

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
CASE NO: 12-17840 FC 48

K. J-W, a Minor

12-17838 FC 48

11-10881 FC 48

UNIFIED FAMILY COURT (48)

**MOTION TO VACATE ALL ORDERS SUBSEQUENT TO PICK-UP ORDER
ENFORCING FOREIGN DIVORCE DECREE**

Comes now the Father, Mario Jimenez, by and through the undersigned attorney, files this Motion to Vacate all Orders Subsequent to Pick-Up Order Enforcing Foreign Divorce Decree and in support thereof states the following:

1. On July 7, 2011, Father, appearing *pro se* attempted to Petition this Court to Domesticate a Foreign Judgment.
2. This Petition was based on the incorrect legal principle.
3. Because the divorce decree is from a foreign country (Nicaragua) the Court needed to apply the principle of comity which permits the courts of the United States to give validity and enforcement to these foreign country decrees.
4. Although not explicitly referring to the principle of comity, Father invoked this Court's jurisdiction and this Court acted to enforce this foreign divorce decree as is evidenced by the Pick Up Order entered on August 23, 2011.
5. Subsequent to this Order, a series of "Emergency Motions" have been filed in the case.
6. These motions have been filled with exaggerations and outright misrepresentations.
7. At the heart of all of these motions is Mother's continued allegations and reports of abuse she and her children allegedly experienced at the hands of the Father;

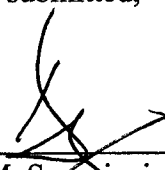
however, there is absolutely no documented proof or evidence that corroborates Mother's allegations.

8. All of the Mother's allegations have been taken as "truth" and it is upon these allegations that the parental responsibility and timesharing modifications have been based.
9. The Court has entered the orders subsequent to the original Pick Up Order in error.
10. Section 61.13, Florida Statutes requires a finding that there has been a "substantial change in circumstances" prior to modifying parental responsibility or timesharing.
11. This Court erred by entering subsequent orders modifying the custody determination of the Nicaraguan court without a finding of "substantial change in circumstances." See *Crittenden IV v. Davis*, 89 So.3d, 1098 (4th DCA 2012).
12. This error was compounded by the Father's denial of due process by these purported "emergency motions" being heard without proper notice to Father and by the Court's reliance on hearsay evidence in the form of confidential reports and evaluations submitted to the Court by Mother as "Exhibits" to her pleadings.
13. As such, every Order subsequent to the original Pick-Up Order, should be vacated.

WHEREFORE Mario Jimenez, Father, respectfully moves this Honorable Court to Vacate all Orders entered subsequent to this Court's Pick-Up Order.

Respectfully submitted,

By: _____

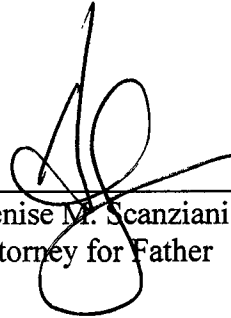

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CERTIFICATE OF SERVICE

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

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