

00-1262-CD  
WILBUR G. KEPHART -vs- CLEARFIELD COUNTY TAX CLAIM BUREAU

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

104  
WILBUR G. KEPHART,  
Petitioner/Plaintiff

v.

CLEARFIELD COUNTY TAX  
CLAIM BUREAU  
Respondent/Defendant

:  
: No. 00-1262-CD

:  
: RE: Parcel Number 008-000-00071

**PETITION TO SET ASIDE TAX SALE**

AND NOW, comes your Petitioner, Wilbur G. Kephart, by and through his attorneys, James N. Bryant, Esq., of Bryant & Associates, P.C., and Petitions the Court to set aside the sale of Tax Parcel 008-000-00071, located in Bradford Township, Clearfield County, and avers the following:

1. Petitioner resides at 613 Decatur Street, Philipsburg, Pennsylvania, which is located in Clearfield County.
2. Petitioner is a registered voter in Clearfield County.
3. Petitioner is the owner as tenants in common of a property more fully described in Clearfield County Deed Book 810, Page 268, situate in Bradford Township, Clearfield County.
4. Petitioner and the co-owner of the property were divorced some years ago.
5. Petitioner received notice from the co-owner on September 28, 2000, that the property had been sold.
6. Petitioner avers that under 75 P.S. § 5860.602, he was not given notice.
7. Petitioner avers that he was at all times a known owner located within Clearfield County.

**FILED**

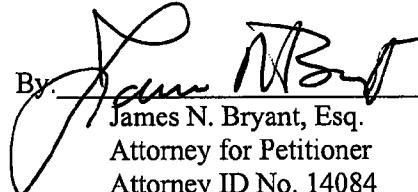
0 2000

**William A. Shaw  
Prothonotary**

8. Petitioner further avers that he is ready, willing and able to pay all taxes due and owing on the premises.

WHEREFORE, Petitioner prays that the tax sale be set aside.

BRYANT & ASSOCIATES, P.C.

By:   
James N. Bryant, Esq.  
Attorney for Petitioner  
Attorney ID No. 14084  
107 East Main Street  
Millheim, PA 16854

I verify that the statements made in the foregoing are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.

Wilbur G Kyskard

FILED

6019.07  
3CC  
01/10/2000

William A. Shaw  
Atty Bryant  
Notary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

WILBUR G. KEPHART,  
Petitioner/Plaintiff

v.

CLEARFIELD COUNTY TAX  
CLAIM BUREAU  
Respondent/Defendant

No. 00-1262-C

RE: Parcel Number 008-000-00071

ORDER

AND NOW, this 15<sup>th</sup> day of October, 2000, upon consideration of the foregoing Petition, a rule is granted upon the Respondent/Defendant to show cause why such relief should not be granted. Rule returnable thereon the 1<sup>st</sup> day of November, 2000, for filing written response.

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following Motion by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the Petitioner or Movant. You may lose rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
MARKET & SECOND STREETS  
CLEARFIELD, PA 16830  
814-765-2641, EXT. 50-51.

FILED

OCT 12 2000

William A. Shaw  
Prothonotary

BY THE COURT:

J.

OCT 12 2000  
Off 343cc Tax Claim  
William A. Smith  
Prothonotary  
+ 1 year to pay or

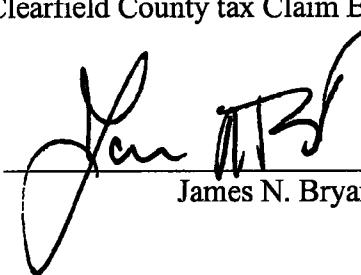
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

WILBUR G. KEPHART, :  
Petitioner/Plaintiff :  
vs. : No. 00-1262-CD  
CLEARFIELD COUNTY TAX : Re: Parcel No. 008-000-00071  
CLAIM BUREAU :  
Respondent/Defendant :

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CENTRE :

James N. Bryant, Esq., being duly sworn according to law, deposes and says that on October 10, 2000, he duly served upon CLEARFIELD COUNTY TAX CLAIM BUREAU, the Respondent/Defendant herein, a true and correct copy of the Petition to Set Aside Tax Sale, by handing the same to personnel at the Clearfield County tax Claim Bureau, at 2:01 p.m.

  
James N. Bryant, Esq.

Sworn to and subscribed before me  
this 11<sup>th</sup> day of October, 2000.

  
Karen S. Rossman  
Notary Public

OCT 12 2000

William A. S. W.  
P.C. & Associates

Notarial Seal  
Karen S. Rossman, Notary Public  
Millheim Boro, Centre County  
My Commission Expires March 11 2001

Member, Pennsylvania Association of Notaries

OCT 12 2000  
M 30 NO 'C  
William A. G.  
P.C. ....

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

WILBUR G. KEPHART,  
Petitioner/Plaintiff

vs.

CLEARFIELD COUNTY TAX  
CLAIM BUREAU,  
Respondent/Defendant

\*  
\*  
\*  
\* No. 00-1262-CD  
\*  
\* Type of Case: Civil  
\*  
\*  
\* Type of Pleading: Written  
\* Response of Clearfield County Tax  
\* Claim Bureau to Petition to Set  
\* Aside Tax Sale  
\*  
\*  
\*  
\*  
\*  
\* Filed on Behalf of:  
\* Respondent/Defendant

\*  
\* Counsel of Record for this Party:  
\*  
\* Kim C. Kesner, Esquire  
\* Supreme Court I.D. #28307  
\* 23 North Second Street  
\* Clearfield, PA 16830  
\* Phone: (814) 765-1706  
\* Fax: (814) 765-7006  
\*  
\*  
\*

\* Other Counsel of Record:  
\*  
\* James N. Bryant, Esq.  
\* BRYANT & ASSOCIATES, P.C.  
\* 107 East Main Street  
\* Millheim, PA 16854  
\*  
\*  
\*

OCT 31 2000

WILLIAM A. BRYANT  
BRYANT & ASSOCIATES, P.C.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

WILBUR G. KEPHART,  
Petitioner/Plaintiff

vs.

CLEARFIELD COUNTY TAX  
CLAIM BUREAU,  
Respondent/Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 00-1262-CD

WRITTEN RESPONSE OF  
CLEARFIELD COUNTY TAX CLAIM BUREAU  
TO PETITION TO SET ASIDE TAX SALE

AND NOW, comes the Clearfield County Tax Claim Bureau (Bureau) by  
Clearfield County Solicitor Kim C. Kesner, Esquire, and in response to this Court's Rule  
dated October 12, 2000, files the following verified written response:

1. The Bureau is without sufficient knowledge or information to form a belief as to the present resident address of Petitioner. By way of further answer, the Bureau would allege that the last known address for Petitioner known to it prior to the tax sale was P. O. Box 177, Woodland, (Clearfield County) Pennsylvania, 16881.
2. The Bureau has learned since the tax sale that Petitioner is a registered voter in Clearfield County.
3. For reasons more fully set forth below, the Bureau is without sufficient knowledge or information to form a belief as to whether Petitioner was a tenant in common with Helen Kephart regarding the real property assessed to both of them (Parcel No. 008-000-00071) and sold at tax sale (Subject Property). It is admitted that Wilbur G. Kephart and Helen Kephart, husband and wife, acquired title to the Subject Property as tenants by the entireties by the deed referenced in paragraph 3 of the Petition.

4. The Bureau is without sufficient knowledge or information to form a belief as to whether Petitioner and Helen Kephart are divorced. There is no record of any such divorce in Clearfield County.

5. The Bureau is without sufficient knowledge or information to form a belief as to what notice Petitioner may have received from Helen Kephart.

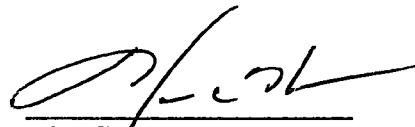
6. The Bureau gave notice of the tax sale as required by 72 P.S. §5860.602 by separate certified mailings to Wilbur G. Kephart and Helen Kephart at Post Office Box 177, Woodland, Pa., 16881. The mailing to Helen Kephart was receipted by her. The mailing to Wilbur G. Kephart was returned to the Bureau by the U. S. Postal Service marked "unclaimed" and "deceased".

7. The averments contained in paragraph 7 of the Petition constitute contentions of law to which no response is required. To the extent that a response is required and is relevant, the Bureau denies that it had reasonable basis to give Petitioner different or additional notice.

8. The Bureau is without sufficient knowledge or information to form a belief as to whether Petitioner is ready, willing and able to pay all taxes due and owing on the assessed premises.

WHEREFORE, the Clearfield County Tax Claim Bureau respectfully requests this Honorable Court to dismiss the Petition to Set Aside Tax Sale.

Respectfully submitted,

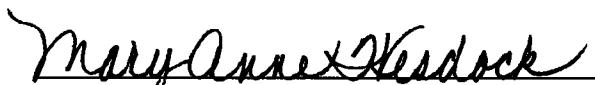


\_\_\_\_\_  
Kim C. Kesner  
Attorney for Respondent

**VERIFICATION**

I, Mary Anne Wesdock, verify that I am the Director of the Clearfield County Tax Claim Bureau, and as such am authorized and empowered to make this Verification, and that the statements made in this Written Response to Petition to Set Aside Tax Sale are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 , relating to unsworn falsification to authorities.

Date: 10-31-2000

  
Mary Anne Wesdock  
Mary Anne Wesdock, Director  
Clearfield County Tax Claim Bureau

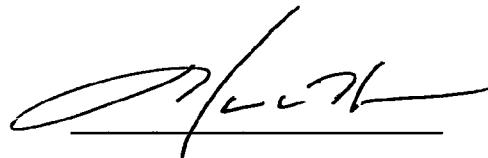
**CERTIFICATE OF SERVICE**

AND NOW, I do hereby certify that on the 31<sup>st</sup> day of October, 2000, I caused to be served a true and correct copy of the Written Response of the Clearfield County Tax Claim Bureau to the Petition to Set Aside Tax Sale on the following and in the manner indicated below:

By United States Mail, First Class,  
Postage Prepaid, Addressed as Follows:

James N. Bryant, Esq.  
BRYANT & ASSOCIATES, P.C.  
107 East Main Street  
Millheim, PA 16854

Date: October 31, 2000



Kim C. Kesner, Esquire

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WILBUR G. KEPHART,  
Petitioner/Plaintiff

vs.

CLEARFIELD COUNTY  
TAX CLAIM BUREAU,  
Respondent/Defendant

No. 00-1262-CD

WRITTEN RESPONSE OF CLEARFIELD  
COUNTY TAX CLAIM BUREAU TO  
PETITION TO SET ASIDE SALE

Wilbur Kephart  
Kesner

CLEARFIELD COUNTY  
COURT HOUSE  
CLEARFIELD, PA 16630  
KIM C. KESNER, ESQUIRE  
SOLICITOR  
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

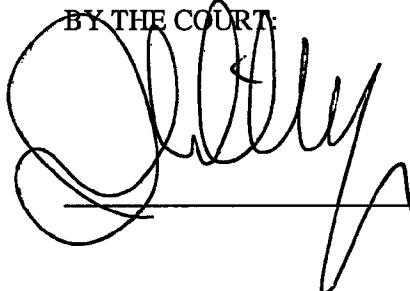
WILBUR G. KEPHART, :  
Petitioner/Plaintiff :  
:  
v. : No. 00-1262-CD  
:  
CLEARFIELD COUNTY TAX :  
CLAIM BUREAU, :  
Respondent/Defendant :  
:

ORDER

AND NOW, to-wit, this 22 day of May, 2001, the Petitioner filed in  
the above-captioned matter is granted and the tax sale held relating to the property subject to this  
petition is hereby set aside.

Petitioner shall pay all delinquent taxes and late fees due and owing on this property on or  
before the 1<sup>st</sup> day of July, 2001.

BY THE COURT:



J.

**FILED**

MAY 22 2001

William A. Shaw  
Prothonotary

**FILED**

MAY 22 2001

0/3:10/n

William A. Shaw  
Prothonotary

CEar Tu Kisman & Bryant



CO-1263-CB  
JOHN JONES, JR. -vs- SONJA MARIE JONES

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR.,  
Plaintiff

\*  
\*  
\*  
\*  
\*  
\*

-vs-

No. 00-1263-CO

SONJA MARIE JONES,  
Defendant

Type of Action:  
Custody

Type of Pleading:  
Complaint

Filed on Behalf of:  
Plaintiff

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

FILED

OCT 11 2000

William A. Shaw  
Prothonotary

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
—  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR., \*  
Plaintiff \*  
\*  
\*  
-vs- \* No.  
\*  
\*  
SONJA MARIE JONES, \*  
Defendant \*

COMPLAINT FOR CUSTODY

AND NOW, comes the Plaintiff, John Jones, Jr., by and through his attorney, Richard H. Milgrub, Esquire, who brings the following cause of action:

1. The Plaintiff is John Jones, Jr., residing at 414 McEwen Street, Westover, Clearfield County, Pennsylvania, 16692.
2. The Defendant is Sonja Marie Jones, residing at 1125 West Baseline Road, Ste 2, PMB 818, Mesa Arizona, 85210.
3. The Plaintiff seeks custody of the following child:

<u>Name</u>	<u>Present Address</u>	<u>Age</u>
Christian John Jones	1125 West Baseline Road Ste 2, PMB 818 Mesa, Arizona 85210	2

4. The child was not born out of wedlock.
5. The child is presently in the custody of Sonja Marie Jones, who resides 1125 West Baseline Road, Ste 2, PMB 818, Mesa Arizona, 85210.
6. Since the child's birth, the child has resided with the following persons at the following addresses: From the child's

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

birth on January 17, 1998 until approximately March 1, 1998, the minor child resided with the parties and the paternal grandparents, Shirley E. Jones and John Jones, Sr. at 414 McEwen Street, Westover, Pennsylvania.

From approximately February 1998 until March 1999, the minor child and the parties resided in Barnesboro, Pennsylvania.

From March 1999 until approximately August of 1999, the Defendant and the minor child disappeared and it is believed that they were in the state of Arizona.

When the Defendant came back to Pennsylvania in August in 1999, she moved in with the Plaintiff and the paternal grandparents in Westover and was there until approximately four (4) months ago when she then again vanished.

That it was only when Your Petitioner was served with a Divorce Complaint and Custody papers from the state of Arizona did he discover the Defendant and minor child's whereabouts.

7. Plaintiff has participated as a party or witness, or in another capacity, in other litigation concerning the custody of the child in this or another court. The court, term and number, and its relationship to this action is: (a) A court action brought in Cambria County under Docket No. 1999-1198 concerning custody of this minor child. The parties reconciled and a court order was never entered. (b) A custody action which Defendant filed after living for four (4) months or less in Arizona under

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

Docket No. 2000-016914 in Superior Court of Arizona Maricopa County.

8. The best interest and permanent welfare of the child will be served by granting the relief requested because: (a) Both father and all members of his family live in Clearfield County, Pennsylvania. (b) The vast majority of the Defendant's relatives also live in Clearfield County, Pennsylvania. (c) The minor child has resided the majority of his life in Clearfield County, Pennsylvania. (d) The Defendant has been a subject of continuing Clearfield County Children and Youth Services investigation as a result of her conduct concerning another child. (e) The Defendant has offered to give up that other child, Jonathan Ian Martin, for adoption. (f) The Defendant has an extensive criminal record including but not limited to charges such as corruption of minors, furnishing alcohol to minors, indecent exposure, harassment, resisting arrest, simple assault and disorderly conduct. (g) The Defendant was brought up in a dysfunctional family environment and has spent much of her adolescence in various group homes, foster homes/detention homes. (h) The Defendant has disappeared for months at a time with the minor child not informing the Plaintiff of her whereabouts. (i) The Plaintiff feels that he can offer the child a more stable and loving family environment.

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

9. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action.

WHEREFORE, Plaintiff requests this Honorable Court issue an Order granting Plaintiff primary custody of the child.

Respectfully Submitted,



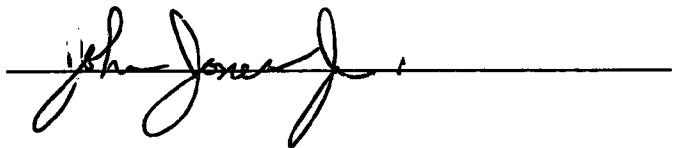
Richard H. Milgrub, Esquire  
Attorney for Plaintiff

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

I, John Jones, Jr. , verify that the statements made in the Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: 10/11/00

A handwritten signature of "John Jones" is written in cursive ink over a horizontal line.

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

—  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

01/3/21 (att) 110000  
PA \$80.00

Rec att Milgrub

RICHARD H. MILGRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR.,  
Plaintiff

\*

\*

\*

-vs-

\*

No. 00-1263-C0

\*

\*

SONJA MARIE JONES,  
Defendant

\*

ORDER OF COURT

YOU, SONJA MARIE JONES, Defendant have been sued in court  
to obtain custody of the child: CHRISTIAN JOHN JONES.

You are ordered to appear in person at the Clearfield  
County Courthouse, Clearfield, Pennsylvania, in courtroom number  
2 on the 30th day of October, 2000, at 3:15, P.M.  
for a hearing thereon.

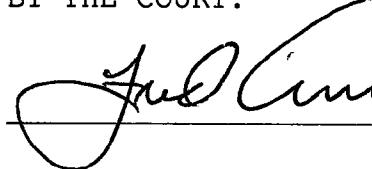
If you fail to appear as provided by this Order, and Order  
for custody, partial custody or visitation may be entered  
against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU  
DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE  
THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL  
HELP.

**FILED**

COURT ADMINISTRATOR'S OFFICE  
Clearfield County Courthouse  
Clearfield, PA 16830

BY THE COURT:

  
\_\_\_\_\_  
Judge

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

OCT 18 2000  
0111.551 was  
William A. Shaw  
Prothonotary  
1 CENT to Mail

Date: 10/17/00

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Date: \_\_\_\_\_

District Court Administrator

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

RICHARD H. MILGRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR., \*  
Plaintiff \*  
\*  
-vs- \*  
SONJA MARIE JONES, \*  
Defendant \*

No. 00-1263-CD

Type of Pleading:  
Affidavit of Service

Filed on Behalf of:  
Plaintiff

FILED

OCT 26 2000

William A. Shaw  
Prothonotary

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR.,  
Plaintiff

-vs-  
\* No. 00-1263-CD

SONJA MARIE JONES,  
Defendant

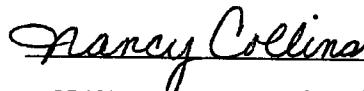
AFFIDAVIT OF SERVICE

Richard H. Milgrub, attorney for the above-named Plaintiff, being duly sworn according to law, deposes and states that Plaintiff's Custody Complaint and Order was served upon the Defendant, SONJA MARIE JONES, by certified mail, return receipt requested on October 23, 2000, at the Defendant's residence of 1125 West Baseline Road, Ste 2 PMB 818, Mesa, Arizona, as appears from receipt of certified mail attached hereto.



Richard H. Milgrub

SWORN and SUBSCRIBED to before me this 26<sup>th</sup> day of October, 2000.



Notary Seal  
Nancy Collins, Notary Public  
Pike Twp., Clearfield County  
My Commission Expires Mar. 24, 2003

Member, Pennsylvania Association of Notaries

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Sonja Marie Jones  
1125 West Baseline Road  
Ste 2 PMB 818  
Mesa, AZ 85210

2. Article Number (Copy from service label)  
7099 3400 0016 7878 6395

**COMPLETE THIS SECTION ON DELIVERY****A. Received by (Please Print Clearly)****B. Date of Delivery**

10-23-00

**C. Signature****X** Agent  
 Addressee**D. Is delivery address different from item 1?** Yes

If YES, enter delivery address below:

 No**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)** Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

RICHARD H. MILGRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

July 26 2000  
D 36/120  
Nathanael Snew  
Prothonotary

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR. :  
-vs- : No. 00-1263-CD  
SONJA MARIE JONES :

TEMPORARY ORDER

NOW, this 30th day of October, 2000, this being the date set for custody conference pursuant to this Court's Order of October 17th, 2000; the Court noting that the Defendant, mother, has failed to appear despite having received notice of the same; the Court also noting the Court has not yet been able to determine what judge in Maricopa County, Arizona, is handling the custody petition filed there on behalf of the Defendant relative the parties' child, Christian John Jones (D.O.B. 01-17-98), it is the TEMPORARY ORDER of this Court that father shall have a period of custody with the child beginning on November 11th, 2000, and continuing for a period of one (1) month until Saturday, December 9th, 2000. The party who is to provide possession of the child to the other shall provide transportation.

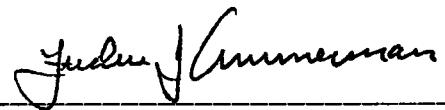
**FILED**

NOV 07 2000 In the interim, the Court will also continue to attempt to contact the appropriate judge in Maricopa County,

William A. Shaw  
Prothonotary

Arizona, to establish jurisdiction in the case.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judge J. Zimmerman". The signature is written in a cursive style with a horizontal line underneath it.

Judge

**FILED**

NOV 07 2000

2/10:30 AM '00

cc atty Milgrub

William A. Shaw

Prothonotary

cc Dug. S. Jones pro se

2nd

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR., \*  
Plaintiff \*  
\*  
\*vs-\* \* No. 00-1263-CD  
\*  
\*  
SONJA MARIE JONES, \*  
Defendant \*

Type of Action:  
Custody

Type of Pleading:  
Petition for Contempt

Filed on Behalf of:  
Plaintiff

FILED

NOV 15 2000

William A. Shaw  
Prothonotary

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR., \*  
Plaintiff \*  
\*  
\*vs-\* \* No. 00-1263-CD  
\*  
\*  
SONJA MARIE JONES, \*  
Defendant \*

PETITION FOR CONTEMPT

AND NOW, comes Your Petitioner, John Jones, Jr., by and through his attorney, Richard H. Milgrub, Esquire, who files the following Petition:

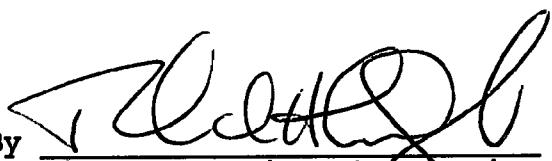
1. Your Petitioner and the Respondent are the parents of one (1) minor child, Christian John Jones.
2. The Respondent left Pennsylvania to relocate to Arizona.
3. A Complaint for Custody was filed with regard to the minor child.
4. The Respondent was properly served with a copy of the Custody Complaint.
5. On October 30, 2000, the Respondent did not appear and a Temporary Order was issued, a copy of which is attached hereto as Exhibit "A".
6. A copy of said Order was forwarded on to the Respondent.
7. Since said Order was entered, Your Petitioner has

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
—  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

not heard from the Respondent and the Respondent did not deliver the child on the scheduled date.

8. The Respondent is in contempt of the Order.

WHEREFORE, Your Petitioner respectfully requests that the Court Order primary custody of the minor child be granted immediately to Your Petitioner.

By   
Richard H. Milgrub, Esquire  
Attorney for Plaintiff

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

I, John Jones, Jr. , verify that the statements made in the Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: 11-14-00

John Jones Jr.

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
  
111 NORTH BRADY STREET  
DUBOIS, PA 15801

RICHARD H. MILGRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

ED 15 1983  
LC 314 10 cat  
11/1983  
Milgrub

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

## **ORDER**

AND NOW, this 21 day of November, 2000, upon consideration of the Plaintiff's Petition for Contempt and upon the Defendant in the above-captioned matter having failed to abide by the Temporary Order issued October 30, 2000 in that she failed to deliver said minor child to the Plaintiff, it is the ORDER of this Court that the Defendant, Sonja Marie Jones, is found in contempt and that primary physical custody of the minor child is hereby granted to the Plaintiff.

BY THE COURT:

Jud Committee  
Judge

**RICHARD H. MILGRUB**  
**ATTORNEY & COUNSELOR**  
**AT LAW**  
**211 NORTH SECOND STREET**  
**CLEARFIELD, PA 16830**  

---

**111 NORTH BRADY STREET**  
**DUBOIS, PA 15801**

NOV 22 2000  
6/1130 (mg)  
WPA

I CANT TO ATT

8  
Feb

RICHARD H. MILGRUB

*Attorney & Counsele at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR., \*  
Plaintiff \*  
\*  
\*vs\* \* No. 00-1263-CD  
\*  
\*  
SONJA MARIE JONES, \*  
Defendant \*

Type of Pleading:  
Affidavit of Service

Filed on Behalf of:  
Plaintiff

**FILED**

DEC 08 2000

William A. Shaw  
Prothonotary

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

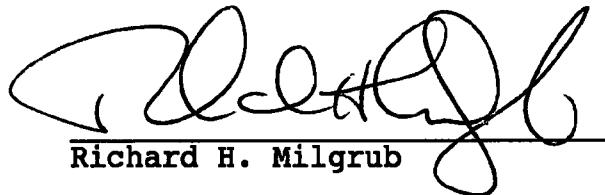
111 NORTH BRADY STREET  
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR., \*  
Plaintiff \*  
\*  
-vs- \* No. 00-1263-CD  
\*  
SONJA MARIE JONES, \*  
Defendant \*

AFFIDAVIT OF SERVICE

Richard H. Milgrub, attorney for the above-named Plaintiff, being duly sworn according to law, deposes and states that Plaintiff's Petition for Contempt and Order of Court, was served upon the Defendant, Sonja M. Jones, by certified mail, return receipt requested on December 4, 2000, at the Defendant's residence of 1125 West Baseline Road, Ste. 2 PMB 818, Mesa, Arizona 85210, as appears from receipt of certified mail attached hereto.



Richard H. Milgrub

SWORN and SUBSCRIBED to before me this 8<sup>th</sup> day of December, 2000.



Nancy Collins

Notarial Seal  
Nancy Collins, Notary Public  
Pike Twp., Clearfield County  
My Commission Expires Mar. 24, 2003

Member, Pennsylvania Association of Notaries

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

**SENDER: COMPLETE THIS SECTION**

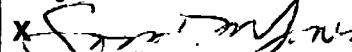
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Sonja M. Jones  
1125 West Baseline Rd.  
Ste. 2 PMB 818  
Mesa, AZ 85210

**2. Article Number (Copy from service label)**  
**70000600002311128964****COMPLETE THIS SECTION ON DELIVERY****A. Received by (Please Print Clearly)****B. Date of Delivery**

12-4-00

**C. Signature**  
 Agent  
 Addressee**D. Is delivery address different from item 1?** Yes

If YES, enter delivery address below:

 No**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)** Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

111 NORTH BRADY STREET  
DUBOIS, PA 15801

ED

12/3/2000

William A. Shaw  
Prothonotary

RICHARD H. MILGRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

**Commonwealth of Pennsylvania****GOVERNOR'S OFFICE****THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA****TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**KNOW YE,** That I have authorized and empowered and by these Presents do authorize and empower

**TransCor America, Inc., and/or designated agent(s),**

to take and receive from the proper authorities of the State of Arizona,

**SONJA MARIE JONES,**

a fugitive from justice, and convey the subject to the Commonwealth of Pennsylvania, there to be dealt with according to Law.

GIVEN under my hand and the Great Seal of  
the State, at the City of Harrisburg,  
this 27<sup>th</sup> day of August in  
the year of our Lord two thousand  
and one.

Thomas J. Ridge  
Governor of Pennsylvania

By the Governor:

Kim Lippengill  
Secretary of the Commonwealth



## OFFICE OF THE DISTRICT ATTORNEY

OF CLEARFIELD COUNTY

SUITE 210

230 EAST MARKET STREET

CLEARFIELD, PENNSYLVANIA 16830

**PAUL E. CHERRY**

District Attorney

Phone: (814)765-2641

**WILLIAM A. SHAW, JR.**

First Assistant

District Attorney

June 26, 2001

Suzanne N. Hueston  
Assistant General Counsel  
Office of General Counsel  
333 Market Street, 17<sup>th</sup> Floor  
Harrisburg, PA. 17101

RE: Sonja Jones

Dear Ms. Hueston:

Pursuant to your instruction, enclosed please find the Application for Requisition with regard to the above captioned individual.

I have attached a copy of the Criminal Complaint, Affidavit of Probable Cause, Warrant and a photo of Sonja Jones.

I appreciate your assistance with regard to this matter.

Very truly yours,

*Dawn M. Peters*  
Dawn M. Peters,  
Administrative Assistant

dp

COUNTY OF: Clearfield

## CRIMINAL COMPLAINT



Accused's Serial Number:

46-3-04

Accused's Name: Magistrate Hawkins

Address: 430 Spring St.  
PO Box 362  
Houtzdale, PA 16651

Telephone ( )

Docket No.: CR 51-01

Date Filed: 5-3-01

OTN: 3H166601-1

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	Defendant's D.O.B. 08-04-71	Defendant's Social Security Number 170-64-4321	Defendant's SID
Defendant is A U.S.		Defendant's Vehicle Information: Plate Number		Defendant's Driver's License Number PA 124 757 861
		State	Registration Sticker (MM/YY)	State
Complaint/Incident Number 0105000241	Complaint/Incident Number & other Participants			INVESTIGATOR/Judge

District Attorney's Office  Approved  Disapproved because: \_\_\_\_\_  
(The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing  
Pa.R.C.P. 107.)

(Name of Attorney for Commonwealth / Name / Title or Type)

(Signature of Attorney for Commonwealth)

(Date)

1. Officer Elmer Hertzog  
(Name of Officer / Name / Title or Type)

(Officer Badge Number/ID)

of Cherry tree Area Police Dept.  
(Name of Department or Agency Represented and Political Subdivision)PA 0320500  
(Police Agency CRN Number)0105000241  
(Originating Agency Case Number (N.Y.))

do hereby state: (check the appropriate box)

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as \_\_\_\_\_  
 I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have  
 therefore designated as John Doe  
 with violating the penal laws of the Commonwealth of Pennsylvania at 2220 Ridge Road  
 (Place/Political Subdivision)  
Westover, PA 16692

In Clearfield County on or about May 2, 2001

Participants were: (If there were participants, place their names here, repeating the name of above defendant)

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated  
 without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

18 Pa.C.S. 2901 a(2) Kidnapping F1

Defendant did unlawfully remove another a substantial  
 distance under the circumstances from the place where  
 he is found.18 Pa.C.S. 4304 a Endangering Welfare Of Children F3  
 Defendant did perform a course of conduct of endangering  
 the welfare of a child which was under the age of 18.

a: Sonja Marie Jones

## CRIMINAL COMPLAINT

Docket:

n: CR 51-01



18 Pa.C.S. 2701 a(1) Simple Assault M2  
 Defendant did attempt to cause or intentionally, knowingly or recklessly caused bodily injury to another.

18 Pa.C.S. 2709 a(1) Harassment and Stalking Summary  
 Defendant did with intent to harass annoy or alarm another by shoving and kicking another person.

18 Pa.C.S. 2705 Recklessly Endangering Another Person M2  
 Defendant did recklessly engage in conduct which placed or may place another in danger of death or serious bodily injury

18 Pa.C.S. 903 a(1) Criminal Conspiracy  
 Defendant did agree with other persons that they would engage in conduct which would constitutes a crime.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. <u>2901</u> (Section)	<u>a (2)</u> (Subsection)	of the <u>Crimes Code</u> (PA Statute)	<u>1</u> (Count)
2. <u>4304</u> (Section)	<u>a</u> (Subsection)	of the <u>Pa Crimes Code</u> (PA Statute)	<u>1</u> (Count)
3. <u>2701</u> (Section)	<u>a (1)</u> (Subsection)	of the <u>Pa Crimes Code</u> (PA Statute)	<u>1</u> (Count)
4. <u>2709</u> (Section)	<u>a (1)</u> (Subsection)	of the <u>Pa Crimes Code</u> (PA Statute)	<u>1</u> (Count)

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) relating to unsworn falsification to authorities.

May 2

-10- 2001

AND NOW, on this date May 3, 2001 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

(Signed and Sealed)

(Issuing Authority)

SEAL

a: Sonja Marie Jones

## CRIMINAL COMPLAINT

Docket:

r: CR 51-01



all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

<u>2705</u> (Section)	<u>Pa Crimes Code</u> of the P.A. (Statute)	<u>1</u> (counts)
<u>903</u> (Section)	<u>Pa Crimes Code</u> of the P.A. (Statute)	<u>5</u> (counts)
<u>3.</u> (Section)	<u>Pa Crimes Code</u> of the P.A. (Statute)	<u>1</u> (counts)
<u>4.</u> (Section)	<u>Pa Crimes Code</u> of the P.A. (Statute)	<u>1</u> (counts)

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 P.A. C.S. § 4904) relating to unsworn falsification to authorities.

May 2, 19 2001

AND NOW, on this date May 3, to 2001 certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

46-3-04

(Docket Number)

SEAL

## CRIMINAL COMPLAINT

Defendant's Name: Sonja Marie Jones

Docket Number: CR 51-01



## AFFIDAVIT of PROBABLE CAUSE

On or about the 2nd day of May of 2001 the defendant followed Shirley Jones of 2202 Ridge Road Westover PA 16692 from Hastings area to several shopping stores and home to her residence. The defendant along with 2 other individuals then kicked, shoved, and hit at Mrs. Jones trying to get her away from Christian John Jones, who is 3 years old. While tugging at the child he was gaging since he was being chocked. After knocking Mrs. Jones to the ground the three sped off in a blue/green Ford Explorer bearing Colorado registration 081ECI. Mrs. Jones had scrapes on her left leg and arm area from the fall. The three took with them the 3 year old against a court order giving the father, John Jones, Jr, full custody.

I, Officer Elmer Hertzog, BEING DULY SWEORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Elmer Hertzog  
(Signature of Affiant)

Sworn to me and subscribed before me this 3<sup>rd</sup> day of May, 2001.

5-3-01 Date J. H. District Justice

My commission expires first Monday of January, 2001.

SEAL

COMMONWEALTH OF  
PENNSYLVANIA



COUNTY OF CLEARFIELD

To any authorized person:

In the name of the Commonwealth of Pennsylvania, you are commanded to take into custody DOB: 8/04/71 F WHITE

(Name): JONES, SONJA MARIE  
(Address): 2252 N. 44TH ST. #1002  
PHOENIX, AZ 85008

If the defendant be found in said Commonwealth, and bring the defendant before us at JAMES L HAWKINS  
430 SPRING STREET  
(Address): P.O. BOX 362  
BROZDALE, PA 16651-0362

to answer the Commonwealth or BURNSIDE TWP POLICE

(Political Subdivision)

upon the complaint or citation of HERTZOG, ELAINE F  
charging the defendant with 18 §2901 §5a2  
KIDNAPPING

and further to be dealt with according to law, and for such purposes this shall be your sufficient warrant.

Witness the hand and official seal of the issuing authority on this

9<sup>th</sup> day of MAY 2001.

SEAL

(Signature)

Magisterial District No.: 46-3-04 Amount required to satisfy sentence:

Fine: \$ 5/03/01

Costs: \$ 0000051-01

Other: \$ E 166501-1

Total: \$

Amount needed to satisfy collateral: \$

Reason for warrant: FELONY

RETURN WHERE DEFENDANT  
IS FOUND

WARRANT CONTROL NO.: 0547906

DOCKET NUMBER: CR-0000051-01

I took into custody the within named

He is now at liberty on bail posted

before \_\_\_\_\_

In the \_\_\_\_\_

jail.

before you for disposition.

I accepted a guilty plea and

collected

\$ \_\_\_\_\_

for fine and costs.

I accepted a not guilty plea and

collected \$ \_\_\_\_\_

for collateral.

I accepted the fine and costs due

in the amount of

\$ \_\_\_\_\_

(Signature of Officer - Name & Title)

OFFENSE DATE 5/02/01

CHARGE 18 §2901 §5a2

I acknowledge that I am voluntarily and knowingly pleading guilty. I paid to the officer the fine and costs stated in the warrant in the amount of

\$ \_\_\_\_\_

(Defendant's Signature)

I acknowledge that I am voluntarily and knowingly pleading not guilty. I paid to the officer the collateral for my appearance at trial stated in the warrant in the amount of

\$ \_\_\_\_\_

(Signature)

RETURN WHERE DEFENDANT

IS NOT FOUND

After careful search, I cannot find the within named defendant

(Defendant's Signature)

Officer's costs:

Warrant Miles @ c

Commitments Miles @ c

Conveying to hearing Miles @ c

Total Miles @ c

5/09/01  
46-3-04DISTRICT JUSTICE SYSTEM  
COMMONWEALTH OF PENNSYLVANIAPAGE 1  
ADDITIONAL CHARGES

## WARRANT OF ARREST

CR-0000051-01

COMMONWEALTH OF PENNSYLVANIA

VS

JONES, SONJA MARIE

## CHARGE

## DESCRIPTION

18 S4304 SSA ENDANGERING WELFARE OF CHILDREN  
18 S2701 SSA1 SIMPLE ASSAULT  
18 S2709 SSA1 HARASSMENT AND STALKING  
18 S2705 SS RECKLESSLY ENDANGERING ANOTHER PERSON  
18 S903 SSA1 CRIMINAL CONSPIRACY  
18 S903 SSA1 CRIMINAL CONSPIRACY  
18 S903 SSA1 CRIMINAL CONSPIRACY  
18 S903 SSA1 CRIMINAL CONSPIRACY





**OFFICE OF THE DISTRICT ATTORNEY**

OF CLEARFIELD COUNTY

SUITE 210

230 EAST MARKET STREET

CLEARFIELD, PENNSYLVANIA 16830

**PAUL E. CHERRY**

District Attorney

Phone: (814)765-2641

**WILLIAM A. SHAW, JR.**

First Assistant

District Attorney

August 27, 2001

Pam Remsey, Extradition Officer  
Office of the Governor  
1700 West Washington Street, Suite 101A  
Phoenix, Arizona 85007

RE: Sonja Jones Extradition

Dear Ms. Remsey:

Enclosed please find the Application for Requisition and Triple Attestation that is being sent to you as instructed by Dottie Marrocco, with reference to the above captioned matter.

Please contact our office if you require any additional information.

Very truly yours,

*Dawn M. Peters*  
Dawn M. Peters,  
Administrative Assistant

dp

Via Federal Express  
Priority Overnight

# APPLICATION FOR REQUISITION

TO THE HONORABLE Tom Ridge, Governor of the Commonwealth of Pennsylvania

THE PETITION OF Paul E. Cherry, District Attorney of Clearfield County, Commonwealth of Pennsylvania, respectfully represents:

I. That the full name, properly spelled, of the person for whom extradition is asked is (*include all aliases*)

Sonja Marie Jones

II. That your petitioner verily believes said person is now in Phoenix, Maricopa County

Arizona, State of Arizona, which belief is founded on information from

Detective Mark Gurule, Maricopa County Sheriff's Department, Extradition Unit  
102 South First Avenue

III. (*Complete either Paragraph III or Paragraph IV*).

Phoenix, Arizona 85003

(A) That said person stands charged as appears by annexed certified copy of (check appropriate line (s) and supply the necessary information).

Complaint

Affidavit of Probable Cause

Warrant

Criminal Information

Indictment

with the crime(s) of Kidnapping (F1); Endangering Welfare of Children (F3);

Simple Assault (M2); Harassment and Stalking (S); Recklessly Endangering  
Another Person (M2); and Criminal Conspiracy  
committed in the County of Clearfield, Commonwealth of Pennsylvania, on or

about the 2nd day of May 2001;

(B) (*Check appropriate paragraph and delete paragraph which does not apply*)

That said person was in the said county and Commonwealth at the time of the commission of said offense, and fled the jurisdiction of the Commonwealth before arrest could be made or before trial could be held and is a fugitive from the justice of this Commonwealth;

or

~~This criminal proceeding is based on the facts set forth in the foregoing affidavit which is annexed hereto and incorporated herein by reference. The facts set forth in the foregoing affidavit are true and correct to the best of my knowledge and belief.~~

(C) That the said person is now desired in order that he/she may be tried for the commission of the said crime;

(D) That there is sufficient evidence that can and will be produced at his/her trial to justify said person's conviction;

~~This criminal proceeding is based on the facts set forth in the foregoing affidavit which is annexed hereto and incorporated herein by reference. The facts set forth in the foregoing affidavit are true and correct to the best of my knowledge and belief.~~

(F) That in my opinion the ends of public justice require that the said person be brought to this Commonwealth for trial, at the public expense;

<sup>10</sup> See, e.g., *United States v. Karpis*, 274 U.S. 48 (1927) (rejecting the defendant's claim that the trial court had violated his right to a trial by jury by failing to instruct the jury on the elements of the offense).

committed to the Committee for the Protection of Cultural Property in the Event of Armed Conflict.

A decorative horizontal border consisting of a repeating pattern of small, dark, diamond-shaped tiles, likely made of wood or metal, arranged in a staggered, interlocking fashion.

# XXVIII. THE HISTORY OF THE CHURCH OF ENGLAND

\_\_\_\_\_

1

(входящим в состав которых входят ведомства, подведомственные и органы местного самоуправления);

V. The name of the agent(s) proposed is/are TransCor America, Inc.

who is/are a resident(s) of

\_\_\_\_\_, in the County of \_\_\_\_\_, Commonwealth of Pennsylvania; The person(s) named as agent(s) is/are a law enforcement officer or a probation, parole or corrections officer, and that he/she(they) has(have) no private interest in the arrest of said fugitive;

VI. That N/A former application(s) for a requisition for said fugitive, growing out of the same transaction,  
has been made Not Applicable

VII. That this application is not made for the purpose of enforcing the collection of a debt, or for any private purpose whatever, and if the requisition now applied for be granted, the criminal proceedings shall not be used for any such object;

VII. That I am satisfied that the expenses attending the extradition of said fugitive shall be charged upon this county, or as otherwise provided by law, and I will take the proper means to obtain them.

WHEREFORE your petitioner prays that a requisition may issue, directed to the Governor of the said

State of Arizona for the arrest and delivery of the said fugitive, and that

TransCor America, Inc. of the County of \_\_\_\_\_,  
Commonwealth of Pennsylvania, may be appointed Agent(s) on behalf of said Commonwealth to go after,

**COMMONWEALTH OF PENNSYLVANIA**

**COUNTY OF** Clearfield

Cynthia Stewart

**(Name of District Attorney)**

being duly sworn (or affirmed) deposes and says that the facts contained in the foregoing application are true and correct to the best of my information, knowledge and belief. 80

Sworn to (or affirmed) and subscribed before me  
this 29<sup>th</sup> day of August A.D., 1922

**Clerk of the Court of Common Pleas**

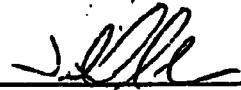
William A. Smith  
PROTHONOTARY  
My Commission Expires  
1st Monday in Jan'y 200

COMMONWEALTH OF PENNSYLVANIA :

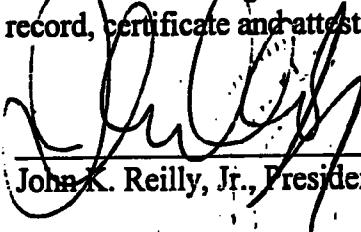
COUNTY OF CLEARFIELD :

I, William A. Shaw, Sr., Clerk of Court of Common Pleas, Criminal Division, in and for said County do hereby certify that the foregoing is a full, true and correct copy of the record of the case therein stated, wherein the Commonwealth of Pennsylvania and The Office of the District Attorney, the Prosecutors, and Sonja Jones, the Defendant, so full and entire as the same remains of record before the said Court.

IN TESTIMONY WHEREOF, I have here unto set my hand and affixed the seal of this Court, this 27<sup>th</sup> day of August, 2001.

  
William A. Shaw, Sr., Clerk of Court

I, John K. Reilly, Jr., President Judge of the 46th Judicial District, composed of the Court of Common Pleas, Criminal Division, do certify that William A. Shaw, Sr., by whom the annexed record, certificate and attestation were made and given, and who, in his own proper handwriting thereunto subscribed his name and affixed the seal of the Court of Common Pleas - Criminal Division of said County, was at the time of so doing, and now is the Clerk of Court in and for said County of Clearfield, in the Commonwealth of Pennsylvania, duly commissioned and qualified to all whose acts, as such, full faith and credit are and ought to be given, as well as Courts of Judicature as elsewhere, and that the said record, certificate and attestation are in the form of law and made by the proper officer.

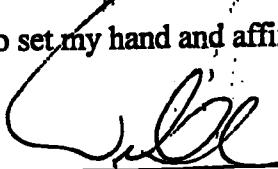
  
John K. Reilly, Jr., President Judge

Commonwealth of Pennsylvania :

County of Clearfield :

I, William A. Shaw, Sr., Clerk of Court of the Court of Common Pleas, Criminal Division in and for said County, do certify that the Honorable John K. Reilly, Jr., by whom the foregoing attestation as made, and who had thereunto subscribed his name, was, at the time of making thereof, and still is President Judge of the Court of Common Pleas in and for said County, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in courts of judicature as elsewhere.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 27<sup>th</sup> day of August, 2001.

  
William A. Shaw, Sr., Clerk of Court



9-4-01

**JANE DEE HULL  
GOVERNOR  
STATE OF ARIZONA**

*August 28, 2001*

**Honorable Joseph M. Arpaio  
Maricopa County Sheriff  
Attn: Det. Mark Gurule  
102 West Madison Street  
Phoenix, AZ 85003**

**Re: Extradition of SONJA MARIE JONES**

**Dear Sheriff Arpaio:**

*I am enclosing Governor Jane Dee Hull's extradition warrant and related papers in the case of the above-named subject. Pursuant to A.R.S.. §13-3850, you must execute this extradition warrant as soon as possible. After the warrant has been served, he must be taken forthwith before a judge of a court of record in this state who shall advise the subject of his rights. Anyone who fails to comply with A.R.S. §13-3850 is subject to penal sanctions.*

*When all statutory requirements have been complied with and the fugitive is ready to return to the demanding state, please notify the following agent:*

**Mr. Paul E. Cherry  
District Attorney  
230 East Market Street, Suite 210  
Clearfield, PA 16830**

*If you have any questions, please do not hesitate to contact me.*

*Sincerely,*

A handwritten signature in black ink that appears to read "Pam Remsey".

**Pam Remsey  
Extradition Officer  
(602) 542-1326**

**Attachments**

**c: Mr. Paul E. Cherry  
Dotty Marrocco**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR.,  
Plaintiff

\*

\*

\*

vs.

\*

\*

\*

SONJA MARIE JONES,  
Defendant

NO. 2000-1263-C.D.

\*

\*

DEC 22 2000

O R D E R

Wm. A. Gandy  
Clerk

NOW, this 21st day of December, 2000, the Court noting telephone hearing on December 15, 2000 conducted amongst the undersigned along with Judge Cathy M. Holt, Superior Court of Arizona, Maricopa County, as to the issue of jurisdiction under the Uniform Child Custody Jurisdiction Act; the Court noting that the said hearing was conducted on the record with Richard Milgrub, Esquire, Pennsylvania counsel for the Plaintiff, John Jones, Jr., present and William Howell, II, Arizona counsel for the Defendant, Sonja Marie Jones also present; it having been determined that Pennsylvania is the child's home state and as such jurisdiction is in Clearfield County, Pennsylvania, therefore it is the ORDER of this Court as follows:

1. Clearfield County, Pennsylvania has jurisdiction to continue with custody proceedings due to it being the home state of the child, Christian Jones, pursuant to the Uniform Child Custody Jurisdiction Act, and that the Court in Maricopa County, Arizona will not assume emergency jurisdiction.

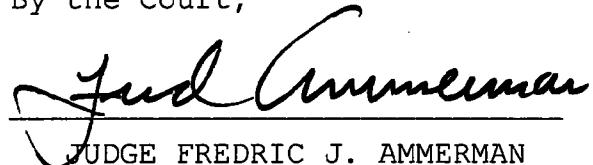
2. This Court's Temporary Order of October 30, 2000 and Order of November 21, 2000 providing physical custody of the juvenile to Plaintiff are hereby RESCINDED.

3. Sonja M. Jones, Defendant, is hereby provided with temporary primary physical custody of the child, Christian J. Jones, with the Plaintiff to have such rights of partial custody and/or visitation as the parties may agree.

4. Hearing on issues of temporary custody and partial custody is hereby scheduled for the 23rd day of February, 2001 at 10:30 A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania. The child shall be present for the hearing.

5. A certified copy of this Order shall be provided to Judge Cathy M. Holt, Maricopa County Courthouse, 201 West Jefferson Street, Phoenix, Arizona 85003 and William D. Howell, II, Esquire, 1100 East Washington Street, Suite 200, Phoenix, Arizona 85034.

By the Court,



JUDGE FREDRIC J. AMMERMAN

10/10/03  
10/22/03  
10/22/03  
10/22/03

2 certified copies to Richard H. Milgrub, Esquire  
2 certified copies to William D. Howell, II, Esquire  
1 certified copy to Judge Cathy M. Holt, Maricopa County, Arizona  
1 uncertified copy to Judge Fredric J. Ammerman  
1 uncertified copy to Court Administrator

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY**COPY**

12/15/2000

CLERK OF THE COURT  
FORM D000C

HONORABLE CATHY M. HOLT

R. Kmett  
Deputy

DR2000-016914

DEC 21 2000

FILED: \_\_\_\_\_

SONJA M JONES

WILLIAM D HOWELL III

And

JOHN JONES JR

JOHN JONES JR  
RICHARD H MILGRUB  
211 N SECOND ST  
CLEARFIELD PA  
16830JUDGE FREDERIC J AMMERMAN  
COURT OF COMMON WEALTH  
CLEARFIELD COURT  
230 E MARKET ST  
CLEARFIELD PA  
16830**FILED**

JAN 02 2001

William A. Shaw  
Prothonotary

MINUTE ENTRY

1:20 p.m. This is the time set for UCCJA Conference. Petitioner is not present but is telephonically represented by counsel, William D. Howell III. Respondent is not present but is telephonically represented by counsel, Richard H. Milgrub. Pennsylvania Judge, Judge Frederic J. Ammerman.

Court reporter, Jane Westlund, is present.

Arizona Court and Pennsylvania Court discuss the issues.

Arizona Court and Pennsylvania Court agree that Pennsylvania has jurisdiction.  
Docket Code 023

Page 1

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

**COPY**

12/15/2000

CLERK OF THE COURT  
FORM D000C

HONORABLE CATHY M. HOLT

3

R. Kmett  
Deputy

DR2000-016914

For reasons stated on the record,

**IT IS ORDERED** that Arizona Court will not exercise emergency jurisdiction in this matter in that Pennsylvania Court is vacating prior orders that Respondent/Father have emergency custody of the minor child, and will set an emergency hearing in this matter in Pennsylvania.

1:45 p.m. Hearing concludes.

**FILED**

JAN 02 2001  
01/11:15 AM  
William A. Shaw  
Prothonotary

FWB

FILED 01/02/01  
Judge Amerson  
no court copies

COPY

FEB 18 2001



2000-1263-C9

1 William D. Howell III, Esq.  
2 Arizona Bar No. 020188  
3 1100 E. Washington Suite 200  
4 Phoenix, Arizona 85034  
5 Phone: (602) 712-9632  
6 Attorney for Petitioner

5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

6 **IN AND FOR THE COUNTY OF MARICOPA**

7 **In Re the Marriage of:** ) Case No. DR2000-016914  
8 Sonja M. Jones, )  
9 Petitioner, ) **MOTION FOR EXPEDITED RELIEF**  
10 and, ) **FROM ORDER**  
11 John Jones, Jr. )  
12 Respondent ) **OR IN THE ALTERNATE**  
13 ) **REQUEST FOR EXPEDITED RULE**  
14 ) **54(b) CERTIFICATION**  
15 ) **MOTION TO STAY ORDER**  
16 ) (Assigned to Hon. Cathy M. Holt)

16 **COMES NOW** Petitioner, Sonja Jones, ("Mother") herein, by and through undersigned  
17 Counsel, moves the Court, pursuant to the provisions of Rule 60(c), Ariz.R.Civ.P., to set aside  
18 its findings entered in this action on December 21, 2000 (the "Minute Entry"), wherein it found  
19 Pennsylvania had jurisdiction and declined to exercise emergency jurisdiction, governing  
20 Petitioner's custody action on the grounds and for the reason that (1) this Court abused its  
21 discretion in not making the required jurisdictional findings and (2) that Petitioner has come  
22 into possession of newly discovered evidence which could not have been discovered by due  
23 diligence in time to make a Motion for New Hearing that would affect the result.  
24  
25

FILED

FEB 23 2001

073:30 AM

William A. Shaw

Prothonotary

No 46

1           Additionally, Petitioner submits her Request for Rule 54(b) certification, for the reasons  
2 and on the grounds that the Minute Entry effectively denies Petitioner's preliminary injunction  
3 prohibiting the removal of the child from the state, dismisses her Arizona custody action and is  
4 res judicata. No just reason exists for delay and justice will be served by certification.

5           Lastly, Petitioner moves the Court, pursuant to Rule 62(i), Ariz.R.Civ.P., for an order  
6 staying execution upon the Minute Entry, pending review on the grounds and for the reasons  
7 that irreparable injury will result if Mother and Child are subjected to Pennsylvania jurisdiction  
8 before the said issues are resolved.

9  
10          These Motions and Request for Certification are supported by the Memorandum of  
11 Points and Authorities, which is attached hereto and incorporated herein by the reference, the  
12 Court records, pleadings, files, and documents herein  
13

14          Respectfully submitted this 13 day of February 2001.



---

15  
16          William D. Howell III, Esq.  
17          Arizona Bar No. 020188  
18          1100 E. Washington St., Suite 200  
19          Phoenix, Arizona 85034  
20          Attorney for Petitioner  
21  
22  
23  
24  
25

## A. MOTION FOR RELIEF FROM ORDER

**J. JURISDICTIONAL FINDINGS INSUFFICIENT AS MATTER OF LAW**

The Court's December 21, 2000 minute entry states, "Arizona Court and Pennsylvania Court agree that Pennsylvania has jurisdiction." These findings are insufficient as matter of law to defer jurisdiction to Pennsylvania. "The Uniform Child Custody Jurisdiction Act [UCCJA] provides as the two major bases for jurisdiction (1) the child's home state or (2) the state having a significant connection with the child and his family." *Loper v. Superior Court, In and For Cochise County*, 126 Ariz. 14,16; 612 P.2d 65,67 (1980). Arizona is unique in that it was the first state to add domicile as a jurisdictional basis for custody determination. Arizona has jurisdiction because the child was domiciled in the state and the Arizona proceeding was pending when the Pennsylvania custody action was filed. Consequently, absent a finding that Arizona is an inconvenient forum, the Pennsylvania Court is precluded from exercising its jurisdiction. *Id.*

Arizona Courts are vested with jurisdiction to make a child custody determination if “[t]his state is the domicile or the home state of the child at the time of commencement of the proceeding or had been the child’s domicile or home state within six months before commencement of the proceeding and the child is absent from this state because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this state.” *In re Marriage of Tonnessen*, 189 Ariz. 225, 227; 941 P.2d 237,239 (1997).

Arizona is also the home state of the child when “[i]t is in the best interest of the child that a court of this state assume jurisdiction because the child and his parents, or the child and at least one contestant, have a significant connection with this state, and there is available

1 in this state substantial evidence concerning the child's present or future care, protection,  
2 training and personal relationships." *Id.*

3 Neither the record nor the Minute Entry evidence sufficient consideration of the criteria  
4 set forth in A.R.S. §25-437.<sup>1</sup> Consequently, the findings deferring Arizona jurisdiction in favor  
5 of Pennsylvania are insufficient as a matter of law.

6

7 **II. ARIZONA'S "FIRST IN TIME" PETITION SHOULD BE AFFORDED  
SOME DEFERENCE**

8 The Arizona proceedings were "first in time." Thus, Arizona is not precluded from  
9 exercising its jurisdiction. *Loper*, 126 Ariz. at 16; 612 P.2d at 67.

10 "The purposes of the uniform act are to promote cooperation with courts of sister  
11 states and to eliminate forum-shopping." *Id.* "When the courts of more than one state  
12 have jurisdiction . . . priority in time determines which court will proceed with the  
13 action, but the application of the inconvenient forum principle . . . may result in the  
14 handling of the case by the other court." *Id.* "While jurisdiction need not be yielded . . .  
15 if the other court would not have jurisdiction under the criteria of this Act, the policy  
against simultaneous custody proceedings is so strong that it might in a particular  
situation be appropriate to leave the case to the other court even under such  
circumstances." *Id.*

16 Respondent's filing of the Pennsylvania custody action after the Arizona petition  
17 constitutes a clear case of forum shopping that contravenes the Act's purpose as embodied by  
18 A.R.S. §25-431. It is submitted that Respondent's sole purpose for filing the Pennsylvania  
19

20

---

21 §25-437(C) provides: In determining if it is an inconvenient forum, the court shall consider if it is in  
the interest of the child that another state assume jurisdiction. For this purpose it may take into account the  
22 following factors, among others:

23

24

25

1. If another state is or recently was the child's home state
2. If another state has a closer connection with the child and his family or with the child and  
one or more of the contestants.
3. If substantial evidence concerning the child's present or future care, protection, training  
and personal relationships is more readily available in another state.
4. If the parties have agreed on another forum which is no less appropriate.
5. If the exercise of jurisdiction by a court of this state would contravene any of the purposes  
stated in § 25-431.

1 action was to wrestle jurisdiction from Arizona to Pennsylvania where Respondent believes he  
2 has influence. This forum shopping violates the letter and spirit of A.R.S. §25-431 and should  
3 be rebuffed.

4 **III. PETITIONER'S DUE PROCESS RIGHTS WERE VIOLATED**

5 "The Fourteenth Amendment to the Constitution of the United States provides that the  
6 states shall not deprive any person of life, liberty or property without due process of law."  
7 *Marco v. Superior Court*, 17 Ariz.App. 210, 212; 496 P.2d 636, 638 (1972). "[D]ue process  
8 requires that a party be given notice and an opportunity to be heard." *Martin*, 182 Ariz. at 16;  
9 893 P.2d at 16. The UCCJA "contains extensive provisions for interstate cooperation in the  
10 form of transmission of information from one state to another." *Loper*, 126 Ariz. at 17; 612  
11 P.2d at 68. "Courts are expected to take an active part under this section in seeking out  
12 information about custody proceedings concerning the same child pending in other states." *Id.*  
13

14 During the December hearing, Judge Ammerman of Pennsylvania informed this Court  
15 that he was the only family court judge in Clearfield County and had a lot of information  
16 regarding the case. Upon hearing this, the Arizona Court found Pennsylvania jurisdiction.  
17 Petitioner was not given notice of such information, nor was it made available to Petitioner.  
18 Petitioner was rendered unable to rebut the sufficiency of the information or its relevance in  
19 determining which state was better suited for jurisdiction. Moreover, the Court was not able to  
20 examine the information referenced by Judge Ammerman to make its own determinations of  
21 relevance or sufficiency. Instead, the Court and Petitioner were left to rely upon Judge  
22 Ammerman's opinion regarding Pennsylvania's connection to the child. The failure to provide  
23 Petitioner with all information referenced at the hearing violated her due process right to  
24 proper notice and a meaningful opportunity to be heard.

1                   **IV. INSUFFICIENCY OF FINDINGS IS REVERSIBLE ERROR**

2                   “The trial court must make findings of fact if (1) party requests findings or (2) if the  
3 remedy sought is a preliminary injunction.” *Miller v. McAlister*, 151 Ariz. 435, 437; 728 P.2d  
4 654, 656 (1986). It must make findings of fact and conclusions of law when involuntarily  
5 dismissing a case at the close of evidence. *O. S. Stapley Co. v. Logan*, 6 Ariz.App. 269, 271;  
6 431 P.2d 910, 912 (1967). The trial judge’s duty to make findings of fact with regard to its  
7 grant of preliminary injunction is not conditioned on a request for such findings by parties.  
8  
9 *Bayless Inv. & Trading Co. v. Bekins Moving & Storage Co.*, 26 Ariz.App. 265, 270 n.5, 547  
10 P.2d 1065, 1070 n.5 (1976). The trial court’s failure to make sufficient factual findings when  
11 issuing [or denying] an injunction is reversible error. *Miller v. Board of Sup’rs of Pinal County*  
12 175 Ariz. 296, 855 P.2d 1357 (1993). The Court must sufficiently explain the basis of its ruling  
13 where dismissal would accomplish a disposal on merits and have res judicata effect. *Gatecliff*  
14  
15 *v. Great Republic Life Ins. Co.*, 154 Ariz. 502, 506; 744 P.2d. 29, 33 (1987).

16                   Petitioner was granted a preliminary injunction upon the filing of her Petition for  
17 Dissolution of Marriage. This injunction specifically prohibited the removal of the Child from  
18 Arizona. The Court’s findings effectively dissolved Petitioner’s preliminary injunction by  
19 providing for the removal of the Child from the State to Pennsylvania. Additionally, the  
20 findings involuntarily disposed of Petitioner’s Arizona custody action and are res judicata.  
21 After the issuance of the Minute Entry, Petitioner requested and was denied specific findings.  
22 Under the foregoing facts, the denial of specific findings is an abuse of discretion and  
23 reversible error.  
24  
25

## **V. NEWLY OBTAINED EVIDENCE WARRANTS RELIEF**

Petitioner sought emergency jurisdiction based on the fact that, *inter alia*, Pennsylvania jurisdiction would subject her and the Child to physical harm. Specifically she alleged that Respondent is violent toward Mother and Child and has physically attacked the Mother while she was holding the Child. Petitioner produced evidence that Respondent was convicted of two counts of terroristic threatening and sentenced to three years probation. Respondent denied the allegations of physical harm and the Court refused to exercise emergency jurisdiction to protect Mother and Child.

Since the hearing, Respondent initiated a series of sometimes threatening and other times conciliatory telephone calls to the Mother. During these telephone calls, Respondent admitted the allegations of physical harm. He threatened to have the Mother arrested upon her return to Pennsylvania (a tactic previously employed by Respondent). He refused visitation with the child, unless the mother reconciles with him. Some of these calls were recorded and are submitted as Exhibit "A."

This newly discovered evidence establishes a present and continuing threat to Mother and Child should they return to Pennsylvania. Arizona's public policy is to protect victims of domestic violence. Additionally, A.R.S. §25-433 (UCCJA) specifically provides jurisdiction when necessary to protect the child.<sup>2</sup> In light of the new evidence supporting the allegations

<sup>2</sup> A.R.S. §§ 25-433 (3) (UCCJA) provides as follows: “ A. The superior court of the state of Arizona is vested with jurisdiction to make a child custody determination by initial or modification decree if any of the following apply:

“The child is physically present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent.”

1 of domestic abuse, the Court should vacate its findings and Minute Entry

2 **B. REQUEST FOR RULE 54(b) CERTIFICATION**

3 **I. FAILURE TO CERTIFY IS "ABUSE OF DISCRETION"**

4 An order denying an injunction is appealable. *Southern California Edison Co*, 194  
5 Ariz. 47 \_\_\_; 977 P.2d 769, 772 n.1 (1999). “[I]t is . . . possible for a trial court to abuse its  
6 discretion by not permitting 54(b) language . . . when the claim involved is clearly separate and  
7 distinct from the remaining claims and the possible injustice of delay would be avoided by  
8 entering judgment and making an immediate appeal available.” *Id.*

9  
10 The Court’s findings summarily disposed of Petitioner’s Arizona preliminary injunction  
11 and custody action. The preliminary injunction forbade removal of the child from the state.  
12 Delaying this matter would irreparably harm Mother and Child who be forced to travel to  
13 Pennsylvania, and be subjected physical and financial harm from her violent husband.  
14 Mother is the sole support for the child, has limited income and is not receiving any support  
15 from the Respondent. The Minute Entry is appealable because both the preliminary injunction  
16 and custody action are clearly separate and distinct from the remaining claims. Failure to  
17 provide Rule 54(b) certification under the foregoing facts is an abuse of discretion. There is  
18 no just reason for delay and justice will be served by resolving the jurisdictional issues prior  
19 to deferring jurisdiction and forcing Petitioner to travel to Pennsylvania. Plaintiffs  
20 respectfully request that the Court certify the Order as final pursuant to Rule 54(b),  
21 Ariz.R.Civ.P., specifically identifying all findings, grounds and authority.

22 **II. SECOND REQUEST FOR EXPLICIT FINDINGS**

23 The Court must sufficiently explain the basis of its ruling where dismissal would  
24 accomplish a disposal on merits and have res judicata effect. *Gatecliff v. Great Republic Life*  
25 *Ins. Co.*, 154 Ariz. 502, 506; 744 P.2d. 29, 33 (1987). “[I]t is particularly important that the  
court make its basis for dismissal explicit, so that the parties, reviewing courts, and other

1 courts who may be required to interpret its order, will not be left to guess whether the order  
2 resolves the merits of the claim." *Id.* The record does not adequately identify what grounds,  
3 facts, or criteria the Court relied upon in arriving at its Findings or whether such Findings  
4 encompass the criteria set forth in A.R.S. §25-433 (UCCJA). Accordingly, Petitioner  
5 request that the Court issue findings adequately identifying all facts and conclusions of law  
6 relied upon in dissolving Petitioner's preliminary injunction and custody action.

7 **C. MOTION TO STAY ORDER**

8 **I. STAY IS NECESSARY TO AVOID IRREPARABLE HARM**

9 Rule 62(i) Ariz.R.Civ.P., provides: "When a court has ordered a final judgment under the  
10 conditions stated in Rule 54(b), the court may stay enforcement of that judgment until the  
11 entering of a subsequent judgment or judgments . . . ." Pennsylvania's assertion of jurisdiction  
12 prior to a final determination on the issue irreparably harms Mother and Child. They would be  
13 forced to incur the time and expense of travel to Pennsylvania to attend a February 23, 2001  
14 hearing. They would be forced to litigate in two states thousands of miles apart. Additionally,  
15 they would be forced to expose themselves to physical harm.

16  
17 Consequently, it is in the interest of justice and the best interest of the Child that the Minute  
18 Entry be stayed.  
19

20 Respectfully submitted this 13 day of February 2001.

21  
22  
23  
24  
25



---

William D. Howell III, Esq.  
Arizona Bar No. 020188  
1100 E. Washington St., Suite 200  
Phoenix, Arizona 85034  
Attorney for Petitioner

1 Original and Copy of the foregoing  
2 hand-delivered  mailed  faxed

3 this 13 day of February 2001; to:

4  
5 **Honorable Cathy M. Holt**  
6 Clerk of Superior Court  
7 Maricopa County Superior Court  
210 W. Jefferson Street  
Phoenix, AZ 85003

8 With Copy hand-delivered  mailed  faxed  to:

9  
10 **Honorable Fredric J. Ammerman**  
11 Court of Common Pleas  
12 Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

13  
14 **Richard H. Milgrum**  
15 211 North Second Street  
16 Clearfield, PA 16830  
814-765-1717  
17 Attorney for Respondent.

18 By: 

19 William D. Howell III, Esq.  
20 Attorney for Petitioner

21  
22  
23  
24  
25

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

## **CIVIL DIVISION**

John Jones Jr.,  
Plaintiff,  
-vs.-  
Sonja Marie Jones.  
Defendant,  
PA No. 00-1263-CD  
AZ No. DR2000-016914  
**MOTION TO CONTINUE HEARING**  
(Assigned to Hon. Cathy M. Holt - AZ)  
(Assigned to Hon. Judge Ammerman -PA)

COMES NOW, Sonja M. Jones (the "Defendant" or "Mother") who hereby moves the Court to continue the hearing currently set for Friday, February 23, 2001 at 10:00 p.m. Pennsylvania time, for a period of thirty days (30), for the reasons and on the grounds that there is presently before the Arizona Court a petition for interlocutory review of the finding that Pennsylvania had jurisdiction in this matter. An Arizona motion to stay also awaiting review. Copies of both the Arizona Petition and Motion to Stay have been sent to this Honorable Court and Plaintiff's Counsel in this matter.

Defendant's Counsel sincerely believed this matter would be resolved before the time for the Mother to travel to Pennsylvania. Unfortunately, the Arizona domestic relations case was transferred to a new Arizona judge. This caused some confusion regarding who would decide the matter. Consequently, the issue of interlocutory review and appeal will not be heard in Arizona until February 23, 2001.

Counsel respectfully requests that this Honorable hold it hearing in abeyance until the outcome of the Arizona appeal matter is resolved. Forcing the Mother and Child to travel to Pennsylvania before the Arizona issues are resolved would cause extreme financial and

1

se extreme financial  
**FILED**

FEB 23 2001

0/3:30/44

William A. Shaw  
Brothmanator

Prothonotary  
No C/

1 emotional hardship on both Mother and Child. Mother is the sole support of the Child and  
2 receives no support from the Father. Therefore, it is in the best interest of the Child and all  
3 parties that the Pennsylvania matter be held in abeyance.  
4

5 Counsel avows that this motion is made in good faith and not for purposes of  
6 delay.  
7

8 Respectfully submitted this 23 day of February,  
9

10   
11 William D. Howell III, Esq.  
12 Arizona Bar No. 020188  
13 1100 E. Washington Suite 200  
14 Phoenix, Arizona 85034  
15 Attorney for Petitioner  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CERTIFICATE OF MAILING**

Original and Copy of the foregoing  
hand-delivered  mailed  faxed

this 23 day of February 2000; to:

**Honorable Cathy M. Holt**  
Clerk of Superior Court  
Maricopa County Superior Court  
210 W. Jefferson Street  
Phoenix, AZ 85003

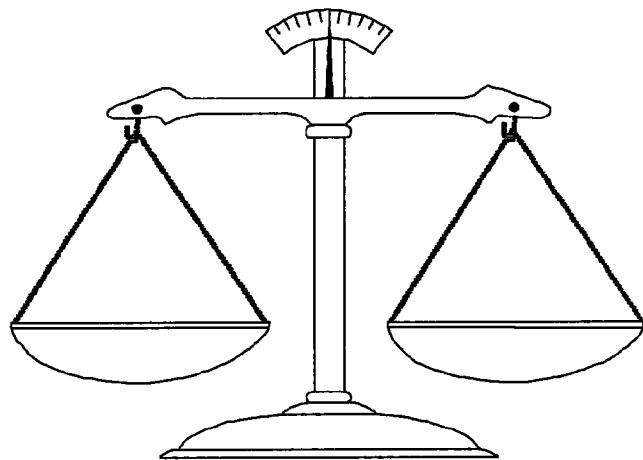
With Copy hand-delivered  mailed  faxed  to:

**Honorable Fredric J. Ammerman**  
Court of Common Pleas  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
814-765-2641

**Richard H. Milgrum  
211 North Second Street  
Clearfield, PA 16830  
814-765-1717  
Attorney for Respondent.**

By:

~~William D. Howell III, Esq.~~



## **FACSIMILE COVER PAGE**

**Date:** 02/23/01

**Time:** 7:30:50

**Pages:** 4

**To:** Judge Fredric J. Ammerman  
**Fax #:** 814-765-7649

**From:** William D. Howell III, Esq.  
**Title:** Attorney and Counselor at Law  
**Company:** William D. Howell III, PC  
**Address:** 1100 E. Washington Suite 200  
Phoenix, AZ 85034  
**Fax #:** 520-223-0167  
**Voice #:** 602-712-9632

**Message:**

### **CONFIDENTIALITY NOTES:**

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IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR.

:

-vs-

: No. 00-1263-CD

SONJA MARIE JONES

:

O R D E R

BENCH WARRANT

NOW, this 23rd day of February, 2001, this being the date set for hearing on the issues of temporary custody and partial custody pursuant to the petition filed on behalf of the Plaintiff, John Jones, Jr., father of the child Christian John Jones (D.O.B. 02-17-98); the Court noting that jurisdiction had been assumed by Pennsylvania as opposed to Arizona as the record will reflect; the Court noting that the Plaintiff is present and represented by counsel and that the Defendant, Sonja Marie Jones (mother), has not appeared, nor is she represented by counsel; the Court noting the request for a continuance of the hearing purportedly filed with the Arizona Court, with a copy thereof faxed to the Court of Common Pleas of Clearfield County this morning by mother's Arizona counsel; the Court being satisfied that mother is in contempt of the Court's Order of December 21st, 2000, and that the Motion to

**FILED**

MAR 02 2001

Continue Hearing is clearly untimely and in bad faith, it is

William A. Shaw  
Prothonotary

the ORDER of this Court that a Bench Warrant issue for Sonja Marie Jones.

The Plaintiff, John Jones, Jr., is hereby awarded primary physical and legal custody of the child Christian John Jones.

This Court recommends that the Maricopa County Superior Court issue such Orders as may be necessary in order to provide possession of the child to the father pursuant to this Order.

BY THE COURT,



---

Judge

**FILED**

4cc

<sup>3:50</sup>  
MAR 02 2001

2 Atty

M. L. Grab  
Norwell III

William A. Shaw  
Prothonotary

*EAS*

2 Atty

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR.,  
Plaintiff

vs.

SONJA MARIE JONES,  
Defendant

\*  
\*  
\*  
\*  
\*

No. 2000-1263-C.D.

FILED

NOV 02 2001

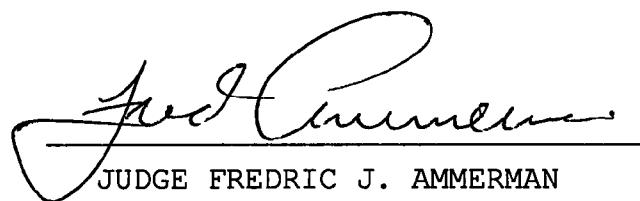
O R D E R

William A. Shaw  
Prothonotary

NOW, this 2<sup>nd</sup> day of November, 2001, this Court's Order of February 23, 2001 issued a Bench Warrant for the Defendant for failure to appear; the Court being advised that Defendant Sonja Marie Jones was incarcerated in the Clearfield County Jail on November 1, 2001, it is the ORDER of this Court that hearing on the issue of contempt and failure to appear is hereby scheduled for the 8<sup>th</sup> day of November, 2001 at 10:30 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

It is the Further Order of this Court that in the event the Defendant is incarcerated at the time of hearing, the Sheriff of Clearfield County or his designee shall cause the Defendant to be transported from the Clearfield County Jail to the Courthouse for said hearing.

By the Court,

  
\_\_\_\_\_  
JUDGE FREDRIC J. AMMERMAN

**FILED**  
m12:14481  
NOV 02 2001 Cpt  
William A. Shaw  
Prothonotary

2 certified copies to Richard H. Milgrub, Esquire  
1 certified copy to Defendant, Clearfield County Jail  
1 certified copy to Sheriff  
1 copy FAXED to Sam Lombardo, Warden Clearfield County Jail  
1 copy to Court Administrator

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

**CIVIL BENCH WARANT**

John Jones Jr.,

Vs.

No.: 2000-01263-CD

Sonja Marie Jones ,

COMMONWEALTH OF PENNSYLVANIA  
CLEARFIELD COUNTY, SS

To: Clearfield County Sheriff's Department

You are hereby commanded by the Court of Common Pleas of Clearfield County, Civil Division, to take **Sonja Marie Jones** who stands charged in said Court for failure to appear and forthwith bring the said person before the Court, or one of the Judges thereof to be dealt with according to Law.

Witness this 23rd day of August, 2001, A.D.

  
\_\_\_\_\_  
Prothonotary/Clerk of Courts  
Civil Division

Issuing Judge: Fredric J. Ammerman

Sonja Marie Jones  
1125 West Baseline Road  
Ste. 2 PMB 818  
Mesa, AZ 85210.

Costs: \$  
Additional Costs: \$  
  
BW Costs: \$  
Total: \$

SSN: \_\_\_\_\_ Service Date: \_\_\_\_\_  
DOB: \_\_\_\_\_ Served By: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOHN JONES, JR.

:

-vs-

: No. 00-1263-CD

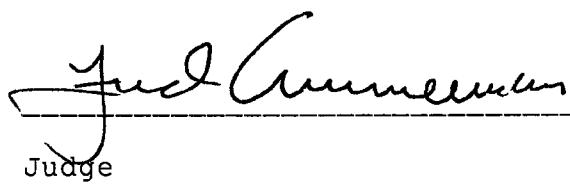
SONJA MARIE JONES

:

O R D E R

NOW, this 8th day of November, 2001, this being the date set for hearing on bench warrant on allegations of contempt; the Court being satisfied the Defendant is in contempt, she is hereby sentenced to a period of incarceration in the Clearfield County Jail of thirty (30) days. The Bench Warrant previously issued is automatically lifted.

BY THE COURT,

  
\_\_\_\_\_  
Judge

FILED

NOV 15 2001

William A. Shaw  
Prothonotary

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NOV 15 2001

William A. Shaw  
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IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

CIVIL BENCH WARANT

John Jones Jr.,

Vs.

No.: 2000-01263-CD

Sonja Marie Jones ,

COMMONWEALTH OF PENNSYLVANIA  
CLEARFIELD COUNTY, SS

To: Clearfield County Sheriff's Department

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Witness this 23rd day of August, 2001, A.D.

  
\_\_\_\_\_  
Prothonotary/Clerk of Courts  
Civil Division

Issuing Judge: Fredric J. Ammerman

Sonja Marie Jones  
1125 West Baseline Road  
Ste. 2 PMB 818  
Mesa, AZ 85210.

Costs: \$  
Additional Costs: \$  
  
BW Costs: \$  
Total: \$

SSN: \_\_\_\_\_ Service Date: \_\_\_\_\_  
DOB: \_\_\_\_\_ Served By: \_\_\_\_\_

Now November 1, 2001 caused the arrest of Sonja M. Jones at the Clearfield County Jail.

Shff. Hawkins: \$41.00

So answers

*Chester A. Hawkins*  
*by Marilyn Taylor*

CHESTER A. HAWKINS  
Sheriff

SWORN TO BEFORE ME THIS  
20<sup>th</sup> DAY OF January 2002

Will Shaw  
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

FILED

JAN 22 2002  
01/11/02 a.m  
William A. Shaw  
Prothonotary  
no CC  
