

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY,
FLORIDA

IN THE MATTER OF:
MARIO JIMENEZ, Father

FAMILY DIVISION
CASE NO: 11-21207 – FC-48

KAREN WIZEL, Mother

JUVENILE DIVISION
CASE NO: D13-15193A-B (D048)

M. J-W, a Minor

DOMESTIC VIOLENCE DIVISION

K. J-W, a Minor

CASE NO: 12-17840 FC 48

12-17838 FC 48

11-10881 FC 48

UNIFIED FAMILY COURT (48)

FATHER'S RESPONSE TO MOTHER'S MOTIONS FOR CONTEMPT

Comes now the Father, Mario Jimenez, and files his response to Mother's Motion for Contempt Regarding Timesharing and Parental Responsibility and states as follows:

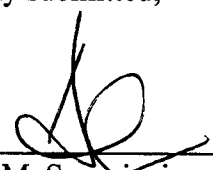
1. As has been the pattern of the allegations raised by Mother throughout the course of this litigation, Mother's Motions for Contempt are filled with exaggerations and outright misrepresentations.
2. First, paragraph 2 of Mother's Motion states that the order Father is accused of violating "required the Petitioner/Former Husband to refrain from communicating with the minor children, except for the supervised timesharing recommended by Dr. Vanessa Archer."
3. A review of the underlying Order clearly and unambiguously states that "no telephonic communication between the Father and minor children be permitted." Mother's Motion for Contempt is based on yet another misrepresentation of the actual facts.
4. Further, Mother's allegations in paragraph 3 of her Motion that Father is in contempt on the basis of the "plethora of religious references that permeate" the emails is baseless.
5. First, the subject Order does not explicitly state that Father may not communicate to his children about religion or his faith. In fact, doing so would have been a violation of Father's First Amendment rights under the United States Constitution.

6. Second, the emails attached to the Motion in support of the contempt allegations do not reflect "inappropriate communications by the Father" as set out in paragraph 7 of the subject Order.
7. In order for a party to be found in civil contempt of a court order, this Court must find that the underlying order is clear and distinct, that Father showed intent to violate it, and, if there is contempt, whether there is an ability to comply. See *Bell v. Bell* 587 So.2d 558 (4th DCA 1991).
8. Not only do the actions complained of by Mother not amount to violation of the Court's Order, but Mother is adding her own provisions to the Order that are not clearly and unambiguously part of the Order.

WHEREFORE Mario Jimenez, Father, respectfully moves this Honorable Court to deny Mother's Motions for Contempt.

Respectfully submitted,

By: _____



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CERTIFICATE OF SERVICE

I certify that a copy of this document was email to the person listed below on April 2, 2013.

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