

action which could be described as “used or threatened to use any firearms or other weapons against Plaintiff (Respondent) or the minor child/ren” at any time.

64. At the Protection from Abuse Hearing on September 10, 2015, the Respondent related that, on some unspecified date and at some unspecified time, the Petitioner allegedly threw a coffee mug at the Respondent while she was holding the Parties’ Daughter. In the transcript of the Hearing of September 10, 2015 (Exhibit ZE) on Page 33, Line 17-18 (Exhibit ZE) the Respondent stated, under oath, “The coffee mug incident happened. That’s a vivid Memory I have...”; yet, when the Respondent was asked by counsel during that same hearing, “Did he hit you with the coffee mug?”, the Transcript records on Page 34, Line 2 (Exhibit ZE), the Respondent replied with a surprising lack of certainty for a “vivid memory” that “I believe it hit me and not AAB (the Parties’ Daughter) fortunately”. The Respondent’s “vivid memory” of the alleged coffee mug throwing incident, changes significantly when the Respondent is asked during that same hearing on Page 63, Line 14-16 (Exhibit ZE) of the Transcript , “All right. And on the subject of the coffee mug did the coffee mug strike you or did it not strike you?” from the Transcript at same hearing Page 63, Lines 14 – 16 (Exhibit ZE), to which the Respondent testifies, under oath, in regards to her “vivid memory” of the alleged incident, on Page 63, Line 17 (Exhibit ZE), “I honestly don’t recall.”

65. The Petitioner’s account of the alleged coffee mug incident has been perfectly consistent throughout all testimony and statements the Petitioner has provided, as the Petitioner has steadfastly denied it ever occurred.

66. During the hearing of November 14, 2018 the Respondent falsely stated during sworn testimony in the Transcript of November 14, 2018 (Exhibit C) on Page 15, Lines 17-21, “He always uses different addresses like his parents’ address, an

address in Arizona that he doesn't actually live at which has been another deeply concerning thing to me as nobody actually knows where he truly lives." During all of 2018 the Petitioner resided in Arizona at the address listed on his Arizona Driver's License and, as evidence, includes a copy of the Petitioner's Arizona Driver's License (Exhibit ZZD) and a copy of the Petitioner's 1095-C (Exhibit ZZE).

67. In her Petition for Protection from Abuse Order of December 17, 2012 (Exhibit N) in Paragraph 11, the Respondent verified as true, "On the afternoon of the 12<sup>th</sup>, I was attacked while taking a walk on PSU hiking trails – hours after a custody dispute that didn't go the Defendant's (Petitioner's) way." Judge Ruest's order of December 12, 2012 contradicts the Respondent's verified statement in Paragraph 11, as the Custody Order of December 12, 2012 (Exhibit W) states, "AND NOW, this 12<sup>th</sup> day of December, 2012, upon agreement of the parties...". The Petitioner, according to Judge Ruest's Order (Exhibit W), agreed to the amended order, as he had agreed to all Custody Orders by all Judges, until Judge Ruest's Custody Order of May 20, 2014. The Petitioner believes that the Respondent's statement of "a custody dispute that didn't go the Defendant's (Petitioner's) way" is false, as the order was made "upon agreement of the parties". Moreover, it is the Petitioner's belief that the Respondent made this false statement intentionally to create the impression that the Petitioner had a motive for the alleged December 12, 2012 attack against the Respondent. The Petitioner would not have agreed to the custody order of December 12, 2012 if he did not believe that it would further his ability to have a relationship with his daughter and, indeed, went his way.

68. The Respondent, in the Transcript of the hearing of November 14, 2018 (Exhibit C) on Page 34, Lines 2-3, testified falsely when the Respondent stated,

under oath, “I do know that he (the Petitioner) threatened Judge Ruest previously.” On Page 39, Line 19-20 the Respondent was asked, “You testified that you knew for a fact that (the Petitioner having threatened Judge Ruest) occurred. That’s not true then, is it?” To which the Respondent stated, under oath, on Page 39, Line 21-22, “I am testifying as to what I was told by my attorney.”

69. It is the Petitioner’s belief that the two attorneys representing the Respondent in regards to her legal proceedings against the Petitioner, at the time of the alleged, non-existent threats to Judge Ruest, were Attorney Douglas Hearn and Attorney Jennifer Bierly (henceforth to be referred to as “Attorney Bierly”).

70. In the transcript of the hearing of April 15, 2015 (Exhibit K), which was presided over by Judge Ruest, on Page 4, Lines 13 – 14 (Exhibit K), Attorney Douglas Hearn stated, “There were two or three emails sent to Ms. Ross which gave her alarm.” On Page 4, Lines 19 – 20, Attorney Douglas Hearn continued, “So, I’m assuming the Court has read those emails now.”, to which Judge Ruest responded, on Page 4, Lines 21-22 (Exhibit K), “I did eventually see them, but it was only recently, I believe.” Attorney Douglas Hearn further stated on Page 5, Lines 22-24 (Exhibit K), “There was nothing in the emails that could reasonably be read as threatening to the Court.”

71. In the transcript of the hearing of November 14, 2018 (Exhibit C), during the questioning of Attorney Bierly by the Petitioner, on Page 89, Lines 3 – 6 (Exhibit C), the Petitioner asks Attorney Bierly, “I’m asking you today as we sit here right now. Is there any instance where the Defendant has sent any kind of threat in any manner to anyone that you are aware of and you have seen, Attorney Bierly?”, to which Attorney Bierly responded, on Page 89, Lines 7 – 8 (Exhibit C), “I cannot recall a specific instance of that”.

72. Once again, the Respondent's penchant for making false statements while testifying under oath is brought to light. The Respondent states, under oath, "I do know he (the Petitioner) threatened Judge Ruest previously." Yet, when asked to support having made such an extreme and damning statement against the Petitioner, the Respondent was unable to demonstrate or prove that she did indeed "know he (the Petitioner) threatened Judge Ruest previously", aside from making non-specific, unsupported statements of hearsay.

73. It is the Petitioner's belief that the Respondent has made two false statements while testifying under oath regarding and relating to the Petitioner's payment of Child Support and / or the Petitioner's motivation for filing the April 3, 2012 Petition for the Modification of Custody Order.

a. In the Transcript from the hearing of November 14, 2018 (Exhibit C) on Page 36, Lines 8-14, the Respondent stated, under oath, "The case – the custody case was transferred to Centre County I want to say in 2012, early in 2012 right after he was ordered to pay child support, again financial revenge. He was ordered to pay child support in the Spring 2012. Almost immediately he had a sudden interest in filing for custody. He had no interest for many years."

b. In the Transcript from the hearing of November 14, 2018 (Exhibit C) on Page 67, Lines 2-10, the Respondent stated, under oath, "It makes me think of before – between the two, 2008 PFA and the 2012 PFA, during those couple years where he was kind of like off the radar until – he was really off the radar. He popped up maybe three times in four years, and it was for very brief moments. But he popped up as a result of me filing for child support. When he had to finally pay child support, within a week he had – he wanted

custody. He was suddenly interested in AAB.”

74. It is the Petitioner’s belief that the Respondent has been receiving Child Support payments from the Petitioner since approximately April 2010, the timeline of which is supported by Government Documentation, Court Documents, and Documentation from the State of Wisconsin, Department of Workforce Development, Bureau of Child Support. The actual timeline in regards to the Petitioner being ordered to pay Child Support on March 17, 2010 and the Petitioner filing a Petition for Modification of the Custody Order on April 3, 2012 is as follows:

a. On October 15, 2009 the Petitioner and the Respondent, in Fayette County, Pennsylvania agreed to a Consent Custody Order of Court (Exhibit R) which granted the parties the following: shared legal custody of their daughter, the Respondent primary physical custody of their daughter, and the Petitioner partial physical custody of their daughter.

b. On March 17, 2010 a hearing was held in the Milwaukee County Courthouse regarding Case Number 10FA000385 over which Court Commissioner Nancy Sturm presided. The Respondent was present at the hearing by phone and the Petitioner was physically present at the hearing. Court Commissioner Sturm ordered the Petitioner to pay Child Support in the amount of \$295.00 per month effective February 1, 2010 and ordered the Petitioner to pay past support of \$3650.00. A copy of Court Commissioner Sturm’s findings from the March 17, 2010 hearing is attached to this document and marked as Exhibit S.

c. On December 7, 2010 a hearing to review the Child Support the Petitioner was paying for the Parties’ Daughter was presided over by Court

Commissioner Sturm. The Petitioner attended the hearing in person and was represented by Attorney Thomas Bartell. The Respondent was represented by Attorney Thomas Napierala. The Court Commissioner ordered that the Petitioner continue to pay \$295.00 per month in Child Support and the Petitioner was to report any employment to opposing counsel. The matter was adjourned to August 22, 2011. A copy of Court Commissioner Sturm's finding from the December 7, 2010 hearing is attached to this document and marked as Exhibit T.

d. On April 3, 2012 the Petitioner filed a Petition for Modification of Custody with the Fayette County Court of Common Pleas, Pennsylvania (Exhibit U). As is written in Paragraph 5 of the document the Petitioner averred that the October 15, 2009 Order should be modified to provide him with a specific partial custody schedule as the Petitioner did not anticipate the Respondent to cooperate in the Petitioner seeing the Parties' Daughter absent a specific schedule set forth in a court order. A copy of the Petitioner's Petition for modification of Custody which the Petitioner filed with the Fayette County Court of Common Pleas, Pennsylvania on April 3, 2012 is attached to this document and marked as Exhibit U.

75. Court Documentation clearly shows the Petitioner has been under Court Order to pay Child Support since the hearing on March 17, 2010 in front of Court Commissioner Sturm (Exhibit S). Court Documentation clearly shows the Petitioner first filed a Petition for Modification of the Custody Order on April 3, 2012 (Exhibit U), over two years after the Petitioner had been ordered to begin paying child support by Court Commissioner Sturm. It bears repeating that the April 3, 2012 Petition for Modification of the Custody Order (Exhibit U) did not ask for custody, which the Respondent has claimed, as the Petitioner already had

partial physical custody, but merely requested a specific custody schedule to be set as opposed to the non-specific arrangement that was extant.

76. On or about June 19, 2019, the Petitioner obtained the Petitioner's Account History Report in regards to Court Case Number 10FA000385 (Exhibit ZH). The Account History Report was obtained from the State of Wisconsin, Department of Workforce Development, Bureau of Child Support. It is the Petitioner's belief that Exhibit ZH is a true and correct record of all Child Support Payments the Petitioner has made in compliance with Court Commissioner Sturm's initial Child Support Order of March 17, 2010 (Exhibit S) through May 2019.

77. It is the Petitioner's belief that Exhibit ZH (State of Wisconsin, Department of Workforce Development, Bureau of Child Support, Account History Report) shows that the Petitioner paid, from March 17, 2010 through April 2012, in monthly intervals of varying sizes, a total (including Costs and Fees) of \$10,580.63 in Child Support for the Parties' Daughter in compliance with Court Commissioner Sturm's initial Child Support Order of March 17, 2010.

78. In the Respondent's Petition for Protection from Abuse Order of February 1, 2019 (Exhibit L) in Paragraph 6, the Respondent verified as true "Child Support filed in February 2010 in Fayette County, PA." It is the Petitioner's belief that the Respondent's act of verifying as true the fact that she filed for Child Support in February 2010 in Fayette County, PA, is in direct contradiction of her sworn testimony:

a. In the Transcript from the hearing of November 14, 2018 (Exhibit C) on Page 36, Lines 8-14, the Respondent stated, under oath, "The case – the custody case was transferred to Centre County I want to say in 2012, **early in 2012 right after he was ordered to pay child support, again financial**

**revenge. He was ordered to pay child support in the Spring 2012. Almost immediately he had a sudden interest in filing for custody. He had no interest for many years.”**

b. In the Transcript from the hearing of November 14, 2018 (Exhibit C) on Page 67, Lines 2-10, the Respondent stated, under oath, “It makes me think of before – between the two, 2008 PFA and the 2012 PFA, during those couple years where he was kind of like off the radar until – he was really off the radar. He popped up maybe three times in four years, and it was for very brief moments. **But he popped up as a result of me filing for child support. When he had to finally pay child support, within a week he had – he wanted custody.** He was suddenly interested in AAB.”

It is the Petitioner’s belief that Paragraphs 73-78 show that the Respondent has testified falsely, under oath, as the Petitioner has been under orders to pay Child Support since March 17, 2010 (Exhibit S), and the Petitioner has been actively paying Child Support since April 2010 (Exhibit ZH).

79. On July 2, 2014 the Respondent filed a Petition for Extension of the Temporary Protection from Abuse Order (Exhibit X) against the Petitioner.

80. On Page 2 of the Petition for Extension of the Temporary Protection from Abuse Order of July 2, 2014 (Exhibit X) the Respondent signed and dated below the Verification Paragraph that states, “I verify that I am the petitioner/movant (Heidi M. Brush, Respondent in the instant case) as designated in the present action and that the facts and statements contained in the above Petition/Motion are true and correct to the best of my knowledge. I understand that any false statements are made subject to the Penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.”

81. On Page 2, Paragraph d of the Respondent's July 2, 2014 Petition for Extension of the Temporary Protection from Abuse Order (Exhibit X) against the Petitioner, the Respondent Verified as true, "When the parties were in Court in April, 2014, the Defendant's (the Petitioner, Leland Feldman in the instant matter) behavior was out of control to the point that the plaintiff's attorney had to instruct him to stop. He taunted plaintiff's attorney, mocking her and showing his lack of respect for the Court."

82. A check of the entire transcript of the hearing of April 11, 2014 shows no example of any instance, to the best of the Petitioner's knowledge, in which "the Plaintiff's attorney had to instruct him (the Petitioner) to stop." In the Transcript of the Hearing of April 11, 2014, to the best of the Petitioner's knowledge, there were no instances in which Judge Ruest, any Law Enforcement Officer present at the Hearing, any Court Functionary present at the Hearing, or any other individual present at the Hearing instructed the Petitioner to "Stop", "Halt", "Cease", "Desist" or used any other word directed towards the Petitioner requesting or demanding that he in any way "Stop". In the Transcript of the hearing of April 11, 2014, to the best of the Petitioner's knowledge, there is no record of Judge Ruest or any other Centre County Court functionary in any way admonishing the Petitioner in regards to his conduct or behavior at any time during the hearing of April 11, 2014.

83. It is the Petitioner's belief that the Respondent's act of Verifying as true the July 2, 2014 Petition for Extension of the Temporary Protection from Abuse Order (Exhibit X) against the Petitioner, when the Respondent's sworn statements do not in any way match the Official Transcript, is yet another example of the Respondent's pattern of verifying Documents as true, when, clearly, they are not true.

84. It is the Petitioner's belief that he has shown in Paragraphs 6-83 of this document that the Respondent has shown herself to not be credible due to:

a. the six (6) instances in which the Respondent has verified as true documents filed with the Court when material information in said documents was contradicted by material information in other documents filed with the court and verified as true by the Respondent.

b. the five (5) instances in which the Respondent has verified documents filed with the Court as being true, but has given sworn testimony in direct contradiction to material information contained within the verified documents.

c. the two (2) instances in which the Respondent has given contradictory sworn testimony regarding material information.

d. the four (4) instances in which the Respondent has given sworn testimony regarding material information that contradicted known facts in evidence.

e. the two (2) instances of the Respondent having verified as true a filing made to the Court that contradicted known facts in evidence.

85. It is the Petitioner's belief that documenting the nineteen (19) separate instances of the Respondent having intentionally provided the Court with materially false information and the Petitioner's proof of such information being false has taken more than 20 pages in this Petition. These are just those which the Petitioner can, at this time, prove to be false. Virtually every statement the Respondent has made which is adverse to the Petitioner, even those for which the Petitioner cannot yet prove to be false (and, therefore not detailed in this document), generally, have no evidence provided by the Respondent and no

witnesses provided by the Respondent to substantiate her statements. To the best of the Petitioner's knowledge, none of the Petitioner's material statements and / or testimony has been proved false, and the Petitioner's material statements and testimony have not been shown to be contradictory.

86. The Respondent has demonstrated a pattern of disregarding the Custody Orders of December 27, 2013(Exhibit ZF) and May 20, 2014 (Exhibit A). It is the understanding of the Petitioner that a Custody Order does not contain mere suggestions and violating such can have real consequences as set forth in Pennsylvania Statute § 5323, Award of custody.

(g) Contempt for noncompliance with any custody order.--

(1) A party who willfully fails to comply with any custody order may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

(i) Imprisonment for a period of not more than six months.

(ii) A fine of not more than \$500.

(iii) Probation for a period of not more than six months.

(iv) An order for nonrenewal, suspension or denial of operating privilege under section 4355 (relating to denial or suspension of licenses).

(v) Counsel fees and costs.

87. It is the Petitioner's belief that on or about December 27, 2013, the Petitioner and the Respondent were scheduled for a full day custody hearing in front of Judge

Ruest.

88. It is the Petitioner's belief that, at the Respondent's request, the full day custody hearing was not held. It should be noted that the Petitioner was fully anticipating and prepared for a hearing and, as such, had two witnesses accompany him by driving to Centre County from Southeastern Wisconsin for the purpose of their sworn testimony for the hearing scheduled for December 27, 2013. Those two witnesses were Laura Brantman-Johnson and the Petitioner's first wife, Linda Banner. The witnesses did not testify that day because, at the Respondent's request, a Custody Agreement was reached between the parties. As a result of the parties' agreement on December 27, 2013, two orders were entered by Judge Ruest directing the parties to commence supervised visitation at the Centre County Child Access Center in addition to outlining the legal and physical custody responsibilities of the parties (Exhibit ZF and ZR). It is the Petitioner's belief that by January 20, 2014, within weeks of the Custody Order of December 27, 2013 having gone into effect, the Respondent was in violation of the Order.

89. As the Respondent failed to abide by the Custody Order of December 27, 2013, to which the Petitioner and the Respondent had each voluntarily agreed, Attorney Mark Weaver (henceforth to be referred to as "Attorney Weaver") filed a Petition for Contempt and Special Relief for the Petitioner (Exhibit ZA) on January 31, 2014.

90. It is the Petitioner's belief that in Paragraph 46 of the Petitioner's Petition for Contempt and Special Relief of January 31, 2014 (Exhibit ZA), the Petitioner requested:

1. Respondent be found in contempt for failing to comply with Paragraph 5 of Judge Ruest's Court's Order dated December 27, 2013.

2. Respondent be found in contempt for failing to comply with Paragraph 6 of Judge Ruest's Court's Order dated December 27, 2013.
  3. Respondent be found in contempt for failing to comply with Paragraph 1(3) (sic) of Judge Ruest's Court's Order dated December 27, 2013. (It is the Petitioner's belief that Attorney Weaver intended for Paragraph 1(3) to be Paragraph 1(e) as there is no Paragraph 1(3) in the December 27, 2013 Custody Order.)
  4. The Centre County Child Access Center be ordered to release information provided by the parties to the Access Center during the intake process.
  5. Petitioner be awarded reasonable attorney fees in the amount of \$500 due to the necessity of having to prepare and file the petition.
  6. Respondent be fined an appropriate amount for each instance of contempt found by this Court of its Orders dated December 27, 2013 together with such other relief as Judge Ruest's Court deems appropriate.
91. On April 11, 2014 Judge Ruest presided over a hearing in regards to the Petitioner's Petition for Contempt and Special Relief (Exhibit ZA).
92. In the Transcript of the Hearing of April 11, 2014 (Exhibit Q), on Page 95, Lines 4-10, the Respondent was asked, "Heidi, there were exhibits presented by Mr. Weaver and Mr. Feldman. They were Defendant's Exhibits C and D (To the best of the Petitioner's knowledge Defendant's Exhibits C and D are marked as Exhibits ZS and ZT and attached to this petition), which were letters, emails to you from Mr. Feldman in which he asked for specific normal, albeit normal, legal custody information. You did not answer those, correct?" In the Transcript of

April 11, 2014 (Exhibit Q), the Respondent on Page 95, Line 11 stated, under oath, "That's right." The Respondent's testimony recorded in the Transcript of the Hearing of April 11, 2014 (Exhibit Q), as stated in this paragraph, is testimony in which the Respondent admitted to two Counts of Contempt of the Custody Order of December 27, 2013 (a Custody order to which the Petitioner and the Respondent had mutually agreed). A copy of each unanswered email that the Respondent admitted to not answering, in direct contempt of the Custody Order of December 27, 2013 is marked as Exhibit ZS and Exhibit ZT.

93. Despite the fact that the Respondent admitted, under oath, in the presence of Judge Ruest, to knowingly and intentionally twice violating the mutually agreed upon Court Order of December 27, 2013 (Exhibit ZF), Judge Ruest failed to find the Respondent in Contempt, and instead placed the Petitioner's Contempt Request in Abeyance where, to the best of the Petitioner's knowledge, it remains to this day (Exhibit A, Paragraph 7).

94. In Paragraph 11 of the Petitioner's Petition for Contempt and Special Relief of January 31, 2014 (Exhibit ZA), Attorney Weaver wrote that he spoke with the Director for the Access Center, Jamie Jones, who advised that the Respondent had completed the intake procedure but that the case was "not appropriate for their services".

95. In Paragraph 12, of the Petitioner's Petition for Contempt and Special Relief of January 31, 2014 (Exhibit ZA), Attorney Weaver requested an explanation as to why the instant matter was declined for services but was told by Ms. Jones that she did not have to explain the decision or provide a general explanation of the criteria used by the Access Center to determine eligibility for services.

96. In Paragraph 45 of the Petitioner's Petition for Contempt and Special Relief

of January 31, 2014 (Exhibit ZA), it states the Petitioner also believes and therefore avers that information provided by the Respondent to the Access Center may have purposely misled the Access Center about the risks involved in supervising this matter. It should be noted, as previously mentioned in this document, that it took the Petitioner over 20 pages to relate the nineteen (19) instances which he believes prove the Respondent has knowingly and intentionally provided the Court with false information. As such, it is the Petitioner's belief it would not have been uncharacteristic for the Respondent to purposely mislead and / or intentionally give the Access Center false information regarding the Petitioner and the risks / difficulties involved in supervising this matter.

97. In Paragraph 46 of the Petitioner's Petition for Contempt and Special Relief of January 31, 2014 (Exhibit ZA), it states "pursuant to Appendix S of the Centre County Child Access Center's operating manual, confidential information gathered by the Access Center can be released via Order of this Court".

98. Judge Ruest placed in abeyance the Petitioner's Request that the Centre County Child Access Center be ordered to release information provided by the parties to the Access Center during the intake process, where, to the best of the Petitioner's knowledge, it remains to this day.

99. The Petition for Contempt and Special Relief of January 31, 2014 (Exhibit ZA), filed by Attorney Weaver, requested that the Respondent be found in contempt for failing to comply with Paragraph 1(3) (sic) of the Court's Custody Order dated December 27, 2013. Paragraph 1(3) (sic) of the Court's Custody Order of December 27, 2013 orders:

1. Legal Custody and Legal Custodial Responsibilities:

e. Any school district in which the child attends school shall provide both parents identical information. The custodial parent shall provide to the non-custodial parent on a weekly basis, all school papers, projects, or other products of the child's development, so as to allow a sharing of those items as fully as possible.

100. The Petitioner does not, as of the writing of this document, recall receiving or have record of the Respondent having provided the Petitioner with any school papers, projects or other products of the child's development until September 19, 2014 and, as such, it is the Petitioner's belief that the Respondent had intentionally and knowingly committed multiple instances of contempt in regards to this portion of the December 27, 2013 Custody Order. It is the Petitioner's belief that Paragraph 40 of the Petitioner's Contempt Petition of January 31, 2014 (Exhibit ZA) states "that since the entry of the above Order, Respondent has failed to provide information whatsoever to your Petitioner regarding the minor child's development despite demand." Despite the documented contempt and/or presentation of such during the Hearing of April 11, 2014, Judge Ruest placed the Petitioner's request for contempt regarding Paragraph 1(e) in abeyance, where, to the best of the Petitioner's knowledge, it remains to this day.

101. The May 20, 2014 Custody Order (Exhibit A) Paragraph 1 orders, in part, the Respondent to "provide Father with updates regarding the child's health, medical issues, dental issues, religious training and education."

102. In January of 2019, the Petitioner was notified, via the insurance company through which he provided medical insurance for the Parties' Daughter, that she (the Parties' Daughter) had the following two medical events:

a. On October 29, 2018 the Parties' Daughter received a Viral Neutralization

Test at the Mount Nittany Medical Center (Exhibit Y) with a pending balance of \$334.00

b. On December 27, 2018 the Parties' Daughter received "Emergency Services" at the Mount Nittany Medical Center (Exhibit Z) with a pending balance of \$900.00

103. The Respondent did not inform the Petitioner of either of these events until she was required to answer questions, under oath, related to this matter during her testimony at the Hearing of February 15, 2019.

104. In the Transcript of the Hearing of February 15, 2019 (Exhibit P) all replies by the Respondent were made under oath. The Respondent read the following passage from an email sent to the Respondent's Lawyer by the Petitioner on or about January 30, 2019 on Page 6, Lines 24-25 and Page 7, Lines 1-3 "It has come to my (the Petitioner's) attention that my daughter may have received a viral neutralization test on or about October 29, 2018 from the Mount Nittany Medical Center. Is this information correct?" On Page 7, Lines 4-5 the Respondent was then asked, "Did your daughter, in fact, receive those tests and services at Mount Nittany Medical Center?" The Respondent replied on Page 7, Line 6, "Yes, she did." On Page 7, Lines 7-8 the Respondent was then asked, "And at the time of Mr. Feldman's email, had you provided this information to Mr. Feldman?" The Respondent replied on Page 7, Line 9, "No, I had not." On page 7, Lines 10-11 the Respondent was then asked, "Are you aware whether anyone else had provided that information to Mr. Feldman?" The Respondent replied on Page 7, Line 12, "No."

105. In the Transcript of the Hearing of February 15, 2019 (Exhibit P) on Page 41, Lines 24-25 and Page 42, Line 1 the Respondent was asked, "Does it state in

paragraph 1 (of the May 20, 2014 Custody Order (Exhibit A)) mother shall pay (sic) father with updates regarding child's health, medical issues?" The respondent on Page 42, Line 8 replied, "Yes." It should be noted that the correct wording of the May 20, 2014 Custody Order (Exhibit A) states, "Mother shall provide Father with updates regarding the child's health, medical issues..." The Respondent stated on Page 53, Line 10-13, "the viral neutralization test, came about because the school nurse had been reviewing people's records and there was a question about AAB's vaccinations..."

106. It is the Petitioner's belief that as the Respondent failed to notify the Petitioner regarding the question of the Parties' Daughter's vaccination status until the Hearing of February 15, 2019 the Respondent was in contempt of the Custody Order of May 20, 2014 (Exhibit A) by failing to keep the Petitioner informed of the Parties' Daughter's health and / or medical issues. As of the writing of this document, the Respondent has still not provided the Petitioner with a true, redacted copy of the subsequent viral neutralization test results, which the Petitioner believes continues to make the Respondent in contempt of the Custody Order of May 20, 2014 (Exhibit A) by failing to keep the Petitioner informed of the Parties' Daughter's health and / or medical issues.

107. In the Transcript of the Hearing of February 15, 2019 (Exhibit P) the Respondent was asked on Page 42, Line 22-24, "Did our daughter receive Emergency Services on or about December 27, 2018 at the Mount Nittany Medical Center?" On Page 42, Line 25 and Page 43, Line 1 (Exhibit P) the Respondent replied, "She did not receive emergency services, no." On Page 54, Line 11 (Exhibit P), the Respondent was asked by the Court, "Wait. So there was a visit?" To which the Respondent replied on Page 54, Lines 11-12 (Exhibit P), "There was a visit but she was not treated at all." It should again be noted that the "visit" was

billed as "Emergency Services" by the Mount Nittany Medical Center (Exhibit Z) and the Respondent stated on Page 55, Lines 8-10 (Exhibit P), "A PA walked in the room. He's just like you did a great job, Mom." It is the Respondent's belief, that it is not believable that a PA (Physician's Assistant) would state "you did a great job, Mom" in regards to a Medical situation involving a young girl/patient that the mother believed required an unscheduled visit to the Mount Nittany Medical Center without performing, at the very least, "Emergency Services" including but not limited to a thorough assessment / exam of the patient and testing of the patient's vital signs. The Petitioner believes it is unlikely that the Mount Nittany Medical Center would bill \$900.00 for "Emergency Services" as is stated on Exhibit Z, if such "Emergency Services" were not rendered.

108. The Respondent was asked on Page 53, Line 6-7 (Exhibit P), "And why did you not provide Mr. Feldman with an update about these two specific items (the viral neutralization test and the Emergency Services provided by Mount Nittany Medical Center)?" To which the Respondent replied on Page 53, Lines 8-9 (Exhibit P) "These two particular events, in my mind, were not even noteworthy enough to mention it to anyone."

109. The Petitioner's training and experience as an Registered Nurse make him keenly aware that vaccinations and / or one's vaccination status can be an extremely and even a critically important medical and / or health issue and is very much noteworthy enough to be mentioned. It is the Petitioner's belief that a child being taken to an Emergency Room is very much noteworthy enough to be mentioned.

110. It is the Petitioner's belief that the order of May 20, 2014 orders the Respondent to keep the Petitioner informed of the Parties' Daughter's health and /

or medical issues and does not state or imply that the Respondent, in any circumstance, may decide which health or medical issues she informs the Petitioner.

111. It is the Petitioner's belief that the Respondent has, at least, two documented instances where the Respondent intentionally failed to update the Petitioner regarding the Parties' Daughter's health and medical issues (the Emergency Services and the Viral Neutralization Test). It is, therefore, the Petitioner's belief that these two instances are in clear and direct contempt of the Custody Order of May 20, 2014 (Exhibit A).

112. It is the Petitioner's belief, based on the multiple prima facie instances of contempt of the Custody Orders of December 27, 2013 and May 20, 2014, that the Respondent cannot be counted on to abide by Court Orders.

113. It is the Petitioner's belief that assuming that the Respondent has, as of the date of this writing, actually informed the Petitioner of every Emergency Room visit made by the Parties' Daughter, since February 7, 2018, it should specifically be noted that the Parties' Daughter has been taken to the Emergency Room on three separate dates:

a. On February 7, 2018 the Parties' Daughter allegedly "fell" which resulted in the Parties' Daughter being taken to the Emergency Room and the Parties' Daughter reportedly missing one day of school on February 8, 2018 as a result of the "fall".

b. On March 4, 2019 the Parties' Daughter had another alleged "fall" which resulted in the Parties' Daughter, again, being taken to the Emergency Room for a possible "miniscule buckle fracture". The Parties' Daughter was

allegedly taken to an orthopedic surgeon on March 5, 2019 who was reportedly not convinced that there was a fracture.

c. The Respondent testified under oath during the hearing of February 15, 2019 that on December 27, 2019 the Parties' Daughter was taken to the Emergency Room for what Mount Nittany Medical Center described as "Emergency Services". As has been mentioned previously in this document, the Petitioner was not notified of this incident by the Respondent until the Respondent's sworn testimony on February 15, 2019 (Exhibit P).

As of the writing of this petition, the Petitioner has received no copies of documentation from any medical professional, nor from any medical facility, as to the nature of these Emergency Room visits, any treatment required, any follow-up visits required, nor the current medical status of the Parties' Daughter with respect to these Emergency Room visits.

114. It is the Petitioner's belief that the American Academy of Pediatric Dentistry's website (aapd.org) recommends a check-up every six months in order to prevent cavities and other dental problems, with a pediatric dentist telling a parent how often a child should visit based on the child's personal oral health (Exhibit ZZQ). Since September 14, 2014 it is the Petitioner's belief that he has been informed by the Respondent of the Parties' Daughter having been taken to the Dentist on only four separate occasions. The Respondent provided documentation from a Dentist's Office regarding a visit on July 22, 2016. The Respondent provided no documentation from a Dentist's Office regarding alleged Dental appointments on November 20, 2017, on an unspecified date a week prior to April 4, 2017, and June 5, 2019. The Petitioner does not know if he is not being informed by the Respondent of all the Parties' Daughter's dental visits, or if the

Respondent is indeed following the recommendations of a pediatric dentist or other dental expert.

115. The Petitioner has significant concerns regarding the medical and dental well-being of the Parties' Daughter due to the spate of Emergency Room visits made by the Parties' Daughter, the infrequency of Dental Appointments of which the Petitioner is aware, and the lack of Documentation from Medical Providers who have seen the Parties' Daughter. It is the Petitioner's belief that he has not been kept apprised of the Parties' Daughter's medical and dental well-being and care in a timely and appropriate manner, nor in accordance with Court Orders.

116. It should be noted that when the Petitioner was notified by his insurance company of the two aforementioned medical events at Mount Nittany Medical Center regarding the Parties' Daughter, he sent a politely worded communication by means of email and U.S. Mail (Exhibit ZZG) to the Respondent's Custody Attorney, Estonia Viddy, on or about January 30, 2019 inquiring as to whether the information he had received was correct and reminding her of her client's legal obligation to provide such information to the Petitioner. Rather than responding, through her attorney with a simple "Yes" or "No" or "How did you come to have this medical information about AAB?", the Respondent went to the police and filed a Petition for Protection from Abuse Order against the Petitioner (Exhibit L) which included false and / or factually unsupported allegations such as: "he would have obtained it illegally" ("It" being information with respect to the Parties' Daughter having made two visits to Mount Nittany Medical Center, as quoted from Exhibit L, Page 2, Paragraph 10) and "I received a critical security alert from Google warning me that someone had tried to access my email account ... Leland was aware of this email account..." (As quoted from Exhibit L, Page 3, Paragraph 10). It is the Petitioner's belief that this demonstrates, again, the Respondent's pattern

of making false allegations against the Petitioner for which she provides no evidence whatsoever. The result of the Petitioner's legal, simple, and benign query was that Judge Katherine Oliver issued a Temporary Protection from Abuse Order against the Petitioner, when it was actually the Respondent who was in contempt of the Custody Order of May 20, 2014.

117. Again, the Petitioner had to spend significant time in preparation to defend himself in Court against, yet more, false allegations filed against him, incur the expenses of taking time off work, and travelling to and from Centre County.

118. On April 14, 2013, the Petitioner sent Attorney Raquel Ross an email (Exhibit D) stating that Attorney Weaver of the Mazza Law Group would be taking over from Attorney Ross the two matters in which Attorney Ross had been representing the Petitioner.

119. On April 15, 2013, a Police Report (Exhibit B) written by Detective Deirdri Fishel (Houck) documented that Attorney Bierly contacted the State College Police Department informing them that she had received a communication from Attorney Ross advising her that the Petitioner had sent a threatening email to Attorney Ross. Attorney Bierly made a report to the State College Police Department that Attorney Ross had advised Attorney Bierly that the email the Petitioner had allegedly written threatened Attorney Ross, Attorney Bierly, Dr. Heidi Brush (the Petitioner's ex-wife), and Judge Ruest. Attorney Bierly related to the State College Police Department that she did not receive a copy of the allegedly threatening email from Attorney Ross as it is protected communication. Attorney Bierly further related to the State College Police Department that Attorney Ross did not tell Attorney Bierly the exact threat the Petitioner had allegedly made. Attorney Bierly, additionally, related to the State College Police Department that

she notified the Federal Bureau of Investigation and the PSU Police about the email threat the Petitioner had allegedly made.

120. During Detective Deirdri Fishel's (Houck) (henceforth to be referred to as "Detective Fishel (Houck) ) sworn testimony on November 14, 2018, on Page 95, Line 21 - 24 (Exhibit C) Detective Fishel (Houck) was asked, "You write in the second sentence of the first paragraph Bierly reported that she had received communication from Feldman's Attorney, Raquel Welch (Raquel Ross), advising Feldman had sent a threatening email to her?" to which Detective Fishel (Houck) responded on Page 95, Line 25, "Correct." Detective Fishel (Houck) was then asked on Page 96, Line 6 - 11 "I notice in the report you didn't say that Feldman made a phone call to Welch (Ross). Feldman sent a text message. Feldman put up smoke signals. It was specifically an email threat. Was there any other kind of threat mentioned? It's not included in your report if it is." Detective Fishel (Houck) responded on Page 96, Line 12 - 15, "What I can say is at that time Jen Bierly verbally told me that she had third-hand information that an email had been sent to Ms. Welch (Ross) by you. Jen did not have the email." Detective Fishel (Houck) was then asked, on Page 96, Line 16, "So, it was just email threat." Detective Fishel (Houck) responded on Page 96, Line 17, "Correct."

121. At the hearing of November 14, 2018, Attorney Bierly, while giving sworn testimony, was asked on Page 84, Line 15 - 17 (Exhibit C) "Do you specifically recall when Attorney Ross made criminal allegations against the Defendant (Petitioner) stating that he sent threatening emails?" Attorney Bierly responded on Page 84, Line 18 - 25, "I remember that I was sitting in my vehicle getting ready - I can't tell you who I was meeting for dinner. But I was scheduled to meet someone, presuming my family, at the American Ale House for dinner. I remember getting a telephone call from Raquel Ross, and I remember her telling

me that basically what is written here in this report which I ultimately apparently relayed to Detective Fishel.” Attorney Bierly stated during sworn testimony on Page 84, line 10 – 12 (Exhibit C) “...if it is written in the detective’s narrative, I have confidence that I did do that.”

122. It should be noted that Attorney Ross was served a subpoena commanding her to attend and testify at this hearing with respect to the alleged threatening emails she claimed had been sent to her by the Petitioner. Attorney Ross failed to show for this hearing without, to the Petitioner’s knowledge, a motion to quash the subpoena having been filed, a hearing in regards to such a motion, nor a judge’s ruling to quash the subpoena.

123. It should be noted that it is the Petitioner’s position that Rule 225 Pa. Code Rule 804(a)(4), applies to this matter as both Attorney Weaver and Attorney Steven Trialonas served as the Petitioner’s Lawyer and as such Attorney Client Privilege exists.

“Rule 804. Exceptions to the Rule Against Hearsay – When the Declarant is Unavailable as a Witness.

(a) Criteria for Being Unavailable. A declarant is considered to be unavailable as a witness if the declarant:

(1) is exempted from testifying about the subject matter of the declarant’s statement because the court rules a privilege applies;”

124. It is the Petitioner’s position that an Attorney Client Privilege exists / existed between the Petitioner and Attorney Weaver and an Attorney Client Privilege exists / existed between the Petitioner and Attorney Steven Trialonas, and as such both Attorney Weaver and Attorney Trialonas are exempted from testifying about