

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SILK AMBER CELANDINE)
SULLIVAN, Auckland, New) Case No. CV-09-545-S-BLW
Zealand,)
Plaintiff,)
v.)
JAMES WAYNE SULLIVAN,)
Emmett, Idaho, USA,)
Defendant.)

)

In accordance with the Findings of Fact and Conclusions of Law filed concurrently herewith, the Court issues the following order.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED Plaintiff's Petition for
Provisional Injunctive Relief and Return of Child to Petitioner (Docket No. 1) shall
be, and the same is hereby, GRANTED.

IT IS FURTHER ORDERED that C.S. shall be returned to the care of her Mother, Silk Amber Celandine Sullivan, in New Zealand FORTHWITH. To facilitate this return, Mr. James Sullivan is ordered to bring C.S. before Magistrate Judge Boyle at the United States Courthouse for the District of Idaho in Boise,

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Idaho, on Friday, January 15, 2010 at 8:30 a.m. At that time, custody of C.S. for purposes of the return will be transferred to counsel for Ms. Sullivan. The New Zealand passport for C.S. will also be released from the safekeeping of the Clerk to counsel for Ms. Sullivan to facilitate C.S.'s return to New Zealand. Counsel for Ms. Sullivan shall proceed to place C.S. on the next reasonably available commercial air flight from Boise to Auckland, New Zealand, making appropriate arrangements for C.S. to travel as an unaccompanied minor. Should an overnight stay in Boise be required prior to securing return travel to New Zealand for C.S., counsel for Ms. Sullivan are authorized to secure temporary foster care through the local Department of Health and Welfare children's services until necessary travel arrangements can be made for C.S.

IT IS FURTHER ORDERED that Mr. James Sullivan is directed to cooperate in the coordination and return of C.S. to New Zealand.

IT IS FURTHER ORDERED that within 14 days after C.S. has been returned to Ms. Sullivan, Ms. Sullivan may submit a motion for costs and fees, accompanied by a final list of her incurred expenses, including court costs, legal fees, foster home or other care during the course of proceedings in the action, and transportation costs related to the return of C.S.

IT IS FURTHER ORDERED that within 14 days after Ms. Sullivan files her

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motion for costs and fees, Mr. James Sullivan may file a response brief arguing that the expenses are clearly inappropriate.

IT IS FURTHER ORDERED that the United States Marshals Service is directed to assist in the execution of this Order as necessary, and the United States Marshals Service may enlist the assistance of other law enforcement authorities, including the local police, as necessary to aid in any aspect of securing the safe return of C.S. to New Zealand.

IT IS FURTHER ORDERED that should Mr. James Sullivan fail to produce C.S. for the transfer of physical custody as directed in this Order, Ms. Sullivan is authorized to arrange for the pick-up of the child at the child's residence or school, using the assistance directed in the previous paragraph. Following such pick-up, C.S. should be returned as directed in paragraph 2 of this Order.

IT IS FURTHER ORDERED that this Order supersedes the Court's November 12, 2009 Order on Provisional Remedies (Docket No. 14).



DATED: January 13, 2010

A handwritten signature in black ink, appearing to read "B. Lynn Winmill".

Honorable B. Lynn Winmill
Chief U. S. District Judge