

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
08 CVD 12310

WAKE COUNTY

2008 NOV 21 AM 10:01

GARRY D. RENTZ AND DONNA A. RENTZ,)
Plaintiffs,)

vs.)

v.)

BRADLEY COOPER,)

Defendant.)

TEMPORARY CUSTODY ORDER

THIS MATTER came on to be heard before the Honorable Debra Sasser, District Court Judge Presiding on October 16, 2008 upon Plaintiffs' claim for temporary custody. Plaintiffs were present and represented by Alice C. Stubbs, Wade M. [redacted] and Steve Mansbery of the law firm of Tharrington Smith, LLP. Defendant was present and represented by Deborah Sandlin of the law firm of Sandlin & Davidian, PA, Howard A. Kurtz and Lynn A. Prather of the law firm of Kurtz & Blum, PLLC. Considering the affidavits filed in this action, the testimony of Plaintiffs, Susan C. Hannah Prichard, Jessica Adam, Dr. James Hilkey, and Gary Beard, arguments of counsel for both parties, other evidence presented by the parties, and, after reopening the evidence, taking judicial notice that on October 27, 2008, Brad Cooper was indicted by a Grand Jury and charged with first-degree murder in the death of Nancy Cooper and is currently being held without bond in the Wake County Jail, the Court makes the following:

FINDINGS OF FACT

1. Plaintiffs Garry and Donna Rentz are residents of Alberta, Canada.
2. Plaintiff Krista Lister is a resident of Ontario, Canada.

3. Defendant is a resident of Wake County, North Carolina and has been a resident of the county for the six months next preceding the filing of this action.

4. Defendant is the biological father of the minor children, Isabella Cooper ("Bella"), born on February 23, 2004, and Gabriella Cooper ("Katie"), born on June 15, 2006. Nancy Cooper is the deceased biological mother of the minor children and was the deceased wife of Brad Cooper.

5. Plaintiffs Garry and Donna Rentz are the biological father and biological mother, respectively, of Nancy Cooper. Plaintiffs Garry and Donna Rentz are the biological maternal grandparents of the minor children. Plaintiffs Garry and Donna Rentz have a close and loving relationship with the minor children.

6. Plaintiff Krista Lister is the identical twin sister of Nancy Cooper and is the biological maternal aunt of the minor children. Plaintiff Lister has a close and loving relationship with the minor children. Plaintiff Lister is married to Jim Lister.

7. North Carolina is the home state of the minor children, and this Court has jurisdiction over the matter of custody pursuant to N.C. Gen. Stat. § 50A-3.

a. No party has participated as a party, witness, or in any other capacity in any other proceeding concerning the custody of the minor children.

b. No party has any information of any other custody proceeding concerning the minor children in this state or in any other state.

c. No party knows of any person not a party to this proceeding who has physical custody of the minor children or who claims to have custody or visitation rights with respect to the minor children.

d. The minor children have lived in Wake County, North Carolina, with Brad Cooper and Nancy Cooper from their births until Nancy Cooper's death on or about July 12, 2008.

e. From on or about July 12, 2008 until July 25, 2008, the minor children lived in Wake County, North Carolina with Brad Cooper.

f. Since on or about July 25, 2008, the minor children have resided in Canada with Plaintiff Lister and her husband, Jim Lister, pursuant to the formal Consent Order entered by this Court on July 30, 2008.

8. On July 16, 2008, Plaintiffs filed a Complaint and Motion for Emergency Custody Order. Plaintiffs sought emergency custody of the minor children as well as temporary and permanent custody of the minor children.

9. On July 16, 2008, this Court entered an Ex Parte Emergency Custody Order awarding legal and physical custody of the minor children to Plaintiffs. The Court also ordered that a return hearing on the Ex Parte Emergency Custody Order would take place on July 25, 2008 at 9:00 a.m. in Courtroom 8B of the Wake County Courthouse.

10. On July 25, 2008, the parties entered into a Memorandum of Understanding/Judgment/Order. This Judgment/Order settled the issues to be set forth at the return hearing on the Ex Parte Emergency Order.

11. On July 30, 2008, this Court entered a formal Consent Order. The Consent Order formally set forth the terms of the Memorandum of Judgment/Consent Order. The Consent Order provided, among other things, that the minor children's legal and physical custody would remain temporarily with Plaintiffs and that Brad Cooper would have supervised visitation with the minor children at Time Together in Raleigh, North Carolina. The parties consented to the Court conducting a temporary custody hearing during this Court's October 13, 2008 session.

12. On October 16, 2008, this Court held a temporary custody hearing.

13. Since Brad Cooper did not testify at the hearing, the Court did not have the opportunity to fully assess his credibility as a witness.

14. Nancy Cooper was the children's primary caretaker from the time the children were born until Nancy Cooper's death in July 2008. Brad Cooper cared for the children when Nancy jogged or went out with friends in the evening.

15. At times during the marriage, Brad Cooper was not actively involved in the care of the children, spending much of his free time working on an MBA and training for an Ironman triathlon.

16. Brad Cooper was the sole wage earner for the family and controlled the family's finances.

17. Brad Cooper is an introvert and is not very social. Nancy Cooper is more of an extrovert, with many friends and social contacts.

18. Brad Cooper engaged in controlling behavior toward Nancy Cooper, including limiting her access to funds and taking her off all credit cards and banking accounts.

19. Brad Cooper felt superior toward Nancy Cooper, making such state as "I am a legal resident. I have an H1B Visa . . . Nancy was here as my wife."

20. Brad Cooper and Nancy Cooper had not been intimate for over two one-half years prior to her death.

21. Brad Cooper had an extramarital encounter three to four years ago, he finally admitted to Nancy Cooper around January 2008.

22. At the time of Nancy Cooper's death, the parties had substantial which Brad Cooper blames on Nancy.

23. Brad Cooper's affidavits provide inconsistent testimony about the fa finances. In Brad Cooper's first affidavit, he states that after paying the "regular he gave Nancy \$300 a week (which is approximately \$1,299 per month) and use remainder of his net income (approximately \$375) for credit cards, gas, lunch and miscellaneous expenses. In a subsequent affidavit, he states that the parties onl \$1,300 left after paying the monthly bills and that he gave \$300 per week to Nancy

24. In late winter and early spring of 2008, there was tremendous te between Brad Cooper and Nancy Cooper. Their relationship was not good, and were discussing separating from each other. These conversations continued Nancy Cooper's death. In May 2008, the parties were arguing in public and yelli each other in the presence of the children.

25. Brad Cooper's testimony that the parties did not yell at each other in of the children other than in February 2008 is not credible.

26. During this time, the parties discussed, among other things, issues re to the former marital residence and the child . . .

Canada, and, at one time, Brad Cooper consented to this. In fact, plans had been made for the parties to sell their home, and Nancy and the girls would move to Canada to live with Plaintiff Lister. In March 2008, Plaintiff Lister came to North Carolina to paint the Cooper's house and pack up the family's belongings. Plaintiff Lister researched schools for the children, and Nancy Cooper had made inquiries regarding employment in Canada.

27. Plaintiff Lister was very concerned for Nancy's safety at this time.

28. Because Nancy and the children were to be moving to Canada, the Cooper's friends and neighbors had a going away party for her.

29. However, around this time, Brad Cooper changed his mind and no longer agreed to let Nancy take the children to Canada.

30. Prior to her death, Nancy Cooper and the children went on a nine-day vacation with Nancy's family and friends of family members, from June 28, 2008, through July 6, 2008. Nancy Cooper was very sad at the end of the vacation and distraught at having to return to the Cooper home.

31. Although he did not testify at the hearing, Brad Cooper has made statements under oath that he cleaned the home, the garage, and his car during Nancy's absence. He stated he cleaned the inside of his car, including the trunk, but that he did not clean the outside of the car. He has stated that the weekend Nancy and the children left for vacation, the Cooper's two-car garage was so cluttered with toys that there was no room to park one car, and that during the weekend of June 28, 2008, he moved toys from the garage to the second floor of the parties' home, making

for Nancy to park her car in the garage. He has also stated that on the weekend of July 5, 2008, just prior to Nancy's return, he cleaned the kitchen and washed dishes.

32. Upon Nancy's return from vacation on July 6, 2008, she found an infestation on the table from the dishes that had been left on the table following a meal that Nancy and the girls ate prior to leaving on vacation on June 28, 2008. An exterminator arrived on July 8, 2008.

33. When Gary Beard, the exterminator, arrived at the Cooper home on July 8, 2008, he entered the house through the garage. Toys cluttered the garage and there was no room for any vehicle to park in there.

34. Brad Cooper's testimony about the cleaning he did while Nancy was on vacation is not credible.

35. On July 12, 2008, Nancy Cooper went missing.

36. Nancy Cooper had plans to arrive at Jessica Adam's home no later than 9:00 a.m. on July 12, 2008, to continue helping Ms. Adam paint inside her home. When Nancy Cooper did not arrive as planned, Ms. Adam called Nancy Cooper's cell phone but received no answer. She then called the Coopers' home phone and Brad Cooper answered, which was not typical. Brad Cooper said that Nancy Cooper had gone running. He said that he thought she had gone running with Carrie. Ms. Adam was trained with Nancy Cooper and Carrie Clark for a half marathon in August, and Ms. Adam was surprised she had not been informed of the run.

37. Ms. Adam made further attempts to locate Nancy but was not successful.

38. Brad Cooper called Ms. Adam around 12:30 p.m. that same day asking for Carrie's telephone number. Brad Cooper told Ms. Adam that he was not sure if

around and try and find Carrie Clark. Ms. Adam offered to watch the girls while Cooper went out to look for Carrie Clark but he declined her offer. Brad Cooper told Ms. Adam that he was putting the girls in the car and ended the telephone call. Cooper also called Hannah Pritchard asking for Carrie's phone number.

39. Around 1:50 p.m., Ms. Adam called law enforcement concerning Nancy's disappearance. Ms. Adam was the first person to contact law enforcement.

40. Brad Cooper and Mike Hiller were scheduled to play a tennis match at 9:30 a.m. on July 12, 2008. At a party on the evening of July 11, 2008, Mr. Hiller checked with Nancy Cooper to see whether Brad would be able to make the match the next morning. Ms. Cooper indicated that he would, which made Mr. Hiller believe that Nancy Cooper would be available to care for the children that morning. At 9:30 a.m. on the morning of July 12, 2008, Brad Cooper telephoned Mike Hiller stating that Nancy Cooper had not yet returned from her morning jog. Mr. Hiller and Brad Cooper spoke again that morning, and around 11:00 am, Mr. Hiller cancelled the game, telling Mr. Cooper he had another game scheduled for 11:00 am.

41. On July 12, 2008, Rosemary Zednick was walking her dog in Loch Lomond around 7:10 a.m. in an area where people commonly run or jog. She saw a woman running. It appeared to Ms. Zednick that this woman had just begun her run. The runner and Ms. Zednick passed within six to eight feet of each other, and the runner turned her head for a few seconds to say hello. Ms. Zednick did not recognize the runner as anyone she knew.

42. Neighbors and friends of Nancy Cooper searched for her over the weekend. On July 13, 2008, Ms. Zednick was shown a flyer with Nancy Cooper's

49. The former marital residence has been investigated by law enforcement as a possible crime scene, and Brad Cooper has turned over various items required by law enforcement.

50. Communication between Brad Cooper and Plaintiffs has been discontinued since the children went to Canada with Plaintiffs.

51. The Plaintiffs Rentz believe that Brad Cooper killed Nancy. Brad Cooper is aware that they harbor this belief. Brad Cooper has not initiated any communication with the Plaintiffs Rentz, but this may be due to a reluctance based on the Rentz's belief that Brad Cooper killed their daughter.

52. Plaintiff Lister has not consistently complied with the terms of the Court Order regarding notification about the children's healthcare appointments or about selection and subsequent enrollment in a school. Plaintiff Lister also believes that Brad Cooper killed her sister and Brad Cooper is aware of this belief.

53. None of the witnesses who testified in this matter ever saw Brad Cooper being physically violent toward Nancy Cooper. Witnesses observed the parties arguing with each other, especially once the parties had determined that their marriage was over, but no witness testified as having seen any physical violence between the parties.

54. After Plaintiffs filed a Motion and Amended Motion for a Psychological Examination of Defendant but before the Court had heard these motions, Defendant submitted to a psychological evaluation.

55. There is no evidence that Defendant's attorneys contacted Plaintiff attorneys before proceeding with this evaluation. This evaluation was conducted by a psychologist selected by Defendant, and Defendant submitted five affidavits in support

the evaluator, which guided the psychological evaluation. Defendant formulated questions to be addressed by this evaluation with no input by the Court.

56. A neutral psychological evaluation, which addressed specific questions and concerns of the Court, would have been more beneficial for the Court than the evaluation directed by Defendant.

57. At the time the Court addressed Plaintiffs' Amended Motion for Psychological Evaluation, the psychologist selected by Defendant had completed an evaluation of Defendant. The Court granted Plaintiffs' motion, giving Plaintiffs the opportunity to select the psychologist to evaluate Defendant.

58. Both psychologists were given copies of the affidavits filed in this matter. In addition, the psychologist selected by Defendant, Dr. Jonathan Gould, was given various documents to review, several of which are evidentiary in nature and seem unrelated to a psychological evaluation (for example, emails between Defendant and Nancy Cooper, financial records, and Nancy Cooper's cell phone records).

59. In his report, Dr. Gould made legal conclusions as to whether there was sufficient evidence to support various allegations asserted in the pleadings and affidavits. It is unclear why this information was necessary in order for Dr. Gould to conduct a psychological evaluation, and the Court is concerned that this information may have unknowingly and unduly biased Dr. Gould in this matter. In addition, Dr. Gould was prohibited from talking to Plaintiffs in the course of this evaluation.

60. Brad Cooper is a very complex individual who is in a very precarious situation with the unsolved murder of his wife and the ongoing custody dispute with his deceased wife's family. He is highly intelligent and has a good understanding of the legal system.

personality. He likely harbors considerable long-term anger and resentment to others. He has narcissistic and arrogant tendencies. Although he is usually able to control these emotions, if his controls fail, he is likely to act out in an aggressive manner.

61. Brad Cooper has sufficient coping mechanisms to manage the normal demands placed on an individual. However, with the amount of stress he is currently experiencing, his coping skills may not be sufficient to manage this stress.

62. Prior to this hearing, Brad Cooper submitted four affidavits for the Court's consideration. In none of these affidavits does Brad Cooper deny having a role in his wife's death. Furthermore, these affidavits contain no evidence as to where Brad Cooper currently lives, whether he currently has a job, and if so, where he works, what his hours are, or where he intends to reside with the children should they be returned to his care.

63. At the time of the hearing on October 16, 2008, Brad Cooper continues to be a subject of public scrutiny and law enforcement had not completed its investigation into Nancy Cooper's death.

64. At the time of the hearing on October 16, 2008, Brad Cooper had not cooperated with law enforcement. He had refused at least one of law enforcement's requests that he come to the police station for interview.

65. At the time of the hearing on October 16, 2008, Defendant had not been identified by law enforcement as a "suspect" or "person of interest," according to an affidavit filed by Mike Hiller on September 29, 2008, law enforcement was investigating the

66. As of the date of the hearing on October 16, 2008, the Court is concerned about Brad Cooper's failure to fully cooperate with law enforcement in this matter until he does so, it is highly likely that he will continue to be the subject of official public scrutiny.

67. The Court takes judicial notice that, on October 27, 2008, after the hearing on temporary custody and after the rendering of the temporary custody order, but prior to the date of entry of this Order, Brad Cooper was indicted by a Grand Jury charged with first-degree murder in the death of Nancy Cooper. Brad Cooper currently is being held without bond in the Wake County Jail.

68. A full and complete resolution of the pending murder charge will promote the interest and welfare of the children.

69. A full and complete investigation of Nancy Cooper's death will provide information that is important for the final custody determination.

70. Brad Cooper is under considerable stress. His wife has been murdered and his children have been removed from his care. It is also likely that Brad Cooper's financial situation is another source of stress. Public scrutiny remains high with respect to Brad Cooper and the pending charge of first degree murder is an additional source of stress.

71. Brad Cooper does not seem to appreciate the potential negative effects on the children of having to live in a household filled with stress and the disruptions caused by a contentious custody battle and an ongoing criminal investigation.

72. The children need to have a relationship with their father.

73. The webcam visits have not been an effective method of contact between Brad Cooper and the children. The children are easily distracted and they require redirection constantly during these visits. Mr. Lister tries to keep the children focused on the visit with Brad Cooper but this involvement interferes with the contact. Although facilitating webcam visits, Plaintiff Lister and her husband have made comments to the children that are not supportive of these visits.

74. Plaintiff Lister has allowed Brad Cooper and the children to visit via webcam in excess of the 15 minutes provided for in the Consent Order but this time may be contributing to the difficulties the children are having with this form of contact.

75. Time Together does not permit four-hour visits, which is what the parties agreed to in the Consent Order. Plaintiff Lister and her husband have been preventing Brad Cooper his full visitation time with the children by having Mr. Lister supervise visits outside of Time Together.

76. Brad Cooper loves his children and the children love him.

77. Plaintiffs continue to grieve the death of Nancy Cooper.

78. Plaintiffs have made arrangements so that Plaintiff Lister is home every day to care for the children. The Plaintiffs Rentz also have made changes in their lives to accommodate the children.

79. Plaintiff Lister's home is appropriate for the children.

80. The children lost their primary caretaker when their mother was killed. They should be shielded from the public scrutiny that is prevalent in this case.

81. In an affidavit filed in July 2008, Brad Cooper states that he wanted to shelter the children from the media and the circumstances surrounding Nancy Cooper's death; however, in the days following Nancy's disappearance, Brad Cooper was unable to let the children talk to the media until he was convinced otherwise by Heather Pritchard.

82. It would be nearly impossible to shield the children from public scrutiny and the media if the children were to reside in Wake County, North Carolina. Furthermore, now that Brad Cooper has been arrested for the murder of Nancy Cooper and is being held in jail without bond, Brad Cooper is not currently capable of caring for the minor children.

83. The loss of their primary source of care and nurture, their mother, has been difficult on the children, especially on Bella.

84. The children have adapted to their environment in Canada and are doing quite well emotionally and physically.

85. Plaintiffs have provided an appropriate environment for the children in Canada. They have obtained mental health services for the children, focusing on the children's needs, not the Plaintiffs' grief.

86. The children are stable in their current environment and another change, such as a short period of time would likely have a detrimental effect on their emotional well-being.

87. The children should remain with Plaintiffs pending further order of the Court.

88. The issues in this custody hearing are complex and in some ways unresolvable. The parties have had insufficient time to gather the evidence necessary to make a proper determination of custody in this matter. At this time, the Court is unable to determine all issues. If the parties have not scheduled a permanent custody hearing within six to eight months, the Court will conduct a review of this temporary custody order in that time.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. This Court has personal and subject matter jurisdiction of this action and will enter this Temporary Custody Order.
2. North Carolina is the home state of the minor children.
3. Plaintiffs Garry and Donna Rentz are the biological maternal grandparents of the minor children.
4. Plaintiff Lister is the biological maternal aunt of the minor children.
5. Defendant is the biological father of the minor children.
6. The circumstances of this case make it appropriate for this Court to re-enter a temporary child custody Order.
7. Each party is a fit and proper person to have the custodial times set forth in this Temporary Custody Order.
8. It is in the best interests of the parties and the minor children that the Court enters a temporary custody order defining each party's custodial times with the minor children.

9. It is in the best interests of the minor children that their legal custody be vested in the parties as set forth in this Temporary Custody Order.

10. This temporary order will serve the best interests of the children.

11. Findings of fact that are more appropriately deemed conclusions of law are incorporated herein by reference.

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The minor children shall temporarily reside with Plaintiff Lister and her husband. To the extent permitted by the jail or penal institution in which Defendant resides, the parties shall jointly discuss all major issues relating to the children's health, education and welfare. Plaintiffs shall use their best efforts to consult with Defendant regarding all major decisions relating to the children's health, education and welfare. Plaintiff Lister, as the physical custodian, shall have final decision-making authority. In the event the parties are unable to timely reach agreement on an issue or in the event that Plaintiffs are unable to consult with Defendant.

2. For so long as Defendant is incarcerated, the visitation shall be suspended pending further orders of this Court.

3. For so long as Defendant is incarcerated, the webcam visits shall be suspended pending further orders of this Court.

4. Defendant shall be entitled to have telephone contact with the minor children two times per week of fifteen minutes per call as permitted by the jail or penal institution in which he resides. Defendant shall initiate the calls at times

5. No party shall expose the minor children to the media.
6. No party shall expose the minor children to dog urine or dog hair. All parties shall keep dogs away from the minor children.
7. Plaintiff, Donna Rentz, shall not transport the minor children in a vehicle that she is operating.
8. No party shall disparage the other(s) in front of the minor children.
9. No party shall discuss the circumstances surrounding the death of Brad Cooper with the minor children or any impressions as to the guilt or innocence of Defendant.
10. No party shall discuss the pending child custody action with the minor children. Plaintiffs shall retain the minor children's passports and may take the minor children to Canada.
11. Defendant shall continue his treatment with Dr. Tooley (or any other mental health care professional) and follow all recommendations. For so long as Defendant is incarcerated, this requirement shall be suspended.
12. Plaintiffs shall encourage the minor children to have telephone contact with Defendant, to the extent that phone contact is permitted by the jail or other institution in which Defendant resides. Plaintiffs shall make no negative statements of any kind about the children's contact with Brad Cooper.
13. Plaintiffs shall accept letters and cards that are sent by Defendant to the minor children, and they shall timely read all appropriate correspondence to the children. If Plaintiffs believe that any correspondence is not appropriate to share with the children, they shall share the correspondence with the children's therapist. Dis

shall defer to the therapist's decision as to whether the correspondence, in whole or in part, should be shared with the children. For so long as Defendant is incarcerated, Plaintiffs shall send current photographs of the minor children to Defendant at least once per month. Plaintiffs shall assure that the photographs are sent to Defendant in accordance with the rules and regulations of Defendant's place of incarceration. Defendant shall take all reasonable measures to insure that no other inmate or staff has access to these photographs.


14. Plaintiffs shall assure that the minor children continue in therapy with Dr. Altay and abide by her recommendations to the extent that her recommendations are not inconsistent with this Order. Plaintiffs shall seek Dr. Altay's advice as to whether the minor children would benefit from a forensic evaluation or services of a trauma expert relating to the death of their mother. All parties shall cooperate with Dr. Altay and participate in the minor children's therapy only as she recommends.

15. Plaintiffs shall seek Dr. Altay's advice as to the nature and extent of Plaintiffs' communications with the minor children concerning Defendant's indictment and arrest and why Defendant is unable to visit with the minor children. Plaintiffs also seek Dr. Altay's advice on how Plaintiffs can shield the minor children from knowledge that the minor children's father has been charged with the minor child's mother's murder.

16. If the parties have not scheduled a permanent custody hearing within eight months of entry of this Order, the Court will conduct a review of this temporary custody order and Plaintiffs shall timely schedule this review.

17. This Order is a temporary non-prejudicial order and shall remain in force and effect pending the entry of a Permanent Consent Order or further order this Court.

This the 20th day of November, 2008.



THE HONORABLE DEBRA S. SASSER