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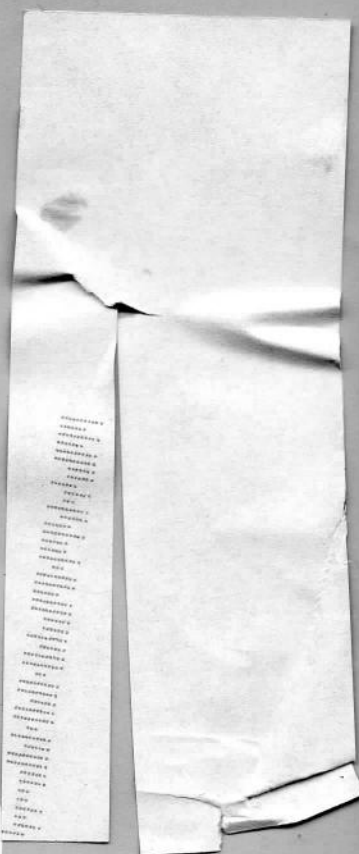


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Mailed: 

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Dot Hello.

DM Hello, Dot. This is Dave.

Dot Yes.

DM How are you?

Dot I'm fine, how are you?

DM Good. Just a returning a call from Chris. She must have called earlier on my a cell phone.

Dot Okay. Will you hold on . . .

DM Sure.

Dot . . . a minute?

DM Thank you.

Dot Chris. Take the phone. I'll hang up here.

CM Who is it?

Dot Chris, it's Dave. Apparently you called him.

CM Yes. I did. Hello.

DM Hey, how are you?

CM Hi, Dave. Did you get my message?

DM Yes. I just got it on the cell phone here.

CM Who is- who- are we going to see on Tuesday?

DM It's a Ren is the a, I guess it's a case worker that was recommended. We've got a Catholic Charities connection and there's a Dr. Ren I believe has a Ph.D.

CM Okay. Because I can't find him in the phone book and the only person I find over there for Omega Plaza is that Remorow- rowski- or whoever that guy is that chld therapist person.

DM I think its in the Omega Center or Omega Plaza behind . . .

CM Yeah. That's it.

DM That's . . .

This is
after
christine
signed a
protection
from Abuse
on David in
2006.
She is
calling
him + he
returns the call

CM Who are you taking me to see?

DM Its J-25. And, its above the ah, what's it called, the Women's Imaging Center or something like that.

CM Yeah, like, like I said, the only one I could find in the phone book was not who your telling me. I'm finding the other one.

DM Do you have an e-mail address so I can send you the details?

CM Dave, oh, you have my computer. How would I have an e-mail address?

DM I'm just trying to figure the best way to send it. I have the information. It's at the office. Is what I'm saying. I don't have it here.

CM Then just call, um, you can either call Sisk or call, call Hitchens. Give it to him.

DM Okay. I can't tell you directly?

CM Um, you known, at this point, I'm just a little concerned.

DM About what?

CM I just want wanna make sure that this - that we're playing this game fair.

DM What game? I'm just trying to get things on the up and up here.

CM I know, I know. I understand, Dave. Your telling me, though. You told me you didn't receive that child support check.

DM Yeah. The ball. It's actually, its, we actually have it now.

CM You do have it now.

DM Yeah.

CM Okay. So you have it. Have you cashed it?

DM No.

CM Okay. You need to cash it.

DM Okay.

CM And then what I'm gonna start doing tomorrow is sending the child support directly to the Division for the Child Support Enforcement.

DM Okay.

Christhe
is anxious
because
she thinks
David is
taking her
to a
different
psychologist
for an eval.

(14)

So now when you get the checks it'll come from the State. Did you- Mom tell you- I stopped by to see the kids today?

Yeah. Yeah.

Cool. Okay. I um. Did, ah, I mean, everything okay with that. Was it copastetic that I stopped by?

Nah, that's.... Assuming that we're gonna work this out then yeah, I'm hoping that we can . . .

Okay. Well say if it, it doesn't work out, it, it's no longer copastetic to stop by?

Well, I mean, is that a possibility at this point. You're pretty much . . .

Dave. I'm just, I'm, I'm trying to make sure I understand what page we're on.

Okay. Well, I mean, like I said . . .

I mean with . . .

Well, no- the point I'm trying to get to is - that on Friday night we were pretty much heading back to . . .

I know we were Friday night. And then I on Sunday, I started to just wonder. Dave, how did we get this far? That we're having all these issues. What happened?

Communication. It's the same thing we've been talking about.

Yeah. So you, but you have the child support check now?

Yeah. Its at the, it's I'm pretty sure, its at Sisk's office at this point. It's easy enough to get to.

At the office. Nobody in the office saw it at all?

It must have been signed for. Elise got it. Like I said it went to Baltimore.

Oh, Carl didn't see it or Charlotte or nobody else saw it?

Not that I'm aware of, I mean . . .

Oh, okay.

[inaudible] the fact they're looking for anything else.

No. No, no, no, no, no. I just, I, I, I wanted to make sure I wasn't mistaken that they didn't see it or anybody else knows about it or anything like that.

Christine is concerned that the people at the optometric practice may have seen the child support check she sent to David.

A8420

(15)
A-0026186

DM So, I mean, I guess I'm trying to work out at this point [inaudible] I called, we've got Catholic Charities involved. We've got . . .

CM Well that's fine. I mean, I don't care. But, I need to know. You can call me from the office tomorrow. If you want. Just give me the name of everything. 'Cause Dr. Richman said. 'Cause I see Dr. Richman. And he said that to just make sure, that you know, who I'm gonna see before I go to see him.

DM Well, do you have somebody else . . .

CM [inaudible]

DM . . . that you can get somebody recommendation on your end of things, too?

CM Well, that's, he said he doesn't have anybody to recommend cause he's not in that field anymore. He doesn't handle that. Actually Richman is actually- he's almost done with his private practice.

DM Okay.

CM He's getting ready to go over to the State of Delaware and do some other things so he's kinda closing up shop. So I'm gonna be probably not seeing him anymore because he's, his hours- are few and far between. It's hard for me to get to him.

DM Are you thinking . . .

CM Um.

DM . . . for the ah, do you want to call Catholic Charities then or call . . .

CM Well, it doesn't matter. I mean, like I said, I just wanna have a little bit idea of who I'm walking in to see.

DM Yeah. Its, like I said, the name I was given was Ren. It's J-25. I believe, I believe its J-25 Omega . . .

CM Would you spell it. Is it R-e-n-n?

DM I'm not sure, actually. I didn't get the ah..... It was one of the ones online that was recommended.

CM Okay. Online. Okay, that's fine. And, you said, over at Omega?

DM Yeah.

CM Did you know that's exactly where the other guy is, too?

DM I don't know where the other guy is.

CM You know the other guy. The other guy that wanted, the \$5,000 guy.

*Richman
testified
that
Christher
Sessions
were not
Rushhe...
he saw her
sporadically*

They are referring to Dr. Romarowski, a friend of David's lawyer, Jerry Berkowitz that was recommended by Mr. Berkowitz to do the custody evaluation.

DM Oh, Romarowski. That's, the one that . . .

CM Over at Omega.

DM That's the one that Jerry recommended.

CM Yeah. That's, he's also over there at Omega. So what I'm trying to make, find out, is who, who am, who am I seeing?

DM Well [inaudible].

CM Ren, right?

DM Yeah, Ren. Its gotta be W-R-E-N or R-E-N-N.

CM Okay, yeah. I can't find him in the phone book. Is he brand new?

DM I don't know. Like I said, its one of the ones recommended with the group that's online. There's a, what is it, psychological counseling center for adults, ah, marital issues. I was basically just putting information in to try to find something locally that we could see.

CM Let me, let me ask you a question. Let me flip it for a minute here. What's your family think?

DM About what?

CM Do they want us to get back together?

DM What does that matter?

CM It matters to me because when you marry a man, you marry his family-- and I'm kinda curious as to what their opinions are on the subject.

DM Okay.

CM I think it's a fair question. What do you think?

DM I don't. I have. ... I don't know. I mean . . .

CM You don't know if your mother wants us back together, or not? You don't know if your father wants us back together, or not?

DM I think if it makes our family, you know, one and it keeps all of us happy, then yeah, they'll be okay with it.

CM Because, well, you know, you said to me the other night that your dad was so upset you didn't want him to see me at the house on Friday.

A8422

A-0026188

No, she had just been under psychological care for many years even before she met David that she never told him about. Dr. Richman testified regarding being diagnosed with panic attacks during her childhood.

DM Well, like I said, I'm not- I'm more worried about, you. You, and I, sitting down and talking and all these phone conversations do is, pretty much, push us further apart, I think. And, if we sit face-to-face, like we did Friday night, everything was, you know, on the up-and-up and then the more conversations we have in between, the more innuendo, the more mis-communication we seem to have.

CM Um, hum. I agree. I mean, I think something, but I wanna, like I said, I'd like to know, Dr. Richman said to be aware of who I'm going to see before I go see him.

DM That's fine.

CM And I think that's very good advice from a, from a medical professional. So that's why I'm trying to get a background on this guy before I get there.

DM Your sure it's a guy? Honestly, all I know is its Dr. Ren.

CM Well. Like I said, I didn't, like you said, the, well, the, if I can find him and his number, cause what I don't want to do is find out about the last minute. I wanna call him and, you known, get, get all the information as to what's going on, so.

DM Its just, if you get the, if, if you have a suggestion. I said, the only thing I'd talk to is . . .

CM I don't really because, um, I really haven't had, I figured you were kinda taking care of it. But then when I couldn't find him in the phone book, that's when, um, when I started to get concerned. I just thought, you known. And just to let you know, I've actually started to tape record our conversations, too.

DM Okay. That's fine.

CM So that way we can all keep on the up-and-up. [inaudible] Ah, but I am kindly telling you that I record things. . . .

DM Are you planning to, at this point, are we . . .

CM No. I'm just protecting my ass, Dave.

DM I'm, like I said, that's the kinda thing I'm worried about. Is there any chance that this is going to get to the point where we don't have to do all this stuff anymore?

CM Well, I don't know, Dave. I mean, it's gonna, its gonna depend, I guess, on you. Because I have not lied to you from the beginning.

DM Okay. I guess the question, too, is you still have the divorce proceeding going forward, which . . .

CM I do. I haven't stopped it, no. And, I'm not lying to you about that. I haven't stopped it. But I haven't fi-, you know you have to be apart six months no matter what happens. So, I, I have not puled the divorce papers off the table yet. No, I haven't.

Ironically, we would have never known about that incident Christine was referring to about being scared regarding being reported to Child protective services for abusing Leigh in the Drs office if Christine didn't tell us about it herself.

DM Well, like I said, my point there was, we were talking about reconciliation at the time

CM Yeah, I know. You know why? Because I'm just tired of all this bullshit.

DM Yeah.

CM I'm tired of the aggravation. I'm tired of you know the the talk about Dr. Blacklock being subpoenaed to say that had I possibly child abuse. I'm tired of all that stuff, Dave.

DM I know. Like I said is there a chance . . .

CM [Inaudible] you said that, right?

DM Well, my point is, is there any way of getting us back to where, to a point where we'll have a caring, loving relationship again?

CM Well I guess it depends how we treat each other, doesn't it.

DM Absolutely.

CM ~~And you know, you can't tell me that the FBI was following me, you can't tell me that Dr. Blacklock is gonna come and get me and lock up for the kids. You can't say those kind of things . . .~~

DM [Inaudible] Like I said, all I want to figure out if its as likely to get us back to- you know- is it. You know, I'm looking at the way things use to be before. And, I just don't know, is it possible for us again.

CM I don't, what do you think in your heart, hon?

DM Well, I mean, after Friday night, you made me believe that it was.

CM Because I thought it was, too. Because I wanted it, Dave. It's like Christmas. I want Christmas. I want Santa Claus. I want all that stuff. But if I have any feeling at all that your not being truthful with me, I'm not gonna be able to go any further.

DM Okay.

CM Okay. I mean, you gotta tell me the truth.

DM Like I said, one of those . . .

CM The bad stuff and the good stuff-

DM One of those things I think were gonna have problems with then is all these things. Like I said, when you and I sit with each other and talk, we do better.

CM Um, hum.

DM Okay.

CM [inaudible] about that.

DM I mean, I think that in and of itself tells me your mind set here.

CM No. I, I mean, I can't really. What, I mean . . . What do you want me to tell you, Dave. I'll go to the counseling. I'll see what happens. At any time, I can pull those divorce papers off the table. That's not a problem. But when you talking to me about a defamation of character lawsuit. You remember when you said that to me Friday?

DM Is that what's this is about?

CM No, that's not what its about. But I have concerns about it. Because I don't think that that's- If you, you can't even believe that I would ever try and professionally ruin you.

DM Well you did get me picked up from my practice. By the police, Chris.

CM You weren't in practice that day, Dave.

DM I was in my medical practice the day you got me picked up.

CM There were no patients the day.

DM No. Like I said. This is definitely not going in the direction that I think we should be talking.

CM It's not in the direction that you want it to go.

DM No, no. I'm saying that if this the, the. Can I expect this to be our conversation that every single time we are going to having conversations on the phone.

CM Not unless you can answer me honestly.

DM I'm happy to answer any question you want, Chris. I just, like I said, I was hoping to get things back to normal between you and I. And it doesn't sound like that's likely.

CM Normal [inaudible] the way that it was.

DM What's that?

CM Normal, the way that our relationship was is not gonna be the way it is in the future . . .

DM No, no.

CM . . . I'm trying to change too much.

This is referring to when Christine signed the Protection from Abuse on David in 2000, having David picked up at his optometric practice by the police for an emergency psychological evaluation.

Dave Mitchell was present when this happened.

Divorce?
Reconciliation?
Oral sex?
Definitely
Mixed
messages

DM You know, and I'd, I'd be happy to sit and talk with you. But these phone conversations, like I said, there's always a mixed message. There's always a second guessing. There, nobody knows for sure what the other one is saying.

CM I don't, well, I mean if your not comfortable on the phone, I understand that. But, I remember a long time ago when we used to be very comfortable on the telephone.

DM Well, I remember a long time ago when things were going really well.

CM Yeah. Me, too.

DM So, how do we get back?

CM So, you know, maybe . . .

DM [inaudible] I'm gonna ask the same question. I mean, forgive me for being stupid about this, but . . .

CM For you, its black and white.

DM No. I, well, I mean. It, it is black and white in as much as I see that you have. Like I said, your filing divorce paperwork. Your, your . . .

CM I did file the paperwork.

DM At the same time, your saying that you want to reconcile.

CM I under . . .

DM That's sending me a mixed message.

CM Right.

DM So, what I'm looking for is some black and white to tell me, yes, your interested in reconciliation, or no, your not. Yes, I want a black and white answer to that.

CM You want a black and white answer?

DM Yes.

CM I don't like to be put on the spot like that, Dave.

DM Well, like I said . . .

CM [inaudible] you don't like to be put on the spot either.

DM . . . your sending me a mixed message and I'm looking to recons-reconciliation.

CM Nah, I don't think I did it intentionally. I did not give you a mixed message intentionally.

A8426

(21)
A-0026192

DM Well, you either want a divorce or you want to reconcile. That's pretty straight forward, isn't it?

CM No, you see, the thing is, like I said, I wanna give you an ex- a chance to explain things that I have questions. So, I'm giving that chance. I keep asking you questions. I mean, you did tell me you were gonna subpoena Blacklock.

DM Alright. Let's put it this way. Are you done work at five tomorrow night? Do you want to sit down?

CM I have to go to Ted Hitchens.

DM Okay. So you don't want to talk. Face-to-face.

CM Well, I can't talk. I'm gonna be in the attorney's office.

DM Do you want to meet after your meet with your attorney?

CM I can't. I can't. I can't. By the time I do that, I have to go down and get, and probably see Katie. She's supposed to call me. So I just, I'm sorry, but I just do not have an opening. For that. I'm gonna be in the next day. Are you going to [inaudible].

DM Alright, I guess. What we'll try to do then, if you, when you can fit me in, . .

CM Now

DM I'd like to sit down and talk to you.

CM No, no, no. Stop.

DM I wanna actually get . . .

CM [inaudible] right now.

DM . . . face-to-face with you. I don't want to talk. . .

CM Why, why . . .

DM . . . on the phone anymore.

CM Why don't . . .

DM I, honestly, I'm not getting, I'm not comfortable with all this. Like I said, there's gonna be . .

CM Not comfortable. Well, maybe I'm not comfortable face-to-face.

DM That's changed from Friday?



It's hard to read due to being highlighted & then copied. It says, "cause I'm not afraid of you. I'm not physically afraid of you. I don't believe that you're gonna put a gun to my head. I don't believe you're gonna choke me!"

So why did she file a Protection from Abuse Then?

- CM Yeah. It has. Maybe I'm just not comfortable with face-to-face right now. Maybe I will be once we get through therapy.
- DM Yeah. I just don't understand all this. This is really . . .
- CM I know you don't.
- DM It's like you come to our house- You sleep with me in our bed.
- CM I did.
- DM You know.
- CM ~~I'm not afraid of you. I'm not physically afraid of you. I don't believe that you're gonna put a gun to my head. I don't believe you're gonna choke me.~~
- DM ~~So that's changed then, too.~~
- CM ~~No, that has not changed.~~
- DM No. I mean you . . .
- CM I'm saying, when we talk, if we're gonna talk in person, I want a third person mediator so that we don't get fighting with each other over stupid stuff.
- DM Shall we type, tape it then, I guess, you know.
- CM Well you. I told you that I will tape it if I need to because what I don't want is you slamming me with a defamation of . . .
- DM I'm not slamming you, Chris. I won't . . .
- CM . . . character lawsuit. You said that to me.
- DM All I want to do is get, like I said, if it's . . .
- CM But did you say that to me?
- DM Ah, I guess, at this point, we're not gonna get anywhere with this phone conversation, Chris.
- CM So, your not gonna answer my question.
- DM I'm saying I'm not going to answer your question. No. I'm not. I'm at the point now where I'd like to sit down and talk with you. You're saying your not going to do that. You're saying you want to reconcile but you wanna get divorced. I mean, your sending me all these mixed messages. I don't know how to get beyond this.
- CM Its not, its not that hard to, its not that hard to understand. If you were a girl, you'd understand.

CM [laughing]

DM [laughing] If I was a girl, you'd be a lesbian.

CM [laughing]

DM You know, you know . . .

CM Maybe I will be by time its all over. [laughing]

DM And I, I did check with Jerry. The whole blow job on Friday. And then, I'm sure your recording this, . . .

CM But that's not, that's not . . .

DM . . . that doesn't count as sex. Yeah.

CM that's not sexual intercourse, honey.

DM Okay. So, do we separate as of February 11th or do we separate as of January 1st . . .

CM Nope. I already talked to Hitchins. That doesn't [inaudible] and he said, besides, even that kind of thing is not set in stone. That thing happens. That kinda stuffs happens just like you said. That . . .

DM It just, it just. . .

CM . . . stuff happens all the time.

DM . . . concerns me, like we're talking, you know, June 1st.

CM Dave, when I did, when we, when we were together and that happened, I've cared, I, I still cared, but I cared. I didn't do that to take advantage of you. I didn't do it to send you a mixed signal. That's hard for you to believe. Fine.

DM I'm, I'm.

CM Don't believe me. That's up to you. That's your personal choice whether to believe me or not. I really hoped this weekend that we could get back together. I really was hoping that... that was gonna happen.

DM And, and where . . .

CM I still care about you.

DM . . . Why is that not possible, then?

A8429

A-0026195

CM Because I'm not sure that you. You can't even answer a question for me. Your, your not even, I'm asking you questions about that, like, you know, did you or did you not say something about that defamation of character lawsuit.

DM Right. And I'm, I'm like I said, if, if I give you, you know, yes, I did, no I didn't, you're, you're turning around saying, okay, I'm gonna use this tape against you in court.

CM No. I'm not gonna use the tape against you.

DM There's no trust left here.

CM [inaudible] to protect me because too many people have said I've said stuff when I haven't said, when I haven't.

DM No. Like I said, when we sat on Friday, we had a nice conversation.

CM We did.

DM You know, things.

CM We did. We had a very nice time on Friday.

DM Okay. And, like I said, it sounded to me like things were going back to normal.

CM And it sounded like that to me, too.

DM And, yet, now like I said, we're, it's this whole distrusting, you know, is it ever gonna go away.

CM I don't know, Dave. I, like I said to you before, it, the love is not the issue. It's the trust. That's the issue. Not the love.

DM You definitely love me.

CM I do care about you, honey.

DM Nah, that's okay, that's not the question I asked you now.

CM I'm sorry?

DM That's not the question I asked you now.

CM Do I love you. Well, how do you want me to answer that. Do I love you like the father of my children? Am I romantically in love with you? What do you want me to say?

DM Like I said, this is the stuff I'm, I'm confused by.

A8430

(20)
A-0026196

CM I know your confused. That's why I'm thinking if we go to a therapist, a therapist can help interpret because obviously I'm speaking girl language, your speaking boy language and the two languages are not matching.

DM Alright. I guess.

CM It's okay. I mean, if its too upsetting and you just think this is just too bizarre and you do not want to be with me or somebody that acts like this, then we'll just let the divorce roll through. I mean, you know, Dave, I never married you for your money.

DM Well, that . . .

CM [inaudible]

DM It just seems that its really easy for you say and that's not that easy for me to do.

CM What? What did you say?

DM Well, its just to let the divorce roll through. You known, I'm not ready to end this. If it's doable and there's any reconciliation possible, I will do what you want me to do.

CM But, no, no, no, no, no. Don't do it because I want you to do it, honey. Do it because you want to do it.

DM Well, Chris, you know, we both looked each other in the eyes on Friday and said we love each other.

CM Hold on that's my grand, my mother's yelling for me. Yes, Mom? Okay, no problem. They need to use the phone. My mom's not doing well.

DM Alright.

CM So, um.

DM We'll talk again when you have some time.

CM Well, like I said, I, sometimes I have a hard time reaching you. So . . .

DM Well, like I said, if you don't mind, just leave, I might, I now have the phone number at the house, it's working, the cell phone, if you don't mind, leave if . . .

CM Yeah I'll [inaudible].

DM . . . for the office emergency stuff. Just leave my . . .

CM [inaudible - talking at the same time]

DM . . . just call, call the home phone number. There's an answering machine message now.

CM Okay. Cause what I really wanna get, if you could, um, call me. I really wanna get this Dr. Ren's information so I can call over there. For Tuesday. Cause I do plan on still going on Tuesday unless, for some reason, I can't confirm what's going on before I get there. If he says I'm a marriage counselor, I'll be there. If it says I'm some kind of psycho babble guy [inaudible] lock you up, then I'm not going. [laughing]. And, that's as honest as I can be. *

DM Like I said, this whole trust . . .

CM If he's a marriage counselor, I'll be there.

DM There's that trust issue again, you know.

CM It is. It's absolutely a trust issue. I absolutely have a trust issue. I will admit that freely. So . . .

DM Can you just tell me in, in a, a single answer. One word. Is, is there any love in your heart for me?

CM Of course there is, Dave.

DM Okay.

CM If I love somebody, you just don't not love em the very next day.

DM Right.

CM Okay.

DM I mean, like I said, that's the words that were coming out of your mouth on Friday.

CM And, I'm not trying to hurt you. But, at this point, I have to take care of myself, too, Dave. Okay. I have to take care of myself and make sure I'm okay. And I've lost 25 pounds being so upset over this particular situation. I can't let myself get sick over it. I cannot be sick over it. Twenty-five pounds is too much. Maybe you lost even more. So, it's upset me so much and I've lost enough tears and enough weight that I've gotta make a decision on what is gonna keep me healthy. Cause I have to be strong for me and for my girls. Do you understand where I'm coming from?

DM Yep. I guess so.

CM Alright. I will, well, hopefully I'll talk to you tomorrow.

DM Okay.

CM Otherwise, I'll definitely . . .

DM Well

A8432

A-0026198

CM see ya. Well, will you be there on Saturday for your award?

DM Yeah but I don't know. At this point I'm still debating whether I just want to hang out here with the girls or go in to something.

CM Well, I don't want to chase you away from your day. But, I need my CE cause I can't find my certificates from Florida. I mean, I had to pay for my CE out of my own pocket. Simon's not paying for it.

DM I mean, don't, don't misinterpret what I'm saying. I don't fear you in any way.

CM I know, but it's going to be an uncomfortable situation because people are gonna be wondering why I'm sitting at Dr. Simon's table. You know, I understand, I am quite aware of that and I was actually planning on, if you were gonna be there at lunch to get your award, I will leave. So that as not to make the situation more uncomfortable for you because I do not want to do that to you.

DM Your not gonna be sitting on my lap. The way you did last year?

CM No, Dave. Not at a professional meeting, I won't. Because remember we both have to still be in this field. And there, if nothing else, I think and I've always said it, you're a very good doctor and a very good father and I'm not gonna do anything to, I will never say anything either way as far as that goes. Okay? *

DM Yep.

CM I'll talk to you later.

DM Bye.

CM Bye.

28

A8433

A-0026199

January 19, 2012

Note:

I opted not to respond to the letter from Amy Matusiewicz Gonzalez, dated 1/10/12. *

Since David Matusiewicz's parental rights have been terminated, and there is no documentation available to this office that the paternal side of the girls' family has any right to information regarding the girls' medical records or office visits, there is no valid or compelling reason to reply to Ms. Gonzalez's request.

Nonetheless, for the sake of our records, I will state emphatically that I have absolutely no knowledge or recollection of the events Ms. Gonzalez outlined in her letter.

Sincerely,



Matthew P. Gotthold, MD

This was in response to the letter that I sent Dr. Gotthold asking that if he was aware of the incident regarding abuse of Leigh in his office to please come forward.



* (see this info in Koreni chart)

A8434 A-0026104

INTRODUCTION

This is the Court's decision regarding a Petition for Custody filed on January 3, 2006 by David Matusiewicz ("Father"), represented by Alfred Tarrant, Esquire. Christine Belford ("Mother"), represented by Timothy Hitchings, Esquire, filed an Answer and Counterclaim on January 19, 2006. The matter is in regards to the parties' three minor children: Laura (DOB 5/31/02); Leigh (DOB 9/5/03); and Karen (DOB 7/13/05). At the hearing on February 6, 2007, the Court received documentary evidence and heard testimony from both parties, as well as from the following witnesses: Dr. Michael Bruno, Father's friend; David Wayne Phillips, a private investigator hired by Father; Lenore Matusiewicz ("Paternal Grandmother"), Dr. Samuel Romirowsky, who conducted a custody evaluation of both parties and the three minor children; and Dr. John Thomas Dewey, who is employed by the Brennan School, where Leigh formerly attended.

PROCEDURAL HISTORY

Prior to the hearing, the parties had been operating under an Interim Consent Order entered by this Court on February 13, 2006. Under that Order, the parties agreed that Father would have sole and residential custody of the three children and that Mother would have visitation every other weekend from Friday at 7 pm to Sunday at 6 pm pending a hearing. Subsequently, Mother filed a Petition for Divorce and this Court granted the divorce by final decree on November 30, 2006.

DISCUSSION

For the sake of judicial economy, the Court will not restate the testimony given at trial, as it can be more fully seen on the record, but rather will note any relevant issues throughout the

discussion. In deciding the legal custody of a child, consideration must be given to all relevant factors, including those set forth in 13 Del.C. §722(a).¹

1) The wishes of the child's parent or parents as to his or her custody and residential arrangements;

Father requested in his Petition that the Court grant him sole and residential custody of the three children, as he alleged that Mother was suffering from post-partum depression and discontinued taking her medication. During the hearing, Father testified that he and Mother do not agree on important decisions regarding their children and that if the Court should find that a joint custodial arrangement would be in the children's best interest, then he would like the Court to grant him the final say when it comes to medical decisions. He also requested that Mother not be permitted overnight visitations with the children, as he does not believe Mother has appropriate residential arrangements. During her testimony, Mother admitted that she lives with her grandmother, who suffers from dementia, and agreed with Father that she could not have all

¹ 13 Del.C. §722 states:

(a) The Court shall determine the legal custody and residential arrangements for a child in accordance with the best interests of the child. In determining the best interests of the child, the Court shall consider all relevant factors including:

- (1) The wishes of the child's parent or parents as to his or her custody and residential arrangements;
- (2) The wishes of the child as to his or her custodian(s) and residential arrangements;
- (3) The interaction and interrelationship of the child with his or her parents, grandparents, siblings, persons cohabiting in the relationship of husband and wife with a parent of the child, any other residents of the household or persons who may significantly affect the child's best interests;
- (4) The child's adjustment to his or her home, school and community;
- (5) The mental and physical health of all individuals involved;
- (6) Past and present compliance by both parents with their rights and responsibilities to their child under § 701 of this title;
- (7) Evidence of domestic violence as provided for in Chapter 7A of this title; and
- (8) The criminal history of any party or any other resident of the household including whether the criminal history contains pleas of guilty or no contest or a conviction of a criminal offense.

(b) The Court shall not presume that a parent, because of his or her sex, is better qualified than the other parent to act as a joint or sole legal custodian for a child or as the child's primary residential parent, nor shall it consider conduct of a proposed sole or joint custodian or primary residential parent that does not affect his or her relationship with the child.

three children with her there. Father further testified that Mother has not fully exercised her visitations with the children, and that she does not devote equal attention to all three children.

In her Answer, Mother denied Father's allegation that she still suffers from post-partum depression and claimed that she discontinued taking her medication under the supervision of her physician. She testified that she had an excellent relationship with all three children prior to her separation from Father, but since the children have been residing with Father, she has had difficulty maintaining that same relationship. Mother also testified that the reason she yielded interim sole custody to Father was because he was in possession of the marital residence and she did not want to create more distress and confusion for the children.

During the hearing, Mother submitted a requested custodial arrangement, including both a short-term and long-term schedule. The proposed short-term schedule would be in effect until Mother obtains suitable housing for the children and entails Father maintaining residential custody with Mother having the following visitation schedule: Wednesday evening visitations with Laura and Karen; alternate weekend visits with Laura from Saturday evening until Sunday evening; alternating Sunday visits with all three children from 9 AM until 6 PM; holidays and vacations pursuant to the Standard Visitation Guidelines. Mother's proposed long-term schedule is a shared residential arrangement (week on/week-off) where the parties would exchange the children on Sunday evenings.

2) The wishes of the child as to his or her custodian(s) and residential arrangements;

Due to the children's young age, the Court did not interview them.

3) The interaction and interrelationship of the child with his or her parents, grandparents, siblings, persons cohabitating in the relationship of husband and wife with a parent of the child,

Dr. Richman testified to the contrary regard. of, Christine's medications. Christine was stopping her meds. was a problem.

When she left the house I overheard Christine tell David, "Take the damn kids" + she threw keys at them.

any other residents of the household or persons who may significantly affect the child's best

interests:

Father currently lives with Paternal Grandmother in a 4 bedroom house on two acres of land. He testified that this is the only home in which all three children have ever lived, it is located in a family-friendly neighborhood, and that the children have friends who live close by. Father and Paternal Grandmother testified as to Father's close relationship with all three children, especially his dedication to Leigh, who suffers from autism. Both he and Paternal Grandmother testified that Paternal Grandmother has a great relationship with the children and that she assists Father in caring for the children while he is working, including picking up the older two children from school each day. Paternal Grandmother testified that she used to assist Father in his office until she recently decided to stay home and help care for the children full-time. Father also testified that his father, sister, aunts, uncles, cousins, and grandparents live close by and that the children see them regularly.

As discussed above, Mother currently lives in a two bedroom apartment with her grandmother, who suffers from dementia. She testified that she could not have all three children at her current residence due to her grandmother's condition; however, she has had Laura spend the night on several occasions. Mother also has an 11 year-old daughter, Katie, from a previous relationship who is currently living with Mother's ex-husband's sister due to the grandmother's dementia and the unfortunate situation between Mother and Father and their three children. According to Mother, Katie gets along very well with her other three children. Mother's father, mother, and grandmother also live nearby, but Mother stated that she does not want her parents around the children because they are both alcoholics.

The child's adjustment to his or her home, school and community:

If she couldn't have all 3 children at the apartment, why not take turns with Laura, Leigh, and Karen spending the night.

5.

There were plenty of times that Christine did not exercise her right to visit with the children as I would drive from NJ to DE to have 2 adults present for the exchange of the children so she wouldn't try to have David set up with another address. J

(12)

1004666

The oldest child, Laura, is currently enrolled in Newark Montessori School and is doing well there, despite needing some extra assistance with her phonics. Leigh has been diagnosed with autism and is currently enrolled in the early learning program at the University of Delaware. She was previously enrolled at the Brennan School, which, unlike the early learning program, specializes in autistic children. Father removed Leigh from the Brennan school after she came home on several occasions with cuts and bruises. Dr. John Thomas Dewey, who is employed by the Brennan school and has been working with autistic children since 1991, testified that Leigh's injuries were the result of her own tantrums and that she would benefit if she were to re-enroll at the Brennan school. The youngest child, Karen, is not currently in school due to her young age.

5) The mental and physical health of all individuals involved:

As noted above, Father had concerns that Mother was mentally unstable. Mother also had concerns regarding Father's mental health and even filed a Motion for a Psychological Evaluation of Father, which was granted by this Court on March 8, 2006. Dr. Romirowsky, who performed an evaluation of both parties, testified that each party has the requisite mental health to take care of the children and make important decisions on their behalf. Despite having received information regarding the observations of the private investigator hired by Father (see discussion below), Dr. Romirowsky testified that there were no indications that Mother is a physical risk to the children and he sees no problem with Mother spending significantly more time with the children once she obtains appropriate housing.

Father, on the other hand, had a tendency for perceivory, according to Dr. Romirowsky's testimony, which means that he insists on taking the same approach even after getting feedback that his approach is not working. Dr. Romirowsky testified that this was an unhealthy sign and that he does not see it in cases where the parties are willing to make adjustments. Dr.

6

David
Fred Dr
Romirowsky's
friend,
attorney
Jery
Berkowitz,
prior to
the custody
hearing.
Bias?

A8715

00004667

13

Romirowsky also determined that Father was suffering from stress, anxiety, depression, and was at risk for losing touch with reality. Notwithstanding these findings, Dr. Romirowsky believes that both parents should be equally responsible for all decision-making and that they should try to achieve residential arrangement wherein Mother would have significantly more time with the children. Dr. Romirowsky also stated that due to the developmental stages of the children, it is better to have frequent contact with the non-custodial parent.

Regarding the physical health of the three children, both Laura and Karen suffer from malabsorption syndrome, according to Father, where the body doesn't absorb all the nutrients it needs. Karen's vaccinations have been halted because Father is afraid they may cause her to develop autism, which Leigh suffers from.

6) Past and present compliance by both parents with their rights and responsibilities to their child under §701 of this title;

As noted above, Father hired Mr. Phillips, a private investigator who observed Mother with the children on several occasions. Mr. Phillips testified that he observed Mother driving in excess of 70 mph with the children in the car. He also testified that he observed Leigh run into the street 6 or 7 times while Mother was outside with the children and that she left the youngest child, Karen, alone inside the house for as long as 10 minutes. Mother did not outright deny any of these allegations; however, she stated that while she wouldn't be surprised if Leigh went into the street, she claimed that Leigh was never in the middle of the street while under her care.

Father alleges that Mother does not spend equal time with the children and devotes nearly all of her time to Laura, the oldest child. He also claims that Mother did not exercise her Christmas Eve visitation with the children, nor her 5 weeks of visitation over the summer.

children. She also claims that Father has disregarded her calls and phone messages on occasion and that he does not always provide her with information about the children. Mother testified that Father has unilaterally made decisions on the children's behalf, such as taking them to another doctor besides the agree-upon family doctor, refusing to give Karen all of her vaccinations, and treating Leigh's autism in a way that is contradictory to Mother's wishes.

7) Evidence of domestic violence as provided for in Chapter 7A of this title, and

Both parties have filed Petitions for Protection from Abuse. Mother filed hers on January 3, 2006, alleging that Father had threatened to kill her and dispose of her body where no one would find it on several occasions and that he stated that he was hearing voices in his head. A Temporary Ex Parte Order was granted by this Court the same day it was filed and was later denied on January 13, 2006 after a full hearing on the merits. During the hearing on February 6, 2007, Mother testified that she does not believe Father is a risk to her or the children and she should not have taken his threats literally.

Father filed his Petition for Protection from Abuse on January 5, 2006, alleging that Mother had stopped taking her medication for post-partum depression, that she left the children unattended or attended by strangers at various places and times, and that she threatened to have Father jailed with the intention to harass, intimidate, and annoy Father. His Petition was also denied on January 13, 2006.

8) The criminal history of any party or adult member of a household and shall take into consideration whether a party or adult member of a household has pled guilty or no contest to or was convicted of a criminal offense.

No evidence was provided regarding either party's criminal history.

so why did she file a petition for protection from Abuse?

officer Stamer testified that he believed christhe just wanted a divorce.

It would have been a lot easier just to ask for one rather than start all this drama and lies

CONCLUSION

In addition to the above referenced best interests factors, the Court must also consider any other relevant information that impacts its decision regarding residential and custodial care of the children.

The Court agrees with Dr. Romirowsky and finds that it is in the children's best interest for both parents to be involved in making decisions on behalf of the children and for Mother to spend significantly more time with the children. Thus, the Court awards joint custody of the children with the residential arrangement pursuant to Mother's proposed schedule, with a couple minor adjustments. The interim arrangement while Mother resides with grandmother is to be as follows: every Tuesday and Thursday from 6:00 pm to 8:00 pm with Laura and Karen; every other Saturday overnight with Laura; and every other Sunday from 9:00 am to 6:00 pm with all three children. Once Mother obtains suitable housing, she shall enjoy visitation with all three children on alternate weekends from Friday at 6:00 pm with a return to school, daycare, or Father's on Monday morning, as well as Wednesday overnight at 6:00 pm on weeks she has the upcoming visitation, and Wednesday and Thursday overnights on weeks she does not have the upcoming weekend visitation. The visitations do not need to occur at Father's; Mother may take the children out to dinner or wherever she pleases if she feels comfortable. The parties shall continue to follow the Standard Visitation Guidelines for holidays and special occasions.

Each parent is entitled by statute to have reasonable access to the children by telephone, mail and other means of communication and to receive all material information concerning them, regardless of the joint or sole legal custodial status of the children. The parties shall exert every reasonable effort to maintain free access and unhampered contact with their children. Moreover,

each party shall foster a feeling of affection and respect between the children and the other parent. Neither party shall do anything that may estrange them from the other party, injure their opinion of the other party, or hamper the free and natural development of their love and respect for each party.

The rights of children set forth in 13 Del.C. §1507(g) with respect to divorcing parents are as follows:

1. The right to a continuing relationship with both parents.
2. The right to be treated as an important human being, with unique feelings, ideas and desires.
3. The right to continuing care and guidance from both parents.
4. The right to know and appreciate what is good in each parent without one parent degrading the other.
5. The right to express love, affection and respect for each parent without having to stifle that love because of fear of disapproval by the other parent.
6. The right to know that the parents' decision to divorce was not the responsibility of the child.
7. The right not to be a source of argument between the parents.
8. The right to honest answers to questions about the changing family relationships.
9. The right to be able to experience regular and consistent contact with both parents and the right to know the reason for any cancellation of time or change of plans.

10. The right to have a relaxed, secure relationship with both parents without being placed in a position to manipulate one parent against the other.²

Since this Order was entered after a full hearing on the merits, any modifications thereof shall be pursuant to 13 Del.C. §729(e).³

IT IS SO ORDERED.



Mark D. Buckworth
Judge

MDB/sea February 13, 2007
CC: Parties
File
Alfred Tarrant, Esquire
Timothy Hitchings, Esquire

² 13 Del.C. §1507(g) listed above.

³ 13 Del.C. §729 provides:

(e) An order entered by the Court after a full hearing on the merits concerning the legal custody of a child or his or her primary residence may be modified only as follows:

(1) If the application for modification is filed within 2 years after the Court's most recent order concerning these matters, the Court shall not modify its prior order unless it finds, after a hearing, that continuing enforcement of the prior order may endanger the child's physical health or significantly impair his or her emotional development.

(2) If the application for modification is filed more than 2 years after the Court's most recent order concerning these matters, the Court may modify its prior order after considering:

a. Whether any harm is likely to be caused to the child by a modification of its prior order, and, if so, whether that harm is likely to be outweighed by the advantages, if any, to the child of such a modification;

b. The compliance of each parent with prior orders of the Court concerning custody and visitation and compliance with his or her duties and responsibilities under §727 of this title including whether either parent has been subjected to sanctions by the Court under §728(b) of this title since the prior order was entered; and

c. The factors set forth in §722 of this title.

cards again. She said I want to mail them cards. Because she mails them, like, holiday cards.

And I said you can mail them cards. I said he doesn't have any right to tell you what to do.

And I creeped on his Facebook page, right, because I wanted to see. He liked -- it was so bizarre because I did it that day because I try to keep an eye to see if I can see what he's doing.

Q. Is that your way of keeping an eye out on him or being a little hypervigilant, you think about what he's doing?

A. I think it's sick and okay at the same time. I think it's a bad thing --

Q. Right.

A. -- and I think it's a good thing --

Q. Right.

A. -- because it reminds of, like, there are times where I go back and look at all the headlines again.

Q. Yeah.

A. And I go back and, you know, I have to

This is just part of christine's recorded therapy sessions with Dawn Edgar that the govt used against us to show christine's purported fear. They didn't include this part that shows christine following David online.

For christine, the therapist calls it being hypervigilant due to the diagnosis of PTSD, but for us, the govt calls it stalking.

1 revisit it and I have to revisit it and I have
 2 to -- and I go through those cycles. So I
 3 don't know. Part of me tries to justify it to
 4 myself that I'm doing it to try to just stay
 5 proactive and kind of keep an eye on him.

6 But I know it's not good and I
 7 should probably stay away from it because how
 8 much information could I get from Facebook?
 9 I'm not a friend, so there's only so much
 10 that's public.

11 But on Sunday before she called
 12 me, I went on there, and it says, like -- it
 13 says like he liked Jade. It said Jade, and it
 14 was a Myspace thing. I was, like, Jade? You
 15 know, because I know some of the friends. I
 16 clicked it. I looked at it. It was, like,
 17 Jade, Myspace, why is Jade -- it was Cindy's
 18 daughter.

19 So he was starting to like things
 20 like her daughter. So I want to tend to
 21 believe him unless they're really in cahoots
 because he had put that on his Facebook page.
 Why would he like her daughter?

Q. How old is she?

Christine is referring to a call she received from Lindy Bender regarding David. Jade is Cindy's daughter.

They are referring to posting when you "like" something on Facebook



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A6253

1 A. A young girl. About 24.

2 Q. Okay.

3 A. And, in fact, she's expecting a baby
4 with someone. And the thing, and when I
5 looked at it, I was, like, well, the Myspace
6 account isn't even -- it, like, apparently
7 hadn't even had an entry for I think it said
8 six years, you know, because a lot of people
9 aren't using Myspace anymore.

10 And I didn't put two and two
11 together until Cindy called me. And I said,
12 Cindy, he liked Jade on Facebook. You know,
13 you may want to take a look at that. You
14 know, and the next day it was gone.

15 Q. Right. Now, I know you have a Facebook
16 page.

17 A. I deactivated it.

18 Q. Okay. I was going to --

19 A. Because I was friends with Cindy and
20 other people, and I just thought -- you know,
21 I talked it over with Gerald too. And
22 Gerald's been after me. He's, like, I think
23 you need to deactivate it because as much as
24 you can make things private, still.



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A6254

1 Q. I mean, I'm not suggesting that you
2 don't live your life and do the things that
3 you love.

4 A. Right. Yeah.

5 Q. I'm just making sure that you remain
6 safe because if you're going to keep certain
7 information away from this person, it kind
8 of --

9 A. Well, she's also friended on
10 Facebook --

11 Q. Yeah.

12 A. -- so she's going to be able to see
13 things. So I just deactivated it all so I
14 can, you know, bring it back up future.

15 And usually things that I was
16 putting on there anyway wasn't a whole lot.
17 Like, there might be pictures of the kids,
18 like, at Halloween, but I wasn't one to
19 really -- I'm not one to make a lot of
20 comments. I use it more just to kind of keep
21 up on my friends, see what they're doing, that
22 kind of stuff.

23 Q. Right.

24 A. Mostly I'd use it for bar



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A6255

1 advertisement. I'd be trying to get people at
2 Firewaters.

3 Q. Right. So let me ask you this: Like,
4 how true do you think it is that if you track
5 what he does on Facebook that you'll be able
6 to stay ahead of him?

7 A. I think it's not worth it. I think I
8 need to knock it off, honestly. And I can't
9 now because I don't even have an account.
10 Now, I could open it up -- I already know. I
11 can turn it back on, go check, turn it back
12 off, or Katie could stalk him through -- and
13 Katie's already blocked him on hers.

14 Q. Yeah.

15 A. Because I don't want her to have to --
16 her blogs are different. I mean, you know,
17 it's all about her baby, and she's in high
18 school.

19 And, you know, so I think for my
20 health I need to stay away from it. I
21 can't -- I can't -- I can't do it. Because
22 what the hell's it going to do? I mean, he's
23 not going to say I'm on my way out to go
24 kidnap the kids. I'll see you later. He's

And this
is what
her
purported
fear has
been all
about.
Not the
present, but
the past.

Even people
that have
never met
us + do
not know
us were
infected by
this
purported
fear.



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A6256

1 not going to put anything on there like that.
2 He's not that -- I mean, I think
3 if there is truth to this, there are pictures
4 that were mailed, things like that, I think
5 that was a bad error on his part.

Q. I mean, just one of the things when you
came in here a while ago, the first thing you
said is when you saw the other therapist that
you were diagnosed with PTSD, post-traumatic
stress disorder, which I, from seeing you all
this time, I tend to agree that that is the
diagnosis that you have. And one of the
things in the DSM, which is the --

14 A. I know what it is.

15 Q. Right. So one of the things inside the
16 DSM that helps to -- therapists to categorize
17 patients, you know, or clients with PTSD is
18 the hypervigilance part, which is what you're
19 doing. So don't beat yourself up that you're
20 doing it. It's just kind of one of those
21 things that go along with it.

22 We are aware of this now, and we
23 can work with this so that it's not so much
24 the forefront for you, like, I have to do



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This is referring to sexually explicit pictures that Cindy sent to David via text that Cindy said David threatened to send to Cindy's husband if she didn't give him Christine's phone # or email address.
I have her testimony to copy & send as well.