

No. 374254

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION THREE

PATRICK BRUCE,

Appellant,

V.

FONTANARI GAIA,

Respondent.

FILED

JUL 07 2020

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR BENTON COUNTY

RESPONDENT'S BRIEF

GAIA FONTANARI
Respondent

5031 W Clearwater Ave
Kennewick, WA 99352

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ASSIGNMENTS OF ERROR

1. Contrary to Mr. Betancourt's claim in the Brief of Appellant, the Trial Court was not mistaken by finding that I had met my burden for a Sexual Protection Order.
2. The Trial Court made the right decision by granting me a protection order since I had unwanted sexual interaction with Mr. Patrick and he shows abusive and controlling behaviors.

ARGUMENT

PART 1. I met my burden of proof.

Mr. and Mrs. Patrick declarations, submitted on January 10, 2020 and Mr. Patrick and Mr. Betancourt's brief of appellant, submitted on June 18th 2020, contain many inaccuracies and false statements.

Starting on the Declaration submitted on January 10th 2020, both Mr. and Mrs. Patrick negate Mr. Patrick engaging in a sexual relationship with me when I was 16 and 17. Mr. Patrick declares: "I did not pursue or have any sexual relationship with Gaia" (p. 1); and: "After Gaia returned to attend her freshman year of college, Gaia and I did begin a more intimate relationship" (p. 2). Those statements are confirmed by Mrs. Patrick as well. In her declaration

she states: "Gaia and Bruce started a more intimate relationship during her first year of college" (p. 2)

In my declaration I say that Mr. Patrick started to have a sexual relationship with me when I was underage, which I legally couldn't consent to according to RCW 9A.44.093

that states: " A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim."

RCW 9A.44.010 states:

"Significant relationship" means a situation in which the perpetrator is:

- (a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;
- (b) A person who in the course of his or her employment supervises minors; or
- (c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

Therefore Mr. Patrick had a significant relationship with me during my exchange year and later.

Unfortunately, I do not have proof of the sexual relationship he had with me at the time; however, currently there is an investigation conducted by detective Grant and the Richland police district (19-

28079). Mr. Grant and his team have a considerable amount of evidence but they are currently analyzing it. I have given the Richland Police all the evidence I had; however, I have submitted a document attached to my declaration. The first picture is a copy of one of my emails. It was sent by Mr. Patrick (as shown in the upper left corner) and it shows that the recipient was labeled as “Babe (double heart emoji) Fontanari”. This email was sent to me on May 3, 2018. Mr. Patrick in his declaration states: “when she got her[e] in August 2018”. This would imply that he sent the email months before my return to the United States. Saving me as “babe” with a double heart emoji would imply that he had at least romantic feelings for me at the time. Mr. Patrick doesn’t specify when he started developing romantic feelings toward me but he did say: “we were so fond of Gaia” (p.1) when talking about our relationship during my exchange year.

Vocabulary.com defines being fond of as: “Being fond can mean anything from liking something a little (“I’m fond of that band”) to be extremely, almost absurdly interested in something (“He’s a little too fond of football”). This word sometimes implies foolishness and absurdity: almost like you love something so much that you’ve lost your mind.”

The meaning of this expression is very wide and it could include having romantic feelings. If he had romantic feelings toward me during my exchange year then, that would explain why he was willing to pay for my education and why he saved my contact as babe with a double heart emoji. It would also explain why in May 2018 he sent me an email with the reservation to “Cameo Heights Mansion”. The email shows that he sent me the reservation to a hotel that he had booked on April 26, 2018. The website of Cameo Heights Mansion states: “Cameo Heights Mansion is a romantic destination resort near Walla Walla which provides guests with an intimate, boutique hotel experience unlike any other. Situated in a quiet, country setting, our luxurious mansion is the perfect vacation destination for couples looking for a relaxing, romantic getaway.”

Therefore, not only did Mr. Patrick saved me as “Babe (double heart emoji) Fontanari” before I came back to the United States but he also bought a reservation to a “romantic getaway” for us for my return. This proves that he had romantic feelings before I returned to the United States, which Mr. Patrick never mentions in his declarations, and it supports my version of the story that says that

Mr. Patrick had a sexual relationship with me before I returned to the United States in August 2018.

In his declaration Mr. Patrick says that I was abusive. His declaration, submitted on January 10th, states: "Gaia began being abusive to my family" and follows that sentence with "We still continued to provide financially for Gaia. We provided Gaia with a car, and paid for her health insurance, added Gaia to our bank accounts, credit cards and even made Gaia a beneficiary of my 401K and life insurance policies" (p. 2)

A similar statement can be found in the brief of appellant, submitted by Mr. Patrick and Mr. Betancourt on June 18th. The brief states: "Ms. Fontanari started being controlling and abusive to the Patrick family. [...] Mr. Patrick and his family still provided for Ms. Fontanari, which included a car, health insurance, access to bank account, and even adding Ms. Fontanari as a beneficiary to Mr. Patrick's 401K and life insurance policies" (p. 4).

Mr. Patrick doesn't explain what I did exactly to be abusive to him and his family; however, he chose to write a list of accounts I had access to and personal effects he bought me after stating I was

abusive. Although he never directly stated that I manipulated him for money, his style choice may lead to that conclusion. Also in his declaration he stated: "I began working more hours, [...] and my family began to cut monthly expenses to ensure that we could provide for Gaia's college" (p. 2). This statement is confirmed by Mrs. Patrick declaration which states: "My family immediately started tightening our budget belt and saving everything that we could for her college" (p. 2); later she also states: "Bruce was killing himself slowly to earn as much as he could, take Gaia where ever she wanted, and keep her life style up" (p. 2).

Those statements can lead to the conclusion that I was manipulating Mr. Patrick and his family for money. However, according to Mr. Patrick declaration: "since we were so fond of Gaia [...] my wife and I offered to fund her college" (p. 1). Mrs. Patrick confirms her husband's statement by stating in her declaration; "we offered to send her to college" (p.2). Both Mr. and Mrs. Patrick agree on the fact that they offered to pay for my college education. Oxford language defines the word offer as: "an expression of readiness to do or give something if desired". Therefore, it implying that Mr. and Mrs. Patrick were willingly giving me the opportunity to

accept the offer and they were ready to give me what they promised (a college education). They were both aware of the cost of my desired education and their financial situation. If they had to struggle so hard to give a college education as much as working “almost 1000 hours overtime” (Mrs. Patrick’s declaration, p. 2) why would they offer to pay for my education in the first place? There could be two main reasons: 1. They are generous people and they wanted me to have more opportunities or 2. They wanted something valuable in return. If option number 1 were true, then they wouldn’t constantly state how much they had to struggle to give me something they both offered me in the first place. If option 2 were true it would support my story about how Mr. Patrick manipulated me into having a sexual relationship with him.

Also Mr. Patrick states multiple times that he and his family “provided Gaia with a car, and paid for her health insurance, added Gaia to our bank accounts, credit cards and even made Gaia a beneficiary of my 401K and life insurance policies” (Mr. Patrick’s declaration, p. 2). He decided to give me access to those accounts and to buy gifts and presents without me asking for those. With my declaration I provided some text message evidence. There is a

conversation between Mr. Patrick and I, dated October 14th 2019 where he shows me a picture of his 401K account and he texts me “you may not want it but I am glad that if something happens to me to get it all and even more my love”. This text message supports my story and shows that I wasn’t asking for money. Mr. Patrick also supported this claim in the courtroom, saying that I didn’t want to be the beneficiary of his 401K account.

In the evidence that Mr. Patrick submitted on January 10th with his declaration there is an email dated November 6th in which he writes: “You tell me you want money but then won’t come get it or allow me to give to you or tell me anything at all”. This email may support the idea that I was trying to manipulate Mr. Patrick and his family for money; however, this is still not the case. In the evidence I have submitted there is a text conversation dated November 1st 2019 where Mr. Patrick, after we were talking about our shared bank account, says: “It’s all gone so don’t even try to take it. I locked it all”. Mr. Patrick’s text was referring to the money in our shared bank account where I had over \$12,000 of my own money which I had earned with my job and was given to me by my parents. It’s ironic that Mr. Patrick locked me out of the account

when, 3 hours before, he texted me: "I will never lock you out of anything ever again". This evidence not only supports my story, it discredits the idea that I wanted money from Mr. Patrick and his family. It also shows how unstable and unreliable Mr. Patrick is. Also, as further proof that I wasn't after money, in the settlement agreement (submitted by Mr. Patrick on January 10th), point 11 reads: "Bruce will give Gaia \$12,000 today after the mediation to repay her for her paychecks and the money she was given by her parents". This evidence further supports my version of the story.

In her declaration, Mrs. Patrick provides more details on how I was abusive. Her declaration states: "She would regularly yell and berate us for things we had no control over due to our disabilities"; "Because of Gaia's behavior and being harassed and treated so badly by Gaia my son and I stopped coming out of our rooms" and "The only thing that kept me from not leaving the situation was that I could not leave my son at the mercy of that woman [...] and the hope that soon [Mr. Patrick] would wake up from the nightmare we had all invaded into our home" (p. 2). Mrs. Patrick in her declaration sounds very agitated when talking about the abuse I allegedly inflicted on her and her son. It would make sense then that both her

and her husband would try to make me leave the house and it seems like Mrs. Patrick's declaration supports this idea. She claims: "he did try to get her to move out [...] if for no other reason but to save himself from the road he was going on" (p. 3). I am guessing that with the expression "the road he was going on" Mrs. Patrick is referencing the pain and the misery Mr. Patrick had to suffer because of my abuse. Mr. Patrick's declaration confirms my guess, but adds an interesting detail. Mr. Patrick's declaration (submitted on January 10th) states: "After she ended our relationship, I had tried to get her to leave my home because of the all the pain and abuse she was causing my family and I" (p. 2). Mr. Patrick here says that he wanted me to move out after I ended the relationship; however, neither Mr. Patrick nor Mrs. Patrick's declarations state that my abusing behaviors started or worsened after I ended the relationship. Mrs. Patrick's declaration talks about the abuse I allegedly inflicted on her and her family before the break up. Therefore, it seems like Mr. Patrick didn't ask me to move out until he couldn't be with me anymore. The brief of appellant, dated June 18th, states: "After Ms. Fontanari ended the relationship, Mr. Patrick tried to get her to move out of his family home" (p. 4). In this statement it seems like the only reason why Mr. Patrick wanted me

to move out was that I had broken up with him and the brief doesn't mention the abuse I have inflicted on his family as a reason why Mr. Patrick wanted me to move out. This would suggest that Mr. Patrick wanted me in his house only when I was in a relationship with him. Furthermore, I have submitted evidence supporting the fact that not only I didn't abuse Mr. Patrick and his family but that they have repeatedly asked me to move back in with them, making their whole argument about my abusive behavior unsubstantiated. In the text conversation I had with Mrs. Patrick, dated October 29th 2019, her first text reads: "EVERYONE in this house loves you very much [...] I miss you also and I can't wait for you to be home". Also in my conversation with Mrs. Patrick, dated October 18th 2019, his text reads: "I hope you will come back to your home soon". The latter text was sent to me by Mrs. Patrick the day after I moved out, on October 17th. Mr. Patrick also sent me another text (that can be found in the evidence I have submitted), dated October 29th that reads: "You must understand I need you in the house". Those texts suggest that not only Mrs. and Mr. Patrick wanted me back to the house after I moved out but that everyone one in the household (including Mr. and Mrs. Patrick and their son) loved me very much. Why would someone who was allegedly abused so bad want their

abuser back in the household? Mr. and Mrs. Patrick had no reason for me to live with them other than they wanted so. Mrs. Patrick, in her declaration, claims: “[Mr. Patrick] begged [Gaia] not to move out because he was sure that we could not afford the extra expenses and her college” (p. 2). However, this claim is not based on any evidence because Mr. Patrick and his family never paid for my rent and I have never asked them to pay for my living accommodations after I left their house. Mr. and Mrs. Patrick claims that I was abusive are not based on any evidence and the text messages I have submitted imply that they were trying to make me move back in the house. This would suggest that their claims that I was abusive toward the Patrick family are inaccurate and unsubstantiated.

Further evidence that discredits Mr. and Mrs. Patrick's accusation of me being abusive can be found in the text messages I have submitted. In the conversation between me and Mr. Patrick, dated on October 17th, his text reads: “This is how much I trust you to be the person I fell in love with and how much Deanna trust you and cares for you also”. The text message was sent the same day I moved out and Mr. Patrick and Mrs. Patrick voluntarily made me a

beneficiary of Mr. Patrick life insurance. I didn't ask them to do it and Mr. Patrick in his text says that both him and his wife have great trust in me. If I were abusive toward both of them why would they want to make me a beneficiary of his life insurance if I didn't ask for it? This evidence doesn't sustain their claim and it further disclaims it.

Mr. and Mrs. Patrick are not clear on how I tried to end the relationship. Mrs. Patrick in her declaration writes: "When she got back from summer vacation for her second year at CBC [...] she told [Mr. Patrick] she had a boyfriend she had met months ago" (p. 2). Mr. Betancourt in the brief of appellant writes: "The relationship continued until Ms. Fontanari broke up with Mr. Patrick in October 2019, due to being in another relationship with another man" (p. 4). Those statements do not describe what has happened. I tried to end the relationship with Mr. Patrick in September 2019, when I came back from summer vacation because I didn't feel comfortable with him and I didn't want him to touch me or sleep with me anymore. Mr. Patrick however insisted on sleeping with me and sharing the same bed. He wanted to still have "date nights" (as he called them) and he wanted to go on trips with me and to spend all

the time with me. I repeatedly tried to ask for space but he wouldn't accept it. In the evidence I have submitted there is a text conversation between me and Mr. Patrick dated October 17th in which he writes: "I got to buy two presents for the girl I love you and I don't particularly care if you want me or not and that's the way it's going to be I'm not gonna care if you don't like it and I'm gonna because I care and you can do what you want with them you can do what you want with my love but I'm still gonna love you I'm sorry that makes you uncomfortable". In this text, Mr. Patrick admits that he knew that I didn't want his attention and that I was feeling uncomfortable and he also states that he didn't care about those feelings and that he was going to behave the same way. Mr. Patrick previously sent me other texts that show that he wouldn't accept my request for space. In the evidence I have submitted there is a conversation dated October 14th where he writes: "then dump the other guy and throw all your efforts into making me the boyfriend you want [...]. Only joking a little. Well not much at all", "I WILL HAVE YOU BACK AT ALL COSTS [...] CHAINING YOU TO THE BED FOREVER" he also asks if he can snuggle and keeps texting me even if I texted him "Goodnight" twice and I politely asked him to stop texting me. Those messages show that he wouldn't leave

me alone and that he wouldn't listen when I would express the request for him to stop texting me. Also I was trying to be as nice as possible because I didn't feel comfortable in that situation at all and I didn't know how he would have reacted if I would have been more direct.

My "boyfriend" or the 'man I was in a relationship with' is Mr. Kolasch or referred to as "Josh" in the text messages. In September 2019 Mr. Kolasch and I were just friends. We knew each other because we used to work together and we would hang out from time to time. In mid-October Mr. Kolasch and I started dating (on October 13th to be exact) and I asked Mr. Patrick to stop sleeping with me and to leave me more space. Mr. Patrick started to exhibit more controlling and possessive behaviors after I told him about Mr. Kolasch and I. Unfortunately, I didn't submit any evidence that would confirm when I started dating Mr. Kolasch and when I broke up with Mr. Patrick because I didn't think they would be important for this case. However, I have evidence supporting my claims and I would be glad to submit it.

Both Mr. and Mrs. Patrick, in their declarations, talk about me moving out of their house and they describe what happened after I moved out. Personally I found that part in their declaration

particularly confusing and unclear. It contains contradictions, it is very vague and they never layout a clear timeline, nor do they mention any dates. I will now try to analyze their statements and compare it with mine and the evidence submitted by both parties to shed some light on what has happened.

Mr. Patrick and Mrs. provide different and confusing timelines of the events. Mr. Patrick talks about his attempted suicide first, then he says that he tried to make me move out and then talks about what happened after I moved out. Mrs. Patrick on the other hand talks first about me wanting to move out and Mr. Patrick begging me not move out (this is not mentioned by Mr. Patrick at all), then she says that Mr. Patrick tried to make move out and that I wouldn't go, then she talks about Mr. Patrick attempted suicide and me still not wanting to move out and finally she talks about me moving out and what happened after I moved out.

Since their timelines are not the same and neither of them provides any date of the events, I will analyze the event in the order I have described in my statement (which contains the dates of the events).

Mrs. Patrick claims: "she wanted to move out because of my son and me" (p. 2), she then continues with: "He begged her not to move out because he was sure that we could not afford the extra

expenses and her college” (p. 2). In the next page she claims: “When she continued to apply increasingly more pressure [...] he did try to get her to move out at least twice” (p. 2-3) and “She would not go” (p. 3). Mrs. Patrick doesn’t specify when those events took place exactly but she previously said they happened after I came back from summer vacation (on September 11th 2019) and she hadn’t mentioned the attempted suicide yet, so I assume she meant they happen before then. Mr. Patrick attempted his suicide the night of October 16th 2019 as the evidence that I have submitted suggests. In my evidence there is a conversation between me and Mr. Patrick dated October 17th where he references the suicide attempts. Some of Mr. Patrick texts read: “There will never be another night like last night that stops now. While you are still worth my love and life always not like that ever again” and “I’m not going to show you that I love you with a goddamn gun anymore”. Therefore, the events Mrs. Patrick describes had to have happened in that month. According to Mrs. Patrick I wanted to move out in the first place and he didn’t want me to because of the extra expenses he would have to pay; however, later on, since I insisted on moving out, he tried to make me move out but I wouldn’t do it. Her claim is partially sustained by Mr. Patrick declaration that reads: “After she

ended our relationship, I had tried to get her to leave my home [...]

Gaia begged me to stay and would not pack her bags” (p. 2).

Interestingly Mr. Patrick's declaration doesn't mention anything about me wanting to move out in the first place.

Before I start to analyze the statements I would like to provide more background information. I don't have any family members living in the United States and at the time my finances were linked to Mr. and Mrs. Patrick's. Also at the time I didn't have my passport because I had to renew it. Since I don't have an American passport I had to ship my Italian passport to San Francisco to get it renewed. I therefore didn't really have a place to stay, I didn't have my own money to rent a place, nor could I go back to my family in Italy. I wanted to move out of their house since the situation was becoming unbearable for me, I just didn't know how. Also I just started dating Mr. Kolasch and he wasn't aware of my situation and I was very afraid that he would not help me if I reached out to him since I didn't really know him that well yet. Mr. Patrick ordered me to move out of his house on October 15th. That night I came to his house after I had spent the afternoon with Mr. Kolasch. I didn't feel safe disclosing that information to Mr. Patrick, therefore I didn't tell him that I was with Mr. Kolasch before. However, Mr. Patrick

figured out that I was with Mr. Kolasch and took my phone, my documents, all of the car keys (including my car keys), my iPad and my debit cards. He took me to the garage, threw some suitcases at me and told me that he was going to Mr. Kolasch's house and that he was going to drive me to the airport that night. His reaction was completely out of the blue. Like I showed in the evidence I have submitted, the day before (October 14th) he wanted to make me a beneficiary of his 401K. I was not expecting to become homeless the next day. Since Mr. Patrick took my phone and my car keys I couldn't go anywhere nor ask for help. I wanted to call Mr. Kolasch and warn him but I couldn't do that. Mr. Patrick seemed to have hostile intentions toward Mr. Kolasch. Also Mr. Patrick told me he stalked Mr. Kolasch and found out where he lives and other information I have never disclosed to Mr. Patrick. Furthermore, I didn't know what to do since I didn't have a passport so I couldn't even take the first flight back to Italy. Since I was concerned for Mr. Kolasch safety and mine I tried to stop Mr. Patrick from going to Mr. Kolasch house and I begged Mr. Patrick not to leave me homeless when I had no other choice. In the evidence I have submitted there is a text conversation between Mr. Patrick and I dated October 16th. Mr. Patrick sent those texts in the early morning after what

had happened. The texts read: "I'll take care of your Josh problem tomorrow" and "pack your bags as soon as you get your passport back". Those texts would confirm the hostile intentions Mr. Patrick had toward Mr. Kolasch (Josh) and that Mr. Patrick didn't want me to stay in the United States. The only reason why he didn't leave me in an airport that night was because I didn't have my passport with me. Also the only reason why I didn't leave the house that night is because I had nowhere to go.

Mrs. Patrick goes on to describe the attempted suicide. The suicide attempt (as described before) happened on October 16th, the day after Mr. Patrick wanted me to move out and to go to Italy. Mr. Patrick, in his declaration, describes the attempted suicide as a "brief lapse in judgement" (p. 2) and he then goes on denying my version of the story. Mrs. Patrick in her declaration supports her husband's claims by saying that Mr. Patrick never prevented me from leaving the house. In the evidence I have provided there is a text conversation between Mr. Patrick and I, dated October 17th, the day after he attempted suicide. Mr. Patrick wrote texts such as: "You don't leave the family because you have had the hardest time in your life", "I'm not gonna show you that I love you with a goddamn gun anymore", "if you tell [Mr. Kolasch] and he's going to

tell somebody because he feels he has to [...] I am going to lose my job” and “keep your mouth shut”. The first text supports my version of the story. In my declaration I have stated that on October 16th I have expressed the wish of moving out of the house, for that reason Mr. Patrick attempted suicide. Mr. Patrick in his text confirms that he didn't want me to leave that night and he also states that I was going through the hardest time in my life. This would suggest that something really terrible had happened to me recently. The second text suggests that Mr. Patrick attempted suicide as a 'love gesture' or a way to make me understand that he loves me. I am not going to discuss whether he was in love with me or not, but an attempted suicide is not a sign of true love, it is often a sign of a sick obsession and/or emotional dependency. Finally, in the third text Mr. Patrick appears very worried and he intimidates me not to speak up and tell my story. If the attempted suicide was, as he claims, “a brief lapse in judgement” and he did not hold me nor prevented me from leaving then why 1. Would I feel the need to talk to someone about it? 2. Why would Mr. Kolasch feel the need to report it?

If the attempted suicide of Mr. Patrick wasn't a traumatic experience for me at all, then I wouldn't feel the need to talk to

other people about something so personal. Furthermore, why would Mr. Kolasch report this incident if he wasn't concerned for my safety? Mr. Patrick seems very concerned about being reported by Mr. Kolasch. Mr. Kolasch had no reason to report Mr. Patrick attempted suicide because he knew that it might lead to me leaving the United States to go to Italy. As Mr. Patrick stated: "you're going to have to go back to Italy because he's gonna report it and I'm gonna lose my job". Since Mr. Kolasch was in a relationship with me, and he didn't want me to leave the United States, he had no interest to report Mr. Patrick unless Mr. Patrick did something to affect my safety. The evidence seems to support my version of the story.

Mrs. Patrick continues her declaration writing: "[the suicide attempt] did not get her to go" (p. 3), she then follows by writing: "After Gaia finally moved out" (p.3). It seems fairly ironic to me that she chose to write those sentences back to back without providing any date of the events. Mr. Patrick, in his declaration, writes: "Eventually, she secured another place to stay with someone that would financially support her, her boyfriend and parents, and she moved out" (p. 2). Mr. Patrick doesn't provide any dates and he wrote this sentence right after stating I didn't want to move out. Both Mr. and Mrs.

Patrick statements are vague and they don't accurately represent what happened. Like I have written before, Mr. Patrick tried to make me leave the house on October 15th, Mr. Patrick attempted suicide on October 16th and I moved out on October 17th. In the evidence I have submitted, there is a text conversation between Mr. Patrick and I, dated October 18th at 2:13 a.m. In the text message Mr. Patrick writes: "I have no real expectations of seeing you ever again though I hope you will come back to your home soon". The text message suggests that I had left the house and that Mr. Patrick didn't know whether I was coming back to the house or not. This would imply that I moved out of Mr. and Mrs. Patrick's house on October 17th, the day after Mr. Patrick attempted suicide and two days after Mr. Patrick wanted me to move out of his house. This would make Mrs. Patrick's claim about me not leaving even after the suicide attempt inaccurate since I left the day after.

Also Mr. Patrick's statement: "Eventually, she secured another place to stay with someone that would financially support her, her boyfriend and parents, and she moved out" (p. 2) is inaccurate as well. Mr. Patrick's statement makes it seem like I took a long time to find a place to stay, when in reality I only took 2 days. Also his statement makes it sound like I moved in with my parents (implying

that I could have moved in with them anytime), which I couldn't do since I didn't have a passport at the time and my parents and all my relatives live in Italy.

Mr. Patrick, in his declaration, goes on writing: "she would continue to enter our home a least twice without permission and with a second person that we have stated was not allowed on our property" (p. 3). Mrs. Patrick supports this claim by writing: "she would show up at the house without permission with her boyfriend, who was not allowed in our home, to take stuff from the house" (p. 3). Those claims are inaccurate and not supported by evidence. Mr. and Mrs. Patrick repeatedly asked me to come to the house to talk, eat dinner or simply spend time with them. When I went to their house (on October 20th, October 22nd and October 29th as I wrote in my declaration) I also took some of my personal belongings, which they were both aware of and allowed. In the evidence I have submitted there are many text conversations that confirm my claims. For example, there is a conversation dated October 18th (the day after I moved out) between Mr. Patrick and I in which Mr. Patrick's writes: "I hope you will come to your home soon". In a conversation between Mrs. Patrick and I, dated October 20th, Mrs. Patrick writes: "Bruce said you might stop today", therefore implying

that both Mr. and Mrs. Patrick were aware of me going to their house. In another conversation with Mrs. Patrick, dated October 29th, she writes: "I miss you also can't wait for you to be home"; that same day she also writes: "I know you're busy [...] but [Mr. Patrick] could real use to see you today [...]. It is hard on all of us not seeing you". Mr. Patrick in a text conversion dated November 1st also writes: "you must understand I need you home". Those texts suggest that both Mr. and Mrs. Patrick were asking me to go to their house and they were fully aware of me going to their house. Also neither Mr. nor Mrs. Patrick mentioned that they invited me to their house after I moved out in their declaration. Mr. Patrick goes as far as calling his house my home (as shown in his text message) and Mr. Patrick also told me I could have gone to his house whenever I wanted.

Mr. Patrick then writes: "The last time she entered, we had scheduled a time for her to come by but instead, she showed up during hours when no one was home and started removing things from the house" (p. 3). This claim is confirmed by Mrs. Patrick. In her declaration she writes: "when an appointment had been set up Gaia showed up hours early when no one was home to ransack a bedroom" (p. 3).

This incident happened on November 1st and I describe my version of what happened at page 3 of my declaration. In my version I say that Mr. Patrick got very angry with me on a phone call we had and verbally abused me. In the evidence I have submitted there is a text conversation dated November 1st between Mr. Patrick and I. Mr. Patrick writes; "Tonight will not be like the phone call. I will not allow it". This text suggests that there was a phone call prior to this text and that it was a harsh phone call, at least from his part; which would support my claim. I then claim that Mr. Patrick told me I had to move back in with him and that he wanted me to disclose personal information, including my private banking information. In the same text Mr. Patrick writes: "you must understand that I need you home" and "Here's how it's going to go tonight we will agree that you will stay on course. I will insist that you come home and hopefully you will set a date that is soon". This text message supports my claim that Mr. Patrick told me to move back with him, preferably soon. I didn't want to move back with him. Also, as the conversation goes on, I said that I received the username and password for my personal bank account. Mr. Patrick responded with: "Give it to me and we will fix it together". When I stressed that only I had access to those bank accounts and that he needed to go

to Gesa for his bank accounts, he said: "Talk tonight about that. I need to get somethings from you not just the way you want it all the time. I don't know if you hold back but you better not tonight. I will answer every question and if you can't do the same then don't bother coming. And I mean every question even if it's not my business." This texts suggests that Mr. Patrick wanted me to disclose personal information and that he was going to get things from me if I didn't want to. Mr. Patrick also said not to go to the meeting if I didn't want to answer every question.

I was planning on not going; however, I had left the car title (in my name) at Mr. Patrick's house and I went to Mr. Patrick's house to get it as Mrs. Patrick confirms in her declaration. Mrs. Patrick writes: "She continued to look until she found [the car title] and left the house with it" (p. 3). In no way did Mr. or Mrs. Patrick tell me before October 1st that I wasn't allowed on their property. I had the house keys, which they didn't ask me to give back until later that day, and they kept telling me that I was always welcome to their house and that it was my home.

They claim that I took things from the house and that I ransack a bedroom. The word "ransack" implies that I was stealing and that I was destroying property. I want to stress that I only took my car title

and my clothes. Also I didn't damage anything. Mr. and Mrs. Patrick do not provide any evidence of any of their items being stolen or damaged. Furthermore, in the settlement agreement (submitted by Mr. Patrick on January 10th), dated on November 7th (so 6 days after the incident), verse 6 reads: "Bruce says that Gaia is welcome to come to his home if she wants to. She can bring someone with her if she wants to. Bruce trusts her in this implicitly" (p. 1). If I had destroyed, damaged or stolen any of Mr. Patrick's property, why would he trust me implicitly to go to his house, even with other people? Mr. and Mrs. Patrick's claims are not substantiated and go against the evidence submitted.

Mrs. Patrick then continues her declaration by writing: "Even after Gaia stopped communicating with us she would show up to take things from the home" (p. 3). This claim contradicts both my claim and Mr. Patrick's claims. Mr. Patrick, in his declaration, writes: "The last time she entered, we had scheduled a time for her to come by but instead, she showed up during hours when no one was home" (p. 3). Mr. Patrick, as I explained before, described the incident that happened on November 1st and he claims on that day it was the last time I entered their house, as I write in my declaration. I have provided evidence of me communicating with Mr. and Mrs. Patrick

until November 2nd. Therefore Mrs. Patrick must be talking about some day after November 2nd. Mrs. Patrick's statement is not only not supported by evidence but it also contradicts Mr. Patrick's statement.

Mr. Patrick in his declaration writes: "Our meeting at the dispute Center has been the only contact I have had with Gaia since she moved out in October, except for allowed email communication as agreed per dispute resolution agreement" (p.3). The dispute resolution agreement was dated November 7th. Mr. Patrick, in his evidence, submitted two emails, one dated November 6th and one dated November 5th. Therefore, these emails were sent before we went to the dispute center. Also I have provided multiple text conversations between Mr. Patrick and I between October 17th (the day I moved out) and November 7th (the day of the dispute). I have also provided evidence of me going to Mr. Patrick's house with Mr. Patrick's consent, and it is reasonable to assume that I have met him during those times. Therefore Mr. Patrick's statement is not sustained by any evidence and goes against the evidence provided by both parties.

Also I wanted to point out that both Mr. and Mrs. Patrick lied to me about the guns they had in the house. In my evidence I have

submitted there is text conversation between Mrs. Patrick and I dated on October 18th that reads: "I just watched Bruce load all the guns that he owns into somebody's truck and the guy drove away with him and he didn't come back with any". This statement is supported by Mr. Patrick email, dated October 18th, that reads: "the guns just left with somebody in the back of his truck". According to their statement all of the guns were brought out of the house; however, as the court document states, 10 firearms were found on Mr. Patrick's property.

Mr. and Mrs. Patrick's declarations were at best vague, contradictory, they weren't supported by evidence and sometimes went against the evidence provided by both parties. Therefore, Mr. and Mrs. Patrick's declarations are not reliable.

Mr. Betancourt claims that there wasn't enough evidence on my part. RCW 7.90.090 states:

Burden of proof—Issuance of protection order—Remedies—Violations.

(1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court

shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of RCW 7.90.110 for ex parte temporary orders or RCW 7.90.120 for final orders.

Webster.com defines preponderance of evidence as: "the standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not"

I have analyzed before how the evidence submitted by both parties supports my declaration. I have also shown how Mr. and Mrs. Patrick declarations were vague, contradictory, not supported by evidence and would even go against the evidence submitted sometimes. Therefore, it was reasonable for the Court to declare I had met the burden of evidence.

PART 2. I need a protection order.

In the introduction and the statement of the case of the brief of appellant Mr. Patrick's attorney, Mr. Betancourt, writes some inaccurate and ambiguous claims. I have already discussed some of those before and I will discuss a couple more now.

Mr. Betancourt writes: "Mr. Fontanari returned [...] in August 2018. Mr. Patrick and Ms. Fontanari were in an intimate relationship for over a year" (p. 1). He then continues with: "The relationship continued until Mrs. Fontanari broke up with Mr. Patrick in October 2019" (p. 4). I have previously discussed how I tried to end the relationship in September 2019 but Mr. Patrick wouldn't accept it. In those statements; however, Mr. Betancourt says that in October 2019 Mr. Patrick and I have been in a relationship for over a year. This would indicate that the relationship had to have started at least in September 2018 (if not before). This would suggest that Mr. Patrick began the intimate relationship very early after I arrived in the United States (if not before). This would support the claim that he had already feelings for me before me returning to the United States (which I have discussed in the previous part), a fact that Mr. Patrick never discussed in his declaration. This statement also doesn't support the previous statement of Mr. Betancourt. Mr. Betancourt writes: "Mr. Patrick's family grew very fond of Ms. Fontanari, thought of her as family" (p. 3). If Mr. Patrick thought of me as family, why would he engage in a sexual relationship with me as soon as I returned to the United States? This statement is not supported unless Mr. Patrick thought of me as a potential

intimate partner when I was an exchange student rather than a daughter or a niece. In the evidence I have submitted there is a Facebook post dated November 12th in which Mr. Patrick refers to me as a family friend and says that I'm family. Mr. Patrick in this post says that he thinks I am family, after having a sexual relationship with me. This would imply that with the term "family member" he refers to a significant other, not a daughter or a niece. Mr. Patrick's post would imply that with "family member" he refers to a someone he had a sexual relationship with, not a platonic relationship. Furthermore, in the same post, Mr. Patrick writes: "we failed her, as we see it"; therefore, admitting that he has done terrible things to me. This not only would support my claim that Mr. Patrick had sexual interactions with me when I was underage but it would also support the fact that I was groomed into having a relationship with Mr. Patrick when I turned 18.

One of signs of grooming is for the groomer to pay special attention to the victim and convince them that they have a special relationship. In this case Mr. Patrick tried to convince me that I had a special relationship with him by being "as family". Another sign of grooming is for the groomer to buy gifts for the victim for no apparent reason. Mr. Patrick not only did that while I was underage

but he continued to do when I turned 18 and 19. I have discussed some of these gifts like a car, and being a beneficiary of his 401K before.

Mr. Patrick exhibited other signs of being a groomer, like talking about sex, making sexual jokes and telling me not to say anything about our relationship to other people. Therefore, I have reasons to believe I was groomed into having a sexual relationship with him.

The sexual relationship started when I was underage and continued when I turned 18. Even if at 18 I could legally consent, I don't want for the Court to ignore how the relationship started and the grooming behaviors Mr. Patrick was exhibiting. Grooming is a form of manipulation. Therefore, Mr. Patrick manipulated me into having a sexual relationship with him.

Before continuing analyzing the brief of appellant I would like to provide the Court more information about what happened when I was underage. Like Mr. Patrick confirmed in his declaration, I was an exchange student hosted by Mr. Patrick and his family during the school year of 2016-2017. At the time I was 16 and 17. I first arrived to Mr. Patrick house in August 2016. Mr. Patrick from the beginning was very friendly and he didn't act like any other adult I knew. Mr. Patrick wanted to have a friendlier relationship, like he

was one of my friends rather than an adult responsible for me. Mr. Patrick would be very casual when talking about sex with me and he would make many sexual jokes. Mr. Patrick would also hug me often and he asked me to snuggle and sleep with him after a couple months I was living with him. At the time I thought it was a little strange but I was young and thought that it was normal in American families to be physical. Also, I trusted Mr. and Mrs. Patrick to take care of me and I was never warned that any of my host parents could be trying to groom me into a relationship. Some months after I was staying with Mr. Patrick and his family, Mr. Patrick told me that he loved me. At first I was very shocked. I started getting some anxiety and immediately thought it was wrong. Mr. Patrick kept reassuring me and he didn't want anything from me and that I didn't have to love him back. Mr. Patrick, the morning after he told me he loved me, dedicated me two songs. One, the cover of a song called "All of me" (by John Legend), was meant to represent his feelings toward me, and the other, called "Please don't say you love me" (by Gabrielle Aplin) was meant to represent what I was feeling (in Mr. Patrick's mind). At the time I was very confused and didn't know how to feel. I thought Mr. Patrick loved me in a platonic way, like a daughter, because that's the only way I knew an adult could have

loved a child or a teen. I was terribly wrong. After I realized that he actually loved me I asked Mr. Patrick "what about your wife?". Mr. Patrick said that his wife and him were not intimate and that he didn't love her. Mr. Patrick also said that not only Mrs. Patrick was completely fine with Mr. Patrick having a sexual relationship with me but that she encouraged it because Mrs. Patrick didn't want to have sexual contact and Mr. Patrick wanted to have sexual contact. Mr. Patrick then asked me to keep snuggling with him and eventually, one day he put his hand in my underwear. I immediately yelled "NO" and grabbed his arm and pulled away. I got out of bed. I was very confused. Mr. Patrick kept saying things like: "I thought you told it was alright". Mr. Patrick then kept saying that I could have called the police, but he kept stressing that he only made an honest mistake and that if I had ever called the police he would have ended up in prison for 20 years and his family would have been homeless. Mr. Patrick kept telling me that he only did it because he loved me and made me feel like I was the reason why he would behave like that. After that Mr. Patrick kept telling me that he was in love with me. He would say things like: "nobody will ever love you as much as I do" and "guys your age will just treat you like shit and use you for sex". At the time I had never had a relationship

and I was terribly insecure. Mr. Patrick used my insecurities against me. After some time, I started thinking I had feelings for Mr. Patrick. Mr. Patrick started saying that he was my boyfriend and he started asking for us to have sex. I repeatedly said that I didn't want to have sex and I also asked him to stop asking. Mr. Patrick kept insisting and he also kept saying things like: "if I don't keep asking we will never have sex". One day, after he kept asking, I agreed (even if I didn't want to) because Mr. Patrick would keep making me feel guilty for saying no.

Mr. Patrick, after that kept insisting that he was my boyfriend and he kept stressing that I had ever spoken to anyone about what happened he would have ended up in prison and his family would have been homeless. Mr. Patrick, not only made me feel like it was my fault for him having had sexual contact with me but he would also make me feel like I would have destroyed his family if I ever told my story. Mr. Patrick then kept insisting for me and him to sleep in the same bed. Mrs. Patrick was aware of this and sometimes she would sleep on the couch to let her husband sleep with me in their bed. I didn't feel comfortable with that but Mr. Patrick kept insisting for me to sleep with him. Mr. Patrick would also often make inappropriate comments about me kissing or

having sex with his wife. This never happened, but Mr. Patrick kept mentioning it.

As time went by Mr. Patrick would push me to have regular sexual intercourse with him. Even if I didn't want to. He even put me on birth control because he didn't want to use condoms. Mr. Patrick would ask sex in return for small gifts or favors. There are many instances I could describe but for this declaration I will describe one. One time, when I was on high school, Mr. Patrick brought me McDonald's for lunch. I was eating it with him in the car and I said: "I don't really want to go to school this afternoon". To which Mr. Patrick replied: "I'll let you skip school only if you have sex with me when we go back home". I hesitated because I didn't want to have sex with Mr. Patrick. He then said something like: "come one, I even bought you McDonald's!". There are numerous other situations in which Mr. Patrick was expecting sex in exchange for gifts. For example, he took me to Las Vegas and Seattle and he wanted to have sex there too, just for bringing me there.

In my year as an exchange student I have tried to end things because I felt very uncomfortable and I felt like the situation was wrong. However, I didn't know how to act because I didn't want to report Mr. Patrick (because he made me feel like it was my fault for

him to had had sex with me) and Mr. Patrick kept making inappropriate comments about my body and kept making me feel guilty for wanting boundaries as well. Mr. Patrick also kept saying things like: “please don’t leave me until you have another” or “nobody will ever care about you the way I do”.

I think that, as a defense mechanism, I started thinking I liked Mr. Patrick because I didn’t know how to stop him.

Even when I got back to the United States, I didn't want to sleep with Mr. Patrick but he kept insisting that we should sleep in the same bed the day I came back and have a sexual relationship shortly after.

I’m currently unable to submit any evidence that would confirm this story because I have submitted all the evidence I have to detective Grant and the Richland Police Department. Currently there is an investigation open (19-28079) regarding Mr. Patrick’s sexual misconduct and the evidence is being reviewed.

Mr. Betancourt later on writes: “[the Court] ignored the overwhelming evidence that there was a consensual relationship for a year and a half” (p. 14). Since Mr. Betancourt and Mr. Patrick previously stated that the relationship ended in October 2019, a year and a half before would be April 2018. In April 2018 I wasn’t in

the United States and I was still in high school. This statement not only contradicts their previous claims that state that the relationship began after I returned to the United States in August 2018, but it also supports my claim that the relationship began before I returned to the United States.

Mr. Betancourt then continues writing: “the Trial Court’s finding [...] implies [...] that age gap was the reason Mr. Patrick had more power” (p. 15). He then writes: “Mr. Patrick is 52, and Ms. Fontanari was 20 when the couple ended their relationship [...]. Mr. Patrick maintains that their age gap of 30 years is irrelevant in the ultimate fact whether there was nonconsensual conduct or penetration” (p. 15, 16). Mr. Betancourt statements are not accurate. In September and October 2019 I was 19, not 20. And the age gap was over 32 years. Mr. Patrick claims that the age gap is irrelevant when talking about consent. While this statement might be true in some situations; it is not true in this specific case.

I have shown and analyzed numerous evidence that substantiate the fact that Mr. Patrick was controlling and manipulative. He was in a clear position of power since:

1. Mr. Patrick was significantly older than me. Like I wrote before he is over 32 years older than me. I was a teen when

he was in a sexual relationship with me. Teens are generally more naive and more prone to be manipulated by others than someone in their 50s. Mr. Patrick also had more life experience that led him to understand better relationships and power-control dynamics. I, on the other hand, was never in a sexual relationship before and I didn't understand his abusive behavior and the power dynamic that was present.

2. Mr. Patrick manipulated me into having a sexual relationship. As I explained before Mr. Patrick groomed me into having a sexual relationship with him. Also Mr. Patrick would often buy me gifts or present that were 'for him', like lingerie, sex toys or romantic getaways. Or he would buy small gifts for me and expect some form of sexual contact in return. In the evidence Mr. Patrick submitted there are multiple text conversation, one of which shows a picture of some lingerie that Mr. Patrick sent me with the caption "please", when I replied that I didn't want it he kept insisting. In another text conversation, dated March 18th, Mr. Patrick writes: "there will be more sex tonight" and he sends a picture of some sweets he bought me. This would imply that he would expect sexual favors from me after buying small gifts from me. Also

I have provided evidence of Mr. Patrick buying a reservation for a “romantic getaway” for us before I even arrived in the United States.

3. Mr. Patrick used to be in control of my finances. In his declarations Mr. Patrick keeps stressing the fact that I had access to his bank account at any time. However, when I didn't behave like Mr. Patrick wanted me to, he locked me out of the account where I had my money. I have provided evidence that supports this claim. In the text conversation between Mr. Patrick and I, dated November 1st, that reads: “It's all gone so don't even try to take it. I locked it all”. This would support the idea that Mr. Patrick had control over me and tried to make me do what he wanted to. Other examples of instances where he was trying to control me are when he tried to force me out of his house because I was dating someone else (therefore sexually unavailable for him) and when he threatened to commit suicide if I left him and moved out.
4. I was in a foreign country with no support system. Like I have stated before my parents and all my relatives live in Italy. When I moved to the United States I didn't have

anyone close other than Mr. Patrick and his family. Mr. Patrick knew that this meant that I had no other choice but to stay with him and his family. Also I am in a foreign country and when I first arrived in the United States my English wasn't as fluent and I didn't know many of the laws, regulations and/or associations that could have helped me.

5. Mr. Patrick is clearly obsessed with me. I have shown before that in the text evidence provided Mr. Patrick attempted suicide as 'a way to show his love'. I have also discussed how an attempted suicide is not a sign of love but rather of a sick obsession. In other text conversations, Mr. Patrick's shows no regard toward my feelings, instead he states: "I'm still going to love you I'm sorry if that makes you uncomfortable" and he also states that he would keep buying me gifts and that he doesn't care whether I wanted them or not. Also Mr. Patrick kept talking about me after I had moved out. I have submitted a Facebook post, dated November 12th, where he writes about how much he misses me and one of his friends calls him out and asks: "I don't get it what is your fascination with Gaia? It is embarrassing". This comment would suggest that Mr. Patrick kept talking about

me on Facebook. Mr. Patrick also kept talking about me on Facebook after I had requested the protection order.

Therefore, he kept talking about me knowing that I had no wish of hearing from him or to have any contact with him.

Mr. Betancourt then writes: “the text messages, the breakup, and subsequent civil dispute resolution shows that there was a bona fide relationship” (p. 17, 18). He then goes on writing that I don’t dispute the bona fide relationship and that therefore the relationship wasn’t about power and control. I found Mr. Betancourt statements and claims to be inaccurate. I have analyzed before how Mr. Patrick was in a situation of power and control. The text messages contain multiple threats and they show how Mr. Patrick was not stable nor reliable. Also the settlement agreement shows that I didn’t want any interaction with Mr. Patrick while he still wanted to be a part of my life and communicate with me on a regular basis. In the points that regard my access to Mr. Patrick’s money or accounts (number 1, 3, 4, 5 and 8) it is stated that Mr. Patrick will remove me from the accounts whenever I want it. This is because I wanted to be removed and have no further contact with Mr. Patrick. When we were at the dispute center I asked to be removed from

Mr. Patrick's accounts but Mr. Patrick would not allow it. Therefore, as a compromise I asked to be removed whenever I asked. Also the settlement agreement has sentences that say: "Bruce trusts her in this implicitly" (number 6) but never in the document it says that I trusted Mr. Patrick. I didn't and I still don't trust Mr. Patrick, that is why I wanted to take my money, my belongings, separate our finances and never see Mr. Patrick ever again. However, Mr. Patrick wouldn't let me and he insisted on us still communicating. He also kept communicating with me after I had asked him not to reach out to me again. Therefore, I don't understand how the settlement agreement shows that there was a bona fide relationship. It shows that Mr. Patrick trusted me and still wanted to contact me while I didn't want that. Therefore, this would support my claim that Mr. Patrick was (and potentially still is) obsessed with me, that he didn't respect my wishes and that he was trying to control me.

In the conclusion, Mr. Betancourt writes: "A SAPO can have grave implications as it did in this case, it cost Mr. Patrick his livelihood as a nuclear engineer" (p. 18). This statement is inaccurate and misleading. It was never my intention for Mr. Patrick to lose his job; however, Energy Northwest, where he used to work, has strict rules

regarding the mental stability and the wellbeing of some of its employees, including Mr. Patrick former job position. The night Mr. Patrick attempted suicide the police were called and Mr. Patrick threatened me not to say anything about the suicide attempt to the officers saying that he would lose his job if the truth went out. In the evidence I have submitted there is a text conversation between Mr. Patrick and I dated October 17th in which he writes: “[Mr. Kolasch] is going to report [the attempted suicide] and I’m going to lose my job so trust me on this keep your mouth shut”. This text suggests that Mr. Patrick would have lost his job if the truth about his suicide attempt came out (regardless of a SAPO being issued against him or not). In the same texts he also threatens me not to speak about what happened the night before. Mr. Patrick was suspended from his position after he was served with a temporary SAPO but in his declaration he admitted to have attempted to commit suicide. That claim is also supported by Mrs. Patrick's declaration. Therefore, Mr. Patrick (by his own admission in the text message he sent me) should not be eligible to work his former job regardless of having a SAPO or any other protection orders against him.

Mr. Patrick displays several admissions of guilt. Mr. Patrick also showed to be worried about me sharing what happened to me. I have already discussed how Mr. Patrick texted me the day after he tried to commit suicide, threatening me not to say anything. In the evidence Mr. Patrick has submitted there is more evidence supporting my claim. Mr. Patrick sent me two emails, one dated November 5th and another dated November 6th. In the email dated November 5th Mr. Patrick writes: "Just trying to give you your things and the money you ask for and get out of this thing before something is said to my work". In this email Mr. Patrick states that he is worried about me revealing what happened to his work (probably because he would lose his job if I told the truth). He also writes: "Stay on any account you want I don't care just let me off the hook". Mr. Patrick, with the last sentence, admits that he was trying to buy my silence. I didn't spend any money on his accounts because I didn't want his money, I just wanted to be left alone and have time to recover from my trauma. I also didn't contact Mr. Patrick back because I was afraid of him and I didn't want to see him alone. The email Mr. Patrick sent me the next day (November 6th), supports my claim. Mr. Patrick, in the email, writes: "stop worrying about what you think this family or I are going to do to

you". With this sentence Mr. Patrick admits that he knew I was fearing Mr. Patrick and his family. Mr. Patrick also says that I wasn't talking to him and he writes that he couldn't sleep at night because he didn't know what I was going to do next. I assume (based on the previous email) that Mr. Patrick was still worried about me telling what happened to his workplace. Mr. Patrick also kept trying to buy my silence. Again I didn't spend any money out of his accounts. I didn't contact him because I was afraid. I have never threatened Mr. Patrick or his family to give me my money or my belongings back. Mr. Patrick doesn't provide any evidence of me threatening him to get my money. This shows that Mr. Patrick knew that he was guilty and that he could have lost his job or worse if I reported what happened. I am reporting what has happened with my declaration and with this statement to the Court. I am trying to make my story heard and to show that Mr. Patrick knew the consequences of me telling my story.

I have shown many reasons why I need to be protected. Mr. Betancourt never denies that I need protection. Instead he claims that I have applied for the wrong protection order.

I will not discuss his claim, but I will point out that he never says that I don't need protection from his client (Mr. Patrick). Mr. Betancourt only claims that I should seek for a different protection order (a DVPO).

CONCLUSIONS

In conclusion I state that I wish to maintain my protection. I have shown why I need protection and I have also shown that Mr. Patrick is not reliable and is unstable. I am afraid of Mr. Patrick and I am afraid that if I am left without protection, even for a short period of time, Mr. Patrick will retaliate against me. I have spoken out against Mr. Patrick and, since the truth is out, he has lost his job. I am also the key witness of an investigation that is currently being carried out against him. Mr. Patrick also knows where I live. I wish to be protected from him and not to have any gaps in my protection. I also wish not to have to go through the court process again to obtain the same amount of protection that I currently have.

Therefore, I ask the Court to either keep the current protection order or to immediately issue a Domestic Violence Protection Order to protect me from Mr. Patrick.

Date
8/4/2020

Respectfully submitted,

Caia Fontana

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

*Add: Title of Trial Court Proceeding
With Parties designated in RAP 3.4*

) Court of Appeal No. 374254
)
)
) **CERTIFICATE OF SERVICE**
)
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AUG 05 2020

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

I certify that I mailed a copy of the following document(s):

Respondent's brief

I served the above documents for this case to:

Mr. Betancourt

Name

1355 Columbia park trial Richland, WA, 99352

Address (Include: Number and Street, City, State, Zip)

Date of Service: 7/6/2020

I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct:

Date: 8/4/2020

Gaia Fontanari
(Signature)

Type / Print Name

Type / Print Address

Type / Print City /State/Zip

Type / Print Phone Number

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