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Shay D. Billings*
*** Certified Family Law Specialist Specializing In Family Law**

Attorneys for John Doe

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

In re the Marriage of:

JANE DOE,

Petitioner,

and

JOHN DOE,

Respondent.

Case No. FC2018-99448603

**MOTION FOR VOCATIONAL
EVALUATION OF MOTHER**

Assigned to the Honorable Fred E. Fairness

NOW COMES Respondent (“Husband”), JOHN DOE, by and through undersigned counsel, and hereby submits his Motion for Vocational Evaluation of Petitioner/Mother, pursuant to Rule 63 of the Arizona Rules of Family Law Procedure.

Under Rule 63(a)(1), the Court can order a party to submit to a vocational evaluation when the party’s “ability to work is in controversy[.]” Mother’s ability to work and, more specifically, to support herself financially are central to the issues of spousal maintenance and attorney’s fees in this case. Mother requested exorbitant sums of money for both, supported only by the conclusory assertion that she is “unable to independently support herself.” Father denies Mother’s assertion and contends that Mother is physically and mentally able to obtain full time employment sufficient to meet her reasonable needs without financial assistance from Father. A vocational evaluation

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1 is necessary to determine Mother's earning capacity before the Court can make required
2 findings under A.R.S. §§ 25-319 and 25-324.

3 Before filing this Motion, Father consulted with Mother's counsel who
4 categorically opposed an evaluation. Father therefore asks the Court to accept a blind
5 list consisting of four proposed evaluators, two by each party. Father further requests all
6 costs associated with the evaluation be shared equally by the parties.

7 **WHEREFORE**, Father respectfully requests the following relief:

- 8 A. An order for the parties to submit a blind list of evaluators;
9 B. An order for the parties to divide the costs equally;
10 C. An order that Mother complete the evaluation within thirty (30) days;
11 D. Any other relief the Court deems just and proper;

12 **RESPECTFULLY SUBMITTED** this 15th day of February, 2019.

13 /s/ Shay D. Billings
14 Certified Family Law Specialist
Attorney for Husband

15 ORIGINAL of the foregoing e-filed
this same date with:

16 The Clerk of the Court
17 Maricopa County Superior Court

18 COPIES of the foregoing e-delivered*/mailed**
this same date to:

19 The Honorable Fred E. Fairness*
20 Judge of the Superior Court

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24 By: /s/ Paralegal No. 8
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