

CAUSE NO. 15-10574-211

IN THE INTEREST OF

RYAN BENNETT PURCELL

A CHILD

§ IN THE DISTRICT COURT

§

§ 481st JUDICIAL DISTRICT

§

§ DENTON COUNTY, TEXAS

**APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER AND FOR
EXTRAORDINARY RELIEF AND REQUEST FOR TEMPORARY ORDERS**

This Application for Ex Parte Temporary Restraining Order, Request for Extraordinary Relief, and Request for Temporary Orders is brought by Movant/Respondent, Thomas Bennett Purcell, Father of the Child the Subject of this Suit, a statement of which is as follows:

Thomas Bennett Purcell requests the Court to dispense with the necessity of a bond, and Thomas Bennett Purcell requests that Michelle Eiland be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined, pending the further order of this Court, from:

1. Discussing medical concerns of the Child with the Child or within the presence or hearing of the Child before joint meeting with both parents and the child's pediatrician, Dr. Day.
2. Discussing medical concerns of the Child with any third party, save and except as for the purpose of assessment, evaluation, diagnosis, or treatment of the child, with court appointed professionals regarding this litigation, or as specifically authorized by this Court.
3. Allowing the child to be in the presence of Mr. Eiland's ailing mother, Nancy Tanner.
4. Allowing the child to be in the presence of consumption of alcohol.
5. Allowing Michelle Eiland's husband, Mr. Eiland, to drive the child.
6. Allowing the child to be in the presence or hearing discussions regarding Mr. Eiland's ailing mother's health, or suicide, in general.

In support of such requested relief, Thomas Bennett Purcell asserts that Michelle Eiland has engaged in the conduct stated in the Affidavit of Thomas Bennett Purcell, attached as **Exhibit A**.

As the basis for the extraordinary relief requested below, Thomas Bennett Purcell would show that before the filing of this petition, Michelle Eiland has engaged in the conduct stated in the Declaration attached as Exhibit A. Based on that Affidavit, Thomas Bennett Purcell requests

the Court grant the following relief:

1. Issue an order that Michelle Eiland timely surrender the child to Thomas Bennett Purcell as ordered for each of Thomas Bennett Purcell's ordered periods of possession until a hearing can be held on Michelle Eiland's failure and refusal to exchange the child to Thomas Bennett Purcell falsely claiming he failed to produce proof of weekly counseling.
2. Issue an order that Michelle Eiland shall via Our Family Wizard inform Thomas Purcell within six hours of allegedly noticing any and all physical and/or mental health concern(s) regarding the child and within the same six hours provide Thomas Purcell picture(s) or video anytime an alleged health condition can be documented via one or both of those means.

Request for Additional Temporary Orders Regarding Child

Thomas Bennett Purcell requests the Court, after notice and hearing, to dispense with the necessity of a bond and to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the child as deemed necessary and equitable, including but not limited to the following:

1. The preceding temporary restraining order should be made a temporary injunction pending final hearing.
2. Ordering psychological testing of Michelle Eiland and the examiner review the evidence, specifically to evaluate whether or not Michelle Eiland's behavior constitutes factitious disorder (formerly known as Munchausen syndrome by proxy).
3. Ordering Michelle Eiland submit to weekly psychological therapy by a licensed professional counselor, psychologist or psychiatrist.
4. The Court should make all other and further orders that are pleaded for or that are deemed necessary for the safety and welfare of the child.

Respectfully Submitted,

**ORSINGER, NELSON, DOWNING
& ANDERSON, LLP**
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/s/ Paula A. Bennett
PAULA A. BENNETT
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Attorney for Thomas Bennett Purcell

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on the following in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on March 15, 2023:

Via Electronic Filing Manager:

Lene Alley DeRudder
Cowles & Thompson, P.C.
4965 Preston Park Blvd., Suite 320
Plano, Texas 75093
Attorney for Michelle Eiland

luderudder@cowlesthompson.com

/s/ Paula A. Bennett

PAULA A. BENNETT

Attorney for Thomas Bennett Purcell

EXHIBIT A: SUPPORTING AFFIDAVIT OF THOMAS BENNETT PURCELL

THOMAS BENNETT PURCELL appeared in person before me today and stated under oath:

“My name is Thomas B. Purcell and I am the Respondent in this matter relating to Cause No. 15-10574-21. I am over eighteen years of age and I am fully competent to make this Declaration. The facts stated below are within my personal knowledge and are true and correct.

“Petitioner, Michelle Eiland, and I are the biological parents of 9 ½-year-old Ryan Bennett Purcell. Michelle and I have never been married.

“I have been an active, involved, and nurturing parent to Ryan all throughout his life. I love Ryan dearly and we have always been very close. I’ve provided for Ryan and taken excellent care of him since his birth. I have been involved in all aspects of his life, including all the challenges that come with raising a child -- such as countless hours on many nights up with Ryan when he was a baby and having trouble sleeping because of needing a feeding, diaper change, or just having his head rubbed or his hand held to be calmed. Ryan’s happiness, contentment, safety, education, and overall wellbeing are my top priorities and always will be.

“On April 20, 2016, Michelle and I agreed to entry of an *Order in Suit Affecting the Parent-Child Relationship* that appointed us as Joint Managing Conservators and provided for equal possession time and equal rights across the board. Further, that Order provided that Ryan’s pediatrician, Jeffrey Day, MD, be the tie-breaker for any and all medical, dental, psychological, and surgical decisions anytime Michelle and I fail to reach an agreement. Dr. Day has without fail provided excellent care for Ryan all throughout Ryan’s life.

“There are several reasons as to why I am deeply concerned for the physical safety and emotional wellbeing and development of our son Ryan while in his mother Michelle’s possession. **The most recent very troubling issue to arise is Michelle exposing Ryan to suicidal ideation.** On February 26, 2023, Ryan reached out to me with the following text (quoted verbatim, no grammatical errors corrected): “*We went to shawns moms house, shes crazy, she won’t take a single bite of her meds shes angry she says she’d ‘rather die than live at this place’ she actually lives at a urgent care place. God can’t explain how crazy she is.*” See text message, attached as **Exhibit A-1**, incorporated herein for all purposes. Ryan texted me the preceding out of the blue, choosing to do so despite my just asking if he had seen the prior night’s highlights of his favorite basketball team, the Boston Celtics (Ryan is absolutely wild about basketball). The text stated above is by far the most troubling Ryan has ever sent me. When Ryan returned from time with his mother, he was anxious about suicide and Mr. Eiland’s mother. He told me three times over the course of the next two days how concerned he is about finding Nancy (step-grandmother) a new place to live.

“Two more of the numerous reasons I am extremely concerned about Ryan’s safety and overall wellbeing while in his mother’s possession are his stepdad’s confirmed ongoing heavy drinking and the shocking fact Ryan’s mother has at least as far back as Nov-Dec 2020 propagated the patently false story of Ryan pulling out his hair, “sometimes” to the point of creating bald spots; a story Michelle herself knows is patently false, as she has on tape admitted. A story inherently very dangerous to Ryan’s mental health that Michelle conveyed to Ryan’s lifelong pediatrician in her failed effort to convince him, Dr. Jeffrey Day, to cast his tie-breaking vote for Ryan “needing” counseling – and also conveyed to the custody evaluator who then

deemed it a fact (without asking me if I had ever witnessed hair-pulling and not caring Michelle had no alleged evidence). The evaluator also hypothesized that tension between Michelle and I had caused Ryan to exhibit that behavior (hair-pulling); a story Michelle knows is patently false and always has been.

"I am very concerned about the fact Michelle has feigned Ryan having the serious disorder of trichotillomania (pulling hair out) to try to gain favor in this litigation. To me this tactic definitely warrants Mrs. Eiland be evaluated to determine if her behavior constitutes exhibiting factitious disorder, formerly known as Munchausen syndrome by proxy."

"From mayoclinic.org: ***"Factitious disorder imposed on another (previously called Munchausen syndrome by proxy) is when someone falsely claims that another person has physical or psychological signs or symptoms of illness, or causes injury or disease in another person with the intention of deceiving others."***

"Ellen Hutton, LPC, the only counselor Ryan has ever had, has counseled Ryan since September 2022. Mrs. Hutton in every aspect has done an absolutely wonderful job with Ryan. He actually very much looks forward to each and every session he has with Mrs. Hutton. **Recently while in session Ryan informed Mrs. Hutton that his stepdad, Shawn Eiland, still drinks heavily.** Mr. Eiland so often drinks alcohol that Michelle's elder daughter, Michaela Crescenzo, stated the following upon my attorney asking her during a 9/24/2021 deposition how much she witnesses Mr. Eiland drinking. Michaela responded: *"When I see him, he usually has a beer in his hand."* See deposition transcript, attached as **Exhibit A-2**, incorporated herein for all purposes. Because of Mr. Eiland's heavy drinking and permanently cutting off all contact with his own three children in 2010 when they were just 3, 7, and 10, I greatly worry Mr. Eiland just does not have it within him to stop behaving in ways that clearly endanger Ryan's physical and psychological health.

"I also worry that Mr. Eiland's continued daily heavy drinking makes it a given he at least a few times every year drives shortly after consuming alcohol. I have no idea how often Ryan is a passenger in a vehicle driven by Mr. Eiland, but I do know Mr. Eiland has demonstrated reckless and endangering behavior when tasked with driving Ryan somewhere. On August 2, 2021, which is one of the multiple days Michelle ignored my right of first refusal (that time by sneaking off right around 5am for a trip to Michigan without telling me), Mr. Eiland returned Ryan to me at 5:13pm that day – 17 minutes prior to the set exchange time. Mr. Eiland pulled over on the street (didn't pull up into my driveway) and drove away right after Ryan exited his truck. I am concerned that Mr. Eiland was impaired that day, and thus either didn't bother to look to learn there was no sign of anyone being home (garage door all the way down, no vehicle in driveway, house mostly dark) or did notice those things but told himself "no big deal" if then eight-year-old Ryan ends up being alone for 17 minutes for any passerby to see. Mr. Eiland did not bother to call me or call Michelle to have her call me to see if I was home. It was just a matter of luck that I was already home when Mr. Eiland dropped my son off 17 minutes prior to the set exchange time.

"As mentioned earlier, on February 26, 2023, Michelle exposed Ryan to the suicidal outcries of Mr. Eiland's elderly and ailing mother, Nancy Tanner. I was shocked to learn Michelle and her husband had Ryan right next to Nancy as she spoke of suicide, portraying it to be a better option than continuing to live at the facility at which she currently resides. As previously stated, Ryan out of the blue texted me the following on said date: *"We went to shawns*

moms house, shes crazy, she won't take a single bite of her meds shes angry she says she'd 'rather die than live at this place' she actually lives at a urgent care place. God can't explain how crazy she is." After I tried to console Ryan by texting him: *"She might be doing ok much of the time but just having a tough time today, or maybe tough time the last few days"*, Ryan responded nine minutes later with: *"Shes not fine all the time shes always angry... I agree that she needs to move to a difference place."* Ryan is still upset by the suicidal ideation exhibited by Mr. Eiland's ailing mother.

"It became my possession time again on February 27, 2023, at 5:30pm. In the first 2-3 days after Ryan was back with me, he at least three times mentioned being concerned about whether his step-grandmother would be able to move to a new place (which in Ryan's mind is a requirement to end the possibility of his step-grandmother committing suicide). This concerns me greatly, all the more so because of Michelle's own history of threatening self-harm in front of her younger daughter. Many years back when Michelle and I were together but before Ryan was born, I was driving in Roanoke on Hwy 377 while Michelle was in the passenger seat and her daughter Vivien (Vivien Swaner), 10 at the time, was in the back seat. Michelle began screaming at me very loudly, over what specifically I honestly don't recall. At least three times within that very long fit of rage Michelle orally threatened to open her door and jump into what was very heavy, 35-40mph three-lane traffic – all while her daughter cried profusely as she many times pleaded with her mother to not jump. I very clearly remember how distraught Vivien was that day and how that seemed to literally have no effect on Michelle; she just kept going and going with her rage while continuing to threaten to jump out (threaten via words and by frequently placing her hand on the door handle). Ryan is so young and vulnerable; I want to do everything feasible to protect him, including limiting his risk of being further traumatized as a result of being exposed to suicidal thoughts or behaviors.

"I've tried my best to console Ryan over his hearing Nancy Tanner speak of suicidal ideation and all the ongoing worry that has caused him. But it's difficult to know exactly what to say to Ryan as his mother has not given me any information relating to this very troubling issue. Based on Michelle's history, I highly doubt she will ever inform me of whether there's any effort to find Nancy a better place to live. Normally that would be none of my business, but our son now believes - as I'm sure many 4th graders in his position would believe – his step-grandmother will remain extremely sad and likely soon attempt suicide if she doesn't soon move to a better place.

"Shortly before Ryan's last therapy session, I notified Mrs. Hutton, Ryan's counselor, of Ryan having heard talk of suicide and how worrisome that has been for him. But that session entailed Mrs. Eiland taking Ryan to Mrs. Hutton's office, not me, and I don't know if Mrs. Hutton discussed the issue with Ryan. Ryan doesn't have another appointment with Mrs. Hutton until March 28.

"Michelle has gone on a mission to portray that Ryan has health issues as a result of the time he spends with me, which could not be further from the truth. As mentioned earlier, the most concerning of Michelle's numerous patently false stories is for over a year claiming -- and officially still claiming as she has to my knowledge not requested it be redacted from the custody evaluation – that Ryan pulls hair out of his head, "sometimes" to the point of creating noticeable bald spots. Michelle reported this false story to Ryan's pediatrician, Dr. Jeffrey Day of Denton, as well as reported it to the custody evaluator in our case, Jennifer Frendle, LPC. I have never witnessed Ryan pull his hair, much less pull to the point of creating bald spots. It is simply not

true and very dangerous for Ryan because he is at an age where he is mindful of his appearance. Our son does not have trichotillomania (pulls hair out) or any other psychological disorder.

“Though Michelle’s false report to Dr. Day was deemed not believable by Dr. Day, Michelle continues perpetrating this falsehood about Ryan to custody evaluator Jennifer Frendle as Michelle has to my knowledge not had Ms. Frendle retract the allegation from her report; a report that is now well over a year old (issued January 21, 2022).

“Michelle knows that Dr. Day told her and me that he saw no evidence of Ryan pulling out his hair when he examined Ryan. In fact, Dr. Day specifically told Michelle, who persisted with her false allegation, that *“It’s not like he has big bald spots or lots of broken hairs.”*

“While in in another room, Dr. Day thoroughly examined Ryan’s head/scalp and came back to Michelle and me and told us *“I didn’t see much of anything.”* Michelle pressed Dr. Day and then suddenly just a few minutes later Michelle changed her story from Ryan pulling his hair to just twisting it: *“I didn’t say he’s pulling it out, he’s twisting; that’s his new twitch.”*

“To be clear, Ryan doesn’t have twitches and Ryan has never pulled his hair, much less pulled so hard he had patches come out to create bald spots. These concerns are being placed by Michelle on Ryan when they simply do not exist.

“Without regard to the impact on Ryan, Michelle knowingly falsely portrayed Ryan as a child in crisis and a child having a serious medical and mental health condition, trichotillomania (pulling out his own hair). In fact, Michelle pleaded to Dr. Day that he break the tie so that she could take Ryan to counseling to “get over” a condition he has never once exhibited.

“While trichotillomania is a medical condition that requires treatment, Dr. Day, after examination of Ryan, told Michelle and me that he saw no concerns of trichotillomania with Ryan. Dr. Day did not diagnose Ryan with trichotillomania and Dr. Day did not recommend treatment for trichotillomania for Ryan.

“I am very concerned that Michelle’s false narratives about me and especially about Ryan conveyed to Ryan’s healthcare providers, the custody evaluator, and to the Court as the falsehoods have the distinct possibility of being highly detrimental to Ryan, if believed. They appear to be have been validated by custody evaluator Jennifer Frendle, as Ms. Frendle stated in her January 21, 2022 report ***“The mother reports she has seen Ryan twirling his hair, pulling it out (page 49 of report).”*** See **Exhibit A-3**, attached and incorporated herein for all purposes. Further down page 49 of her report, Ms. Frendle frames “pulling it out” as a known fact, one of the *“(‘signs’) Ryan is having difficulty with the current conflict with parents.”*

“As is the case with literally at least 15 other patently false allegations made by Michelle or her now two adult children in the custody evaluation report, Ms. Frendle **never** informed me of Michelle’s allegation of Ryan pulling out his hair. Ms. Frendle also did not ask Dr. Day, any neighbor, or any of Ryan’s teachers if they had ever witnessed Ryan exhibiting such behavior. It is unfair to Ryan to not get anyone’s side of the story other than Michelle’s regarding the allegation of Ryan demonstrating such a disturbing and dangerous psychological condition.

“To be clear, I have never seen Ryan pull his hair. I have never seen any bald spots on Ryan’s head relating to his hair at any point of his life, just as Dr. Day did not see any concern

on Ryan's head. Ryan does not and has not had any history or incidents of pulling out his hair.

"With respect to Michelle claiming Ryan walks on eggshells at my house, this is another untrue statement created and propagated by Michelle. Ryan and I have a very close, loving, and wonderful relationship as Mrs. Hutton has confirmed. Neither I nor Ryan walks on eggshells around the other. Michelle has no idea what goes on in my house as she has not been inside my home in more than seven (7) years – and excluding a 20-minute August 2022 basketball game in which Ryan and I played I can't think of her watching Ryan and me interact since over five (5) years ago.

"Further, Ryan's therapist Ellen Hutton, LPC reports concluding Ryan and I have a very good relationship. I firmly believe Ryan would have long ago reported concerns such as being nervous around me, "walking on eggshells", to Mrs. Hutton, if he had actually ever felt that way. To the contrary, Mrs. Hutton recently reported to our respective attorneys that Ryan is a great kid and she has no concerns at all regarding him while with me. Mrs. Hutton has never reported to me seeing any hair-pulling or noticing bald spots in all the time she has counseled Ryan since mid-September 2022.

"Michelle reported that on August 31, 2022, calm, peaceful and shy Ryan suddenly went into a rage and with both hands grabbed Michelle by the throat. Michelle claimed the preceding in a *Letter of Concerns* submitted to Ellen Hutton, LPC, as Mrs. Hutton instructed each of us to write and submit prior to the time she began counseling Ryan. Despite Mrs. Hutton's very strict, and very well warranted transparency directions to which we all agreed to via email (litigants and lawyers), Mrs. Eiland and her attorney went four weeks hiding Michelle's *Letter of Concerns* from my attorney, in the beginning claiming they had the "right" to hide the throat-grabbing and every other part of Michelle's *Concerns* letter unless my then attorney obtained a court order. I strongly believe the throat-grabbing (which Michelle claimed occurred with no one else home at the time being in the same room) is obviously yet another patently false, highly dangerous label ("he's violent") Michelle very disturbingly desires be officially placed on our shy, peaceful, innocent non-violent son. Mrs. Hutton is very intelligent, intuitive, well-trained, and has much experience. I have all the confidence in the world that she will or already has very tactfully and discretely asked question(s) of Ryan for which his answers will allow (or have already allowed) Mrs. Hutton to conclude throat-grabbing is another of Michelle's very disturbing, very dangerous to Ryan, patently false allegations.

"Michelle wishing for our custody evaluator and Dr. Day (the official tie-breaker for all health issues, physical and psychological) to propagate the story of Ryan "pulling his hair out" and put a psychiatric label on Ryan when she knows he has never once exhibited such behavior is gravely concerning to me – especially since Michelle knows such false statements inherently put our son at great risk of being humiliated and traumatized as well as stigmatized by his peers and others. Not to mention the risk of Ryan receiving so-called treatment (invasive treatment) for a condition Ryan has never had. I greatly fear Michelle would jump at the chance to obtain psychological treatment for Ryan that's 100% unwarranted - medicine and/or invasive types of therapy most children undergoing it find frightening and confusing - if she thought further such abuse of Ryan would "likely" result in favor in this litigation. In fact if Dr. Day had bought or pretended to buy Michelle's trichotillomania spiel and thus voted for Ryan to receive psychological "care", standing orders dictate Michelle would have had free reign to "*consent to [any] psychiatric and psychological treatment of the child*" -- treatment not limited to counseling. No restriction on any type of treatment and free rein to obtain whatever types and

quantities of medicine she's able to get a physician to prescribe.

"As referenced earlier, Michelle's pattern of interfering with my possession time of Ryan is another issue greatly concerning to me. Ryan is old enough to know the possession schedule and he relies upon it. Michelle puts Ryan in the middle by expecting him to hide from me when his mother leaves town on overnight travel without having abided by right of first refusal.

"While Michelle holds me to the court's orders, she frequently disregards the Court's orders herself. As previously stated, on August 2, 2021, Michelle flew to Michigan and, in violation of court orders, left Ryan with her husband and mother. That summer day when Ryan of course had no school and we could have spent the entire day swimming, fishing, or doing whatever we both find enjoyable, Michelle and at least two family members conspired to violate my right of first refusal for over 12 hours (5am to 5:13pm – as verified by Michelle's very detailed subpoenaed travel records provided by her employer, FiServ). Ryan knows about the right of first refusal and thus obviously it put him in the middle to stay silent about Michelle's trip. Further, he missed time with a parent because a non-custodial stepparent and grandparent possessed Ryan while knowing they did not have the legal right to do so.

"As recently as on January 12, 2023, Michelle failed to transition Ryan to me for my period of possession despite the fact that I met the requirements in the Court's orders. I am ordered to participate in weekly counseling and must submit proof of having been to a session the prior week by 3 pm on Monday in order to exercise the right to take possession of Ryan on Mondays on my weeks of possession.

"On January 12, 2023, Michelle refused me the entire period of court-ordered 5-8pm Thursday visitation (under the order, custody is weekly 50/50 with every week the off-week parent getting said visitation). Michelle's so-called justification for greatly distressing and confusing Ryan by preventing him from coming to see me that day was that I had "failed" on that off-week of possession to "timely" submit proof of counseling prior to the scheduled exchange. To the contrary, I provided said proof at 8:29pm, Monday Jan 9, 2023 (over 67 hours notice), to undeniably confirm I had the obvious legal right to possess Ryan during my scheduled 5-8pm visitation on 1/12/2023. As has very often occurred, Michelle sacrificed Ryan's emotional wellbeing and highly confused him that day for no other reason than to antagonize me.

"This happened months earlier as well. Thursday, November 3, 2022, was the first time Michelle threatened to refuse my Thursday period of possession. On this occasion she invoked the "special rule" she added to standing orders: Thursday possession I have to show proof of having had counseling the present week or at least proof of having scheduled present week counseling or else forfeit my Thursday visitation. I actually had a counseling session the prior day (Wed, Nov 2) but my counselor failed to remember to timely send the proof. I messaged the counselor late Wed night and midday Thursday to remind her but still heard no word from her. I informed Michelle of having had a session the day prior and that I will show the proof to her as soon as I receive it, and explained it's not my fault for not yet having proof. Nevertheless Michelle would not relent without said proof. Even after I rushed to create a statement and get to the bank before they closed to have it notarized and then send to Michelle at 4:50pm (a statement in which I swore to having had counseling the prior day and would provide the proof as soon as I received it), Michele refused to agree to accept it until 30 mins past the scheduled exchange time of 5pm. As she all along knew, that caused Ryan to be ten minutes late to basketball practice. Such game-playing at the expense of Ryan's emotional wellbeing and my parental rights is

inexcusable. It should be noted that both Michelle and her attorney ignored all of the following:

- 1) whether a change of possession occurs on a Monday or a Thursday, the Court's orders never obligate me to show proof of having had or having scheduled counseling that same week in order to maintain the right to take possession of Ryan on my scheduled Monday and Thursday times; and
- 2) even if I were to have been ordered to provide proof of having present-week counseling and hadn't yet had a counseling session as of 11/3/2022, I still had over 48 hours (Fri and Sat) after the scheduled Thursday exchange time to schedule and attend a counseling session to be in full compliance with the Court's order for weekly counseling.

"I strongly feel that the documented facts mentioned in this statement warrant – at least for the near future - reducing the amount of time Ryan is with his mother, Michelle Eiland, and that much if not most of that time should entail supervised custody. I also strongly feel the evidence overwhelmingly verifies Michelle is in dire need of psychological testing as well as weekly intensive therapy provided by a psychologist or psychiatrist. Testing and therapy that I would hope both include the doctor reviewing all evidence of Michelle exposing our son to suicidal ideation and heavy drinking as well as the doctors learn of the tremendous, long-term effort by Mrs. Eiland's to have a very disturbing, patently false psychological label pinned on our son (trichotillomania), and a patently false "he's violent" label pinned on him as well.

"I also hope the Court will order Michelle to immediately report to me all physical health, dental health, and psychological health concerns she alleges Ryan presently possesses as well as within a few hours report any and all new health concerns of Ryan's that Michelle allegedly verifies or allegedly highly suspects.

"During a December 2022 deposition Michelle Eiland admitted for the first time to filing a CPS report against me at some point in the early part of 2022. (I presume it was very soon after her second entirely bogus TRO app, filed 1/28/2022, received the same ruling as the first one – denied in its entirety). Given Mrs. Eiland's extensive history of very frequently making patently false statements to persons associated with this case (very much including while under oath), I feel it is safe to say her CPS filing contains at least one glaringly defamatory statement about me and at least one patently false allegation of our son demonstrating troubling behavior(s) "developed as a result of how Tom treats him." My suspicions on what all Mrs. Eiland's CPS complaint entails will soon either be substantiated or proved wrong as a subpoena has been issued for the acquisition of Mrs. Eiland's CPS complaint and the specific intake specialist who took Michelle's complaint is scheduled to be served this week.

"Mrs. Eiland is a very dishonest, angry, unpredictable, dangerous, and volatile person. On two occasions she repeatedly threatened to come to my house, the latest in 2019, to "do what it takes" to get Ryan from me when it was my time of possession. In 2019 the only thing that worked to stop Mrs. Eiland's threats (made over at least two days, some via text) was to have the local police call her. I warned Mrs. Eiland that if she ever follows through on a threat to invade my house I will protect Ryan, myself, and my property by immediately and fully subduing her. When giving testimony recently, Mrs. Eiland falsely claimed the preceding to be a threat to kill her. Michelle is the violent one, not me – unless forced to defend my life or Ryan's. Michelle several years ago punched me in the chin as well as told me in the most ghoulish voice

imaginable how much she wished could kill a woman I used to date. I don't put anything past Mrs. Eiland and neither should anyone else. For the record, I have never threatened to trespass onto Michelle's property, or tried to hurt her or any member of her family or threatened to hurt her or any member of her family, or claimed her possession time was my time, and never for a minute violated Mrs. Eiland's right of first refusal.

"I am asking the Court to make emergency orders to protect Ryan as requested above.

"FURTHER AFFIANT SAYETH NOT."


Thomas Bennett Purcell

STATE OF TEXAS

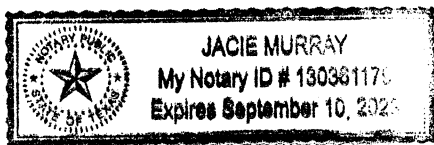
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COUNTY OF DENTON

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Sworn and subscribed before me this 15th day of March, 2023, by Thomas Bennett Purcell.




Notary Public, State of Texas

