

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80306 (303) 441-3744	DATE FILED: June 14, 2024 4:33 PM CASE NUMBER: 2024DR30001
YANTING XIONG, Petitioner, v. PETER BRAAM, Respondent.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Petitioner:</i> Richard Harris and Kady Tran <i>Attorney for Respondent:</i> Jordan Fox and Madeleine Rosengrants	Case Number: 24DR30001 Division: I Courtroom: P
ORDER RE: VERIFIED MOTION TO DISMISS OR IN THE ALTERNATIVE TO STAY PROCEEDINGS	

On May 13, 2024, this matter came before the Court for a hearing on Respondent’s *Verified Motion to Dismiss or in the Alternative to Stay Proceedings*, filed on March 22, 2024. Petitioner filed a *Response* on April 12, 2024, to which Respondent filed a *Reply* on April 19, 2024. Having considered the evidence and testimony presented, the Court DENIES the Motion to Dismiss, GRANTS the Motion to Stay, MODIFIES the temporary injunction, and ORDERS the parties file a joint status report every 90 days regarding the Cyprus actions.

The Court enters the following findings and ORDERS:

COURT REPORTER: FTR

APPEARANCES:

1. Richard Harris, Esq., and Kady Tran, Esq., appeared on behalf of Petitioner, Yanting Xiong (“Mother¹”), who also appeared.
2. Jordan Fox, Esq., and Madeleine Rosengrants, Esq., appeared on behalf of Respondent, Peter Braam (“Father”), who also appeared.

SWORN WITNESSES:

1. Peter Braam

¹ Throughout the Order, Petitioner alternately shall be referred to as “Father” and Respondent shall hereinafter be referred to as “Mother.” Contextually, this is for purposes of clarity; no disrespect is intended.

2. Yanting Xiong
3. Elena Pistsillidou
4. Antonis Georgiou

EXHIBITS:²

Petitioner's:

Admitted without objection – 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 20, 21
Admitted over objection – 11

Respondent's:

Admitted without objection – A, E, F, G, J, L, N, S, T, Q, X, Y, Z, EE
Admitted over objection – B, R,

I. INTRODUCTION

1. The parties were married on August 6, 2005, in Telluride, Colorado. The parties separated in July 2023.
2. The parties have two minor children together: Adrian Yoyo Braam (D.O.B. 08/30/2006) and Sebastian Koko Braam (D.O.B. 10/31/2008).
3. On October 16, 2023, Father initiated legal proceedings for divorce before the Family Court of Paphos in the Republic of Cyprus. In October 2023, the Cyprus Court issued interim orders relating to parenting time and child custody.
4. On November 17, 2023, Mother initiated legal proceedings before the Family Court of Paphos in Cyprus for the division of assets. On November 20, 2023, Father initiated another proceeding for the division of assets before the Family Court of Paphos in Cyprus.
5. Mother filed a *Petition for Dissolution of Marriage* filed on January 2, 2024, in Boulder, Colorado.
6. Father filed a *Verified Motion to Dismiss or in the Alternative to Stay Proceedings*, on March 22, 2024. Father asserts that this Court lacks personal and subject matter jurisdiction to proceed, along with arguing there are other forums for this matter to proceed. Father

² The court does not maintain or file any physical exhibits in domestic relations cases. It is counsel's responsibility to file all exhibits used in this Permanent Orders hearing within seven (7) days after the hearing. Counsel is directed to e-file any exhibits offered or admitted at the hearing in accordance with Chief Justice Directive 11-01 and Local Administrative Order 11-102. Pro-se parties' admitted exhibits will be scanned and uploaded into the electronic file by court staff.

largely relies on C.R.C.P 12(b)(1) and C.R.C.P. 12(b)(2) in requesting a dismissal or stay of this matter.

II. LEGAL STANDARD

Under Colorado Rule of Civil Procedure 12, a party may seek dismissal of a complaint for “lack of jurisdiction over the person.” Colo. R. Civ. P. 12(b)(2). The Court may rule on a motion to dismiss for lack of personal jurisdiction “on documentary evidence alone or by holding an evidentiary hearing.” *Goettman v. North Fork Valley Restaurant*, 176 P.3d 60, 65-66 (Colo. 2007). Documentary evidence consists of the allegations in the counterclaim, as well as affidavits and any other evidence submitted by the parties. *Archangel Diamon Corp. v. Lukoil*, 123 P.3d 1187, 1192 (Colo. 2005). When choosing to conduct a hearing on the issue of personal jurisdiction, the Court must determine whether it's unfair to subject a foreign defendant to a trial on the merits and when the documentary evidence is very conflicting:

[the court must determine whether it's] unfair to force an out-of-state defendant to incur the expense and burden of a trial on the merits in the local forum without first requiring more of the plaintiff than a prima facie showing of facts essential to in personam jurisdiction. A court may so determine, for example, when the proffered evidence is conflicting and the record is rife with contradictions, or when a plaintiffs affidavits are patently incredible.

Archangel, 123 P.3d at 1193.

The burden of proof differs when the Court decides a Rule 12(b)(2) motion on the papers or after an evidentiary hearing. In ruling on a rule 12(b)(2) motion on the papers, the Court accepts as true the allegations of the complaint, “unless contradicted by competent evidence.” *Id.* at 1192. The plaintiff (or the party asserting a claim) bears the burden to make a prima facie showing that personal jurisdiction exists over the defendant. *Id.* But that burden is “light” because it comes at an “early stage of litigation” with a goal to screen out “cases in which personal jurisdiction is obviously lacking, and those in which the jurisdictional challenge is patently bogus.” *Id.* When “the parties' competent evidence presents conflicting facts, these discrepancies must be resolved in the plaintiffs favor.” *Id.*

By contrast, when the Court holds an evidentiary hearing on the personal-jurisdiction issue, “the plaintiffs burden increases. At that juncture, the plaintiff must establish jurisdiction by a preponderance of the evidence.” *Id.*

III. ANALYSIS

Father presents many arguments to assert that this matter should be dismissed or stayed. Father asserts that this Court lack personal and *in rem* jurisdiction to effectuate the requested relief, and that pursuant to forum *non conveniens*, first filed action doctrine, and comity of nations doctrine principles this matter should be dismissed or stayed.

A. Personal Jurisdiction

Father argues that this Court does not have personal jurisdiction over him. Father asserts that he does not have the current requisite contacts with Colorado. Father provides that he became a Cyprus national in 2022 and has been domiciled in Cyprus for the past ten months. Father asserts he is not domiciled in Colorado, nor was he served with this matter in Colorado. Accordingly, Father argues the court lacks general jurisdiction.

Father further provides this Court does not have specific personal jurisdiction. Father argues that to exercise specific jurisdiction, would violate traditional notions of fair play and substantial justice.

Mother argues that Father submitted himself to the personal jurisdiction of this Court. Mother asserts Father has significant contacts and ties within Colorado, including the parties' children and Mother, multiple vehicles and properties owned by Father, him maintaining multiple insurance policies for the children and properties in Colorado, among other contacts. Mother argues that although Father may live in Cyprus, but he may still be found in Colorado, such that exercise specific jurisdiction over Father would be proper in this matter.

In Colorado, a plaintiff may obtain personal jurisdiction over a non-resident defendant by complying "with the requirements of our long-arm statute and constitutional due process." *See Archangel Diamond Corp. v. Lukoil*, 123 P.3d 1187, 1193 (Colo. 2005). Because the purpose of Colorado's long-arm statute is to allow the maximum jurisdiction permitted by the due process clauses of the Colorado and United States Constitutions, analysis of whether long-arm jurisdiction exists is composed of two steps: 1) whether the act(s) "relied on to support jurisdiction fall within one of the subsections of the long arm statute," and 2) whether the exercise of long-arm jurisdiction would comport with due process. *Vogan v. County of San Diego*, 193 P.3d 336, 339 (Colo. App. 2008). The due process inquiry of the long-arm analysis requires that a defendant "have certain minimum contacts with the forum state so that he may foresee being answerable in court there." *Archangel*, 123 P.3d at 1194. Moreover, "the quantity and nature of the minimum contacts required depends on whether the plaintiff alleges specific or general jurisdiction." *Id.*

The minimum contacts inquiry in regard to specific jurisdiction, therefore, involves a two-part test "assessing: 1) whether the defendant purposefully availed [herself] of the privilege of conducting business in the forum state, and 2) whether the litigation 'arises out of the defendant's

forum-related contacts.” *Archangel*, 123 P.3d at 1194. The purposeful availment prong of this test is based on the actions of the defendant and precludes personal jurisdiction resulting from “random, fortuitous, or attenuated contacts,” while the “arising out of” prong demands that the defendant’s actions which gave rise to the litigation “must have created a ‘substantial connection’ with the forum state.” *Id.*

Father clearly has continuous and systematic affiliations with Colorado. He lived here full time until recently, owns property in the state, visits on a regular basis, maintains insurance related to not only his property, but his children as well. Father’s contacts within the state are intentional and voluntary. Accordingly, Father purposefully availed himself of the privileges of Colorado. Furthermore, this suit arises out of Father’s contacts with this state. This matter revolves around largely, the property located in Colorado, and his children and wife, all of whom are found in Colorado.

Accordingly, this Court makes a preliminary finding, that based on Father’s contacts within the state of Colorado, this Court has specific personal jurisdiction over Father.

B. In Rem Jurisdiction

Father further argues that this Court lacks in rem jurisdiction over most of the assets at issue. Father asserts that the majority of the parties’ assets are located outside of Colorado. Father provides that a substantial portion of the parties separate and marital assets and liabilities are located in Cyprus and subject the Cyprus’s courts determination. Father asserts that because the Cyprus matter has commenced and Mother has consented to that court’s jurisdiction, the Cyprus court maintains jurisdiction over the parties’ property.

At the hearing, Father’s Cyprus counsel, Antonis Georgiou, testifies that the Family Court of Paphos in Cyprus has the authority to issue orders regarding all of the parties’ assets and debts whether or not they are located in Cyprus. Specifically, Mr. Georgiou provides *in rem* jurisdiction is no different from how Colorado courts allocate out-of-state assets in a Colorado dissolution because the Colorado court has jurisdiction to order a party to act. According to Mr. Georgiou, the location of the assets themselves does not determine jurisdiction; rather, the Cyprus court derives its authority by imposing its authority on the person under the court’s jurisdiction.

Mother asserts that the Cyprus court does not have jurisdiction to divide any assets or properties located outside of Cyprus. Mother argues that only this Court would have proper jurisdiction to enter final judgments as to the division of the marital assets located in Colorado and the U.S. Mother’s Cyprus counsel, testifies in support of Mother’s position.

Ms. Elena Pitsillidou, Mother’s Cyprus counsel, provides that the courts outside of Cyprus have exclusive jurisdiction over immovable property which is outside of the jurisdiction of the Cypriot courts. Ms. Pitsillidou further explains that pursuant to Cypriot law, in the event that the

immovable property is located in more than one Province, any of the Family Courts of the province in which the immovable property is located shall have jurisdiction over the case, to the exclusion of another competent Family Court. Mother has properly contested the Cyprus court's jurisdiction, and she maintained her right to do so at any stage of the property division case in Cyprus.

Trial courts must have subject matter jurisdiction to enter orders regarding financial responsibilities and property interests. C.R.S. § 14-10-113. In general, "a divorce court in one state does not have the power directly to affect, by means of its decree, the title to real property situated in another state." See *Larrabee v Larrabee*, 504 P.2d 358, 360 (Colo. App. 1972). However, when a court has personal jurisdiction over the parties to an action for dissolution of marriage, the court also has jurisdiction to order a party to execute deeds transferring his or her interest in the out-of-state property to the other party. *Id.*

Here, the Court FINDS that this court has *in rem* jurisdiction over the parties' property. As determined above, the Court can exercise specific personal jurisdiction over Father. Additionally, the parties do not dispute this Court's jurisdiction over Mother. With the parties subject to the personal jurisdiction of this Court, the Court can exercise jurisdiction over any of the parties' property, no matter where located.

The Court does credit Father's Cypriot counsel over that of Mother's. It appears that all or nearly of the parties' property could be subject to division pursuant to Cyprus court orders. In the event the Cyprus court cannot issue orders on Colorado property, the Court maintains the temporary injunction regarding Colorado marital property.

C. Forum Non Conveniens

Father alleges that even if the Court finds there is jurisdiction over him and the parties' property, the matter should be dismissed or stayed based on *forum non conveniens*. Father testifies that he is not a resident of Colorado. Furthermore, Father points to the Cyprus matter as an alternative forum for the parties to litigate issues relating to division of property and allocation of parental rights. Father argues that Mother has the ability to, and already has, meaningfully participated in the Cyprus matter. Father testifies the Cyprus matter commenced substantially before Mother initiated this Colorado case, such that temporary orders relating to parenting time and property were issued in October 2023. Furthermore, the Cyprus court will hold substantial hearings relating to allocation of parental rights and property scheduled shortly, such that the Cyprus court's determinations are far ahead of the Colorado court, comparatively.

Mother argues the children and substantial marital assets at issue are in this state, and Colorado law would necessarily apply with respect to any assets outside the Cyprus court's jurisdiction. Mother argues it would be more convenient for this matter to proceed in Colorado where Mother, the children, and the marital home are located. There are no intentions for Mother or the children to go to Cyprus. Mother further reiterates that Cyprus is not an alternative forum

as, she contests the Cyprus court's jurisdiction over her. Accordingly, Mother argues that forum *non conveniens* does not provide a sufficient basis to dismiss the action.

Under the equitable doctrine of forum *non conveniens*, a trial court has discretion to dismiss an action when the court concludes that a more appropriate forum lies elsewhere. *PMI Mortgage Insurance Co. v. Deseret Federal Savings & Loan*, 757 P.2d 1156, 1158 (Colo. App. 1988). Courts must dismiss an action otherwise properly filed on forum *non conveniens* grounds if each of the following factors is present:

- a. The claimant or claimants named in the motion are not residents of the state of Colorado;
- b. An alternative forum exists;
- c. The injury or damage alleged to have been suffered occurred outside of the state of Colorado;
- d. A substantial portion of the witnesses and evidence is outside of the state of Colorado; and
- e. There is a significant possibility that Colorado law will not apply to some or all of the claims.

C.R.S. § 13-20-1004(1).

If “at least one or more but fewer than all” of the above factors are present, and the court finds that a party's claim should be heard elsewhere in the interest of judicial economy or for the convenience of the parties, a court has discretion to grant the motion to dismiss. C.R.S. § 13-20-1004(2). However, the Colorado Supreme Court has indicated that except in “most unusual circumstances,” a resident plaintiff's choice of forum in Colorado will not be disturbed. *See Cox v. Sage Hospitality Resources, LLC*, 2017 COA 59, ¶ 11, 413 P.3d 302 (quoting *McDonnell-Douglas Corp. v. Lohn*, 557 P.2d 373, 374 (Colo. 1976)).

Here, it is clear that Father is not a resident of Colorado. The Cyprus court is an alternative forum for this matter to be litigated, as evident by both parties' substantial participation in that matter. However, as a divorce case, the injury or damage element does not weigh in favor of either party. Similarly, it appears equal amount of witnesses and evidence will be located in both Colorado and Cyprus. However, as provided above, Colorado law can properly address all of the claims alleged.

Therefore, the Court FINDS this matter does not require dismissal pursuant to C.R.S. § 13-20-1004(1). This is a close call, however, and the Court will stay the case as discussed below.

D. First Filed Action Doctrine

Father asserts that the First Filed Action Doctrine further supports his argument that this matter should be dismissed or stayed. Father testifies that the Cyprus and Colorado matters are seeking identical relief revolving the same parties. Father argues that the two matters are clearly parallel actions concerning identical parties and issues. Father provides that both courts can address all issues related to the dissolution of the parties' marriage. Accordingly, Father urges the Court to either dismiss or stay the proceedings pursuant to the First File Action Doctrine

Mr. Georgiou further testifies in support of Father's position. Mr. Georgiou provides the Cyprus matter was filed first and was the first to gain jurisdiction over both parties. Mr. Georgiou states that the relief sought from this Court is identical to the relief sought by not only Father, but also Mother, in the Cyprus court.

Wife claims these two actions are not identical. Mother provides that her requests in the Cyprus actions are not identical to those in this matter. According to Mother, Father's Cyprus case requesting the court to divide assets in Colorado is improper. Mother provides that because the Cyprus court does not have jurisdiction over property located in Colorado, the matters are not identical. Mother relies on her attorney's testimony to support her argument that the Cyprus court is without jurisdiction regarding their property located outside of Cyprus.

Under the First Filed Action Doctrine, if two or more substantially identical actions are proceeding in different courts, the court with the action that was filed later should defer to the jurisdiction of the court with the action that was filed first by dismissing, staying, or transferring the later-filed suit. If suits are filed in two different states, the general rule is that the pendency of a prior suit in one court cannot be pleaded in abatement or in bar to a subsequent suit in another court even though both suits are between the same parties and upon the same cause of action. *Nationwide Mut. Ins. Co. v. Mayer*, 833 P.2d 60, 61 (Colo. App. 1992). However, the court in which the second action is brought may in its discretion stay or suspend that suit, awaiting decision in the first one. *Id.*

Multiple considerations may serve the trial court in the exercise of its discretion in granting or denying a stay, such as whether the subsequent action was designed solely to harass the adverse party; the nature of the respective actions, especially with a view as to which appears to provide complete justice; where the cause of action arises and which law will be applicable; whether there will be great and unnecessary expense and inconvenience; the availability of witnesses; the stage to which the proceedings in the other court have already progressed; the delay in obtaining trial. *Id.*

Here, the two matters are clearly parallel actions concerning identical parties and issues. Through Mother's *Petition*, she is requesting identical relief as the matter's proceedings in Cyprus. Such matters that she has not only substantially participated in, but simultaneously also initiated.

Each court can address all issues related to the dissolution of the parties' marriage and allocation of parental responsibilities.

Furthermore, the nature of the Cyprus matter is a better position to provide complete justice as substantial matters have commenced and the youngest son most recently residing there full time. Additionally, the law of Colorado or Cyprus are both applicable to the matter, both parties have significant resources such that there is little concern over the expense or inconvenience litigation in Cyprus or Colorado. As noted above, it is not clear that Colorado is the only convenient forum. However, most importantly, there would be significant delay if the matter does not proceed in Cyprus as the Cyprus court is in a far better position to provide final orders shortly.

The Court finds that it is very likely the Cyprus court has full authority over all property associated with the parties. However, in case Mother's argument is correct and in deference to the Cyprus court's determination, the Court shall STAY this matter until the conclusion of the Cyprus matter. Once the Cyprus court issues its final orders or declines action, the parties may petition this Court to issue orders relating to any undivided property

E. Comity of Nations Doctrine

Father, lastly, argues that the Comity of Nations Doctrine supports his argument that the Court should dismiss or stay this matter. Father believes the Cyprus court can fairly issue orders without any detriment to US interests. With the Cyprus court being able to fairly and respectfully issues order relating to division of property and allocation of parental rights, Father believes this matter should be dismissed or stayed pursuant to the Comity of Nations Doctrine.

Mother believes the Comity of Nations Doctrine does not apply to this matter. Mother testifies that there has been no final decree or judgment entered in Cyprus for which this Court is required to extend comity. Mother further argues she would be severely prejudiced if any final judgments are entered in Cyprus, such that the doctrine should not be extended to the Cyprus matter.

The extent to which the United States, or any state, honors the judicial decrees of foreign nations is a matter of choice, governed by the comity of nations. *Hilton v. Guyot*, 159 U.S. 113, 139 (1895). Comity is the recognition which one nation allows within its territory to the legislative, executive or judicial acts of another nation. *Id.* Extension of comity to a foreign judgment is "neither a matter of absolute obligation, on the one hand, nor of mere courtesy and good will, upon the other." *Id.*

One of guiding principles of comity is to respect when there has been opportunity for a full and fair trial abroad before a court of competent jurisdiction, conducting the trial upon regular proceedings, after due citation or voluntary appearance of the defendant, and under a system of jurisprudence likely to secure an impartial administration of justice between the citizens of its own

country and those of other countries, and there is nothing to show either prejudice in the court, or in the system of laws under which it was sitting, or fraud in procuring the judgment, or any other special reason why the comity of this nation should not allow it full effect, the merits of the case should not, in an action brought in this country upon the judgment, be tried afresh, as on a new trial or an appeal, upon the mere assertion of the party that the judgment was erroneous in law or in fact. *Broda v. Abarca*, 2011 WL 900983, *4 (D. Colo. Mar. 15, 2011).

Here, the Court agrees with Mother in part and disagrees in part. Although the Cyprus court has made substantial rulings and orders on the parties' cases, and there is significant hearing scheduling in the near future, there has not been a full and fair trial before the Cyprus court. It is undisputed that the Cyprus court has issued no final rulings relating to the parties' property, nor allocation of parental responsibility.

However, Mother knowingly engaged in Cyprus legal proceedings. It also appears that she did not and now cannot contest jurisdiction. And Mother appears to be financially advantage in Cyprus given the nation's non-enforcement of marital agreements.

Therefore, the Court FINDS the Comity of Nations Doctrine supports Father's position by in large, and is further support for a stay pending Cypriot proceedings, but not a dismissal of this action.

F. Children's Home State

Mother argues that Father's *Motion* should not be granted based on the fact that, Colorado, not Cyprus, is the children's home state, thus it would be improper to dismiss or stay the matter. Mother submits Colorado was both of the children's home state when Father initiated the custody action in Cyprus on October 25, 2023. At that time, Sebastian was present in Cyprus with Father, but Adrian was present in Colorado with Mother. According to Mother, Sebastian resumed permanently living in Colorado, with Father's consent, shortly after Father initiated the proceedings in Cyprus. Mother testifies that currently she and the children reside in Colorado with both children attending school in Boulder.

Mother asserts that Sebastian was born in Colorado and has since permanently resided here, except that Father unilaterally decided to remove Sebastian from Colorado in 2023 forcing him to stay with Father and attend school in Cyprus. Mother states that Sebastian arrived in Cyprus on May 29, 2023 and permanently returned to Colorado on December 16, 2023. Mother further asserts that Sebastian did not consistently live in Cyprus. Mother testifies that Sebastian left Cyprus for multiple trips such that he could not have been considered living in Cyprus for 182 consecutive days. Similarly, Mother argues that Sebastian was often without a parent in Cyprus during this time.

Father argues that the Uniform Child-custody Jurisdiction and Enforcement Act (“UCCJEA”) does not apply to this instant matter because it is not a dispute between two states. Additionally, Father argues that Cyprus is Sebastian’s home state.

Father testifies Sebastian permanently relocated to Cyprus with Mother’s consent and was a resident of Cyprus for more than six months before Mother filed her Colorado action. Furthermore, Father argues that Colorado can also not be Sebastian’s home state as he did not in Colorado for the six months prior to Mother’s Colorado filing. Father argues that the Cyprus courts have proper jurisdiction over the children.

The parties’ older son, Adrian, will graduate from High School and turn eighteen in a matter of weeks. The parties agree that the Cyprus court can address any issues related to Adrian that might arise before he emancipates.

Generally, the UCCJEA applies to interstate custody disputes. C.R.S. §§ 14-13-102, 14-13-103. However, based on C.R.S. §14-13-103, the general policies of the UCCJEA apply to recognition and enforcement of custody decrees from other countries. Such decrees will be enforced and recognized if all affected parties are given reasonable notice and an opportunity to be heard. C.R.S. §14-13-124.

Among the purposes of the UCCJEA are: (1) to avoid jurisdictional competition; (2) to promote cooperation with courts where a custody decree is entered in the state best suited to decide the case in the interests of the child; (3) to assure that litigation occurs in the place where the child and the family have the closest connection; (4) to discourage continuing child custody disputes in the interests of stability at home; (5) to deter abductions or unilateral removals undertaken to obtain custody; (6) to avoid relitigation of custody decisions; and (7) to facilitate enforcement of custody decrees. C.R.S. §14-13-103; *see also In re Marriage of Jeffers*, 992 P.2d 686, 692 (Colo. App. 1999).

Under the UCCJEA, when an action is pending in a foreign court, the trial court has discretion to decline to determine an issue that could easily and efficiently be addressed by the foreign court. *In re C.G.G.*, 946 P.2d 603, 605 (Colo. App. 1997); *In re Marriage of Mowrer*, 817 P.2d 612, 614 (Colo. App. 1991).

Here, in applying the UCCJEA, the Court FINDS Cyprus to be the proper forum for determination of the children’s custody. For this Court to intervene now as it relates to child custody matters, would create a competition between this Court and Cyprus. Here, Sebastian clearly has significant ties in Cyprus when considering his extracurricular activities and community such that Cyprus is best suited to decided what is in the best interest of him. To maintain this case would only result in further dispute between the parents, and cause significant

relitigation of issues, as Cyprus is much nearer to issuing final order and had authority to do so under Cypriot law.

The UCCJEA applies where there are parallel proceedings within the United States, not when there are parallel international proceedings. C.R.S. 14-13-102(7). Accordingly, the Court FINDS the Cyprus court can easily and efficiently address issues relating to allocation of parental responsibilities.

IV. TEMPORAR INJUNCTION MODIFIED

Based on the foregoing analysis, the Court modifies the temporary injunction under §14-10-108, C.R.S. In case the Cyprus court cannot dispose of the Colorado property, the Court preserves the injunction relating Colorado real property and the continuation of status quo expenses. THEREFORE,

1. Both parties are restrained from transferring, encumbering, concealing or in any way disposing of, without the consent of the other party or an Order of the Court, any *Colorado* marital property, except in the usual course of business or for the necessities of life. When (and if) the Cypriot court issues orders regarding Colorado property, the Court will lift this injunction automatically.

2. Until the Cypriot court enters a decree of dissolution or divorce, both parties are restrained, without at least 14 days' advance notification and the written consent of the other party or an Order of the Court, from canceling, modifying, terminating, or allowing to lapse for nonpayment of premiums, any policy of health insurance, *Colorado* homeowner's or renter's insurance, or *Colorado* automobile insurance that provides coverage to either of the parties or the minor children or any policy of life insurance that names either of the parties or the minor children as a beneficiary.

V. CONCLUSION

In accordance with the foregoing analysis, the Father's *Verified Motion to Dismiss or in the Alternative to Stay Proceedings* is hereby DENIED and GRANTED in part. The Court shall STAY this matter until the conclusion of the Cyprus actions. Once the Cyprus court issues its final orders, the parties may petition this Court to issue orders relating to any undivided property. Parties shall file a joint status report every 90 days. In order to maintain the status quo and in compliance with §14-10-108, C.R.S., neither party may transfer, encumber, conceal or in any way dispose of *Colorado* real property, and must maintain policies of health insurance, *Colorado* homeowner's or renter's insurance, or Colorado automobile insurance that provides coverage to either of the

parties or the minor children or any policy of life insurance that names either of the parties or the minor children as a beneficiary.

SO ORDERED: June 14, 2024

nunc pro tunc, May 13, 2024

BY THE COURT:

A handwritten signature in black ink, appearing to read "Andrew Hartman", written over a horizontal line.

Andrew Hartman
District Court Judge