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KING COUNTY
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SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

In re the Marriage of:

SHELLEY K. DESMOND

Petitioner,

and

MICHAEL D. PIEPKORN

Respondent.

Hon. Terry Lukens

NO. 02-3-04859-9SEA

RESPONSIVE DECLARATION OF
SHELLEY DESMOND TO
RESPONDENT'S MOTION FOR
RETURN OF PROPERTY AND TO
LIMIT DISCOVERY

Shelley K. Desmond declares as follows:

I am Petitioner in this matter and I make this declaration in response to Respondent's Motion for Return of Property and to Limit Discovery and in response to the Declaration of Michael Piepkorn.

Background. Mike and I have been married for 28 years and have two children born of our marriage, Tyler, age 18 and Zachary, age 13. I teach kindergarten in the Lake Washington School District and Mike is a dermatologist.

Contested Parenting Plan. I have been the primary parent in our home working part-time in the mornings as a kindergarten teacher. I have seen our children off to school and have

RESPONSIVE DECLARATION OF SHELLEY
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ORIGINAL

1 been home when they return all of their lives. Mike and I agreed that I would be in the home
2 to care for my children and my husband. I was happy and content doing so. Throughout our
3 long marriage, Mike has furthered his career as a dermatologist. I would never do anything to
4 jeopardize his career or his earning capacity.

5 Mike is asking for an equal shared residential schedule for Zachary. I am requesting a
6 parenting plan that is consistent with the current temporary parenting plan of alternating
7 weekends and two midweek evening visits each week. Mike works long hours and travels
8 extensively to present at conferences in this country and internationally. He also appears as an
9 expert witness in trials throughout the United States. There is no question that I will be home
10 every day when the children go to school and when they come home as I have all of their lives.

11
12 Alienation of the Children's Affections. Mike has been unduly influencing Zachary
13 and Tyler in favor of his parenting plan. The court commissioner at our temporary hearing
14 restricted Mike's calls to the house because he was putting the children under such pressure to
15 live with him. Mike has been trying to alienate the children from me by manipulating them to
16 believe that the divorce is my fault that our family is no longer together; that he wanted to stay
17 together but that it was I who filed for dissolution of marriage. See EXHIBIT A. Zach will
18 return from his father's home and exclaim, "We are not mad at dad."

19
20 In spite of what he puts in his declaration, Mike still believes and has no difficulty
21 saying that he would reconcile now if I would only "forgive him." The boys know this and he
22 makes this clear to me. During my deposition, he mouthed the words "I love you" while his
23 attorney questioned me. His Declaration states "After 28 years of marriage, my wife filed for
24 dissolution of our marriage on June 17, 2002." He calls his conduct during our marriage a

1 "mistake" and implies that if only I'd forgive him our relationship would continue. Mike is
2 playing the fault issue as though he were the victim in this case. While, I was devastated at the
3 discovery of his "affairs" during our marriage, my concern over his conduct in this case has
4 nothing to do with fault and the end of our marriage and everything to do with Mike's behavior
5 as it effects our children and our relationship in raising our children.

6
7 Mike's conduct is disturbing and I am concerned that my children may be at risk.
8 Many things have come to light since our separation. Bruce Olson, PhD, is preparing a
9 parenting plan evaluation. Dr. Olson has asked me for information about Mike's parenting and
10 his conduct that shed's light on his character. He has asked me for information about our
11 relationship as well as Mike's sexual conduct during the marriage.

12 The information I have provided to Dr. Olson includes my statements of my personal
13 knowledge, Mike's admissions to me and other tangible evidence of the following:

- 14 ▪ Allegations of indecent exposure in New Orleans during a medical
15 conference.
- 16
- 17 ▪ Instances of Mike's hiring prostitutes from a strip club to meet him at a
18 Seattle Spa known as Tubbs.
- 19 ▪ Allegations in sworn declarations in *Adams v. Desmond*, King County
20 Cause No. 98-2-28905-8 alleging that Mike was looking in the windows
21 of our neighbor's homes (peeping tom) and about the nature of Mike's
22 anger.
- 23 ▪ King County Sheriff's Officer Eric Soderstrom, visit about a neighbor
24 who alleged that Mike threatened to kill her.
- 25

- 1 ▪ Evidence of photo sessions with a girlfriend at New Orleans hotel
- 2 recorded on a CD that Mike kept by his desk in the bonus room of our
- 3 house near where our children played.
- 4 ▪ Instances of Mike's viewing the photos of his naked girlfriend in the
- 5 bonus room with the children and their friends present.
- 6 ▪ Copy of the R-rated movie, *Unfaithful*, that Mike gave or otherwise
- 7 made available to our 13 year old son, Zach. (Zach returned from his
- 8 father's with the CD, which I removed from his possession.) The movie
- 9 is about a married man who kills another man who is having an affair
- 10 with his wife after which the couple reconciles and covers up the
- 11 murder. The movie plot is disturbing similar to Mike's conduct and
- 12 would appear to offer one scenario where the spouse "forgave" his
- 13 wife's infidelity. The movie contains graphic sex and violence. The
- 14 movie presents complex moral dilemmas completely unsuitable for a 13
- 15 year old boy whose parents are divorcing. Again, Dr. Olson has copy of
- 16 the CD and will be assessing Mike's inappropriate limit setting for Zach.

17 During my deposition, Janet George, asked many questions accusing me of alienation
18 of our children's affections due to my "anger" at Mike over his continuing affairs. After
19 asking me all of these questions and attacking my intentions in regards to the parenting issues,
20 Mike now seeks to limit my discovery of the same issues in relation to his actions. My
21 attorney needs to inquire of Mike about this for my defense as well as to probe Mike's attitudes
22 as they might affect the children.

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1 During my deposition, Janet George asked questions challenging my attitudes and
2 outlooks on life by characterizing Mike's pictures of he and his girlfriend naked together as
3 "art". The graphic nature of the photographs is disturbing. When told about their existence,
4 Dr. Olson indicated that I should bring everything to him. Mike's attitude about this type of
5 material is relevant particularly in relationship to his intentions to expose this type of material
6 to our children. I would never show Mike's pictures or anything like it to our children. If a
7 restraining order is entered, I would be comforted to know that Mike would be restrained from
8 giving any type of material like this directly, indirectly or inadvertently to our children. He
9 should be restrained from having any pornographic material in his home and he should be
10 required to install filters on his computer to restrict internet access to pornographic material.
11

12 Financial Issues. Mike has spent community funds on women with whom he has had
13 relationships. Mike's declaration states that he had an affair with only one woman. He claims
14 to have not made any gifts to her except a \$300 VCR player. I don't believe his statement.
15 He bought another woman with whom he claims he did not have a sexual relationship a pair of
16 \$2,700 earrings and he gave her \$2,000 to take her picture in a Seattle hotel room. He also
17 bought her a computer. He may have spent much more on her and discovery is continuing on
18 that subject. He hired prostitutes from a strip club on which he spent community funds. There
19 may be more women and more community funds spent entertaining them. He has served me
20 with a request for admission asking me to admit or deny that \$10,600 is the total sum of
21 community funds he spent on other women.
22

23
24 Mike's strategy is to come forward and admit that he spent \$10,600 on one woman and
25 given this admission the inquiry should end. In fact, the sums may be greater. Mike's

26 RESPONSIVE DECLARATION OF SHELLEY
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1 Declaration and Memorandum admit this to be a relevant issue and therefore I should have
2 access to the names of the women with whom Mike had contact and the amounts that he spent
3 on them. His answers should be under oath.

4 This information is relevant from a parenting plan perspective in that the extent to
5 which Mike's conduct may expose our children to numerous and unstable relationships in the
6 future is crucial to me. He is asking for a significant amount of time with the children. The
7 evidence at trial will show that Mike left his children, in my care, during the children's
8 vacations, during their illnesses and for a significant amount of time to pursue these
9 relationships. Mike is trying to limit discovery of this information thus depriving it from the
10 court. Dr. Olson has been advised of as much as I know about his subject.

11
12 Mike's timing of this motion is strategic. His deposition is set for May 8, 2003, the
13 same day as this motion. I served interrogatories on him 30 days ago requesting answers to
14 questions regarding his conduct; its effect on the children and the financial repercussion to the
15 community estate. By waiting until the 11th hour he effectively blocks his deposition and
16 delays the receipt of important information requested by Dr. Olson. Dr. Olson's report is due
17 in early June. My attorney is on vacation from May 10, 2003 to May 28, 2003. There will be
18 very little time to get this information to Dr. Olson after the court's ruling.

19
20 I ask that the court deny his motion and award \$2,000 in attorney fees for my expense
21 in responding to this motion.

22
23 I declare under the penalty of perjury under the laws of the State of Washington, that
24 the foregoing is true and accurate.

25 Dated at Seattle, Washington, this 5th day of May, 2003.

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Shelley K. Desmond
Shelley K. Desmond, Petitioner

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