Filed: 2026-CA-1437 10/28/2026
Kate R. Morgan, Clerk
Kentucky Court of Appeals

COMMONWEALTH OF KENTUCKY
COURT OF APPEALS
ACTION NO. **2026-CA-1437-OA**

ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS AND/OR PROHIBITION PURSUANT TO RAP 60 DIRECTED TO HON. LAUREN ADAMS OGDEN, JUDGE, JEFFERSON CIRCUIT COURT, FAMILY DIVISION FOUR (4), CASE NO. 26-CI-500298 & REQUEST FOR INTERMEDIATE RELIEF

REBEKKAH WHITE — PETITIONER

vs.

JUDGE LAUREN ADAMS OGDEN — RESPONDENT

and

ZACHARY THOMAS DZIEDZIC — RESPONDENT

and

AUSTIN TYLER COOK — RESPONDENT

* * * * *

PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION

*** *** *** ***

Comes now the Petitioner, REBEKKAH WHITE (hereinafter "Rebekkah"), by and through counsel, pursuant to RAP 60, and files this original action in the Kentucky Court of Appeals seeking a writ of prohibition directing that all Orders of the Jefferson Circuit Court, Family Division 4, in the underlying action be vacated and the minor child herein, L.L.C., age 8, be returned to the care, custody and control of Rebekkah as all of the Orders entered by Judge Ogden are interlocutory and entered with Zachary having no standing, without due process, without a hearing with testimony under oath, without clear and convincing evidence being presented at any time, contrary to KRS 403.270 and KRS 405.020, and in contravention of the

000001 of 000013

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Due Process Clause of the 14th Amendment of the United States Constitution. The United States Supreme Court stated it succinctly that "The Due Process Clause prevents the government from intruding on fundamental rights and liberty interests, one of which is the liberty interest that parents have in controlling the care and custody of their children." *Troxel v. Granville*, 530 U.S. 57 (2000).

All of the Orders in the underlying case effectively granted temporary custody to ZACHARY THOMAS DZIEDZIC (hereinafter "Zachary"), the minor child, L.L.C.'s step-father, without standing and without a hearing providing the due process that is supposed to be afforded to a biological mother such as Rebekkah White, or a biological father, such as Austin Tyler Cook, pursuant to KRS 403.270 and KRS 405.020.

A. NAME OF PETITIONER

The Petitioner is REBEKKAH WHITE, the biological mother, who is represented by Hon. Bryan Gowin.

B. NAME OF RESPONDENTS

The Respondent against whom relief is sought is the Honorable Lauren Adams Ogden, Judge, Jefferson Circuit Court, Family Division Four (4), 700 W. Jefferson St., 5th Floor, Louisville, KY 40202, (hereinafter "Judge Ogden"). This original action is bought against Judge Lauren Adams Ogden solely in her capacity as the Judge of the Jefferson Circuit Court, Family Division Four (4).

The Real Party in Interest and original Petitioner in Jefferson Circuit Court, Family Division 4, Case No. 26-CI-500298, is ZACHARY THOMAS DZIEDZIC, the step-father of the child, L.L.C., who is represented by Hon. Nicholas A. Wheatley.

10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

000002 of 000013

Filed

The Real Party in Interest and original Respondent in Jefferson Circuit Court, Family Division 4, Case No. 26-CI-500298, is AUSTIN TYLER COOK, the biological father of L.L.C., who is not represented and has not appeared in the underlying action.

The underlying action was originally filed by Zachary as a Verified Petition To Establish Custody and a Parenting Schedule of a minor child, his step-child, L.L.C., with the singular claim that Zachary was a de facto parent of said step-child.

The current Friend of the Court appointed in this action by Judge Ogden is Hon. Courtney Kellner, who has been provided a courtesy copy of this filing.

C. TYPE OF ACTION

This original action comes before the Court of Appeals as a custody and parenting time proceeding in Jefferson Circuit Court, Family Division 4. The underlying action is styled as Zachary Thomas Dziedzic v. Rebekkah White and Austin Tyler Cook, Jefferson Circuit Court, Family Division Four (4), Case No. 26-CI-500298.

D. FACTUAL BACKGROUND

On 2/10/2026, Zachary filed a Verified Petition to Establish Custody and Parenting Schedule with the Jefferson Circuit Court, Family Court (Appendix A). In that Petition, Zachary sought sole custody of a minor child, L.L.C., his step-child, who was then 8 years old, claiming he was the defacto parent of his step-child child since age 1. Zachary and Rebekkah were married on 10/6/2022.

Service on Rebekkah and Austin was by warning attorney appointed on 2/10/2026.

000003 of 000013

2610/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

Filed

Zachary filed a default judgment motion against Rebekkah and Austin on 3/17/2026. The warning attorney report was filed on 3/17/2026.

Rebekkah filed a responsive affidavit on 3/20/2026 requesting return of her biological minor child, L.L.C., from Zachary as Zachary was not the biological father, but the minor child's step-father and other reasons. (Appendix B).

Judge Ogden entered an Order for a default hearing at the 3/25/2026 motion hour, hearing on the default scheduled for 8/19/2026. Rebekkah would have been constructively served as of 3/12/2026 (CR 4.08). Thereafter, a constructively summoned party has 20 days to file an answer (CR 4.02). Rebekkah had until 4/1/2026 to file an answer, and was timely by filing her affidavit on 3/20/2026.

Thereafter, on 4/14/2026, Zachary filed a motion for return of L.L.C., the step child, from Rebekkah. Supporting this motion was a sworn statement from Zachary alleging Rebekkah took the child from school improperly and an unsworn letter from Rebekkah's grandmother. (Appendix C). Judge Ogden entered an Order at motion hour on 4/29/2026, without an evidintiary hearing or swearingany witnesses under oath, requiring all law enforcement officers to assist in retrieving the minor child, L.L.C., from Rebekkah to return to the step-father, Zachary (Exhibit D). Judge Ogden's order further threatened Rebekkah with the contempt powers of the court. Rebekkah did not appear at this motion hour as she stated she did not receive the service of the motion in the mail until after motion hour (and at this time Rebekkah had filed a responsive pleading in the record).

Through prior counsel Rebekkah hired just after the 4/29/2026 motion hour, Rebekkah brought many of the arguments contained in this petition to the attention of Judge Ogden by

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

000004 of 000013

Filed

means of a motion to alter, amend or vacate the 4/29/2026 temporary order as filed on 5/8/2026 (Appendix E).

Judge Ogden entered an Order on 6/25/2026 that denied Rebekkah's motion, stating that temporary custody could not be changed from Zachary without a substantial change in circumstances pursuant to KRS 403.280(6). **Most incredibly, Judge Ogden held in the very order she entered that Zachary should retain custody of the step-child, L.L.C., that the hearing to establish Zachary's request for de facto custodian status was to be heard at the default hearing on 8/19/2026.** (Appendix F).

Thereafter Rebekkah agreed at a mediation to supervised visitation of her biological child, L.L.C. as she had no choice if she wanted to see her child, and agreed to a continuance of the 8/19/2026 hearing to 2/5/2027 (Appendix G).

At no time in this action did Judge Ogden hear sworn testimony or hold any semblance of a hearing concering Zachary's de facto custody claims as it relates to Zachary's step-child, L.L.C, much less a hearing about what is in the best interests of this minor child. At no time did Judge Ogden made any findings supported by clear and convincing evidence that Zachary is the de facto custodian of L.L.C. or what is in the best interests of this child. At no time did Judge Ogden hear from Rebekkah about her claims that Zachary does not meet the de facto status for L.L.C. or that of the alleged three DUIs she actually only pled guilty to one DUI in 4/2025 and in any case no children were in her care at that time. At no time did Judge Ogden hold any hearings in this action, but has entered orders prohibiting Rebekkah from having contact with the minor child, L.L.C.

This Petition follows.

2611/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

000005 of 000013

Filed

E. RELIEF REQUESTED

Rebekkah requests a writ that vacates all of the written Orders from Judge Ogden in this action, temporary, agreed or otherwise and immediate return of the minor child, L.L.C., to Rebekkah, the child's biological mother (Orders entered 8/19/2026, 6/26/2026, 4/29/2026). Simply stated, there has been no hearing at which Zachary, the minor child's step-father, was found to be the defacto custodian of L.L.C. and Rebekkah disputes Zachary would meet the criteria to be determined a de facto custodian.

F. MEMORANDUM OF AUTHORITIES AND ARGUMENT

A writ of prohibition may be granted upon a showing that (1) the lower court is proceeding or is about to proceed outside of its jurisdiction and there is no remedy through an application to an intermediate court; or (2) that the lower court is acting or is about to act erroneously, although within its jurisdiction, and there exists no adequate remedy by appeal or otherwise and great injustice and irreparable injury will result if the petition is not granted. *Hoskins v. Maricle*, 150 S.W.3d 1, 10 (Ky. 2004). Courts have also recognized writs as appropriate in certain special cases when there is a showing of great and irreparable harm and where "a substantial miscarriage of justice will result if the lower court is proceeding erroneously, and correction of the error is necessary and appropriate in the interest of orderly judicial administration." *Grange v. Mut. Ins. Co. v. Trude*, 151 S.W.3d 803,808 (Ky. 2005).

G. COURT ACTING ERRONEOUSLY WITHIN ITS JURISDICTION

Rebekka is entitled to a writ under the second class, where the Family Court, though acting within its jurisdiction, has proceeded erroneously and continues to do so.

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

000006 of 000013

Filed

Respondent, Judge Ogden, entered orders about leaving the minor child, L.L.C., in the custody of the step-father Zachary, without first determining by clear and convincing evidence at a hearing that Zachary had standing as a defacto custodian to seek any custody of the minor child, L.L.C., or after determining if Zachary qualified as a defacto that if giving Zachary custody was in the best interests of the minor child, pursuant to Kentucky law.

KRS 403.270 states:

> (1) (a) As used in this chapter and KRS 405.020, unless the context requires otherwise, "de facto custodian" means a person who has been shown by clear and convincing evidence to have been the primary caregiver for, and financial supporter of, a child who within the last two (2) years has resided with the person for an aggregate period of six (6) months or more if the child is under three (3) years of age and for an aggregate period of one (1) year or more if the child is three (3) years of age or older or has been placed by the Department for Community Based Services. Any period of time after a legal proceeding has been commenced by a parent seeking to regain custody of the child shall not be included in determining whether the child has resided with the person for the required minimum period.
>
> (2) (b) A person shall not be a de facto custodian until a court determines by clear and convincing evidence that the person meets the definition of de facto custodian established in paragraph (a) of this subsection. Once a court determines that a person meets the definition of de facto custodian, the court shall give the person the same standing in custody matters that is

000007 of 000013

261/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

Filed

given to each parent under this section and KRS 403.280, 403.340, 403.350, 403.822, and 405.020. .

Parents have a fundamental liberty interest in the care and custody of his/her child. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." The Supreme Court of the United States has held this clause includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interest." *Washington v. Glucksburg,* 521 U.S. 720 (1997). The liberty interest at issue in this case- the interest of a parent in the care, custody and control of his/her children- is perhaps the oldest of the fundamental liberty interests recognized by this Court. *Van Winkle v. Petry*, 217 S.W.2d 252, 257 (Ky. App. 2007). The Due Process Clause of the Fourteenth Amendment "does not permit a State to infringe on the fundamental right of parents to make child-rearing decisions simply because a state judge “believes” a better decision could be made. *Id.*

Here, the trial court failed to conduct a hearing before placing the minor child with the step-father Zachary and restricting Rebekkah's ability to parent her child, which violates KRS 403.270 as well as numerous other laws as there was no determination that Zachary qualifies as a defacto custodian. KRS 403.270 protects and recognizes the "parents constitutionally protected liberty interest in rearing their children without governmental interference." *Morton v. Tipton*. 569 S.W.3d 388, 394 (Ky. 2019) citing *Troxel v. Granville* (530 U.S. 68 (2000).

The video record is devoid of any substance in this matter. The written record does not contain much more as Judge Ogden entered conclusory orders without findings and without a

000008 of 000013

261023/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

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hearing where witnesses could be sworn and evidence produced to sustain Zachary's burden to prove he is a defacto custodian by clear and convincing evidence.

It is clear that Judge Ogden has proceeded without following the U.S. Constitution, Kentucky statutory law and Kentucky and federal case law, or even the bare minimum required to protect the fundamental liberty interest in Rebekkah's care and custody of her biological child, L.L.C.

H. REBEKKAH HAS SUFFERED IRREPARABLE INJURY or SPECIAL WRIT

In addition to a Petitioner showing that a lower court has proceeded or is proceeding erroneously within its jurisdiction, a writ granted under the second *Hoskins* class will only be granted if the petitioner can show they have or will suffer great and irreparable harm. *Hoskins* at 18. "Great and irreparable injury" is defined as "incalculable damage to the applicant… either to the liberty of his person, or to his property rights, or other far-reaching and conjectural consequences." *Id.* at 19.

This Court has held that when orders are entered by the family court without consideration of the best interest of the child, any future appeal could not possible rectify the damage to a child. *Wood v. Woest*, 461 S.W.3d 778, 783 (Ky. App 2015). There is incalculable damage to Rebekkah not being able to parent her child.

An exception to this element for a writ under the second class exists where a petitioning party can show that the "special cases" exception applies. Under this exception, a writ for prohibition may also be appropriate when "a substantial miscarriage of justice will occur" if the lower court continues to proceed erroneously, and a correction of the error is necessary "in the

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

000009 of 000013

Filed

interest of orderly judicial administration." *Indep. Order of Foresters v. Chauvin*, 175 S.W.3d 610, 28 616 (Ky. 2005) (quoting *Bender v. Eaton*, 343 S.W.2d 799, 801 (Ky. 1961)). The Kentucky Supreme Court has held that this "special cases" exception is properly invoked when a lower court refuses to follow a controlling, mandatory statute. *Delahanty v. Commonwealth*, 558 S.W.3d 489, 510 (Ky. App. 2018) (quoting *K.R. v. Commonwealth*, 360 S.W.3d 179, 184 (Ky. 2012) ("[T]here is no adequate remedy by appeal, and because allowing the error to go uncorrected at this point in the proceedings would defeat the administration of justice as prescribed by the legislature, the writ of mandamus issued by the circuit court was not an abuse of discretion and was therefore appropriate."). In special writ cases the irreparable harm showing is not needed. *Grange Mut. Ins. Co.*, 151 S.W.3d at 808.

This Court is well aware of the onslaught of cases not heard by Judge Ogden where due process has not been provided to litigants. If this Court does not act it will contribute to the substantial miscarriage of justice that has historical happened.

The final prerequisite for a petition for a writ of prohibition of the second class is that the petitioning party has no adequate remedy by appeal, meaning that any injury the petitioning party has suffered cannot later be rectified in subsequent proceedings in the case. *Chauvin*, 175 S.W.3d at 614-15, quoting *Bender*, 343 S.W.2d at 802. By definition, temporary custody orders are interlocutory and, thus, cannot be immediately appealed to the Court of Appeals. Rebekkah having her liberty interest in caring for her biological child in favor of a non-parent without a hearing cannot ever be rectified.

000010 of 000013

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

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WHEREFORE, the Petitioner, Rebekkah White, respectfully requests that this Honorable Court grant her Petition for a Writ of Prohibition and vacate all orders in this action, temporary, agreed or otherwise and order return of the minor child, L.L.C., to Rebekkah.

Respectfully submitted,

/s BRYAN GOWIN
BRYAN GOWIN
Rebekkah White's counsel
KBA #86699
1300 Gardiner Lane, Suite 6
Louisville, KY 40213
(502) 708-2332
bryangowin@aol.com
mediationinkentucky@gmail.com

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing pleading was served via e-mail and/or U.S. Mail, postage prepaid on the 28th day of October, 2026 to the following:

Judge Lauren Adams Ogden
700 W. Jefferson Street, 5th Floor
Courtroom 501
Louisville, KY 40202
(mail)

Hon. Nicholas A. Wheatley
JENKINS & WHEATLEY
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Louisville, KY 40207
Counsel for Zachary Dziedzic
nwheatley@jenkinswheatleylaw.com
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Austin Tyler Cook
157 Klosterman Road West
Tarpon Springs, FL 34688

261 10/28/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

000011 of 000013

Filed

Hon. Courtney Kellner
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/s/ BRYAN GOWIN
Counsel for Petitioner
KBA #86699

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000012 of 000013

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

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APPENDIX

A. Petition

B. Rebekkah's Affidavit

C. Zachary's motion for return of step-child

D. Order 4/29/2025

E. Rebekkah's motion concerning 4/14/2025 order

F. Order 6/25/2026

G. Temporary Agreed Order

000013 of 000013

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

Filed: 2026-CA-1437 10/28/2026
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COMMONWEALTH OF KENTUCKY
COURT OF APPEALS
ACTION NO. **2026-CA-1437-OA**

ELECTRONICALLY FILED

REBEKKAH WHITE — PETITIONER

vs.

JUDGE LAUREN ADAMS OGDEN — RESPONDENT

and

ZACHARY THOMAS DZIEDZIC — RESPONDENT

and

AUSTIN TYLER COOK — RESPONDENT

* * * * *

MOTION FOR INTERMEDIATE AND/OR EMERGENCY RELIEF

*** *** *** ***

Comes now Petitioner, biological mother, Rebekkah White (hereinafter "Rebekkah"), by and through counsel, and pursuant to RAP 60(H) and/or RAP 7, and petitions this Court for emergency and/or intermediate relief in the form of an Order staying all of Jefferson Circuit Court, Family Division 4, Orders and Ordering the immediate return of the minor child, L.L.C. to Rebekkah.

FACTS:

On 2/10/2026, Zachary filed a Verified Petition to Establish Custody and Parenting Schedule with the Jefferson Circuit Court, Family Court (Appendix A). In that Petition, Zachary sought sole custody of a minor child, L.L.C., his step-child, who was then 8 years old, making

000001 of 000007

Filed

the sole claim that he was the defacto parent of his step-child child since age 1. Zachary and Rebekkah were married on 10/6/2022.

Service on Rebekkah and Austin was by warning attorney appointed on 2/10/2026.

Zachary filed a default judgment motion against Rebekkah and Austin on 3/17/2026. The warning attorney report was filed on 3/17/2026.

Rebekkah filed a responsive affidavit on 3/20/2026 requesting return of her biological minor child, L.L.C., from Zachary as Zachary was not the biological father, but the minor child's step-father and other reasons. (Appendix B).

Judge Ogden entered an Order for a default hearing at the 3/25/2026 motion hour, hearing on the default scheduled for 8/19/2026. Rebekkah would have been constructively served as of 3/12/2026 (CR 4.08). Thereafter, a constructively summoned party has 20 days to file an answer (CR 4.02). Rebekkah had until 4/1/2026 to file an answer, and was timely by filing her affidavit on 3/20/2026.

Thereafter, on 4/14/2026, Zachary filed a motion for return of L.L.C., the step child, from Rebekkah. Supporting this motion was a sworn statement from Zachary alleging Rebekkah took the child from school improperly and an unsworn letter from Rebekkah's grandmother. (Appendix C). Judge Ogden entered an Order at motion hour on 4/29/2026, without an evidintiary hearing or swearingany witnesses under oath, requiring all law enforcement officers to assist in retrieving the minor child, L.L.C., from Rebekkah to return to the step-father, Zachary (Exhibit D). Judge Ogden's order further threatened Rebekkah with the contempt powers of the court. Rebekkah did not appear at this motion hour as she stated she did not

000002 of 000007

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

Filed

receive the service of the motion in the mail until after motion hour (and at this time Rebekkah had filed a responsive pleading in the record).

Through prior counsel Rebekkah hired just after the 4/29/2026 motion hour, Rebekkah brought many of the arguments contained in this petition to the attention of Judge Ogden by means of a motion to alter, amend or vacate the 4/29/2026 temporary order as filed on 5/8/2026 (Appendix E).

Judge Ogden entered an Order on 6/25/2026 that denied Rebekkah's motion, stating that temporary custody could not be changed from Zachary without a substantial change in circumstances pursuant to KRS 403.280(6). **Most incredibly, Judge Ogden held in the very order she entered that Zachary should retain custody of the step-child, L.L.C., that the hearing to establish Zachary's request for de facto custodian status was to be heard at the default hearing on 8/19/2026.** (Appendix F).

Thereafter Rebekkah agreed at a mediation to supervised visitation of her biological child, L.L.C. as she had no choice if she wanted to see her child, and agreed to a continuance of the 8/19/2026 hearing to 2/5/2027 (Appendix G).

At no time in this action did Judge Ogden hear sworn testimony or hold any semblance of a hearing concering Zachary's de facto custody claims as it relates to Zachary's step-child, L.L.C, much less a hearing about what is in the best interests of this minor child. At no time did Judge Ogden made any findings supported by clear and convincing evidence that Zachary is the de facto custodian of L.L.C. or what is in the best interests of this child. At no time did Judge Ogden hear from Rebekkah about her claims that Zachary does not meet the de facto status for L.L.C. or that of the alleged three DUIs she actually only pled guilty to one DUI in 4/2025 and in

261 10/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

000003 of 000007

Filed

any case no children were in her care at that time. At no time did Judge Ogden hold any hearings in this action, but has entered orders prohibiting Rebekkah from having contact with the minor child, L.L.C.

ARGUMENT:

Respondent, Judge Ogden, entered orders about leaving the minor child, L.L.C., in the custody of the step-father Zachary, without first determining by clear and convincing evidence at a hearing that Zachary had standing as a defacto custodian to seek any custody of the minor child, L.L.C., or after determining if Zachary qualified as a defacto that if giving Zachary custody was in the best interests of the minor child, pursuant to Kentucky law.

KRS 403.270 states:

> (1) (a) As used in this chapter and KRS 405.020, unless the context requires otherwise, "de facto custodian" means a person who has been shown by clear and convincing evidence to have been the primary caregiver for, and financial supporter of, a child who within the last two (2) years has resided with the person for an aggregate period of six (6) months or more if the child is under three (3) years of age and for an aggregate period of one (1) year or more if the child is three (3) years of age or older or has been placed by the Department for Community Based Services. Any period of time after a legal proceeding has been commenced by a parent seeking to regain custody of the child shall not be included in determining whether the child has resided with the person for the required minimum period.

000004 of 000007

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

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> (2) (b) A person shall not be a de facto custodian until a court determines by clear and convincing evidence that the person meets the definition of de facto custodian established in paragraph (a) of this subsection. Once a court determines that a person meets the definition of de facto custodian, the court shall give the person the same standing in custody matters that is given to each parent under this section and KRS 403.280, 403.340, 403.350, 403.822, and 405.020. .

Parents have a fundamental liberty interest in the care and custody of his/her child. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." The Supreme Court of the United States has held this clause includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interest." *Washington v. Glucksburg,* 521 U.S. 720 (1997). The liberty interest at issue in this case- the interest of a parent in the care, custody and control of his/her children- is perhaps the oldest of the fundamental liberty interests recognized by this Court. *Van Winkle v. Petry*, 217 S.W.2d 252, 257 (Ky. App. 2007). The Due Process Clause of the Fourteenth Amendment "does not permit a State to infringe on the fundamental right of parents to make child-rearing decisions simply because a state judge “believes” a better decision could be made. *Id.*

Here, Judge Ogden failed to conduct a hearing before placing the minor child with the step-father Zachary and restricting Rebekkah's ability to parent her biological child, which violates KRS 403.270 as there was no determination or hearing that Zachary qualifies as a defacto custodian. KRS 403.270 protects and recognizes the "parents constitutionally protected

261 10/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

000005 of 000007

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liberty interest in rearing their children without governmental interference." *Morton v. Tipton*. 569 S.W.3d 388, 394 (Ky. 2019) citing *Troxel v. Granville* (530 U.S. 68 (2000).

The video record is devoid of any substance in this matter. The written record does not contain much more as Judge Ogden entered conclusory orders without findings and without a hearing where witnesses could be sworn and evidence produced to sustain or debunk Zachary's burden to prove he is a defacto custodian by clear and convincing evidence.

It is clear that Judge Ogden has proceeded without following the U.S. Constitution, Kentucky statutory law and Kentucky and federal case law, or even the bare minimum required to protect the fundamental liberty interest in Rebekkah's care and custody of her biological child, L.L.C. This Court has held that when orders are entered by the family court without consideration of the best interest of the child, any future appeal could not possible rectify the damage to a child. *Wood v. Woest*, 461 S.W.3d 778, 783 (Ky. App 2015). There is incalculable damage to Rebekkah not being able to parent her own biological child in favor of a step-parent who has not proved by any law that he has a right to parent that step child.

Respectfully submitted,

/s BRYAN GOWIN
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#86699
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mediationinkentucky@gmail.com
Counsel for Rebekkah White

261 10/23/2020 R. Morgan, Clerk, Kentucky Court of Appeals

000006 of 000007

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing motion was served via e-mail and/or U.S. Mail, postage prepaid on the 28th day of October, 2026 to the following:

Judge Lauren Adams Ogden
700 W. Jefferson Street, 5th Floor
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nwheatley@jenkinswheatleylaw.com
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Austin Tyler Cook
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Tarpon Springs, FL 34688

Hon. Courtney Kellner
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Friend of Court
courtesy copy
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/s/ BRYAN GOWIN
Counsel for Petitioner
KBA #86699

000007 of 000007

261 10/28/2026 R. Morgan, Clerk, Kentucky Court of Appeals

Filed 26-CI-500298 02/10/2026 David L. Nicholson, Jefferson Circuit Clerk

Received: 2026-CA-1437 10/28/2026
Kate R. Morgan, Clerk
Kentucky Court of Appeals

Electronically Filed
JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC
2327 TALLEY OAK HILL ROAD
UPTON, KY 42784

PETITIONER

v.

VERIFIED PETITION TO ESTABLISH CUSTODY AND PARENTING SCHEDULE

REBEKKAH WHITE
1505 RADCLIFF ROAD
SMITHFIELD, KY 40068

RESPONDENT MOTHER

and

AUSTIN TYLER COOK
157 KLOSTERMAN ROAD WEST
TARPON SPRINGS, FL 34689

RESPONDENT FATHER

****

Comes Petitioner, ZACHARY THOMAS DZIEDZIC, and for his cause of action herein, states under oath as follows:

1. Petitioner is thirty-two (32) years of age and is self-employed. Petitioner resides at 2327 Talley Oak Hill Road, Upton, LaRue County, Kentucky 42784, and he has resided in this state for more than 180 days prior to the filing of this Petition.

2. Respondent Mother, Rebekkah White ("Rebekkah"), is thirty (30) years of age, and she is currently a server at Applebee's. Rebekkah's last known residence is 1505 Radcliff Road, Smithfield, Henry County, Kentucky 40068.

3. Respondent Father, Austin Tyler Cook ("Austin"), is twenty-nine (29) years of age, and his last known address was 157 Klosterman Road West, Tarpon Springs, Florida 34689. Austin's current employment status is unknown.

4. Rebekkah is the biological mother of the minor child, L.L.C., presently age eight (8). Petitioner and Rebekkah were lawfully married on October 6, 2022, and the parties separated

Presiding Judge: HON. DENISE BROWN (630346)

COM : 000001 of 000004
000001 of 000004

Filed 26-CI-500298 02/10/2026 David L. Nicholson, Jefferson Circuit Clerk

Filed 26-CI-500298 02/10/2026 David L. Nicholson, Jefferson Circuit Clerk
Received

on or around June 1, 2023. The parties are presently involved in a separate Dissolution action in this Court (25-CI-502004). Petitioner has been acting as a de facto custodian of the minor child, as defined in KRS 403.270(1)(a), having been the primary caregiver and financial supporter of the child since she was one (1) year old. Austin is the minor child's biological father and has never been involved in the minor child's life.

5. No arrangements have been made as to legal custody of the minor child, but Petitioner states that he is the fit and proper person to exercise sole legal custody of the child in accordance with the child's best interests under KRS 403.270, as Petitioner has been acting as a de facto custodian for the minor child as defined in KRS 403.270(1)(a) since she was one (1) year old.

6. No legal arrangements have been made with respect to living arrangements and parenting time with the child, but the Petitioner is the fit and proper person to be the primary residential custodian of the minor child.

7. In accordance with KRS 403.838, Petitioner gives the following additional information:

a. The minor child has resided with Petitioner at the following residences for the past five (5) years:

i. 5013 Tammy Lane, Holiday, Florida 34690;

ii. 1214 Keane Ave, La Grange, Kentucky 40031;

iii. 11707 Hancock Trace Court, Louisville, Kentucky 40245;

iv. 2327 Talley Oak Hill Road, Upton, Kentucky 42784.

b. Petitioner has not participated as a party, witness, nor in any other capacity, in any other litigation concerning the custody of the minor child, in the

Filed 26-CI-500298 02/10/2026 David L. Nicholson, Jefferson Circuit Clerk

Presiding Judge: HON. DENISE BROWN (630346)
COM : 000002 of 000004
000002 of 000004

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

Filed 26-CI-500298 02/10/2026 David L. Nicholson, Jefferson Circuit Clerk
Received

Commonwealth of Kentucky nor in any other state;

c. Petitioner has no information about any custody proceedings concerning the minor child, in any court, and;

d. Petitioner knows of no persons not a party to this action who have physical custody of the minor child or claim to have visitation rights with the minor child.

WHEREFORE, Petitioner, Zachary Thomas Dziedzic, respectfully requests as follows:

1. That the Petitioner be awarded the sole care, control, and custody of the minor child with Respondent to exercise a parenting schedule that is in the best interest of the child in accordance with KRS 403.270 and KRS 403.320;

2. That the Court Order each party to pay his or her respective attorney fees and costs associated with this action;

3. That Petitioner be awarded all other relief to which they may appear entitled.

Dated: February 10, 2026

Respectfully submitted,

JENKINS & WHEATLEY

/s/ Nicholas A. Wheatley
Nicholas A. Wheatley, KBA #98896
James A. Mains, KBA #99153
159 St. Matthews Avenue, Suite 2
Louisville, Kentucky 40207
(502) 581-0050
NWheatley@JenkinsWheatleyLaw.com
JMains@JenkinsWheatleyLaw.com
Counsel for Petitioner

Presiding Judge: HON. DENISE BROWN (630346)

COM : 000003 of 000004
000003 of 000004

Filed 26-CI-500298 02/10/2026 David L. Nicholson, Jefferson Circuit Clerk

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

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VERIFICATION

Petitioner, Zachary Thomas Dziedzic, states that he has read the foregoing and the statements contained therein are true to the best of his knowledge.

Zachary Thomas Dziedzic, *Petitioner*

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing was subscribed, sworn to and acknowledged before me by the Petitioner herein, Zachary Thomas Dziedzic, on this 10 day of February, 2026.

My Commission expires: February 4 2030

Notary ID#: KYNP108792

Notary Public, State-at-Large, Kentucky

Presiding Judge: HON. DENISE BROWN (630346)

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000004 of 000004

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

Received: 2026-CA-1437 10/28/2026
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Kentucky Court of Appeals

Case No.: 26CI500298

County: JEFFERSON

Court: FAMILY (CivIL)

Div./Rm.: FC04 | 501

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JEFFERSON CIRCUIT CT

AFFIDAVIT

Comes the Affiant, X Rebekkah White and after first being duly sworn, states as follows in support of the motion.

In 2023 Zachary and I moved here from Florida, my home state 5 months after we split and since then I have been under financial distress and emotional distress, we were actively doing 50/50 with both Children because I did not want to separate Luna and Zach who has acted as her father since she was 1, I thought it was in her best interest, prior to my temp transportation issues we had been civil, due to my transportation we agreed that both Children would stay with Zach during the school week to get them back & forth to school to ensure consistent attendance, since then agreement I have made consistent efforts to remain involved in my Childrens lives, however there have been extended periods where I have been denied access to Marlowe, including weeks and months at a time. I respectfully disagree with any claims that I am unfit, I have never put my Children in danger and provided loving supportive home I am only a month out from being back on the Road, I ask that the court grant access once my transportation is fixed I ask that the court grant 50/50 custody with the headline School/doctors and things like that as I always have. I do not want Zach to have Rights to my daughter Luna. I only want whats best for my kids and just want to be able to Resolve these issues wit custody. I also do not agree with the terms of the divorce and am asking that the court grant me child support along with some kind of spousal support as I have suffered for two yrs now

X _____
SIGNATURE

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

Subscribed and sworn to before me by X Rebekkah White on this the 20 day of March, 2026

_____
NOTARY PUBLIC

COMMISSION EXP. _____

David L. Nicholson, Clerk

OR

By: _____, D.C.

Revised: 03/04/2026

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Filed 26-CI-500298 04/14/2026 David L. Nicholson, Jefferson Circuit Clerk

Received: 2026-CA-1437 10/28/2026
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Kentucky Court of Appeals

NO. 26-CI-500298

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JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC — PETITIONER

v.

VERIFIED NOTICE-MOTION-ORDER

REBEKKAH WHITE — RESPONDENT MOTHER
and
AUSTIN TYLER COOK — RESPONDENT FATHER

* * * * * * * * *

NOTICE

PLEASE TAKE NOTICE that the undersigned will, on **Monday, April 20, 2026, at 10:30 a.m.** in the courtroom of the above Court, make the Motion and tender the attached Order.

MOTION FOR IMMEDIATE RETURN OF CHILD

Comes Petitioner, Zachary Thomas Dziedzic ("Zachary"), by Counsel, and hereby moves the Court to enter the attached Order requiring the Respondent Mother, Rebekkah White, to immediately return the minor child to Zachary.

In support of this Motion, Zachary states that neither Rebekkah nor Austin have participated in this action and there is a default hearing scheduled for August 19, 2026. Zachary has been acting as a de facto custodian of the minor child, as defined in KRS 403.270(1)(a), having been the primary caregiver and financial supporter of the child since she was one (1) year old. Austin is the minor child's biological father and has never been involved in the minor child's life. The parties also have a dissolution action in this Court, Case No. 25-CI-502004, which is still active and substantially related to the matter herein, which is also set for a default hearing.

The child in this case has been living with Zachary full-time with Rebekkah having visitation sporadically for more than a year now following Rebekkah's arrest for a DUI with the parties' children in April 2025. This was at least her third known DUI. Rebekkah was arrested

MOT : 000001 of 000003
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Filed 26-CI-500298 04/14/2026 David L. Nicholson, Jefferson Circuit Clerk

Filed 26-CI-500298 04/14/2026 David L. Nicholson, Jefferson Circuit Clerk
Received

again in February 2026 for driving on a suspended license and under the influence of a controlled substance. She leaves the child with Zachary until she gets mad at him for something, like filing a Motion for Default in this case, and then she will take the child until she gets tired of her.

On February 27, 2026, shortly after Zachary filed this case, Rebekkah picked the child up from school during the middle of the day and threatened to take her to Florida. After a couple of days, she returned the child to Zachary. Most recently, on April 7, 2026, Rebekkah showed up at Zachary's house and dragged the child, including pulling her hair, against her will to the car over Zachary and the child's objections. Zachary has a video of the traumatizing incident. In order to avoid this from happening again between now and the default hearing in August, Zachary asks that the Court enter and Order requiring Rebekkah to immediately return the child to Zachary and to prevent Rebekkah from removing the child at will in the future.

WHEREFORE, Petitioner respectfully requests that the Court enter the attached Order.

Dated: April 14, 2026

Respectfully submitted,

JENKINS & WHEATLEY

/s/ Nicholas A. Wheatley
Nicholas A. Wheatley, KBA #98896
159 St. Matthews Avenue, Suite 2
Louisville, KY 40207
Tel: (502) 581-0050
NWheatley@JenkinsWheatleyLaw.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing has been sent via electronic service and/or regular U.S. mail on this the 14th day of April, 2026 to:

Rebekkah White
1505 Radcliff Road
Smithfield, KY 40068
Pro se Respondent Mother

Austin Tyler Cook
157 Klosterman Road West
Tarpon Springs, Florida
Pro se Respondent Father

Filed 26-CI-500298 04/14/2026 David L. Nicholson, Jefferson Circuit Clerk

MOT : 000002 of 000003
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26-CI-500298 04/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

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Received

VERIFICATION

Petitioner, Zachary Thomas Dziedzic, states that he has read the foregoing and the statements contained therein are true to the best of his knowledge.

Zachary Thomas Dziedzic, *Petitioner*

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing was subscribed, sworn to and acknowledged before me by the Petitioner herein, Zachary Thomas Dziedzic, on this 14 day of April, 2026.

My Commission expires: 02/04/30.

Notary ID#: KYNP108792.

Notary Public, State-at-Large, Kentucky

MOT : 000003 of 000003
000003 of 000005

Filed 26-CI-500298 04/14/2026 David L. Nicholson, Jefferson Circuit Clerk

261 04/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

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NO. 26-CI-500298

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JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC — PETITIONER

v.

NOTICE OF FILING

REBEKKAH WHITE — RESPONDENT MOTHER
and
AUSTIN TYLER COOK — RESPONDENT FATHER

* * * * * * * * *

Comes Petitioner, Zachary Thomas Dziedzic, by Counsel, and hereby submits a letter from the minor child's Maternal Great Grandmother in support of Petitioner's Petition for Custody (and immediate return of the minor child).

Dated: April 20, 2026

Respectfully submitted,

JENKINS & WHEATLEY

/s/ Nicholas A. Wheatley
Nicholas A. Wheatley, KBA #98896
159 St. Matthews Avenue, Suite 2
Louisville, KY 40207
Tel: (502) 581-0050
NWheatley@JenkinsWheatleyLaw.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing has been sent via electronic service and/or U.S. mail on this 20th day of April, 2026 to:

Rebekkah White
1505 Radcliff Road
Smithfield, KY 40068
Pro se Respondent Mother

Austin Tyler Cook
157 Klosterman Road West
Tarpon Springs, Florida 34689
Pro se Respondent Father

JENKINS & WHEATLEY

/s/ Nicholas A. Wheatley
Nicholas A. Wheatley

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261023/2026 R. Morgan, Clerk, Kentucky Court of Appeals

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April 7, 2026

To Whom It May Concern

I have known Zach Dziedzic since Luna was 18 months old. As far as she is concerned he is the only father she has known.

He has provided for her in every way. If you could see them together, you would see the love between them for yourself.

I am Luna's great grandmother and I know the best place for this little girl is with him.

Her mother is my granddaughter and I am embarrassed and ashamed of her as a mother. I hate to say these things, but she is a horrible mother.

Thank you
Kathy White

Rebekah Luna's mother is doing emotional damage to this little girl

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261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

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Kentucky Court of Appeals

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JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC — PETITIONER

v.

ORDER

REBEKKAH WHITE, ET AL. — RESPONDENTS

* * * * * * * * *

Motion having been made, and the Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED that Respondent-Mother, Rebekkah White, shall immediately return the minor child, L.L.C., to Petitioner on Monday, April 20, 2026. Failure to do so shall subject Respondent to the possibility of contempt of this Court.

IT IS FURTHER ORDERED that appropriate law enforcement are authorized to assist Petitioner in effectuating this Order by having the child returned immediately to him in the event Respondent does not perform as ordered.

IT IS FINALLY ORDERED that pending further Order of this Court, Respondents shall not be permitted to unilaterally remove the child from school or Petitioner's care without prior agreement or Order of this Court. NO OBJECTION HEARD.

IT IS SO ORDERED.



JUDGE LAUREN A. OGDEN
JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

cc: Hon. Nicholas A. Wheatley
JENKINS & WHEATLEY
159 St. Matthews Ave., Suite 2
Louisville, Kentucky 40207
Counsel for Petitioner

Rebekkah White
1505 Radcliff Road
Smithfield, KY 40068
Pro se Respondent Mother

Austin Tyler Cook
157 Klosterman Road West
Tarpon Springs, Florida
Pro se Respondent Father

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Received: 2026-CA-1437 10/28/2026
Kate R. Morgan, Clerk
Kentucky Court of Appeals

JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC

PETITIONER

vs.

REBEKKAH WHITE, ET. AL

RESPONDENTS

NOTICE

PLEASE TAKE NOTICE that the undersigned will, on May 18, 2026, at 10:30 a.m. in the courtroom of the above Court, make the Motion and tender the attached proposed Order.

MOTION TO ALTER, AMEND OR VACATE ORDER ENTERED APRIL 29, 2026

Comes now Respondent-Mother, Rebekkah White ("Rebekkah"), by and through undersigned counsel, pursuant to CR 59.05, and hereby moves this Court to alter, amend or vacate its Order entered April 29, 2026, directing Rebekkah to immediately return the minor child, L.L.C., to Petitioner, Zachary Thomas Dziedzic ("Zachary"), and prohibiting Respondents from unilaterally removing the child from school or Petitioner's care without prior agreement or Order of this Court. In support thereof, Rebekkah states as follows:

1. Rebekkah White is the biological mother of the minor child, L.L.C., age eight (8). L.L.C. is not the biological child of Petitioner Zachary Thomas Dziedzic; rather, Austin Tyler Cook is the minor child's biological father. Zachary and Rebekkah were married on October 6, 2022, and separated on or around June 1, 2023.

2. The parties are also involved in a pending dissolution of marriage action in this Court, Case No. 25-CI-502004. No custody order has previously been entered in either action.

Filed 26-CI-500298 05/08/2026 David L. Nicholson, Jefferson Circuit Clerk

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000001 of 000005

3. The April 29, 2026 Order was entered *ex parte*, without adequate notice to Rebekkah or an opportunity for her to be heard. Rebekkah has now retained undersigned counsel and respectfully requests the Court alter, amend or vacate the Order.

4. Pursuant to CR 59.05, a motion to alter or amend a judgment, and enter a new one, shall be served not later than ten (10) days after entry of the final judgment. The Order at issue was entered on April 29, 2026. This Motion is timely filed within that period.

I. THE ORDER WAS ENTERED WITHOUT NOTICE AND AN OPPORTUNITY TO BE HEARD. The April 29, 2026 Order was entered on an *ex parte* basis without affording Rebekkah notice or an opportunity to present her position to the Court. Due process requires that a parent be given notice and an opportunity to be heard before the entry of an order affecting custody of her minor child. Rebekkah was unrepresented by counsel at the time the motion was heard and the Order was entered. She did not receive the motion filed on April 14, 2026 until on or about April 22, 2026; two (2) days after the motion was heard on April 20, 2026. Reconsideration is warranted to ensure that Rebekkah's rights are fully protected.

II. ZACHARY IS NOT THE BIOLOGICAL FATHER AND HIS STANDING AS A DE FACTO CUSTODIAN HAS NOT BEEN ADJUDICATED. Petitioner's claim to custody is based solely on an assertion that he qualifies as a "de facto custodian" under KRS 403.270(1)(a). This status has not been established by Order of this Court. No evidentiary hearing has been held, no findings have been made, and no testimony has been taken. Until Petitioner's standing as a de facto custodian is properly adjudicated, the Court should not enter orders effectively stripping Rebekkah, as the biological mother, of her fundamental parental rights without a full hearing on the merits.

Filed 26-CI-500298 05/08/2026 David L. Nicholson, Jefferson Circuit Clerk

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

Filed 26-CI-500298 05/08/2026 000003 of 000005 David L. Nicholson, Jefferson Circuit Clerk
Received

III. REBEKKAH HAS A CONSTITUTIONALLY PROTECTED PARENTAL INTEREST. As the biological mother of L.L.C., Rebekkah holds a fundamental liberty interest in the care, custody, and control of her child. The *ex parte* Order, as entered, effectively grants Petitioner physical custody of the child and restricts Rebekkah's access without any adjudication of Rebekkah's fitness as a parent, and without a finding that the child's welfare requires such restriction. The Court should reconsider the Order and set a full evidentiary hearing at which both parties may present evidence.

IV. A HEARING IS NECESSARY BEFORE THE DEFAULT HEARING IN AUGUST. A default hearing is currently scheduled for August 19, 2026. Rebekkah, now having retained counsel, intends to actively defend this matter and assert her rights. A hearing on this Motion prior to the August default hearing is critical to preserve the status quo and ensure the minor child's best interests are protected through a full evidentiary process rather than by default.

WHEREFORE, Respondent-Mother, Rebekkah White, respectfully requests that this Court:

1. Alter, amend or vacate the Order entered April 29, 2026 that removed the minor child L.L.C. from her mother;
2. Set this matter for an expedited hearing prior to the August 19, 2026 default hearing;
3. Pending such hearing, stay or modify the April 29, 2026 Order to permit Rebekkah reasonable parenting time with the minor child, L.L.C.;
4. For any and all other relief to which Rebekkah White may be entitled.

AM : 000003 of 000004
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Filed 26-CI-500298 05/08/2026 David L. Nicholson, Jefferson Circuit Clerk

261 10/23/2026 Lisa R. Morgan, Clerk, Kentucky Court of Appeals

Filed 26-CI-500298 05/08/2026 000004 of 000005 David L. Nicholson, Jefferson Circuit Clerk

Received

Respectfully submitted,

/s/ RACHELLE N. HOWELL
Counsel for Respondent
HOWELL LAW PLLC
125 S. 6th Street, Third Floor
Louisville, Kentucky 40202
(502) 377-3514 (call or text)
rnh@rnhlaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing has been served via the Court's electronic filing system on this the May 8, 2026, to:

Hon. Nicholas A. Wheatley
Jenkins & Wheatley
159 St. Matthews Avenue, Suite 2
Louisville, Kentucky 40207

NWheatley@JenkinsWheatleyLaw.com

AM : 000004 of 000004
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Filed 26-CI-500298 05/08/2026 David L. Nicholson, Jefferson Circuit Clerk

2611/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

Tendered 26-CI-500298 05/08/2026 000005 of 000005 David L. Nicholson, Jefferson Circuit Clerk

Received

26-CI-500298

JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC

PETITIONER

vs.

ORDER GRANTING

REBEKKAH WHITE, ET. AL

RESPONDENTS

Motion having been made and the Court having been otherwise sufficiently advised, IT IS HERBY ORDERED the Court has reconsidered the April 29, 2026 Order entered that removed the minor child L.L.C. from her Respondent Rebekkah White's custody.

IT IS FURTHER ORDERD that the minor child shall be returned to her mother, Respondent Rebekkah White pending the adjudication of the Petitioner as a de facto custodian.

HON. LAUREN A. OGDEN
FAMILY DIV. FOUR (4)

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Tendered 26-CI-500298 05/08/2026 David L. Nicholson, Jefferson Circuit Clerk

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

Entered 26-CI-500298 06/26/2026 David L. Nicholson, Jefferson Circuit Clerk

Received: 2026-CA-1437 10/28/2026
Kate R. Morgan, Clerk
Kentucky Court of Appeals

NO. 26-CI-500298

JEFFERSON CIRCUIT COURT

FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC PETITIONER

v. **ORDER**

REBEKKAH WHITE, ET AL. RESPONDENTS

This matter came before the Court on May 18, 2026, at Motion Hour on Respondent's (Rebekkah's) Motion to alter, amend, or vacate the Court's April 29, 2026, Order granting Petitioner ("Zachary") temporary sole custody of L.L.C., age 8, the Respondents' minor child.

Zachary and Rebekkah were married October 6, 2022, and separated on or around June 1, 2023.[1] Zachary is seeking sole custody of his stepchild, L.L.C., who is the natural born child of Rebekkah and the Respondent, Austin Tyler Cook ("Austin"), who resides in Florida and has reportedly never been a part of the child's life. Both Respondents are properly before the Court via Warning Order Attorney, reports filed March 17, 2026.

Zachary filed his motion for possession of the child on April 14, 2026. On April 29, 2026, his motion was granted without objection by either Respondent, although both were duly noticed. This result is consistent with KRS 403.280(1), based on affidavits of Zachary and the child's maternal great grandmother. Pursuant to KRS 403.280(6), "[m]odification of a temporary custody order may be sought when there is a material and substantial change in the circumstances of the parents, de facto custodian, or child." No changes in circumstances have been alleged which justify modification given the abuse allegations and the substance use disorder of Rebekkah, as evidenced by multiple recent DUI cases, at least one of which was while driving the minor child. Therefore, Rebekkah's motion to alter, amend or vacate is hereby denied.

[1] Their action for dissolution of marriage is currently pending in action number 25-CI-502004.

Entered 26-CI-500298 06/26/2026 David L. Nicholson, Jefferson Circuit Clerk

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000001 of 000002

Entered 26-CI-500298 06/26/2026 David L. Nicholson, Jefferson Circuit Clerk
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However, per KRS 403.220(1), a parent not granted custody of a minor child is entitled to reasonable parenting time. Therefore, Rebekkah shall have at least weekly supervised parenting time with the child, L.L.C., with a mutually agreed supervisor, or at facility such as Children's Safe Haven, Family Matters, or Harmony Home.

A default hearing is currently scheduled for August 19, 2026, to address all pending issues between the parties, including Zachary's request for de facto custodian status.

The parties are hereby referred to mediation with a mutually agreed mediator.

IT IS SO ORDERED.

LAOgden
JUDGE LAUREN ADAMS OGDEN
JEFFERSON CIRCUIT COURT
FAMILY DIVISON FOUR (4)

DATE: 6/25/2026

Dist. To:

Hon. Nicholas Wheatley, Counsel for Petitioner

Hon. Rachelle Howell, Counsel for Respondent

Austin Tyler Cook, Respondent

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Entered 26-CI-500298 06/26/2026 David L. Nicholson, Jefferson Circuit Clerk

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals

Entered 26-CI-500298 08/19/2026 David L. Nicholson, Jefferson Circuit Clerk

Received: 2026-CA-1437 10/28/2026
Kate R. Morgan, Clerk
Kentucky Court of Appeals

NO. 26-CI-500298

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JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

ZACHARY THOMAS DZIEDZIC PETITIONER

v. **TEMPORARY AGREED ORDER**

REBEKKAH WHITE RESPONDENT MOTHER
and
AUSTIN TYLER COOK RESPONDENT FATHER

*** *** *** ***

Come the parties, by Counsel, having come to an agreement and the Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. **Communication**. The parties shall communicate exclusively through AppClose, except in the event of an emergency. All communications shall be courteous and respectful. Neither party shall use profane, abusive, threatening, or derogatory language toward the other. The parties shall communicate only regarding matters involving the minor children, M.D. and L.LC. Rebekkah shall also be entitled to conduct up to two (2) video calls per week with the minor children through AppClose.

2. **Supervised Visitation**. Pursuant to and in recognition of the Court's June 26, 2026 Order, and Rebekkah's desire to see the children, Rebekkah shall have weekly supervised parenting time with both children at Children's Safe Haven. She shall be solely responsible for the cost of same. The parties shall coordinate scheduling initial intakes within seven (7) days of receipt of a negative drug test from Rebekkah as set forth herein below. This provision shall be non-prejudicial to either party and Rebekkah maintains that supervision is not necessary or appropriate.

3. **Drug Testing**. Both parties shall submit to a seventeen (17) panel hair follicle drug test, which includes alcohol and kratom, by end of day on August 17, 2026, at Accurate Drug &

Entered 26-CI-500298 08/19/2026 David L. Nicholson, Jefferson Circuit Clerk

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Received
26-CI-500298 05/19/2026 David L. Nicholson, Jefferson Circuit Clerk

of both parties' tests. The parties shall instruct Accurate to send the results of his/her test to both parties' Counsel and the Friend of Court.

4. **Financial Disclosures**. The parties shall exchange financial disclosures and supporting attachments within thirty (30) days of signing this Order.

5. **Mediation**. The parties intend to return to mediation prior to their scheduled hearings but only after exchanging financial disclosures and receiving recommendations from the Friend of Court.

IT IS SO ORDERED.

JUDGE LAUREN ADAMS OGDEN
JEFFERSON CIRCUIT COURT
FAMILY DIVISION FOUR (4)

HAVE SEEN AND AGREED TO:

Zachary Thomas Dziedzic, *Petitioner*

Rebekkah White, *Respondent*

Nicholas A. Wheatley, KBA #98896
JENKINS & WHEATLEY
159 St. Matthews Avenue, Suite 2
Louisville, Kentucky 40207
NWheatley@JenkinsWheatleyLaw.com
Counsel for Petitioner

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OAGR : 000002 of 000002
000002 of 000002

Entered 26-CI-500298 08/19/2026 David L. Nicholson, Jefferson Circuit Clerk

2610/23/2026 R. Morgan, Clerk, Kentucky Court of Appeals