

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

ENDORSED
FILED IN MY OFFICE THIS
DEC 17 2004

RICHARD L. WHITE,
Petitioner,

*cc Mr. White
Ms. White*

Juanita M. Duron
CLERK DISTRICT COURT

v.

No. DM 2001-02753

TERRI J. WHITE,
Respondent.

ANGIE J. ARCHULETA

**RESPONSE TO MOTION FOR EVIDENTIARY HEARING AND
COUNTERMOTION FOR ATTORNEY'S FEES AND TO REQUIRE A BOND**

COMES NOW Petitioner, Richard L. White, by and through his attorney, Joyce M. Gentry, Esq., and responds to Respondent, Terri White's Motion for Evidentiary Hearing:

- A. Petitioner admits the allegations contained in paragraphs 1 and 2.
- B. Petitioner admits that the Motions were set to be heard during the October 27, 2004 hearing as stated in paragraph 3. Petitioner denies that Respondent's motions were not heard and that Respondent was denied due process. Petitioner affirmatively states that Respondent's motions were without merit and were denied.

C. Petitioner denies the allegations contained in paragraphs 4 through 6. Petitioner affirmatively states that Respondent stipulated to the adoption of the Rule 11-706 recommendations consistent with the best interests of the children. The instant case represents severe parental alienation on behalf of Respondent, Terri White, who has, without justification, engaged in custodial interference, failure to comply with the directions of the Guardian ad Litem and arbitrator. Respondent, Terri White, has failed

From: Law Office of Joyce M. Gentry
Date: 12/21/04
Client: _____
Opposing: _____

to follow the recommendations of the Rule 11-706 expert, Richard Reed, Ph.D, and has filed false allegations of abuse to CYFD which were found to be without merit.

COUNTERMOTION FOR ATTORNEY'S FEES AND TO REQUIRE A BOND

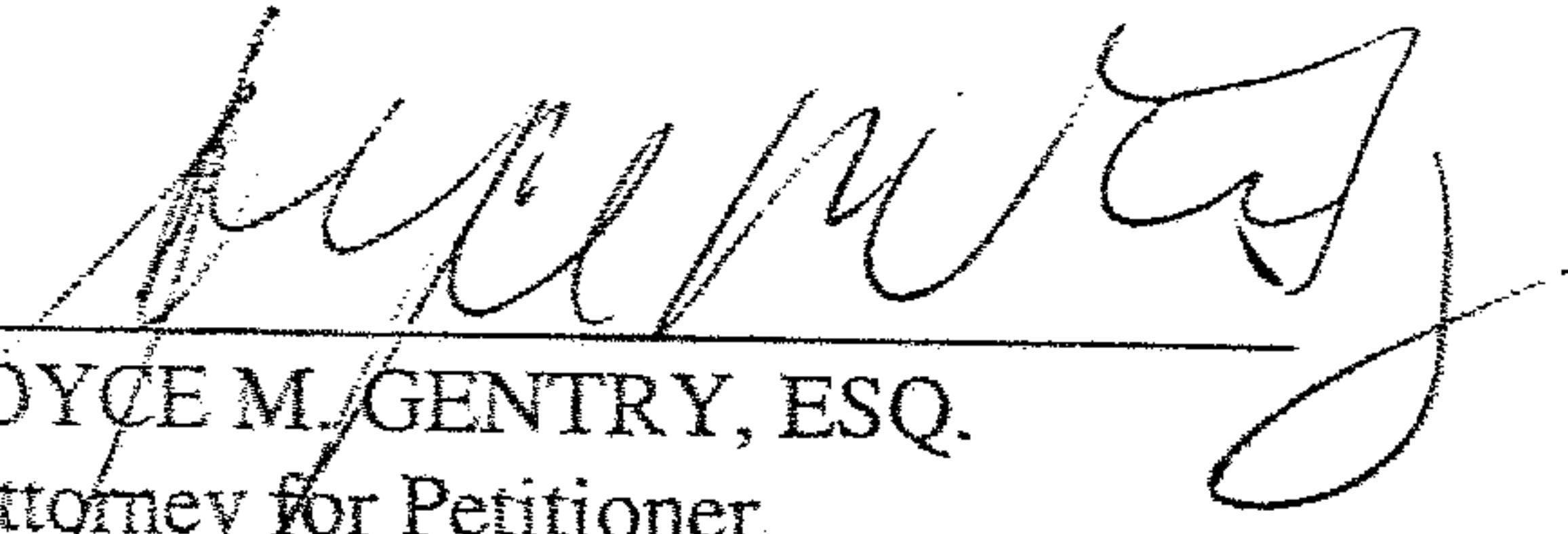
COMES NOW Petitioner, Richard L. White, by and through his attorney, Joyce M. Gentry, Esq., and moves this Honorable Court for an order granting attorney's fees and requiring a bond and as grounds states as follows:

1. This Honorable Court has jurisdiction over the parties and over the subject matter.
2. According to the Marital Settlement Agreement, the parties adopted the Rule 11-706 recommendations by stipulation.
3. Respondent filed a Motion to Stay and that motion was denied during the October 27, 2004 hearing because the motion was without merit.
4. Respondent filed a Motion to Reconsider the 11-706 Recommendations and that motion was denied during the October 27, 2004 hearing because the court elected not to rule on the motion within the required thirty day period.
5. Respondent did not object to the 11-706 recommendation for unsupervised visitation and her Motion Objecting to 11-706 Recommendation for Unsupervised Visitation is redundant, frivolous, and without merit.
6. Respondent's repeated filings on an issue previously denied by the court constitutes an abuse of process which mandates Respondent posting a bond prior to any subsequent filing.
7. Petitioner should be awarded his costs and attorneys fees for the necessity

of defending this motion.

WHEREFORE, Petitioner, Richard L. White, prays that this Honorable Court deny Respondent's Motion, award Petitioner costs and attorney fees in the amount of \$500.00, require Respondent to file a \$500.00 bond prior to any future filing regarding the 11-706 recommendations, and for such other and further relief as this Honorable Court deems appropriate and just.

Respectfully submitted:



JOYCE M. GENTRY, ESQ.
Attorney for Petitioner
1100 Tijeras, N.W.
Albuquerque, New Mexico 87102
Phone: 764-0111

I hereby certify that a copy of the foregoing was mailed to the opposing counsel of record
this 20 day of December 2004.



Joyce M. Gentry, Esq.