

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA**

Case No.: 01-2016-DR-001944

JUAN ANTONIO DE LA AMY A,
Petitioner,

and

JOSE ANNA MARTINEZ DE LA AMY A,
Respondent.

**ORDER DENYING RESPONDENT'S MOTION FOR
STAY OF JUDGMENT PENDING APPEAL**

THIS CAUSE came before the Court on Wednesday, April 5, 2017, upon the Respondent's Motion for Stay of Judgment Pending Appeal. The Court having heard argument from Petitioner's counsel and Respondent's counsel and was otherwise advised in the premises. The Court finds as follows:

1. The Respondent moved this Court for a Stay of Judgment Pending Appeal via written motion filed April 4, 2017 and the matter was heard on April 5, 2017.
2. At the hearing on the matter, the Respondent requested a stay pending appeal, or alternatively for a stay for some shorter period of time to permit Respondent to move in the District Court for a stay pending appeal, of the Court's prior order directing the return of the minor children to the Petitioner, together with their passports, and authorizing the return of the minor children with Petitioner to Spain, and directing Respondent to cooperate with that process.
3. The Respondent failed to show that there is a likelihood of success on appeal.
4. The minor children are without health coverage in the United States, which is of great concern to this Court.
5. The Hague Convention's aim is to secure the minor children's "prompt return" to


his or her country of habitual residence and therefore the public interest favors the expeditious return of the minor children to Spain.

ORDERED and ADJUDGED:

- I. The Respondent's Motion for Stay of Judgment Pending Appeal is **DENIED**.
- II. The Respondents further request for stay of the judgment for a shorter period of time to permit Respondent to move in the District Court for a stay pending appeal is **DENIED**.
- III. No later than 5:00 pm on Friday, April 7, 2017, counsel for Respondent will deliver the children's passports to counsel for Petitioner. No later than 5:00 pm on Sunday, April 9, 2017, the Respondent will deliver the minor children, P.J.D., born October 20, 2005, and R.N.D., born April 30, 2008, to the Petitioner, together with sufficient clothing and personal effects for their return with their father, Jose Antonio Diaz-Avila, to Spain.

DONE AND ORDERED in Chambers at Gainesville, Alachua County, Florida on the

7th day of April, 2017.



Hon. Judge Victor L. Hulslander, Circuit Judge

Copies furnished to:

Frank Tassone, Esq.
frank@tassonelaw.com

Robert W. Bauer, Esq.
RWB.Pleadings@BauerLegal.com

Adam Lee, Esq.
adam@adamleelaw.com

Daniel Perez, Esq.
dperezlaw@cox.net

This 7th of April, 2017.



Ashlee Corales
Judicial Assistant