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XXXXXXXXXX Copy court filing concerning:
XXXXXXXXXX Kimberley Ann Gulsvig of Surprise, Arizona formerly named
XXXXXXXXXX Kimberley Ann Walters, DOB 10/01/1962; SS# 526-75-5978
XXXXXXXXXX

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

<p>Kimberley A. Walters Petitioner,</p> <p>And</p> <p>XXXXXXXXXXXXXXXXXXXXX Respondent</p>	<p>No. FC2013-072284</p> <p>MOTION FOR NEW HEARING ON ORDER OF PROTECTION DATED NOVEMBER 19, 2013 CONCERNING NEWLY DISCOVERED MATERIAL EVIDENCE</p> <p>[Assigned to the Honorable Jacki Ireland]</p>
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Respondent requests a new hearing for Order of Protection (OP) dated November 19, 2013. Respondent retrieved used SD card from Kimberley’s home and discovered new material evidence that will most likely change the final outcome of OP. Respondent has had no prior evidence hearing or testimony given or taken in said OP. New hearing for newly discovered evidence is required especially when it can change the final outcome. State v. Hawkins, Ariz: Court of Appeals, 2nd Div., Dept. B 2012. Court shall consider the newly discovered evidence of an order of protection and hear from Respondent. Owen v. Blackhawk, 79 P. 3d 667 – Ariz. Court of Appeals, 1st Div., Dept. D 2009. Newly discovered material facts are grounds for a new hearing. State v. Young, Ariz: Court of Appeals, 1st Div., Dept. B 2012.

Newly Discovered Video Material Evidence

On November 12, 2013 Petitioner (Kimberley) petitioned for and received an Order of Protection (OP) against Respondent (Philip). Kimberley’s goal was to force Philip’s exit from marriage home sooner than planned.

Philip now has newly discovered video material evidence of Kimberley that was recorded on November 11, 2013 that exposes Kimberley’s fraud upon this Court. Video is on DVD and will be brought to hearing because Superior Court Clerk refused any DVD attached to any filing. Videos are incorporated herein by this reference and will be made available to all parties at hearing or otherwise if Court instructions indicate to do so.

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Kimberley lied on OP Petition about weapon

- 1. Kimberley claimed on OP Petition dated November 12, 2013 that “**Phil threatened, with a weapon, an officer of the court...**” Kimberley is on video describes and reenacts these exact moments where Philip was suddenly confronted by the stranger (process server) while still wearing his pajamas at 7:30 am. Kimberley **demonstrates and explains** what happened; there was **no weapon**.

Kimberley’s Creditability is Questionable

- 2. Kimberley **lies** on videos about facts previously known to her to provoke arguments with Philip so she can secretly record them for use as evidence to obtain OP.
- 3. Kimberley on video baits Philip to harass him and incite an argument concerning his **family** and **amputee** brother, and continues after Philip asked her to stop; so she could secretly record argument to use as evidence in obtaining an OP. This was to force Philip out of marriage home sooner than planned (Kimberley’s schedule).

Kimberley Sets-Up a Home Invasion Scenario

- 4. Kimberley admits on video that Philip was not made aware that she secretly brought a process server (stranger) into the home to confront Philip at 7:30 am. Kimberley did this to incite/provoke an argument with Philip to secretly record as Philip reacted with shock and surprise thinking a home invasion was happening but did not lose his control.

Kimberley **misled** this Court to get Philip out of the marriage house sooner. Kimberley became so empowered by her success **fooling** this Court that she intentionally **misled police** with false claims against Philip under OP. Philip was investigated by City Prosecutor’s Office because of false police report given by Kimberley.

The Respondent requests this Court to order a new hearing so Respondent shall have an opportunity to be heard, to present evidence and to call and examine and cross-examine witnesses. This will most likely change the final OP status. Respondent has had no prior evidence examination or witness testimony taken. Respondent requests in minute entry what evidence disclosure instructions between parties should be followed.

Furthermore, the Respondent requests this Court to expedite early scheduling of this hearing.

Respondent must be awarded all his attorneys’ fees and costs and any related fees and expenses incurred defending this case.

_____/_____
Respondent Date

1 I have filed the ORIGINAL of attached document(s) on _____ (date)
2 With the Clerk of the Superior Court of Arizona in Maricopa County.

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5 I have mailed/delivered a COPY of attached document(s) on _____(date)
6 To **Commissioner Jacki Ireland**. (Include/attach two self-addressed/stamped envelopes with
7 Plaintiff and Defendant addresses one to each person.)

8

9 I have mailed/delivered a COPY of attached document(s) on _____(date)
10 To **Judge Michael Kemp**. (Include/attach two self addressed/stamped envelopes with
11 Plaintiff and Defendant addresses one to each person.)

12

13 I have Mailed/delivered a COPY of the attached document(s) on _____ (date)
14 To:

15 Ryan Rapp & Underwood, P.L.C. (**Petitioner** Attorney)
16 3200 N Central Ave. #1600
17 Phoenix, AZ 85012

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20 By signing below, I promise that I have filed/mailed the attached document(s) as shown
21 above. I understand that if I do not file/mail the attached document(s) as shown above, the
22 judge in my case will not read my request/motion.

23

24

25 _____ / _____
26 Your signature Date