

FL-410

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): VICKI J. GREENE, ESQ. [SBN 85979] LAW OFFICES OF VICKI J. GREENE 1900 Avenue of the Stars, 25th Floor Los Angeles, CA 90067 TELEPHONE NO.: (310) 282-8302 FAX NO.: (310) 282-8314 ATTORNEY FOR (Name): ALEXANDER BALDWIN, III		FOR COURT USE ONLY FILED AUG 29 2006 JOHN A. CLARKE, CLERK <i>R. Kisse</i> BY H. MINAGA, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District PETITIONER/PLAINTIFF: KIM BASINGER RESPONDENT/DEFENDANT: ALEXANDER BALDWIN, III OTHER PARTY:		
ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT		CASE NUMBER: XD 337 739

NOTICE A contempt proceeding is criminal in nature. If the court finds you in contempt, the possible penalties include jail sentence, community service, and fines. You are entitled to the services of an attorney who should be consulted promptly in order to assist you. If you cannot afford an attorney, the court may appoint an attorney to represent you.	AVISO Un proceso judicial por desobediencia es de índole criminal. Si la corte le declara a usted en desobediencia, las sanciones posibles incluyen penas de prisión y de servicio a la comunidad, y multas. Usted tiene derecho a los servicios de un abogado, a quien debe consultar sin demora para obtener ayuda. Si no puede pagar a un abogado, la corte podrá nombrar a un abogado para que lo represente.
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1. TO CITEE (name of person you allege has violated the orders): **KIM BASINGER**
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS, TO GIVE ANY LEGAL REASON WHY THIS COURT SHOULD NOT FIND YOU GUILTY OF CONTEMPT, PUNISH YOU FOR WILLFULLY DISOBEYING ITS ORDERS AS SET FORTH IN THE AFFIDAVIT BELOW AND ANY ATTACHED AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT, AND REQUIRE YOU TO PAY, FOR THE BENEFIT OF THE MOVING PARTY, THE ATTORNEY FEES AND COSTS OF THIS PROCEEDING.

a. Date: **8/29/06** Time: **8:30 a.m.** Dept.: **60** Rm.: _____

b. Address of court: same as noted above other (specify): *Robert de Linder*

Date: **AUG 29 2006** JUDICIAL OFFICER: _____

AFFIDAVIT SUPPORTING ORDER TO SHOW CAUSE FOR CONTEMPT

3. An Affidavit of Facts Constituting Contempt (form FL-411 or FL-412) is attached.
4. Citee has willfully disobeyed certain orders of this court as set forth in this affidavit and any attached affidavits.
5. a. Citee had knowledge of the order in that
 - (1) citee was present in court at the time the order was made.
 - (2) citee was served with a copy of the order.
 - (3) citee signed a stipulation upon which the order was based.
 - (4) other (specify): _____
- b. Continued on Attachment 5a(4).
6. Citee was able to comply with each order when it was disobeyed.
7. Based on the instances of disobedience described in this affidavit
 - a. I have not previously filed a request with the court that the citee be held in contempt.
 - b. I have previously filed a request with the court that the citee be held in contempt (specify date filed and results): _____

CITEE/CASE: R0137739 LEX/DEFN;
 RECEIPT #: F1X03187015
 DATE PAID: 08/29/06 01:46:02
 PAYMENT: \$40.00
 RECEIVED:
 CHECKS
 CASH
 CHANGE
 CASH

FL-412

PETITIONER/PLAINTIFF: KIM BASINGER	CASE NUMBER:
RESPONDENT/DEFENDANT: ALEXANDER BALDWIN, III	BD 337 739
OTHER PARTY:	

AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT
Domestic Violence/Custody and Visitation
Attachment to Order to Show Cause and Affidavit for Contempt (form FL-410)

1. The Citee has violated the restraining order issued on (date): _____ by contacting, molesting, harassing, attacking, striking, threatening, sexually assaulting, battering, telephoning, sending any messages to, following, stalking, destroying the personal property of, disturbing the peace of, keeping under surveillance, or blocking movements in public places and thoroughfare of me or any other person protected by the restraining order. (Specify which order was violated, how the order was violated, and when the violation occurred): _____
2. The Citee has violated the restraining order issued on (date): _____ by not moving from and staying away from the residence as ordered by the court. (Specify how the order was violated and when the violation occurred): _____
3. The Citee has violated the restraining order issued on (date): _____ by not staying (specify) _____ yards away from me, the other protected persons, my residence, my place of work, the children's school or place of child care, my vehicle, or other (specify): _____ (Specify which order was violated, how the order was violated, and when the violation occurred): _____
4. The Citee has violated the restraining order issued on (date): _____ by not relinquishing his or her firearm(s) as ordered by the court. (Specify which order was violated, how the order was violated, and when the violation occurred): _____
5. The Citee has violated the restraining order issued on (date): _____ by failure to complete court-ordered batterer's treatment/anger management class (specify how the order was violated): _____
6. The Citee has violated order issued on (date): June 10, 2004 by violating the following custody or visitation order (specify which order was violated, how the order was violated, and when the violation occurred): _____
7. The Citee has violated the order issued on (date): June 10, 2004 by violating other orders (specify which order was violated and how the order was violated): _____

Continued on Attachment 1.

Continued on Attachment 2.

Continued on Attachment 3.

Continued on Attachment 4.

Continued on Attachment 5.

Continued on Attachment 6.

Continued on Attachment 7.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: August 29, 2006

ALEXANDER BALDWIN, III
 (TYPE OR PRINT NAME)

Alexander Baldwin, III
 (SIGNATURE)

PETITIONER/PLAINTIFF: KIM BASINGER	CASE NUMBER:
RESPONDENT/DEFENDANT: ALEXANDER BALDWIN, III	ED 337 739
OTHER PARENT:	

7. Case has previously been found in contempt of a court order (specify case, court, date):

Continued on Attachment 7.

8. Each order disobeyed and each instance of disobedience is described as follows:

a. Orders for child support, spousal support, family support, attorney fees, and court or other litigation costs (see attached Affidavit of Facts Constituting Contempt (form FL-411))

b. Domestic violence restraining orders and child custody and visitation orders (see attached Affidavit of Facts Constituting Contempt (form FL-412))

c. Injunctive or other order (specify which order was violated, how the order was violated, and when the order was violated):

Continued on Attachment 8c.

d. Other material facts, including facts indicating that the violation of the orders was without justification or excuse (specify):

Continued on Attachment 8d.

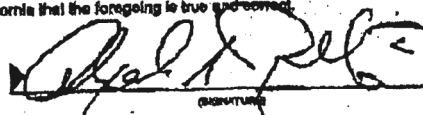
e. I am requesting that attorney fees and costs be awarded to me for the costs of pursuing this contempt action. (A copy of my Income and Expense Declaration (form FL-150) is attached.)

WARNING: IF YOU PURSUE THIS CONTEMPT ACTION, IT MAY AFFECT THE ABILITY OF THE DISTRICT ATTORNEY TO PROSECUTE THE CASE CRIMINALLY FOR THE SAME VIOLATIONS.

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

Date: August 29, 2006

ALEXANDER BALDWIN, III
(TYPE OR PRINT NAME)


(SIGNATURE)

ATTACHMENT 7Count No. 1:

Specific Order Violated: Pursuant to Paragraph 24 of the June 10, 2004 Judgment, Respondent was to have telephone contact with his daughter on Friday, September 23, 2005, between 8:00 a.m. and 8:30 a.m. Petitioner violated this Order as follows:

Violation Occurred: September 23, 2005.

How The Order Was Violated: Respondent was not able to reach the minor child by telephone and did not know where the minor child was between 8:00 a.m. and 8:30 a.m.

Count No. 2:

Specific Order Violated: Pursuant to Paragraph 24 of the June 10, 2004 Judgment, Respondent was to have telephone contact with his daughter on Monday, September 26, 2005, between 8:00 a.m. and 8:30 a.m. Petitioner violated this Order as follows:

Violation Occurred: September 26, 2005.

How The Order Was Violated: Respondent was not able to reach the minor child by telephone and did not know where the minor child was between 8:00 a.m. and 8:30 a.m.

Count No. 3:

Specific Order Violated: Pursuant to Paragraph 24 of the June 10, 2004 Judgment, Respondent was to have telephone contact with his daughter each Monday, Wednesday and Friday between 8:00 a.m. and 8:30 a.m. On February 21, 2005 the parties' Special Master issued a Level I recommendation, which was effective forthwith, giving Respondent an additional telephone call each Sunday evening between 7:00 p.m. and 7:30 p.m. Petitioner violated this Order as follows:

ATTACHMENT 6

Count No. 1:

Specific Order Violated: Pursuant to Paragraph 3.A., Respondent was to have the third weekend of September 2005, from after school Friday, September 23, 2005, through the commencement of school Monday morning, September 26, 2005. For September 2005, the parties' Special Master issued a Level II decision-effective forthwith, changing Respondent's weekends from the first and third, to the second and fourth weekends of the month. Petitioner violated this Order as follows:

Violation Occurred: September 23, 2005.

How The Order Was Violated: Petitioner did not take the minor child to school on September 23, 2006, so that Respondent could pick her up to begin his custodial/visitation period.

Moreover, on the day before the visitation was to commence, Petitioner caused notice to be given to Respondent, through their respective attorneys, that she would not be causing the minor child to be turned over to Respondent on September 23, 2005 for his visitation and that he should not go to Petitioner's residence to effectuate visitation.

Petitioner had knowledge of this Special Master's Recommendation/Order: As evidenced by the fact that Petitioner tried to have the Special Master's decision overturned by the Court on September 7, 2005.

Count No. 2:

Specific Order Violated: Pursuant to Paragraph 3.A., Respondent was to have the third weekend of September 2005, from after school Friday, September 23, 2005 through the commencement of school Monday morning, September 26, 2005. For September 2005, the parties' Special Master issued a Level II decision-effective forthwith changing Respondent's weekends from the first and third, to the second and fourth weekends of the month. Petitioner violated this Order as follows:

1 Violation Occurred: September 24, 2005.

2 How The Order Was Violated: Petitioner did not make the minor child available
3 to Respondent for his custodial/visitation period. When Respondent arrived at Petitioner's
4 home on September 24, 2005, she had a bodyguard stationed outside her home and was
5 advised that neither Petitioner nor the minor child were inside the residence.

6 Petitioner had knowledge of this Special Master's Recommendation/Order:
7 As evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
8 by the Court on September 7, 2005.

9
10 Count No. 3:

11 Specific Order Violated: Pursuant to Paragraph 3.A., Respondent was to have
12 the third weekend of September 2005 from after school Friday, September 23, 2005, through
13 the commencement of school Monday morning, September 26, 2005. For September 2005,
14 the parties' Special Master issued a Level II decision-effective forthwith, changing Respon-
15 dent's weekends from the first and third, to the second and fourth weekends of the month.
16 Petitioner violated this Order as follows:

17 Violation Occurred: September 25, 2005.

18 How The Order Was Violated: Petitioner did not make the minor child available
19 to Respondent for his custodial/visitation period as provided in the June 10, 2004 Judgment.

20 Petitioner had knowledge of this Special Master's Recommendation/Order:
21 As evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
22 by the Court on September 7, 2005.

23
24 Count No. 4:

25 Specific Order Violated: Pursuant to Paragraph 3.A., Respondent was to have
26 the third weekend of September 2005, from after school Friday, September 23, 2005 through
27 the commencement of school Monday morning, September 26, 2005. For September 2005,
28 the parties' Special Master issued a Level II decision-effective forthwith, changing Respon-

1 dent's weekends from the first and third, to the second and fourth weekends of the month.

2 Petitioner violated this Order as follows:

3 Violation Occurred: September 26, 2005.

4 How The Order Was Violated: Respondent was not afforded his visitation or
5 right to take the minor child to school.

6 Petitioner had knowledge of this Special Master's Recommendation/Order:

7 As evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
8 by the Court on September 7, 2005.

9

10 Count No. 5:

11 Specific Order Violated: Pursuant to Paragraph 3.A., Respondent was to have
12 the third weekend of September 2005, from after school Friday, September 23, 2005 through
13 the commencement of school Monday morning, September 26, 2005. For September 2005,
14 the parties' Special Master issued a Level II decision-effective forthwith, changing Respon-
15 dent's weekends from the first and third, to the second and fourth weekends of the month.
16 Pursuant to Paragraph 6 of the June 10, 2004 Judgment, all pick ups and drop offs in
17 connection with Respondent's time share shall occur at school or camp, unless there is no
18 school or camp at the commencement or end of Respondent's time share, in which event he
19 or the person he designates shall pick up and return the minor child to the Petitioner's
20 residence, unless otherwise agreed be the parties. Petitioner violated this Order as follows:

21 Violation Occurred: September 23, 2005.

22 How The Order Was Violated: Petitioner did not take or cause the minor child
23 to be taken to school.

24 Petitioner had knowledge of this Special Master's Recommendation/Order:

25 As evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
26 by the Court on September 7, 2005.

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Violation Occurred: September 25, 2005.

How The Order Was Violated: Respondent was not able to reach the minor child by telephone and did not know where the minor child was between 7:00 p.m. and 7:30 p.m.

Petitioner had knowledge of this Special Master's Recommendation/Order: As evidenced by the fact that the Special Master's recommendation was emailed to Petitioner by the Special Master and was previously honored by Petitioner before the September 25, 2005 violation.

Count No. 4:

Specific Order Violated: Pursuant to Paragraph 30 of the June 10, 2004 Judgment, Respondent has the right to decide what the minor child does during his custodial time. Petitioner shall not make any plans for the minor child during Respondent's custodial time unless agreed to in writing by Respondent. Petitioner violated this Order as follows:

Violation Occurred: September 23, 2005.

How The Order Was Violated: Petitioner made plans for the minor child, which plans occurred during Respondent's custodial time (as modified by the Special Master), without Respondent's express written consent.

Petitioner had knowledge of this Special Master's Recommendation/Order: As evidenced by the fact that Petitioner tried to have the Special Master's decision overturned by the Court on September 7, 2005. Petitioner also had knowledge of the June 10, 2004 Judgment because she was present in Court on March 1, 2004 when the Court made the orders set forth in the Judgment.

Count No. 5:

Specific Order Violated: Pursuant to Paragraph 30 of the June 10, 2004 Judgment, Respondent has the right to decide what the minor child does during his custodial time. Petitioner shall not make any plans for the minor child during Respondent's custodial

1 time unless agreed to in writing by Respondent. Petitioner violated this Order as follows:

2 Violation Occurred: September 24, 2005.

3 How The Order Was Violated: Petitioner made plans for the minor child,
4 which plans occurred during Respondent's custodial time, without Respondent's express
5 written consent.

6 Petitioner had knowledge of this Special Master's Recommendation/Order: As
7 evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
8 by the Court on September 7, 2005. Petitioner also had knowledge of the June 10, 2004
9 Judgment because she was present in Court on March 1, 2004 when the Court made the orders
10 set forth in the Judgment.

11
12 Count No. 6:

13 Specific Order Violated: Pursuant to Paragraph 30 of the June 10, 2004
14 Judgment, Respondent has the right to decide what the minor child does during his custodial
15 time. Petitioner shall not make any plans for the minor child during Respondent's custodial
16 time unless agreed to in writing by Respondent. Petitioner violated this Order as follows:

17 Violation Occurred: September 25, 2005.

18 How The Order Was Violated: Petitioner made plans for the minor child,
19 which plans occurred during Respondent's custodial time, without Respondent's express
20 written consent.

21 Petitioner had knowledge of this Special Master's Recommendation/Order: As
22 evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
23 by the Court on September 7, 2005. Petitioner also had knowledge of the June 10, 2004
24 Judgment because she was present in Court on March 1, 2004 when the Court made the orders
25 set forth in the Judgment.

26
27 Count No. 7:

28 Specific Order Violated: Pursuant to Paragraph 31 of the June 10, 2004

1 Judgment, Petitioner is enjoined and restrained from involving the minor child in the parties'
2 disagreements and differences of opinion about the custody and visitation orders. Petitioner
3 violated this Order as follows:

4 Violation Occurred: September 23, 2005.

5 How The Order Was Violated: Petitioner withheld the minor child from
6 Respondent because she was in disagreement with, and had an opinion different from
7 Respondent, about his right to have custody of the minor child commencing on September 23,
8 2005.

9 ~~Petitioner had knowledge of this Special Master's Recommendation/Order. As~~
10 evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
11 by the Court on September 7, 2005. Petitioner also had knowledge of the June 10, 2004
12 Judgment because she was present in Court on March 1, 2004 when the Court made the orders
13 set forth in the Judgment.

14
15 Count No. 8:

16 Specific Order Violated: Pursuant to Paragraph 31 of the June 10, 2004
17 Judgment, Petitioner is enjoined and restrained from involving the minor child in the parties'
18 disagreements and differences of opinion about the custody and visitation orders. Petitioner
19 violated this Order as follows:

20 Violation Occurred: September 24, 2005.

21 How The Order Was Violated: Petitioner withheld the minor child from
22 Respondent because she was in disagreement with, and had an opinion different from
23 Respondent, about his right to have custody of the minor child commencing on September 23,
24 2005.

25 ~~Petitioner had knowledge of this Special Master's Recommendation/Order. As~~
26 evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
27 by the Court on September 7, 2005. Petitioner also had knowledge of the June 10, 2004
28 Judgment because she was present in Court on March 1, 2004 when the Court made the orders

1 set forth in the Judgment.

2
3 **Count No. 9:**

4 **Specific Order Violated:** Pursuant to Paragraph 31 of the June 10, 2004
5 Judgment, Petitioner is enjoined and restrained from involving the minor child in the parties'
6 disagreements and differences of opinion about the custody and visitation orders. Petitioner
7 violated this Order as follows:

8 **Violation Occurred:** September 25, 2005.

9 ~~**How The Order Was Violated:** Petitioner withheld the minor child from~~
10 Respondent because she was in disagreement with, and had an opinion different from
11 Respondent, about his right to have custody of the minor child commencing on September 23,
12 2005.

13 **Petitioner had knowledge of this Special Master's Recommendation/Order:** As
14 evidenced by the fact that Petitioner tried to have the Special Master's decision overturned
15 by the Court on September 7, 2005.

16
17 **Count No. 10:**

18 **Specific Order Violated:** Pursuant to Paragraph 31 of the June 10, 2004
19 Judgment, Petitioner is enjoined and restrained from involving the minor child in the parties'
20 disagreements and differences of opinion about the custody and visitation orders. Petitioner
21 violated this Order as follows:

22 **Violation Occurred:** September 26, 2005.

23 **How The Order Was Violated:** Petitioner withheld the minor child from
24 Respondent because she was in disagreement with, and had an opinion different from
25 Respondent, about his right to have custody of the minor child commencing on September 23,
26 2005.

27 **Petitioner had knowledge of this Special Master's Recommendation/Order:** As
28 evidenced by the fact that Petitioner tried to have the Special Master's decision overturned

1 by the Court on September 7, 2005. Petitioner also had knowledge of the June 10, 2004
2 Judgment because she was present in Court on March 1, 2004 when the Court made the orders
3 set forth in the Judgment.

4
5 **Count No. 11:**

6 **Specific Order Violated:** Paragraph 26 of the June 10, 2004 Judgment
7 provides that in the event Petitioner is going to be working away from her primary residence
8 overnight for long periods during the week when the minor child is in her custody, then, in
9 ~~that event, Respondent shall have the right of first refusal to care for the minor child at his~~
10 residence in Los Angeles. Petitioner violated this Order as follows:

11 **Violation Occurred:** November 14, 2005.

12 **How The Order Was Violated:** Petitioner left Los Angeles to work and was
13 gone from Los Angeles for a long period during the week when the minor child was in her
14 custody and did not notify Respondent before she left so that he could exercise his right of
15 first refusal to care for the minor child during Petitioner's absence.

16
17 **Count No. 12:**

18 **Specific Order Violated:** Paragraph 26 of the June 10, 2004 Judgment
19 provides that in the event Petitioner is going to be working away from her primary residence
20 overnight for long periods during the week when the minor child is in her custody, then, in
21 that event, Respondent shall have the right of first refusal to care for the minor child at his
22 residence in Los Angeles. Petitioner violated this Order as follows:

23 **Violation Occurred:** May 9, 2006.

24 **How The Order Was Violated:** Petitioner left Los Angeles to work and was
25 gone from Los Angeles for a long period during the week when the minor child was in her
26 custody. Respondent was denied his right of first refusal to care for the minor child during
27 Petitioner's absence in Los Angeles.

28 Moreover, knowing that Respondent was in Los Angeles on May 8, 2005,

1 Petitioner did not provide notice to Respondent that she was going to be gone from Los
2 Angeles on May 9, 2006 until after Respondent boarded his plane back to New York.

3
4 **Count No. 13:**

5 **Specific Order Violated:** Paragraph 26 of the June 10, 2004 Judgment
6 provides that in the event Petitioner is going to be working away from her primary residence
7 overnight for long periods during the week when the minor child is in her custody, then, in
8 that event, Respondent shall have the right of first refusal to care for the minor child at his
9 residence in Los Angeles. ~~Petitioner violated this Order as follows:~~

10 **Violation Occurred:** May 16, 2006.

11 **How The Order Was Violated:** Petitioner left Los Angeles to work and was
12 gone from Los Angeles for a long period during the week when the minor child was in her
13 custody. Respondent was denied his right of first refusal to care for the minor child during
14 Petitioner's absence.

15
16 **Count No. 14:**

17 **Specific Order Violated:** Paragraph 33 of the June 10, 2004 Judgment
18 provides that the parties shall exchange information of and concerning the minor child by
19 facsimile or e-mail. In the event of an emergency or the party cannot get to a fax machine or
20 computer, then, the party shall leave a message on the other party's designated telephone line.
21 Petitioner violated this Order as follows:

22 **Violation Occurred:** April 14, 2006.

23 **How The Order Was Violated:** Ireland suffered an injury that required medical
24 attention and Respondent was not notified or provided any information of and concerning the
25 minor child's injuries from Petitioner.