

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 10-cv-01477-MSK

DANIEL MCLEAN MACKAY,

Petitioner,

v.

STACIE ESTRELLA,

Respondent.

ORDER DIRECTING RETURN OF CHILD TO ONTARIO, CANADA

This matter is before the Court upon a Petition brought pursuant to the provisions of The Convention on the Civil Aspects of International Child Abduction, done at the Hague on 25 Oct 1980 (“Convention”) and the International Child Abduction Remedies Act (“ICARA”), 42 U.S.C. 11601 *et seq.* After presentation of evidence and argument by the parties, the Court made oral findings and conclusions of record, and determined that the minor child of the parties, Olivia McLean a/k/a Olivia Estrella, born December 21, 2008, was wrongfully removed from Canada to the United States and no exception to her return has been established.¹

Accordingly, pursuant to the authority of the Court under 42 U.S.C. 11603(a) and the Convention, **IT IS ORDERED** that

- (1) Petitioner Daniel McLean Mackay’s Petition pursuant to the International Child

¹ The findings of fact and conclusions of law set forth at the Friday, August 20, 2010 evidentiary hearing are incorporated in this Order as if set forth herein.

Abduction Remedies Act (#1) is **GRANTED**.

- (2) Respondent Stacie Estrella shall return Olivia McLean a/k/a Olivia Estrella, born December 21, 2008, to the jurisdiction of the Superior Court of Justice of Ontario, Canada on or before **Friday, August 27, 2010**. The child shall remain within the jurisdiction of such court until directed otherwise by such court. The return of the child shall be expeditiously reported to the appropriate Central Authority.
- (3) Pursuant to 42 U.S.C. § 11607(b)(3), Respondent shall pay the transportation costs related to the return of the child and the necessary expenses incurred by or on behalf of Petitioner in pursuing this action, including court costs and reasonable legal fees.
- (4) This Order is not a determination of the merits of any custody issues between the parties nor an order to return the child to the custody of the Petitioner.
- (5) The Clerk of Court shall close this case.

Dated this 20th day of August, 2010

BY THE COURT:



A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style with a horizontal line underneath it.

Marcia S. Krieger
United States District Judge