

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Sep 17, 2012, 4:28 pm
BY RONALD R. CARPENTER
CLERK

RECEIVED BY E-MAIL



No. 86895-6

SUPREME COURT
OF THE STATE OF WASHINGTON

In re the Custody of:

BENJAMIN MATTHEW HOLT,

MICHAEL J. HOLT,

Respondent,

vs.

LAURIE L. HOLT,

Petitioner.

FINANCIAL
DECLARATION OF
PETITIONER

Laurie L. Holt hereby declares and states as follows:

1. I am the petitioner in this matter. I make this financial declaration in support of my motion for fees and costs on review.

2. I am currently employed as a medical assistant in Vancouver, Washington.

3. My gross income per month is \$2,737.00 in wages and salary. The following deductions are taken from my income:

Income Tax.....	\$ 119.86
FICA	\$ 124.16
Retirement Plan.....	\$ 164.22
Total Deductions.....	\$ 408.24
NET INCOME	\$2,328.76

4. I also receive the following benefits for my son Ben:

VA Disability	\$ 611.00
Social Security death benefits (for my son, Ben).....	\$1,350.00
Workers Comp death benefits (for my son, Ben).....	\$ 870.65
NET BENEFIT INCOME.....	\$2,831.65

5. I have the following monthly expenses:

Housing:

Mortgage (1 st and 2 nd)	\$1,425	
Total Housing		\$1,425

Utilities:

Electricity	\$ 150	
Cell Phone	\$ 250	
Water	\$ 110	
Gas	\$ 76	
Cable	\$ 110	
Total Utilities		\$ 696

Food and Supplies:

Food for 3 People ¹	\$ 500	
Supplies (paper, tobacco, pets)	\$ 450	
Meals eaten out	\$ 222	
Total Food Supplies		\$1,172

Children:

Camps; extra curricular	\$ 140	
Child Support (for older son Chandler)	\$ 408	
Total Expenses Children		\$ 548

¹ In addition to me and my son Ben, this includes food for my older son Chandler, who resides with me part of the time.

Transportation:

Vehicle payments	\$ 656	
Vehicle insurance and license	\$ 135	
Vehicle gas, oil, ordinary maintenance	\$ <u>260</u>	
Total Transportation		\$1,051

Health Care:

Uninsured dental, medical, eye care	\$ <u>216</u>	
Total Health Care		\$ 216

Personal Expenses:

Clothing	\$ 200	
Hair Care/Personal Care	\$ 150	
Books, Newspapers, Magazines, Photos	\$ <u>50</u>	
Total Personal Expenses		\$ 400

Miscellaneous Expenses:

Life Insurance	\$ <u>9</u>	
Total Miscellaneous Expenses		\$ 9

Other Debts and Monthly Expenses:

	BALANCE	PAYMENT
Credit Cards	\$2,250	\$ 150
Loans [list separately]		
Total Other Monthly Debts		\$ <u>150</u>

TOTAL MONTHLY EXPENSES **\$5,667**

6. I have paid \$17,722 in attorney's fees and costs for the trial court action. I have incurred \$63,428.12 in fees and costs in the appellate court actions (this Court and the Court of Appeals) to date. I do not have the resources to pay these fees on my own.

7. I have never had a substantial income. I have been a homemaker and I have worked as a medical assistant over the years. Meanwhile, Michael earns substantial income. In 2010, Michael earned \$169,211; in 2009, he earned \$157,211.48; and in 2008, he earned \$163,422.99. I have no reason to believe that he is earning any less than he was earning two years ago. In fact, I would expect that he is earning more.

8. I have been a single mother to Benjamin, and I have financially supported Benjamin on my own since he was born. I have supported Benjamin with my income and the benefits he receives from his father's Social Security and worker's compensation death benefits.

9. Michael has not provided any child support for Benjamin over the years except for covering Benjamin on his employer's health insurance (at no cost to Michael – it is an employer-paid benefit). Michael has repeatedly claimed that part of the child support he paid to me for our son Chandler over the years was actually for Benjamin. However, once Chandler began residing primarily with Michael and I was ordered to pay child support to Michael, Michael ceased making any payments to me. In fact, despite it being more than 2 ½ years since Michael obtained

temporary orders ordering me to provide him residential time with Benjamin, Michael has never provided nor offered any child support to me for Benjamin.

10. It has always been my belief that Michael started this action solely to prevent me from moving with Benjamin from Vancouver to Castle Rock to live with my then fiancé Spencer Partridge. In fact, in my first declaration in the superior court I stated: "I have never kept Petitioner from Benjamin, even though Petitioner is not his biological or legal parent. The only reason that I believe that Petitioner is making this motion is because he feels threatened by my boyfriend Spencer and is hoping that by forcing me to stay in Vancouver that I will abandon this relationship." (CP 84)

11. I believe that Michael counted on the fact that I would not have the resources to defend against his litigation and he would win by default. In fact, he pretty much said so when, in resisting discretionary review of the trial court's third party adequate cause order, he argued: "it does not really make sense that the mother, with her limited resources, would pursue costly litigation if she did not intend to terminate the relationship." (October 15, 2010 Response to Motion for Discretionary Review, 10-11) But I did not

“pursue” this litigation, Michael did – by filing his baseless third party custody petition and the *de facto* parentage petition.

12. Michael has, for all intents and purposes, “won,” just as he intended. As I stated in my financial declaration in the Court of Appeals, I had then thus far paid my appellate attorney fees by depleting my savings and cashing out my 401(k). My then–fiancé Spencer took out a second mortgage on his home to help pay my attorney fees. This financial burden caused by Michael’s litigation placed a significant strain on my relationship with Spencer. Michael’s behavior toward Spencer outside of the litigation caused additional strain to our relationship. In October 2011, Spencer obtained an anti-harassment order against Michael after Michael assaulted him at one of Benjamin’s football games, causing the police to become involved. Unfortunately, in large part because of Michael’s actions in and out of court, Spencer and I broke off our relationship shortly before the Court of Appeals decision was issued. I moved out of Spencer’s home in Castle Rock and Benjamin and I have now returned to Vancouver, which is exactly where Michael wanted us from the start.

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

Dated this 17th day of September, 2012 at Vancouver, Washington.



Laurie L. Holt

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on September 17, 2012, I arranged for service of the foregoing Financial Declaration of Petitioner, to the court and to the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
Carolyn M. Drew Attorney at Law 510 E McLoughlin Blvd Vancouver, WA 98663-3357	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
Patricia Novotny Attorney at Law 3418 NE 65th St Ste A Seattle, WA 98115-7397	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
Robert M. Vukanovich Attorney at Law 211 E McLoughlin Blvd Vancouver, WA 98663-3368	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
Katherine D. Bennett Sarah E. Lysons Christine J. Kim Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email

Bobbe J. Bridge Cheryl Kleiman Center for Children & Youth Justice 615 Second Avenue, Suite 275 Seattle, WA 98122	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
Jean Waller Family Matters PLLC 871 11th Avenue Longview, WA 98632	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
Sarah A. Dunne Nancy L. Talner ACLU of Washington Foundation 901 5th Ave Ste 630 Seattle WA 98164-2008	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
David Ward Legal Voice 907 Pine Street, Suite 500 Seattle, WA 98101	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email

DATED at Seattle, Washington this 17th day of September, 2012.



 Victoria K. Isaksen

OFFICE RECEPTIONIST, CLERK

To: Victoria K. Isaksen
Cc: novotnylaw@comcast.net; Carolyn@carolynmdrew.com; bob@rmvfamilylaw.com; jwaller@familymatterspllc.com; dunne@aclu-wa.org; talner@aclu-wa.org; ckleiman@ccyj.org; dward@legalvoice.org; SLysons@perkinscoie.com; KBennett@perkinscoie.com; CKim@perkinscoie.com; bjbridge@aol.com; 'Catherine Smith'; valerie@washingtonappeals.com; ntalner@aclu-wa.org
Subject: RE: No. 86895-6, In re Custody of B.M.H.

Rec. 9-17-12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Victoria K. Isaksen [<mailto:victoria@washingtonappeals.com>]
Sent: Monday, September 17, 2012 4:25 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: novotnylaw@comcast.net; Carolyn@carolynmdrew.com; bob@rmvfamilylaw.com; jwaller@familymatterspllc.com; dunne@aclu-wa.org; talner@aclu-wa.org; ckleiman@ccyj.org; dward@legalvoice.org; SLysons@perkinscoie.com; KBennett@perkinscoie.com; CKim@perkinscoie.com; bjbridge@aol.com; 'Catherine Smith'; valerie@washingtonappeals.com; ntalner@aclu-wa.org
Subject: No. 86895-6, In re Custody of B.M.H.

Attached for filing in pdf format is the Financial Declaration of Petitioner, in *Custody of B.M.H.*, Cause No. 86895-6. The person submitting this document is Catherine W. Smith, WSBA No. 9542, email address cate@washingtonappeals.com.

Victoria Isaksen
Paralegal
Smith Goodfriend, P.S.
500 Watermark Tower
1109 1st Ave
Seattle WA 98901
(206) 624-0974