

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

APR 27 2009 10:13

FILE NO.: 08 CVD 12310

GARRY D. RENTZ AND DONNA A.
RENTZ AND KRISTA C. LISTER
Plaintiff,

v.

BRADLEY COOPER,
Defendant.

MOTION TO MAINTAIN STATUS QUO;
MOTION TO CONTINUE

NOW COMES Defendant, by and through counsel, and moves this Court for the entry of an order maintaining the status quo with respect to the current custodial arrangements for Defendant's minor children as well as entering an Order continuing the custody trial regarding his children which is scheduled for June 1-12, 2009. In support of these motions, Defendant shows this Court the following:

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. 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.
6. 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.
7. 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.

8. 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.
9. On October 16, 2008, this Court held a temporary custody hearing and entered a Temporary Custody Order on November 21, 2008 (hereinafter "Temporary Order").
10. The Temporary Order provided for custody of Defendant's minor children as follows:
 - a. The minor children shall reside with Plaintiff Lister and her husband. To the extent permitted by the jail or penal institution in which Defendant resides, the parties shall jointly discuss 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 Plaintiff Lister, as the physical custodian, 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.
 - b. For so long as Defendant is incarcerated, the webcam visits shall be suspended pending further orders of this Court.
 - c. Defendant shall be entitled to have telephone contact with the minor children 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.
 - d. No party shall expose the minor children to the media.
 - e. No party shall expose the minor children to dog urine or dog hair. All parties shall keep dogs away from the minor children.
 - f. Plaintiff, Donna Rentz, shall not transport the minor children in a vehicle that she is operating.
 - g. 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.
 - h. 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.
 - i. No party shall discuss the pending child custody action with the minor children. Plaintiffs shall retain the minor children's passports and may take the minor children

to Canada.

- j. Defendant shall continue his treatment with Dr. Tooley (or any other mental health care professional) and follow all recommendations. For so long as the Defendant is incarcerated, this requirement shall be suspended.
 - k. 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.
 - l. 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. For so long as Defendant is incarcerated, Plaintiffs shall send current photographs of the minor children to Defendant at least one time per month. Plaintiffs shall assure that the photographs are sent to Defendant in accordance with the rules and regulations of Defendant's place of incarceration. Defendant shall take all reasonable measures to insure that no other inmate views or has access to these photos.
 - m. Plaintiffs shall assure that the minor children continue in therapy with 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.
 - n. Plaintiffs shall seek Dr. Altay's advice as to the nature and extent of Plaintiffs' communications with the minor children concerning Defendant's indictment and arrest and why Defendant is unable to visit with the minor children. Plaintiffs shall also seek Dr. Altay's advice on how Plaintiffs can shield the minor children from any knowledge that the minor children's father has been charged with the minor children's mother's murder. The minor children shall temporarily reside with Plaintiff Lister and her husband. To the extent permitted by the jail or penal institution in which Defendant resides, the parties shall jointly discuss all major issues relating to the children's health, education and welfare, but Plaintiff Lister as physical custodian shall have final decision making authority in the event the parties are unable to reach a timely agreement on an issue or in the event that the Plaintiffs are unable to consult with Defendant.
- 11. On October 27, 2008, a Wake County Grand Jury returned a True Bill of Indictment charging Mr. Cooper with first degree murder of his wife, Nancy Cooper and he was arrested the same day.
 - 12. Bond has been set for Mr. Cooper; however, he has not been able to post bond. As such, Mr. Cooper is unable to be released from the Wake County jail pending his criminal trial.

13. It is Mr. Cooper's desire to shield his children from as much publicity as possible within his control. Mrs. Cooper's murder has drawn international press attention and has been closely followed by the media locally, nationally and internationally.
14. It would be in the best interest of the children that the permanent custody trial be continued until a date after the criminal trial of Mr. Cooper.
15. It would be in the best interest of the children that an order be entered maintaining the status quo as related to the custody of Mr. Cooper's children.
16. In keeping with Mr. Cooper's belief that maintaining the custodial status quo be maintained is in the best interest of his children, he submitted a proposed Consent Order to Plaintiffs' counsel on April 15, 2009. The proposed Consent Order set a permanent custodial schedule for the children providing that the custodial schedule only be changed upon a showing of a substantial change in circumstances.
17. There will be no prejudice to either party in entering an order maintaining the status quo and continuing the hearing on permanent custody.

Based upon the foregoing, Defendant respectfully requests the Court:

1. Enter an Order preserving the status quo of the children's current custodial arrangement as provided for in the Temporary Order.
2. Enter an Order continuing the custody trial until a time after the completion of Mr. Cooper's criminal trial.
3. For such other relief as the court deems just and proper.

This the 27th day of April, 2009.

Deborah Sandlin

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FILED

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Defendant's Motion to Maintain the Status Quo and Motion to Continue was delivered to the opposing counsel herein by:

___ Personal delivery

___ Mailing a copy thereof, postage prepaid and properly addressed, to:

___ Facsimile and e-mail to Ms. Alice Stubbs- astubbs@tharringtonsmith.com
546-0489

This the 27th day of April, 2009

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