Translated from German

Date of recording

11.09.2015

Zurich Court

Division – The Unified Court

Case file no. EE150173-L/Z2

Panel: Judge lic.iur. Ch. Benninger
Clerk lic.iur. A. Vonrufs

Disposition of September 9, 2015

Regarding

Irina **Vencu**, born on February 25, 1980, from Romania, architect, Siriusstr. 4, 8044 Zürich,
As Claimant

Represented by lawyer MLaw Patricia Schneider, Pachmann Rechtsanwälte AG, Löwenstr. 29, CP 2325, 8021 Zürich

Versus

Hamzeh **Buqaei**, born on January 17, 1982, from Jordan, programmer, Siriusstr. 4, 8044 Zürich, Agent of service: Lawyer lic. iur. Rolf Müller, Müller & Paparis, Bahnhofstr. 44, CP. 2622, 8022 Zürich
As Respondent

Represented by Lawyer lic. iur. Rolf Müller, Müller & Paparis, Bahnhofstr. 44, Postfach 2622, 8022 Zürich

Regarding the **Marriage protection / Separation**

Considerations:

1. With entry on June 12, 2015, the Claimant filed a petition for the issuance and ruling of the measures for marriage protection in the sense of art. 175 f. ZGB listed here and presented several provisional petitions, which were rejected by the Decision of 16th June 2015 (Act. 5). With the entry of 8th of September 2015, the Claimant filed again a petition with the following requests, which will be pursued for the interim purpose of provisional measures, without the immediate hearing of the other party (see act. 14.):

1. The placement of their child, Iosif-Hector Buqaei, born on 11/11/2012, without the prior consultation of the Respondent, in the custody of the Claimant, is provisional.

2. The Respondent's employer, Flisom AG, Gewerbestrasse 16, 8155 Niederhasli, must be informed about the obligations of double payment in such cases, and the said employer must transfer the child support alimony in accordance with the section 4 of the proposal of 12th June 2015 directly into the Claimant's bank account opened at the UBS bank, IBAN CH58 0026 7267 8606 9640 C.

2. The Court must take the necessary caution measures, if it finds that there is a suspicion of prejudice, and from a prejudice there is a disadvantage that cannot be easily remedied (art. 261 par. 1 ZPO). In case of exceptional emergency, the Court may rule the precaution measures immediately and without the hearing of the other party (art. 265 ZPO).

If a petition is grounded, on the condition that it is sufficient as foundation of the objective criteria, there is a certain probability that the alleged deeds or the invoked deeds speak for themselves (Huber in: Sutter-SOMM / Hasenböhler / Leuenberger, comment ZPO, N 25 and article 261 ZPO). The ungrounded accusations of one of the parties are no longer entitling the formulation of a claim.

Furthermore, in the arrangement of provisional measures, the Court applies the principle of proportionality: the measures do not continue longer than necessary for the protection of the preliminary application credibly argued (Huber, a.a.O, N 23 at article 261 ZPO.). The content of a precaution measure may be any adequate order by which the imminent disadvantage is avoided (art. 262 ZPO).

---

3. For the support of her petition, the Claimant essentially claimed the following:

The Claimant filed on June12, 2015 the petition for marriage protection. After the filing of this disposition the relations between the parties have been massively deteriorated. On July 13, 2015, there was a dispute between the Parties which degenerated in a physical assault, and the Responded injured the Claimant and left her a hematoma on the arm. He also destroyed the screen of the Claimant's mobile phone.

The fear that the Respondent might take the child to Jordan, against her will, was confirmed. The parties agreed that the Respondent could take a trip together with the spouses' child on Saturday, 22nd August 2015. The respondent said they might visit the zoo or the might take the child to the playground- he also suggested, at their departure, at 10 o'clock in the morning, to get together with the Claimant and her father for dinner. The claimant prepared her son's backpack for one day. They agree that the Respondent would bring the boy back to sleep at the Claimant's dwelling.

Later on, the Respondent did not answer the question asked by the Claimant about what they were doing and if they had a good time. He tried to calm her saying he had the hands completely occupied, he was busy and could not talk to her. At around 15.00 hours, the claimant attempted to contact the Respondent again to discuss about their son's return and about dinner. The respondent told her that they were at the playground and could not speak. When then she texted the Respondent, he replied that the battery was discharged. When she asked again later on about the timeframe of the trip, the

Respondent proposed 9 o'clock as dinner time, which surprised the Claimant, as at that time the child was usually already asleep. The Respondent answered the question about the child's whereabouts around 17:00 hours and declared the child was asleep at that time, but the child had no longer slept at that time for more than one year. The Claimant asked again by a text message where they were at that moment, question that was not answered by the Respondent. The Respondent did not answer other questions either meant to find out when he was to return with the child. The respondent did not answer. At around 17:30 hours he announced he would probably not be able to return with the child at 20.30.

The new call of the Claimant was rejected by the Respondent with the excuse the phone battery was discharged. Later on, the Respondent could not be contacted any more. The Claimant was then in a high state of anxiety and opened the Facebook Messenger at around 22.00 hours, as the Responded could no longer be contacted on any other channel. Much to her surprise, she received an unexpected message from the Respondent, in which he wrote that their son was safe with his father. He did not inform the Claimant about the place where he was. All day long he sought only excuses. The next day, around 09:00 hours, the Respondent informed the Claimant that he was in Amman together with their son. He broke off any contact with the explanation he would speak with her again when she calmed down.

Consequently, the Respondent was very difficult to contact and made other contacts of the Claimant with her son impossible, using diverse false pretenses. Through a common acquaintance from Jordan, the Claimant found that the Respondent was at his parents, and that their son was with him.

The respondent deliberately made the Claimant believe that his was only a temporary stay, especially because he repeatedly threatened her he would divorce in ,Jordan, according to the documents filed on the hearing of September 3, 2015, presented to the Court. He will not continue to support her in any manner.

The claimant made inquiries at the Respondent's employer and found that he took a 2-wek sick leave, supposedly because of his clinic depression. Moreover, he saw his lawyer on August 31, 2005 and on the September 2, 2015, when he also spoke with his physician about a future consultation, and made some hints to a temporary stay in Jordan.

On August 28, 2015, the Respondent handed over to the employer and also to the kindergarten, his resignation. Both letters were handed over on August 27, 2015 in Chur. Apparently, the Respondent had arranged it with a friend, so that his true intentions became public only after he had left the country. The Respondent mentioned in his letter to the kindergarten that "they no longer live in Switzerland" and thus there was no need for the kindergarten place. He gave thus the false impression that this was realized in agreement with the Claimant. He apparently sent also to the Employment Agency a letter of resignation in time. Moreover, it clearly results, contrary to his declarations given to his physician and attorney that he had never had the intention to return to Switzerland in the near future. This is also proved by the fact the Respondent notified the Regional Office, on the morning of August 22nd of 2015, that he was leaving the country.

All these facts were only the cover-up of his true intentions and served to the misleading of the Claimant, pretending he would return for the negotiations of September 3, 2015 or even before. Moreover, this was already clear at his first request of change, as he did not return to Switzerland on September 3, 2015. He showed attentive preparation. It could not be about a vacation.

Furthermore, his vascular disease presented now did not prevent the Respondent to fly repeatedly. This proved that the Respondent's ability to fly was known even before the hearing and not on the occasion of the first hearing.

The single custody arrangement is justified in the cases when the cooperation and communication between the parents is clearly and demonstrably impossible in the long run. Such a conflict could severely affect the development period of a child, especially when the conflict led to the neglect of the child's best interest, as the parties are more concerned about themselves. This was valid especially after the recent events related to the child's best interest in this case. The disagreement between the Parties related to these aspects led only to the separation. After such an abuse of trust of the Respondent, such an agreement can no longer be conceived, the Respondent acted in cold blood in his plan to keep the child apart from the Claimant. He wanted the child, under the pretext to spend a normal day with him. Making plans for the evening together with the child's mother, he sent her written messages and consoled her. He hid his health problems brought to her attention later on. The claimant, if she had known about them, had surely not left the child for a supposedly day at the zoo in his care. He, on the other hand had already filed the resignation letter and took himself out of the civil register.

The child's best interest was neglected in this action. The respondent does not care he tore the child out of his usual environment and from his mother, who took care of him until now almost by herself. He took the child to a foreign environment, known until now only from vacation days, when the child's mother was always present. The present situation of the child care is unknown, as the Respondent makes the contact of the Claimant with the child impossible. She must rely on information offered by the Respondent, who proved to be untrustworthy in the past. The Respondent does anything in her power to take revenge against the Claimant to the detriment of their child and

imposed his will as regards his education. He seems to be sure that his family and cultural model are the appropriate ones.

The claimant attempted to keep the child far from the problems in the relationship. She allowed the Respondent to go together with the child to Jordan, during July 24 2015 - August 5, 2015. They attempted to create a balance between their different cultures.

The minimum communication which supposed the application of the parental authority is inexistent. The desires and points of view of the Claimant about the child wellbeing were unimportant for the Respondent. Moreover, the Respondent suffers from clinical depression and he is not very likely to be able to take care of the child.

The child is currently in Jordan, in complete uncertainty. The Respondent would also delay the trial here and it was not clear if he returned to Switzerland. The legal status of the applicant in Jordan was unclear, and a trip to Jordan to see the child constitutes a non-assessable risk; consequently, the Claimant should rely on the hope that it will be ruled and clarified as soon as possible who is authorized to take care of the child, so that she could have the slightest chance to take the child.

The claimant also declares that she does not receive from the Respondent any financial assistance for the payment of the current bills. He constantly refused to fulfil his financial obligations. With her modest income from her part-time job it was not possible for her to fulfil her financial obligations. They could avoid the threats and foreclosures only with credits. She does not own any bank deposit. It is not to be expected that the Respondent would make voluntary payments after the expiration of the prior notice period. Moreover, he attempts to delay a decision of the local Court. Consequently, the Court must make sure that the Claimant receives directly an adequate alimony, at least for the residual work period of the Respondent. Thus, the employer must be notified about the alimony

according to Pr 3'641 regarding the statutory or contractual allowance or alimony of the child, so that these amounts are received by the Claimant.

4. Lawfully, the Claimant presents several documents to support her petition (Act. 15 / 14-19), the letter of resignation of the Respondent from his job and from the kindergarten, as well as the telephone conversations of August 22, 2015.

5. The Claimant is a Romanian citizen residing in Switzerland. The Respondent has the Jordanian citizenship and has lived in Switzerland and now probably lives in Jordan. The nationality of their son is unclear. The case has a cross-border component, reason why it is of the competence and applicable law, under the reserve of the government contractual dispositions – in accordance with the Federal Law regarding the international law in Switzerland (IPRG) (Art. 1 IPRG).

Jordan did not ratify the Hague convention of October 19, 1996 regarding the competence, applicable law, recognition, execution and cooperation in the matter of parental liability and child protection measures (HKsÜ, SR 0.211.231.011), nor the Convention of 5 October 1961 regarding the competence of the authorities and the applicable law as regards the protection of minors (MSA, SR 0.211.231.01), reason why, in this case, the IPRG provisions are applied in the absence of an international law of treaties.

According to art. 85 par. 1 IPRG, child protection is applied as regards the jurisdiction, the applicable law, the recognition and execution of the foreign Court orders and to the measure the Hague Convention of 19 October 1996 (HKsÜ). HKsÜ is a national Swiss law related to the three domains of application, which makes is also applicable in the countries non-signatory of the Convention. (BSK IPRG Schwander, 3rd edition-2013, Art. 85 N 9f.). The problem of parental authority awarding comes under the incidence of the regulation of HKsÜ (art. 3 HKsÜ).

According to Art. 7 HKsÜ, in case of wrongful removal or retention of the child, the authorities of the Contracting State in which the child was habitually resident immediately before the removal or retention keep their jurisdiction until the child has acquired a habitual residence in another State, and each person, institution or other body having rights of custody has acquiesced in the removal or retention, or the child has resided in that other State for a period of at least one year after the person, institution or other body having rights of custody has or should have had knowledge of the whereabouts of the child, no request for return lodged within that period is still pending, and the child is settled in his or her new environment.

At present Iosif-Hector was unlawfully taken to Jordan, as it seems plausible that the minor child's custody was prejudiced by the fact she did not agree with the travel, before exercising the prior custody (art. 7 par. 2 HKsÜ). Furthermore, Iosif-Hector, who is in Jordan for less than one month, cannot suppose he established his usual residence there. According to Art. 7. par. 1 and 2 HKsÜ, the Swiss authorities are, consequently, still responsible for the determination of the custody.

Within the Swiss state, Zurich (and implicitly the Zurich District Tribunal) is the residence of the Claimant and (still) that of the child as territorial jurisdiction as protection measure for the child by the requesting authorities.

In compliance with art. 271 letter a, of ZPO corroborated with § 24 letter d GOG, it is the responsibility of the judge within the simplified procedures to assess the precaution measures in the mechanism of marriage protection. Thus, the single judge form the Zurich District Tribunal has the objective competence.

The Swiss law is applicable (see. Art. 15. par. 1 HKsÜ).

To the extent it is applied, there is also a liability related to the support action (instructions) and the applicable law, for the moment it can be left open, as the action must be rejected in any case (see part. 8 below).

6. The parties are married and thus they are the persons who have joint parental custody. Other terms of the decision are not known. The parental authority includes, among others, the right to know the place where the parties' child is. If one of the parents wants to change the child's domicile, this parent needs the agreement of the

other parent or the decision of the Court if the new domicile is abroad or the change of domicile could have considerable and serious effect on the exercise of parental authority and on the personal circulation of the other parent (art. 301 a line 1 and 2 Civil Code).

6.1. In the present case, the Claimant made also credible the fact that the Respondent moved to Jordan together with their son Iosif–Hector, his native country, and that the claimant never agreed and does not agree to this fact. It also seems credible that in relation with this fact, in the Respondent's opinion he intends to establish, unlike the case of the vacation of July / August 2015, a short limited stay and that he intends to return shortly with the child to Switzerland, the Respondent being however taken out of the Civil Register to go to Jordan, renouncing in writing both to his job and the kindergarten place for his son in Zürich (act. 15/17-18), among others, with the specification that the no longer lived in Switzerland. Furthermore, based on the medical certificate filed by the Respondent for the delay petition, it is clear that he is currently living in Jordan. Consequently, he massively injured a major legal right of the Claimant as a result of the taking of the child to Jordan without her agreement, and in fact her right to live together with the child and exercise her parental authority.

6.2. Jordan is several hours of flight away from Switzerland and it is not the native country of the Claimant. It is obvious that by taking his son to this country the Claimant can no longer (or at least not in the present situation) defend her rights and obligations of the parental authority resulted from the right to exercise thereof, and can no longer benefit from the normal personal circulation as a result of the local distance. This is applied irrespective of the fact that if the Claimant, as she claims, took care or not until them of her son most of the time, the claim of the claimant being understandable by this based on the place of work of the Respondent Consequently the declarations of the Claimant seem credible. It is clear that this represents a disadvantage difficult to repair.

In general, the Claimant could make this disadvantage credible, difficult to repair, which appeared as a result of the arbitrary behaviour of the Respondent.

6.3. The Court may rule the super-provisional measure without the prior hearing of the adverse party and consequently without the granting of the legal right to be heard only when there is a certain emergency (art. 265 par. 1 Civil Procedure Code).

In the present case it was obvious that the Respondent took the child to Jordan illegally, as he was taken there against the desire of the party with the right to exercise the parental authority, and the son still lives there, The claimant also proved her case when it came to the fact that she does not know if the child lives exactly there, or how he feels. This is valid and by taking into consideration the fact that the claimant indicated an address in Jordan when he applied for the taking out of the evidence from the Service of Persons' evidence. Furthermore, the Claimant affirmed in a credible manner that she only has the information the Respondent transmits her. It seems understandable that the Claimant no longer believes it, after the incident of August 22, 2015 and furthermore it seems plausible that she will not receive further information in the capacity of foreign citizen. Moreover, the Claimant cannot be asked to go personally to Jordan, to require information, as long as she will receive in fact the adequate information. In this case one could plead for a too vast a clarification, how the Jordanian legislation will behave, and how they will behave before the Jordanian authorities, what the risks are if the Claimant were in this condition. In this case, it is imperiously necessary to obtain clear conditions related to the right of establishment of the domicile for the child, so that the Claimant, if need be, could file for other measures without delay, which normally could not be taken. In fact, it seems rather urgent, taking into account the fact that the Respondent took their son to Jordan illegally as a result of the documents existing at present and such behaviour should not be accepted, the taking of a decision also as a result of the behaviour described should not be supported by other facts, i.e. another decision.

6.4 To conclude, the Court may retain that a right of the Claimant was injured and this leads to a disadvantage which is difficult to repair, as well as the fact there is an emergency, more precisely related to time, for regulation and that it represents a relatively appropriate measure and with result. It is not evident in fact the taking of an easy measure. The Court should thus rule the taking of super-provisional measures.

7. The claimant requests in a super-provisional manner the waiving of the right to exercise the parental authority exclusively by her.

Art. 298 par. 1 Civil Code stipulates that the Court will transfer the right of exercising the parental authority in a divorce trial or of marriage protection to one parent only, if it is necessary for the child's best interest. The basis within the divorce of marriage protection consists in the exercise of the common parental authority (art. 298 par. 2 Civil Code).

The endangerment of the child's best interest and by it the necessity to withdraw the right of care and education of one of the parents or both parents may be accepted in principle, if depending on the circumstances one may foresee the possibility of a serious inquiry of the psychic and spiritual condition of the child, and it is not necessary that this possibility has already been transposed into practice. .

The agreement consists in the fact that the common exercise of parental authority will not correspond then to the well-being of the child if for one of the parents there is a reason for the withdrawal of the right of support and education according to art. 311 par. 1 Civil Code. This is the case for instance of a lack of experience, disease, disaster, lack, absence and similar reasons. But it applies also when this parent obviously does not take care of his child or does and did not respect in a serious manner his obligations to the child. This radical measure may be applied only if the endangerment of the child wellbeing cannot be accompanied by a less radical measure (Official Gazette 2011, page. 9105). Furthermore, in the doctrine other interpretations are represented, in what circumstances one may justify the granting of exclusive custody for the bringing up and education of the child, for instance the existence of a long–time conflict between the parents. Beside the feeling such as the lack of power and understanding, the long conflicts between the parents may also be responsible for the child neglect. Thus, this is detrimental to the child development (Andrea Büchler/Luca Maranta, The new law of child care and education, in: Jusletter, August 11, 2014, page 16). Only the disagreement between the parents may represent only an exceptional reason for the

annulment of the awarding of the right of common exercise of paternal authority. This happens only if the regulation of the child care is not sufficient to prevent the conflict and the exercise of the parental authority by one single parent to annul or attenuate the long-duration conflict. (Andrea Büchler/Luca Maranta a.a. O. pp. 14 and foll.; Urs Gloor/Jonas Schweighauser, Reform of the right to bring up and educate the chid – a practical appreciation, in Fam-Pra.ch 2014 pp. 6 f.)

The same applies also in the case of the lack of an ability of cooperation and of the lack of a desire of cooperation of one partner. One must establish in this case that the parents cannot agree in relation with most of the problems that are in the responsibility of both parents (Andrea Büchler/Luca Maranta a.a. O. pp. 14 and foll; Urs Gloor/Jonas Schweighauser, Reform of the right to upbringing and education – a practical appreciation, in Fam-Pra.ch 2014 pp. 6 f.). In this respect also the new law stipulates also a minimum of community.

7.1 In the present case, the petition of the Claimant to be granted the right of exercising the parental right alone was rejected on June, 16 2015 (page 5). As shown above, the conditions have essentially changed since then. The Respondent took his son to Jordan arbitrarily, and proved his intention to remain there permanently (the erasure from the evidence of the Civil Register, the resignation from his job and the renunciation to the place in the child's day-care kindergarten). In principle a modification may be brought to the granting of the right of exercising the parental authority.

7.2. In this case, it is credible that the Respondent took the child to Jordan, his native country, against the Claimant's will, based on the documents presented; the Court should start from the fact that the arbitrary and thus illegal taking of the child to Jordan was planned in advance. The Court also retains the notification of labour contract termination by the Respondent. Thus, it was sent officially by a third party from Chur, when the respondent was already in Jordan (page 15/17). The Court may also retain that the Respondent had to hand over this notification before his departure. Furthermore the letter of renunciation to the day-care place for the child at KITA reads „we no longer live in Switzerland" and „in the shortest delay we shall move back to Jordan" (page 15/18). This leads to the conclusion that it was a planned departure, making it credible

that the Respondent left for Jordan with the child willingly and planned it in advance, without informing or asking the claimant, he violated the common right of exercising parental authority and showed thus that there is no desire of communication or coordination with the claimant. Furthermore, the termination of the labour contract proves with justifying documents, as well as the erasure from the evidence from the Population evidence service for the move to Jordan on 22nd of August 2015 makes the Court think of a planned departed and interpret it as being of long duration. This the more so that the Respondent has no job in Switzerland anymore and for this reason the Court must start from the fact there are no ties for him here to make him want to return. This could also be valid taking into consideration the e-mails filed by the Respondent with his psychiatrist von Schilleraktzrough. He speaks there about the hearing, the legal representative and the psychiatrist. Based on the circumstances clearly mentioned above, the indications related to the hearing in Switzerland are not convincing. On the contrary, it resulted from the e-mails that the Respondent has in a way psychic problems and that he is evidently taking medication (page 15/16). In the end it seems credible that it is not in the child's best interest to leave in a haste from his usual environment which he shared with his mother and to keep him hidden from her. Moreover it was proved that the whereabouts of the father and son are not known, nobody knows who takes cares of the child. It is not clear up to now if the care is given in the best interest of the child. There is no indication that the Respondent would communicate it to the Claimant.

All in all, the Court retains that the Respondent left Switzerland in a planned manner together with his son without discussing this with the Claimant or without receiving her agreement. The move seems to have been established for a long duration, as a result of the resignation from his job, and reveals the lack of cooperation availability, i.e. the absence of the desire to communicate of the Respondent. At the same time it is clear

that the Respondent was locally under psychiatric treatment and it is not clear if and how he took care of his son, if and how he is able to take care of the child as a result of psychic problems. Moreover, the Claimant is completely excluded from the personal contact with the child. But it is important that he could and should have an adequate contact with both parents, which at present becomes impossible as a result of the Respondent's conduct.

All these considerations lead to the conclusion that the unauthorised taking of the child Iosif-Hector to Jordan was not in the child's best interest. It is mandatory thus to rule as single adequate measure and as *ultima ratio*, the immediate withdrawal of the right of the Respondent to exercise his parental authority over his son Iosif-Hector, born on 11 November 2012 and the transfer of this right to the Claimant exclusively.

8. According to art. 262 letter 3 Civil Procedure Code the Court may rule the payment of an amount as precaution measures (and then as super-provisional measure) only if it is provided expressly by the law.

This is established expressly for a divorce trial (see art. 276 Civil Procedure Code) or causes of payment of support allowance and alimony (see art. 303 Civil Procedure Code), which must be treated in a regular trial, but not for marriage protection trials which must be treated in the summary trial according to art. 271 Civil Procedure Code (Balser Kommentar Civil Procedure Code, T. Sprecher art. 262 N4). The Civil procedure code lists in the final section the possible cases. There is no room for a analogue filling of the gaps, exactly one must not accept that the law should act in an unhappy manner in relation with this thing (see Communiqué regarding the civil procedure code of Switzerland of 28 ,June 2006, page. 7355, and OGer ZH LE110069 of 8 February 2012). The ruling of precaution measures in relation with the payment of the amount of alimony should be expressly and exception and only accessible with difficulty. The absence of the support payment on the marriage protection is simplified - like in the present case – by the situation that anyway the summary trial may be applied also as a result of the

limitation of the evidence and of the evidence amount, the maturity of the Court order regarding the measures of support alimony coincided with the decision.

In this respect it is provided in the field of requests for super-provisional measures that the adverse party may be summoned as soon as possible to a debate (art. 265 par. 2 civil procedure code). In the end one will decide the request as a precaution measure. In fact, a separate decision would be useless related to the emergency request if – as the case intends by the payment of the alimony / payment disposition –the condiitopns are not fulfilled in general for ruling the precaution measures. (Dike/Comment to the civil procedure code, J. Zürcher, N 14 to art. 265 civil procedure code).

Consequently, the petition of the Claimant of ruling the precaution measures, and establishment of the contribution to the payment of the daily subsistence, must be rejected, or more precisely it should have been received for this reason by the debtor. The request to take measures of sending a payment disposition to the Respondent's employer is no longer in vigour. It should be rejected also with the indication that up to now in fact there was no other valid supposition of a legal title related to the support payment.

9. The request for super-provisional measures related to the granting of the right to exercise parental authority must continue as a request of precaution measures. As a result of the time emergency the Respondent must be granted a 7-**day delay without** the possibility of extension, from the date or the sending of the present decision in order to allow him to express his position in writing.

If this deadline is not respected, the Court will proceed to the ruling of a decision based on the deductions currently on file.

The Court rules and decides:

1. The right of exercising the parental authority regarding the child Iosif- Hector, born on November 11, 2012, is granted, in the sense of the super-provisional measure, during the trial, to the claimant exclusively.
2. The adverse party in the petition is given a delay of 7 days from the sending of this ruling, without possibility or extension, to express a position related to the super-provisional decision, i.e. regarding the granting of the right t of exercising the parental authority only to the Claimant, exclusively.

If this deadline is not respected, the Court will accept that the respondent waived his right to take a position in the case.

3. The petition of the Claimant related to the ruling of the precaution measures regarding the payment of the support contributions, and the ruling of a Court order to the debtor is rejected.
4. Lawyer av. lic. Jur. Rolf Müller is accepted as recipient for the documents transmitted for the Responded in Rubrum.
5. The written notification will be sent to:

   - The Claimant

   - The Respondent, with the sending in two copies, of the pages 14 and 15/14-19

   Each party will receive this notification as legal document.

6. An appeal may be introduced against point 3 of this decision within 10 days from the sending of the present decision, in two copies and enclosing this decision to the appeal, within the Appellate Court of Zürich Canton, Civil section I, postal code 2401, 8021 Zürich. The apple must contain the petitions and their motivation. All the ducts will be filed in two copies.

The following do not apply: the suspensions of the legal deadlines (art 145 par. 2 Civil Procedure Code).

Zürich, September 9, 2015

ZÜRICH DISTRICT TRIBUNAL

Section 5 – Unified Tribunal

Court Clerk,

Lic. Jur. A. Vonrufs

Indecipherable signature

*CIORNOHUZ ELENA MĂDĂLINA, undersigned, sworn interpreter and translator for the languages **English** and **French**, under the authorization No. **32152** dated **25.08.2011** issued by the Ministry of Justice of Romania, hereby certify the accuracy of the translation made from **Romanian** into **English**.*

APOSTILLE

(Convention de la Hague de 5 Octobre 1961)

1.	Country	Swiss Confederation, Canton of Zürich
	This public document	
2.	Has been signed by	Annette Vonrufs
3.	Acting in the capacity of	Clerk at the Cantonal Court
4.	Bears the stamp/seal of	Zürich District Court
	Certified	
5.	At	Zürich
6.	the	22.09.2015
7.	by	The Chancery of State of the State of Zürich
8.	under No.	1025813/2015
9.	Stamp/seal	*Official stamp*
10.	Signature	D. Bundi – *Indecipherable signature*

***CIORNOHUZ ELENA MĂDĂLINA**, undersigned, sworn interpreter and translator for the languages **English** and **French** under the authorization No. **32152** dated **25.08.2011** issued by the Ministry of Justice of Romania, hereby certify the accuracy of the translation made from **Romanian** into **English**.*