

Filed
January 26, 2023
Clerk of the Court
Superior Court of CA
County of Santa Clara
22FL003144
By: limasa

1 LAW OFFICES OF STEVEN A. DINNEEN
2 P.C. STEVEN A. DINNEEN, SBN 254494
3 Certified Family Law Specialist RYAN D.
4 ROMERO, SBN 343300 607 North First
5 Street San Jose, CA 95112 (408) 998-9900

6 Attorney for Petitioner,
7 KOSTIANTYN MARS

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND OF THE COUNTY OF SANTA CLARA

10 In Re Matter of

Case No.: 22FL003144

11 KOSTIANTYN MARS,

Petitioner

STIPULATION AND ORDER RE:
CONDUCT ORDERS &
RESERVATION OF COURT'S
JURISDICTION OVER CHILD
ISSUES

12 HANNA MARS,

Respondent.

13
14 Petitioner/Father, KOSTIANTYN MARS ("Petitioner"), represented by Steven A.
15 Dinneen, Esq., and Respondent/Mother, HANNA MARS ("Respondent") represented by
16 Nancy L. Roberts, Esq. (Petitioner and Respondent referred to collectively as the
"Partie"), hereby stipulate as follows:

17 1. It is the intention of the parties to enter this Stipulation and Order RConduct
18 Orders resolving all issues related to the parties' domestic violence restraining order
19 case. It is also the intention of the Parties that should a violation of this Order occur,
20 either party may make a Request for Order for Enforcement, Contempt, or a Request for
21 a Domestic Violence Restraining Order. It is also the intent of the Parties that, should
22 violation of this order occur, such violation shall constitute grounds for a motion for
23 enforcement or contempt.

24 2. DVROs: The parties each have domestic violence restraining order applications
25 pending in this action. Petitioner and Respondent agree to dismiss their domestic
violence restraining orders without prejudice.

3. Distance: Except as herein set forth, each Party shall stay away from the other

Marriage of Mars

STIPULATION AND ORDER

22-FL-003144

1 Party including: the homes of the each Party, the jobs, workplaces, vehicles, family
2 member's homes, or business associations each Party. If both parties go to the same
3 location, such as a restaurant, street fair, farmer's market, concert, social gathering, etc.,
4 the parties will not communicate with one another, remain a respectful distance of at
5 least twenty (20) feet away from the other party, make no eye contact with one another,
6 and make no acknowledgment of the other party whatsoever. Parties shall maintain a
7 respectful distance from each other at all times, including in court and while participating
8 in a child custody evaluation. Both shall avoid approaching each other's home, vehicle,
9 and work-place.

10 **4. Children's Events:** Reserved for jurisdiction as part of the on-going visitation
11 orders/emergency screening process, is whether or not the parties shall have the ability
12 to both be present for the child's events at the same time and what restrictions if any
13 should be in place if the parties shall be permitted to be in the same place at the same
14 time.

15 **5. Except as herein set forth, each Party shall stay away and refrain from**
16 **contacting the other Party, both directly and indirectly, by any means other than those as**
17 **set forth in this agreement, including but not limited to telephone, mail, email or other**
18 **electronic means. Indirect contact shall include, but not limited to, contacting neighbors,**
19 **friends, and business associates of each Party. Each Party may communicate with**
20 **mutual friends so long as it is not to contact the other Party either directly or indirectly.**

21 **6. Talking Conduct Orders:** As an exception to the conduct orders set forth
22 above, The parties shall communicate with one another only regarding the health,
23 education and welfare of their minor child and all such communication, unless it is an
24 emergency, shall be through the Talking Parents App. The parties shall each sign up for
25 Talking Parents and shall join their respective attorneys to the online application. Each
party is responsible for their own costs associated with Talking Parents, subject to
reimbursement as part of a party's fees and costs request. If there is an emergency
regarding the health, safety or welfare of the minor children, the parent with knowledge of
the emergency shall contact the other parent immediately by text message to the other
parent's cell phone and follow-up with details as to the emergency through Talking
Parents as soon as reasonably possible under the circumstances. Additionally, each
party shall refrain from making derogatory or disrespectful remarks to or directed at the
other Party.

7. Peaceful Conduct Orders: The parties shall each abide by the following
peaceful, conduct orders:

a. **PEACE/RESPECT:** The parties shall conduct themselves peacefully
and respectfully towards the other parent at all times and shall make
reasonable efforts to ensure that friends, family members and associates
do so as well. The parties agree to be polite and civil toward each other at

all times. If the parties encounter each other in a public place, both shall maintain a respectful distance and shall strive to limit their verbal and physical contact. Each party shall refrain from disrespectful non-verbal communication. They each agree to treat the other with civility as if they were complete strangers.

b. The parties shall not post any derogatory comments or materials referring to the other parent on any social media applications or websites.

c. Disparagement: Both parties shall refer to the other parent with respect at all times that the children are within hearing distance and on any social media sites used by either parent.

d. Interrogation: Neither parent shall interrogate or permit the children to be interrogated regarding the other parent's behavior, activities, lifestyle, friends or associates, or about disputed child custody or visitation disputes.

e. Domestic Abuse: Neither party shall expose the children to domestic abuse (physical, emotional, or verbal) as defined in Family Code Section 6203.

f. No Negative Comments: The parties will not make nor allow others to make negative comments about either party or about their past or present relationships, families, or friends within hearing distance of the children.

g. Discussion of court proceedings with children. Other than age-appropriate discussion of the parenting plan and the children's role in mediation or other court proceedings, the parties will not discuss with the child any custody or visitation (parenting time) issues or court proceedings.

h. No use of children as messengers: The Parties will communicate directly with each other on matters concerning the child and may not use the child as a messengers between them.

i. Neither Party shall video and/or audio record or cause someone else to record the other Party at exchanges of the minor child or anywhere else that is not in a public location.

8. Regular Custody & Visitation Schedule: The current custody/visitation orders shall remain in full force and effect pending the result of the emergency screening process. The current custody orders are as follows: Respondent/Mother shall have sole legal and physical custody of the minor child Maksym Mars. Petitioner/Father shall have no contact with the minor child other than professionally supervised visits which may be up to three times per week for two hours each. These shall continue to be temporary orders. Dr. Mary Rolison is currently in the process of generating recommendations following the emergency screening she conducted for the parties. The parties shall have the ability to make

1 objections to the screening recommendations and have a hearing on those
2 recommendations if they object to the recommendations and cannot come to an
3 agreement with the other party. The current custody/visitation order shall not be
4 modified without the written agreement of the parties that is filed with the court, or
5 further court order.

6 **9. Trial set for January 30, 2023, at 9:00am:** The trial currently set
7 regarding both parties request for Domestic Violence Restraining Orders is
8 hereby vacated.

9 **OTHER ORDERS**

10 **10. Provisional Changes:** The Parties shall have the right to change any
11 of the provisions of this agreement with mutual written consent.

12 **11.Reservation of Jurisdiction:** Jurisdiction over any issue not addressed
13 in this Order, including but not limited to child custody and visitation orders, is
14 expressly reserved.

15 **12.Prior Orders Not in Conflict.** All prior Orders of the court not in conflict
16 with this stipulation and order shall remain in full force and effect.

17 **13.Notice and Opportunity to be Heard.** The parties were given notice
18 and an opportunity to be heard as provided by the laws of the State of California.

19 **14.Country of Habitual Residence.** The country of habitual residence of
20 the child is the United States of America.

21 **15.Penalties.** A violation of this Order may subject a party to civil or
22 criminal penalties.

23 **16. The court reserves jurisdiction over Respondent's request for fees and**
24 **costs to be paid by Petitioner.**

25 **17. Each party acknowledges that he or she has read and fully**
understands this agreement.

Marriage of Mars

STIPULATION AND ORDER

22-FL-003143

18. Faxed and electronic signatures hereon shall be effective as original signatures. This stipulation may be signed in counterparts.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Dated: 1/25/2023

Dated: _____

Approved as to form and content:

Dated: 1/25/23

Dated: _____

IT IS SO ORDERED:

Dated: 1/26/2023

Signed: 1/26/2023 11:27 AM

DocuSigned by:

Constantine Mars

8AFB87FA1AD3442...

KOSTIANTYN MARS Petitioner/Father

See Attached Signature

HANNA MARS Respondent/Mother

RAW D. Roberts Esq.
For S.P.
SJSJ #343 300
Steven Dimreen, Attorney for Petitioner

See Attached Signature

Nancy L. Roberts, Attorney for Respondent

Andrea E. Flint

Andrea E. Flint
Judge of the Superior Court

Marriage of Mars

STIPULATION AND ORDER

22-FL-003148

18. Faxed and electronic signatures hereon shall be effective as original signatures. This stipulation may be signed in counterparts.

Dated:

Dated: 01 / 25 / 2023

KOSTIANTYN MARS Petitioner/Father

Hanna Mars

HANNA MARS Respondent/Mother

Approved as to form and content:

Dated: _____

Steven Dinneen, Attorney for Petitioner

Dated: 01 / 25 / 2023

Nancy L. Roberts

Nancy L. Roberts, Attorney for Respondent

IT IS SO ORDERED:

Dated: _____

Judge of the Superior Court

Marriage of Mars

STIPULATION AND ORDER

22-FL-003143