THE STATE OF NEW HAMPSHIRE
SUPREME COURT

NO. 2017-0518

IN THE MATTER OF ERIC MCANDREWS AND SACHET WOODSON

APPEAL FROM
9TH CIRCUIT – FAMILY DIVISION – NASHUA

BRIEF ON BEHALF OF THE RESPONDENT—APPELLEE

By: **Israel F. Piedra, Esq.**
N.H. Bar No. 267568
Welts, White & Fontaine, P.C.
29 Factory Street
Nashua, NH 03061
(603) 883-0797

Oral Argument by Israel F. Piedra, Esq.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

New Hampshire Cases

Other States' Cases

New Hampshire Statutes

Other States' Statutes

Secondary Authority

STATEMENT OF THE CASE AND FACTS

Appellant Eric McAndrews ("Father") and Appellee Sachet Woodson ("Mother") have a daughter named Delilah. Delilah was four years old at the time of the May 3, 2017 hearing which is the subject of this appeal. ORDER, Fthr. Br.[1] at 32. The parties have never been married. An agreed-upon Parenting Plan was approved by the New Hampshire circuit court on January 14, 2014. *See* Appx. to Fthr. Br. at 11. The Parenting Plan awards Mother primary residential responsibility. Father was allotted parenting time for the months of June, July, and August each year, as well as additional parenting time in February of odd-numbered years and December of even-numbered years. ORDER, Fthr. Br. at 32. The Parenting Plan expressly allowed Mother and the child to relocate to California from New Hampshire. *Id.* In late 2015, Mother and the child moved to Indiana, where Mother's family resides. Tr. at 2-3. Mother and child have remained in Indiana ever since.

Father filed a Petition to Change Court Order in New Hampshire on March 6, 2017, seeking modification of the Parenting Plan. Appx. to Fthr. Br. at 19. He had previously filed to modify the Plan (unsuccessfully) in September 2014. *See* Tr. 11-12.

---

[1] Citations to the records are as follows:

- "Fthr. Br." refers to the Appellant's opening brief.
- "Appx." refers to Appellee's appendix, bound to this brief.
- "Appx. to Fthr. Br." refers to the appendix filed along with Appellant's opening brief.
- "Tr." refers to the consecutively-paginated transcript of the Motion to Dismiss hearing held May 3, 2017.

Subsequently, in April 2017, Mother filed a "Verified Petition for Custody and to Establish Parenting Time" in Indiana. *See* Appx. to Fthr. Br. at 23-25.

On April 27, 2017, Mother filed a Motion to Dismiss the New Hampshire proceedings on the basis of inconvenient forum. *Id.* at 26-28. A hearing on the Motion was held on May 3, 2017 in New Hampshire, at which offers of proof were made. On June 26, 2017, the circuit court (Introcaso, J.) conditionally granted Mother's Motion to Dismiss, subject to Indiana's acceptance of jurisdiction. ORDER, Fthr. Br. at 33. Father subsequently filed a Motion to Reconsider. *See* Appx. to Fthr. Br. at 32. That was later denied.

On July 7, 2017, Mother filed with the Indiana court a Motion for the Indiana court to accept jurisdiction. *Id.* at 41. The Indiana court accepted jurisdiction on August 11, 2017. *Id.* at 58. Through Indiana counsel, Father requested that the Indiana court reconsider its acceptance of jurisdiction pending the New Hampshire appeal. *Id.* at 59. The Indiana court denied this request. Appx. at A-1. In January 2018, the Indiana court held a status conference. It subsequently issued an order referring the pending parenting dispute to mediation. *See* Appx. at A-5.

SUMMARY OF THE ARGUMENT

Although Father's arguments are broken down into several sections, the first of his primary contentions is that the trial court did not apply the correct legal standard in its inconvenient forum analysis under the UCCJEA.

However, the trial court specifically cited to the UCCJEA's inconvenient forum provision (RSA 458-A:18), and discussed the relevant enumerated factors therein. Although Father argues that the terminology used in some portions of the trial court's Order indicate that it conflated/misapplied the appropriate statute, read as a whole the Order reveals the statute was properly applied. Furthermore, Father has not preserved his argument that RSA 458-A:18 requires a "two-step analysis" resulting in two distinct findings.

Father's second major contention is that the trial court erred when it found that Indiana was the more suitable forum. Specifically, Father points to a purported "forum selection clause" in the parties' original Parenting Plan, as well as the existence of a child support order in New Hampshire. However, the trial court's finding that New Hampshire is an inconvenient forum was a discretionary decision and amply supported by the record.

ARGUMENT

The court below dismissed this parenting case on the grounds of inconvenient forum pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (codified at RSA 458-A). Father appeals the trial court's order, alleging errors of law and abuses of discretion.[1]

I. THE TRIAL COURT APPLIED THE CORRECT LEGAL STANDARD

Father's principal contention is that trial court applied the incorrect legal standard in determining whether Indiana or New Hampshire was the appropriate forum for the parties' parenting dispute. *See* Fthr. Br.[2] §§ I, II, V, VI.

RSA 458-A is New Hampshire's codification of the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"). The UCCJEA is a uniform model act designed to be adopted by each individual state in the United States. The UCCJEA was adopted by New Hampshire in 2010, replacing its predecessor, the Uniform Child Custody Jurisdiction Act ("UCCJA"). *In the Matter of Yaman*, 167 N.H. 82, 87 (2014). The purposes of the UCCJEA are, among other things, to "[a]void jurisdictional competition

---

[1] Although Father describes the trial court's ruling as an "abuse of discretion," Mother will instead employ the term "unsustainable exercise of discretion," which was adopted by the Supreme Court in 2001. *See State v. Lambert*, 147 N.H. 295, 296 (2001) ("Because the 'abuse of discretion' standard may carry an inaccurate connotation, we will hereafter refer to it as the 'unsustainable exercise of discretion' standard.").

[2] Citations to the records are as follows:

- "Fthr. Br." refers to the Appellant's opening brief.
- "Appx." refers to Appellee's appendix, bound to this brief.
- "Appx. to Fthr. Br." refers to the appendix filed along with Appellant's opening brief.
- "Tr." refers to the consecutively-paginated transcript of the Motion to Dismiss hearing held May 3, 2017.

and conflict with courts of other States in matters of child custody . . . [and] [p]romote cooperation with the courts of other States to the end that a custody decree is rendered in that State which can best decide the case in the interest of the child . . . ." *Id.* (citing UCCJEA § 101, cmt.). Both New Hampshire and Indiana have enacted the UCCJEA. *Compare* RSA 458-A *with* Ind. Code art. 31-21.

It is undisputed that a Parenting Plan was agreed-to by the parties (and approved by the trial court) in January 2014. This Parenting Plan constituted an initial child-custody determination under RSA 458-A:12. Mother agrees that the child has a "significant connection" with New Hampshire, because Father resides here and exercises his parenting time in the state. *See In the Matter of Sheys & Blackburn*, 168 N.H. 35, 39 (2015). Thus, Mother agrees that New Hampshire would have "exclusive, continuing jurisdiction" under RSA 458-A:13 — absent other factors. *See* RSA 458-A:13, Fthr. Br. at 12 (§ I).

However, that is not the end of the inquiry. "A court of this state which has jurisdiction under [RSA 458-A] to make a child-custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum." RSA 458-A:18.

Here, Mother filed a Motion to Dismiss the parenting case in New Hampshire based on the grounds of inconvenient forum. *See* Appx. to Fthr. Br. at 27-28. The trial

court conducted an inconvenient forum analysis, citing RSA 458-A:18. *See* ORDER, Fthr. Br. at 32-33. Father argues that the trial court did not properly apply RSA 458-A:18. The crux of Father's argument is that the trial court's analysis conflated different standards under RSA 458-A.

A. "Two-step analysis"

Father argues that "the lower court did not complete the two-step analysis as required" by RSA 458-A:18. Father construes RSA 458-A:18 (the inconvenient forum statute) as requiring two separate findings: (1) that New Hampshire is an inconvenient forum and (2) that another state is a more appropriate forum. *See* Fthr. Br. at 16.

The statute does not require a "two-step analysis."[3] Rather, it lays out a single set of factors (at RSA 458-A:18, II) to determine which "[s]tate is in a *better position* to make the custody determination, taking into consideration the relative circumstances of the parties." UCCJEA § 207, cmt. (emphasis added). Courts in other states are in agreement: the enumerated factors are considered as part of a global inquiry to determine which state is preferable. *See, e.g., In the Interest of T.B.*, 497 S.W.3d 640, 649 (Tex. Ct. App. 2016) (analyzing factors in context of single inquiry into which forum is "more convenient"); *Horgan v. Romans*, 851 N.E.2d 209, 213 (Ill. App. Ct. 2006) ("[S]ection 207 [of the

---

[3] At least, not the two-step process described by Father. Paragraph II of RSA 458-A:18 does state that "[b]efore determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction." As explained *infra*, the trial court answered that threshold question when it found that Indiana "is the child's home state as defined by the UCCJEA" (and thus an appropriate forum). ORDER, Fthr. Br. at 32. It then moved on to determine which of the two states is best suited to adjudicate the dispute.

UCCJEA] bestows on the trial court the discretion to . . . balance the enumerated factors to arrive at a determination of whether another forum would be more convenient to the parties."); *Shanoski v. Miller*, 780 A.2d 275, 279 (Me. 2001) (considering enumerated factors as a single global inquiry). New Hampshire's own case law, though limited in this area, supports the above construction. *See Cartelli v. Martin*, 121 N.H. 296, 298 (1981) (under UCCJA, reviewing statutory factors during a global inconvenient forum analysis rather than making two distinct findings). This interpretation is also logical: an "inconvenient" forum will necessarily be a less appropriate one; conversely, a less appropriate forum will be more inconvenient. The "two-step analysis" advocated by Father is redundant.

Finally, Father did not preserve this claim of error for appeal. No reference to a "two-step analysis" was made in his Objection to Mother's Motion to Dismiss, nor in his Motion to Reconsider the trial court's Order, nor in his Response to Objection to Motion to Reconsider. *See generally* Appx. to Fthr. Br. at 35-37, 55-56. In fact, Father's Motion to Reconsider refers to the RSA 458-A:18, II factors as both the "more appropriate forum . . . factors" and the "inconvenient forum factors," supporting the statutory interpretation advocated by Mother. Appx. to Fthr. Br. at 36-37 (¶¶ 15, 20). By not raising this alleged error in his Motion to Reconsider (or Response), Father has failed to preserve his argument for appeal. *See Dukette v. Brazas*, 166 N.H. 252, 255 (2014).

B. Trial court's reference to "home state"

In its Order, the trial court stated: "This court finds that, statutorily, each court has jurisdiction. [Indiana] is the child's home state as defined by the UCCJEA." ORDER, *id.* at 32. Father argues that the reference to "home state" means the trial court improperly applied the statutory standard for an initial custody determination, rather than a modification.

That argument might hold water if the trial court had not immediately gone on to reference RSA 458-A:18 and explicitly conduct an inconvenient forum analysis. ORDER, *id.* at 33. Read in its full context, the trial court's reference to "home state" is merely an acknowledgment that Indiana *could* appropriately exercise jurisdiction *if* Mother's Motion to Dismiss were granted. *See id.* This is a prerequisite to a finding of inconvenient forum. *See* RSA 458-A:18, II ("Before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction."), *see also supra* note 3. The "home state" inquiry, of course, is relevant to an initial custody determination. RSA 458-A:12, I(a). But it is also relevant to determine whether a state has modification jurisdiction: under the UCCJEA, Indiana must "ha[ve] jurisdiction to make an *initial* determination" in order to *modify* New Hampshire's child-custody determination. *See* Ind. Code § 31-21-

5-3 (emphasis added); RSA 458-A:14. The trial court was merely answering the RSA 458-A:18, II threshold question when it stated Indiana was the child's home state.[4]

C. Trial court's reference to "significant connection"

Lastly, at the end of its Order, the trial court stated: "[A]lthough the the child has significant connection with NH as a result of parenting time, she has more significant connection with IN." Father argues that this mention of "significant connection" means that the trial court's "decision was based on significant connections [analysis] under RSA 458-A:13, I(a)." Fthr. Br. at 26.

Again, this argument is belied by the context of the trial court's order. The Court explicitly stated it was applying an inconvenient forum analysis and cited the appropriate statute. It discussed various factors under RSA 458-A:18. In that context, it is apparent that the trial court was merely comparing Indiana and New Hampshire: it concluded that Indiana was the more appropriate forum under RSA 458-A:18, I. This is consistent with the UCCJEA's goal to determine which "[s]tate is in a *better position* to make the custody determination."[5] UCCJEA § 207, cmt., *see also In the Matter of Yaman*, 167 N.H. at 87 (goal of act is to determine "State which can best decide the case in the interest of the child.").

---

[4] Father does not dispute that Indiana is the child's home state as defined by the UCCJEA. *See* Fthr. Br. at 25.

[5] Moreover, the trial court *had already concluded* on the previous page of its order that "NH has jurisdiction under RSA 458-A:13." ORDER, *id.* at 32. The trial court having already reached that conclusion, Father's argument that the Court subsequently "based" its inconvenient forum decision on RSA 458-A:13 is untenable.

D. Conclusion

Given that the entire "focus" of the UCCJEA's inconvenient forum inquiry is determining which state is in a "better position" to adjudicate custody, *Griffith v. Tressel*, 925 A.2d 702, 713 (N.J. Super. Ct. App. Div. 2007), the trial court's analysis conformed to the statute. It weighed the relevant statutory factors and concluded that Indiana was in a better position to make a custody determination. ORDER, Fthr. Br. at 33; *see* RSA 458-A:18. Even assuming Father properly preserved his arguments on appeal, there was no error of law by the trial court.

II. THE TRIAL COURT'S DECISION WAS A SUSTAINABLE EXERCISE OF DISCRETION

The remainder of Father's arguments on appeal allege an unsustainable exercise of discretion by the trial court, though Father does not explicitly reference discretion in the body of his brief. *See* Fthr. Br. at §§ II, III, IV.

Courts "review a decision to decline to exercise jurisdiction for reason of inconvenient forum for [an unsustainable exercise] of discretion." *Shanoski*, 780 A.2d at 279 (under UCCJEA); *see Watson v. Watson*, 724 N.W.2d 24, 33 (Neb. 2006) ("[A] decision to decline to exercise jurisdiction under the UCCJEA for the reason of an inconvenient form is entrusted to the discretion of the trial court."); *see also In re Estate of Mullin*, 169 N.H. 632, 639 (2017) ("The dismissal of a case due to *forum non conveniens* is generally within the discretion of the circuit court. Thus, we will overturn the circuit court's decision only if we find an unsustainable exercise of discretion." (citations omitted)).

"In applying [the] unsustainable exercise of discretion standard of review, [the Court] determin[es] only whether the record establishes an objective basis sufficient to sustain the discretionary judgment made." *Osman v. Lin*, 169 N.H. 329, 336 (2016) (quotation omitted).

Although Father argues that "the weight of the [enumerated] factors swing in favor of determining that New Hampshire is the more appropriate forum," Fthr. Br. at 18-19, it is not this Court's task to determine whether it would have found differently, but rather "only to determine whether a reasonable person could have reached the same decision as the trial court on the basis of the evidence before it." *See Osman*, 169 N.H. at 336. Here, there is ample support in the record for the trial court's findings. The offers of proof revealed that the child has primarily resided in Indiana since 2015 (Tr. at 2), that Mother has less income than Father (Tr. at 3), that the child is in daycare in Indiana and has numerous relatives in Indiana (Tr. at 3), and that a parenting action had been docketed in Indiana and that a hearing could be held in approximately two months (Tr. at 4). Additionally, counsel for Father stated that one of the reasons for his Petition to Change Court Order was that the child was not receiving proper medical treatment while in Indiana (Tr. at 8).[6]

---

[6] In fact, Father did not specifically address any of the inconvenient forum factors in the hearing. Counsel merely argued that Father had "significant contacts" with the child and cited the *In re Sheys & Blackburn* decision (which dealt only with the significant connections issue and declined to reach the question of inconvenient forum). *See* Tr. at 10; *In the Matter of Sheys & Blackburn*, 168 N.H. at 35-40. The facts alleged in Father's Motion to Reconsider are not found in the record, and the pleadings are not verified or supported by affidavit.

All of these facts implicate enumerated factors under RSA 458-A:18: "[t]he length of time the child has resided outside this state," the "relative financial circumstances of the parties," the "nature and location of the evidence required to resolve the pending litigation, including testimony of the child," and the "ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence." *See* RSA 458-A:18, II. The circuit court found that the balance of these factors favored Indiana as the most suitable forum. *See* ORDER, Fthr. Br. at 33. The court's findings were supported by the record and a sustainable exercise of discretion.

Finally, Father makes two specific arguments as to why the trial court should have found New Hampshire was the more convenient forum. Mother will address them in turn, though, as stated above, the inconvenient forum determination was well within the trial court's discretion, and should not be disturbed by this Court.

A. Forum selection clause

First, Father argues that there is a "forum selection clause" in the parties' Parenting Plan which must be enforced. *See* Fthr Br. at 20. The relevant clause states "New Hampshire shall retain jurisdiction over the child for future modifications." Appx. to Fthr. Br. at 10.

The trial court noted the existence of that provision in its Order. But the lower court was not bound by it. As other courts have noted, to hold that "such a forum selection should trump the other factors to be balanced by the circuit court pursuant to

the UCCJEA inconvenient forum provision . . . would contradict [the UCCJEA's] statutory language . . . ." *Horgan*, 851 N.E.2d at 213. That's because "[a]ny agreement of the parties as to which state should assume jurisdiction" is just *one* of several possibly relevant factors for the trial court to consider.[7] *Id.*; *see* RSA 458-A:18, II(e); *see also Friedman v. Eighth Judicial Dist. Court of Nev.*, 264 P.3d 1161, 1167-68 (Nev. 2011) (same). Here, the trial court exercised its discretion and found that, on balance, Indiana was the preferable forum. That discretionary decision was supported by the record.

B. UIFSA

Father also argues that jurisdiction should remain in New Hampshire because New Hampshire had previously issued a child support order. Fthr. Br. at 22 (§ IV).

"UIFSA" is the Uniform Interstate Family Support Act. It has been codified in New Hampshire at RSA ch. 546-B. It is a uniform law designed to "avoid conflicting child support orders issued by courts in different states." *In the Matter of Ball & Ball*, 168 N.H. 133, 138 (2015).

Father's concern that "there is a probability that should Indiana modify the parenting plan, the support order in this matter will also need modification" is speculative. The Parenting Plan has not been modified. Additionally, given that both Indiana and New Hampshire have adopted the UCCJEA and UIFSA, any parenting and support decrees issued by the two states would be mutually enforceable. Finally, if

---

[7] Mother's trial counsel advanced the same argument at the May 3, 2017 hearing. Tr. at 5 ("[T]hat's only one of the factors that's listed for the Court to consider . . . it's not a dispositive factor . . . .").

Father has financial concerns, the parties could agree to move child support proceedings to Indiana. *See* RSA 546-B:7. UIFSA "inherently contemplates that the forum may not be convenient for all parties." *In re Marriage of Owen*, 108 P.3d 824, 832 (Wash. Ct. App. 2005). To that end, it contains provisions designed to facilitate participation by remote parties. *See* RSA 546-B:27 ("Special Rules of Evidence and Procedure"). The trial court's decision to dismiss the New Hampshire proceedings despite Father's speculative concerns was a sustainable exercise of discretion.

CONCLUSION

For the foregoing reasons, the Appellee Sachet Woodson respectfully requests that this Court affirm the circuit court's June 26, 2017 Order.

Respectfully submitted,

SACHET WOODSON
By Her Attorneys,

WELTS, WHITE & FONTAINE, P.C.

Dated: March 19, 2018

By: _____

Israel F. Piedra, Esq.
N.H. Bar No. 267568
29 Factory Street
Nashua, NH 03061
(603) 883-0797
ipiedra@lawyersnh.com

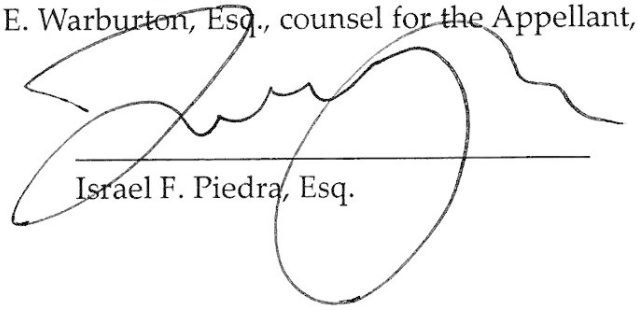
ORAL ARGUMENT

The Appellee requests 15 minutes of argument before the full court.

CERTIFICATION

I certify that on this date two copies of the foregoing brief will be forwarded to Catherine E. Shanelaris, Esq. and Jennifer E. Warburton, Esq., counsel for the Appellant, via first class mail.

Dated: March 19, 2018



Israel F. Piedra, Esq.

APPENDIX

APPENDIX TABLE OF CONTENTS

STATE OF INDIANA	)	IN THE ALLEN SUPERIOR COURT
	) SS:	
COUNTY OF ALLEN	)	CAUSE NUMBER 02D08-1704-DC-000530

IN RE: THE CUSTODY AND PARENTING TIME OF D.R.M., A MINOR CHILD,	)
SACHET WOODSON, Petitioner,	)
and	)
ERIC MCANDREWS, Respondent.	)

RULING ON MOTION FOR RECONSIDERATION

Comes now Petitioner, in person and by counsel and Respondent by counsel. Argument heard on Respondent's Motion to Reconsider. The Court being duly advised that the courts of New Hampshire declined jurisdiction on June 26, 2017 after conducting a hearing on the jurisdictional issue; that the Superior Court of Allen County, Indiana, specifically accepted jurisdiction; that the courts of New Hampshire denied Respondent's Motion to Reconsider its June 26, 2017 Order; and that Respondent is actively pursuing his appellate rights in New Hampshire; now denies Respondent's Motion to Reconsider and request for stay of proceedings. On the record in both New Hampshire and Indiana, there has been a "clean hand off" of the case from one court in one state to the court of another state, just as was envisioned by the UCCJA. Neither New Hampshire nor Indiana, nor the UCCJA itself, has specified that this transfer between trial courts and different states should be delayed while appellate relief is being sought. In fact, staying the Indiana proceeding as Respondent requests, could create a situation where the Petitioner or the child would not have a forum from which to seek relief pending resolution of the anticipated New Hampshire appeal.

The issuance of an opinion by the New Hampshire appellate courts reversing its lower court's relinquishment of jurisdiction could serve as a basis for this Court to reconsider its acceptance of

jurisdiction upon subsequent request by Respondent, but that possibility is not sufficient for this Court to delay the processing of pending issues.

Dated: October 16, 2017

PERRY D. SHILTS, JUDGE PRO TEM
ALLEN SUPERIOR COURT

NOTICE TO BE GIVEN BY: ___COURT _XX_CLERK ___ OTHER:_____

PROOF OF NOTICE UNDER TRIAL RULE 72 (D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed, and/or filed as listed below:

Yvonne M. Spillers, Esq., 327 East Wayne Street, Fort Wayne, IN 46802

David E. Bailey, Esq., 803 South Calhoun Street, 4th Floor, Fort Wayne, IN 46802

DATE OF NOTICE:_____
INITIAL OF PERSON WHO NOTIFIED PARTIES: ___COURT _XX_CLERK ___ OTHER

Filed: 10/26/2017 11:58 AM
Clerk
Allen County, Indiana
AR

STATE OF INDIANA	)	IN THE ALLEN SUPERIOR COURT
	) SS:	
COUNTY OF ALLEN	)	CAUSE NO: 02D08-1704-DC-000530
IN RE THE CUSTODY AND PARENTING TIME OF D.R.M., A MINOR CHILD,	)	
SACHET WOODSON, Petitioner, AND ERIC MCANDREWS, Respondent.	)	

MOTION FOR CUSTODY AND PARENTING TIME

COMES NOW Petitioner Sachet Woodson, by counsel Yvonne Spillers, and hereby moves this Court to issue an order as to custody and parenting time. In support thereof, Petitioner states:

1. Petitioner Sachet Woodson resides at 5806 River Run Trail, Fort Wayne, Indiana.
2. Respondent Eric McAndrews resides at 160A West Hollis Street, Nashua, New Hampshire.
3. In January 2014, these parties entered into an Agreed Parenting Plan in New Hampshire with Joint legal custody, Mother/Petitioner Sachet Woodson having primary physical custody of the child and Father/Respondent Eric McAndrews paying $250 month for child support.
4. On February 27, 2017, Respondent Eric McAndrews filed a *Petition to Modify Custody* in the New Hampshire Ninth Circuit Court, and Petitioner Sachet Woodson filed a *Motion to Dismiss*.
5. On June 26, 2017, the New Hampshire Ninth Circuit Court issued an order declining jurisdiction because, after a review of the facts, the Judge agreed the child has a more significant connection to Indiana.

6. On August 11, 2017, the Allen Superior accepted jurisdiction for Custody and Parenting Time of D.R.M. in this cause.

7. On August 25, 2017, Respondent Eric McAndrews filed in this cause his *Verified Motion to Reconsider Order Accepting Jurisdiction for an Order Dismissing or Staying this Cause.*

8. On September 18, 2017, Respondent Eric McAndrews filed his *Notice of Discretionary Appeal and Request for Hearing as to Jurisdiction.*

9. On October 16, 2017, this Court heard argument on Father's motion and thereafter issued a "Ruling on Motion for Reconsideration" which denied Father's motion to stay the proceedings and further delay.

WHEREFORE Petitioner Sachet Woodson prays this Court issues an order as to custody and parenting time, or sets a hearing on the same, and for all other just and proper relief.

Respectfully Submitted,

/s/ Yvonne M. Spillers
Yvonne M. Spillers (#30144-02)
Attorney for Petitioner Sachet Woodson
327 E. Wayne Street, Suite 100
Fort Wayne, Indiana 46802
(260) 387-0555: Telephone
(260) 739-7500: Facsimile
yspillers.legal@gmail.com: Email

CERTIFICATE OF SERVICE

I, Yvonne M. Spillers, hereby certify that on the 26th day of October, 2017, the foregoing was filed by IEFS with the Clerk of Allen County Court.

I, Yvonne M. Spillers, hereby certify that on the 26th day of October, 2017, I have caused to be served a true and complete copy of the foregoing by E-Service and US Postal Mail, first class, prepaid to Attorneys David E. Bailey and Daniel G. McNamara, 803 South Calhoun Street, 4th floor, Fort Wayne, Indiana 46802.

/s/ Yvonne M. Spillers
Yvonne M. Spillers

STATE OF INDIANA	)	IN THE ALLEN SUPERIOR COURT
	) SS:	
COUNTY OF ALLEN	)	CAUSE NO. 02D08-1704-DC-000530
IN RE: THE MARRIAGE OF	)	
	)	
SACHET WOODSON,	)	
Petitioner,	)	
and,	)	
	)	**ORDER OR JUDGMENT OF THE COURT**
ERIC McANDREWS,	)	
Respondent	)	

COMES NOW Petitioner, Sachet Woodson, by counsel, Yvonne M. Spillers, and Respondent, Eric McAndrews, by counsel, Daniel McNamara, and a Case Management Conference is held. The Court being duly advised in the premises, now FINDS, ORDERS, ADJUDGES, and DECREES:

1. The Court takes judicial notice of the findings and orders in this case.
2. The following motion is pending in this case:
   2.1. Petitioner's Motion for Custody and Parenting Time (filed 10/26/2017)
3. The parties have not participated in mediation. This matter is referred to mediation. Thomas Stucky is appointed as mediator. The parties are ordered to participate in mediation prior to the trial in this matter. Mediation costs shall be allocated pursuant to LR02-FL00-733.
4. The parties shall schedule a Pretrial Conference prior to obtaining a trial date on Petitioner's Motion for Custody and Parenting Time.

Dated: January 26, 2018

Sherry A. Hartzler S.B.

Sherry A. Hartzler, Magistrate
Allen Superior Court

Copies to: Yvonne Spillers
Daniel McNamara
Thomas Stucky