

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 08-81232-CIV-COHN/SELTZER

ALAN BENJAMIN JAET,

Petitioner,

vs.

IRIS BARZVI JAET,

Respondent.

**ORDER GRANTING RESPONDENT'S MOTION FOR CERTIFIED RECORDS
INCLUDING TRANSCRIPTS AT GOVERNMENT EXPENSE**

THIS CAUSE is before the Court upon Respondent Iris Barzvi Jaet's Motion for Court Certified Records and Pleadings [DE 62], including an Application and Affidavit to Proceed Without Prepayment of Fees. The Court has carefully considered the Motion, and notes the Respondent's non-opposition to the Motion [DE 64].

Respondent Iris Barzvi Jaet ("Respondent" or "Ms. Barzvi Jaet") seeks transcripts and court records from this proceeding in order for her to defend child custody litigation in Mexico. This Court granted Ms. Barzvi Jaet's ex-husband's Petition for Return of Minor Children on January 5, 2009. The Court understood from the parties at a status conference on January 7, 2009 that there is ongoing litigation between the parties in Mexico regarding the custody of the minor children. Ms. Barvi Jaet has therefore shown good cause for her need for the transcripts and certified records from this case for presentation to the courts in Mexico.

Upon review of the Respondent's Application to proceed *in forma pauperis*, the Court concludes that Ms. Barzvi Jaet meets the qualifications for *in forma pauperis*

status. Pursuant to 28 U.S.C. § 753, preparation of transcripts upon request by a person permitted to appeal *in forma pauperis* shall also be paid by the United States if the trial judge certifies that the appeal is not frivolous. In this case, the transcripts are requested for use in a directly related judicial proceeding in another country. This use by Ms. Barzvi Jaet is not frivolous.¹

Furthermore, the Court grants Respondent's request for the transcription and release to her of the in camera proceedings held before the Court. This transcript of the in camera proceeding shall remain sealed in the docket after filing of the transcript but may be released to Respondent (and Petitioner if he requests a copy).

Finally, as to the filings in the case, Respondent shall submit to the Clerk of Court a list of the docket entries she wishes to receive in certified form. Respondent may simply circle the docket entry numbers on the docket list.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Respondent Iris Barzvi Jaet's Motion for Court Certified Records and Pleadings [DE 62] is hereby **GRANTED**;
2. Respondent's Application and Affidavit to Proceed Without Prepayment of Fees is hereby **GRANTED**;
3. The Court Reporter is directed to prepare transcripts of the proceedings, including the in-camera portion, to be paid for by the United States;

¹ This determination is not intended to be a comment on the merits of Ms. Barzvi Jaet's claims or defenses in the Mexican family court proceedings. The Court previously expressed its hope at the final status conference that the parties would come together for the good of their children.

4. Respondent shall receive certified copies of the transcripts and those docket entries she requests from the Clerk of Court free of charge to her.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 30th day of March, 2009.


JAMES I. COHN
United States District Judge

Copies furnished to:

Robert Kohlman, Esq./Effie Silva, Esq.
Iris Barzvi Siso, pro se (by electronic mail)