

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3233

IN RE: APPLICATION OF ARIEL ADAN

ELENA ESTHER AVANS,
Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(D.C. Civil No. 04-cv-05155)
District Judge: The Honorable William H. Walls

Argued: September 22, 2008

Before: BARRY, AMBRO and GARTH, Circuit Judges

JUDGMENT ORDER

This case came on to be heard on the record from the United States District Court for the District of New Jersey and was argued on September 22, 2008. After careful consideration of the briefs, the record, and the arguments of counsel on appeal,

At the conclusion of argument and from the bench on September 22, 2008, this Court ORDERED that the June 26, 2007 and July 20, 2007 Orders of the District Court be reversed, and the matter remanded to the District Court with instructions that the

petition pursuant to the Hague Convention be immediately dismissed. Each party is to bear its own costs.

BY THE COURT:

/s/Maryanne Trump Barry
Circuit Judge

Dated: September 23, 2008

TMK/cc: Peter D. Alvino, Esq.
Teri S. Appelson, Esq.
Leonard O. Evans, Esq.
Elliot Gourvitz, Esq.
Joanna L. Hewitson, Esq,
Catherine M. Krow, Esq.
Walter A. Lesnevich, Esq.
Rebecca F. Lubens, Esq.
Daniel F. Mulvihill, Esq.
Jason W. Rockwell, Esq.