

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
Jun 24, 2015, 4:45 pm  
BY RONALD R. CARPENTER  
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*E*

No. 90072-8

RECEIVED BY E-MAIL

*bjh*

SUPREME COURT  
OF THE STATE OF WASHINGTON

In re the Custody of:  
MASON WADDLE,

GREG MINIUM and  
LINDA MINIUM,

Petitioners,

and

PATTI SHMILENKO,

Respondent.

JOHN SHMILENKO,

Respondent,

PATTI SHMILENKO,

Respondent,

and

GREG and LINDA MINIUM,

Petitioners.

JOHN SHMILENKO'S  
RESPONSE TO  
FINANCIAL  
DECLARATION OF  
PETITIONERS



ORIGINAL

In March of 2010, the Miniums and my wife, Patti Shmilenko, entered an agreed order that would govern how the three of them would parent Mason after the death of his natural parents. Under the terms of that order, the Miniums were set up as custodial parents and Patti as a noncustodial parent. The order provided that once Mason entered school, Patti and the Miniums would mediate a new residential schedule.

In the summer before Mason entered school, we all met with Charlotte Rosen, MS, LMHC, in order to get her recommendations with regard to how Mason's time should be split between the Miniums and Patti. Ms. Rosen issued a written report that recommended substantial custodial time for Patti. The Miniums did not agree with Ms. Rosen's report and refused to discuss the matter further. This left us with no choice but to go to court.

Patti and I asked the court to make modifications to the parenting plan consistent with Ms. Rosen's recommendation. At no point did we ask the court for more than what Ms. Rosen

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recommended. The Miniums responded by filing a motion to vacate the March 2010 order and cut off our access to Mason.

Throughout the litigation, Patti and I made it very clear that we wanted nothing more than what Ms. Rosen had recommended. Any overture that we made to resolve the case was met with increased hateful and aggressive behavior by the Miniums.

As the litigation continued, the Miniums hired Landon Poppleton, PhD, to be their expert witness. Unfortunately for the Miniums, Dr. Poppleton agreed with nearly all of Charlotte Rosen's recommendations. So did the guardian ad litem, Jami Pannell. Dr. Poppleton's report also documented Linda Minium's vindictive personality traits and her violation of the trial court's order to refrain from discussing the litigation with Mason.

After a year of wasteful and painful litigation, the Miniums finally agreed to go to mediation. With their own expert witness and the guardian ad litem agreeing with Patti and me, I suppose they had no choice. Shortly before the mediation, however, the Miniums filed a petition to adopt Mason and, contrary to the March 2010 agreed order, failed to serve it on Patti.

We moved forward with the mediation, which resulted in a stipulated parenting plan consistent with Ms. Rosen's original report. The terms of the settlement were, to my knowledge, exactly what we had always proposed. It was our hope that the Miniums' anger had run its course and that we would be able to move forward parenting Mason.

Patti and I were wrong. The Miniums attempted to move forward with the adoption which could have the affect of cutting off Patti's access to Mason. Patti was forced to intervene in the adoption proceeding and the parties continue litigating the matter at this very time. We do not want to be in court with the Miniums, but we cannot allow them to make an end run on the most recent stipulated order.

Given the Miniums' ongoing aggression toward Patti and me, along with their refusal to just stop litigating and live by the agreed parenting plan, I am fearful that I will lose access to Mason should Patti's health fail.

Throughout the litigation of Patti's modification petition and the pending adoption, the Miniums have attempted to portray

my wife and me as wealthy and themselves as poor. The Miniums have asked the trial judge to award them attorney fees against Patti or me several times and, each time, the judge denied the request. The judge also denied their request to gain access to our financial records.

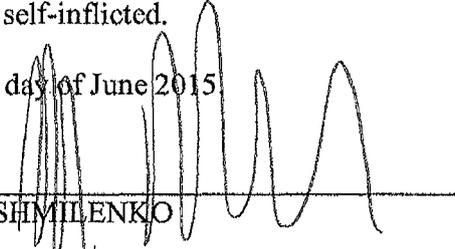
The litigation that the Miniums have inflicted on Patti and me over the last two years has been financially debilitating for us, but the risk of disclosing our information to the Miniums is just too great. As such, I decline to make financial disclosures.

It was very frustrating for me to read the Miniums' Financial Declaration. Since Mason's parents died, Patti and I have made numerous attempts to help the Miniums financially. These offers have not only been declined, but they have been declined with anger as if the Miniums were offended by our desire to help them. If they needed financial help raising Mason, all they had to do was accept our help. If they are currently in need of financial help to raise Mason, we are available to help them. But the Miniums are just too proud to accept our help.

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What I will not agree to do is finance the Miniums wasteful litigation against Patti and me. I respectfully request that this Court require the Miniums to finance their own decision to pursue litigation against Patti and me. If the declaration accurately reflects the Miniums' financial condition, it only shows the depth of their hatred. We have never asked for more time with Mason than what Ms. Rosen, the guardian ad litem, and the Miniums' trial expert recommended. But the Miniums just will not let go of the struggle even though it appears that they should spend their money elsewhere. Any financial hardships that the Miniums are suffering as a result of attorney fees are self-inflicted.

DATED this 24 day of June 2015

  
\_\_\_\_\_  
JOHN SHIMILENKO

CERTIFICATE OF MAILING

The undersigned states: On this day, I caused a true and correct copy of JOHN SHMILENKO'S RESPONSE TO FINANCIAL DECLARATION OF PETITIONERS to be served upon the persons listed below at their address, fax number and/or email address as follows:

[X] by mail by depositing same, in a properly addressed and postage paid envelope, with the United States Postal Service

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[X] by email to their email address below

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I hereby certify under penalty of perjury under the laws of  
the state of Washington that the foregoing is true and correct.

DATED this 24 day of June 2015, at Longview,  
Washington.

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HEIDI THOMAS

## OFFICE RECEPTIONIST, CLERK

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**To:** Heidi Thomas  
**Subject:** RE: In re the Custody of Waddle, Cause No. 90072-8

Received 6-24-15

**From:** Heidi Thomas [mailto:thomas@walstead.com]  
**Sent:** Wednesday, June 24, 2015 4:34 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Catherine Smith; Valerie Villacin; Victoria Vigoren; Noelle McLean; Dana Walker; Matthew J. Andersen; Kara L. Cope; Karen L Murphy  
**Subject:** In re the Custody of Waddle, Cause No. 90072-8

Attached for filing in pdf format is John Shmilenko's Response to the Financial Declaration of Petitioners, in the *Custody of Waddle*, Cause No. 90072-8. The attorney filing this document is Matthew J. Andersen, WSBA No. 30052, email address: [mjandersen@walstead.com](mailto:mjandersen@walstead.com).

Heidi Thomas  
Legal Assistant to Matthew J. Andersen

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Heidi M. Thomas  
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