

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

IN RE: MATTER OF:

FAMILY DIVISION
Case No.: 11-21207-FC-04

MARIO JIMENEZ
Petitioner/Father,

JUVENILE DIVISION
Case No.: D13-15193A-B (D003)
(closed)

and

KAREN WIZEL
Respondent/Mother.

DOMESTIC VIOLENCE DIVISION
Case No.: 12-17840-FC-04 (closed)
Case No.: 12-17838-FC-04 (closed)
Case No.: 11-10881-FC-04 (closed)

**MOTION TO STRIKE NOTICE OF HEARING AND TO COMPEL
COORDINATION/COLLABORATION WITH PETITIONER**

COMES NOW, Petitioner, MARIO JIMENEZ, and hereby files his Motion to Strike Notice of Hearing and to Compel Coordination/Collaboration with Petitioner and in support thereof states as follows:

1. On July 20th, 2012 Emergency Order to suspend Petitioner's time sharing was granted.
2. The order was obtained on allegations that Petitioner scared minor children when praying with them.
3. The order was obtained in clear violation of Petitioner's constitutionally protected and inalienable rights of religion and speech.
4. DCF ordered psychological report by Dr. Michael J. DiTomasso.
5. Dr. DiTomasso found that Petitioner "does not appear to be suffering from major psychiatric disease."
6. DCF found no reason to pursue a case against Petitioner, especially in light of four other accusations, all found to be unfounded.
7. Despite strong objection to be re-evaluated by psychologist recommended by Respondent's counsel, Mrs. Vanessa Archer, two other evaluations were performed by Mrs. Archer.

8. Mrs. Archer's competence has been seriously questioned by cases such as the Nubia Barahona's case, where Nubia's death was at least in part due to Mrs. Archer's errors.
9. There is absolutely no evidence that Petitioner who is a Christian man who volunteers his services for children, families, and is a well regarded physician in the community poses any kind of psychological or physical danger to his children, or any other person for that matter, or he would not be able to practice in his profession.
10. While in Petitioner's shared equal custody, his minor children thrived not only physically but emotionally, were excelling in school, and were attending therapies on a weekly basis without showing any signs of physical or psychological abuse.
11. However, almost a year after suspension of Petitioner's time sharing and continuing to this day, Petitioner's minor children psychological and school performances have greatly deteriorated.
12. Petitioner's minor son was diagnosed with Major Depression and Post Traumatic Stress Disorder, and his grades and conduct have significantly declined prompting serious concerns from at least four of his teachers. He has also developed involuntary twitching of his neck and shoulders as a negative side effect of the medications he has been forced to take.
13. The son's therapist, Dr. Gregory Brown believes that it is imperative that minor children and petitioner are reunited as soon as possible to avoid any further psychological deterioration of minor children.
14. Dr. Brown has even volunteered to visit Petitioner's home to facilitate this reunification process.
15. Due to the lack of prompt response from Respondent to repeated requests for mediation as ordered by Honorable Judge Scott Bernstein in October of 2013, and secondary to children's recent physical and psychological deterioration resulting from violations to children's and

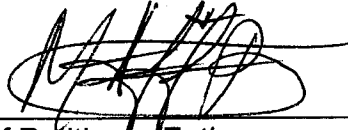
Petitioner's constitutional rights, Petitioner filed Emergency Petition for Immediate Unsupervised Visitation on August 21, 2014.

16. Soon after, in retaliation to and in an attempt to circumvent Judge Bernstein's order for mediation, Respondent's counsel filed in bad faith a Second Motion For Temporary Attorney's Fees, Suit Money and Costs.
17. These Fees, Suit Money and Costs arose solely from Petitioner's illegal time sharing suspension.
18. Petitioner has not been given an opportunity for an evidentiary hearing on time sharing with his minor children and/or these Fees, Suit Money and Costs.
19. On October 7, 2014, a second order for Unified Family Court Mediation was entered; almost a year after the 1st initial order for mediation had been given on October 13, 2013.
20. On November 17, 2014, no agreement was reached on mediation, leaving the issue of time sharing still pending.
21. Petitioner has several witnesses which will require a minimum of two hours of evidentiary hearing for Attorney's Fees, Suit Money and Costs and Petitioner's time sharing, which can not and should not be separated to allow a full evaluation of all evidence in this case.
22. Initial hearing time was two hours, but this was later unilaterally changed by Respondent's counsel to 30 minutes, deliberately not allowing Petitioner enough time for an evidentiary hearing on all issues at hand, which is required by law. Evidentiary Hearing Required – Soterakis v. Soterakis, 2005 Fla. App. LEXIS 15482 (Fla. 5th DCA 2005).

WHEREFORE, Petitioner respectfully requests this honorable Court an Order striking Respondent's Notice of Hearing for SECOND MOTION FOR TEMPORARY ATTORNEY'S FEES, SUIT MONEY AND COSTS set for Feb. 4, 2014, and an order that the opposing counsel begin Collaborating with the Petitioner to amicably mediate for a positive outcome in the best interest of the minor child granting any and all other relief the Court deems just and proper.

Respectfully submitted,

By: _____



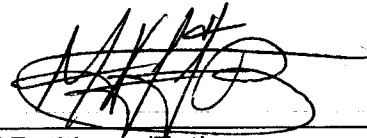
Signature of Petitioner/Father
Mario Jimenez, M.D.

CERTIFICATE OF SERVICE

I certify that a copy of this document was emailed to the person(s) listed below on December 17th, 2014.

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