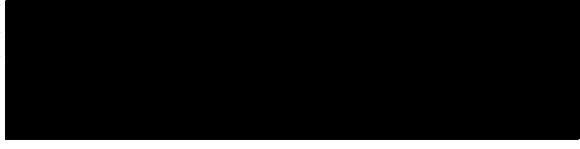


DATE OF HEARING  
5/28/10 D-5  
10:30 A.

1 BUTER, BUZARD, FISHBEIN & ROYCE LLP  
Kristina C. Royce, State Bar No. 197752  
2 Ji Y. Park, State Bar No. 226257



EX PARTE CONTINUED TO  
5/28/10 AT 10:30 AM IN  
DEPT 5

Attorneys for Petitioners, DAVID BERESFORD-REDMAN  
and JUANITA BERESFORD-REDMAN

FILED  
SUPERIOR COURT

(2) IF TEMP GUARDIANS ARE  
REQUESTING TO RESIGN THEN

MAY 27 2010 SUPERIOR COURT OF THE STATE OF CALIFORNIA

BUTER, BUZARD, FISHBEIN & ROYCE LLP

CLERK  
DEPUTY

FOR THE COUNTY OF LOS ANGELES

THEIR WRITTEN RESIGNATIONS  
MAY BE SUBMITTED AT THE TIME

11 In re the Guardianship of  
12 CAMILA BURGOS BERESFORD-  
13 REDMAN  
14 and  
15 ALEC BURGOS BERESFORD-REDMAN  
16 (3) CARLSON DEEL, REMOVED  
17 FROM PUBLIC DOCUMENTS  
18 AND FILED CONDITIONALLY  
19 UNDER SEAL BASED ON  
MENTAL HEALTH INFO

CASE NO. BP 121 976 OF THE  
EX PARTE APPLICATION <sup>HEARING</sup> (1)  
SHORTEN THE TIME WITHIN  
WHICH TO SET THE HEARING ON  
PETITIONERS' PETITION FOR  
TERMINATION OF GUARDIANSHIP,  
AND (2) MODIFY THE WEEKEND  
VISITATION OF MAY 30, 2010

Petitioners' Petition for Termination of  
Guardianship and Order Terminating  
Guardianship filed concurrently  
herewith

DATE : May 27, 2010  
TIME : 8:30 a.m.  
DEPT : 5  
5/27/10

ENCLOSED - ROYCE TO FILE APPROPRIATE MOTION RE

21 TO: PETITIONER, CARLA BURGOS VAN BASTELAAR, AND HER ATTORNEYS OF  
22 RECORD, PATRICIA PHILLIPS OF PHILLIPS JESSNER LLP: <sup>SEALING</sup>  
FORITWITH

23 Pursuant to California Probate Code section 1460, Petitioners, DAVID BERESFORD-  
24 REDMAN and JUANITA BERESFORD-REDMAN, by and through their attorneys of record,  
25 Kristina C. Royce of Buter, Buzard, Fishbein and Royce, LLP, hereby move ex parte to (1)  
26 shorten the time within which to set the hearing on Petitioners' Petition for Termination of  
27 Guardianship of Camila Burgos Beresford-Redman and Alec Burgos Beresford-Redman,  
28 and (2) modify the children's visitation with their maternal aunts, Carla Burgos Van Bastelaar

BUTER, BUZARD, FISHBEIN & ROYCE LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

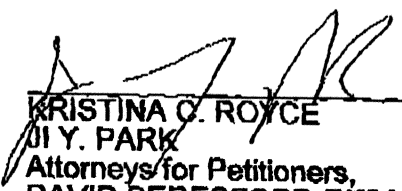
and Jeane Burgos, from Sunday, May 30, 2010 from 9:00 a.m. until 7:00 p.m. to Saturday,  
May 29, 2010 from 9:00 a.m. until 7:00 p.m.

This *Ex Parte* Application is based upon the attached Declarations of Bruce  
Beresford-Redman, David Beresford-Redman, Juanita Beresford-Redman, and Cathlee  
A. Carlson as well as the attached Memorandum of Points and Authorities.

DATED: May 26, 2010

BUTER, BUZARD, FISHBEIN & ROYCE LLP

By:

  
KRISTINA C. ROYCE  
JY. PARK  
Attorneys for Petitioners,  
DAVID BERESFORD-REDMAN and  
JUANITA BERESFORD-REDMAN

BUTER, BUZARD, FISHBEIN & ROYCE LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF BRUCE A. BERESFORD-REDMAN**

I, BRUCE A. BERESFORD-REDMAN, declare as follows:

I know the following of my own knowledge and could testify competently thereto if called upon as a witness to do so. I make this Declaration in support of my parents', David Beresford-Redman and Juanita Beresford-Redman's, *Ex Parte* Application To (1) Shorten The Time Within Which To Set The Hearing On Petitioners' Petition For Termination Of Guardianship, and (2) Modify The Weekend Visitation Of May 30, 2010, filed concurrently herewith.

**STATISTICAL INFORMATION AND PROCEDURAL HISTORY**

1. Monica Beresford-Redman (hereinafter "Monica") and I were married on May 30, 1999. Monica and I remained married until her death during a family trip to Mexico on or around April 5, 2010.

2. During our marriage, Monica and I had two children, Camila Burgos Beresford-Redman, born October 5, 2004 (age 5) and Alec Burgos Beresford-Redman, born January 19, 2007 (age 3).

3. Prior to Monica's death, the children, Monica and I resided in our family residence in Rancho Palos Verdes, California (hereinafter "Family Residence").

4. On or around April 8, 2010, while I was still in Mexico, the children's maternal aunt, Carla Burgos Van Bastelaar (hereinafter "Carla"), filed a Petition for Appointment of Guardian of the person and the estate of Camila and Alec.

5. On or around April 9, 2010, I appeared before the Court via telephone from Mexico in this matter and requested that the Court award temporary guardianship of my children to my parents, David and Juanita Beresford-Redman. The Court granted my request.

6. On or around April 19, 2010, my parents filed a competing Petition for Appointment of Guardian of the children. I requested that my parents file such Petition based on my absence from the United States.

7. While I did not appear, it is my understanding that the competing guardianship

1 petitions were heard by the Court on May 20, 2010. It is my further understanding that, on  
2 that date, the Court extended my parents' temporary guardianship of Camila and Alec until  
3 further order of Court.

4 **REQUEST FOR TERMINATION OF GUARDIANSHIP**

5 8. While I was in Mexico following Monica's death, I am now back in the United  
6 States and have been residing in the Family Residence with Camila and Alec since Sunday,  
7 May 23, 2010.

8 9. As Camila's and Alec's biological parent, it is my desire to immediately resume  
9 full custodial and parental responsibility of Camila and Alec, and I am capable and fit to do  
10 so. I believe that it is in Camila's and Alec's best interest for me to resume such  
11 responsibilities forthwith. Thus, I do not believe there is any reason to continue the  
12 guardianship of my parents.

13 10. In light of the above, I respectfully request that the Court grant my parents' *Ex*  
14 *Parte* Application To Shorten The Time Within Which To Set The Hearing On Petitioners'  
15 Petition For Termination of Guardianship, filed concurrently herewith.

16 **REQUEST FOR MODIFICATION OF THE WEEKEND VISITATION OF MAY 30, 2010**

17 11. It is my understanding that pursuant to the Court's orders issued at the hearing  
18 on May 20, 2010, Camila and Alec are to visit with their maternal aunts, Carla Burgos Van  
19 Bastelaar and Jeane Burgos, on Sunday, May 30, 2010, from 9:00 a.m. until 7:00 p.m. It is  
20 my further understanding that Carla and Jeane have planned a memorial service for Monica  
21 on that day.

22 12. I agree with the clinical opinion and recommendations of the Camila's and  
23 Alec's therapist, Cathleen Carlson, whose Declaration is attached hereto, and I believe that  
24 it is contrary to Camila's and Alec's best interests to attend Monica's memorial service. It is  
25 not that I do not want Camila and Alec to honor their mother's memory. Rather, it is that I  
26 agree with Ms. Carlson's opinion set forth in her Declaration that, psychologically, it would  
27 be healthier for the children to participate in a small, quiet and private memorial for their  
28 mother that is more tailored to their needs, as opposed to a large public service that will likely



BUTER, BUZARD, FISHBEIN & ROYCE LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

attract media attention. I have already received numerous calls from the media regarding the Sunday memorial service, which leads me to believe that they anticipate attending the service.

13. In light of the above, request that the Court modify the current visitation schedule such that the children's visitation with their maternal aunts occur on Saturday, May 29, 2010, instead of Sunday, May 30, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of May, 2010, at Los Angeles, California.

SEE FACSIMILE SIGNATURE  
ON ATTACHED PAGE

BRUCE A. BERESFORD-REDMAN

BUTER, BUZARD, FISHBEIN & ROYCE LLP

1 attract media attention. I have already received numerous calls from the media regarding  
2 the Sunday memorial service, which leads me to believe that they anticipate attending the  
3 service.

4 13. In light of the above, request that the Court modify the current visitation  
5 schedule such that the children's visitation with their maternal aunts occur on Saturday, May  
6 29, 2010, instead of Sunday, May 30, 2010.

7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct.

9  
10 Executed on this 26<sup>th</sup> day of May, 2010, at Los Angeles, California.

11  
12  
13   
14 BRUCE A. BERESFORD-REDMAN



1 now in the United States and has been residing in the family residence in Rancho Palc  
2 Verdes, California (where the children, Monica and Bruce resided prior to Monica's death  
3 with Camila and Alec since Sunday, May 23, 2010.

4 7. As set forth in Bruce's Declaration attached hereto, he desires to resume fu  
5 custodial and parental responsibility of Camila and Alec forthwith. I believe that it is ir  
6 Camila's and Alec's best interest for him to do so. Given that Bruce is now back in the  
7 United States, I believe that it is no longer necessary for my wife and I to continue our  
8 guardianship of Camila and Alec.

9 8. In light of the above, I consent to terminate my guardianship of the children  
10 respectfully request that the Court grant my *Ex Parte* Application To Shorten The Time  
11 Within Which To Set The Hearing On Petitioners' Petition For Termination of Guardianship,  
12 filed concurrently herewith.

13 REQUEST FOR MODIFICATION OF THE WEEKEND VISITATION OF MAY 30, 2010

14 9. Pursuant to the Court's orders issued at the hearing on May 20, 2010, Camila  
15 and Alec are to visit with their maternal aunts, Carla Burgos Van Bastelaar and Jeane  
16 Burgos, on Sunday, May 30, 2010, from 9:00 a.m. until 7:00 p.m. It is my understanding that  
17 Carla and Jeane have planned a memorial service for Monica on that day.

18 10. Based on my discussions with Camila's and Alec's therapist, Cathleen Carlson,  
19 whose Declaration is attached hereto, I believe that it is contrary to Camila's and Alec's best  
20 interests to attend Monica's memorial service. As set forth in Bruce's Declaration, he is also  
21 opposed to the children attending the memorial service.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

BUTER, BUZARD, FISHBEIN & ROYCE LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11. I, thus, request that the Court modify the current visitation schedule such that the children's visit with their aunts occur on Saturday, May 29, 2010, instead of Sunday, May 30, 2010.

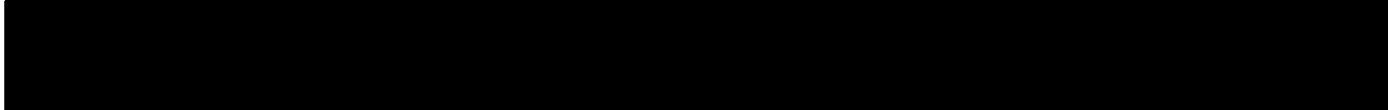
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of May, 2010, at Los Angeles, California.

**SEE FACSIMILE SIGNATURE  
ON ATTACHED PAGE**

DAVID BERESFORD-REDMAN



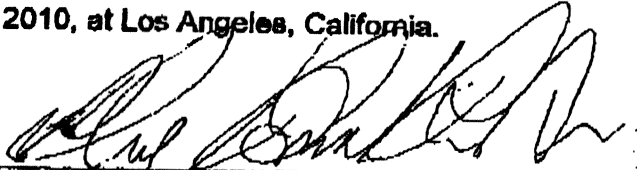


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11. I, thus, request that the Court modify the current visitation schedule such that the children's visit with their aunts occur on Saturday, May 29, 2010, instead of Sunday, May 30, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of May, 2010, at Los Angeles, California.

  
DAVID BERESFORD-REDMAN

BUTER, BUZARD, FISHBEIN & ROYCE LLP



T M Z

BUTER, BUZARD, FISHBEIN & ROYCE LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF JUANITA BERESFORD-REDMAN**

I, JUANITA BERESFORD-REDMAN, declare as follows:

I am the Petitioner in the above-entitled action. I know the following of my own knowledge and could testify competently thereto if called upon as a witness to do so. I make this Declaration in support of my *Ex Parte* Application To (1) Shorten The Time Within Which To Set The Hearing On Petitioners' Petition For Termination Of Guardianship, and (2) Modify The Weekend Visitation Of May 30, 2010, filed concurrently herewith.

**STATISTICAL AND BACKGROUND INFORMATION**

1. I am the mother of Bruce A. Beresford-Redman and the grandmother of Camila B. Beresford-Redman (DOB: October 5, 2004; age 5) and Alec B. Beresford-Redman (DOB: January 19, 2007; age 3).

2. On or around April 8, 2010, while Bruce was in Mexico following the death of the children's mother, Monica Beresford-Redman, the children's maternal aunt, Carla Burgos Van Bastelaar, filed a Petition for Appointment of Guardian of the person and the estate of Camila and Alec.

3. On or around April 9, 2010, my husband and I appeared before the Court at the hearing on Carla's Petition. On that date, the Court granted me and my husband, David Beresford-Redman, temporary guardianship of Camila and Alec after hearing from Bruce, who appeared via telephone from Mexico, and requested as such.

4. On or around April 19, 2010, my husband and I filed a competing Petition for Appointment of Guardian of the children pursuant to Bruce's request that we care for Camila and Alec during his absence from the United States.

5. On May 20, 2010, I appeared before the Court at the hearing on the parties' competing guardianship petitions. On that date, the Court extended my (and my husband's) temporary guardianship of Camila and Alec until further order of Court.

**REQUEST FOR TERMINATION OF GUARDIANSHIP**

6. While my husband and I agreed to guardianship of Camila and Alec during the time that Bruce remained in Mexico and was not able to assume custody of the children, he

BUTER, BUZARD, FISHBEIN & ROYCE LLP

1 is now in the United States and has been residing in the family residence in Rancho Palos  
2 Verdes, California (where the children, Monica and Bruce resided prior to Monica's death)  
3 with Camila and Alec since Sunday, May 23, 2010.

4 7. As set forth in Bruce's Declaration attached hereto, he desires to resume full  
5 custodial and parental responsibility of Camila and Alec forthwith. I believe that it is in  
6 Camila's and Alec's best interest for him to do so. Given that Bruce is now back in the  
7 United States, I believe that it is no longer necessary for my husband and I to continue our  
8 guardianship of Camila and Alec.

9 8. In light of the above, I consent to terminate my guardianship of the children  
10 respectfully request that the Court grant my *Ex Parte* Application To Shorten The Time  
11 Within Which To Set The Hearing On Petitioners' Petition For Termination of Guardianship,  
12 filed concurrently herewith.

13 **REQUEST FOR MODIFICATION OF THE WEEKEND VISITATION OF MAY 30, 2010**

14 9. Pursuant to the Court's orders issued at the hearing on May 20, 2010, Camila  
15 and Alec are to visit with their maternal aunts, Carla Burgos Van Bastelaar and Jeane  
16 Burgos, on Sunday, May 30, 2010, from 9:00 a.m. until 7:00 p.m. It is my understanding that  
17 Carla and Jeane have planned a memorial service for Monica on that day.

18 10. Based on my discussions with Camila's and Alec's therapist, Cathleen Carlson,  
19 whose Declaration is attached hereto, I believe that it is contrary to Camila's and Alec's best  
20 interests to attend Monica's memorial service. As set forth in Bruce's Declaration, he is also  
21 opposed to the children attending the memorial service.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11. I, thus, request that the Court modify the current visitation schedule such that the children's visit with their aunts occur on Saturday, May 29, 2010, instead of Sunday, May 30, 2010.

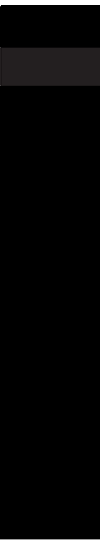
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of May, 2010, at Los Angeles, California.

**SEE FACSIMILE SIGNATURE  
ON ATTACHED PAGE**

JUANITA BERESFORD-REDMAN

BUTER, BUZARD, FISHBEIN & ROYCE LLP



BUTER, BUZARD, FISHBEIN & ROYCE LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11. I, thus, request that the Court modify the current visitation schedule such that the children's visit with their aunts occur on Saturday, May 29, 2010, instead of Sunday, May 30, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of May, 2010, at Los Angeles, California.

*Juanita Beresford-Redman*  
JUANITA BERESFORD-REDMAN





BUTER, BUZARD, FISHBEIN & ROYCE LLP

MEMORANDUM OF POINTS AND AUTHORITIES

I.

EX PARTE RELIEF IS NECESSARY TO ENSURE CAMILA'S AND ALEC'S BEST INTERESTS AND RESTORE FULL CUSTODIAL AND PARENTAL RESPONSIBILITY TO THEIR FATHER, BRUCE BERESFORD-REDMAN, FORTHWITH

Rule 3.1202 of the California Rules of Court requires that an *ex parte* application must include "an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief *ex parte*."

California Probate Code section 1460 provides that for any hearing on a petition to terminate a guardianship, the Court "for good cause may dispense with the notice otherwise required to be given to a person as provided in this section."

As set forth in the attached declarations of the children's father, Bruce Beresford Redman (hereinafter "Bruce"), and the children's paternal grandparents and temporary guardians, Petitioners David and Juanita Beresford-Redman (hereinafter "Petitioners" or "Petitioners Beresford-Redman"), Bruce requested, and Petitioners agreed, that Petitioners assume guardianship of Camila and Alec during the time that Bruce remained in Mexico following the death of the children's mother and was unable to care for the children himself. Given that (1) Bruce is now back in the United States and has been residing in the family residence with Camila and Alec since Sunday, May 23, 2010, and (2) he desires to resume full custodial and parental responsibility of the children forthwith, it is no longer necessary for Petitioners to continue their guardianship of Camila and Alec. Petitioners Beresford-Redman consent to the termination of guardianship.

///

///

///

///

///

BUTER, BUZARD, FISHBEIN & ROYCE LLP

II.

EX PARTE RELIEF IS NECESSARY TO ENSURE CAMILA'S AND ALEC'S BEST INTERESTS TO NOT ATTEND THE MEMORIAL SERVICE FOR THEIR MOTHER CURRENTLY SCHEDULED FOR SUNDAY, MAY 30, 2010

As set forth in the attached declaration of the children's therapist, Cathleen Carlson, it is clinically ill-advised for the children to attend their mother's memorial service, which has been scheduled by the children's maternal aunts, Carla Burgos Van Bastelaar and Jean Burgos, for Sunday, May 30, 2010 (i.e., a day on which the children are to visit with the aunts from 9:00 a.m. until 7:00 p.m. pursuant to the Court's orders issued at the May 20, 2010 hearing).

In light of Ms. Carlson's clinical recommendation that the children not attend the mother's memorial service, Petitioners Beresford-Redman respectfully request that the Court modify the weekend visitation of May 30, 2010, such that the children's visitation with their aunts occurs instead on Saturday, May 29, 2010 from 9:00 a.m. until 7:00 p.m.

II.


CONCLUSION

For the reasons set forth above and in the attached declarations of Bruce Beresford-Redman and Petitioners David and Juanita Beresford-Redman, Petitioners respectfully request that the Court grant their *Ex Parte* Application To (1) Shorten The Time Within Which To Set The Hearing On Petitioners' Petition For Termination Of Guardianship, and (2) Modify The Weekend Visitation Of May 30, 2010, filed concurrently herewith.

DATED: May 26, 2010

BUTER, BUZARD, FISHBEIN & ROYCE LLP

By:

  
KRISTINA C. ROYCE  
J. Y. PARK  
Attorneys for Petitioners,  
DAVID BERESFORD-REDMAN and  
JUANITA BERESFORD-REDMAN

**CATHLEEN A. CARLSON, LMFT #41450**



**EDUCATION AND TRAINING:**

- |   |           |
|---|-----------|
| State of California 40 hour mandatory hours for Domestic Violence Certification                                 | 2009      |
| Hypnosis Motivational Institute: Hypnotherapy Certification   | 2003-2004 |
| Antioch University: M.A. in Clinical Psychology with an emphasis in Marriage and Family Therapy and Gerontology | 1998-2000 |
| Antioch University: B.A. with concentration in Clinical Psychology  | 1996-1998 |
| Los Angeles Pierce College: A.A. degree with concentrations in Psychology and Sociology                         | 1993-1996 |
| San Francisco Art Institute: Concentration in Photography   | 1975-1976 |

**WORK EXPERIENCE:**

- Private Practice** 2005 to present
- Marriage and Family Therapist**
- Provide individual therapy to women, men, and all ages of children. I also offer couples and family therapy
  - Group therapy is available for addiction, grief and other issues. (This is provided there are enough people who are committed to attending the groups.)
  - Provide telephone therapy to a client in Washington D.C. and offer it to other clients who can not physically attend therapy sessions
- The J MC Domestic Violence Prevention Program, Inc.** 2005 to present
- Founder, Program Director and CEO in the U.S. and Honduras**
- I wrote an individual and group therapy program for women who have experienced domestic violence.
  - I wrote a therapy program for children of domestic violence households

- I wrote an anger management group therapy program for abusive men.

All programs were translated into Spanish and I presented them to a women's group, COPHIN in La Esperanza, Honduras in July 2006. I continue serve in my role as CEO and Director of this program via the JMC Domestic Violence Prevention Program, Inc. In the next year we will be working towards opening a safe-house for women in the South Bay area of Los Angeles. We will provide the assistance in helping these women work through their psychological issues. Further, we will help them begin a new life free of violence.

**Harbor View Community Services Center**

2001 to 2006

**Marriage and Family Therapist- School Coordinator**

- Manage a 15 student case load
- Conducted intakes, complete assessments and diagnosis
- Worked with children in individual and group therapy
- Worked with parents in family therapy when possible
- Worked with kindergarteners through 8<sup>th</sup> grade
- Responsible for assigning additional cases to CSC Interns
- Responsible for DMH paperwork

**Didi Hirsch Community Mental Health Center**

2000 to 2001

**Therapist, MFT Intern**

- Worked in the AB2034 Program
- Provided therapy for homeless and dual diagnosed adults who were recently released from jail or prison
- Responsible for DMH paperwork

**Didi Hirsch Community Mental Health Center**

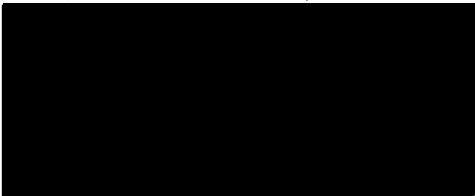
1998 to 2000

**Therapist Trainee**

- Worked in the Gerontology program conducting group therapy with Alzheimer care-givers
- Assisted in the Alzheimer's Patient Day Care Program
- Provided therapy for elder clients
- Provided crisis intervention short term therapy
- Responsible for DMH paperwork

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PATRICIA PHILLIPS (Bar No. 41516)  
GREGORY W. JESSNER (Bar No. 121920)  
KRISTIN M. KELLET (Bar No. 223259)  
PHILLIPS JESSNER LLP



Attorneys for Petitioners  
CARLA BURGOS VAN BASTELAAR and  
JEANE BURGOS

**FILED**  
LOS ANGELES SUPERIOR COURT

MAY 27 2010  
JOHN A. CLARKE, CLERK  
BY C.L. GILES, DEPUTY

# DATE OF HEARING

5/28/10 D-5 10:30 a.m.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Guardianship of the persons of  
CAMILA BURGOS BERESFORD-  
REDMAN and ALEC BURGOS  
BERESFORD-REDMAN,  
  
Minors.

Case No. BP 121976

[Assigned to Honorable Mitchell L. Beckloff,  
Department 5]

## MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DAVID AND JUANITA BERESFORD- REDMAN'S EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME AND AN ORDER MODIFYING WEEKEND VISITATION

Date: May 27, 2010  
Time: 8:30 a.m.  
Dept: 5

CIT/CASF: BP121976 LEA/SEFN  
RECEIVED: 05/27/10 08:11:00 AM  
DATE PAID: 05/27/10 08:11:00 AM  
PAYMENT: \$40.00  
RECEIVED: 03:16  
CHECK: 40.00  
CASH:  
CHARGE:  
CARD:



1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION AND FACTUAL BACKGROUND**

3 There is no urgency, let alone any risk of irreparable harm or immediate danger, justifying  
4 Petitioners David and Juanita Beresford-Redman's ex parte request for an order shortening time  
5 for a hearing on their Petition for Termination of Guardianship. Indeed, in light of recent events,  
6 the parties need the full time required by statute to determine the status of the investigation of  
7 Monica Burgos Beresford-Redman's murder and whether a warrant will be issued for Bruce  
8 Beresford-Redman's arrest. The required time is necessary to provide Carla Burgos Van  
9 Bastelaar with an opportunity to submit a fully informed response to David and Juanita's<sup>1</sup>  
10 Petition. David and Juanita's additional request for an order modifying visitation this weekend to  
11 prevent the children from attending their mother's memorial service is similarly without basis and  
12 is contrary to the best interests of the children, who should be given an opportunity to join friends  
13 and family in celebrating their mother's life.

14 The matter of the guardianship of Camila and Alec Burgos Beresford-Redman was before  
15 the Court just last Thursday, May 20. At that hearing, the Court made several orders, including  
16 (1) extending Mr. and Mrs. Beresford-Redman's temporary guardianship of the children; (2)  
17 granting visitation to the children's maternal aunts, Carla Burgos Van Bastelaar and Jeane  
18 Burgos, on Tuesdays from the end of the school day until 7:00 p.m. and on Sundays from 9:00  
19 a.m. to 7:00 p.m.; and (3) scheduling a trial setting conference for June 17, 2010.

20 The following day, Friday, May 21, Mexican authorities made statements to the media  
21 indicating that they had made several attempts to question Bruce regarding the investigation of  
22 Monica's murder but could not locate him. That same day, the Mexican authorities also informed  
23 the media that they had just received the results of DNA and other forensic testing, which they  
24 had previously indicated were necessary before any arrest could be made.

25  
26  
27 <sup>1</sup> For the sake of clarity, individuals' first names are used in this pleading; no disrespect to  
28 those individuals is intended.

1 On Sunday, May 23, Bruce's criminal attorney, Richard Hirsch, released a statement to  
2 the media indicating that Bruce had returned to Los Angeles, despite the fact that Mexican  
3 authorities had taken his passport and had instructed him not to leave Mexico while the  
4 investigation was pending. It is unclear how Bruce was able to enter the United States without  
5 his passport.

6 On Monday, May 24, at the hearing on Jeane Burgos's Petition for Probate of Monica's  
7 will, David Beresford-Redman appeared and opposed the Petition. When questioned by the  
8 Court, David confirmed that Bruce was in Los Angeles and said that he had spoken to Bruce on  
9 the telephone but did not know exactly where Bruce was. Just hours after the hearing, however,  
10 the media released video footage and photographs showing Bruce at his Palos Verdes home,  
11 where David and Juanita have been staying with the children.

12 This week Mexican authorities indicated to the media that their investigation is ongoing,  
13 and, now that they have obtained the results of DNA and other forensic testing, they are  
14 compiling a report that will be presented to a judge, and the results will likely lead to an arrest. It  
15 remains uncertain whether a warrant will be issued for Bruce's arrest.

16 David and Juanita now seek an order shortening the time to set the hearing on their  
17 Petition for Termination of Guardianship. The Court should deny the requested ex parte relief for  
18 the following reasons:

- 19 • David and Juanita have made no showing that there is an emergency requiring an  
20 order shortening time; to the contrary, there are numerous uncertainties in this  
21 case, stemming from Bruce's recent flight from Mexico and the Mexican  
22 authorities' recent receipt of DNA and other test results, indicating that the Court  
23 should allow the full time required by statute so that the parties can uncover the  
24 underlying facts and brief the pertinent issues before the hearing on David and  
25 Juanita's Petition.
- 26 • Bruce currently has full access to the children, and there is therefore no risk of  
27 irreparable harm or immediate danger to his rights as the children's father.

- 1       •     The children's stability will be threatened by termination of the guardianship  
2             before it is known whether Bruce will be arrested, since his arrest would require  
3             the parties to file another petition for guardianship and the children's care would  
4             again change hands.
- 5       •     If the guardianship is terminated and Bruce gains custody before it is known  
6             whether an arrest will be made, the Court will have no jurisdiction to prevent  
7             Bruce from fleeing with the children.

8             David and Juanita also seek an order modifying the visitation schedule ordered by the  
9     Court at the May 20 hearing for the purpose of preventing the children from attending Monica's  
10    memorial service this Sunday, May 31. The Court should deny this request because it is based  
11    on unfounded assertions regarding how the memorial service may affect the children and does not  
12    take into consideration the benefits of helping the children cope with their mother's passing and  
13    providing them with the love and support of family and friends.

## 14    II.    DISCUSSION

### 15       A.    The request for an order shortening time for the hearing on David and 16             Juanita's Petition for Termination of Guardianship should be denied.

#### 17           1.    There is no risk of irreparable harm or immediate danger justifying ex 18             parte relief.

19             When David and Juanita filed their petition on April 19, they stated that "Bruce wishes  
20    [them] to have permanent guardianship over the children." (See April 19, 2010 Petition,  
21    Attachment 8.) Then, at the May 20 hearing, David and Juanita requested that they continue as  
22    guardians of the children. Now, one week later, David and Juanita want to terminate their  
23    guardianship and are attempting to expedite the process of doing so. Presumably, David and  
24    Juanita's request for termination is based on the fact that Bruce left Mexico and is currently  
25    residing in Los Angeles, where he can care for the children.

26             David and Juanita are unable to make an affirmative showing of irreparable harm or  
27    immediate danger as a basis for ex parte relief as required by California Rule of Court 3.1202(c).  
28    The children are now under the temporary guardianship of David and Juanita, with visitation

1 twice a week for Carla and Jeane. During the temporary guardianship, Bruce is not being  
2 deprived of access to his children—who are living at his home. Indeed, as shown in video  
3 footage that appeared on numerous news broadcasts, Bruce was with the children setting up a tent  
4 in the side yard of his Palos Verdes home on the afternoon of Monday, May 24, and David later  
5 made a statement to the media indicating that Bruce spent that night camping with his children.  
6 Since Bruce's parents are the temporary guardians, it is beyond reasonable dispute that they will  
7 allow Bruce to see his children as often as he likes, and he has every right to live with them in the  
8 Palos Verdes house.

9 Scheduling the hearing on David and Juanita's Petition for Termination for a date at least  
10 16 court days after service of the Petition as required by section 1005(b) of the Code of Civil  
11 Procedure would not limit Bruce's ability to act as the children's father and would promote  
12 stability for the children. In contrast, as further described below, shortening the time for the  
13 hearing would deprive the parties of the time needed to resolve the many uncertainties in this  
14 case, and termination of the guardianship without the time necessary to investigate these  
15 uncertainties and fully brief all issues would pose a risk to the children's stability.

16 **2. Due to the numerous uncertainties in this case, the full time required**  
17 **by statute for a hearing on David and Juanita's petition is necessary to**  
18 **ensure that the interests of the children are protected.**

19 The events of the past week have drastically altered the circumstances of this guardianship  
20 proceeding. Just one day after last week's guardianship hearing, Mexican authorities reported to  
21 the media that they were unable to locate Bruce for questioning and further reported that they had  
22 just received the DNA and other forensic test results that were required before making an arrest.  
23 Although the Mexican authorities seized Bruce's passport and instructed him not to leave Mexico  
24 while the investigation of Monica's murder was pending, Bruce returned to Los Angeles last  
25 weekend. The Mexican authorities have indicated to the media that the investigation of Monica's  
26 murder is ongoing, and, as part of the investigation, they are compiling the test results in a report  
27 that will be submitted to a judge, with an arrest expected. As a result of these events, it is  
28 uncertain whether and when the Mexican authorities will issue a warrant for Bruce's arrest.



1 A decision regarding the continuation of the guardianship should not be made until the  
2 parties are provided with a full opportunity to consider and potentially resolve these uncertainties.  
3 While there is no downside to continuing the temporary guardianship until these uncertainties are  
4 resolved, the risk of a detrimental impact on the children's safety and welfare due to an early  
5 termination of the guardianship is significant.

6 **a. If the guardianship is terminated, the Court will no longer have**  
7 **jurisdiction to prevent the children from being removed to**  
8 **another state or country.**

9 As long as the temporary guardianship is in place, there is a court order prohibiting  
10 removal of the children from the seven counties of Southern California. Conversely, if the  
11 temporary guardianship is terminated and Bruce obtains full custody of the children, he is not  
12 prohibited from taking the children outside Southern California or even outside the country. It is  
13 unknown how Bruce was able to enter the United States without his passport, but if it was easy  
14 for him to enter without a passport, it is likely that it would be just as easy for him to leave  
15 without a passport and take the children with him, even without their passports. And if a warrant  
16 is ultimately issued for his arrest after he has left the country with the children, it is highly  
17 unlikely that he will voluntarily return. Accordingly, it is critical that the Court have as much  
18 information as possible regarding whether the Mexican authorities will issue an arrest warrant  
19 before the Court decides whether to terminate the guardianship. If time is shortened, the Court  
20 may not receive this information before the hearing on David and Juanita's petition.

21 **b. The children's stability is of utmost importance and will be**  
22 **threatened by early termination of the guardianship.**

23 At this point, no one—other than possibly the Mexican authorities—can say whether a  
24 warrant will be issued for Bruce's arrest. If the guardianship is terminated and Bruce is  
25 ultimately arrested, another petition for guardianship must be filed, and the children's care will  
26 change hands yet again. An unnecessary change in the children's custody is contrary to the  
27 public policy set forth in section 1610 of the Probate Code to promote stability in the children's  
28 lives. Accordingly, David and Juanita's request for an order shortening time should be denied.

//



1           **B.     The request for an order modifying weekend visitation should be denied.**

2           David and Juanita seek an order modifying Carla and Jeane's visitation with the children  
3 this weekend so that visitation occurs on Saturday rather than on Sunday. The request is based on  
4 David and Juanita's desire to prevent the children from attending Monica's memorial service this  
5 Sunday.<sup>2</sup> David and Juanita's request is without basis and is not in the children's best interests.

6           David and Juanita have indicated that the children's therapist, Cathleen Carlson, does not  
7 believe the children should attend the memorial service. Carla has already pointed out to the  
8 Court that according to Ms. Carlson's own curriculum vitae, Ms. Carlson has no background or  
9 experience in grief counseling for children of Camila's and Alec's ages. Moreover, before  
10 reaching a conclusion regarding whether the children should attend the memorial service, Ms.  
11 Carlson did not consult Carla or Jeane regarding the events planned for the memorial service, so  
12 she has no knowledge of what is planned and is therefore unable to make an informed judgment  
13 regarding whether the service will be detrimental to the children. David and Juanita also made no  
14 effort to inquire about the memorial service and thus are similarly uninformed about it.

15           The memorial service on Sunday will be a celebration of Monica's life during which  
16 friends and family members will discuss their fond memories of Monica, praise her achievements,  
17 and honor her character. The service is a memorial, not a funeral, and it will be a happy event  
18 focusing on Monica's life, which will include a reception with music.

19           The children lost their mother at very young ages and are undergoing a grieving process.  
20 The memorial will provide comfort to the children, who will be surrounded by people who loved  
21 their mother and who will remind them of the wonderful person their mother was.

22           David and Juanita have expressed the concern that the children are "too young" to attend  
23 the memorial. Yet Juanita already told the children a story, albeit an inaccurate one, about their  
24 mother's death. If the children are old enough to learn about their mother's death, they are  
25 certainly old enough to celebrate her life. And while there is no harm in allowing the children to

26           <sup>2</sup> It is noteworthy that David and Juanita knew about the memorial service well before the  
27 May 20 hearing but made no objection to the Court's visitation orders at the time that the orders  
were made.

28

1 attend the memorial, there could be great harm in preventing them from going. Indeed, several  
2 years from now, they might experience regret at having been prohibited from sharing in the  
3 celebration of their mother. Accordingly, the Court should maintain the visitation schedule  
4 ordered at the May 20 hearing, and, assuming that the children want to go, they should be allowed  
5 to attend the memorial.

6 **III. CONCLUSION**

7 For the foregoing reasons, this Court should deny Petitioners David and Juanita  
8 Beresford-Redman's *ex parte* application for an order shortening time for the hearing on their  
9 Petition for Termination of Guardianship and an order modifying weekend visitation.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PHILLIPS JESSNER LLP

Dated: May 26, 2010

By Kristin M. Kellet  
Kristin M. Kellet  
Attorneys for Carla Burgos Van Bastelaar and  
Jeane Burgos