

APPENDIX

G

IN THE COURT OF COMMON PLEAS
CENTRE COUNTY, PENNSYLVANIA

CIVIL COVER SHEET
[Local Rule 205.2(b)]

HEIDI BRUSH,

Plaintiff

v.

LELAND FELDMAN,

Defendant

)

)

)

)

)

)

)

Docket No. 2012-3103

Type of Case: CIVIL

Medical Professional Liability

Action (check if Applicable)

Type of Pleading:

PETITION FOR CONTEMPT AND
SPECIAL RELIEF

Filed on Behalf of: DEFENDANT

Counsel for this party:

MARK S. WEAVER

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IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION

HEIDI BRUSH,)	
Respondent/Plaintiff)	
)	
v.)	No. 2012-3103
)	
LELAND FELDMAN,)	
Petitioner/Defendant)	CUSTODY

**DEFENDANT'S PETITION
FOR CONTEMPT AND SPECIAL RELIEF**

AND NOW COMES the Defendant, Leland Feldman, who brings this
Petition for Contempt and Special Relief and in support thereof, Defendant avers
as follows:

1. Petitioner is Leland Feldman, Defendant in the above custody matter.
2. Respondent is Heidi Brush, Plaintiff in the above custody matter.
3. On or about December 27, 2013, the parties were scheduled for a full
day custody hearing.
4. At the Respondent's request, the hearing was not held and an
agreement for supervised visitation was reached allowing your Petitioner to
resume contact with his daughter.

5. Your Petitioner's last visitation with his daughter occurred in May 2012 after which Respondent refused to allow Petitioner further contact.

6. As a result of the parties' agreement on December 27, 2013, two Orders were entered by this Court 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. True and correct copies of these Orders are attached hereto as Exhibits "A" and "B."

7. On December 27, 2013, your Petitioner proceeded to the Access Center and completed the intake procedure.

8. On or about January 9, 2014, your Petitioner was advised by the Access Center that the Respondent had not completed the intake procedure.

9. On or about January 10, 2014, your Petitioner provided the Access Center with information concerning his available Saturdays for supervised visitation. A true and correct copy of this letter is attached hereto as Exhibit "C."

10. On January 14, 2014; January 17, 2014; and January 20, 2014, your undersigned counsel attempted to contact the Access Center without success to determine if supervised visitation for your Petitioner would occur on his next available Saturday, January 25, 2014.

11. On or about January 21, 2014, your undersigned counsel 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.”

12. Your undersigned counsel 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.

13. Pursuant to the schedule set forth in Paragraph 5 of the December 27, 2013 custody Order, your Petitioner was permitted to engage in Skype communications at 7 p.m. with his daughter beginning January 2, 2014.

14. Your Petitioner did not attempt to Skype with his daughter on January 2, 2014 since he had not received the amendments to the Order for Protection From Abuse entered at No. 2012-4656, which allowed him to have such contact.

15. On January 7, 2014, your Petitioner communicated for approximately two minutes with his daughter on Skype which video call lasted less than two minutes.

16. On January 9, 2014, your Petitioner communicated for less than 30 seconds with his daughter on Skype without the video component because it was not enabled by Respondent.

17. On January 14, 2014, your Petitioner attempted to communicate with his daughter on Skype on three separate occasions once your Petitioner was able to begin his break from his nursing job at Kenosha Medical Center.

18. Although the Respondent attempted to communicate by Skype at 7:02 pm and 7:05 pm, the Respondent did not answer return calls made by your Petitioner when he was on break at 7:09 pm and 7:16 pm. A true and correct copy of the screen shot for the above Skype calls is attached hereto as Exhibit "D."

19. On January 16, 2014 at 6:57 pm, your Petitioner communicated with his daughter for approximately 25 seconds on Skype without the video component because it was not enabled by Respondent.

20. Your Petitioner attempted to reestablish contact with his daughter on the above date at 7:00 pm, 7:06 pm, and 7:20 pm without success. A true and correct copy of the screen shot for the above Skype communications is attached hereto as Exhibit "E."

21. On or about January 18, 2014, your Petitioner received a Skype call from the Respondent at 7:01 pm which lasted approximately 15 seconds and without the video component enabled.

22. On the above date, your Petitioner attempted to reestablish contact by Skype with his daughter but was unable to do so as the Respondent's line was "busy." A true and correct copy of the screen shot for Skype communications on the above date is attached hereto as Exhibit "F:"

23. On or about January 21, 2014, your Petitioner received a Skype call from the Respondent which lasted 12 seconds and without the video component enabled.

24. On the above date, your Petitioner attempted to reestablish contact by Skype without success. A true and correct copy of the screen shot for Skype communications on the above date is attached hereto as Exhibit "G."

25. On or about January 23, 2014, your Petitioner attempted to contact the Respondent by Skype on five occasions between 7:01 pm Eastern Time and 7:14 pm Eastern Time but received no answer.

26. On the above date, the Respondent did attempt to call your Petitioner; however, your Petitioner's 30-minute break had concluded and he was unable to

take the Respondent's call. A true and correct copy of the screen shot of the Skype communications for the above date is attached hereto as Exhibit "H."

27. On or about January 25, 2014, your Petitioner after several attempts was able to establish contact by Skype with Respondent for approximately 25 seconds and without the video component enabled.

28. On the above date, your Petitioner attempted to reestablish contact with his daughter by Skype but was unable to because Respondent's account indicated her status as "Do Not Disturb." A true and correct copy of the Skype communications on the above date is attached hereto as Exhibit "I."

29. On or about January 28, 2014, your Petitioner after one attempt was able to establish contact by Skype with Respondent for approximately 11 seconds at 7:00 pm without the video component enabled.

30. On the above date, your Petitioner attempted to reestablish contact with his daughter by Skype but was unable to because Respondent's account indicated her status as "Offline." A true and correct copy of the Skype communications on the above date is attached hereto as Exhibit "J."

31. On or about January 23, 2014, Respondent's counsel advised your undersigned counsel that the Skype video connection was allegedly being disabled by the parties' minor daughter.

32. By letter dated January 23, 2014, your undersigned counsel requested Respondent's counsel to advise Respondent to ensure that the video connection remain enabled during your Petitioner's Skype communications with his daughter. A true and correct copy of the above letter is attached hereto as Exhibit "K".

33. Despite Petitioner's request, Skype calls with Respondent continue to have the video connection disabled.

34. In addition to Skype communication, Paragraph 6 of the December 27, 2013 custody Order allows the parties to communicate via email with regard to concerns about the minor child.

35. On or about January 8, 2014, your Petitioner emailed the Respondent requesting information regarding the minor child's education and medical/dental providers in addition to information regarding any food allergies in anticipation of supervised visitation at the Access Center.

36. On or about January 10, 2014, Respondent's attorney communicated that the Respondent had not replied to Petitioner's email because of concerns about the requested information being protected by the PFA at No. 2012-4656.

37. In response to Respondent's concerns, your Petitioner sent an additional email to Respondent requesting general information about the minor

child's health in addition to any food allergy concerns. A true and correct copy of this email dated January 15, 2014 is attached hereto as Exhibit "L."

38. Your Petitioner has not received a response from the Respondent to date.

39. Paragraph 1(e) of the December 27, 2013 custody Order further requires Respondent to provide your Petitioner with "school papers, projects or other products of the child's development" on a weekly basis.

40. Since the entry of the above Order, Respondent has failed to provide any information whatsoever to your Petitioner regarding the minor child's development despite demand.

41. Due to the Respondent's failure to enable the video connection during your Petitioner's attempts to communicate with his daughter via Skype, your Petitioner believes that Respondent is in contempt of the December 27, 2013 Custody Order.

42. Due to the Respondent's unavailability for Skype communications at the Court ordered time of 7:00 pm Eastern Time, your Petitioner believes that Respondent is in contempt of the December 27, 2013 Custody Order.

43. Due to the Respondent's refusal to provide general information concerning the minor child's health and food allergies, your Petitioner believes that Respondent is in contempt of the December 27, 2013 Custody Order.

44. It is believed and, therefore, averred that Respondent is intentionally interfering in the relationship between your Petitioner and his daughter so as to further alienate the minor child's feelings with regard to your Petitioner.

45. Your 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.

46. 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. A true and correct copy of Appendix S is attached is attached hereto as Exhibit "M."

WHEREFORE, your Petitioner respectfully requests the following:

1. Respondent be found in contempt for failing to comply with Paragraph 5 of this Court's Order dated December 27, 2013;
2. Respondent be found in contempt for failing to comply with Paragraph 6 of this Court's Order dated December 27, 2013;

3. Respondent be found in contempt for failing to comply with Paragraph 1(3) of the Court's Order dated December 27, 2013;
4. The Centre County Child Access Center be ordered to release information provided by the parties to the Access Center during the intake process; and
5. Petitioner be awarded reasonable attorney fees in the amount of \$500 due to the necessity of having to prepare and file the within petition;
6. Petitioner 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 this Courts deems appropriate.

Respectfully submitted,

1-31-14
Date


Mark S. Weaver
Attorney for Petitioner/Defendant
PA ID No.: 63044
The Mazza Law Group, P.C.
3081 Enterprise Drive, Suite 2
State College, PA 16801-2756
Telephone: (814) 237-6255
Facsimile: (814) 237-5752
E-mail: weaver@mazzalaw.com

RECEIVED DEC 30 2013

J. Bierly
M. Weaver
CAC

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

HEIDI BRUSH-FELDMAN,)	
Plaintiff,)	
)	
v.)	No. CP-14-CV-3103-2012
)	
LELAND FELDMAN,)	
Defendant.)	

SUPERVISED VISITATION ORDER

AND NOW, this 27th day of December, 2013, the Court determines that the best interests of the parties and/or the child(ren) will be served through Supervised Visitation, and ORDERS the following:

1. The children subject to this Order are:

	<u>NAME</u>	<u>D/O/B</u>	<u>M/F</u>
AAB	[REDACTED]	AAB	F

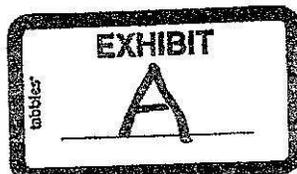
2. The visiting parent, Leland Feldman, shall visit with the child(ren) at:

Centre County Child Access Center
 310 North Allegheny Street
 Bellefonte, PA 16823
 814-548-0034
 Toll Free 1-877-258-0076
 Fax No. 814-548-0046

or

RECEIVED
 2013 DEC 27 PM 2:31
 COPY

No other visitation is to occur unless specified by Order of this Court.



3. Within 10 days, the parties shall contact the agency above to begin intake procedures, shall pay the intake fee, and shall fully cooperate with that agency. Agency director will provide final approval for acceptance of services at the agency. Current visitation arrangements are TERMINATED until both parties are compliant with this Order. *WPA*

4. A report of compliance with this Order and the conditions of this Order, shall be made by the agency to this Court.

5. Approved supervised visitation shall take place on the following frequency:

Weekly

Every-Other Week

Monthly

Other _____

The duration of each visitation shall be:

30 minutes

1 Hour

2 Hours

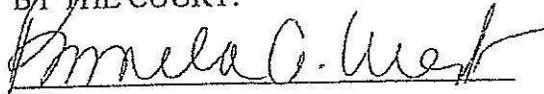
All times for visitations shall be set by the agency.

6. To assure the safety and wellbeing of the parties and the child(ren), no parties shall have, or attempt to have, any contact (direct or indirect) with any other party during these visitations.

7. Failure of any party to comply with this Order, or the procedures of the agency, or failure of the parties to gain approval for the use of the agency, may result in the termination of further periods of custody with the children by the violating party, and loss of the opportunity to use the agency. Failure to comply will result in a Contempt of Court.

8. Other: _____

BY THE COURT:



Thomas King Kistler, President Judge

Bradley P. Lunsford, Judge

Pamela A. Ruest, Judge

Jonathan D. Grine, Judge

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.

f. Neither parent shall impair the other parent's rights and responsibilities for their shared legal custodial responsibilities for their child.

2. Mother shall have primary physical custody of the minor child, with Father to have supervised visitation every other Saturday as arranged through the Centre County Child Access Center.

3. The parties shall agree on a Maryland therapist for the child. The therapist may have contact with both parties and collateral sources.

4. Counsel for the parties are permitted to submit a letter of background information without attachments to the therapist and shall exchange said letters with each other.

5. Father shall be permitted to Skype with the child as follows:

a. On Thursday, January 2, 2014 at 7:00 p.m. Eastern Standard Time.

b. On Tuesday, January 7, 2014 and Thursday, January 9, 2014 at 7:00 p.m.

c. On Tuesday, January 14, 2014; Thursday, January 16, 2014; and Saturday, January 18, 2014 at 7:00 p.m. Father shall then be able to Skype with child every Tuesday, Thursday, and Saturday thereafter at 7:00 p.m.

6. The parties shall exchange email addresses by January 1, 2014 for limited emailing concerning the child and for Skyping.

7. The parties agree that the following witnesses may appear by phone in the event that a custody hearing becomes necessary; Laura Johnson, Linda Bannier, Aaron Feldman, and Jill Fraser.

8. A custody conference is scheduled for April 11, 2014 at 1:00 p.m. in Room 206 of the Centre County Courthouse, Bellefonte, Pennsylvania.

BY THE COURT:


Pamela A. Ruest, Judge



THE MAZZA LAW GROUP, P.C.

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www.mazzalaw.com

January 10, 2014

VIA U.S. MAIL & FACSIMILE (814) 548-0046

Centre County Child Access Center
310 North Allegheny Street
Bellefonte, PA 16823

Re: Heidi Brush v. Leland Feldman
Docket No. 2012-3103

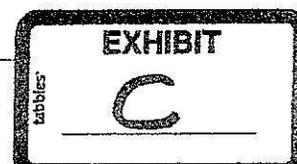
Dear Sir or Madam:

I write as a follow-up to my telephone conversation with the Access Center on January 9, 2014. As I indicated, we represent the father, Leland Feldman, in the above custody matter. Attorney Jennifer Bierly represents the mother, Heidi Brush.

Pursuant to the parties' agreement and the Court Order dated December 27, 2013, our client is to have supervised visitation at the Access Center every other Saturday. Enclosed is a copy of the above Order for your records.

In addition to the above Order, the Court issued its standard supervised visitation Order which requires that the parties contact the Access Center to complete intake procedures within ten (10) days of the Order. It is my understanding that Mr. Feldman has completed these procedures but Ms. Brush has not. It is also my understanding that supervised visits will not be scheduled until the intake procedure with Ms. Brush has been completed. Staff hoped to complete the intake procedure with Ms. Brush by the end of the week.

I write to provide you with our client's work schedule for the first quarter of 2014. More specifically, he is available for supervised visitation on the following Saturdays: January 11th and 25th; February 8th and 22nd; and March 8th and 22nd. Because Ms. Brush has not been completed the intake procedure, a visitation for the parties' daughter with her father will obviously not occur on Saturday, January 11, 2014.



Centre County Child Access Center
January 10, 2014
Page 2 of 2

Due to the significant period of time since the last contact between father and daughter, it would greatly appreciated if supervised visits were scheduled as soon as possible. Thank you in advance for any assistance you can provide in this regard.

Please do not hesitate to contact Attorney Bierly or me if you have any questions.

Very truly yours,
The Mazza Law Group, P.C.



Mark S. Weaver

MSW/cmm
Enclosure

c/enc: Leland Feldman
Jennifer P. Bierly, Esq.

AAB

Skype **Heidi Brush** | Skype Contacts conversation Call View Tools Help

Do Not Disturb (on a mobile device)

7:18 AM

Contacts

Recent

Heidi Brush

Heidi Brush

Tuesday, January 14, 2014

Missed call from Heidi Brush.

Call to Heidi Brush, no answer.

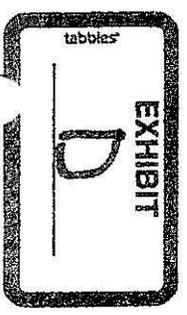
Call to Heidi Brush, no answer.

via Skype

Call to Heidi Brush watching live TV with XBOXONE skype on Xbox One

AAB

AAB



AAB

Skype Contacts Conversation Call View Tools Help

Heidi Brush

Heidi Brush



Search



Contacts



Recent

Do Not Disturb (on a mobile device)

7:18 AM

Skype

Echo / Sound Test Service

Thursday, January 16, 2014

Call to Heidi Brush, duration 00:25.

Call to Heidi Brush, no answer.

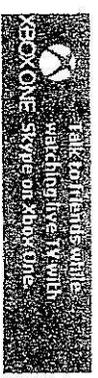
Call to Heidi Brush, no answer.

Call to Heidi Brush, no answer.

Saturday, January 18, 2014

Send a message

Via Skype



Start Skype on your PC

AAB

AAB



AAB

Skype Contacts Conversation Call View Tools Help

Heidi Brush

Do Not Disturb (on a mobile device)

7:19 AM

Contacts Recent

Skype Echo / Sound Test Service

Saturday, January 18, 2014

Heidi Brush

Laura Branham-Johnson

Call to Heidi Brush, busy.

Call to Heidi Brush, busy.

Call to Heidi Brush, no answer.

Missed call from Heidi Brush.

Call from Heidi Brush, duration 00:15.

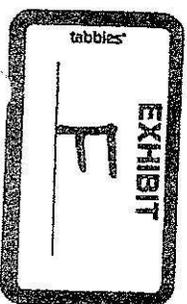
Call to Heidi Brush, busy.

Send Message

via Skype

AAB

AAB



AAB

Skype **HEIDI BRUSH** (HEIDI) Conversation Call View Tools Help

Do Not Disturb (on a mobile device)

Dad

AAB

Answers

Contacts

Recent

Heidi Brush

Do Not Disturb (on a mobile device)
7:20 AM



Skype

Echo / Sound Test Service

Heidi Brush

Laura Barkman-Johnson

Tuesday, January 21, 2014

Call from Heidi Brush, duration 09:12.

Call to Heidi Brush, no answer.

Call to Heidi Brush, no answer.

Call to Heidi Brush, no answer.

Thursday, January 23, 2014

Call to Heidi Brush, no answer.

Send a message

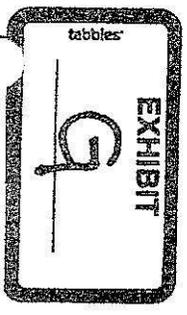
Via Skype



Heidi Brush **HEIDI BRUSH** (HEIDI) Conversation Call View Tools Help

AAB

AAB



AAB

Skype Contacts Conversation Call View Tools Help

Heidi Brush

AAB

Do Not Disturb (on a mobile device)

7:21 AM

Contacts Recent

Skype

Echo / Sound Test Service



Laura Berkman-Johnson



Thursday, January 23, 2014

Call to Heidi Brush, no answer.

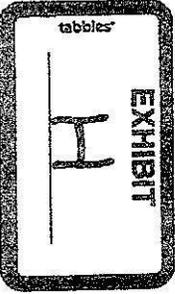
Missed call from Heidi Brush.

Send message

Via Skype

AAB

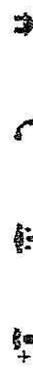
AAB



AAB

[redacted] Dad

AAB



Search

Contacts

Recent

Skype

Echo | Sound Test Service



Heidi Brush

Do Not Disturb (on a mobile device)

7:22 AM



Laura Brantman-Johnson

Call to Heidi Brush, no answer.

Call to Heidi Brush, no answer.

Missed call from Heidi Brush.



Heidi Brush

via Skype

Send

AAB

AAB

AAB

Date



Search

Contracts

Recent

Skype

Echo / Sound Test Service

Heidi Brush



Offline

7:35 PM

Missed call from Heidi Brush.

Missed call from Heidi Brush.

Today Saturday, January 25, 2014

Call to Heidi Brush, no answer.

Send

Via Skype

Date and Time Properties

Date: 1/25/2014 Time Zone: Internet Time

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	

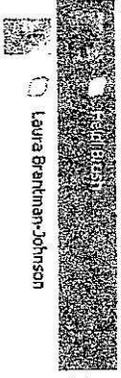
Time: 6:35:26 PM

Current time zone: Central Standard Time

OK Cancel Apply



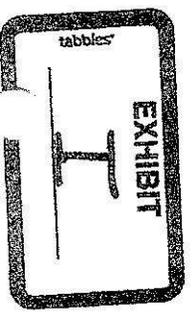
HEIDI BRUSH



Laura Brantman-Johnson

AAB

AAB



AAB

Dad

AAB

Search

Contacts

Recent

Skype

Echo / Sound Test Service

Laura Brankman-Johnson

Heidi Brush



Do Not Disturb (on a mobile device)

7:37 PM

Contact can only receive iMs.

- Call to Heidi Brush, no answer.
- Call to Heidi Brush, no answer.
- Call to Heidi Brush, no answer.
- Call from Heidi Brush, duration 00:25.
- Call to Heidi Brush, no answer.

Via Skype

Date & Time | Time Zone | Internet Time | Time

Date: January 2014

5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Current time zone: Central Standard Time

6:38:15 PM

OK Cancel

AAB

AAB