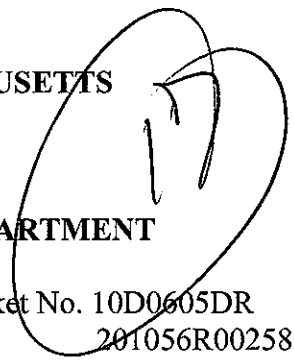


COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

PROBATE AND FAMILY COURT DEPARTMENT



Division: Norfolk

Docket No. 10D0605DR
201056R00258

AMY K. DEANGELIS
Plaintiff/Petitioner

MOTION FOR

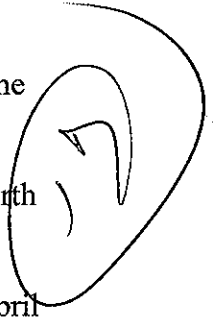
V.

MOTION TO DISMISS AND
MOTION TO VACATE ORDER

GUIDO B. DEANGELIS
Defendant/Respondent

Now comes Guido B. DeAngelis, the Defendant and moves this Honorable Court to dismiss Plaintiff's Motion for Custody and to Vacate the Order entered in this matter on April 13, 2010 and for reason states:

1. This Court lacks jurisdiction over this matter pursuant to Massachusetts General Laws ch. 209B § 2 (2010).
2. The parties were married on 12/20/2006 in New York, New York.
3. The minor child of the parties, Simon DeAngelis, was born 2/28/99 in Providence, Rhode Island.
4. The Plaintiff never established residence in Massachusetts and has only taken the minor child there in an effort to usurp the State of Rhode Island's proper jurisdiction.
5. The Plaintiff is and has been a domiciled resident of the State of Rhode Island for at least the last twelve years.
6. The minor child of the parties has always resided continuously in Rhode Island since his birth on 2/28/99, with both parties.
7. That the Defendant was served with Plaintiff's motion and this Court's order on or about April 10, 2010 in Johnston, Rhode Island as he was filing a police report because the Plaintiff left with their minor son, under the guise of going to the market.



The within Motion is hereby
Allowed/~~Denied~~

APR 21 2010

Date

Justice

Angel M. Ordo

Tm 4/26/10

ARGUMENT

The Defendant/Father has filed a Complaint for Divorce in Rhode Island on April 19, 2010, wherein he also seeks sole custody and physical placement of the minor child, Simon DeAngelis, d.o.b. 2/28/99.

The Plaintiff in this case, Mrs. DeAngelis, had self-admitted to Rhode Island Hospital Psychiatric Care Unit on April 4, 2010, due to suicidal ideation and substance abuse. She was transferred to SSTAR rehabilitation services in North Kingstown Rhode Island until her release on April 8, 2010. She was given the option of going home with her husband or being admitted to a half way house. Her husband, the defendant in this restraining order case, agreed to bring her home.

On April 10, 2010, Plaintiff left the home with the parties' minor child stating that she needed to go to the market. Some three hours later, defendant became extremely concerned and started calling Plaintiff. She answered and stated "you want a divorce you got it." He then presented to the Johnston Police Department to file a report. There he was served by fax with the within restraining order.

On April 19, 2010, a Justice of the Rhode Island Family Court issued an order directing that the minor child Simon DeAngelis be brought home to Rhode Island forthwith.¹ A copy of the order and the pleadings filed in that case are attached hereto as **Exhibit A**. Mr. DeAngelis has also filed a complaint for divorce in Rhode Island, a copy of which is attached hereto as **Exhibit B**.

¹ The order was signed by the Honorable Justice Francis Murray. should the Court wish to call this Justice, the phone number for the Rhode Island Family Court is 401-458-3200.

**MASSACHUSETTS DOES NOT HAVE JURISDICTION OVER THIS CASE AND
MRS. DEANGELIS HAS BRAZENLY ATTEMPTED TO CIRCUMVENT THAT
WHICH THE UNIFORM CHILD CUSTODY AND JURISDICTION ACT HAS SOUGHT
TO PREVENT**

The Plaintiff, Amy DeAngelis, left the State of Rhode Island with the parties' minor child on April 10, 2010 in an attempt to establish jurisdiction in Massachusetts. She has unilaterally removed the child from his school in Rhode Island, the Windsor Hill Elementary School, where he has attended for the last six (6) years. Everything that she has done has been self-serving and detrimental to the minor child's well being.

The only contact that the minor child has had in Massachusetts has been fleeting and due to his mother's abduction of him. This has been an abuse of process, contrary to the UCCJEA's purpose, and an abuse of this Commonwealth's good will.

Fleeting presence of the minor child in the Commonwealth is not enough to confer jurisdiction. Massachusetts General Laws ch. 209B § 2(a)(1) states that this Court has jurisdiction over custody determinations if:

the commonwealth (i) is the home state of the child on the commencement of the custody proceedings, or (ii) had been the child's home state within six months before the date of the commencement of the proceedings and the child is absent from the commonwealth because of his or her removal or retention by a person claiming his or her custody or other reasons, and a parent or person acting as parent continues to reside in the commonwealth

It is abundantly clear that Rhode Island was the home state of the minor child when Mrs. DeAngelis began these proceedings. It is also equally clear that Massachusetts was not the minor child's home state within six months of the commencement of the proceedings. And, the child is

not absent from Massachusetts due to a parent removing him, rather he is absent from Rhode Island due to Mrs. DeAngelis' actions.

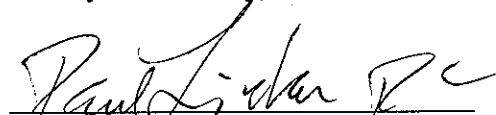
Likewise, paragraph (2) of Massachusetts General Laws ch. 209(B) is inapplicable as it is clear that Rhode Island has assumed jurisdiction, is the proper court of jurisdiction, and Mrs. DeAngelis has no significant connection with the commonwealth. She has been a continuous domiciled resident of the State of Rhode Island for at least the last twelve years and the minor child has lived continuously in Rhode Island since his birth.

The child has not been abandoned pursuant to paragraph (3), and any alleged emergency was falsified by this Plaintiff. And, Rhode Island has asserted jurisdiction over this case. See Attached, Exhibit A.

The Plaintiff in this case, alleged to be in such fear, has been blogging on the internet giving the world information about her exploits and her new life as "harborgirl". Should the Plaintiff feel the need for protection from alleged abuse, she may file one in Rhode Island as she has in the past, alleging the same unsubstantiated allegations. She should however, be advised that she is restrained and enjoined from contacting Mr. DeAngelis and that Simon is to be delivered to Rhode Island forthwith.

WHEREFORE, your Defendant, Guido B. DeAngelis, prays that this Honorable Court deny and dismiss all actions begun by Plaintiff in this Commonwealth.

Respectfully submitted,
Guido B. DeAngelis,
By his attorney,


(Signature of Attorney or Plaintiff, if pro se)

4/30/10
Date

NOTICE OF HEARING
This motion will be heard at the
Probate and Family Court

in _____
(city)

on _____
(month/day/year)

at _____
(time of hearing)

Paul Lietar
(Print name)

Hay Building, Suite 3B, 123 Dyer Street
(Street Address)

Providence RI 02903
(City) (State) (Zip)

Tel. No. (401) 490-3965

B.B.O. # 300020

The within motion is hereby ALLOWED DENIED

Date

Justice of Probate and Family Court

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

PROBATE AND FAMILY COURT DEPARTMENT

Division: Norfolk

Docket No. 10D0605DR

MOTION FOR

MOTION TO DISMISS AND MOTION TO VACATE ORDER

DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that I have delivered a copy of this motion to:

(name of party or attorney of record)

(street address) (city/town) (zip)

By: delivery in hand _____ at _____ am pm
(date of delivery) (time)

mailing (postage paid on) _____
(date of mailing)

(signature)