

PAGE 1-6 OF..

MOTION TO

RECUSE

#4



Plaintiff/Counter-Defendant,

V.

L.

Defendant/Counter-Plaintiff

Case No.: C-03-FM-20-002053

Motion to recuse

Appendix: Summary of Procedural Errors and Judicial Misconduct

1. Improper Notification and Procedural Confusion:

- Failure to Notify of Custody Hearing: Parties were notified that the May 29, 2024, hearing was for contempt, but were not notified that it included a modification of custody.
- Judge Purpura mistakenly believed she was presiding over a contempt hearing, impacting the fairness of the proceedings.
- Mismanagement of Hearing Dates: Mismanagement of hearing dates and confusion over the nature of hearings deprived Ms. [REDACTED] of a fair opportunity to present her case.

2. Bias in Handling Evidence:

- Disregard of significant evidence presented by Ms. [REDACTED], including expert opinions and psychological evaluations.
- Giving preferential consideration to unsupported assertions made by opposing counsel over substantiated evidence.
- Exclusion of documentation of Mr. [REDACTED]'s abusive behavior.

3. Unjust Labeling of Ms. [REDACTED]:

- Labeling Ms. [REDACTED] as untruthful, mentally ill, and a vexatious litigant without specific diagnoses or evidence.
- Labeling Ms. [REDACTED] as a vexatious litigant without a hearing or evidence.
- Bias rooted in opposing counsel's narrative.

4. Contrasting Treatment of Mr. [REDACTED]:

- Ignoring documented history of Mr. [REDACTED]'s lying and battery.
- Assertion of no negative credible evidence against Mr. [REDACTED]

5. Disregard for Professional Evaluations:

- Ignoring professional evaluators and psychiatrists' findings indicating no safety risk or severe mental health issues with Ms. [REDACTED]

6. Inaccurate Custody Decision:

- The recent custody modification was based on previously known circumstances that do not constitute new material changes necessary for a custody modification under Maryland law.
- Custody decisions were based on opposing counsel's arguments rather than actual evidence.
- The judge asserted that Ms. [REDACTED] has a severe mental health issue, contrary to the evidence presented.
- Custody decisions were justified by the judge with reasons not based on facts, evidence, or testimony.

7. Failure to Address MMPI Evaluation Results:

- Ms. [REDACTED]'s MMPI results are within the normal range and did not show anything that would impact her ability to parent.
- Mr. [REDACTED]'s unscorable MMPI results indicating attempts to manipulate the test or significant non-compliance, ignored by the court.

8. Denial of ADA Accommodations:

- Denial of Ms. [REDACTED]'s requests for ADA accommodations for anxiety and ADD.

9. Misrepresentation of Ms. [REDACTED]'s Behavior:
 - Misrepresentation of Ms. [REDACTED]'s actions and behavior, including false allegations of blackouts.
10. Failure to Consider Incidents of Abuse:
 - Failure to acknowledge and consider incidents of Mr. [REDACTED]'s abusive behavior.
11. Inappropriate Custody Arrangements:
 - Judge Purpura decisions are contrary to the best interests of the children.
 - Permitting the children to be predominantly raised by sitters rather than their mother.
 - Disregarding the children's repeated requests to be with their mother.
 - Ignoring the children's continued allegations against their father.

COMES NOW [REDACTED] [REDACTED], Prose, respectfully submits this Motion for Recusal of Judge Purpura from the ongoing custody case.

Grounds for Recusal:

1. Evidence of Bias: Judge Purpura has demonstrated substantial evidence of bias and favoritism towards Mr. [REDACTED] consistently disregarding evidence and expert opinions that contradict her rulings.
2. Procedural Mismanagement: Judge Purpura has made numerous procedural errors, including confusion over hearing dates and the nature of hearings, which have adversely affected Ms. [REDACTED]'s ability to present her case effectively.
3. Double Standards: Judge Purpura's actions have displayed clear double standards, such as providing procedural advice to Ms. [REDACTED] under the mistaken belief she was presiding over a different motion, and failing to acknowledge significant incidents of abuse by Mr. [REDACTED].
4. Erosion of Trust: The pattern of conduct exhibited by Judge Purpura has eroded trust in her ability to deliver an impartial and just resolution, impacting the well-being and safety of the minor children involved.

Acknowledgment of Overlapping Issues: Ms. [REDACTED] acknowledges that the issues outlined in this motion overlap with those in the Motion for Reconsideration, as the same procedural errors, misrepresentations, and biased handling of evidence give rise to both requests.

A contempt hearing (filed by Mr. [REDACTED]) was scheduled for October 23, 2023. However, Ms. [REDACTED] was not properly notified about this hearing. Despite being registered on the Maryland Electronic Courts (MDEC) system, the court faulted Ms. [REDACTED] for not attending due to an allegedly un-updated address. Ms. [REDACTED] confirmed with the clerk that she did not receive proper notification through the MDEC system due to the judge's chambers not adding her to the efile.

As a result, the contempt hearing (filed by Mr. [REDACTED]) was rescheduled to November 28, 2023. During the November 28, 2023, hearing, time constraints prevented the hearing from concluding, and it was further postponed to March 5, 2024, and then to May 29, 2024. The court also ordered new custody evaluations at the November 28, 2023 contempt hearing filed by Mr. [REDACTED]. To note: There is a pending contempt hearing filed by Ms. [REDACTED] that is set to be heard in August.

There has been significant confusion surrounding [REDACTED] J. [REDACTED]'s "Motion to Alter or Amend Order Regarding Motion to Modify Custody Entered September 14, 2023." Judge Purpura responded to Ms. [REDACTED]'s motion by stating that Ms. [REDACTED] "will be given the opportunity to be heard." However, this opportunity was not provided. Additionally, in her recent memorandum to the appeals court, Judge Purpura stated that all matters had been resolved due to the new custody order, despite the fact that Ms. [REDACTED] was never given the opportunity to present her case on this specific motion as promised by the court.

During the May 29, 2024, hearing, Judge Purpura erroneously believed that she was presiding over Ms. [REDACTED]'s contempt hearing, which was actually scheduled for August 2024. At approximately 4:00 PM, the following exchange took place:

Judge Purpura: "Is there anything else that you want to present, Ms. [REDACTED] in regard to your contempt, the allegations—"

Mr. Nicholson (Opposing Counsel): "Your Honor, I apologize for interrupting the court. It is our petition for contempt. Ms. [REDACTED] has one, but that's not set to be heard."

To note: My contempt hearing is scheduled for August 2024.

Judge Purpura: "That's not the one, okay thank you. We didn't resolve yours?"

Mr. Nicholson: "Your Honor, there is another contempt petition related to this case that was previously ruled on. Ms. [REDACTED]'s current petition is separate and not being addressed today."

Judge Purpura: "Was that filed along with your TRO?"

These exchanges illustrate that Judge Purpura was unaware of the actual nature of the hearing she was presiding over. She conceded that she had assumed Mr. [REDACTED]'s contempt petition had been resolved at the November 2023 hearing. Throughout the trial, Judge Purpura provided Ms. [REDACTED], a pro se litigant, with advice, guidance, and procedural instructions, all while mistakenly believing she was presiding over a different motion. This improper guidance, given under the erroneous assumption that the trial focused on a different issue, led to procedural mismanagement. Furthermore, Ms. [REDACTED] expressed great concern over the purpose of the hearing and confusion about how the trial was being procedurally handled. Judge Purpura attributed the confusion to Ms. [REDACTED] being a pro se litigant; however, this confusion arose from Judge Purpura's own misunderstanding of the trial she was overseeing. Ms. [REDACTED]'s ability to present her case was severely impacted. She did not call the court psychiatrist to the stand, which was pivotal to this case, did not use the questions she had prepared for the contempt hearing, and did not have the videos played that Judge Purpura reassured and gave her word that the videos would be played by opposing counsel at this court date.

Due to Judge Purpura's mistaken belief that she was presiding over Ms. [REDACTED]'s contempt hearing, Mr. [REDACTED]'s contempt petition from November 2023 was never continued, heard, or ruled upon. Furthermore, Judge Purpura informed the appeals court that all pending motions, except for Ms. [REDACTED]'s contempt petition, had been resolved. This raises significant concerns about the procedural handling of Mr. [REDACTED]'s contempt petition, which remains unresolved.

Maryland Rule 2-522(a) mandates that a judgment should be rendered only on matters that have been properly heard. The due process principles established in *Goldberg v. Kelly*, 397 U.S. 254 (1970), which require proper notice and an opportunity to be heard, and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), further support the necessity of ensuring fair proceedings where all parties are given a meaningful opportunity to be heard.

During the May 29, 2024, Judge Purpura stated that the parties were properly notified of the custody modification. However, under Maryland law, proper notification requires that parties be clearly informed of the date, time, and subject matter of any hearing (Maryland Rules 2-311, 1-321).

At the very beginning of the trial, Ms. [REDACTED] expressed confusion about the hearing's focus:

Transcript May 29, 2024:

Ms. [REDACTED]: "I am extremely confused. I thought today was just the contempt."

Judge Purpura: "No ma'am, it's everything. It's the contempt and modification. It's all, and that was made clear to you."

Despite Judge Purpura's statement, the hearing sheet issued on March 3, 2024, specified:

HEARING DATE: May 29, 2024

TIME: 9:00 am

TYPE OF HEARING: TRO and Contempt (rescheduled from 3/5/2024)

This document does not mention a modification of custody.

In preparation for the November 28, 2023, hearing (later postponed to May 29, 2024), Ms. [REDACTED] wrote a letter to Judge Purpura's chambers on November 27, 2023, seeking clarification about the hearing's purpose. The letter outlined the conflicting information Ms. [REDACTED] had received:

Ms. [REDACTED]'s motion states:

"According to the hearing sheet, the hearing scheduled for November 28, 2023, is noted as contempt. However, this date was also communicated as the rescheduled date for the hearing concerning the restraining order, both temporary and permanent injunction, as well as the plaintiff's motion to alter and amend the modification of custody. There was also an order filed by Judge Purpura's chambers indicating a contempt show cause hearing on February 28, 2024, which I did not receive via MDEC. Could you please clarify the purpose and agenda for the hearing scheduled on November 28?"

Judge Purpura responded in February 2024, confirming the nature of the upcoming hearings:

Judge's response states:

"We have received your letter seeking clarification on the agenda of the hearing scheduled on March 5, 2024 (which was postponed to May 29, 2024). This hearing is a continuation of the hearing that occurred on November 28, 2023. At that hearing, the Court had before it a petition for contempt."

This response did not mention a modification of custody. Despite this, during the May 29, 2024, hearing, Judge Purpura and opposing counsel treated it as if it was for a modification of custody.

Mr. [REDACTED] filed a motion to reconsider the Family Service Order, requesting the court to reconsider the necessity of conducting these evaluations. In their motion, they contended that Judge Purpura cannot sua sponte order these evaluations, as neither party has put forth a motion for modification of custody to justify such an order. In Judge Purpura's response, she stated that a "modification of custody was very much before the court," but she did not provide a specific date or issue formal notice regarding this matter, leaving Ms. [REDACTED] unprepared for such a hearing on May 29.

Judge Purpura stated that the parties were properly notified of the custody modification. However, under Maryland law, proper notification requires that parties be clearly informed of the date, time, and subject matter of any hearing (Maryland Rules 2-311, 1-321).

The hearing sheet unequivocally did not state a modification of custody. Furthermore, during the denial of opposing counsel's motion to vacate the Family Service Order, Judge Purpura sua sponte asserted that a modification was "before the court." However, she did not specify when this issue would be addressed. There was no other motion or order served to the parties by the court indicating that a modification of custody would be addressed on May 29, 2024. This fails to meet the requirement for proper notice under Maryland law.

Proper notification is a fundamental aspect of due process under the U.S. Constitution. The failure to provide specific notice about the custody modification hearing constitutes a significant procedural error. This error materially affects the fairness of the proceedings by depriving the parties of their right to prepare and present their case adequately.

The Supreme Court has emphasized in cases such as *Goldberg v. Kelly*, 397 U.S. 254 (1970) and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) that due process requires notice reasonably calculated to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.

Thus, the lack of proper notice for the custody modification for the May 29, 2024, hearing undermines the fairness and integrity of the proceedings and justifies reconsideration of the court's actions.

Judge Purpura sua sponte placed a custody modification before the court without a material change in circumstances, as required by Maryland law. Proper notice was not provided to the parties regarding the custody modification, violating Maryland Rules 2-311 and 1-321. Modifying a custody order requires demonstrating a material change that affects the child's best interests (*McMahon v. Piazze*, 162 Md. App. 588, 875 A.2d 807 (2005)). The majority of the changes cited by Judge Purpura had already been presented to the court by Ms. [REDACTED] in her own modification request and were previously deemed insufficient. Now, the same reasons are listed as material changes, contradicting her earlier ruling and failing to meet the legal requirement for new, significant changes. Additionally, Judge Purpura failed to address actual new changes that are significant and relevant to the custody arrangement.

Children Being Left with a Babysitter Frequently: Mr. [REDACTED] leaves the children with a babysitter more than half the time during his custodial periods.

Children Expressing a Desire to Spend More Time with Mother: The children have expressed a desire to spend more time with their mother.

Updated Psychological Evaluations: Ms. [REDACTED] has undergone updated psychological evaluations showing no severe mental health or safety concerns.

Social Worker Report: The social worker's report had no safety concerns or concerns about Ms. [REDACTED]'s ability to parent. The only concern from the social worker was unsubstantiated claims about Ms. [REDACTED] being tardy.

Exposure to Inappropriate Content: It has been reported that the children are exposed to sexually inappropriate content at Mr. [REDACTED]'s house. This serious issue was not addressed or considered in the custody modification decision.

Relevant Case Law:

- *Wagner v. Wagner*, 109 Md. App. 1 (1996)
- *McMahon v. Piazze*, 162 Md. App. 588 (2005)
- *Green v. Green*, 188 Md. App. 661 (2009)
- *Caldwell v. Sutton*, 2022 WL 1797342

During the May 29, 2024, contempt hearing filed by Mr. [REDACTED], Mr. Nicholson addressed housekeeping issues. Judge Purpura stated, "I recall the request for clarification that I received from Ms. [REDACTED], and it gave me some concerns that because she is not represented by counsel, a lot of the procedural aspects of this may not be familiar to her. And there may be some confusion on her part as to where we are. We are really just getting started." She then mentioned needing updated evaluations before ruling on the motion to modify and other issues.

- Ms. [REDACTED]'s motion to clarify was due to inconsistencies between what was said at the last hearing, the hearing sheet, and opposing counsel's motions.
- Judge Purpura's comment about "just getting started" was unclear since this hearing was supposed to be a continuation of the contempt case filed by Mr. [REDACTED].
- During the May 29, 2024 hearing, Judge Purpura referenced requiring evaluations from the November 23, 2023 hearing before ruling on a custody modification. However, no modification request existed at that time.
- The modification was mentioned by Judge Purpura after ordering the evaluations, and no notice was provided to the parties about this potential modification.

Please refer to the Family Service Order and the hearing sheet from November 23, 2023.

Throughout the trial, Ms. [REDACTED] sought clarification due to the confusing proceedings and the unexpected scope of the hearing:

Ms. [REDACTED]: "Your Honor, can I ask you a question? I am just a little confused. When we left off last time, I thought I would go next to question myself, so I am very confused."

Judge Purpura: "Okay, so any questions that you have that relate to either issue you can ask now."

Relevant Rules:

- Maryland Rule 2-311
- Maryland Rule 1-104
- Maryland Rule 2-516