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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA,**
12 **COUNTY OF SAN DIEGO**
CENTRAL DIVISION

13	KEITH PFISTER,)	CASE NUMBER: DF177854
)	
14	PETITIONER,)	
)	
15	v.)	MEMORANDUM OF POINTS AND
)	AUTHORITIES IN SUPPORT OF
16)	RESPONDENT TAMMY SEARLE'S
17	TAMMY SEARLE,)	RENEWED MOTION FOR CALIFORNIA
)	TO ASSUME JURISDICTION AND
18	RESPONDENT.)	ORDER FOR RETURN OF MINOR
)	ALEXIS SEARLE TO HER CUSTODY
19)	IN CALIFORNIA

20 **RELEVANT PARTIES**

21 Keith Pfister (hereinafter "K.PFISTER") is a forty-four year old
22 male believed to be residing in Louisiana, and when convenient for
23 litigation purposes, Tennessee. He has a criminal history in New
24 Orleans Parish Louisiana which includes what is believed to be 1985
25 convictions for charges related to Public Intimidation of a Police
26 Officer, Possession of Cocaine, Disturbing the Peace, Battery Upon a
27 Peace Officer, and Resisting Arrest by Fighting. He has a 1986
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1 conviction for Driving While Intoxicated as well as a 1987 federal
2 felony conviction for violations of the Federal Controlled Substance
3 Act and the Gun Control Act of 1968. (See Exhibit 1) In addition to
4 the records from Louisiana, K.PFISTER has suffered arrests and/or
5 convictions in Williamson County for at least three incidents
6 involving domestic violence related offenses wherein Tammy Searle was
7 the named victim. (See Exhibits discussed below) As of the date of
8 this pleading, K.PFISTER has been the claimant in at least two major
9 insurance claims wherein fraud was declared by the insurance carriers.
10 (See Exhibit 2) Further, K.PFISTER is/was a director/officer in one
11 active and two revoked corporations in Louisiana as well as two
12 revoked corporations in Tennessee. (See Exhibit 3)

13 Tammy Searle (hereinafter "SEARLE") is a thirty-nine year old
14 female and has no criminal convictions of any kind. She moved to
15 California with her daughter Alexis Searle in June of 1999 after the
16 Williamson County Juvenile Court (Tennessee) granted her request to
17 leave Tennessee.

18 Gerald Pfister (hereinafter "G.PFISTER") is a seventy-one year
19 old male with no known criminal history who is residing in Saint
20 Tammanay Parish Louisiana. He is K. PFISTER's father. As of the date
21 of this pleading, G. PFISTER is currently a director/officer in three
22 active and at least thirteen, if not far more, revoked corporations in
23 the State of Louisiana. (See Exhibit 4)

24 Lonnie Ray Hoover (hereinafter "HOOVER") is a General Sessions
25 Judge for the Williamson County Juvenile Court located in Franklin,
26 Tennessee. In the State of Tennessee, the scope and authority of a
27 General Sessions Judge is very limited (See Tennessee Code Annotated
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1 Section 16-15-401). Pursuant to statute, a General Sessions Judge
2 does not have to be an attorney (T.C.A. Section 17-1-106b1); cannot
3 empanel a jury. *City of Chattanooga v. Davis* 54 SW3^d 248, 267 (Tenn.
4 2001); and cannot sentence anyone to more than ten days in custody for
5 any act of contempt (T.C.A. Section 16-15-713a1).

6 Alfred Nations (hereinafter "NATIONS") is also a General Sessions
7 Judge for the Williamson County Juvenile Court located in Franklin,
8 Tennessee. Like HOOVER, the scope and authority of his duties are
9 limited as discussed above.

10 Alexis Nicole Searle (hereinafter "ALEXIS") was born to SEARLE
11 and K.PFISTER on August 3, 1996 in Nashville, Tennessee. Per her
12 Tennessee Birth Certificate, her lawful surname was "SEARLE" although
13 K.PFISTER would later file various pleadings before HOOVER in order to
14 change her name to "PFISTER". (See Exhibit 5) ALEXIS resided with
15 SEARLE in Tennessee from birth until she and her mother moved to
16 California on or about June 25, 1999. She remained with SEARLE in
17 California until on or about June 16, 2003. On or about that date,
18 she was taken from SEARLE by San Diego County Sheriff's deputies and
19 released by San Diego County authorities to K.PFISTER without
20 providing SEARLE an opportunity to exercise her state and federal
21 rights to due process of law. Upon receiving the child, K.PFISTER
22 immediately returned to either Louisiana and/or Tennessee where he has
23 remained with ALEXIS through the date of this pleading. SEARLE has not
24 seen and has rarely spoken with her daughter since June 16, 2003.

25 **STATEMENT OF RELEVANT FACTS**

26 SEARLE and K.PFISTER became romantically involved on or about
27 November of 1994 and separated in June of 1997. Their history is
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1 On or about January 22, 1996, K.PFISTER appeared in court on
2 domestic violence charges. While there he filed a criminal complaint
3 against SEARLE for some currently unknown allegation. After
4 investigation, the allegation and subsequent charges were dropped.

5 On or about February 7, 1996, during court proceedings
6 related to the January 16, 1996 domestic violence incident, K.PFISTER's
7 sister Tara Cavazos physically assaulted SEARLE in plain view of court
8 bailiff. Subsequent to the attack, Miss Cavazos fled the courthouse
9 and was arrested outside. She was later convicted on criminal charges
10 related to the attack and sentenced to probation. A protective order
11 against Miss Cavazos was issued in favor of SEARLE.

12 During the court hearing on that same date, K.PFISTER was
13 convicted on charges related to the January 16, 1996 assault on SEARLE.
14 HOOVER was the judge presiding on the case and during sentencing,
15 ordered K.PFISTER to attend anger management counseling which he
16 refused and, to date, has never completed. (See Exhibit 7).

17 On or about May 2, 1996, K.PFISTER failed to appear in court
18 before HOOVER for probation review related to the February 7, 1996
19 domestic violence conviction. HOOVER later issued a warrant for his
20 arrest.

21 On August 3, 1996, SEARLE gave birth to "Alexis Nicole Searle"
22 (ALEXIS) in Nashville Tennessee. (See Exhibit 5)

23 On or about August 7, 1996, HOOVER, while SEARLE was still in the
24 hospital and without her being present or even noticed, held a hearing
25 during which K.PFISTER sought legitimization of ALEXIS as his child.

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1 fraught with periods of physical/emotional abuse as well as ongoing
2 pattern of fraudulent conduct by K.PFISTER. Once the relationship
3 deteriorated, K.PFISTER, under the direction and financing of
4 G.PFISTER, severely increased a course of harassment aimed at SEARLE in
5 the Williamson County Juvenile Court system. This harassment had begun
6 shortly after ALEXIS' birth in 1996 and continued uninterrupted until
7 the child was improperly returned to Tennessee in 2003. The following
8 chronological history represents important events related directly to
9 the care and well-being of ALEXIS. These events represent only a small
10 portion of the entire litigation history between these parties¹.

11 On January 15, 1996, K.PFISTER was arrested after he physically
12 attacked SEARLE at their residence. This assault occurred while SEARLE
13 was three months pregnant and included pulling her down a flight of
14 stairs by her ankles, throwing her into a wall, punching her chest, and
15 destroying various items of property in the residence. Although this
16 was not the first domestic violence incident wherein K.PFISTER
17 victimized SEARLE, it was, in fact, the first wherein police,
18 responding to the scene, could verify visible injuries on SEARLE's
19 person.

20 On January 18, 1996, K.PFISTER returned to the residence and was
21 arrested again for being in violation of a protective order granted in
22 favor of SEARLE as a result of the attack two days earlier. (See
23 *Exhibit 6*).

24 _____
25 ¹ Plaintiff does not possess a complete copy of the Williamson County Juvenile Court
26 files which would accurately reflect the entire litigation history at issue here.
27 Plaintiff counsel procured the assistance of an investigator in Williamson County
28 Tennessee who appeared at that courthouse in order to request copies of these files
on or about March 14, 2005. Upon making the request, the investigator was told
that, in spite of the fact that a number of parties had recently copied these files,
they were now "sealed and that if Miss SEARLE wanted a copy she could just come see
us herself".

1 The subsequent order incorrectly stated that the child was born in
2 Williamson County Tennessee. (See Exhibit 5)

3 On or about January 2, 1997 (SEARLE's birthday), K.PFISTER, with
4 SEARLE (and five month old ALEXIS) in the car begging him not to do it,
5 tried to escape a parking lot without paying parking fees at Nashville
6 airport in Tennessee. He was caught and arrested on the outstanding
7 warrant ordered by HOOVER on or about April 15, 1996.

8 On or about June 5, 1997, K.PFISTER came to SEARLE's residence
9 looking for a gasoline container. After leaving there, he eventually
10 went to SEARLE's office where he tried to steal equipment before being
11 stopped by her employees who telephoned police. SEARLE, with ten-month
12 old ALEXIS, arrived at the office before K.PFISTER had left. Upon
13 seeing SEARLE, K.PFISTER violently attacked her. SEARLE was taken to
14 hospital for possible broken ribs and other injuries. Subsequently, a
15 Nashville Tennessee court granted a new protective order against
16 K.PFISTER in favor of SEARLE. (See Exhibit 8)

17 On or about October 19, 1997, K.PFISTER commenced family law
18 proceedings against SEARLE before the Williamson County Juvenile Court
19 in Tennessee that would continue unabated through 2003.

20 On or about January 21, 1998, foreclosure was completed on the
21 residence owned jointly by SEARLE and K.PFISTER. G.PFISTER, using his
22 current wife's corporation "MT Investments, Incorporated", paid \$1.00
23 over amount of the first mortgage for the property subject to a
24 substantial number of liens and encumbrances placed on the property by
25 K.PFISTER without SEARLE's knowledge. SEARLE's investment in the
26 property was completely lost as a result of K.PFISTER and G.PFISTER's
27 actions. (See Exhibit 9)

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1 On or about January 23, 1998, K.PFISTER, without proper notice to
2 SEARLE, appeared before HOOVER on a motion seeking custody of ALEXIS.
3 The motion alleged that SEARLE had fled the country to avoid
4 prosecution and/or liability for various K.PFISTER fabrications; her
5 home had been foreclosed upon; and all utilities were now shut off.
6 Further, K.PFISTER made false claims that SEARLE had sex with her
7 boyfriend in front of ALEXIS. HOOVER granted a change of custody
8 without a formal hearing. (See Exhibit 10)

9 On or about January 26, 1998, MT Investments (aka: Martha Bellina
10 under guidance of G.PFISTER) filed an unlawful detainer action seeking
11 the removal of SEARLE and ALEXIS from their residence that had been
12 purchased by MT Investments in foreclosure sale on January 21, 1998.
13 (See Exhibit 11)

14 Upon returning from her trip on or about January 27, 1998, SEARLE
15 was approached by Williamson County Sheriff's deputies who removed her
16 from her residence at gunpoint. This occurred even though SEARLE had
17 thirty days to vacate the premises by law following the foreclosure.
18 After her lawyer intervened, SEARLE was allowed to return to the
19 property the following day. (See Exhibit 11)

20 Upon being informed by K.PFISTER that she had lost custody of
21 ALEXIS, SEARLE immediately petitioned HOOVER for a proper hearing.
22 Approximately two weeks later, HOOVER presided over that hearing
23 wherein the evidence revealed that K.PFISTER had perjured himself in
24 court, filed intentionally false petitions, and intentionally misled
25 the court regarding SEARLE's whereabouts. At the conclusion of the
26 hearing, HOOVER immediately reversed his earlier order and ALEXIS was
27 then returned to SEARLE. During a subsequent July 9, 1998 hearing
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1 requested by K.PFISTER, the Guardian Ad Litem assigned to the case
2 raised the issue of K.PFISTER's untruthfulness in his opposition
3 pleadings. (See Exhibit 12)

4 On our about February 23, 1998, Williamson County Sheriff's
5 deputies arrived at SEARLE's residence and ordered her and ALEXIS out
6 into the street. They were not allowed to pack any of their belongings
7 or property. After much debate, SEARLE was allowed to keep ALEXIS'
8 cradle. SEARLE and ALEXIS, with little more than the cradle, left the
9 residence for the last time. To date, none of their furniture,
10 clothing or other belongings have ever been returned. (See Exhibit 13)

11 On or about June 4, 1998, K.PFISTER's residence at 719 Brownlee
12 Drive in Nashville Tennessee caught fire and was badly damaged.
13 Nashville Fire Department attributed the cause of the fire to arson.
14 The following morning, before an arson investigation team could begin a
15 thorough inspection, the residence caught fire again in a manner also
16 attributed to arson. Prior to that second fire, K.PFISTER was
17 interviewed at the scene by a fire department investigator. After being
18 told that fire department investigators would return the following
19 morning for further inspection, K.PFISTER immediately offered a piece
20 of paper with SEARLE's phone number and address while stating that she
21 was the party responsible for the fire. Further, K.PFISTER suggested
22 that SEARLE must have used gasoline in setting the first fire.
23 Coincidentally, investigators believed gasoline or a similar flammable
24 was used to start the fire but had not told K.PFISTER that fact prior
25 to interviewing him. (See Exhibit 3) A few days prior to the fire,
26 K.PFISTER just happened to have moved most of his personal belongings

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1 to SEARLE's former residence that was now owned by G.PFISTER's
2 girlfriend and current wife. (See Exhibit 9)

3 On or about July 17, 1998, K.PFISTER filed a criminal complaint
4 against SEARLE alleging that on or about February 13, 1998, SEARLE took
5 various items of furniture from the Temple Road residence valued at
6 over \$10,000.00. The written complaint actually stated "An
7 investigation by Mr. Pfister found that Tammy (SEARLE) had a sale at
8 his home and either sold or gave away items without his permission".
9 On that same date, K.PFISTER filed a second criminal complaint against
10 SEARLE alleging that on or about November 16, 1997 (eight months
11 earlier) SEARLE "did take and remove a cell phone from the vehicle of
12 Keith PFISTER without his knowledge or consent". (See Exhibit 14)

13 On or about August 2, 1998, K.PFISTER refused to drop ALEXIS off
14 at the Children's Playroom per his court ordered visitation terms.
15 Instead, K.PFISTER informed SEARLE that if she ever wanted to see
16 ALEXIS again, she should immediately go down to the Bellmeade Police
17 Station in Nashville Tennessee. SEARLE appeared at the station shortly
18 thereafter wherein K.PFISTER, in front of two year old ALEXIS, had her
19 arrested on the two complaints filed by him on July 17, 1998. It is
20 important to further note that per court order, SEARLE was to have
21 ALEXIS back from K.PFISTER before her birthday on August 3, 1998. By
22 arranging to have SEARLE arrested the day before ALEXIS' birthday,
23 K.PFISTER was then able to take ALEXIS to New Orleans for another full
24 week.

25 On or about August 4, 1998, K.PFISTER filed yet another criminal
26 complaint against SEARLE alleging that she stole property from him
27 valued at less than \$500.00. In that complaint, K.PFISTER actually
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1 stated that "Keith Pfister has determined" that SEARLE took "industrial
2 sized garbage cans (2), industrial brooms, mops, and hoses valued at
3 approximately \$375.00". On or about August 6, 1998, K.PFISTER had
4 SEARLE arrested on the August 4, 1998 complaint. (See Exhibit 15)

5 On or about September 16, 1998, all criminal complaints and
6 subsequent warrants filed by K.PFISTER against SEARLE were dismissed.
7 (See Exhibit 16)

8 During November 1998, without notice to SEARLE, K.PFISTER stopped
9 his court ordered payment of ALEXIS' medical insurance. SEARLE did not
10 discover the lack of insurance for her daughter until roughly January
11 of 1999 when she sought medical attention for ALEXIS. (See Exhibit 17)

12 On or about November 14, 1998, K.PFISTER was arrested after he was
13 caught stalking SEARLE and her boyfriend from the bushes in their
14 neighbor's yard. (See Exhibit 18)

15 On or about December 2, 1998 HOOVER ordered K.PFISTER to pay child
16 support and arrearages to SEARLE in an amount in excess of \$22,000.00.

17 On January 20, 1999, Davidson County Tennessee court granted
18 SEARLE yet another protective order against K.PFISTER (Case Number 98-
19 OP2160). (See Exhibit 19)

20 On or about February 27, 1999, SEARLE filed notice of relocation
21 and petition to modify visitation requesting permission to move to
22 California with ALEXIS and her fiancé Dino Moretti. The matter came
23 before HOOVER who did not find it necessary to order any home studies
24 or psychological evaluations as a result of either the new involvement
25 of Dino Moretti or the plans to move to California. (See Exhibit 20)

26 On or about April 6, 1999, K.PFISTER was bound over on a warrant
27 for the stalking arrest that occurred on or about November 18, 1998.
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1 On or about April 13, 1999, HOOVER denied SEARLE's request to move
2 to California after finding insufficient grounds to support such a
3 change as she was not married to her fiancé Dino Moretti. (See Exhibit
4 21)

5 On or about April 19, 1999, SEARLE notified HOOVER that she and
6 Moretti would be married by May 1, 1999 and requested that he
7 reconsider his April 13, 1999 ruling. (See Exhibit 22)

8 On or about May 4, 1999, K.PFISTER petitioned the court for home
9 study and psychological evaluations for all parties at his expense.
10 Even though HOOVER had not ordered these previously, HOOVER granted
11 K.PFISTER's request on May 5, 1999. On or about June 11, 1999,
12 K.PFISTER was evaluated by Dr. Alison Kirk. (See Exhibit 23)

13 On or about June 23, 1999, HOOVER granted SEARLE's motion to
14 relocate to California and ordered a visitation schedule. (See Exhibit
15 24). During this hearing, HOOVER took testimony from a Dr. William
16 Kenner who had completed a thorough evaluation of the mental health of
17 all parties, the child, as well as an evaluation of the current custody
18 dispute and impact of a potential move to California. (See Exhibit 24
19 pages 7-64) Dr. Kenner testified that K. PFISTER had been in
20 alcohol/drug treatment a number of times in the past (See Exhibit 24
21 page 10, lines 19-23); had a well diagnosed learning disability and
22 functioned in a borderline retarded range in terms of his verbal and
23 organizational abilities (See Exhibit 24 page 11, lines 13-19); and
24 often had strong emotional responses which are not well controlled (See
25 Exhibit 24 page 13, lines 1-4). In reaching his decision to grant
26 SEARLE's request to move to California, HOOVER freely acknowledged that
27 by making this decision, Tennessee would lose jurisdiction of this
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1 matter to California in six months (See page 87 lines 20-22 of
2 transcript included with Exhibit 24). On or about July 6, 1999,
3 K.PFISTER immediately filed an appeal seeking to overturn HOOVER's
4 ruling. (See Exhibit 25) This appeal would eventually be denied by the
5 Tennessee Court of Appeal on or about December 21, 2000. (See Exhibit
6 37)

7 On or about June 25, 1999, SEARLE and ALEXIS relocated to
8 California with Mr. Moretti.

9 On or about October 15, 1999, K.PFISTER's driving privileges in
10 the State of Tennessee were suspended. Subsequent correspondence
11 regarding request for reinstatement indicated he had received at least
12 four speeding tickets between July 1997 and April 1999. (See Exhibit
13 26)

14 On or about February 18, 2000, a disposition agreement on
15 K.PFISTER's criminal stalking case was reached. (See Exhibit 27)

16 On or about March 9, 2000, now in excess of eight months since
17 HOOVER granted her leave to move to California, SEARLE was ordered to
18 appear in Williamson County Juvenile Court before HOOVER in order to
19 address various complaints about visitation and custody raised by
20 K.PFISTER. She had traveled from California even though she had not
21 received proper notice of the hearing and Tennessee was not the proper
22 jurisdiction to hear the matter as ALEXIS and SEARLE had been living in
23 California in excess of eight months since HOOVER granted the move away
24 order on June 25, 1999. HOOVER denied without argument, SEARLE's motion
25 to transfer jurisdiction to California. As ALEXIS was in school in
26 California, had not been ordered to be present, and it was not
27 K.PFISTER's visitation period, SEARLE did not bring ALEXIS to Tennessee
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1 for the hearing. During the hearing, HOOVER holds SEARLE in "criminal
2 contempt" for among other things, not bringing the child to Tennessee
3 to see the father during the hearing. HOOVER subsequently had SEARLE
4 held in custody until her husband could fly ALEXIS to Tennessee the
5 following day. (See Exhibit 28) On or about April 17, 2000, SEARLE
6 filed a Notice of Appeal based upon HOOVER's rulings. (See Exhibit 29)
7 HOOVER's order holding SEARLE in contempt was later overturned on
8 appeal by Tennessee Court of Appeals on or about March 28, 2001.

9 On March 23, 2000, Los Angeles County Superior Court (Northeast
10 District) issued a restraining order against K.PFISTER in favor of
11 SEARLE and her husband (Case #GD026845). (See Exhibit 30)

12 On or about that same date, SEARLE opened a child support
13 collection case against K.PFISTER with the Los Angeles County District
14 Attorney's Office Bureau of Family Support Operations (Case #BG097120).
15 (See Exhibit 31) On or about that same date, PFISTER filed a motion
16 before the Tennessee Court of Appeal seeking to have them consider
17 various post-judgment issues before ruling on his appeal of HOOVER's
18 move away order. SEARLE filed opposition to this motion on or about
19 May 26, 2000. The Tennessee Court of Appeal denied PFISTER's motion on
20 or about June 1, 2000. (See Exhibit 32)

21 On or about May 31, 2000, HOOVER presided over yet another motion
22 by K.PFISTER requesting SEARLE be held in contempt for violation of
23 various court orders. At the conclusion of that hearing, HOOVER
24 ordered that a new birth certificate be issued showing ALEXIS' name to
25 be "Alexis Nicole Pfister" and that SEARLE comply with all previous
26 court orders regarding telephone calls and various scheduling issues.
27 (See Exhibit 33)

1 On or about October 13, 2000, SEARLE filed a Petition for
2 Registration of Foreign Child Custody Order Pursuant to UCCJA in Los
3 Angeles County Superior Court (Case BD332705). (See Exhibit 34)

4 On or about December 6, 2000, PFISTER filed a partial opposition
5 to SEARLE's California petition. (See Exhibit 35)

6 On or about December 11, 2000, the Los Angeles County Bureau of
7 Child Support requested Tennessee to transfer its child support case
8 against K. PFISTER to Louisiana. (See Exhibit 36)

9 On or about December 21, 2000, the Tennessee Court of Appeal
10 denied K. PFISTER's appeal on HOOVER's decision to grant SEARLE's move
11 away order. (See Exhibit 37)

12 In addition to the constant stream of court petitions in
13 Williamson County Juvenile Court, K.PFISTER and G.PFISTER also brought
14 at least two different civil actions against SEARLE alleging causes of
15 action for fraud/theft from corporations that had long since been
16 revoked. As a single mother with limited resources and little to no
17 child support, SEARLE valiantly attempted to defend these cases on her
18 own for quite some time while also defending the juvenile court
19 actions. However, by mid-late 2000, SEARLE could no longer manage to
20 defend on all the legal fronts created by the K. PFISTER and G.
21 PFISTER. They both eventually obtained large default judgments in
22 Tennessee against SEARLE that were substantiated by little more than
23 their own self-serving declarations. These judgments; unpaid attorney
24 fees due roughly twelve attorneys; unpaid medical bills for her and
25 ALEXIS from some fifteen providers; and unpaid credit card debt
26 attributed to child care, legal fees/costs, travel expenses for
27 repeated short notice trips to Tennessee for court, and living
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1 expenses forced SEARLE into a state of insolvency. As a result, SEARLE
2 was forced to seek protection under Chapter Seven of the United States
3 Bankruptcy Codes on or about January 17, 2001. Yet, even after SEARLE
4 filed for bankruptcy, G.PFISTER and K.PFISTER forced further litigation
5 and expense as they vigorously opposed discharge of the Tennessee
6 default judgments granted in their favor. And after SEARLE simply
7 could no longer manage the resources necessary to contest this issue
8 before the bankruptcy court, she was again forced to concede the issue
9 and as a result, the default judgments remained in effect after the
10 close of the bankruptcy.

11 On or about March 31, 2001, Los Angeles County Superior Court
12 (#TN21110) determined that K.PFISTER owed SEARLE child support
13 arrearages totaling \$18,730.10. (See Exhibit 38)

14 On or about April 12, 2001, K.PFISTER filed his third Petition for
15 Contempt and Renewed Petition for Change of Custody. In that petition,
16 he requested that HOOVER hold SEARLE in contempt for filing the October
17 13, 2000 petition in Los Angeles, California. (See Exhibit 39)

18 On or about April 16, 2001, SEARLE appeared in Los Angeles County
19 Superior Court for hearing on her request to register HOOVER's
20 Tennessee move away and custody order as she and ALEXIS had been living
21 in California for almost two years since leaving Tennessee. SEARLE
22 represented herself at this hearing and attorneys for K.PFISTER opposed
23 her request while arguing, among other things that there was a hearing
24 pending before HOOVER in Tennessee. Los Angeles County Superior Court
25 Judge Denner agreed to speak with HOOVER regarding the status of this
26 case. During that discussion, HOOVER informed Judge Denner that he was
27 scheduled to preside over an upcoming hearing wherein the sole issue
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1 before him was whether K.PFISTER was either a resident of Tennessee or,
2 in fact, a resident of Louisiana and outside the jurisdiction of the
3 Tennessee court. Over SEARLE's objection, Judge Denner agreed to defer
4 further action in California pending resolution of that issue. HOOVER
5 did not indicate that he had any intention of taking any action on any
6 issue other than to rule on K.PFISTER's residency. (See Exhibit 40)

7 On June 7, 2001, SEARLE raised the issue of subject matter
8 jurisdiction at a hearing before HOOVER in Tennessee. SEARLE argued
9 that, as she and ALEXIS had resided in California for mere days shy of
10 two years, Tennessee no longer had jurisdiction over this case.
11 Further, she argued that even if for some reason the court disagreed,
12 Tennessee no longer had jurisdiction because K.PFISTER was not a
13 resident of that state.

14 During that hearing HOOVER finally heard testimony regarding
15 K.PFISTER's residency. In spite of substantial evidence to the
16 contrary, HOOVER ruled that Tennessee was still K.PFISTER's home state
17 because "...he comes home to his bed, he thinks of Tennessee" (See page
18 48, lines 17-20 of Reporter's Transcript included in Exhibit 41).
19 However, once that ruling was made, HOOVER did not defer any new issues
20 raised by K.PFISTER to the appropriate California court. Instead,
21 HOOVER acknowledged that the child and her mother have been in
22 California two years; that her school, doctors, day care, and so on are
23 all in California; that all the witnesses in a custody hearing would be
24 from California; that removing the child from her life in California
25 for repeated trips to Tennessee for court was detrimental (See page 33,
26 lines 10-18 of Reporter's Transcript included in Exhibit 41); and yet,
27 ignored all of these factors in breach of the UCCJA in order to find
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1 that California was an inconvenient forum for K.PFISTER (See page 50,
2 lines 17-22 of Hearing Transcript included in Exhibit 41) and that only
3 he (i.e. HOOVER) was uniquely qualified to hear this case because he
4 had done so for some five years. Were that not enough, HOOVER also
5 found that SEARLE's motion to transfer jurisdiction to California was
6 barred under various other theories including "res judicata" (because
7 he had previously denied this same motion in March of 2000) and
8 "judicial estoppel" (i.e. SEARLE could not argue that K.PFISTER was now
9 a resident of Louisiana when she has previously argued he was a
10 resident of Tennessee) (See Exhibit 41).

11 In addition to the residency and jurisdiction rulings, HOOVER also
12 took it upon himself to grant K.PFISTER yet another full custody
13 hearing even though there was absolutely no change in circumstances
14 warranting such a hearing under the UCCJEA. He further ordered SEARLE
15 to bring ALEXIS back to Tennessee by June 14, 2001 to be turned over to
16 K.PFISTER for visitation until August 1, 2001. (one week after hearing
17 and only three days after order issued on July 11, 2001). (See Exhibit
18 41)

19 On June 14, 2001, HOOVER presided over a hearing to address
20 SEARLE's Motion to Recuse him from the case. After a brief hearing
21 wherein HOOVER presided over the motion himself, he ruled that SEARLE's
22 motion was "wholly and completely without merit" and that "the court
23 finds there is no question that the court can hear this case
24 impartially". (See Exhibit 42)

25 On June 27, 2001, HOOVER held yet another hearing on K.PFISTER's
26 motion to find SEARLE in contempt of previous court orders. SEARLE was

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1 not present and the court took K.PFISTER's uncontested testimony under
2 submission.

3 On June 29, 2001, SEARLE failed to appear before HOOVER to show
4 documentary proof of a prior trip to Hong Kong.

5 On July 3, 2001, HOOVER issued an order in which he determined
6 that SEARLE had somehow committed fifty-nine (59) acts of "criminal
7 contempt" by various violations of his civil court orders. As his
8 judicial authority limited his sentencing authority to ten (10) days in
9 jail for acts of contempt, he ordered SEARLE to serve fifty-nine (59)
10 consecutive ten (10) day sentences for a total sentence of 590 days
11 in jail without due process of law. He then ordered that K.PFISTER
12 should be given temporary custody of ALEXIS once SEARLE returned to
13 Tennessee and began serving that sentence. (See Exhibit 43)

14 On July 11, 2001, SEARLE filed a Notice of Appeal from the June 7,
15 2001 order denying her request to defer jurisdiction to California.
16 (See Exhibit 44)

17 On September 27, 2001, HOOVER presided over a hearing to address
18 K.PFISTER's motion to dismiss SEARLE's appeal for failure to comply
19 with a minor procedural filing rule and to convert his temporary
20 custody of ALEXIS to permanent sole custody. Neither SEARLE nor ALEXIS
21 were present as they were both still living in California. In a
22 subsequent order following this hearing, HOOVER stated that SEARLE was
23 "convicted for contempt in this court" even though these contempt
24 citations were not part of any criminal case and SEARLE was never
25 afforded any of her state or federal constitutional rights to contest
26 the validity of these contempt citations. Because of these
27 "convictions" and a variety of other reasons, HOOVER granted K.PFISTER
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1 permanent sole custody and ordered that SEARLE only have supervised
2 visitation with ALEXIS. (See Exhibit 45)

3 On November 8, 2001, the Tennessee Court of Appeals dismissed
4 SEARLE's appeal on the grounds that she could not seek appellate relief
5 from HOOVER's orders while a fugitive from State of Tennessee. (See
6 Exhibit 46)

7 SEARLE did not return to Tennessee after HOOVER's improper June 7,
8 2001 orders. Instead, she remained in California under the belief that
9 once K.PFISTER sought enforcement of HOOVER's orders in a California
10 court, she would then be able to properly invalidate those orders for
11 lack of jurisdiction under the applicable sections of the UCCJA which
12 had been codified in California. However, for the first time in their
13 lives, neither K.PFISTER nor G.PFISTER attempted to avail themselves of
14 the judicial system in order to further their goals of taking ALEXIS
15 from her mother. Between June 7, 2001 and June 17, 2003, K.PFISTER and
16 G.PFISTER made no attempt whatsoever to enforce HOOVER's improper
17 orders in California.

18 On or about June 17, 2003, San Diego County Sheriff's deputies
19 responded to SEARLE's 9-1-1 call regarding a domestic violence incident
20 at a neighbor's residence. After a deputy responded to the residence
21 next door and appeared to be leaving without taking a report, SEARLE
22 approached them and requested that a formal report be taken as this was
23 an ongoing problem at that residence. The deputy apparently became
24 angry that SEARLE had inconvenienced him by demanding that he and his
25 partner properly address and document the incident next door. And
26 rather than simply write the necessary report, the deputy, without any
27 indication whatsoever that SEARLE had done anything wrong or even
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1 remotely suspicious, decided to run her name through a national
2 criminal database. Upon doing so, the deputy received information
3 about HOOVER's Tennessee warrant. (See Exhibit 43) SEARLE was
4 subsequently arrested and both she and ALEXIS were taken into custody.
5 After several hours at the sheriff's station, ALEXIS was turned over to
6 the Polinsky Center (County of San Diego's children's receiving
7 facility) in spite of the fact that SEARLE's now ex-husband Dino
8 Moretti actively sought to pick her up pursuant to California law (See
9 California Welfare and Institutions Code Sections 309(d) and 319).
10 Instead of releasing ALEXIS to her stepfather, Sheriff's personnel
11 contacted the Williamson County Sheriff and K.PFISTER regarding the
12 fact that ALEXIS was now in their custody. Upon receiving that
13 information, K.PFISTER made immediate arrangements to fly to San Diego.

14 On or about June 18, 2003, a representative of the Polinsky Center
15 released ALEXIS to K.PFISTER, a convicted felon with a history of drug
16 abuse and domestic violence who had never resided with ALEXIS for any
17 significant period since she was born. Upon appearing to pick up
18 ALEXIS, K.PFISTER presented nothing but an uncertified photocopy of
19 HOOVER's order which clearly granted nothing but temporary custody to
20 K.PFISTER in the event that SEARLE ever returned to Tennessee and began
21 serving the sentence he imposed. (See paragraph 7 of HOOVER's July 3,
22 2001 order attached as Exhibit 43) Further, the representative
23 released ALEXIS to K.PFISTER without providing any notice to SEARLE or
24 allowing her to exercise her rights to a hearing to challenge that
25 action in direct violation of California law (See California Welfare
26 and Institutions Code Section 300(g)). Once told she was to be given
27 to K. PFISTER, ALEXIS became very upset and adamantly maintained she
28

1 did not want to go with him because he had hurt her mommy. When ALEXIS
2 became uncooperative, authorities contacted her stepfather Dino Moretti
3 and asked him to calm her down and convince her she would have fun with
4 K.PFISTER and his family. Upon receipt of ALEXIS, K.PFISTER
5 immediately returned to Tennessee and SEARLE has not seen ALEXIS since
6 that date.

7 On or about June 20, 2003, SEARLE was charged in San Diego County
8 Superior Court with being a fugitive from justice in Tennessee
9 (California Penal Code Section 1551.1) and was released on a \$2500.00
10 bond. (See Exhibit 47)

11 On or about July 15, 2003, NATIONS granted K.PFISTER's request for
12 restraining order barring SEARLE and Dino Moretti from him and ALEXIS
13 pending a formal hearing. (See Exhibit 48)

14 On July 31, 2003, San Diego County Superior Court Case CD175294
15 was dismissed "D-176" after the State of Tennessee chose not to
16 extradite SEARLE as she had not been convicted of any crime and was
17 not, in fact, wanted by that state for any criminal conduct. (See
18 Exhibit 49)

19 On or about August 7, 2003, NATIONS presided over a hearing on
20 K.PFISTER's motion seeking a permanent injunction barring SEARLE from
21 making derogatory comments about him while speaking with ALEXIS;
22 ordering ALEXIS to undergo counseling; and to address the Guardian Ad
23 Litem's request to set a telephone call schedule for SEARLE to speak
24 with ALEXIS. The court found SEARLE had failed to appear in spite of
25 the fact that an attorney was present on her behalf. After the
26 hearing, Judge Nations entered an order setting the telephone call
27 schedule; barring both SEARLE and K. PFISTER from derogatory comments
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1 about each other in front of Alexis; and granting the request for
2 ALEXIS to undergo counseling. (See Exhibit 50)

3 On or about August 25, 2003, San Diego Superior Court (North
4 County) issued a restraining order against K.PFISTER in favor of SEARLE
5 (Case #DVN05571). At that time, the court took no action on any
6 outstanding custody issues. (See Exhibit 51)

7 On September 10, 2003, NATIONS granted K.PFISTER's request to
8 formally set aside over \$18,000.00 in child support he owed to SEARLE
9 for the benefit of ALEXIS and instead, to set monthly child support due
10 him from SEARLE. NATIONS also denied SEARLE's motions to vacate
11 contempt convictions as they were entered without due process of law;
12 restore custody of ALEXIS to her; and for court ordered DNA testing of
13 ALEXIS and both of her parents. Child support due from SEARLE was set
14 at \$387.00 per month with accrued arrearages of \$2988.91. (See Exhibit
15 52)

16 On or about September 25, 2003, K.PFISTER filed a Motion to
17 Discontinue Telephone Contact between ALEXIS and SEARLE. (See Exhibit
18 53)

19 On October 1, 2003, either HOOVER or NATIONS granted PFISTER's
20 request to terminate SEARLE's telephone contact with ALEXIS for two
21 weeks as they were "disruptive to the well-being of the child". On
22 November 18, 2003, NATIONS granted K.PFISTER's motion to permanently
23 terminate telephone contact between SEARLE and her daughter ALEXIS
24 while also increasing her child support payments. SEARLE has not
25 spoken to her daughter since this order was issued. NATIONS subsequent
26 order issued on November 24, 2003 erroneously stated that SEARLE was

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1 personally present for this hearing when, in fact, she was in
2 California. (See Exhibit 54)

3 On or about February 24, 2004, K.PFISTER filed another petition
4 before HOOVER requesting that SEARLE be held in "criminal contempt" as
5 she had failed to pay child support as ordered. (See Exhibit 55)

6 On or about March 3, 2004, K.PFISTER filed An Application for
7 Temporary and Permanent Restraining Order in HOOVER's court seeking to
8 bar SEARLE's contact with personnel at ALEXIS' school. (See Exhibit 56)

9 On or about March 8, 2004, Judge Nations ordered SEARLE to be
10 present for a hearing on K.PFISTER's March 3, 2004 motion. (See
11 Exhibit 57)

12 On or about April 20, 2004, SEARLE filed Appellant Brief in
13 Tennessee Criminal Court of Appeals (See Exhibit 58).

14 On or about April 29, 2004, Judge Nations entered an order that
15 found SEARLE guilty of "criminal contempt" for failure to pay child
16 support and ordered her to serve twelve (12) consecutive ten (10) day
17 sentences for a total of 120 days in jail³. (See Exhibit 59)

18 On or about July 20, 2004, the San Diego County Superior Court
19 (Central Division) court set a September 16, 2004 hearing as to
20 K.PFISTER's request to register his Tennessee support order and
21 arrearages due him from SEARLE in the amount of \$1548.00 (September 10,
22 2003 - April 6, 2004). (See Exhibit 60)

23 On or about August 18, 2004, SEARLE filed a response on her own
24 behalf seeking to have California assume jurisdiction of the case. (See
25 Exhibit 61)

26
27 ³ Neither HOOVER nor Judge Nations ever held K.PFISTER in "criminal contempt" and
28 sentenced him to jail at any point while he accrued more than \$22,000.00 in child
support due SEARLE as of 2/98.

1 On or about September 7, 2004, K.PFISTER filed responsive
2 pleadings opposing SEARLE request to transfer jurisdiction. (See
3 *Exhibit 62*)

4 On or about September 16, 2004, neither K.PFISTER nor SEARLE
5 appeared at the hearing before the San Diego County Superior Court
6 (Central) and the matter was subsequently taken off calendar. (See
7 *Exhibit 63*)

8 On or about December 10, 2004, SEARLE filed a civil action in San
9 Diego County Superior Court (Case Number GIN038056) against the County
10 of San Diego, K.PFISTER, and others alleging, among other things,
11 violation of her civil rights by releasing ALEXIS to K.PFISTER without
12 notice or due process under state and federal. Pursuant to motion by
13 Defendant County of San Diego, the case would later be moved to the
14 United States District Court, Southern District of California (Case
15 Number 05CV-0206-J). (See *Exhibit 64*) K.PFISTER would eventually be
16 voluntarily dismissed from this suit by SEARLE. However, before being
17 dismissed, he filed a motion seeking dismissal for lack of personal
18 jurisdiction and/or transfer of the case to an appropriate court in the
19 State of Tennessee. In denying K.PFISTER's motion, U.S. District Court
20 Judge Napoleon A. Jones held that the U.S. District Court for the
21 Southern District of California had specific jurisdiction over
22 K.PFISTER and transfer to Tennessee would be improper and unwarranted.
23 (See *Exhibit 65*)

24 On or about February 10, 2005, Tennessee Court of Appeals (Case
25 #M2004-0031-CCA-R3-CV) rejected SEARLE's appeal without addressing its
26 merits because of her ongoing status as a fugitive from Tennessee.

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1 On or about March 13, 2005, Metro Health Department (Nashville
2 Tennessee) found K.PFISTER filleting fish intended for wholesale to
3 local restaurants in his backyard in violation of numerous health
4 ordinances. At that time, K.PFISTER was doing business as "Taste of
5 New Orleans", a company licensed in Louisiana and owned by G. PFISTER.
6 (See Exhibit 66)

7 On or about March 15, 2005, K.PFISTER telephoned police from the
8 6389 Temple Road residence in Tennessee that was previously owned by he
9 and SEARLE and purchased out of foreclosure by G. PFISTER back in
10 January of 1998. He reported to police that ALEXIS was missing at
11 roughly 7:47 a.m. Roughly forty (40) minutes later, ALEXIS was found
12 on her school bus on her way to school. (See Exhibit 67)

13 On or about June 20, 2005, the Tennessee Supreme Court granted
14 SEARLE's request for review of the Tennessee Court of Appeal's refusal
15 to hear her appeal of HOOVER's July 3, 2001 "criminal contempt" and
16 custody orders because she was a fugitive from the State of Tennessee.
17 (See Exhibit 68)

18 **POINTS AND AUTHORITIES**

19 **PURSUANT TO THE UCCJEA, CALIFORNIA WAS THE HOME STATE AND**
20 **PROPER FORUM FOR JURISDICTION OVER CUSTODY ISSUES RELATED**
21 **TO ALEXIS SEARLE AS OF DECEMBER 25, 1999**

22 Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) is
23 the exclusive method for determining the proper forum in custody
24 disputes involving other jurisdictions. In re C.T. (App.4 Dist.2002)
25 100 Cal. App.4th 101.

26 Questions of interstate jurisdiction regarding child custody are
27 generally settled under provisions of California version of the UCCJEA.
28 Haywood v. Superior Court (App.2 Dist. 2000) 77 Cal.App.4th 949;