

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
08 CVD 12310

WAKE COUNTY

2009 MAY 15 AM 10:51

WAKE COUNTY, C.S.C.
 GARRY D. RENTZ AND DONNA A.)
 RENTZ AND KRISTA C. LISTER,)
 BY _____)
 Plaintiffs,)
)
 v.)
)
 BRADLEY COOPER,)
)
 Defendant.)

**CONSENT ORDER FOR
PERMANENT CHILD CUSTODY**

THIS MATTER came before the Honorable Debra Sasser, District Court Judge Presiding, upon the request of the parties for a Consent Order for Permanent Child Custody. The Plaintiffs are represented by Alice C. Stubbs of the law firm of Tharrington Smith, LLP. Defendant is represented by Deborah Sandlin of the law firm of Sandlin & Davidian, PA. Based upon the Court's examination of the matters of record, the representations of counsel, and the stipulations of the parties as reflected by their signatures below, the Court makes the following findings of fact.

FINDINGS OF FACT

1. Plaintiffs Garry and Donna Rentz are residents of Alberta, Canada.
2. Plaintiff Krista Lister is a resident of Ontario, Canada.
3. Defendant is a resident of Wake County, North Carolina and has been for the six months next preceding the filing of this action.
4. Defendant is the biological father of the minor children, Isabella Cooper ("Bella"), born on February 23, 2004, and Gabriella Cooper ("Katie"), born on July 23, 2006. Nancy Cooper is the deceased biological mother of the minor children and the deceased wife of Brad Cooper.

5. Plaintiff Krista Lister is the identical twin sister of Nancy Cooper and the biological maternal aunt of the minor children. Plaintiff Lister has a close and loving relationship with the minor children.

6. Plaintiffs Garry and Donna Rentz are the biological father and biological mother, respectively, of Nancy Cooper. Plaintiffs Garry and Donna Rentz are the biological maternal grandparents of the minor children. Plaintiffs Garry and Donna Rentz have a close and loving relationship with the minor children.

7. Defendant loves the minor children and the children love him.

8. North Carolina was the home state of the minor children at the time this action was filed, and this Court has jurisdiction over the matter of custody pursuant to N.C. Gen. Stat. § 50A.

a. No party has participated as a party, witness, or in any other capacity in any other proceeding concerning the custody of the minor children.

b. No party has any information of any other custody proceeding concerning the minor children in this state or in any other state.

c. No party knows of any person not a party to this proceeding who has physical custody of the minor children or who claims to have custody or visitation rights with respect to the minor children.

d. The minor children have lived in Wake County, North Carolina, with Brad Cooper and Nancy Cooper from their births through July 16, 2008.

e. From July 16, 2008 through July 25, 2008, the minor children resided in Wake County with Plaintiffs. Since on or about July 25, 2008, the minor children have resided in Canada with Plaintiffs.

9. On July 16, 2008, Plaintiffs filed a Complaint and Motion for Emergency Custody Order. Plaintiffs sought emergency custody of the minor children as well as temporary and permanent custody of the minor children.

10. On July 16, 2008, this Court entered an Ex Parte Emergency Custody Order awarding legal and physical custody of the minor children to Plaintiffs. The Court also ordered that a return hearing on the Ex Parte Emergency Custody Order would take place on July 25, 2008 at 9:00 a.m. in Courtroom 8B of the Wake County Courthouse.

11. On July 25, 2008, the parties entered into a Memorandum of Judgment/Order. This Judgment/Order settled the issues to be set forth at the return hearing on the Ex Parte Emergency Order.

12. On July 30, 2008, this Court entered a formal Consent Order. The Consent Order formally set forth the terms of the Memorandum of Judgment/Order. The parties consented to the Court conducting a temporary custody hearing during this Court's October 13, 2008 session.

13. On October 16, 2008, this Court held a temporary custody hearing and entered a Temporary Custody Order on November 21, 2008, made extensive findings of fact and awarded Plaintiffs temporary custody of the minor children.

14. The minor children have adjusted well to life in Canada, they are in a safe and loving environment, and they are thriving physically and emotionally in Plaintiffs' custody.

15. Plaintiffs have continued to focus on the best interests of the minor children and have made the children's physical and emotional well being their primary concern.

16. Since Brad Cooper was arrested and charged with the first degree murder of Nancy Cooper on October 27, 2008, he has resided in the Wake County Jail and has had no physical contact with the minor children. He has had telephone contact with the minor children approximately two times per week.

17. The parties agree that it is in the best interests of the minor children that Plaintiffs have legal and physical custody of the minor children as set forth herein and that Defendant have reasonable phone contact with the minor children at least two times per week, as permitted by the Wake County Jail or other penal institution in which he may reside.

18. The parties waive further findings of fact.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. This Court has personal and subject matter jurisdiction of this action to enter this Permanent Child Custody Order.

2. At the time this action was filed, North Carolina was the home state of the minor children.

3. Plaintiffs Garry and Donna Rentz are the biological maternal grandparents or the minor children.
4. Plaintiff Krista Lister is the biological maternal aunt of the minor children.
5. Defendant is the biological father of the minor children.
6. The parties stipulate that Plaintiffs had standing to file this action at the time of the filing of the Complaint and they currently have standing to pursue this action.
7. Plaintiffs are appropriate parties to this action pursuant to G.S. 50-13.2.
8. It is in the best interests of the minor children that permanent legal and physical custody of the minor children be awarded to and vested in Plaintiffs, with Defendant to have reasonable phone contact with the minor children as set forth herein.
9. The parties consent to the entry of this order.
10. The entry of this order is in the best interests and welfare of the minor children.
11. Findings of fact that are more appropriately deemed conclusions of law are incorporated herein by reference.

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiffs shall retain legal and physical custody of the minor children. To the extent permitted by the jail or penal institution in which Defendant resides, the parties shall jointly discuss by telephone all major issues relating to the children's health, education and welfare. Plaintiffs shall use their best efforts to consult with Defendant regarding all major decisions relating to the children's health, education and welfare, but Plaintiffs shall have final decision-making authority in the event the parties

are unable to timely reach agreement on an issue or in the event that Plaintiffs are unable to consult with Defendant.

2. Defendant shall be entitled to have telephone contact with the minor children at least two times per week of fifteen minutes per call, as permitted by the jail or other penal institution in which he resides. Defendant shall initiate the calls at times upon which the parties agree.

3. No party shall expose the minor children to the media.

4. No party shall disparage the other(s) in front of the minor children. The parties shall not do or say anything to hamper the minor children's natural development of love and respect for all parties.

5. No party shall discuss the circumstances surrounding the death of Nancy Cooper with the minor children or any impressions as to the guilt or innocence of Defendant. The parties shall not make derogatory statements to the children about the opposing party/parties.

6. No party shall discuss the temporary or permanent custody orders with the minor children. Plaintiffs shall retain the minor children's passports and the minor children shall permanently reside in Canada with the Plaintiffs.

7. Plaintiffs shall encourage the minor children to have telephone contact with Defendant, to the extent that phone contact is permitted by the jail or other penal institution in which Defendant resides. Plaintiffs shall make no negative statements of any kind about the children's contact with Brad Cooper.

8. Plaintiffs shall accept letters and cards that are sent by Defendant to the minor children, and they shall timely read all appropriate correspondence to the

children. If Plaintiffs believe that any correspondence is not appropriate to share with the children, they shall share the correspondence with the children's therapist. Plaintiffs shall defer to the therapist's decision as to whether the correspondence, in whole or in part, should be shared with the children.

9. For so long as Defendant is incarcerated, Plaintiffs shall send current photographs of the minor children to Defendant, at least one time every nine weeks. Such pictures shall be mailed to Defendant's attorney, Deborah Sandlin, Sandlin & Davidian, P.A., P.O. Box 58569, Raleigh, North Carolina 27658 or any other officer of the court so designated by Defendant in writing to Plaintiffs. Defendant shall take all reasonable measures to insure that no other inmate views or has access to these photos.

10. Plaintiffs shall assure that the minor children continue in therapy with Dr. Altay so long as recommended by Dr. Altay and abide by her recommendations to the extent that her recommendations are not inconsistent with this Order. All parties shall cooperate with Dr. Altay and participate in the minor children's therapy only as she recommends.

11. This Order is a Permanent Order and shall not be modifiable except upon a showing of a substantial change in circumstances.

12. All parties consent to the dismissal of any appeal that may be noticed by any party.

This the 14 day of May, 2009.

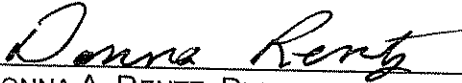


THE HONORABLE DEBRA S. SASSER

WE CONSENT:

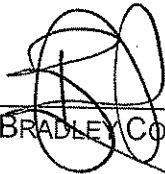


GARRY D. RENTZ, PLAINTIFF



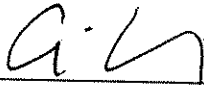
DONNA A. RENTZ, PLAINTIFF

KRISTA C. LISTER, PLAINTIFF

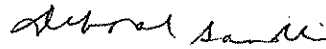


BRADLEY COOPER, DEFENDANT

APPROVED AS TO FORM:



ALICE C. STUBBS
ATTORNEY FOR PLAINTIFFS




DEBORAH SANDLIN
ATTORNEY FOR DEFENDANT

WE CONSENT:

GARRY D. RENTZ, PLAINTIFF

DONNA A. RENTZ, PLAINTIFF



KRISTA C. LISTER, PLAINTIFF

BRADLEY COOPER, DEFENDANT

APPROVED AS TO FORM:

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DEBORAH SANDLIN
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