

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
FAMILY DIVISION

MAYA EIBSCHITZ-TSIMHONI,

Plaintiff

v.

OMER G. TSIMHONI,

Defendant.

"OAKLAND"
"COUNTY" 09-766749-DM



JUDGE LISA GORCYCA
EIBSCHITZSIM v TSIMHONI,OMER

HON. LISA GORCYCA

LAW OFFICES OF
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SCHNELZ WELLS, PC
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Guardian Ad Litem
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OAKLAND COUNTY CLERK

2015 FEB 23 AM 9:52

ORDER TO SHOW CAUSE

At a session of said Court held
in the City of Pontiac, County of Oakland
and State of Michigan

on FEB 23 2015

Lisa Gorcycva

PRESENT: _____
CIRCUIT JUDGE

This matter having come on before the Court upon the filing of Defendant's Verified Motion for Order to Show Cause for Plaintiff's Violation of this Court's Orders, for Entry of an Order Regarding Joint Legal Custody and for Modification of Parenting Time, and the Court being otherwise fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff, MAYA EIBSCHITZ-TSIMHONI, shall appear in person before this Honorable Court on Wednesday, March 4, 2015 at 8:30 a.m., to show cause why she should not be held in contempt of Court for failure to comply with this Court's Orders of July 24, 2013 and November 12, 2014.

IT IS FURTHER ORDERED that a copy of this Order to Show Cause and the Defendant's Verified Motion for Order to Show Cause for Plaintiff's Violation of this Court's Orders, for Entry of an Order Regarding Joint Legal Custody and for Modification of Parenting Time, shall be served upon Plaintiff, MAYA EIBSCHITZ-TSIMHONI, by personal service OR upon RENEE K. GUCCIARDO or ANDREW M. BOSSORY, counsel for the Plaintiff, by e-mail and first class mail on or before seven (7) days of the hearing date.

Lisa Gorcyca
CIRCUIT JUDGE

A TRUE COPY
LISA GORCYN
Clerk of Court, Register of Deeds
By [Signature] Deputy

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
FAMILY DIVISION

MAYA EIBSCHITZ-TSIMHONI,

Plaintiff

v.

Case No. 09-766749-DM

OMER G. TSIMHONI,

HON. LISA GORCYCA

Defendant.

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RECEIVED FOR FILING
OAKLAND COUNTY JUDGE
2015 FEB 23 AM 9:38
DEPUTY CLERK

NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendant's Verified Motion for Order to Show Cause for Plaintiff's Violation of this Court's Orders, for Entry of an Order Regarding Joint Legal Custody and for Modification of Parenting Time shall be brought on for hearing before the Honorable Lisa Gorcyca of the Oakland County Circuit Court located at 1200 N. Telegraph Road, Pontiac, Michigan, on Wednesday, March 4, 2015, at 8:30 a.m., or as soon thereafter as counsel may be heard.

ALEXANDER, EISENBERG,
MIDDLEDITCH & SPILMAN, PLLC

By: 
KERI MIDDLEDITCH (P63088)
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DATED: February 20, 2015

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
FAMILY DIVISION

MAYA EIBSCHITZ-TSIMHONI,

Plaintiff

v.

OMER G. TSIMHONI,

Defendant.

"OAKLAND"
"COUNTY" 09-766749-DM



JUDGE LISA GORCYCA
EIBSCHITZSIM v TSIMHONI,OMER

HON. LISA GORCYCA

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RECEIVED FOR FILING
OAKLAND COUNTY CLERK
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DEPT. COUNTY CLERK

**DEFENDANT'S VERIFIED MOTION FOR ORDER TO SHOW CAUSE
FOR PLAINTIFF'S VIOLATION OF THIS COURT'S ORDERS,
FOR ENTRY OF AN ORDER REGARDING JOINT LEGAL CUSTODY
AND FOR MODIFICATION OF PARENTING TIME**

NOW COMES the Defendant, OMER G. TSIMHONI, by and through his attorneys,
ALEXANDER, EISENBERG, MIDDLEDITCH & SPILMAN, PLLC, by KERI
MIDDLEDITCH, and for his Motion, states as follows:

1. A Judgment of Divorce was entered in this action on August 8, 2011 ("Judgment").
2. Three children were born to the parties, namely:

LIAM TSIMHONI	Born 07/06/01	Age 13
ROEE TSIMHONI	Born 08/29/04	Age 10
NATALIE TSIMHONI	Born 12/13/05	Age 9

Show Cause

3. At the time of the entry of the Judgment, Defendant Father was residing in Israel.

4. The custody and parenting time issues concerning these minor children since the entry of the Judgment has been very tumultuous, given Plaintiff Mother's uncooperative nature and refusal to effectuate and encourage parenting time with the children's father.

5. As this Court is well aware, Defendant Father has been diligent in his efforts to maintain a relationship with his children and come to the United States to see his children very often.

6. Unfortunately, Plaintiff Mother has been a roadblock to his relationship with his children.

7. Plaintiff Mother has consistently maintained that Defendant Father's parenting time be supervised, as she believes the children are in danger from being physically harmed or kidnapped to places unknown.

8. Defendant Father has had to file numerous motions to enforce the Judgment and request his parenting time as Plaintiff Mother has flatly refused to cooperate or facilitate any relationship between the three minor children and their father, even leaving the country to avoid and obstruct Defendant Father's parenting time.

9. Not only has Defendant Father had to file such motions, but the Guardian Ad Litem has also had to file motions on behalf of the children to commence visitation with their father when he is in the United States.

10. At nearly every turn, Plaintiff Mother has been an obstruction to this Court's Orders and the Guardian Ad Litem's recommendations about maintaining a healthy relationship between the minor children and their father.

11. Numerous experts have been appointed to help these children, given the parental alienation that has transpired.

12. Plaintiff Mother has made it perfectly clear to numerous mental health experts that she is unwilling to follow or heed their advice and while she may appear to appease the Court and follow the direction in at least attending the appointments, her cooperation ends there.

13. This Court appointed Jennifer Hayes, a mental health professional, to work with the parties and their children.

14. When Jennifer Hayes issued a recommendation that Plaintiff Mother did not like, on July 10, 2013, Plaintiff Mother promptly filed a motion with this Court asking that Ms. Hayes be disqualified from conducting any parenting time assessment.

15. Plaintiff Mother's motion to disqualify Jennifer Hayes was denied.

16. It was no surprise that Plaintiff Mother wanted Jennifer Hayes removed from the case as Ms. Hayes' report was consistent with many of the other prior mental health professionals in the past, as it was scathing of Plaintiff Mother's actions.

17. It is obvious from Defendant Mother's continuous actions that she is crusading to eliminate Defendant Father from the lives of their children.

18. To refresh the Court's recollection, as recently as 2013, Plaintiff Mother would not provide the home address of the children to Defendant Father, who has joint legal custody.

19. Defendant Father does not speak ill of the children's mother in their presence, but the same cannot be said for Plaintiff Mother, given the children's refusal to even speak with their father during visitation, often staring at the floor or the ceiling, just to avoid eye contact with their father.

20. In fact, Jennifer Hayes prepared a recommendation and this Court, on July 24, 2013, adopted each and every recommendation of Ms. Hayes, requiring that it be implemented forthwith. See Exhibit A attached hereto.

21. Jennifer Hayes concluded in no uncertain terms that there were very clear dynamics of parental alienation and indicated that the children had not been appropriately supported by their mother in maintaining a healthy relationship with their father.

22. It is Plaintiff Mother who is directly responsible, via her own attitude and actions, that have given rise to this alienation.

23. To refresh this Court's recollection, Plaintiff Mother claimed that she needed an interpreter with Jennifer Hayes, which was nothing short of rubbish.

24. At that time, it was all documented in Jennifer Hayes' report that there were multiple cancellations of parenting time visits that Plaintiff Mother was responsible for and that the children continued to be resistant to parenting time with Defendant Father.

25. Jennifer Hayes' report cautioned very strongly that Plaintiff Mother's actions are causing significant emotional pain to the children and could very likely lead to future dysfunction and continued emotional suffering with a very negative effect on each of these children.

26. Jennifer Hayes was not alone in her assessment of the situation of Defendant Father and his children but merely echoed the same sentiments of Dr. Katherine Okla in her report that was authored March 14, 2011.

27. This Court plainly stated that if either party failed to comply with its Orders, the party would be subject to the contempt powers of this Court and be detained in jail for twenty (20) days for the first violation and forty (40) days for a subsequent violation. See July 24, 2013 Order attached hereto as Exhibit A.

28. Unfortunately, Plaintiff Mother's tactics that strive to alienate Defendant Father from his children continue.

29. Given the long-standing history of Plaintiff Mother's actions and her significant efforts to foil the parenting time of Defendant Father, the Guardian Ad Litem filed an extensive Recommendation dated November 3, 2014 with this Court. See Recommendation attached hereto as Exhibit B.

30. The Recommendation of the Guardian Ad Litem was scathing toward Plaintiff Mother and her actions.

31. The Guardian Ad Litem cautioned the Court at this time that letting Plaintiff Mother's behavior to go unchecked would be condoning her alienating and bizarre behavior to have the children act in a cult-like fashion.

32. The Guardian Ad Litem's ultimate recommendation was that each child see Defendant Father separately to eliminate the cult-like behavior in which the children basically gang up on their father and won't talk to him.

33. In addition, the Guardian Ad Litem also recommended that Art Gallagher, the parenting time supervisor, be present for no other reason than to protect Defendant Father from bogus allegations.

34. The Guardian Ad Litem also recommended that the parenting time exchanges for the initial pickups occur at the courthouse.

35. As this Court is well aware, the initial pickup at the courthouse on August 21, 2014 was a disaster that required numerous court personnel to intervene to require the children to even speak with their father in the jury room with the assistance of the Friend of the Court Family Counselor, Tracey Stieb.

36. Also following the Recommendation of the Guardian Ad Litem, a hearing was held with this Court where Plaintiff Mother's behavior and words were reprehensible.

37. This Court ordered that Defendant Father would have parenting time with the minor children during his visit to Michigan which started on November 12, 2014.

38. Plaintiff Mother was ordered to follow the Guardian Ad Litem's Recommendation regarding parenting time and that she was not allowed to be a part of the parenting time between Defendant Father and the children.

39. The parties were last before the Court in November 2014, and the Guardian Ad Litem has made every effort to facilitate parenting time, and while he has set up the parameters pursuant to this Court's Orders, Plaintiff Mother continues to make up her own rules as she goes.

40. Plaintiff Mother repeatedly fails to follow the plan outlined by the Guardian Ad Litem in conjunction with the parenting time supervisor.

41. The manipulations are almost too numerous to mention.

42. One particular example would be the most recent parenting time in January 2015 which required the transition at 4 p.m.

43. When the parenting time supervisor spoke with Plaintiff Mother, she moved the time to 4:30 p.m. and said she might be a little late.

44. When Defendant Father appeared for parenting time at 4:30 p.m., Plaintiff Mother had arrived at 4:15 p.m. so the children were waiting, as if Defendant Father was the one who was late.

45. Plaintiff Mother has stayed during Defendant Father's parenting time, claiming that she is trying to facilitate the parenting time but only aggravates the situation.

46. When Plaintiff Mother does leave, the children follow her and Plaintiff Mother does not do anything to encourage them to stay with their father.

47. These antics continue as the parenting time supervisor's reports indicate. Please see attached Exhibit C.

48. Unfortunately, since Jennifer Hayes' report in July 2013, not much has changed.

49. One would think that by February 2015, there would be some significant improvement in the matters surrounding Defendant Father's parenting time.

50. Plaintiff Mother continues to violate the Court's Orders to the detriment of the parties' minor children and should show cause as to why she should not be held in contempt of Court for same.

51. Pursuant to the Court's Order, Plaintiff Mother should be detained 20 days in jail since she is not following any of the Orders and only contributing to the parenting time difficulties of Defendant Father.

Custody/Parenting Time

52. Pursuant to the terms of the Judgment, the parties share joint legal custody of their three minor children.

53. The Judgment also contemplates a parenting time schedule when Defendant Father is in the United States to see his children, which included weekday visitation with the children every day after school in some configuration, as well as weekend parenting time with all three children.

54. In addition, the Judgment accounted for some vacation parenting time but did not account for holiday parenting time.

55. Fortunately, Defendant Father was able to obtain a transfer with his employer and has now returned to the United States and, specifically, will be residing in West Bloomfield, Michigan.

56. Now, in light of Defendant Father's move back to the United States, a more normal parenting time schedule should be implemented forthwith to ensure the best interest of the children.

57. Defendant Father realizes that it may take some time to transition into a more regular parenting time schedule between divorced parents who share joint legal custody.

58. To begin with, Defendant Father proposes that he have a mid-week dinner with all three children on a weekly basis.

59. Defendant Father would also seek parenting time with one child every weekend beginning Friday at 4:00 p.m. and continuing until Saturday at 4:00 p.m., with the parenting time exchange occurring at the courthouse.

60. Defendant Father's parenting time should increase with the guidance of the Guardian Ad Litem and the cooperation of Plaintiff Mother.

61. Plaintiff Mother has denied Defendant Father standard information concerning the children as one would have as a joint legal custodian.

62. Plaintiff Mother has not only been reluctant but patently refused to provide information regarding the children as it relates to their education and extracurricular activities.

63. It took numerous emails from counsel for Defendant Father to counsel for Plaintiff Mother to obtain minimal information about the children's extracurricular activities, as well as the intervention by the Guardian Ad Litem.

64. Defendant Father is fearful that Plaintiff Mother will continue her alienation of the children from him as she has done so at the school.

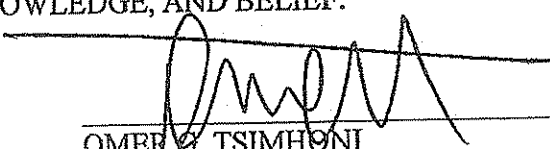
65. A separate Order should be entered in this action which awards joint legal custody of the minor children to the parties and explains the meaning of joint legal custody. See proposed Order attached here as Exhibit D.

66. Upon entry of such an Order, said Order should be submitted to the children's school(s) to eliminate further difficulties for Defendant Father.

WHEREFORE, Defendant, OMER G. TSIMHONI, requests the following relief:

- A. For an Order to Show Cause why Plaintiff Mother should not be held in contempt for her continued violations of this Court's Orders;
- B. For an Order compelling Plaintiff Mother to be detained in jail pursuant to the court's previous Order;
- C. For the entry of the Order as to joint legal custody;
- D. For a modified parenting time schedule which takes into consideration Defendant Father's return to the United States, as well as holiday parenting time;
- E. For an award of attorney fees and costs for having to bring this motion;
- F. For such other relief as the Court deems just and appropriate.

I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.


OMER G. TSIMHONI

Dated: February 18, 2015

Respectfully submitted,

ALEXANDER, EISENBERG,
MIDDLEDITCH & SPILMAN, PLLC

By: 
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(248) 358-8880

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

Maia Eibschitz-Tsimhoni

Plaintiff,

Case No. 09-746749 DM

HONORABLE LISA GORCYCA

Amir Tsimhoni

Defendant.

ORDER / RE: MOTION

At a session of said Court, held in the City of Pontiac, Oakland County, Michigan, this 24 day of July, 2013.

Present: HONORABLE LISA GORCYCA
Circuit Court Judge

This matter having come before the Court on (Plaintiff/Defendant):

Defendants 's, Motion for Adoption of Jennifer
Name State nature of motion

Hayes' Recommendation
and the Court being advised in the premises;

IT IS HEREBY ORDERED that the motion is:

Granted

Denied

Granted in part, as explained in the comment below.

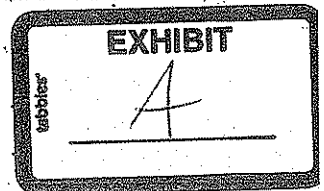
Other

Comment: It is hereby ordered that each and every recommendation of Jennifer Hayes ~~and~~ report shall be implemented forthwith. Defendant's Motion to Disqualify Jennifer Hayes is denied. If either party fails to comply with this Court's orders they will be subject to

(see page 3)
HON. LISA GORCYCA Circuit Court Judge

APPROVED AS TO SUBSTANCE AND FORM

[Signature]



Maria Eibschitz Plaintiff
Tsimhou

Imier Tsimhou Defendant

Case Number: 09-766749 DM

PAGE 2 OF ORDER

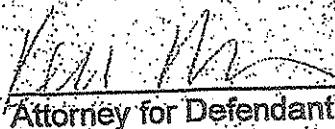
The contempt powers of this court and be
determined for 20 days for the first violation
and 40 days for a subsequent violation. Therapeutic
parenting time shall be implemented as soon
as possible after the GAT in consultation with
counsel for both parties selects a therapist.
The therapist shall meet and counsel the
parties, the children and conduct therapeutic
parenting time as appropriate and as ordered
by this court. The costs of the therapist

(see page 3)

JUDGE



Attorney for Plaintiff



Attorney for Defendant

Plaintiff

Defendant

Case Number: 2009-7106749-DIV

3
PAGE 2 OF ORDER

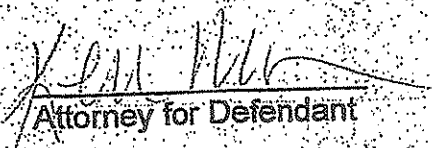
shall be split 100/40, with Defendant responsible for 100% Defendant's therapy sessions may occur in person or via internet (prearranged to be determined) as determined by the therapist. The therapist shall supervise and facilitate the parenting between Defendant and the children via internet (like skype or other live interactive video). Plaintiff shall be responsible for 40% of all costs associated w/ Jennifer Hayes Parent/costs

Lisa Gorcyca


JUDGE



Attorney for Plaintiff



Attorney for Defendant

A TRUE COPY
LISA BROWN
Oakland County Clerk - Register of Deeds
By  Deputy

STATE OF MICHIGAN
IN THE 6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND
FAMILY COURT DIVISION

MAYA EIBSCHITZ-TSIMHONI,

Case No: 09-766749 DM

Plaintiff,

HON:
Lisa Gorcyca

v.

OMER G. TSIMHONI,

Defendant.

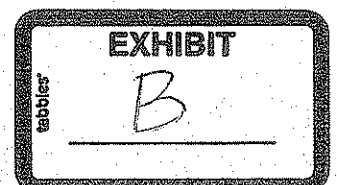
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**THE GAL'S REPORT AND RECOMMENDATION TO THE COURT FOR
FATHER'S UPCOMING NOVEMBER 12, 2014 PARENTING TIME TO
MICHIGAN WITH THE MINOR CHILDREN**



THIS MATTER is before the Court for a Recommendation by the GAL for Father's upcoming parenting time with the children on November 12, 2014. This writer feels it is appropriate to give an overview of this case when it first started on December 17, 2009—some five years ago. In preparation of this report, the GAL reviewed the entire circuit court file which spanned some six (6) volumes. This writer will review the legal history and comment accordingly. It is not this writer's intention to comment upon every matter in evidence/or at every motion hearing or declare acceptance or rejection of every proposition that has been argued in this case over for over four years.

On December 17, 2009, Plaintiff Mother filed a complaint for divorce and obtained an Ex-Parte Order for Temporary Custody which granted the Defendant Father parenting time in the presence of the Plaintiff Mother—based on the threats to take the children to Israel—as alleged by Plaintiff with the three minor children:

Liam—[d.o.b July 6, 2001]
Roe—[d.o.b. 8/29/04]
Natalie—[d.o.b. 12/13/05]

The default that was taken was set aside on 4/21/10. The court file—via the pleadings-indicated that Defendant Father filed in the U.S. District Court an

action under the Hague Convention¹ to return the minor children back to Israel prior to the divorce action. It was alleged that Mother spent three (3) months in Israel and then took the children back to the States. The Federal District Judge made several findings as follows:

- The Court could not find that either party was fully credible or fully persuasive;
- Father moved to Israel for a job offer in April of 2008 while the Mother and children remained in Ann Arbor;
- Father returned to Ann Arbor around December 8, 2008;
- Father had called the police due to "domestic fighting [on December 23, 2008]"²
- The Divorce action was filed in January of 2009—with the first filing being dismissed;
- In May of 2009, Mother told the Father that she wanted to move to Israel with the kids;
- The Court found the children to be intelligent, sociable and pleasant but the kids did not adopt to the Israeli schools;

¹ The Hague Convention allows a parent to petition the Federal Courts for the return of the child wrongfully removed.

² The police report regarding the "incident" on December 23rd—when Father called 911—indicated that Mother denied the allegation that Father intentionally slammed the door on her finger; further, Mother denied any physical abuse or assaults in their domestic history; Mother did state that Father "verbally abuses her,"—but that Father has never threatened to hurt her or the children; Mother did say that Father would kill her unless she [and the children] go back to Israel. The policeman asked Mother if Father wanted to kill her, why then did he leave the house prior to the incident? Maya responded that she "asked him to leave."

- The Court further noted that the kids attended (In Israel) various birthday parties, trips to the beach, etc.
- The Mother returned to the States with the kids on December 14, 2009;
- The children were not present in Israel long enough to establish Israel as their "habitual residence—specifically rejecting the argument that a sufficient amount of time passed in Israel to conclude the children were "acclimated."
- The family left nothing in the U.S. and moved all possessions to Israel.

The Federal District Court concluded "...[that] the parties' move to Israel indicated they were moving toward establishing a home in Israel—in other words—there is considerable evidence of a degree of settled purpose. But when [Mother] changed course to the U.S. with the children, she did so before enough time had elapsed to allow the children to acclimatize."

Dr. Erard was hired by the Mother to interview/assess the minor children for the trial. Dr. Erard concluded that the children saw their Father while in Israel; that they mistrusted Father; did not miss him; do not feel secure in his presence nor believe Father has any love for the kids. Dr. Erard said that the kids viewed Mother as their primary custodian.

The Father's petition then was DENIED.

On August 10, 2010, Defendant Father filed a Motion for Unsupervised Parenting Time. The Friend of the Court Report dated August 12, 2010 recommended that the children remain in outpatient counseling; that Father is to remove any pending/existing custody orders in Israel and that he is to have overnight parenting time. Mother expressed to FOC that Father is a "flight risk."

The motion was heard on August 25, 2010. The Court granted Father's Motion in an Order dated August 25, 2010. Subsequent to the motion, the Court appointed undersigned counsel as the GAL and to direct the logistics of the parenting time. The Order also provided that Mother would hold the Father's passport. A schedule of unsupervised parenting time for August the 25th through Monday the 30th was worked out by the GAL and placed in the Order.

It should be noted that Mother was visibly upset with the Court's ruling indicating that Father will "flee." In short, she was "beside herself" at the Court's ruling. In fact, her attorney went back on the record a second time. Mother was advised by her attorney that she could appeal. Father really only had maybe two (2) days of unsupervised parenting time. On the third day, police were calling this writer from the visits and the parenting time stopped.

The next day was even worse. On Sunday this writer stopped the parenting time and instead, all the parties met with this writer in his office. Since that date, Father has never had unsupervised parenting time or any meaningful contact with the children.

A police report was filed on August 27, 2010 alleging that the children during the period of the unsupervised parenting time alleged that "Father made threats against them." It was the kids who called 911. Mother alleged that when she came to the visit Father began "pushing her around." The police did not see any injuries to Mother at that time. The Police also were calling the GAL. There was no probable cause to arrest Father for the alleged assault, per the Report. Mother told the police in the report "... [that] Omer has returned to Israel today for work and that the kids are safe at this time." The police made a referral to DHS. Mother advised the police that she would obtain a PPO and wants DHS involved.

The CPS Report was dated September 1, 2010. The allegations were that Father "threatened to kill them while at the park on August 27, 2010." The children called Mother while on the visit indicating they were afraid and upset—as Father began pushing Mother around, per the complaint. The report further alleged that Mother told the kids to call 911 while they were inside the

[Father's] vehicle. DHS forensically interviewed the kids and confirmed the threat. However, Natalie refused to talk. The children also confirmed this to the GAL as well, except Natalie. Father has always denied making the threat. To my knowledge, the case was substantiated and closed.

In an Order dated September 15, 2010, the Court directed psychologicals on the parties and ordered the children in therapy.

On November 1, 2010, Father filed an emergency motion for parenting time. On November 3, 2011, the GAL filed a Motion for Entry of an Order for the Psychologicals—as previously ordered. Father also filed a Motion (on November 4, 2010) for Declaratory Relief on the basis of Parental Alienation (which was subsequently denied).

During that period, Father had supervised parenting time by an individual chosen by the Mother. The supervisor's reports are in the file. The monitor filed a Report dated October 30, 2010. The monitor noted that both she and Mother spent nearly 30 minutes urging the children to try. Mother did try; but in the end, the monitor felt the kids could "not be separated." The monitor observed that the kids are turning away and/or not responding when spoken to by their Father, pulling away at being touched and avoiding all eye contact with Father.

The monitor filed a Report on October 31, 2010. The monitor encouraged Mother to sit away from the kids—Mother cooperated. The kids were still “hostile” to Father—with the older child Liam pulling his siblings away from his Father. The kids stated “[...] they] don’t want to [talk with Father.]” Later in the visit Liam pulled the younger boy, Roe away from Father and all three (3) children “hid” behind their Mother. Mother did not say anything to the children when the above occurred. The monitor stated that Mother encouraged the kids to talk. Again, Liam would say to his father “We don’t want to talk with you.” It was the monitor’s impression that the younger kids were following the older boy’s cues and directions.

The monitor filed a report on November 1, 2010. The monitor stated that Mother encouraged the children to say “hello” to Father. The supervisor noted that the kids made an effort to physically stay connected to Mother. The monitor’s reports were never sent to the GAL—but rather Mother’s attorney.³

In a Report dated November 4, 2010, the monitor tried to talk with the kids. The worker noted that Mother offered encouragement to the kids,

³There was a conscious effort by Mother’s prior counsel to purposely disregard the role of the GAL and to control the case as they see fit—including choosing their own therapist for the children and various supervisors.

indicating that the kids would be safe. The kids still stated that they "do not want to see Father." The visit ended with little if no interaction, per the monitor.

In the Report dated November 6, 2010, the children refused to be separated from Mother. Father expressed to the monitor "that he was not hopeful." The monitor stated that Mother offered appropriate verbal and non-verbal encouragement.

In an Order dated November 24, 2010, Dr. Okla was appointed to conduct forensic psychological exams on the parties; the Court forbid all counsel from talking/seeing the kids and that the children shall not see any other therapist but their current one. Mother's counsel had seen/talked with the kids.

The GAL filed a Motion on April 12, 2011 requesting therapeutic parenting time for Father. In an Order dated April 20, 2011, the Court directed Dr. Okla to perform that task between Father and the kids. There was also an Order dated April 28, 2011 requiring that Mother produce the children for therapeutic parenting time. One of the sessions observed all three children "huddling" in a mass; whispering to each other, with no other verbal contact.

In an Order dated May 9, 2011, Dr. Ehrlich of Ann Arbor was ordered to meet and assess the situation. In lieu of Dr. Ehrlich, the parties agreed, along with the GAL, to utilize the services of Ms. Platt.

On August 8, 2011, the JOD was finally entered.⁴ The JOD defined *joint legal custody* as follows:

- a. Father is permitted reasonable telephone contact with the children;
- b. Each party shall always provide a telephone number where the children can be reached when he or she is out of town;
- c. Notification if a child is sick;
- d. Parties shall cooperate to the extent appropriate under the circumstances. Special events should be accommodated for a parent wanting the children with make-up parenting time.
- e. Neither parent shall do or say anything in the presence of the children that would portray the other parent in a negative light...Each party acknowledges a duty to foster, encourage and support a strong and loving relationship between each child and the other parent.

⁴ And even the entry of the JOD did not go smoothly. During this period, Judge Jack McDonald heard actual testimony before the JOD was entered and then there were issues as to the entry of the JOD with Judge McDonald issuing an OPINION AND ORDER dated September 19, 2011 resolving certain issues in the proposed versions of the JOD.

- f. Both parents shall consider the welfare of the children and act for their ultimate good at all times. Neither parent will attempt in any way to alienate the children from the other parent.
- g. Each party has full access to all school and medical records of the kids;
- h. Each parent shall support the other in the enforcement of reasonable rules and regulations for the minor children.
- i. Each parent is permitted to attend any extracurricular activity regardless of whose parenting time it falls on;
- j. Neither party will enter the other's residence.

The parenting time provision in the JOD states as follows:

The Husband/Father's parenting time shall be established and facilitated by [the] GAL,... who shall make arrangements for parenting time.

The three minor children shall meet on a weekly basis with Arlene Platt...

...The Defendant Father plans to be in Michigan every three to four months...Omer's proposed parenting time schedule with parties' three children is as follows:

When the visit is during school time, [On] Weekdays, pick up from school and return to home at 7:30 p.m. after eating dinner. Of [the] five

weekdays, Two days [to] see all the children together; Three days to see each of the children by himself/herself for the same time; Days to be coordinated with Maya; Saturday: Pick up in the morning for breakfast or brunch. Return home at 8 pm. Sunday: Pick up in the morning. Return at 7 am.

Summer: Similar to the weekdays. Weekends –all day with the children. One full week of vacation time.

The JOD stated that "...the goal is to go from supervised parenting time to unsupervised parenting time."

On November 9, 2011, the GAL filed a Motion to Refine Parameters for Therapeutic Parenting Time. The motion alleged that the children are currently in therapy with Arleen Platt (and parents); the children do not communicate; Mother is unable to separate the children—as the children act in "concert." Ms. Platt also stated that Mother said, in front of the children that she doesn't believe the kids need therapy, as there "is nothing wrong with them." At this time, the case was being heard by Judge Jack McDonald. Judge McDonald warned the parties that the children do "not run the show." Judge McDonald also warned Mother that he would consider a change in custody if the situation does not approve.

On November 23, 2011, a Motion to Terminate the GAL was filed. In an Order dated December 2, 2011, Mother was to "stagger" the visits with the kids. In an Order dated December 5, 2011, the Motion to Remove the GAL

was withdrawn.⁵ Mother was precluded from taking the kids to any psychologist without court approval⁶; Father's parenting time would be in Mother's home under the direction of Ms. Platt; Family Wizard was directed.

In an Order dated February 3, 2012, a parenting time schedule was issued, with Father picking the kids up directly from school for two days and that Ms. Platt would engage in family therapy. Then the kids would be segregated for alone time with Father—supervised. Father was also to surrender his passport to the GAL upon future visits.⁷ When Father attempted to pick to pick the kids up from school, this writer received a call from the school indicating that the kids were "hysterical" and that they would not go with Father; further, the school indicated that because of this, they did not want a repeat. The children never went with Father from the school.

In an Order dated February 7, 2012, the Court tried Mother's idea to allow her friend, Karen Benjamin, to take a crack at this case by allowing Father and the kids at her home for parenting time. There was another Order

⁵ Mother was assessed costs in the amount of Fifteen Hundred Dollars in Attorney fees for the Motion.

⁶ Mother had without the GAL's knowledge or court approval, taken the kids to another psychologist. Prior to this, Mother had chosen her own therapist for the kids, Dr. Ross Becker. Mother took the kids twice. In front of the kids, Mother berated Father. Dr. Ross would not continue further with the case.

⁷ Father has complied with that provision for most of the visits. But with supervision, it is not necessary.

entered on February 9, 2011 outlining another schedule with Ms. Benjamin, Father and the kids and that the Court would review the matter on February 17, 2012 at 1:30. The GAL tendered a *confidential* report to the Court for that hearing. The Court adopted certain recommendations of the GAL emanating from the Report. Ms. Benjamin's heroic efforts proved futile. Another therapist was selected. On the first visit, the kids engaged with the therapist; at the subsequent (and last visit) they would not leave the waiting room.

There was a detailed order entered on February 17, 2012 following the hearing held on February 17th that Father will have breakfast with the kids and Mother on Saturday and that Father was to e-mail the Judge as to what happened; therapy with Ms. Platt continued and GAL to review same.

In an Order dated March 30, 2012, Father was to again have supervised parenting time as arranged by the GAL; Mother was to put all three (3) kids in Father's vehicle and a review by the Court was scheduled for April 2, 2012. Following that review in an Order dated April 2, 2012, there was a schedule for each child individually; that Mother shall only be at the beginning of each visit; the dog may be present and review on April 4, 2012. During this period, this writer put in a variety of monitors in Mother's home for Father's parenting time. Ms. Platt was off the case with no progress. The only way the kids

would get in Father's car (with a supervisor present) and go somewhere was if the dog was present. These monitors shared the same observations as prior ones.

In an Order dated April 4, 2012, the GAL again arranged for supervised parenting time. In an Order dated July 11, 2012, Father's Israeli Attorney was to take the necessary steps to set aside any pending action regarding custody in the Israeli courts. This Order was in response by Mother's counsel indicating that unless those Order/s were set aside, Father was a "flight risk" back to Israel under the current (as alleged) custody case/order. This Order was prompted when the Court indicated it was considering "unsupervised" parenting time. It is unclear what, if any, the outcome of Father's Israeli Attorney did.

On November 12, 2012, the GAL filed a Motion to Adopt Certain Recommendations regarding: Parameters for Father to notify parties of when he is coming in. An Order was finally entered regarding the GAL's Motion on March 6, 2013.

On February 21, 2013, the GAL filed a Motion for an Evaluation by Jennifer Hayes. In the motion, the supervisor chosen by Mother, Art Gallagher (who has remained on the case since that time) indicated there is no progress

between Father and the Kids; the kids ignore both Father and Art; the kids have no interest in communication and the kids "shut down" when Father tries to engage them.

In an Order dated March 6, 2013, the Court granted the GAL's Motion for Jennifer Hayes.

In an Order dated June 12, 2013, the GAL was to select an Israeli legal expert to determine if a "JEWISH GET" can be obtained in the U.S. and the expert shall also review the current outstanding legal matter in Israel and determine what course of action should be pursued. It should be noted that the GAL gave the name of an expert involving the GET to counsel—it is unclear what, if anything, was done. Likewise, the GAL located an Israeli expert and forwarded all information about him to the parties. Neither parent, to my knowledge, has followed through with the expert, despite repeated requests to both counsels. It is disturbing in that both parents have a stake in that outcome—clarity for the court on the status of the Israeli custody case; Mother's ability to travel to Israel to see her ailing parents (as opposed to seeing them in other countries).

On July 10, 2013, the Motion to Disqualify Ms. Hayes was filed. In an Order dated July 24, 2013, the court adopted all of Jennifer Hayes'

Recommendations⁸ ; denied the request for disqualification; if the parties fail to comply [with the recommendations] there would be a 20 day jail punishment for contempt for the first offense and 40 for subsequent; the GAL to select a therapist in keeping with Ms. Hayes' recommendations.

This writer chose, with concurrence of counsel, Dr. Pam Ludolph in Ann Arbor. Actually, Dr. Ludolph was also recommended by Dr. Erard as well.⁹ Dr. Ludolph worked with the parties/children since August of 2013. In an Order dated June 4, 2014, certain recommendations of the GAL were granted, including the termination of Dr. Ludolph—as Mother had concerns over Dr. Ludolph's approaches and certain comments she made in connection with therapy. This writer shared Mother's concerns regarding Dr. Ludolph and concurred as to her removal¹⁰; The Order further detailed parenting time whereby the parenting time supervisor shall pick up each child individually¹¹ from Mother and bring that child to parenting time with the Father; Neither

⁸ Those recommendations were family therapy with an individual who has experience with parental alienation; the therapist shall also conduct the SKYPE; the children should engage in psychological testing—especially Liam whom Ms. Hayes was concerned over his "pathological" disturbance as it relates to his contact with Father; Assess the need for Mother to have an interpreter present; Visits should be separate with the kids... and that the children don't bring books and computers to the library.

⁹ This writer was asked by Mother's counsel to seek Dr. Erard's input for a therapist.

¹⁰ Not to mention the costs of her services were becoming "oppressive" on both parents.

¹¹ The kids would not go with Mr. Gallagher, and in any event, he was reluctant to use any "force" to effectuate the Court Order.

Mother nor Liam would be present; the SKYPE to be supervised by Art¹²; Mother can't travel outside the country unless she provides an itinerary; review in Court on June 6, 2014; Dr. Ludolph was to prepare a report¹³ and the Court mandated Mother's appearance at all further hearings,¹⁴ and no further counseling with the children unless deemed necessary and approved by the GAL.¹⁵

The final order of this Court was dated August 20, 2014 requiring all parenting time to be held on August 21 and 22 in the Court's jury room; and that Mother was ordered to pay for all of Father's attorney fees and must provide a detailed billing of same.

DISCUSSION AND PLAN:

When the children first came to the courthouse on that Thursday, it took at least six deputies, a prosecutor, Ms. Stieb, various court personnel and finally the Judge to get those kids into the jury room. The court admonished Mother as to what the Court saw in the children's behaviors on the record—at

¹² There has been much angst/litigation over the SKYPE—whether it was Father's technical issues or Mother's. An expert was appointed to assist and corrected the problem on Father's end. Notwithstanding that, the children do not communicate with Father on those sessions once the technical glitches were resolved, supposedly.

¹³ No report was prepared.

¹⁴ For the majority of Motion hearings Mother did not appear. Such reasons given were that she was "afraid of the judge/court" and/or there was no need as she has counsel.

least twice.¹⁶ The three minor children sat outside the courtroom on the chairs. The children would not respond to me—but more important—either to the deputies and the prosecutor. For minor children to basically evade armed Sheriff's is absolutely appalling. I advised Mother that unless she gets these kids off the bench, there will be grave consequences—such as placement in the children's village. Mother told the kids to listen; but to no avail. Mother believed the kids were traumatized because, according to Mother, Dr. Ludolph was threatening them with being detained, if they didn't shape up.

The children would not answer any adult; they huddled together as if they were sending messages/vibes to each other in some sort of Manson-like behavior.¹⁷

And don't take my word for this—speak to the prosecutor, Ms. Stieb and the deputies. At one point the deputy pulled Mother aside and told her she runs the risk these kids will go to the Village. This charade took place for

¹⁵ For reasons to be discussed later in this Report, the GAL did not put in yet another therapist.

¹⁶ Counsel would benefit from obtaining/listening to the tapes of the dialogue between Mother and the Court along with statements made by the Assistant Prosecuting Attorney, if I recall correctly. The court came to the point believing the kids were in "contempt" of her order and unless they complied, she would have had to appoint Attorneys for them.

¹⁷ I use this Manson-like phenomenon to describe the kids as the girls that were associated with Manson indicated how he would be "telegraphing" his "vibes" to them. In fact, Ms. Stieb indicated to this writer that she saw the children tapping their feet under the table in the jury room as if they were sending Morse codes to each other.

about an hour. It was only after the Judge HERSELF, accompanied by all these people, went outside her courtroom to the hall and finally was able bring these kids into the jury room escorted by armed deputies. The prosecutor was so frustrated that she contemplated a neglect petition.

This Court, the deputies, the prosecutor and Ms. Stieb now witnessed what has transpired in this case for over four (4) years. You cannot spin what occurred on that day in any positive light.

Ms. Stieb has written a report attached hereto. The kids did get inside the jury room on Friday. Little progress with Father was had—on either day—some glimpses, here and there but at the end of the day, SAME OLD behavior by the kids.

We have tried, for four (4) years, every conceivable machination of parenting time for Father—we have tried the restaurant with Mother and a supervisor present; the library (where the kids play on the computer and read books in order to avoid Father); we have tried the dog and visitation in the home of a therapist and in Mother's home; we have tried pick ups from the school; Mother putting the kids in the car—and on and on—all, to no avail. We have put in several therapists and several different supervisors. We have had forensic evaluations and a complete assessment by Ms. Hayes. We have

tried the assistance of a nationally renowned expert, Dr. Ludolph, to no avail. And even in June of this year, the parties were willing to try Mother's suggestions to continue at a restaurant (as for a few days it was working and Father saw positive change to warrant giving Mother's ideas more time) until the children resorted to the usual "shut-down" mode—as testified in Court by Mr. Gallagher; hence, the next step for visitation was at the courthouse.

There is no point in trying to impress upon Mother what is happening to these kids is absolutely psychologically damaging—as Mother, in my opinion, believes the status quo is fine—as Jennifer Hayes concluded. And without a dramatic change in the configuration of further parenting time, the children will be doomed to a future of unresolved conflict and sadness regarding their Father. Mother still points to the kids being threatened by Father four (4) years ago and traumatized so much by him as the primary basis for the children's lack interaction with Father. Therefore, supervision must be required.

That dog can only hunt so much. The behaviors of these kids are way more disturbing and bizarre than what transpired four years ago. All one has to do to prove that is to look at the conduct of the children at the courthouse and the four years of essentially non-parenting time. Mother herself has

resisted therapy for the kids—as she does not believe in it. You can't argue the kids are traumatized and on the same hand oppose therapy—which has been Mother's position at times.

Notwithstanding that, you can add more therapists, more counseling and it won't do a bit of good. If four (4) years of therapy hasn't worked, it won't work now. Mother still believes Father is either a "threat" to the kids and/or will "kidnap them to Israel."

This case is beyond any further professional intervention and the only remedy is for this Court to take the next step out of Mother's hands. She does not believe that Father should have any unsupervised parenting time—for whatever the reasons-- despite what this Court has told her in the past. More important, Mother does not have the ability, either consciously or sub-consciously, to assert the firm hand needed to move this process along, believing that this process should be dictated by what the *kids want* as opposed to what is in their *best interests*. And if Father was a flight risk he could have taken the kids at any point over the four years—including the two days that he only really had "unsupervised parenting time" in August, four years ago. I don't know where you can get on a plane with three children on an hour's notice in this day and age. The "fear of flight" and the "Israeli Court

Situation" are nothing more than a "red-herring" that Mother has successfully argued to the court to prohibit unsupervised parenting time.

If the behaviors of these children—putting aside how they treat their Father—is what was demonstrated with the Sheriff's, a prosecutor and even the Judge-- do not signal a red flag that something is terribly wrong, nothing ever will. Those behaviors witnessed over the two (2) days at the courthouse, is reason enough to reject any further compromises; appeasement of Mother and further suggestions by her. The behaviors of these children toward their Father over the years is neither normal nor acceptable. To be sure, it doesn't matter the label or spin you put on this case—whether you call it parental alienation as Father contends or you blame everything on Father, his actions four years ago and his decision to live in Israel, as Mother argues.

One thing is clear though: The behaviors of these children tell the story and no other label matters at this point.

Consequently, the Court needs to consider, if there is to be any progress, a draconian approach. There has been no progress of any meaningful degree regarding Father's parenting time/relationship with his children since August of 2010. In fact, the situation is, quite frankly, worst. It is like a prolonged, pervasive toxic stream where a parent closest to the child,

behind closed doors either intentionally or unintentionally says things to the kids causing them to act in a certain way.

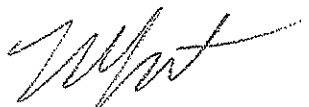
What message would we be sending to these kids if we allow their behaviors to go unchecked—essentially condoning this bizarre, cult like actions?

Accordingly, I would recommend that each child, either separately or together, be placed into Father's car by Father directly and proceed to parenting time without Mother for several hours. If each child goes separately, then Mother only brings that child to the exchange. Unfortunately, for Father's protection, Art Gallagher should be present for the visits—regardless of the Israeli custody action. The presence of Art essentially nullifies Mother's kidnapping concern—although that is not the reason this GAL is requesting the continued services of Mr. Gallagher. The Court should order that the exchanges—initial pick up- occur at the Courthouse parking lot with a Deputy present. This writer simply knows no other option: we have tried everything for four (4) years now. Continuation of the status quo is untenable and is contrary to the children's best interest, the statutes and philosophy of the various statutes on custody and parenting time. And should this Court adopt this plan, it will be doing nothing more than moving towards

the ultimate goal for parenting time already established in the JOD. Further, Father needs to consider moving back to Michigan and move towards what the Court has already decided should be his parenting time in the JOD in the event he moves back.

Attached is Ms. Stieb's Report along with Art Gallagher's notes of visits in June, which has already been previously provided to the parties and to the Court.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'W. Lansat', written in a cursive style.

William Lansat

TRACI STIEB

Thursday August 21, 2014

I arrived at the court at approximately 11:20am to find all three children in the doorway of the courtroom leading into the back hallway. The children had their arms linked and we tightly holding their wrists, Liam and Roe on the sides with Natalie in the middle. All three had tear filled eyes and were staring at the floor. Maya was standing very closely behind the children with no readable expression on her face. She did not make any encouraging comments or gestures when I asked to speak to the children. Judge Gorcyca was in the hallway trying to coax the children to move forward to show them the jury room and other nonpublic areas. There were approximately six deputies in the immediate area during this exchange.

I met with Liam first. He sat with his back facing the door and was extremely quiet. I began a conversation by explaining who I was and asking general questions about his age and the upcoming school year.

Friday August 22, 2014

The children arrived for parenting time promptly at 10am. They knocked on the door between the courtroom and back hallway as I walked by. I opened the door and welcomed the children. The children were dressed in long pants and heavy sweaters despite the warm summer weather. Natalie was wearing the same outfit as the previous day (pink pants with horses and a multi toned pink shirt). Unlike the previous day, Maya was in full makeup and business attire in contrast to the casual jeans and sweater of the prior day. Maya was standing with the children and followed as I led the children to the jury room. Maya followed this writer and the children into the jury room. Maya then engaged in some small talk but remained in the room appearing as if she had no intention of leaving. After almost an hour this writer instructed Maya to leave the building and to run an errand or get lunch. Natalie immediately clung to her mother asking her to stay. I assured the children that they were safe at the court. Maya offered no such verbal assurance to the children nor did she say anything supportive about the time with their father. Maya sat in the courtroom until the end of the visit, never leaving the general area despite court staff presence and deputies presence.

I sat talking with the children for a few minutes. Omer entered the room with a bag of treats, art supplies and a game. Liam saw Omer and immediately put his head down on the table so as not to even look at his father. Natalie and Roe were playing a hand game (similar to rock, paper, scissors) and not looking at the door. After a couple of moments the children noticed Liam with his head down. Both children immediately stopped playing and put their heads down as well. Natalie and Roe held hands the entire time. This writer observed the two younger children nudging one another under the table with their feet. I texted the staff attorney and asked for someone to come take Liam out of the room in the hope that without his example the younger children would open up. Liam went for a brief walk with Ann, the court clerk. Natalie and Roe continued to keep their heads down and refused to respond to any questions or attempts at

TRACI STIEB

discussion made by this writer. Another text was sent requesting assistance with Natalie in the hope that Roe would be open to speaking with his father. Natalie refused to leave the room. Carrie, the judge's secretary sat in the room and engaged the children in discussion about their dog and other superficial topics. The children reluctantly responded to Carrie but offered no spontaneous conversation. Omer placed a plate of cookies near the children and a couple of juice boxes. Both children refused to even touch the food. Omer offered stories about the children in their younger days but the children would not join in sharing memories. Natalie asked several times where her mother was and when she could leave. Attempts were made to redirect the conversation with minimal success. At approximately 2pm the visit was ended. The children did not say goodbye or acknowledge their father in any way.

The children were returned to Maya in the court room. They did not say goodbye to anyone and Maya did not encourage them to speak to anyone nor did she ask if they had a good time. The family simply left the building.

Art Gallagher

6/24/2014 Oakland Co. Court, after hearing, Maya and Omer agreed to have me pick-up Liam at the residence and take him to Mezza to meet with Omer.

6:30 pm. Arrived at residence and Maya came out with the three kids. I asked Liam if he was ready to go and he replied where I said to the restaurant to see your Dad. Liam said no, I want to go bowling with Roee and Natalie. I said you have to see your Dad and he kept saying I want to go bowling with Roee and Natalie. I told him that if he met with his Dad and he asked his Dad if he would take them bowling there was a good chance he might take you bowling. It was obvious that Liam was not getting in the car even though Maya was asking him to. I texted Omer to inform him of Liam's request and Omer replied "will he speak to me?" I asked Liam if he would speak to his Dad if he took them bowling, no reply, Maya was saying he will speak to him. Omer texted again saying, let him speak to me on the phone first if you can. I asked Liam if he would talk to his father on the phone and he said no. Omer then called and I told him that Liam would not speak to him on the phone, Maya kept saying he will speak to him at the bowling alley. Omer said I want to hear that from Maya, I asked if she wanted to talk to Omer and she took the phone from me. They spoke briefly in Hebrew and she handed me the phone and Omer said I asked her to take the little ones away if Liam refuses to speak to me, ask Maya if she understands that. I asked Maya if she understood Omer's request and she said yes. I picked-up Omer at the Shell station Orchard Lake and Pontiac Trail and we all met at 300 Bowl on Cass Lake Rd. Omer and I arrived first and Omer paid for the bowling, after the kids got their shoes Omer said we are on lane 11. I don't believe anyone said hi. The kids and Omer started bowling and Omer and I would congratulate the kids on good shots, there was no reaction from the kids. They avoided Omer as they would return from throwing the ball. Roee said a couple of things but acted put out by having to respond. When we were leaving Maya told the kids to thank Dad, no response, just turned their backs. She told Natalie to thank Dad and she replied "I could but I don't want to." As we started to walk out Omer told Maya, you said he would talk to me, you have to make him speak to me. Again she told them to thank Dad, no response. Maya suggested Omer speak to them, which he did. No response. He asked Roee about learning how to bowl and Roee replied he already knew while turning away. Outside the kids got in Maya's car, Liam in the front and he locked the doors. Omer asked Maya to get in the car and tell him he has to speak to me. Maya was saying we have to go slow, she felt the meeting went well, that the kids interacted. I did not get that impression. We agreed to talk the next day.

6/25/2014 Early in the afternoon, the parties agreed to go to Zap Zone with all three kids.

4:30 pm. Met in parking lot, Omer greeted kids. Roee said hi, nothing from Liam or Natalie. Inside Omer asked them what they wanted to do and Roee said Glo Golf. Omer, and the three kids played. There was no interaction with Omer, some amongst the kids. After golf Roee and Liam play one game of air hockey. Omer had one token left and asked Natalie if she wanted to play something and she said no. He handed her the token and she accepted it. Omer and I turned to look at a game to see if it would take one token and it did so he told Natalie that the game would take one token, all three turned away from him. Omer suggested that they go eat. Roee and Natalie said we want to go home. Omer asked if they would play more games then we could eat, the kids again said we want to go home. Omer got more tokens and no one would accept them. Omer played a couple of games and used the remaining tokens in a lottery-type game and received tickets. He told Natalie to redeem the tickets in the machine, he said Art will help you, she reluctantly accepted the tickets and we redeemed. Omer asked where was there a restaurant nearby, I said there is a Chinese restaurant across the street. (When I spoke with Maya earlier in the day I told her that Omer would agree to Zap Zone if they could eat afterward, she said OK. While we were playing golf I asked Maya are we still going to eat afterward and she said yes.) As we had all driven separately, I said lets meet at the restaurant and we will leave now. Omer and

Art Gallagher

I walked out thinking Maya and the kids are right behind us. As I was leaving the parking lot I could see Maya and the kids standing at the door. I called Maya with the name of the restaurant, she did not answer. I then text her and then called again and she answered, she asked me if the kids were with me. I said of course not, she said they are not here, I can't find them anywhere. She asked where I was and I told at the restaurant with Omer. I went back to Zap Zone and she said I don't know what happened, they were here one minute and gone the next. She stated the last time I saw them they were by the door. I was looking for you. We walked through the store looking for them and Maya found them playing golf. I asked how could they play golf, you have to pay for it. She said they had money. I said lets go to the restaurant, the kids, all three said we want to go home. Maya said we have to go to the restaurant, again we want to go home. I turned to leave and Maya followed me, I said you assured me the kids were going to eat after and she said I know, lets go back and talk to them. Maya again asked them to go to the restaurant and again they said we want to go home. I told Maya its over for today and left. I called Omer and informed him and he asked if he could say good-bye in the parking lot in case he was not able to meet in the morning. He said good-bye and that he had a good time today with them. He asked Roee if he had a good time, he turned his head and said it was OK. Natalie when asked said OK very softly. Liam was facing the wall of the building and would not acknowledge him. Omer placed his hand on Liam's shoulder and Liam pulled away. Omer told Maya that we would meet in the morning and if Liam would not change his behavior or speak to him not to come.

6/25/2014 8:30 pm. Called Maya with tomorrows meeting Residence Inn, Troy at 8:30 am.

8:45 pm. Maya called saying too early to go that far, could we meet somewhere in between. Called Omer came up with Pancake house in Birmingham. Notified Maya, OK.

6/26/2014 7:30 am. Maya called saying she could not wake the kids up, they are too exhausted. I asked her if she was saying she she could not make the meeting. She said she would try again.

7:40 am. Maya called saying I can't get them up, I tried and they are too exhausted. So you can't make the meeting? She said maybe we could make it later. I said Omer has a tight schedule and so do I, this was the only time. Tell Omer I'm sorry but I can't get them up.

7:45 am. Notified Omer, said he understood, hard to get kids up.

7/2/2014 4:30 pm. Maya's Skype visit. Kids would not speak to Omer. Roee only one to step in front of camera and only briefly, then goes and sits with Liam and Natalie. I moved the camera to take in the kids at the table. Omer was trying to engage them without success. The kids then got up from the table and left the room without speaking. Omer asked Maya to bring the kids back. She returned without them. End of visit.

7/6/2014 3:06 am. Received email from Omer asking if he could possibly move visiting time to 4:30pm. I called Maya and no answer.

10:25 am. Maya called and I asked her if she got Omer's email and she stated they would not be home this afternoon and could I call Omer and have him call them. I asked if there was going to be a visitation this afternoon and she said we won't be home and could Omer call within two hours as they would be gone by then. I emailed Omer with that information. I was at church when Omer called me, I stepped outside and contacted Omer who asked if it was alright to call without me being there, I told him I was in church and would not be able to get there in two hours and if he wanted to wish Liam Happy B-day to call. Omer emailed me later saying he called and sang Liam Happy Birthday but no response from him.

7/9/2014 4:30 pm. Skype visitation. Got Omer on Skype. Maya brought Liam down, I asked him to

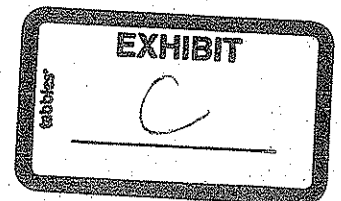
step in front of the camera and say hi, he shook his head no. I turned the camera toward him, he was standing by the kitchen table and he said I don't want to talk on Skype. Omer said hello Liam and Liam walked out of the room. Roe came down next and said I don't want to talk to him and walked in another room, he was there momentarily and then went into the room he originally came out of. Then all three kids came down and stood by the table, I turned the camera toward them and Natalie said I don't want to talk to him. Roe said the same and they left the room. A minute later the kids came through the kitchen and out the back door. Maya went after them but to no avail. Omer asked about a email his mother had sent Liam. Maya said she didn't see it. Omer resent the email and asked if I could read it to Liam. Maya and I went out and she read the email to Liam, no response. Omer asked about Liam's response to email, none. Maya and Omer talked about Skype visit during Italy visit, established times: 4:00 pm Sunday and Wednesday. Ended visit.

From: Bill Lansat [<mailto:blansat@comcast.net>]
Sent: Tuesday, November 25, 2014 2:34 PM
To: Renee K. Gucciardo; Keri Middleditch
Subject: Fw: Tsimhoni visitation

From: [Art Gallagher](#)
Sent: Tuesday, November 25, 2014 2:23 PM
To: [Bill Lansat](#)
Subject: Tsimhoni visitation

Hi Bill,
Here is the Tsimhoni visit notes.

Art



11/25/2014

To: Bill Lansat

Re: Tsimhoni visitation

11/17/2014

6:00 pm Arrived at Langans Bowling Lanes, Omer there, Maya running late stuck in traffic.
6:15 pm Maya called from parking lot, come and get Roe. Roe states he does not want to talk to Omer, told him he didn't have to. Roe said I don't want to see him. It was cold outside and I told Maya you talk to him, I'll be standing inside doorway waiting for him. Roe came to door of bowling alley and stated I don't want to see him because he hit my Mom. I told Omer that Roe did not want to come in and he asked if Maya would come in with him. Maya tried to get Roe to go in and Roe said I don't want to talk to him because he wouldn't let my grandfather get treatment. Maya concedes he's not going in. End session.

11/18/2014

6:00 pm Arrive Mezza. Go inside with kids, Liam, Roe and Natalie. Sitting at table talking, as soon as Omer arrives the kids clam up. Maya suggested the restaurant because the kids were starving. Kids would not order any food nor drink the water. Omer had Ben with him and the kids would not look at Omer or Ben, nor would they speak. At 7:00 pm Omer had me call Maya to come and get the kids. End session.

11/19/2014

5:30 pm Arrive at Library, Omer running late. Maya called and stated Liam won't go anywhere. Notified Omer and he stated, I'll call her. A few minutes later Omer called and said go home, Liam won't go. End session.

11/20/2014

5:30 pm Arrive at Library, Maya calls and states that the kids won't go. Per Omer she must bring the kids, court order. Maya says she'll try again. Five minutes later she calls and says kids won't go. End session.

11/21/2014

5:30 pm Scheduled for Barnes and Noble, at 5:05 pm Omer called asking if I could verify that Maya is going to bring the kids. Maya said she would call kids and let me know. A few minutes later Maya calls and stated that they would not go. I asked Maya if we could have visitation at her house and she said no, I'm not comfortable with that. I notified Omer and he talked with Mr. Lansat. Omer then called me and said no visitation. I called Maya regarding tomorrows visitation and she referenced the court order saying the 21st was the last day. I

told her that Omer wanted to say good-by to the children and perhaps we could arrange a meeting. I suggested in the morning and she said how about one o'clock. I agreed. End session.

11/22/2014

Attempt to call Maya at 10:25 am and 11:10 am no voice mail. 12:55 pm Maya called and will try to get kids to Library. 1:15 pm Maya calls, kids refuse to go. Notified Omer.

From: Art Gallagher

Sent: Sunday, January 11, 2015 7:57 PM

To: 'Bill Lansat'

Cc: a.bossory@lorandoslaw.com ; [Renee K. Gucciardo](mailto:Renee.K.Gucciardo) ; middleitch@aeslawfiem.com

Subject: 1/11/2015 Visitation

Visitation was held today 4:15 at Langan's bowling alley. Myself and Maya along with Roe and Natalie arrived and went inside. Maya was trying to get the kids settled in and begin bowling. The kids stated repeatedly that they didn't want to bowl and wanted to go home. Maya attempted to leave several times but kids kept hanging onto her. Maya ordered shoes and paid for a game. The kids refused to put on the bowling shoes and get a bowling ball. Maya got shoes and began to bowl in order to get the kids to bowl but to no avail.

Omer who was waiting in the parking lot for Maya to leave had a conversation with Mr. Lansat and he suggested that Omer go in and join them, which he did. Omer came in and greeted the children; they turned away from him. He tried to encourage the kids to bowl and they would not acknowledge him. Eventually, Maya convinced Omer to bowl with her and maybe the kids would join in. Throughout the game they tried to get the kids to bowl without success. Each time Omer would speak to the children they would turn away. With the game over the visitation ended.

Art Gallagher

Bill Lansat

From: "Bill Lansat" <blansat@comcast.net>
Date: Tuesday, February 17, 2015 4:27 AM
To: "Andrew Bossory" <a.bossory@lorandoslaw.com>; "Keri Middleditch" <middleditch@aemslaw.com>; "Renee K. Gucciardo" <renee@gucciardofamilylaw.com>; "Omer Tsimhoni" <omer.tsimhoni@gmail.com>; <mayaelm@gmail.com>
Subject: Fw: Tsimhoni Visitation

From: Art Gallagher
Sent: Friday, February 13, 2015 11:41 AM
To: 'Bill Lansat'
Subject: Tsimhoni Visitation

2-7-2015

9:00 am Big Boy, 200 W. Maple, Troy. Maya and children are waiting inside. Maya left and Omer and Ben arrive; Omer greets children with no response. The children refuse food and drink, the children look away from Omer and Ben. After Omer and Ben ate, Ben got down and stood by Roee and leaned against Roee and Roee pulled back from him. Ben then went over to where Liam was sitting and was looking at him and Liam would not look at him. Ben then sat on my lap and the children looked at Ben but did not say anything. Omer declined to go to fencing because Maya was going to be there.

10:00 am End Session.

2-8-2015

9:00 am Village Palace, Orchard Lake Rd. Maya and children arrive, Maya ordered oatmeal for the children, they told her they did not want to eat, she ordered it and told them to eat. Maya left and Omer arrived, he greeted children with no response and they looked away. the children had crayons and paper provided by the restaurant and were coloring. The food arrived and the children would not eat.

Omer tried communicating with them but they ignored him. Roee and Natalie asked several times if they could go home.

10:00 am End Session.

2-10-2015

5:30 pm W. Bloomfield Sports Club. Maya and children went into martial arts room before Omer arrived. After class Maya introduced Omer to a fellow classmate and while they were talking the children left the area and went towards the exit. As we approached they exited the building and went to Maya's car. Omer did not get chance to speak with children.

6:30 pm End Session.

2-12-2015

6:15 pm Alexanders, Orchard Lk Rd. Met Maya and children inside, seated at a table. Maya ordered water and pasta for the children and then left. Omer arrived and greeted the children, they would not look in his direction. The waitress gave them a toy that you can draw pictures on, when the food arrived they would not eat or drink. Omer had the waitress remove the toys and still the children would not eat. Omer attempted to communicate with the children telling them that they could talk to him about what was bothering them and that he wanted to be a Dad to them and he would be there no matter how long it takes. Omer had the food boxed and also ordered cake and ice cream for them to take home.

7:30 pm Omer departed.

7:45 pm Maya picked up children.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
FAMILY DIVISION

MAYA EIBSCHITZ-TSIMHONI,

Plaintiff

v.

Case No. 09-766749-DM

OMER G. TSIMHONI,

HON. LISA GORCYCA

Defendant.

_____/

LAW OFFICES OF
RENEE K. GUCCIARDO
By: RENEE K. GUCCIARDO (P47884)
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ALEXANDER, EISENBERG,
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By: KERI MIDDLEDITCH (P63088)
Attorney for Defendant
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(248) 358-8880

LORANDOS JOSHI
By: ANDREW M. BOSSORY (P74364)
Co-Counsel for Plaintiff
2400 S. Huron Pkwy.
Ann Arbor, MI 48104
(734) 327-5030

SCHNELZ WELLS, PC
By: WILLIAM LANSAT (P36752)
Guardian Ad Litem
280 N. Old Woodward Ave., Ste. 250
Birmingham, MI 48009
(248) 258-7074

ORDER REGARDING JOINT LEGAL CUSTODY

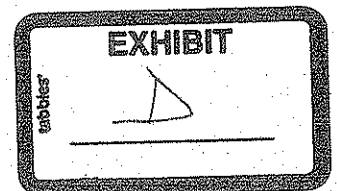
At a session of said Court held
in the City of Pontiac, County of Oakland
and State of Michigan

on _____

PRESENT: _____

CIRCUIT JUDGE

This matter having come on before the Court upon the filing of Defendant Father's Motion,
oral argument having been heard, and the Court being fully advised in the premises;



NOW, THEREFORE, IT IS HEREBY ORDERED that the Plaintiff, MAYA EIBSCHITZ-TSIMHONI, and the Defendant, OMER G. TSIMHONI, shall have joint legal custody of the minor children of the parties, to wit:

LIAM TSIMHONI	Born 07/06/01	Age 13
ROEE TSIMHONI	Born 08/29/04	Age 10
NATALIE TSIMHONI	Born 12/13/05	Age 9

until said children reach the age of eighteen (18) years or until further Order of the Court.

IT IS FURTHER ORDERED that joint legal custody shall mean that the parties shall have equal responsibility and decision-making authority with respect to children's health care, education, and religious training. On all matters of importance relating to the children's health care, education, and religious training, the parties shall confer with each other with a view of adopting and following a harmonious policy, and the parties shall make all reasonable efforts to amicably reach decisions that are in the best interests of the children. Notwithstanding the foregoing, each party shall have authority to make routine, day-to-day decisions concerning the welfare of the children while the children are in his or her care. Further:

- a. In exercising and affording parenting time rights, each party shall make all reasonable efforts to accommodate the schedule of the other party;
- b. The parties shall cooperate, to the extent which may be appropriate under the circumstances, in accommodating one another should one wish to have the children for some special event or occasion;
- c. The children's clothing, equipment, and personal effects shall be the property of the children and not the parties. This means that the children's clothing, toys, equipment and personal effects may move back and forth with the children between the parties' respective residences as the children so desire, and neither party will impede this process;
- d. Each party shall promptly notify the other in the event of the illness of or injury to the children. The word "illness" or "injury" as herein used shall mean any medical condition which confines the children to bed for more than two days, or which requires professional medical attention on an in-patient or out-patient basis;
- e. In the event both parties are not available to consent to an emergency health procedure for the children, one party may consent to said procedure;
- f. Both parties' consent is required for all non-emergency health procedures of the children, including, but not limited to, surgeries, dental procedures, etc.;

- g. The children cannot be placed on long-term medication (over 30 days) without consent of both parties or the order of the Court;
- h. Neither parent shall do anything nor say anything in the presence of the children that portrays the other party in a negative or false light, or that will tend to discredit or damage the love that the children and the parents have for each other; further, the parties will encourage any third party to refrain from doing or saying anything in the presence of the children that portrays one party in a negative or false light, or that will tend to discredit or damage the love that the children and the parents have for each other;
- i. Neither parent shall ask and/or require the children to refer to a new spouse as "Mommy" or "Daddy" or any variations thereof;
- j. Both parties shall consider the welfare of the children and act for their ultimate good at all times. Neither party will attempt in any way to alienate the children from the other parent;
- k. Each of the parties shall use his/her best efforts to facilitate a close and continuing relationship between the children and the other party, as well as the other party's extended family, including aunts, uncles and grandparents;
- l. If either party has knowledge of any circumstances seriously affecting the health or overall welfare of the children, he or she shall promptly notify the other;
- m. Each party shall keep the other fully informed as to the children's medical status and educational progress, and each party shall have full access to the minor children's school and medical records and personnel. Each party shall immediately inform the other by e-mail of any scheduled doctor appointment, and each party shall have the right to attend same. Said information about those appointments shall be made via e-mail;
- n. Each party shall have the right to request and receive reports from third persons concerning the health, education or welfare of the children, including the children's progress reports and report cards. Each party shall promptly provide the other party with copies of the children's progress reports, report cards and sports/activity schedules;
- o. Both parties shall be listed on all school documents such that both parties shall be permitted to communicate directly with all of the children's teachers and school administrative staff and to participate in all school activities, conferences, etc.;
- p. Both parties shall be listed as emergency contacts for the children with the children's school, health care providers, and all other entities or activities of the children requiring emergency contact information;

- q. Each party shall keep the other fully informed as to any involvement of the children with proceedings of any court. Each party shall have full access to any applicable court or civil records concerning the children or concerning any matter which may affect the children's development or well-being;
- r. Communication between the parties regarding the children must be made solely between the parties in person, by phone, email or text messaging, and the children shall not be used as a messenger to convey any communications between the parties relative to the children;
- s. Unless agreed to by the other party, either party's girlfriend, boyfriend and/or spouse shall not discuss with the other party any matters relative to the children, including, but not limited to, custody, parenting time, parenting skills, activities of the children, etc.;
- t. The children are prohibited from getting any piercings, tattoos, cell phones, off-road vehicles, snowmobiles, motorcycles, vehicles, or watercraft without the consent of both parties;
- u. Each party may attend any and all events related to the children, including, but not limited to, parent-teacher conferences, school parties, school activities, sporting events, recitals, etc., regardless of whether the event occurs during their scheduled parenting time.
- v. Either party may travel with the child outside the State of Michigan (interstate, intra-continental U.S. travel), provided that the party traveling gives the other party fourteen (14) days' written e-mail notice, which travel shall not interfere with the other party's parenting time, unless otherwise agreed to by the parties.

CIRCUIT JUDGE

Approved for entry:

RENEE K. GUCCIARDO (P47884)
ANDREW M. BOSSORY (P74364)
Attorneys for Plaintiff

KERI MIDDLEDITCH (P63088)
Attorney for Defendant