

FL-100 *KL*

ORIGINAL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, S. Bar number, and address): Melvin S. Goldsman, SBN 65958 FREID AND GOLDSMAN, APLC 2029 Century Park East, Suite 860 Los Angeles, California 90067-3283		FOR COURT USE ONLY FILED DEC 30 2008 JOHN A. CLARKE, CLERK <i>P. Mata</i> BY P. MATA, DEPUTY
TELEPHONE NO.: (310) 552-2700 FAX NO. (Optional): (310) 552-2770 E-MAIL ADDRESS (Optional):	ATTORNEY FOR (Name): KELLY RUTHERFORD, Petitioner	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central Judicial District		
MARRIAGE OF PETITIONER: KELLY RUTHERFORD RESPONDENT: DANIEL GIERSCH		CASE NUMBER: BD498255
PETITION FOR <input checked="" type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Legal Separation <input type="checkbox"/> Nullity of Marriage		
*Case is assigned to Judge <u>Taylor</u> Department <u>82</u> AMENDED		

1. RESIDENCE (Dissolution only) Petitioner Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Marriage*.

2. STATISTICAL FACTS
 a. Date of marriage: August 16, 2006 c. Time from date of marriage to date of separation (specify):
 b. Date of separation: TBD Years: TBD Months: TBD

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):
 a. There are no minor children.
 b. The minor children are:

Child's name	Birthdate	Age	Sex
Hermes Giersch	10/17/06	2	Male

Continued on Attachment 3b.

c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
 d. A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. SEPARATE PROPERTY
 Petitioner requests that the assets and debts listed in *Property Declaration* (form FL-160) in Attachment 4
 below be confirmed as separate property.
Item
 1) All earnings and accumulations of Petitioner from and after the date of separation;
 2) Miscellaneous jewelry and other personal effects;
 3) There are additional separate property assets and obligations, the exact nature and extent of which are not presently known.

CITIZENSHIP INFORMATION
 RECEIVED BY
 DATE FILED
 COUNTY OF LOS ANGELES
 SUPERIOR COURT
 CLERK
 DEPUTY CLERK
 CONFIRM TO
 PETITIONER
 PETITIONER
 PETITIONER

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or spousal support.

MARRIAGE OF (last name, first name of party): RUTHERFORD v. GIERSCH	CASE NUMBER:
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5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts are listed in *Property Declaration* (form FL-160) in Attachment 5b.
 below (specify):

There are community and quasi-community assets and obligations of the parties, the exact nature and extent of which are unknown to Petitioner at the present time.

6. Petitioner requests

- | | |
|--|--|
| <ul style="list-style-type: none"> a. dissolution of the marriage based on <ul style="list-style-type: none"> (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).) b. <input checked="" type="checkbox"/> legal separation of the parties based on <ul style="list-style-type: none"> (1) <input checked="" type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).) c. nullity of void marriage based on <ul style="list-style-type: none"> (1) incestuous marriage. (Fam. Code, § 2200.) (2) bigamous marriage. (Fam. Code, § 2201.) | <ul style="list-style-type: none"> d. nullity of voidable marriage based on <ul style="list-style-type: none"> (1) petitioner's age at time of marriage. (Fam. Code, § 2210(a).) (2) prior existing marriage. (Fam. Code, § 2210(b).) (3) unsound mind. (Fam. Code, § 2210(c).) (4) fraud. (Fam. Code, § 2210(d).) (5) force. (Fam. Code, § 2210(e).) (6) physical incapacity. (Fam. Code, § 2210(f).) |
|--|--|

7. Petitioner requests that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

Petitioner	Respondent	Joint	Other
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- | | | | | |
|---|--------|-----------|-----------|----------------|
| a. Legal custody of children to | x | | | |
| b. Physical custody of children to | x | | | |
| c. Child visitation be granted to | | monitored | x | |
| As requested in form: | FL-311 | FL-312 | FL-341(C) | FL-341(D) |
| | | | | FL-341(E) |
| | | | | Attachment 7c. |
| d. Determination of parentage of any children born to the Petitioner and Respondent prior to the marriage. | | | | |
| e. Attorney fees and costs payable by | | | x | |
| f. Spousal support payable to (earnings assignment will be issued) | x | | | |
| g. <input checked="" type="checkbox"/> Terminate the court's jurisdiction (ability) to award spousal support to Respondent. | | | | |
| h. <input checked="" type="checkbox"/> Property rights be determined. | | | | |
| i. Petitioner's former name be restored to (specify): | | | | |
| j. Other (specify): | | | | |

Continued on Attachment 7j.

8. Child support--If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

9. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-30, 2008

KELLY RUTHERFORD
(TYPE OR PRINT NAME)

▶ Kelly Rutherford
(SIGNATURE OF PETITIONER)

Date: 12-30, 2008

MELVIN S. GOLDSMAN
(TYPE OR PRINT NAME)

FREID AND GOLDSMAN, APLC
▶ By: Melvin S. Goldsman
(SIGNATURE OF ATTORNEY FOR PETITIONER)

NOTICE: Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement plan, power of attorney, pay on death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or a court order (see Family Code sections 231-235).

ORIGINAL

FL-105/GC-120

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address):

Melvin S. Goldsman, SBN 65958
 FREID AND GOLDSMAN, APLC
 2029 Century Park East, Suite 860
 Los Angeles, California 90067-3283

TELEPHONE NO.: (310) 552-2700

FAX NO. (Optional): (310) 552-2770

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): KELLY RUTHERFORD, Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: Same

CITY AND ZIP CODE: Los Angeles, California 90012

BRANCH NAME: Central Judicial District

PETITIONER: KELLY RUTHERFORD

RESPONDENT: DANIEL GIERSCH

FOR COURT USE ONLY

FILED

LOS ANGELES SUPERIOR COURT

DEC 30 2008

JOHN A. CLARKE, CLERK

BY R. MATA, DEPUTY

**DECLARATION UNDER UNIFORM CHILD CUSTODY
 JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

CASE NUMBER:

BD498255

- I am a party to this proceeding to determine custody of a child.
- My present address is not disclosed. It is confidential under Family Code section 3429. I have listed the address of the children presently residing with me as confidential.
- (Number): One (1) minor children are subject to this proceeding as follows:

(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex
Hermes Giersch	Los Angeles	10/17/06	Male
Period of residence	Address	Person child lived with (name and present address)	Relationship
10/17/06 to present	<input checked="" type="checkbox"/> Confidential	Kelly Rutherford	Mother
to			
to			
to			
to			

b. Child's name	Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)			
Period of residence	Address	Person child lived with (name and present address)	Relationship
to present	<input type="checkbox"/> Confidential		
to			
to			
to			

c. Additional children are listed on Attachment 3c. (Provide all requested information for additional children.)

FL-105/GC-120

SHORT TITLE: RUTHERFORD v. GIERKSCH	CASE NUMBER:
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4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?

No Yes (If yes, provide the following information):

a. Name of each child:

b. I was a: party witness other (specify):

c. Court (specify name, state, location):

d. Court order or judgment (date):

5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child in this case, other than that stated in item 4?

No Yes (If yes, provide the following information):

a. Name of each child:

b. Nature of proceeding: dissolution or divorce guardianship adoption other (specify):

c. Court (specify name, state, location):

d. Status of proceeding:

6. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

a. Criminal: County/state: _____ Case No. (if known): _____

c. Juvenile: County/state: _____ Case No. (if known): _____

b. Family: County/state: _____ Case No. (if known): _____

d. Other: County/state: _____ Case No. (if known): _____

7. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case?

No Yes (If yes, provide the following information):

<p>a. Name and address of person</p> <p><input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights</p>	<p>b. Name and address of person</p> <p><input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights</p>	<p>c. Name and address of person</p> <p><input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights</p>
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-30, 2008

KELLY RUTHERFORD
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

8. Number of pages attached after this page: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.