

Attorney No. 91154

IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE OF:

REBECCA REYES,
Petitioner

and

JOSEPH REYES,
Respondent


No. 08 D 4072
Consolidated with
08 D 4080

FILED-3
2010 JAN 21 PM 12:57
CLERK OF THE CIRCUIT COURT
JUDGE OF COOK COUNTY, ILL.

NOTICE OF MOTION

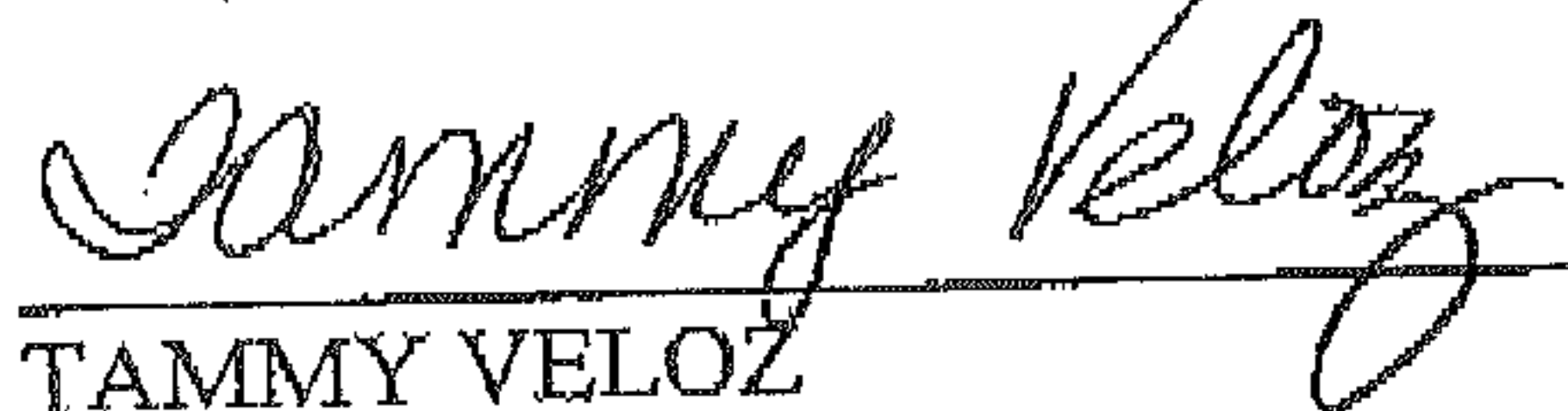
TO: Joel A. Brodsky, Esq.
Brodsky & Odeh
8 South Michigan Avenue
Suite 3200
Chicago, Illinois 60603
Facsimile (312) 701-3088

On **January 28, 2010 at 11:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Renee Goldfarb, or any judge sitting in her stead, in courtroom number 2805, in the Richard J. Daley Center, Chicago, Illinois and then and there present the attached: **Verified Petition for Adjudication of Indirect Criminal Contempt of Court and for Other Relief.**

Attorney Signature: 
LAKE TOBACK
Attorney No. 91154
Attorneys for Petitioner
33 North Dearborn Street, Suite 900
Chicago, Illinois 60602
(312)726-7111

PROOF OF SERVICE

The undersigned states that on January 21, 2010, I served this Notice, together with the document referred to therein, via facsimile to the above named person at the number listed above, and by mailing to a copy to the above named person at the address listed above and depositing same in the U.S. Mail at 33 North Dearborn, Chicago, Illinois, before 5:00 p.m., with proper postage prepaid. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure I certify that the statements set forth in this instrument are true and correct.


TAMMY VELOZ

IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE OF:

REBECCA REYES,

Petitioner

and

JOSEPH REYES,

Respondent

No. 08 D 4072
Consolidated with
08 D 4080

**VERIFIED PETITION FOR ADJUDICATION OF INDIRECT CRIMINAL
CONTEMPT OF COURT AND FOR OTHER RELIEF**

NOW COMES the Petitioner, REBECCA REYES ("Rebecca"), by and through her attorneys, **LAKE TOBACK**, pursuant to Section 511 of the Illinois Marriage and Dissolution of Marriage Act and this Court's common law powers of contempt, and in support of her Verified Petition for Adjudication of Indirect Criminal Contempt of Court and for Other Relief against JOSEPH REYES ("Joseph"), respectfully states as follows:

1. Rebecca is the Petitioner in the above captioned cause which remains pending and yet undetermined before this Honorable Court.
2. On December 4, 2009, Rebecca filed a petition for temporary restraining order and preliminary injunction seeking to enjoin Joseph from exposing the minor child to any religion other than Judaism.
3. On December 11, 2009, the Honorable Edward R. Jordan entered an order which provides as follows:

That based upon Petitioner's verified petition, a status quo preliminary injunction is issued enjoining and restraining JOSEPH REYES, his agents, servants and employers, from exposing ELA REYES to any other religion other than the Jewish religion, during his visitation, and said preliminary injunction shall remain in full force and effect during the pendency of these proceedings.

That Petitioner's Petition shall be heard at trial scheduled to commence on January 12, 2010.

A true and correct copy of said order is attached hereto and made part hereof as **Exhibit A**.

FILED
2010 JAN 21 PM 12:57
CLERK OF COURT
JAN 21 2010
COOK COUNTY ILLINOIS

4. Joseph filed an immediate interlocutory appeal pursuant to Supreme Court Rule 307 from Judge Jordan's December 11 status quo injunction regarding the child's exposure to any other religion besides Judaism. On December 22, 2009, the First District Appellate Court denied Joseph's appeal and affirmed Judge Jordan's injunction. A true and correct copy of the Appellate Court's order is attached hereto and made part hereof as **Exhibit B**.

5. On January 12, 2010, Judge Jordan assigned this case to the Honorable Renee Goldfarb for trial. An order entered that day awarded Rebecca sole custody of the minor child. It further continued Rebecca's petition for injunctive relief concerning the child's exposure to Judaism for trial to March 2, 2010. A true and correct copy of said order is attached hereto and made part hereof as **Exhibit C**. Numerous witnesses have been disclosed regarding the religious issues in this case who will testify at the trial.

6. In a shocking public display of disobedience of both Judge Jordan's December 11 order and the Appellate Court's December 22 order affirming it, on January 17, 2010, Joseph took the minor child to a Roman Catholic mass at Holy Name Cathedral. He not only took the child to mass, but he invited a local media outlet (CBS2 News) to film him doing so. A true and correct copy of the CBS2 News article regarding Joseph's violation of the orders of this Court is attached hereto and made part hereof as **Exhibit D**. A link to the story and the interview with Joseph (who is seen holding the minor child for the cameras to film, contrary to her best interests) wherein he admits he is violating this Court's order can be found at <http://cbs2chicago.com/local/Joseph.Reyes.daughter.2.1432557.html>

7. As much as Joseph may try to continue to take issue with the merits of Rebecca's position, at this juncture, the instant petition has nothing to do with religion. It is only about Joseph's decision to willfully violate this Court's order and to make a mockery of this Court's (and the Appellate Court's) authority.

8. The principal specific societal norms vindicated in criminal contempt proceedings are the following: (1) judges and other court officials are entitled to respect when performing their judicial duties; (2) judicial proceedings should be conducted in an orderly manner; (3) court

orders should be obeyed; and (4) individuals should not commit fraud upon the courts. See, In re Marriage of Betts, 200 Ill.App.3d 26, 45 (1990).

9. Joseph's actions violate each and every societal norm sought to be vindicated in a criminal contempt proceeding. He has openly dared this Court to throw him in jail. This Court has no choice but to oblige.

10. Given the grave and serious nature of Joseph's disobedience with this Court's orders and its corresponding harm to the minor child, the coercive sanctions associated with civil contempt are, by themselves, inadequate to obtain Joseph's compliance with orders.

11. Joseph should be sanctioned or imprisoned for a period not to exceed six (6) months for his actions as same demonstrate his willful disobedience of this Court's December 11, 2009, order.

12. Joseph should be ordered to pay Rebecca's attorney's fees and costs in accordance with section 508(b) of the Illinois Marriage and Dissolution of Marriage Act incurred relative to the prosecution of the instant petition.

WHEREFORE, REBECCA REYES prays as follows:

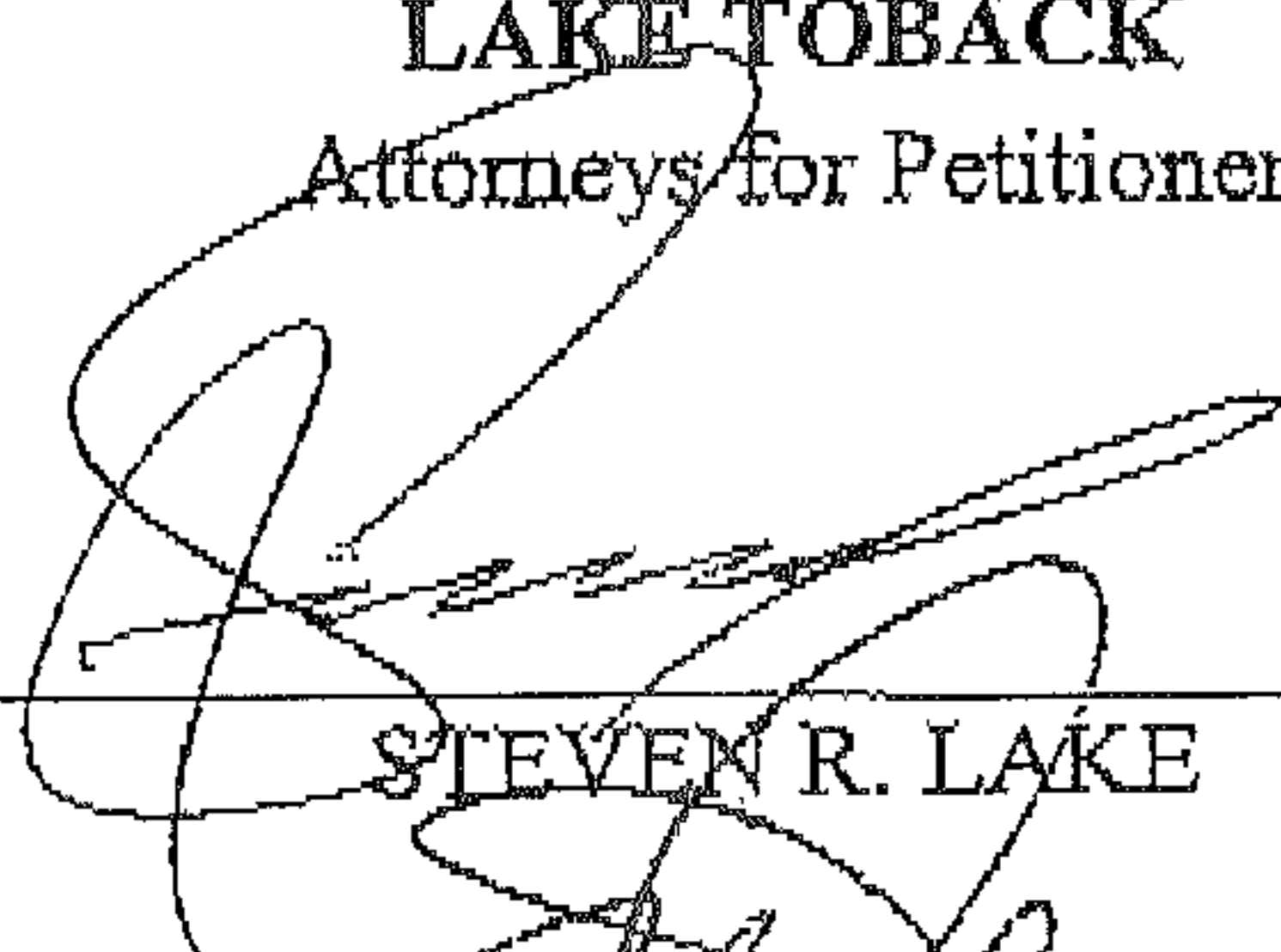
A. That this Court set a hearing date certain to find JOSEPH REYES in indirect criminal contempt;


B. That this Court enter an order after a constitutionally adequate hearing finding JOSEPH REYES in indirect criminal contempt and sanctioning and/or imprisoning him for a period not to exceed six (6) months in the Cook County jail to punish him for his violation of this Court's order and to deter others from violating orders of this Court;

C. That this Court enter an order requiring JOSEPH REYES to pay for her reasonable and necessary attorney's fees and costs incurred in connection with the preparation, presentation and prosecution of the instant petition in accordance with section 508(b) of the Illinois Marriage and Dissolution of Marriage Act;

D. For such other, further and different relief as this Court in its equity deems just and proper.

LAKE TOBACK
Attorneys for Petitioner

By: 
STEVEN R. LAKE


By: 
MICHAEL G. DiDOMENICO

LAKE TOBACK
Attorney No.: 91154
Attorneys for Rebecca Reyes
33 North Dearborn Street, Suite 900
Chicago, Illinois 60602
Telephone No.: (312) 726-7111
Facsimile No.: (312) 726-2385

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure I certify that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief and as to such matters I certify that I verily believe the same to be true.

DATED: Jan. 15, 2010


REBECCA REYES

Order

(Rev. 9/13/04) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IRMO

REBECCA REYES

v.

JOSEPH REYES

LINE 2

08 D 4072
 consolidated with
 No. 08 D 4080

ORDER

This cause coming on to be heard on Petitioner's Petition for Temporary Restraining order and Preliminary Injunction, counsel for both parties and the child's Rep and Respondent present, the court reviewing the verified petition and hearing the arguments of counsel but hearing ~~no~~ live testimony,

IT IS HEREBY ORDERED:

1. That based upon Petitioner's verified Petition, a status quo preliminary injunction is issued enjoining and restraining JOSEPH REYES, his agents, servants and employees, from exposing ELA REYES to any other religion other than the Jewish religion, during his visitation, and said preliminary injunction shall remain in full force and effect during the pendency of these proceedings;

Atty. No.: 2. That Petitioner's Petition shall be heard at trial, Name: 9154 LAKE TOSACK December 11, 2009

Atty. for: ~~Respondent~~ Petitioner

ENTERED:

Address: 33 W Dearborn 900

City/State/Zip: Chicago IL 60602

Telephone: (312) 726-7111

Judge

ENTERED
 JUDGE EDWARD R. JORDAN - 1831

DEC 17 2009

DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 COOK COUNTY, ILL.

EXHIBIT

A

Scheduled to commence January 12, 2010
 DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.

09-3403

APPEAL TO THE APPELLATE COURT OF ILLINOIS, FIRST DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

Rebecca Reyes,

Petitioner-Appellee

vs.

Joseph Reyes,

Respondent-Appellant

No. 08 D 4072
Consolidated With
08 D 4080

Hon. Edward R. Jordan

ORDER

This cause coming to be heard on the Petition Of Joseph Reyes Appealing Entry Of Temporary Restraining Order entered on December 11, 2009, due notice having been given, and the Court being advised in the premises, IT IS ORDERED:

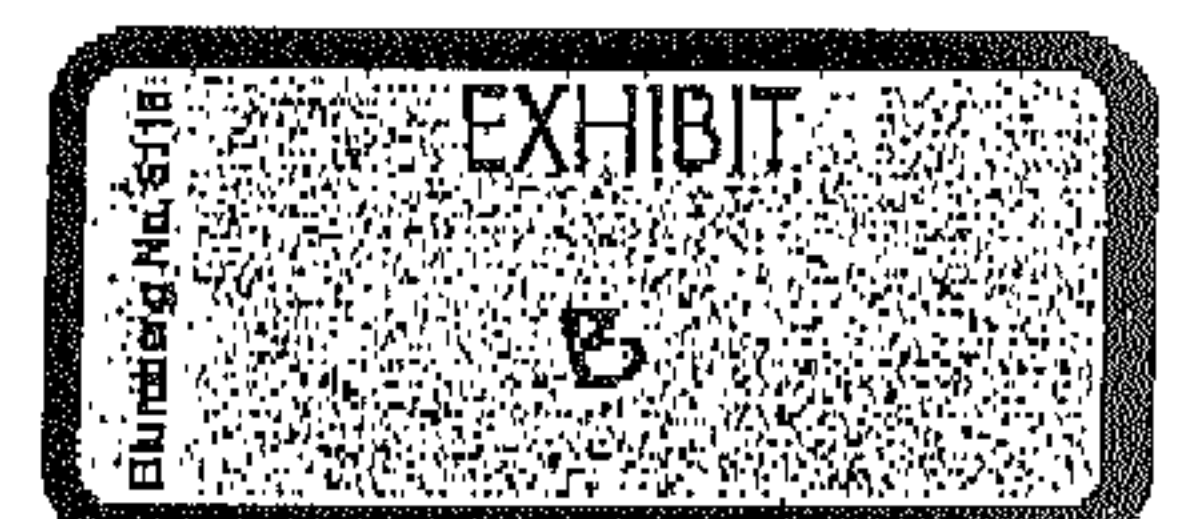
Respondent-Appellant's Petition is denied.

~~OR~~

~~Respondent-Appellant's Petition is granted and the Order entered by the Trial Court on December 11, 2009, restraining him from exposing his daughter to any religion other than the Jewish religion during his visitation periods is vacated and dissolved.~~

~~OR~~

~~Respondent-Appellant's Petition is granted and the Order entered by the Trial Court on December 11, 2009, restraining him from exposing his daughter to any religion other than the Jewish religion during his visitation periods is vacated and dissolved, and this matter is remanded to the Trial Court for further proceedings, and the Trial Court is instructed to apply the standards set forth in *In Re The Marriage Of David Minix and Wendy Minix*, 344 Ill.App.3d 801 (2003).~~



JAN/21/2010/THU 03:47 PM LT

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1ST DIST APP CRT

PAGE 03/03

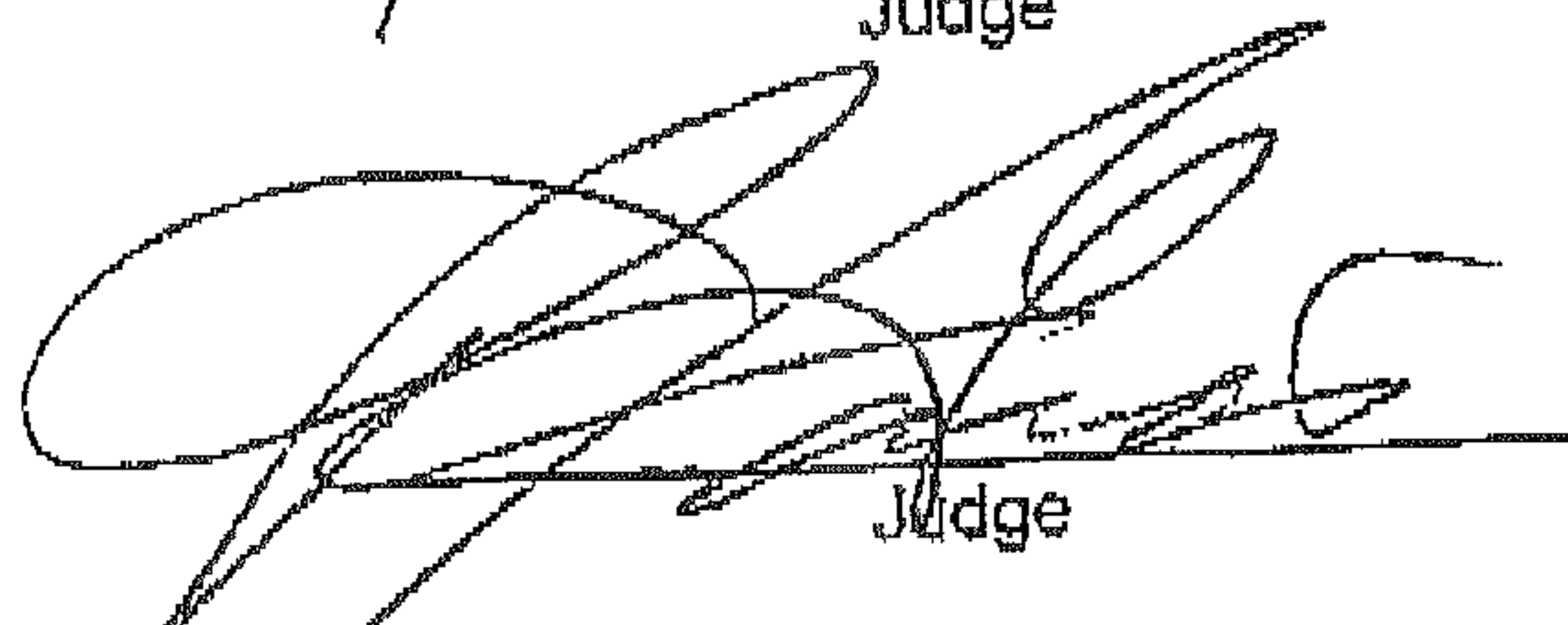
Entered:


Judge

ORDER ENTERED

DEC 22 2009

APPELLATE COURT, FIRST DISTRICT


Judge


Judge

Joel A. Brodsky
BRODSKY & ODEH
Attorneys for Respondent-Appellant
8 S. Michigan Ave.
Suite 3200
Chicago Illinois 60603
(312) 701-3000
Atty # 40616

Order

(Rev. 9/13/04) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IRMO

REBECCA REYES

v.

JOSEPH REYES08 D 4072
consolidated with
08 D 4080

No. _____

PAGE 1 of 5

ORDER

This cause coming on for trial, on Petitioner's Motion in Limine and Motion to Bar, on Respondent's Motion to Bar Expert and Motion to Bar exhibits, the court hearing the arguments of counsel, counsel for both parties and the parties, and the GAL present, the court hearing the Petitioner's testimony regarding grounds and the GAL's testimony regarding custody; and the court being fully advised,

IT IS HEREBY ORDERED:

1. That the court finds that Rebecca Reyes is a fit and proper person to have the sole care, custody, control and possession of Ela Reyes and it is hereby ordered that the sole custody of Ela Reyes

Atty. No.: 91154Name: Lake Toback

Atty. for: _____

Address: _____

City/State/Zip: _____

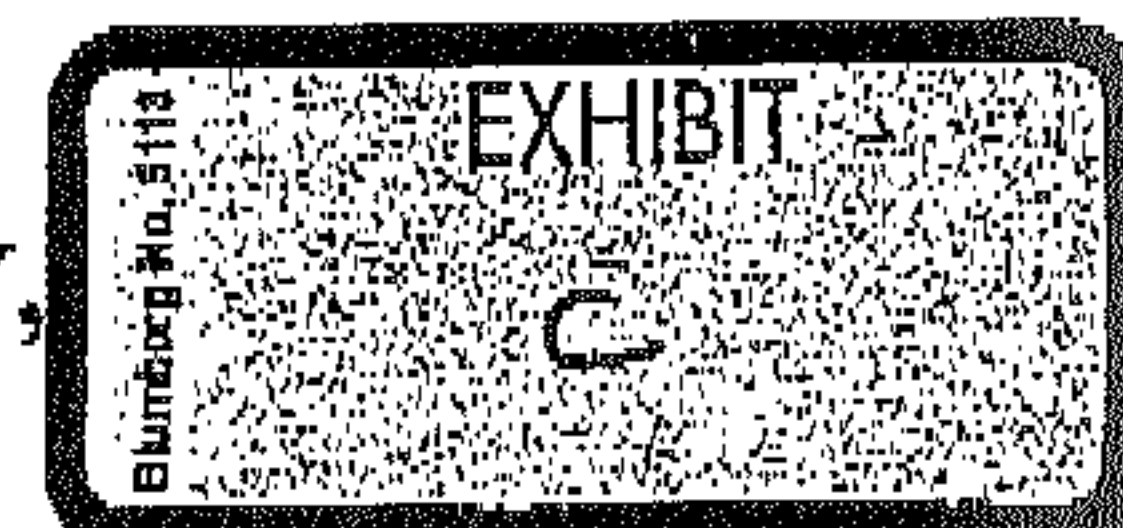
Telephone: _____

ENTERED:

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY,



Order

(Rev. 9/13/04) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IRMO

REBECCA REYES

v.

JOSEPH REYES08 D 4072
consolidated with
08 D 4080

No.

PAGE 2 of 5

ORDER

- is awarded to Rebecca Reyes and the court finds this to be in the present best interest of the child;
2. That the GAL Susan Kennedy Sullivan is hereby discharged;
 3. That the Petition for Dissolution under case number 08 D ~~4072~~ 4080 R.6 remains pending;
 4. That the grounds of irreconcilable differences have been proven;
 5. That Petitioner's Motion in Limine remains pending;
 6. That Respondent's Motion to Bar Expert Exhibits are denied;
 7. That those portions of the order entered December 30, 2010 denying Petitioner's Motion to compel the deposition of

Atty. No.: 91154Name: Lake Toback

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

ENTERED:

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order(Rev. 9/13/04) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IRMO

REBECCA REYES

v.

JOSEPH REYES08 D 4072
Consolidated with
No. 08 D 4080

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ORDER

Roxane Reyes, and prohibiting Petitioner from having and calling a witness to testify to Catholicism, are vacated. That Petitioner may depose Roxane Reyes and counsel for Respondent shall facilitate the scheduling of said deposition without the need for a subpoena to be reissued and served.

8. That Petitioner's Motion to Bar is denied. That counsel for both parties are still limited to the witnesses named on their respective ~~with~~ witness lists, except that Petitioner may have a witness regarding Catholicism. That counsel for Respondent shall tender all information required by Rule 213(f) relative to his

Atty. No.: 91154Name: Lake Toback

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

ENTERED:

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order

(Rev. 9/13/04) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IRMO

REBECCA REYES

v.

JOSEPH REYES08 D 4072
Consolidated with
No. 08 D 4080

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ORDER

Witness to counsel for Petitioner on or before February 28, 2010. That counsel for Petitioner shall tender to counsel for Respondent information regarding her Rabbi and her to be identified witness regarding Catholicism as required by Rule 213(f) to counsel for Respondent on or before February 28, 2010;

9. That Petitioner's Petition for TR and Preliminary Injunction, and Fee Petition filed Oct 6, 2008, shall be heard with the trial;

10. That Petitioner's exhibit books shall be delivered to the office of counsel for the Respondent on or before Jan 15, 2010;

Atty. No.: 91154Name: Lake Toback

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

ENTERED:

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order

(Rev. 9/13/04) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IRM o

REBECCA REYES

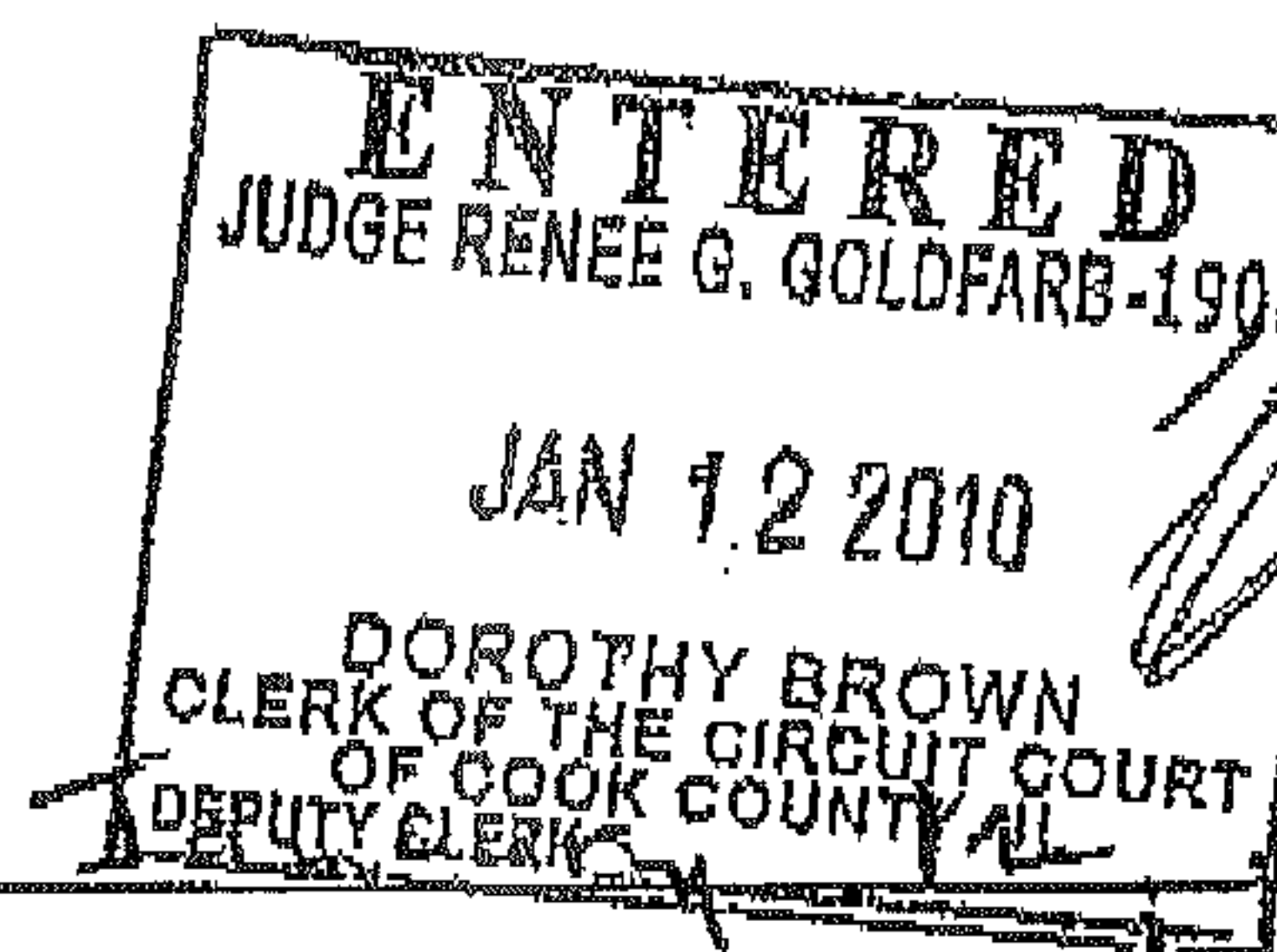
v.

JOSEPH REYES08 D 4072
Consolidated withNo. 08 D 4080

PAGE 5 of 5

ORDER

11. That the court finding that good cause has been shown to continue the trial, the trial is reset to March 2, 2010 at 10 AM with trial on March 2 (10 am to 430 pm), March 3 (10 am to 430 pm), March 4 (~~10 am to 430 pm~~ 1 PM to 430 PM), and March 5 (10 am to 430 PM);
12. That exhibit books and case law shall be delivered to the court no later than February 23, 2010.

Atty. No.: 91154Name: Like TobackAtty. for: PetitionerAddress: 33 N Dearborn, 900City/State/Zip: Chicago IL 60602Telephone: (312) 726-71112010

ENTERED:

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Jan 17, 2010 10:25 pm US/Central

Taking Daughter To Church May Violate Court Order

Dad Says Half-Jewish Child Should Be Exposed To Christianity, Too



Reporting

Mike Puccinelli
CHICAGO (CBS) —



[Click to enlarge](#)

1 of 1

Joseph Reyes took his baby daughter to Holy Name Cathedral Sunday, which may have been in violation of a judge's order.

CBS

Joseph Reyes was doing Sunday what millions of parents do all across the country: taking his daughter to church.

But for this 35-year-old father walking through the door of Holy Name Cathedral -- so his daughter can hear the teachings of Jesus Christ -- it could land him in the slammer.

CBS 2's Mike Puccinelli reports.

"I have been ordered by a judge not to expose my daughter to anything non-Judaism," Reyes said. "But I am taking her to hear the teachings of perhaps the most prominent Jewish Rabbi in the history of this great planet of ours. I can't think of anything more Jewish than that."

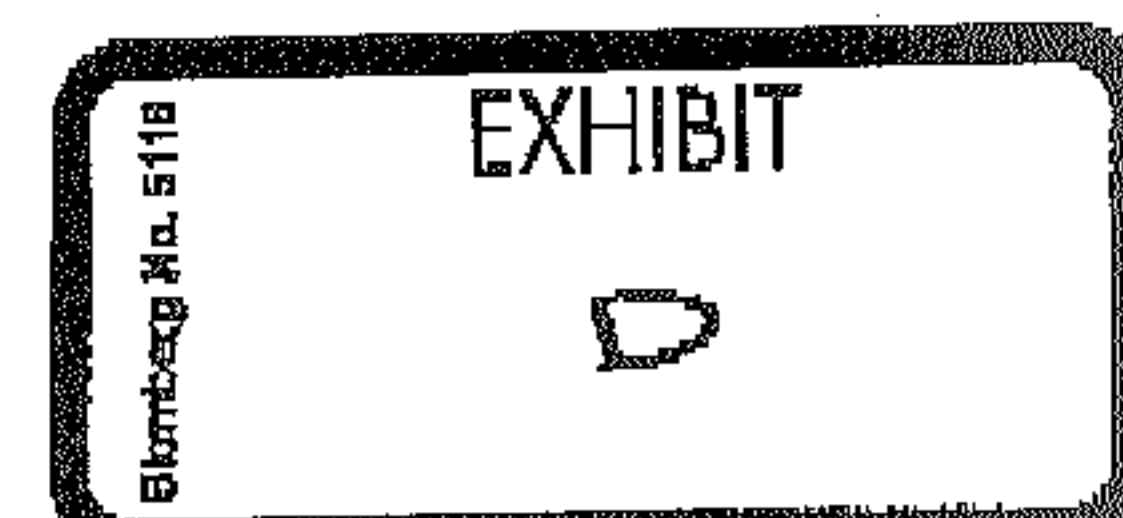
But last month, a judge issued a temporary restraining order specifically barring Reyes from exposing his daughter to any religion other than Judaism.

It happened after Reyes had his daughter baptized without first consulting his estranged wife.

Reyes and his wife are divorcing and are involved in a bitter custody fight. She says he always agreed to raise their child as Jewish. He says that's not true.

"My daughter should be exposed to the religions of both my wife and myself ... When she gets to the appropriate age, she's going to make her own decisions on how she wants her relationship with God to ultimately be," said Reyes.

This war veteran says it's a right he fought for in the past and will fight for again.



"I was willing to die fighting for these rights in Afghanistan and there's not a whole lot worse you can do to me than death," Reyes said.

He said if he's thrown in jail, voters should remember the judge come Election Day. Reyes said Judge Edward Jordan is the former head of the Decalogue Society, the Jewish Bar.

The order, as written by his estranged wife's attorney, says that taking the child to church would cause irreparable harm.

Reyes says he simply wants to do what countless other fathers do every weekend.

"I think it's really sad that as a country we've come to this point where a father can be jailed for being a parent to his child," said Reyes.

Reyes did convert to Judaism shortly after the child was born. He says he was pressured to do so.

The attorney representing Mrs. Reyes chose not to comment. The judge could not be reached.

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