah T. Huebner (DOB: 07/29/2011), to Petitioner/Father Eric Huebner. Accordingly, Petitioner/Father Eric Heubner is authorized to take custody of the minor child, Elijah T. Huebner (DOB: 07/29/2011), wherever and whenever the minor child is located. Therefore,

IT IS ORDERED authorizing law enforcement to assist Petitioner/Father Eric Heubner in obtaining custody of the minor child, Elijah T. Huebner (DOB: 07/29/2011) from Respondent/Mother Jewelian Russell (DOB 11/26/1976) or any other adult who then has physical custody of the minor child and transfer the minor child to the physical custody of Petitioner/Father Eric Heubner.

IT IS FURTHER ORDERED that Petitioner/Father Eric Heubner may appear at the home of the Respondent/Mother Jewelian Russell with law enforcement to gather ANY AND ALL items of clothes and personal effects that Petitioner/Father Eric Huebner desires to retain on behalf of the minor child, Elijah T. Huebner (DOB: 07/29/2011), pending further order of the Court.

IT IS FURTHER ORDERED that if any person in possession of the minor child resists enforcement of this Order, that person is subject to arrest pursuant to the provisions of A.R.S. §13-2810.

FILED IN COURT: Verified Petition for Issuance of a Warrant to Take Physical Custody of a Minor Child

The Court signs this minute entry in lieu of a more formal order.


HON. JEFFREY T. BERGIN

(ID: c9cd615b-da26-4fc3-be05-36788ebc6170)

cc: Hon. Jeffrey T. Bergin
Jacob M. Amaru, Esq.
Jewelian Russell

C. Holden
Deputy Clerk