

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Kevin Federico Pichardo Aguilar v. Aylin Xomara Bernal Millan

Aguilar v. Millan · No. CV-25-00509-PHX-SMB · Decided January 29, 2026

SUMMARY

The U.S. District Court for the District of Arizona considered Plaintiff Kevin Federico Pichardo Aguilar’s motion for attorneys’ fees and costs following an order requiring the return of a minor child to Mexico under the Hague Convention and ICARA. The court held that an award was not clearly inappropriate despite the defendant’s financial hardship, but reduced the requested amount of \$10,455.35 and ordered the defendant to pay \$1,000.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Susan M. Brnovich
JURISDICTION	U.S. District Court for the District of Arizona
DECIDED	January 29, 2026
DOCKET	CV-25-00509-PHX-SMB
DISPOSITION	other
PROCEDURAL POSTURE	After granting Plaintiff's petition for the return of a child under the Hague Convention and ICARA, the court considered Plaintiff's motion for attorneys' fees and costs under Article 26 of the Convention and 22 U.S.C. § 9007(b)(3).
STANDARD OF REVIEW	The court applied its broad discretion in determining whether an award of necessary expenses and legal fees would be clearly inappropriate under 22 U.S.C. § 9007(b)(3).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- child custody
- attorney fees
- family law procedure
- family law
- foreign affairs

PRACTICE AREAS

- family law
- international child abduction
- attorney fees
- civil procedure

QUESTIONS PRESENTED

1. Whether Mother's financial hardship made an award of attorneys' fees and costs clearly inappropriate under 22 U.S.C. § 9007(b)(3).
2. Whether the court should exercise its discretion to reduce the requested \$10,455.35 award in light of Mother's indigent status.

HOLDINGS

1. Mother's limited financial resources did not make an award of attorneys' fees and costs clearly inappropriate under 22 U.S.C. § 9007(b)(3).
2. The court reduced Father's requested award and ordered Mother to pay \$1,000.

KEY QUOTATIONS

“shall order the respondent to pay necessary expenses incurred by or on behalf of the petitioner, including . . . legal fees . . . unless the respondent establishes that such order would be clearly inappropriate.” (at 2)

“However, Mother’s financial status does not make Father’s requested fees “clearly inappropriate” under § 9007(b)(3). Accordingly, the Court will order Mother to pay Father \$1,000.” (at 3)

FACTUAL BACKGROUND

The case arose from an international custody dispute concerning the parties' minor child, J.A.P.B. Father obtained an order requiring the child's return to Mexico under the Hague Convention and ICARA. Father requested \$10,455.35 in attorneys' fees and costs; Mother primarily argued that an award would be clearly inappropriate because of her financial hardship. The court found that Father had seen the child nearly every day, provided significant financial support, and was not shown to have been abusive, while Mother reported limited financial resources.

PROCEDURAL HISTORY

Father filed a petition seeking the return of the parties' minor child to Mexico. Following a bench trial, the court granted the petition and ordered Father to submit a request for reasonable attorneys' fees and costs. Father then moved for \$10,455.35 in fees and costs. The court granted the motion in part and ordered Mother to pay \$1,000.

DISPOSITION

other

CASES CITED

- Elkhaiat v. Mawashi, No. CV-24-02800-PHX-SPL, 2025 WL 3144177, at *2 (D. Ariz. July 17, 2025)
- Radu v. Shon, No. CV-20-00246-TUC-RM, 2021 WL 1056393, at *2 (D. Ariz. Mar. 19, 2021)
- Ciampa v. Nichols, No. 8:24-CV-02556-DOC-ADS, 2025 WL 1358488, at *4 (C.D. Cal. Apr. 3, 2025)
- Efthymiou v. LaBonte, No. 22-CV-04694-VC, 2023 WL 3611362, at *4 (N.D. Cal. May 24, 2023)

- LaSalle v. Adams, No. CV-19-04976-PHX-DWL, 2019 WL 6135127, at *11 (D. Ariz. Nov. 19, 2019)

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