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COURT OF APPEALS DIVISION I OF THE STATE OF WASHINGTON

Theresa Ibrahim Gohar

Appellant,

No. 69920-2

VS.

Appellant reply to respondent brief

Samir Aziz Gohar

Respondent.

Respondent brief filed is untimely filed and it should be dismissed as appellant was treated by dismissing her appeal in case # 70594-6-1 for being untimely filed this appeal court should also dismiss respondent brief that is filed untimely. This court should approve all appellant requests in her brief. Dismissing respondent brief as untimely filed is currently under a review from the panel of judges of this court. If this court may accept respondent brief that is untimely filed it should also accept appellant appeal in the domestic violence case # 70594-6-1 that is untimely filed to be fair to both parties.

Respondent claims the separation of the parties was on September 20, 2011 while the truth that the husband left the family home on September

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19, 2011. Respondent claim in their brief that appellant agreed to the divorce at trial but the fact the father abused his own daughter sexually and that is not acceptable and appellant only wanted to care and protect her children than caring to keep the marriage when she knew about the father sexual behavior with Catherine.

Respondent claim in their brief that Samir owned half a business and a duplex before marriage and that is a separate property but the truth is when the parties were married he was a new owner and the business and the duplex was paid off during marriage and that makes it a community property. Respondent claim in their brief that the parties moved to WA State because of appellant mental health and the need of support from her family is untrue, respondent Samir wanted to move to WA State because he failed to find a business to buy in MA State and he was told there is a lot of opportunities here in Washington State for buying a business plus the children will have the benefit of seeing their own grandparents and other family members that live here.

Respondent claim in their brief that Samir do not show any gambling wining in his tax return for 2010 is untrue if you review his tax return for 2010 (see CP # 13 sealed) shows that Samir had gambling winnings in 2010.

Respondent claim in their brief that Samir had paid between \$12,000 and \$15,000 credit cards dept incurred by Theresa after he moved out of the family home in September 2011 is not true and there is no documents shows the truth of that, the credit cards owned was under both parties names and the card used by both parties paid for personal and business expenses done by Samir and Theresa together under one account, it was a joint credit cards for both parties expenses done under one account. Samir

did not provide any documents of debt he owns other than words said by him and his lawyers and approved by judges in courts without any documents or evidence provided. All Samir Gohar tax returns filed shows that he has no debt and he is making a good income in years of 2009, 2010 and 2011 CP # 13 & 66 filed sealed .

Appellant have requested from this court that Samir needs to file his tax return for 2012 with this court and be giving to the judges of this court but it was denied.

Respondent claims in their brief page 7 that Samir withdraw from both children college funds account because he did not have sufficient funds in the business account giving the fact that he could of withdraw from his own funds account and he chooses to empty the children funds account Show that he do not care about the children and their future and he only cares about himself and his money. Also respondent claims that Samir had to withdraw from the children college funds to pay the \$15,000 attorney's fees to Theresa's lawyer is not true as if you review the trial court order dated May 7, 2012 (CP 57) for Samir to pay attorney's fees that was after Samir already withdrew nearly \$30,000 from the children funds and was found in contempt of the court on June 12, 2012 with evidence and document provided (see CP 43 sealed) as of April 11, 2012 Samir already withdrew from Catherine's collage funds \$14,147.19 and from Matthew's college funds he withdrew \$13,768.47 and that withdrawals from the children funds was before he was ordered to pay the attorney fees to Theresa's lawyer. In the trial court order (CP 57) it stated that Samir to have a \$4,000 for himself and pay \$6,000 to Theresa each month as support for her and her children and that support Theresa's alimony amount request in her brief filed for this

case to have the amount of \$4,000 a month as alimony to be able to live the same life style as before divorce makes it clearly fair as the trial court order for Samir expenses alone during the divorce to have \$4,000 for himself a month to live on. In order for Theresa alone to live the same life style as before divorce she needs \$4,000 alimony to be able to have the same health insurance at \$325 a month without the dental plan too (see CP 13 sealed) and a rent for a home equal to the same house she used to live at during marriage at \$2,000 a month payment, and other expenses she require a total of \$4,000 a month and Samir has the ability to pay her that amount from the income he makes see **RCW 26.09.090 for Maintenance orders for either spouse or either domestic partner — Factors.** (b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his or her skill, interests, style of life, and other attendant circumstances; (c) The standard of living established during the marriage or domestic partnership; (d) The duration of the marriage or domestic partnership; (f) The ability of the spouse or domestic partner from whom maintenance is sought to meet his or her needs and financial obligations while meeting those of the spouse or domestic partner seeking maintenance.

A new trial is required for a fair judgment of this divorce and the children lives that has been put at risk in ordering a girl to live only with her father that molested her sexually and the sudden switch of the custody of the children at trial from their mom that tool care of them all their life to the father that abandon them and left them behind and molested his own daughter sexually is a violation of **RCW 26.10.160** Visitation with the child

shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

Theresa has requested a continuance of the trial in Snohomish county superior court and was it was all denied and that was needed for the discoveries and the home evaluation and the business land evaluation and the police report that was not done yet in the domestic violence toward Catherine gohar the daughter by her father Samir. There were discoverers needed that was not done when the parties went to trial.

In page 11 in respondent brief they claims that Samir left the family home in February 2011 while he left the family home in September 19, 2011.

In respondent brief pages # 2 to # 12 relies only on Samir testimony at trial which makes it unreliable to be true.

In respondent brief from page 13 to 17 they relies on the GAL Martha Wakenshaw testimony and report that found to be false and full of lies by her without any evidence but her own words compared to the truth. Please see evidence of the GAL lies in appellant brief filed. Plus respondent claim that the GAL completed her report on October 1, 2012 but she never filed her report with the trial court until the first day of trial on November 5, 2012 and that is violation to the court order (CP 95) that she file it on or before September 27, 2012 and at least 60 days before the trial as the court order

and there were no extensions granted by the trial court or requested by the GAL for her report to be filed at a different date than the court order which makes her report unacceptable as it is a violation of the trial court order on July 27, 2012 (see CP 95).

It stated in fine prints at the bottom of respondent brief page 13 they claim that Theresa had been physically abusive to Samir which is false and there is no evidence or documents or police report that Theresa was abusive to Samir physically plus Theresa does not have the ability or the nature to do such actions. Given the fact that there is documents and declaration of Samir that he have been abusive sexually to his wife Theresa (see CP 143) and later he was abusive sexually to his own daughter Catherine (see CP 296 & 188) with documents and police reports and recording of the girl testimony of her father sexual behavior with her makes him not a suitable parent to care for Catherine and be her only custodian parent as the trial court oral order on November 8, 2012 to take both children from their school after trial by surprise same day including Catherine ignoring the alerting signs that she will be abused under his custody. The children were taken care of by Theresa alone since their father neglect them and left the family home on September 19, 2011 to the trial oral order of switch the custody to the father and the children to be dragged from their school by the father and by a surprise on November 8, 2012 was an abuse to the children especially Catherine Gohar.

In respondent brief page 11 Samir claimed at trial that Theresa have paranoia but that is not true and he claims that he was in session with her by a doctor that said she have paranoia but Theresa was never diagnosed

by any doctor that she have paranoia like Samir claims (see trial exhibit #19 a declaration from Theresa's doctor Samir had joint session with).

In respondent brief page 12 they said the children missed school and was tardy sometimes but that was due to reasons of the children was being sick with a cold or stomach ache or fever and other common illness for children but the children grads at school were better than their grads now at schools under their father custody especially the daughter Catherine Gohar who dropped in her grade from A+ student under Theresa's care to a C Grades student under Samir custody now which only shows she is been abused under her father custody.

Appellant have requested from this court an immediate involvement of CPS for the children safety while this appeal is pending but it was all denied by commissioner Mary Neel and the three panel of judges she referred appellant appeal cases to in this court and are identified by her on March 24, 2014 that their names are James Verellen, Ann Schindler, and Marlin Appelwick that signed the orders of the denial. I am requesting a different panel of judges to rule on my cases of appeal other than the judges commissioner Mary Neel referred my appeal cases to and denied protecting the children while this appeal is pending. They couldn't provide justice in a small and simple request to order child protective services to follow up with the children and their safety while the appeals are pending with document provided to them of the necessary to do so but they ignored and denied appellant requests and approved sealing respondent reply that not supposed to be sealed in case #70594-6-1 believing respondent lawyers claims that the GAL report needs to be sealed while it was filed unsealed in an open court at trial.

In respondent brief page 14 they said the GAL Martha Wakenshaw said about Matthew being sad and have low self-esteem which is total false when you review Matthew's teacher testimony at school that see him every day at school and interact with him every day which shows the GAL testimony and claims are not true about the children (see CP 148).

The GAL Martha Wakenshaw also claimed that Catherine the daughter is anxious and depressed which is not true when you review CP 148 Catherine under Theresa's care was happy and was an excellent student at her school earning grads A+ and honor certificates from her school and from the president of the united states of America under Theresa's care only (see CP 148 as a proof) and before the switch of the custody to the father which Catherine is now taking C grads in her school under Samir custody.

The GAL Martha Wakenshaw recommendations, testimony and report is false with lies and instead of represent the children interest she was on the father side telling lies and recommending the children including Catherine Gohar that reported of sexual assault from Samir to be under his custody only and she recommended a switch of the custody to Samir and a limited time supervised visits given to Theresa their mother that took care of them all their life. The GAL recommended that both of the children go to mental therapy and she is not a doctor and Samir said he will take the children to extensive mental therapy even though the children don't need it. The GAL recommendations was adopted and ordered at trial.

In respondent brief page 16 they claimed that Theresa asked the trial court to remove the GAL Martha Wakenshaw and appoint a new one on October 9, 2012 but The fact that Theresa wanted to change the GAL Martha

Wakenshaw since September 7, 2012 and that is almost a month before the GAL write her report on October 1, 2012. The trial court strike Samir's pleadings on August 15, 2012 for not paying the GAL Martha Wakenshaw her fees (see CP 98-99), Samir's lawyer filed a motion to reinstate Samir's pleading (CP 101) and Theresa had a new lawyer named Andrew hay at that time and he came in the hearing with her on September 10, 2012 (see CP 103) and Theresa wanted to change the GAL Martha Wakenshaw and oppose reinstate the father pleading. Her lawyer that was supposed to file her response to Samir's motion on September 7, 2012 did not file it as he testified at the hearing that he did on September 10, 2012 (see CP 103). Theresa's declaration to change the GAL was never filed by her lawyer as he testified and as soon as Theresa knew about it she fired her lawyer and filed it by herself and did a declaration on the situation (CP103, 113,115,116,117,121). Even though Theresa's declaration to change the GAL Martha Wakenshaw was not filed with the trial court as promised by her lawyer Andrew hay on September 7, 2012 sent it to Samir's attorney (see CP 116,121) and the next day on September 8, 2012 the GAL Martha Wakenshaw wrote her declaration in the favor of the father and to reinstate his pleading and her request to stay in the case(see CP117) the trial court reinstate Samir's pleading and Theresa saw the GAL Martha Wakenshaw only once on September 22, 2012 and the GAL said she will call and follow up with Theresa but she never did. The GAL wrote her report on October 1, 2012(CP154) in the favor of the father and the GAL never filed her report with the trial court until the trial first day on November 5, 2012 which in violation of the court order that she file her report on or before September 27, 2012 and at least 60 days before the trial (see CP 95). The GAL did

sent an email with attachment to Theresa's e mail address but a message was given not to open the attachment because it's not safe to open and Theresa never opened the e mail attachment sent to her by the GAL and she called the GAL to send her a hard copy which she send a week before the parties goes to trial and Theresa did a reply to the GAL Martha Wakenshaw report on November 2, 2012(see CP148).

In fine print in page 17 the respondent said that appealing the protection case was dismissed by commissioner Mary Neel along with the three judges she referred the appeal cases to identified by her in this court and the reason for the dismissal is untimely filing of appellant appeal the protection case and appellant motion to extension of time to file was denied and that support appellant request to dismiss respondent brief filed untimely also in this court and their motion to extension of time to file because it was also filed untimely and the fact that they have no extensions allowed to file their brief and they filed it late also the supreme court by its clerk action denied appellant motion to extend the time to file a discretionary review of Commissioner Mary Neel and the three judges she referred appellant cases to giving the fact that the supreme court never looked into the issue itself but denied the motion to extend the time to file only not any other matters.

In respondent brief page # 17 respondent claims that Theresa alleged Samir of sexually abused their daughter but the truth that Catherine told about her father sexual behavior with her and the police recorded Catherine testimony and Catherine told the police that Theresa told her to tell the truth not like the respondent claims and not like the GAL Martha Wakenshaw claims.

In respondent brief page 19 they rely on the GAL Martha Wakenshaw testimony and not the real truth and what Catherine really said compare TO the police testimony which is more reliable with recording of Catherine testimony and what she really said and not relies on the GAL Martha Wakenshaw own words and false claims.

In respondent brief page 20 they claim that the parties participated in a 2 day trial which is not true the parties went to 3 day trial on November 5, 6, 8, 2012 (see CP 294).

In respondent brief page 22 they claimed that Theresa was awarded with 2 ½ years of maintenance of \$2,500 decreased by \$500 every six month until its zero maintenance giving a fact that RESPONDENT Samir Gohar has been collecting child support in the amount of \$300 from each maintenance check given to Theresa even though the amount of maintenance received was decreasing by \$500 every six months the child support subtracted from the alimony given was \$300 a month. Giving the fact that respondent stated at trial that Samir will not be collecting child support from Theresa (see CP 294 page #166 lines 14 & 15 at trial November 6, 2012) was not true he been collecting child support from Theresa in the amount of \$300 a month. The trial court relied on the false testimony of the GAL Martha Wakenshaw who did not have any evidence or document provided of the truth of her claims and the trial court ignored all other evidence and testimony of other witness like the children doctors and school teachers and the police and CPS investigations that were still in the process and not done when the children were given to the father custody by force against their well on November 8, 2012 by oral order of the trial judge to the father to take the children from their schools after the trial to his custody, that was an abuse

to the children to be forced to live with their father without their well and ignore the sexual abuse to Catherine by her father and allowing more abuse to happen to Catherine legally by court order is a corruption at courts and ignorance to the children right to live safe and secure from any abuse and it's against the law see RCW below:

[RCW 9A.44.083] Child molestation in the first degree, The court erred in not to wait for the law enforcement investigations and report to finish first before allowing Catherine to live primary with her sexually molested father.

[RCW 70.125.020] Findings. The court ignored that Sexual assault is a serious crime. The court erred in not to protect Catherine from future abuse by the sexually molested father and exposed her to him and orders her to live the rest of her life with him only and sole decisions over her made by him only believing only the words of the GAL without any evidence and ignore all other witnesses and investigations that were not done.

[RCW 26.09.181][RCW 26.09.182][RCW 26.09.184][RCW 26.09.187][RCW 26.09.191], The court erred by only considering Samir's proposed parenting plan while Theresa's parenting plan was ignored (CP 142). The court ignored that the father have a history of domestic violence (CP 143) and a sexual molestation to his own daughter (CP 188) before entering the final parenting plan instead the court ordered the children's custody to the sexually abusive father with sole decision made by him only. The court ignored [chapter 26.50 RCW] domestic violence prevention and [chapter 26.44 RCW] abuse of children.

[RCW 26.44.180] the court violated the law and the Investigation of child sexual abuse — Protocols — Documentation of agencies' roles. The court ignored the law enforcement and CPS investigations that were in process

and exposed Catherine to her sexually molested father and later the court gave the father Catherine's custody and sole decisions over her made by him only.

[RCW 26.44.010] the trial court violated that protective services shall be made available in an effort to prevent further abuses, and to safeguard the general welfare of such children. When determining whether a child and a parent, custodian, or guardian should be separated during or immediately following an investigation of alleged child abuse, the safety of the child shall be the department's paramount concern. When the court gave Samir the custody of Catherine before the police and the CPS finish their investigations is against the law done by judge Okrent at trial and also commissioner Susan Gaer who dismissed the protection case before the police investigations are done is against the law and it was done by people in authorities at court is a corruption at courts.

In respondent brief page 24 it stated the trial court entered the parenting plan on December 3, 2012 but the fact that the parenting plan is written by Samir's lawyer and was filed when they filed it on December 3, 2012. In the parenting plan they claimed that Theresa under RCW 26.09.191 neglect and non-performance of parent is a fabrication and false because Theresa took 100% care of the children since birth and they were taken away from her at trial on November 8, 2012, the parenting plan stated Theresa non-performance parent while the father is the one who left the children behind since September 19, 2011 not the mother who stood there caring for them after he left them. The parenting plan stated that Theresa is in long term emotional or physical impairment which interferes with performance of parenting function is also a fabrication and not true when you review her

doctor and therapist declarations filed with the trial court. It stated that the abusive use of conflict by Theresa creates damage to the children psychological development is also a fabrication and false because the children were doing great under their mother care with proofs provided from their doctors and their schools and their education of honor certificates under Theresa's care only and their teachers declarations filed with the trial court proves Theresa is a great mother (see CP148).

In respondent brief page 28&29 they claim that the trial court found the mother residential time should be limited because she suffers from a long term emotional or physical impairment is a fabrication and not true because Theresa took care of the children alone for a year before the switch of the custody and the children were doing great and Theresa didn't have emotional or physical impairment as they claim. Giving the fact that the father was under mental medications with high dosage given to him by his primary care doctor makes him not a suitable parent to care for the children plus the sexual abuse from the father to his own daughter Catherine makes him not a suitable parent for Catherine also the father has Gambling addiction which interfere with the parenting function. He said he do not Gamble by words without evidence given to the trial court all the evidence filed was the tax return of 2011 which shows he was Gambling also in the year of 2010 shows he was gambling but nothing was filed with any court that proves that he stopped Gambling and don't have Gambling addiction anymore.

In respondent brief page 29 they claim that because of the mother mental health the children were late for school or missed school which is not true the children were late or missed school due to having a cold or fever or

therapist declarations with the trial court before the parties goes to trial (CP 43, CP 147) and Theresa filed documents that proves that the GAL claims is false and she is a good mother and it was filed before the parties goes to trial (see CP 148) but all evidence provided that Theresa is a good mother were ignored by the trial court.

In respondent brief page 32 they claim that Theresa did not allow the GAL to speak to her therapist is a fabrication and not true the GAL had the choice to talk to Theresa's therapist and did not do so (see Theresa's therapist declaration CP 147).

They also claim that Theresa did not do the mental evaluation until ordered under the final parenting filed on December 3, 2012 is not true (see CP 194 as a proof that this is a lie from respondent).

In respondent brief page 32 they claims in the bottom of the page in fine prints that Theresa's therapist submitted a letter to the GAL is not true (see Theresa's therapist declaration CP 147) Theresa's therapist did not submit a letter to the GAL as they claim.

In respondent brief page 34 they claim that Theresa received the GAL report as soon as October 8, 2012 is not true the GAL sent an email with attachment that might be not safe to open and have been blocked for safety and Theresa did not open the attachment sent by e mail and asked for a hard copy from the GAL to be by mail or fax which was received a week before the trial date (see CP 132). The GAL failed to file her report with the trial court on or before September 27, 2012 and at least 60 days before the trial as the court order her (see CP 95) and she filed it on the trial day November 5, 2012.

Respondent brief page 34 they claim that Theresa waived her challenge when her counsel at trial agreed to its admission during trial but that did not mean he agreed to it and Theresa's declaration filed about the GAL report shows that she does not agree to it because it is full of lies (see CP 148).

In respondent brief page 36 they claim that Theresa filed an untimely motion for discretionary review of this court ruling which was rejected by the Supreme Court is not true Theresa filed a motion to extend the time to file the motion for the review and it was denied by the Supreme Court to allow extension of time to file the motion so the motion was not filed because the denial to extend the time to file by the supreme court clerk.

In respondent page 41 they stated that the trial court awarded Samir with the business which she do not object to Appellant object in trial court denying her request to own the business property land which provide an income from renting this property to the business owner(see CP 141).

Respondent claims that appellant claims she should be awarded the business is not true and appellant did not request the business ownership but she wanted the ownership of the property and the land itself not the business, there is the business itself which is don's restaurant and there is the property and land owned by Samir both. The business don's restaurant pay rent every month to the property and land owner (see Samir 2011 tax return document filed sealed CP 66).

In respondent brief page 43 they claims that the wife wrongly complain that the trial court made alimony award non modifiable but it is true that the trial judge ordered it to be non-modifiable at trial see the trial transcript November 5,6,8, 2012 (CP 294 page 183) the judge ordered wife alimony non-modifiable which is against the law and court rules.

In respondent brief page 45 they claim that Theresa wanted a trial continuance because the late filing of GAL report is not true see Theresa's motions filed with the trial court for trial continuance (see CP 111, CP 145) and the reasons was not because the late filing of the GAL report but for the discoveries of the financial issues and the appraisals that were not done yet and later when Catherine told about her father sexual behavior with her and the police and CPS investigations that were not done a trial continuance was a must before the parties go to the trial and before the final parenting plan entered for the safety of the children but all Theresa's motions for trial continuance was denied and children safety were ignored and based on the GAL Martha Wakenshaw false testimony and report it was denied and the trial court ignored other facts and witnesses involved was an error and the price is the children lives that been put at risk. They also claim that Theresa received the GAL report nearly a month before trial is not true as explained above (see Theresa's reply to GAL report CP 148 & CP 132).

Conclusion:

Appellant seeks approval of her requests in her brief filed.

Appellant is asking the court to approve her motions regarding respondent brief that's untimely filed along with their motion to extend the time to file their brief because they do not have any more extensions allowed as this court ruled on July 3, 2014 that no extensions for respondent brief should be anticipated and their due date to file their brief was on July 10, 2014 and

the fact that it took respondent almost 12 months to reply to appellant brief that was originally filed on August 5, 2013 and they failed to file their brief timely as the court ordered on July 3, 2014 and they have filed four extensions of time to file their brief giving the fact that respondent Samir Gohar is representing by two different law offices and two different lawyers to help him vs. appellant that is pro se with limited education and she doing this appeal by herself for the justice that happened to the two children involved in the cases Catherine and Matthew Gohar that were forced to live under respondent Samir Gohar custody despite the fact that there was a domestic violence case involved against respondent Samir Gohar toward Catherine Gohar his daughter the victim of sexual assault by him and she is under his custody now because of the approval of some judges and commissioners of the courts and the ignorance of the children safety and well-being.

Facts to consider that appellant was denied to appeal case # 70594-6-1 and denied of extension of time to appeal because of untimely filed, the court ruled by commissioner Marry Neel along with the three judges signed the court order on March 3, 2014 and February 21, 2014 for being untimely filed by appellant and it is fair enough to treat both parties as equal giving the fact that respondent has filed their brief late and they have no extensions of time allowed as the court order on July 3, 2014.

Commissioner Marry Neel approved respondent brief and their motion to extend the time to file their brief despite the fact they have no extensions allowed as the court ruled on July 3, 2014 is not a fair treatment as she denied before appellant for being untimely filed and denied the motion to extend the time to file the appeal for the domestic case #70594-6-1.

Commissioner Mary Neel along with the three judges ruled on appellant cases on March 3, 2014 and February 21, 2014 that she referred appellant cases to and was identified by her on March 24, 2014 that they are: James Verellen, Ann Schindler, and Marlin Appelwick that signed the orders of the denial.

It is clear that Commissioner Mary Neel approving respondent untimely filed brief and their motion to extend the time to file and there is no extensions of time is allowed as the court ruled on July 3, 2014 is not right. appellant should be treated the same from this court if the court denied appellant appeal in case # 70594-6 along with the motion to extend the time and denied appellant motion to merge the two cases 70594-6 and this case and deny of all appellant motions filed for the children safety while this appeal is pending this court should strike respondent brief that is filed untimely as this court denied appellant appeal for the domestic case # 70594-6 as untimely filed and approve Appellant requests in her brief filed. Appellant is seeking approving her motions to strike respondent that is under a review now because it is filed untimely and no extension should be given as this court order on July 3, 2014.

Please review documents filed in this court:

Appellant motion and filed documents to amend the notice of appeal and merge the two cases # 69920-2 and 70594-6 which was denied by Commissioner Mary Neel along with the three judges she referred appellant cases to and ruled on February 21, 2013 and March 3, 2014 in appellant cases on appeal.

Please review appeal case # 70594-6 the domestic violence case of the sexual abuse to Catherine Gohar by her father respondent Samir Gohar which was dismissed because it's untimely filed.

Appellant motion filed in this court August 20, 2013 for no harassment to appellant from respondent lawyer Katherine Peterson and Appellant motion to involve child protective services while her appeals is pending which was denied. September 3, 2013 appellant motion filed to merge the two cases # 69920-2 and 70594-6 together was denied. Appellant motion filed on September 19, 2013 for respondent serving her different and false document than the document they filed at this court which was denied. Appellant motion filed on September 19, 2013 to file over length brief was denied.

On October 22, 2013 Appellant motion to remove Commissioner Mary Neel from ruling in her cases which was denied by the three judges she referred the appeal cases to.

Appellant documents filed for respondent to file information about the children in his care which was denied by this court.

Appellant motion filed on January 24, 2014 for the children schools to give information to appellant about the children and how they doing at school under their father care which was denied.

Appellant motion filed on January 24, 2014 for respondent to file his 2012 tax return with this court was denied.

Appellant motion to extend the time to file a review on the court ruling on February 21, 2014 and March 3, 2014 was denied by the Supreme Court.

All appellant motions filed in this court listed above were all denied given the fact the appellant cares were handled by Commissioner Mary Neel and

the three judges she referred appellant appeals to which they kept denying appellant requests and approving respondent requests is unfair and that is why appellant seek removing commissioner Mary Neel and also requesting a different panel of judges to rule on her appeals pending.

Dated this September 15, 2014

A handwritten signature in black ink, appearing to read 'T. Gohar', written over a horizontal line.

Appellant, Theresa Gohar  
2515 colby ave apt # 503 everett, wa 98201  
(425) 953-6121

Samir Gohar testimony at trial

5,6,8, 2012 transcript

1 excused.

2 Ms. Peterson, call your next witness.

3 MS. PETERSON: Call my client, Mr. Gohar.

4 THE COURT: Mr. Gohar, come forward, please.

5

6 SAMIR GOHAR, witness herein, after being  
7 duly sworn, was examined  
8 and testified as follows:

8

9 THE COURT: Please have a seat, make yourself  
10 comfortable, adjust the microphone. You appear to be very  
11 soft spoken. We're taking down everything that you say so  
12 we need to hear you.

13 THE WITNESS: Okay.

14 THE COURT: That's perfect. If you need a glass of  
15 water, please take a glass of water. Counsel, please  
16 proceed.

17

18 **DIRECT EXAMINATION**

19 **BY MS. PETERSON:**

20 Q. Samir, we just heard the guardian ad litem testify. I  
21 want to give some background as to the parenting situation  
22 that's been -- that you and Theresa have had since before  
23 you separated and since separation.

24 Prior to the separation, prior to when you left in  
25 September of 2011, what was going on in the family home at

1 that time?

2 A. It was -- I was very depressed. I was in isolation. I  
3 had to stop going to church. I had to stop seeing all my  
4 friends. I had to stop any social life activity.

5 Q. Why did you have to stop those things? 11:37

6 A. Because every time I do something there is an accusation.

7 Q. An accusation by who?

8 A. By the wife.

9 Q. What did she accuse you of?

10 A. Having affairs, including her own sister. 11:38

11 Q. Okay.

12 A. We weren't allowed to talk her to own sister. Older  
13 sister. She did it with three different people in the  
14 restaurant. She did it with a stranger in a booth. I'm  
15 taking the kids to the booth and she accused me of an 11:38  
16 affair. And to say that it's not like when something  
17 happened, when a problem like this come up, it's not, oh,  
18 I think you had an affair or I think you had a  
19 relationship, I think you know this woman and that's it,  
20 and I will deny that, it's over, no. It's a continuous 11:38  
21 argument that no matter what I do or what I say to  
22 convince her that it never happened, I cannot convince  
23 her. She believes it no matter what I do.

24 And this like argument could take 36 hours, 72 hours,  
25 and sometimes she wouldn't even let me go to sleep. She 11:38

1 just want to talk about the argument, and that's how I  
2 start leaving the house. Like the first time was four  
3 years ago, the first time I went to leave the family  
4 house, just because I needed to sleep. I have to go to  
5 work. I have a restaurant to run. And I don't want to  
6 argue all day, all night. And there is no like you can  
7 argue for ten hours and at the end of the ten hours the  
8 result is the same. You are wrong.

9 Q. When you were living at the house together and you had  
10 Catherine, who at that time was about ten years old and  
11 Matthew was six, what was your relationship like with --

12 A. Very good relationship. Since we moved in that house in  
13 2008, very good relationship. I go to work and I come  
14 back. We'll eat together. I take them to the museums  
15 every week. I take Catherine to church every weekend.  
16 And I would love to take Matthew but she will never trust  
17 me with Matthew. She actually let me take Catherine to  
18 the church because somehow Catherine went to a daycare  
19 when she was three years old and she's not the same  
20 daughter any more. So it's okay that I can spend time  
21 with Catherine. That's what her argument.

22 But Matthew, it's her son and she want to raise him the  
23 right away, so I not allowed to have time with Matthew. I  
24 can't take him to church. The people at church is going  
25 to hurt him. I couldn't take him to the dentist when

1 Matthew have dentist problems. And the mother could not  
2 make a decision to solve this problem after going to four  
3 different dentists. I finally had to interfere and I took  
4 my child to the dentist. And when we came back home, you  
5 know, I took him for the preliminary examination, I come 11:40  
6 home, she find a red spot on his neck and she accuses  
7 being me that I wasn't watching Matthew and that dentist  
8 put a needle in him.

9 That means that I can't do this any more. I'm not a  
10 trustworthy father. I can't protect the child from the 11:40  
11 people that want to hurt him including dentists and  
12 teachers and doctors and everybody.

13 Q. Okay. So when you separated in September, you moved out  
14 of the family home; correct?

15 A. I was feeling like I'm dead. I was -- that was like 11:41  
16 before I leave the house in September, the last time I  
17 left the house was in February the same year. I went to a  
18 hotel. I stayed for three weeks. And I just -- I was  
19 so -- I can't do this any more. Yet, I missed my kids.  
20 And I know I'm the one that helped them with homework. 11:41  
21 I'm the one that made sure that they eat and so they can  
22 go to school, so they can catch the bus in the morning  
23 because the mother does not wake up. And I just had to go  
24 back. So I told myself I have to go back, but at least I  
25 can see the kids every day and make sure they are okay. 11:41

1 And it gets -- you know, it gets more depressed and  
2 more depressed and more depressed. She was with me 24  
3 hours a day. If I'm not home, she's on the phone. If I'm  
4 at the restaurant she's looking at the camera because I  
5 have surveillance camera in the restaurant. If I have an 11:42  
6 appointment, she has to drive me to the appointment. That  
7 was only in the last six months before I leave the house.  
8 She was driving me to my weight loss program. She was  
9 driving me to my own psychiatrist that I start seeing by  
10 her own psychiatrist recommendation who told her that she 11:42  
11 had paranoia that she never mentioned or brought any of  
12 his reports of his through this trial that she had seen  
13 for a few -- several times and she asked me to come in and  
14 talk to him. And when I came in and talked to him and he  
15 explained to her, he told her the exact words, you're 11:42  
16 going to choke your husband. And I was choked. And  
17 that's why I left in September. I was -- I was dying. I  
18 didn't want to see my kids see me like that. I wanted to  
19 be a parent.

20 Q. So you didn't want your kids to see you when you were so 11:42  
21 depressed and so you moved out and we came to an  
22 agreement -- or you came to an agreement that the kids  
23 would stay with Teresa for the most part and you would  
24 have visitation?

25 A. And I developed a gambling problem in the last months. I 11:43

1 didn't want to go home. I went to the casino. I had no  
2 friends. I wasn't able to go to the church because of our  
3 background religion. I guess the church involved tried to  
4 convince the mother that she's having a mental problem.  
5 This offer failed. I guess her own family tried to solve 11:43  
6 this problem. They failed. So I felt isolated. I had  
7 nowhere to go. I didn't want to go home. I didn't want  
8 to talk to her. I didn't want to see her. I start going  
9 to the casino.

10 Q. How did you stop gambling? 11:43

11 A. Just like that. And then in the beginning I would just go  
12 there for one hour or something. Of course, she would  
13 call me all the time, "Where are you? Where are you?"  
14 Then she hears the music, the noise. So I told her I'm at  
15 a casino. And then for my surprise, it wasn't a problem. 11:44

16 Q. How did you stop gambling?

17 A. I went to GA. As soon as I left the house -- I tried to  
18 stop when I was living with her. So I went to a gambling  
19 counselor in Everett like three months after I started,  
20 and I went and saw him like four or five times. The 11:44  
21 recommendation was to go to a Gambler Anonymous group. I  
22 discussed it with Teresa. She said do you want to go and  
23 talk to strangers about our life? No, I don't want you to  
24 do that for any reason. No group therapy whatsoever.

25 So just there was -- I didn't see a reason, you know. 11:44

1 And it gets worse and worse. And the thing with gambling,  
2 it's like a drug. So when I go to the casino, I'm in a  
3 different world. And then of course I will lose the  
4 money. And then as soon as I leave, everything is back,  
5 you know. I'm going back to the same life that I've been  
6 living for four, five years. So it is no different.

11:44

7 Q. So when did you stop gambling?

8 A. The first day I went to GA meeting.

9 Q. What month was that?

10 A. November. November 14th is my --

11:45

11 Q. One year?

12 A. One year on the 14th, yes.

13 Q. So you agreed to have Teresa have the children at the  
14 beginning. Were you concerned about her ability to parent  
15 when you left them with her?

11:45

16 A. I wasn't concerned until in fact -- well, so I stopped  
17 gambling. Took like a month or two. Went to gambling  
18 therapy. You know, I saw my primary care doctor.  
19 Everything was fine. You know, I wanted to start a new  
20 life for myself.

11:45

21 So I filed for the dissolution -- for the separation.  
22 And I went to the -- I went to Teresa and told her I just  
23 want a separation. You can keep the house. You can keep  
24 everything. I just want -- you know, I want my own life  
25 away from you. And she refused to sign anything. She

11:45

1 doesn't trust me. That's normal. She never signed any  
2 paper. She doesn't trust anyone. So I went and I filed  
3 it on my own. And then in the same week I got a call from  
4 the school saying Matthew missed 18 days.

5 Q. How many days? 11:46

6 A. 18 days. And he was late another 18 days. Catherine  
7 missed I think seven or eight and she was late 13. And my  
8 lawyer at the time recommended me that we have to get a  
9 temporary order to make sure that the mother will take the  
10 kids to school. And that's how the legal process started. 11:46

11 Q. So you got a temporary order to deal with the school  
12 problem?

13 A. Yeah, to make sure that the mother takes the kids to  
14 school right away.

15 Q. And then since then has Teresa's parenting become better 11:46  
16 or do you feel like it's gotten worse?

17 A. It's gotten worse because she start telling -- as soon as  
18 I left the house she start telling the kids that I'm  
19 having an affair, even though I don't live with her any  
20 more, and it was not true, absolutely. The kids believe 11:46  
21 her, she was talking about. The kids was telling me you  
22 are a bad father. Her grandfather, Teresa's father, told  
23 them that I have an evil inside me or a devil, I don't  
24 know, and that's why I'm not a good father.

25 It's just, you know, it took me a while to get the kids 11:47

1 to trust that I am a good father, that none of this is  
2 their fault. I always love you. None of this is your  
3 fault. One day you're going to grow up and see why am I  
4 doing this and understand it. I know it's hard for you to  
5 understand it, but I really had to do it. I don't have a  
6 choice. I was dead, you know. 11:47

7 Q. So why did you ask me to request a guardian ad litem be  
8 appointed in this case? What was your point?

9 A. I wanted to bring the mental state of my ex-wife to the  
10 court. That was my first -- the same day we ordered -- 11:47  
11 asked for the school thing, we asked for a mental  
12 evaluation. That was the thing. And then when she got  
13 Liz Michaelson, she hammer us with those financial  
14 questions that was billed from April to June. Answering  
15 those questions, tons of hours of work, tons of paper. We 11:48  
16 send it there. And we finally have the time to talk about  
17 the kids and you recommended that if we can't do the right  
18 thing about her mental status, we should do the guardian  
19 ad litem, and I agreed and that's when we started.

20 Q. Okay. 11:48

21 A. Because her mental status was deteriorating. It was  
22 getting worse and worse every day. She's not -- she's not  
23 doing anything, you know.

24 Q. Did you want to make sure that you were doing the right  
25 thing by the children? 11:48

1 A. All the time. That's why I never -- I didn't want to take  
2 them from their mother, but I just wanted her to take  
3 medication, and of course it gets worse and worse, you  
4 know. She's not admitting she's having a problem.

5 Q. What gets worse and worse? 11:48

6 A. Her problem. Now she believes I'm having an affair. Now  
7 she believes I touch my daughter, you know, and it's all  
8 made-up stuff. I will never touch my daughter and I will  
9 never do anything -- I will never do anything to hurt my  
10 daughter. I am very educated. I read a lot. I'm very 11:49  
11 careful with my kids and I'm very liberal. I give them  
12 the freedom to talk, to do whatever they want to do. And  
13 I don't make them do things. I try to talk to them what  
14 is the right thing.

15 During all my visitation this summer I was taking them 11:49  
16 to the museum, to the movies, to the circus. I did all I  
17 can with the time and money I had with them. I choose the  
18 movies to watch. I choose the books they read. I always  
19 tell them not to stay on the computer all the time. Try  
20 to play -- we play baseball every weekend in the back of 11:49  
21 the house.

22 Q. You play baseball?

23 A. Yeah, we play baseball and they loved it.

24 Q. What else did you do with them on their visitation?

25 A. Like I said -- 11:49

1 Q. Circus, movies, what else?

2 A. Circus. If we don't go to the movies we'll do something  
3 else. Go bowling. There is always a plan. Matthew was  
4 always looking forward to come to see. Catherine was  
5 always looking forward to come and see until she was 11:50  
6 spending too much name playing video games, and I told her  
7 from now on you can only spend two hours. I don't want  
8 you to spend more than two hours doing video games. We'll  
9 do something else, you know. And she did it. She started  
10 to bring the books and she was reading books. 11:50

11 They were having trouble sleeping over, but the problem  
12 is when they are at the mother's house they don't wake up  
13 until 11, 12 in the afternoon. They don't go to sleep  
14 until 1:00 o'clock or 2:00 o'clock in the morning. But  
15 when they stay with me, I make sure they wake up by eight 11:50  
16 o'clock, summer or winter. I want them to enjoy the  
17 daytime. This is not when you wake up. When you start to  
18 go out at two o'clock the day is over. And that was  
19 better when we were living. The mother will wake up at --  
20 I wake in the morning to go to work. She will wake up to 11:50  
21 watch me dress up. Watch me go into the bathroom. Watch  
22 me taking shower. Watch me both -- she obsessed with me  
23 until I leave the house. And then she go back to sleep.  
24 It doesn't matter what the kids are doing. Matthew would  
25 wake up and say I'm hungry. 11:51

1 Q. Okay. So you after you got the guardian ad litem report,  
2 you went ahead and made an appointment with Dr. Schau to  
3 do a psychological evaluation based on the guardian ad  
4 litem's recommendation. How many times did you meet with  
5 Dr. Schau?

11:51

6 A. Two times.

7 Q. Did you meet with Dr. Schau after the allegations about  
8 the sexual touching came up?

9 A. Yes.

10 Q. You did?

11:51

11 A. Yes, I did. One time before, one time after.

12 Q. Did you pay the guardian ad litem's retainer?

13 A. Yes, from my own account.

14 Q. Did you pay Dr. Schau?

15 A. Yes, from my own account.

11:51

16 Q. The guardian ad litem touched on this, the incident at  
17 Sunday school with Matthew with the Sunday school teacher?

18 A. I'm glad you're bringing that up.

19 Q. Can you describe what happened? Were you there?

20 A. I was there.

11:52

21 Q. What happened?

22 A. I was there, you know. So I take Catherine to church  
23 every Sunday and I want Matthew, he's four or five years  
24 old, I want him to start going to Sunday school, too. So  
25 I begged, "Please, let me take him." She said, "No, I'll

11:52

1 go with you. Come and we'll go, we'll attend the  
2 service." And then after the service there is a Sunday  
3 school class.

4 So we did the service, the kids went to Sunday school  
5 class. And then we are waiting, I wanted to have a cup of 11:52  
6 coffee. I always do every time I take the kids to Sunday  
7 school. I go to a gas station like five minutes away and  
8 get a cup of coffee.

9 The mother came with me. We went there, spend like ten  
10 minutes, we came back. We found Matthew crying in the 11:52  
11 church, not outside, inside the church building with one  
12 of the other mothers. And she said, "I found him crying  
13 and said he got lost." So I said, "Are you okay,  
14 Matthew?" He stopped crying. "I am fine." So I  
15 suggested we take him back to the class. "No, no, 11:53  
16 something is wrong." And she get very angry and she took  
17 him to the car. And she start asking, "Did somebody hurt  
18 you?" And Matthew said no. He was fine. He was smiling.  
19 "Nobody touch you?" "No, no one touched me. I am fine."  
20 And like three, four times. 11:53

21 I said, "He's fine. What are you doing?" So she start  
22 screaming at me. "It's all your fault. Why did you let  
23 me leave him at the church? Somebody did something to  
24 him. You did it on purpose. You took me to get coffee on  
25 purpose so somebody could hurt your child." Unbelievable. 11:53

1 So we drove back home, which took ten minutes. I  
2 dropped him off. It was time to go pick up Catherine. I  
3 went back to get Catherine, come back home. And then  
4 she's telling me, "Your son just told me a kid took him to  
5 the bathroom and put a stick in his anus." "When?" And I 11:53  
6 said, "No. I don't believe you. It didn't happen." All  
7 the time the son was smiling, was happy. There is no  
8 problem there. She keeps talking about it again and again  
9 and again. I didn't -- I know that I can't convince her  
10 otherwise. If she says there was something, it's over. 11:54

11 So I get so frustrated. I called her parents and I  
12 told them I can't do this any more. Come talk to your  
13 daughter, tell her what she's doing is wrong to the kid.  
14 And I left home. And, you know, I couldn't stand it. I  
15 don't remember, just driving around I guess. And I came 11:54  
16 back, they were there, the parents help her, Teresa. And  
17 they told me that they shouldn't talk about it any more.  
18 Even if it happened, she shouldn't keep doing it, but it  
19 didn't happen. And she let's everything calm down.

20 Now, every time we bring up the church, she will say 11:54  
21 the same thing. "You want to take the kids to church?  
22 Don't you remember what happened to Matthew?" And then  
23 she will talk about it to the kids. My son now believes  
24 that it happened. I mean, even if it happened, is that  
25 normal? Would you mention that to your own son? Which 11:55

1 should never happen.

2 Just like the other allegation with the dentist,  
3 another allegation. I took her to see a psychiatrist and  
4 we talked for like half an hour, and the psychiatrist told  
5 her you have a problem. You are sick. Don't you want to 11:55  
6 have peace in your life? And as soon as the psychiatrist  
7 said the word "peace," I said I want peace and joy in my  
8 life. And she said, "Oh, did he talk to you before I come  
9 here? Did you guys like -- there is like a conspiracy  
10 here." Right away it was over. Now, the pattern of 11:55  
11 mental illness is very clear.

12 Q. Can you describe some other instances of mental health  
13 issues that your wife has, some other problems that you've  
14 noticed that are troubling?

15 A. At the process of buying the house, she have a problem 11:55  
16 with dust. You know, every time we try to buy a house, if  
17 she sees fabric, we can't buy the house. We finally found  
18 a house. She said she liked it. I said great. We made  
19 an offer. Everything is good. Everything is go and we  
20 did the finance. Three days before the closing we went to 11:56  
21 see the house. She came and then she saw some dirt in the  
22 wall and some -- she saw something that she didn't see the  
23 first time. I was there. There was nothing different.

24 The house was a bank owned. It was empty. There is no  
25 one living in the house. There was nothing different. 11:56

1 And she decided no, no, no. If I -- either me or the  
2 broker give the key to somebody and somebody has been  
3 using the house. Looks like a homeless has been in the  
4 house. Unbelievable allegation.

5 I don't know what to do. I tried to convince her it's 11:56  
6 a good house, you know, and we were supposed to sign  
7 tomorrow. She doesn't want to sign, you know. And then  
8 her mother came in, tried to convince her it's a good  
9 house. It's a good thing. Whatever you saw we can clean  
10 it. She didn't want to sign. I broke down crying and I 11:57  
11 said, you know, whatever you want to do, we'll do it.  
12 Forget it. And then when I cried, she changed her mind  
13 and we went and we signed the paper.

14 When we moved into the house, I wanted to invite some  
15 people to the house. She said, "No, no, no, no, don't 11:57  
16 invite anyone. I want to clean the house." You know, I  
17 got -- it's been very frustrating experience from day one,  
18 you know. Very stressful that you're buying a house. You  
19 don't know if you're going to buy it or not. You don't  
20 know whether she's going to sign the paper or not. 11:57

21 Finally we're in the house. I want to relax. No  
22 relaxation. Don't touch this, don't do this. She has to  
23 sanitize the whole house. Everything is fine. Do  
24 whatever you want to do. I'm okay with it.

25 Let's invite your own sister and my brother to come and 11:57

1 visit us. She said no. And, you know, okay. I got  
2 frustrated, I left the house. I come back, she's  
3 frustrated. She took the kids and she's driving all  
4 night. Then she comes back --

5 Q. She took the kids and was driving with them all night? 11:58

6 A. Yeah, until 10:00 o'clock. 6:00 o'clock she left, 10:00  
7 o'clock she come back home. Her brother-in-law and her  
8 sister came home. I was sitting on the couch crying. I  
9 can't take this any more. All I want is peace and joy in  
10 my life. I can't do it any more. As soon as she came in 11:58  
11 she saw me crying and talking to them, she got more mad.  
12 She want to take the kids and leave again. The kids said  
13 no, we're tired. We want to sleep. She's off. She came  
14 back 1:00, 2:00 o'clock in the morning mad at me. She  
15 pulled the curtains. She messed the house. She -- 11:58

16 Q. I what do you mean she pulled the curtains?

17 A. We have those fabric curtains. So she pulled them down.  
18 You can still see the marks, broken nails in the wall  
19 everywhere. And everywhere, the bedrooms, except the two  
20 bedroom where the kids are. And she wanted to do that, 11:58  
21 too. And I said, "No, you're not going to the kids' room.  
22 They are sleeping." And no, she said she's going to.  
23 "No. If you do it, I'll call the cops." And I did dial  
24 911.

25 Q. You called the police? 11:59

1 A. I called the police. The police came in. As soon as they  
2 came in she calmed down. She'll go up, up, up, up, and  
3 then something dramatic happen and then she will calm  
4 down, and I knew that from my experience with her.

5 So as soon as the police came in, the sheriff came in 11:59  
6 and he saw there was like flour on the floor and, you  
7 know, they have this like videotapes cabinet, it was like  
8 a mess. And he knew something happened. I told him  
9 nothing happened. She's okay now. We were just arguing.  
10 She calm down. And that's what happened. She will calm 11:59  
11 down and then she will like nothing happen. She will hug  
12 me. She will sleep with me. She will say she loved me.  
13 And this has happened three times before I leave the  
14 house. I'm the one who called the cops.

15 Q. You called the police three times? 12:00

16 A. Yeah.

17 Q. In terms of taking care of the children, is Teresa able to  
18 cook for the children? Does she do a good job with that,  
19 taking care of their --

20 A. Depends on her mood. And her mood is one day -- when she 12:00  
21 took the medication, it was 90/10. She will have one day  
22 bad and ten days good. And she stop taking the medication  
23 to become pregnant. After when she stopped taking the  
24 medication, she will be one day good, happy, she wants to  
25 cook, she wants to have fun, and the other days I call 12:00

1 2:00 o'clock in the afternoon, I'm coming home, she's  
2 still asleep. Do you want anything? I bring food home.  
3 So the house -- she lets the house go until its very dirty  
4 and I complain, "Please clean the house. It's going to  
5 take you ten, 15 minutes." Sometime I will help.

12:01

6 THE COURT: Counsel, it's 12:00 o'clock noon. This is  
7 a good time to break for lunch. We can come back and  
8 recommence at 1:00 o'clock, and that will be the order of  
9 the court. See you back here at one, everybody. Have a  
10 good lunch.

12:01

11 (Noon recess taken.)

12

13

14

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24

25

1 EVERETT, WASHINGTON, MONDAY, NOVEMBER 5, 2012

2 AFTERNOON SESSION

3 --oo0oo--

4  
5 THE COURT: Let's continue the examination of

6 Mr. Gohar.

7 Q. BY MS. PETERSON: Samir, regarding these allegations that  
8 your wife has brought up about you inappropriately  
9 sexually touching Catherine, have you done that?

10 A. No.

11 Q. Okay. Can you describe when you first found out about the  
12 allegations, how you found out about them?

13 A. So the last time I saw Catherine it was a Tuesday, the  
14 20th. I don't remember the date. And it was fine. We  
15 were having fun. They had spent the weekend before that  
16 in my house and we bought some uniform, Halloween uniform  
17 for Matthew and we were playing with it. We were having  
18 fun. Catherine was happy. Everybody was happy.

19 I dropped them off, you know, on time as usual. And  
20 then Thursday, the next visiting, I got no show, no call.  
21 Nothing at all. I called like ten times. No one is  
22 answering their phone. I kept calling all night. I just  
23 wanted to make sure the kids were okay. And I didn't want  
24 to go to their house and make a scene out of it. I'm so  
25 worried.

1 So I said I'm going to call the school tomorrow and see  
2 if the kids went to school. So I called Matthew's school  
3 in the morning and they say yeah, Matthew is here, he's  
4 fine. I actually wanted to go -- in the GAL report there  
5 was a recommendation for therapy. So when I called  
6 Matthew's --

01:20

7 Q. For therapy for --

8 A. Therapy for the kids. So when I called Matthew's school I  
9 asked for the counseling so we can do like therapy for  
10 Matthew and we go through a divorce and it would be a good  
11 idea if the school counselor talked to Matthew about that,  
12 and they told me they have to cut due to budget cut. So  
13 then I called Catherine's school and I asked about the  
14 same thing.

01:20

15 Q. Okay.

01:21

16 A. Actually I didn't call -- I wanted to call Catherine's  
17 school, but I said I'm going to go so I can see Catherine  
18 and talk to the counselor in person. I found out online  
19 that they have two counselors and they can talk about  
20 family difficulties and stuff. That was Catherine's  
21 school. So I decided to go.

01:21

22 So like 2:30, you know, when I'm done with all of my  
23 work that I have to do, I left the restaurant, went  
24 straight to the school. You know, I walk in the school  
25 and I said I want to see my daughter Catherine, you know.

01:21

1 So they said yeah, no problem. Sit down. And probably  
2 ten minutes later the sheriff came. He took me outside  
3 the school and he said there is a restraining order  
4 against you. You can't come near your kids. You can't  
5 call the house. You can't do any of this. And I said 01:21  
6 what? I mean, it was total surprise. Where does that  
7 come from? Why? And it didn't have anything -- those  
8 papers he gave me, it didn't have any why, just that the  
9 order was issued. The said there was a court hearing,  
10 even though you have a trial date in one week. So I said, 01:22  
11 you know -- and he didn't know anything. He was a  
12 sheriff. I said I want to call my lawyer.

13 And then I called you and you told me let's meet in  
14 court, find out what's going on. So we went to the  
15 presiding judge, I don't remember his name, the presiding 01:22  
16 judge --

17 Q. Commissioner Bedle?

18 A. Yes, Commissioner Bedle. And we said we want to strike  
19 this, or whatever the legal thing, and he said no, I  
20 can't. I can't do that today, but I can shorten the time 01:22  
21 and we can have a hearing on Tuesday. That was Friday.  
22 And we did get the hearing. So he was -- it was very good  
23 for him that he agreed to shortening time. And instead of  
24 two weeks after the trial date it was done on Tuesday.  
25 And since Tuesday, comes in and we went and we had Martha 01:22

1 there, and the first thing judge asked Teresa the  
2 circumstances and that she said that, you know, she picks  
3 up the kids, everything was fine, they have dinner, and  
4 then at night while they were sleeping together, it came  
5 up from nowhere that I touched her.

01:23

6 Q. Okay. After this -- all this came out, have you had a  
7 polygraph test?

8 A. Yes, I did.

9 Q. And what were the results of your polygraph?

10 A. I'm not lying. I don't know positive or negative. Have  
11 no idea what to say. It was clear. It was very clear  
12 that I did not touch my daughter.

01:23

13 Q. Okay.

14 MS. PETERSON: Move for admission of the polygraph  
15 results of Mr. Gohar.

01:23

16 THE COURT: Any objection?

17 MR. DABLING: Just that I've never -- I was not aware  
18 that they did this, hadn't seen it before, and I'm not  
19 sure of the contents.

20 THE COURT: Why don't you show him a copy of the  
21 polygraph.

01:24

22 MS. PETERSON: I did.

23 MR. DABLING: I'm looking it over, Your Honor.

24 THE COURT: All right.

25 (Brief delay.)

01:25

1 MR. DABLING: No objection at this time, Your Honor.

2 THE COURT: No objection? Exhibit No. 5, the  
3 polygraph, will be admitted.

4 (WHEREUPON, Petitioner's Exhibit  
5 No. 5 was admitted into evidence.)

01:26

6 MS. PETERSON: Thank you, Your Honor.

7 Q. BY MS. PETERSON: Samir, was it your intent at the  
8 beginning of this separation and these legal proceedings  
9 back in February to go for full custody of your children,  
10 was that what you had planned to do?

01:26

11 A. No. No, not at all. But I have one doctor that said she  
12 is mentally unstable and I wanted in the record that she  
13 get a mental evaluation because that was the whole thing,  
14 you know. You need help. You are sick. You're making my  
15 life miserable. You're making the kids' life miserable  
16 and it's all resolvable. If you admit, you go get help,  
17 things will be better and there was no help for her.

01:26

18 Q. In terms of your ability to parent the children going  
19 forward, if you were given custody, what is your work  
20 schedule, explain that?

01:27

21 A. I'm self-employed.

22 Q. Okay.

23 A. So I manage the restaurant. I had a manager the whole  
24 time, but she actually stopped working in February. She  
25 had cancer, so she couldn't work, and then she passed away

01:27

1 like three months ago. And then I'm training a server  
2 right now to take her duty as a manager. And it's working  
3 very good. And I will be able to be running the  
4 restaurant while the kids are in school. I will be home  
5 before the kids are done with their school. I know how to 01:27  
6 take care of the house. I know how to keep it clean. I  
7 have lived alone for ten years in this country without  
8 family before I got married. I know how to do my laundry,  
9 clean the house, change the sheets. I want -- you know, I  
10 grew up very religious. I wanted the kids to grow up 01:28  
11 close to church just like me, go to Sunday school, all  
12 that stuff. That's what I was doing until she get in the  
13 middle.

14 Q. Okay. Where are you currently living?

15 A. I'm renting a two-bedroom duplex. It's very small. I 01:28  
16 rented it when I left the house because I wasn't -- I was  
17 going to live alone. There was no intention for me to  
18 have the kids. But if I have to get the kids, I think we  
19 shouldn't punish the kids. The kids should get the house  
20 and I should get the house and we'll split whatever the 01:28  
21 value of the house, whatever equity in the house, we'll  
22 split it, that's fair. I don't think we should punish the  
23 kids.

24 Q. Okay. Your wife's attorney was questioning the guardian  
25 ad litem as to whether or not you had shown the children 01:29

1 pleadings from court or anything. Have you done that?

2 A. Never.

3 Q. Where do you keep all of the paperwork?

4 A. I have an office in the restaurant. Most of my court  
5 documents are e-files. I have very little paper documents  
6 because I only attend court once or twice when I had to,  
7 but most of the time you go and e-mail me. We always deal  
8 with e-mails. Most of my files are on e-mail. I have  
9 never, ever shown the kids any of the court documents.

01:29

10 Q. Okay. What kind of relationship do you want your children  
11 to have with their mother?

01:29

12 A. Normal.

13 Q. What do you think it would take for that to happen?

14 A. She have to go like medical supervision. She has to take  
15 medications. If she's still saying Matthew, that someone  
16 hurt him when he is three years old, what kind of message  
17 is this?

01:29

18 Q. Okay. And have you prepared a parenting plan for this  
19 case?

20 A. Yes, we did.

01:30

21 Q. Can you go over just the simple basics of it?

22 A. We followed the recommendation of the guardian ad litem.  
23 You know, I have full custody of the kids. I should be  
24 responsible for the medical decisions, everything. And  
25 I'm planning to do exactly what the guardian ad litem, a

01:30

1 very heavy psychological therapy for my kids so they can  
2 get over all of this as soon as possible.

3 Q. Did you talk to Dr. Schau about that?

4 A. Exactly. And he recommended they might need two visits a  
5 week, not one, for the kids. We talked a lot about the  
6 kids and how -- because he wanted -- his main point was am  
7 I a good parent or not? And that was his conclusions,  
8 that I am a good parent. And my gambling problem was not  
9 addiction more than escape.

10 Q. We're going to switch gears now to the financial aspects  
11 of this case.

12 A. Okay.

13 Q. Samir, when you -- before you were married, where were you  
14 living?

15 A. Massachusetts.

16 Q. And what did you own in Massachusetts?

17 A. I had a restaurant that I owned with my brother.

18 Q. And what else did you have?

19 A. And we had a duplex, two-family house. We owned it  
20 together.

21 Q. And did you get married in Massachusetts?

22 A. Yes.

23 Q. And when you -- what was the disposition of the business,  
24 the restaurant you owned there, what happened with it?

25 What did you do?

01:30

01:30

01:31

01:31

01:32

1 A. Well, we decided to move out here so Teresa would be near  
2 my family, not my family, so we could have more support  
3 with her mental problem. And that was the whole idea of  
4 moving out here, to get the family support. They can see  
5 her --

01:32

6 Q. What did you do with the restaurant?

7 A. I sold my share of the restaurant to my brother and I sold  
8 my share of the house to my brother. We owned it 50/50.  
9 We owned the house 50/50, me and my brother, and we owned  
10 the business 50/50.

01:32

11 Q. I'm handing you what's been marked as Exhibit 8. What is  
12 that document?

13 A. That's an agreement between me and my brother in the  
14 restaurant.

15 Q. And how much did you sell the restaurant for?

01:32

16 A. We sold it, according to second page, Paragraph 2,  
17 purchase price 70,000.

18 Q. And what portion of that was yours?

19 A. The whole 70,000. That was for 50 percent of the  
20 restaurant.

01:33

21 Q. Who did you sell it to?

22 A. My brother.

23 MS. PETERSON: Move for admission of Exhibit 8.

24 THE COURT: Any objection?

25 MR. DABLING: No objection.

01:33

1 THE COURT: Exhibit 8 will be admitted.

2 (WHEREUPON, Petitioner's Exhibit

3 No. 8 was admitted into evidence.)

4 Q. BY MS. PETERSON: And then you also had a -- so that was  
5 for \$70,000. And then what did you do with the proceeds  
6 of the \$70,000? 01:33

7 A. I saved the money in an account that I always have, maybe  
8 before I got married. But it was an investment account.  
9 ING account. And I put it there because I was going to  
10 need it when I set up my own business. 01:33

11 Q. You also owned a duplex with your brother; is that  
12 correct?

13 A. That's right.

14 Q. What did you do with the duplex that you had?

15 A. I sold my half to my brother and I have here sales  
16 agreement, whatever the document proved that I purchased.  
17 And it says here the deed, the last page, I got 212,500 --  
18 212,500 for half of the -- 01:33

19 Q. So did you get 212 or half of 212?

20 A. No, 212. That was half of the price of the duplex. So  
21 425, if I remember, when I sold? 01:34

22 MS. PETERSON: Move for admission of Exhibit 7.

23 THE COURT: Any objection?

24 MR. DABLING: No objection.

25 THE COURT: Admitted. 01:34

1 (WHEREUPON, Petitioner's Exhibit  
2 No. 7 was admitted into evidence.)

3 Q. BY MS. PETERSON: So you sold the restaurant in  
4 Massachusetts and the duplex and you netted out about a  
5 total of 215,000 -- 212,000 plus 70?

01:34

6 A. Yeah, 260, 270. 250 is because I remember out of this  
7 money, too, I pay the loan on the Honda Odyssey that  
8 Teresa drives now, and I paid the whole thing off --

9 Q. Okay.

10 A. -- out of that money that I took from the sales of the  
11 restaurant. So I had like 250,000 in the account that I  
12 had when we came here.

01:35

13 Q. And then when you came here, what did you do with the  
14 proceeds that you had -- that you had gotten from the sale  
15 of your two pieces of property in Massachusetts?

01:35

16 A. I was looking for a business. So I get a job. I couldn't  
17 stay home. So I get a job in a gas station. Tried to buy  
18 a gas station. Didn't work out. And then I decided to go  
19 back to the restaurant business. I worked at  
20 Jack-in-the-Box as I manager, and I found Don's Restaurant  
21 in Marysville and I liked it and I moved on.

01:35

22 Q. How much did you purchase Don's Restaurant for?

23 A. It was a total purchase price for building and business  
24 1,015,000.

25 Q. How much was the actual land and the physical --

01:36

1 A. 750,000 for the building and the land, and 265,000 for the  
2 restaurant business.

3 Q. Okay. And so you were able to put down some money?

4 A. I had an SBA loan in 2008, and then it was 15 percent down  
5 payment plus closing costs. So I put down about 190,000,  
6 200,000. 01:36

7 Q. And you took out a mortgage on the rest?

8 A. I took out a mortgage, which was 890 SBA loan. That was  
9 four or five years ago. The balance right now is about  
10 770, something like that. 01:36

11 Q. You just read this without seeing it. The balance of the  
12 loan outstanding on the business is currently what,  
13 according to this statement?

14 A. Yeah, as of October 14, 771,057.

15 MS. PETERSON: Move for the admission of Exhibit 9. 01:37

16 THE COURT: Any objection?

17 MR. DABLING: No objection.

18 THE COURT: Exhibit 9 will be admitted.

19 (WHEREUPON, Petitioner's Exhibit

20 No. 9 was admitted into evidence.) 01:37

21 Q. BY MS. PETERSON: Okay. Did you have an occasion to have  
22 a market analysis done on the restaurant in preparation  
23 for this litigation?

24 A. So in June we have paid my wife's attorney \$20,000 and she  
25 was supposed to do all of this. She was supposed to get 01:37

1 the business evaluation -- the market evaluation. And up  
2 until like a month ago we didn't have any of that. So  
3 your advice told me try to get something so we know  
4 exactly what's going on. So I called the real estate  
5 broker. He is very active in Marysville. I asked him to  
6 give me a market analysis. And he give me the market  
7 analysis that came up, total price is 865.

01:37

8 Q. Okay.

9 MS. PETERSON: Move for admission of Exhibit 10.

10 THE COURT: Any objection?

01:38

11 MR. DABLING: No objection.

12 THE COURT: Exhibit 10 will be admitted.

13 (WHEREUPON, Petitioner's Exhibit

14 No. 10 was admitted into evidence.)

15 Q. BY MS. PETERSON: All right. And then we had -- did we  
16 receive an evaluation from Ms. Gohar?

01:38

17 A. Finally we have the business evaluation done by a  
18 certified accountant, like a professional evaluation was  
19 done to the business and we received that. That placed  
20 the business at 319,000.

01:38

21 Q. All right. Your business evaluation included both the  
22 real property and actual business?

23 A. Yeah.

24 Q. What was -- do you remember the breakdown of 862,000?

25 A. I think he did like 430 for the business and 435 for --

01:39

1 Q. For the real property?

2 A. But remember this is a broker and that's what he would  
3 list it in the market, but that's not mean what I'm going  
4 to sell it for. For example, when I bought Don's  
5 Restaurant they listed for 1,150,000. So they had 750,000  
6 for the building and 350 for the business, and I got it  
7 for 265 -- maybe 400 for the business, I will say. 400.  
8 And I purchased it for 265,000 in 2008. And the  
9 restaurant is very steady. It's about the same gross  
10 sales, 2008, is about what we're doing now.

01:39

01:39

11 Q. And you purchased it in 2008; correct?

12 A. I purchased it in April 2008 for 265,000, yes.

13 Q. And gross sales have not gone up?

14 A. They went up and went down, but an average of 10 percent.  
15 It didn't go up dramatic or go down dramatic. You know,  
16 it went down a little bit when the economy hit in 2009 and  
17 2010, and then last year it went up. It was -- what  
18 happened last year, one of the biggest competition, it's  
19 called Maxwell's Restaurant, the owner died. The wife was  
20 like 80 years old. She couldn't run the business. The  
21 business run down. They were trying to sell it for two  
22 years and they just -- they couldn't sell it, you know.  
23 And that make my restaurant, we had really a good like  
24 three, four months. I think it was like in October. And  
25 then as soon as somebody else bought it in February and

01:40

01:40

01:40

1 business came back to normal. We were doing normal.

2 Q. Your business has kind of gone back to its normal?

3 A. Yeah. That's what the professional evaluation said. It's  
4 very consistent.

5 Q. What is your opinion about what the value of the business  
6 should be? 01:40

7 A. It should be as much as I paid for it. I paid 265,000.  
8 It's about doing the same. And it was a fair price when I  
9 bought it and should be the same.

10 MS. PETERSON: Move for admission of Exhibit 11. 01:41

11 That's your evaluation.

12 MR. DABLING: No objection.

13 THE COURT: Exhibit 11 will be admitted.

14 (WHEREUPON, Petitioner's Exhibit

15 No. 11 was admitted into evidence.) 01:41

16 Q. BY MS. PETERSON: Now, in terms of the income that the  
17 business has been generating for you, we need to talk  
18 about what your income is. Is the business your only  
19 source of income?

20 A. Yes. 01:41

21 Q. And I'm handing the balance sheet and earnings and income  
22 statement from the first nine months of 2012. Can you  
23 explain what -- how you have come up with your income that  
24 we've put on the child support worksheets that we've  
25 submitting -- or we will be submitting, sorry. 01:42

1 A. So officer wages, that's me, 48,000. We can add  
2 amortization.

3 Q. Amortization, that's under "operating expenses" the first  
4 category; correct?

5 A. Correct. Then there is depreciation. 01:42

6 Q. And that's about 3,056; right?

7 A. Yes. And then -- so from the start, we can start from I  
8 did amortization, which was 11,962. And then you add  
9 depreciation, which is 3,056. And then you add officer  
10 wages, which is 48,000. And then you add operating 01:42  
11 income, which is the 30,000. And that will probably come  
12 up to over 90,000.

13 Q. Over -- say it a little bit clearer.

14 A. Over 90,000. I'm operating ten to 12,000, if you add the  
15 medical expenses and the car expenses and all that stuff. 01:43

16 Q. So your income is between 10 and \$12,000 per month?

17 A. Yes. It's like average because I have -- the business,  
18 some months I have to pay taxes quarterly. Some months I  
19 don't make that much money, but it averages 10 to 12  
20 before taxes. 01:43

21 Q. Since the separation, have you been supporting your wife  
22 and your children?

23 A. There was the court order that I pay 6,000.

24 Q. 6,000?

25 A. Since April. And before that she was using credit cards 01:43

1 to buy whatever she want. I end up paying 12,000, 15,000  
2 for the credit card for the first three, four months  
3 before we start the 6,000.

4 MS. PETERSON: I move for admission of Exhibit 12, the  
5 earnings statement. 01:44

6 THE COURT: Any objection?

7 MR. DABLING: No objection.

8 THE COURT: Exhibit 12 will be admitted.

9 (WHEREUPON, Petitioner's Exhibit  
10 No. 12 was admitted into evidence.) 01:44

11 Q. BY MS. PETERSON: So we talked about the restaurant that  
12 you own. And you also own a home; correct?

13 A. Yes.

14 Q. Okay. And when did you purchase your home?

15 A. November 2008. 01:44

16 Q. And do you remember what you -- what was the purchase  
17 price?

18 A. 400,000.

19 Q. Do you remember how much money you put down?

20 A. 80,000. 01:44

21 Q. What was the source of those funds?

22 A. That was the rest of the money that I had coming from  
23 Massachusetts.

24 Q. And that all had come out of your separate account?

25 A. Yes. 01:44

1 Q. And then have you done an appraisal on your house?

2 A. Like I said, I was expecting the wife was supposed to do.  
3 She had 12,000 to do all of that. So the last time I made  
4 an effort, I called my real estate broker, the one that  
5 has the sale, that sold me the house, and he sent me a  
6 market analysis and it's appraising the house at 377,000. 01:45  
7 It's a very fair value. I believe it's a very fair value.  
8 It's actually -- I think two weeks ago the house -- there  
9 was a house sold in the same area for 375. It had a lot  
10 of upgrades. 01:45

11 Q. Do you know what the current assessor's value is, the 2013  
12 assessor's value on the house?

13 A. According to this in 2012 it's 378.

14 Q. The 2013, the more recent?

15 A. I don't know. Is it here somewhere? Yeah, 2013 is 350. 01:45

16 Q. So you're requesting that you be awarded the family home;  
17 correct?

18 A. Yes.

19 Q. And you're willing to concede the higher value, your  
20 market analysis of 370 as opposed to the -- 01:46

21 A. One important information. The mortgage of the house is  
22 in my name and in my name alone.

23 Q. And what is the mortgage on the house?

24 A. 2 -- 277. I don't remember.

25 Q. I don't have that. Are you getting the mortgage 01:46

1 statements right now?

2 A. No. She pays it, but I look it up. I'm pretty sure it's  
3 277.

4 MS. PETERSON: Move for admission of 13 and 14. It's  
5 the market analysis and the assessor's value. 01:46

6 THE COURT: Any objection?

7 MR. DABLING: No objection.

8 THE COURT: 13 and 14 will be admitted.

9 (WHEREUPON, Petitioner's Exhibit

10 Nos. 13 and 14 were admitted into evidence.) 01:46

11 Q. BY MS. PETERSON: So the total on the mortgage balance you  
12 believe is --

13 A. 277.

14 Q. 277, okay. So there is a little bit less than \$100,000  
15 worth of equity in the house? 01:46

16 A. That's correct.

17 Q. Do you have any investment accounts?

18 A. Yes, I do. I have a Roth. I have regular IRA and Roth  
19 IRA. The same time I open those accounts for myself, I  
20 actually did the same thing for my wife. So she has -- 01:47  
21 she probably doesn't have as much as I have in mine. As I  
22 remember, she has 35,000.

23 Q. What is the balance in your traditional IRA currently?

24 A. In that traditional -- one of them has 35 and the other  
25 one has 17. The Roth has 35 because that's what I opened 01:47

1 first, and traditional has 17.

2 Q. Okay. And are you requesting that you be awarded these  
3 accounts? Are you requesting that you be awarded these  
4 accounts?

5 A. I don't know. Yes. 01:47

6 Q. And your wife you believe has -- she has an IRA, but we  
7 haven't seen a statement yet, have we?

8 A. No.

9 Q. But you're estimating the value?

10 A. 35. 01:48

11 Q. 35,000.

12 A. I mean, that's my opinion. There will be severe penalties  
13 if we try to use this money, me or her.

14 Q. And do you also -- do you agree to have her be awarded her  
15 retirement? 01:48

16 A. Yeah, that's fine, yeah.

17 Q. And then we have your children have college accounts;  
18 correct?

19 A. Yes.

20 Q. And what are the balances in those college accounts right  
21 now? 01:48

22 A. I think it's 650 and 750, about 14,000.

23 Q. About 14 total?

24 A. For both of them.

25 Q. And you withdrew money? 01:48

1 A. Yes, I had to.

2 Q. What did you have to withdraw it for?

3 A. I had to withdraw 15,000. Here's the story. Very simple.  
4 I had all of my investment accounts with Merrill Lynch,  
5 except the kids college account was with Edward Jones. So 01:49  
6 I want to transfer from my Edward Jones to Merrill Lynch.  
7 There was no liquidation. There was none of that. I  
8 called Merrill Lynch, I called Edward Jones, and I did the  
9 transfer. And then I think they had my old address, so  
10 they sent the letter to Teresa's house and it says that I 01:49  
11 liquidated that account, but I did not liquidate that  
12 account. I only transfer the broker from Edward Jones to  
13 Merrill Lynch.

14 But Liz Michaelson was able to get a court order for me  
15 to pay her 15,000 out of those college fund liquidation. 01:49  
16 So I had to call Merrill Lynch and have them liquidate  
17 15,000. And I got 15,000 and I gave them to Liz. I paid  
18 Liz 15,000 as attorney fees out of those college funds and  
19 that was the only account I had, 15,000. The only other  
20 way that I would have get it from the business account and 01:50  
21 it was not a good idea. It had a lot of checks. So the  
22 only way was the college. I didn't want to do that. I  
23 had to.

24 Q. And do you agree that you need to replace those funds?

25 A. Yes, as soon as I can, definitely. I want my kids to go 01:50

1 to college. That was my idea. I opened that account for  
2 them. I was the one that was thinking about their future  
3 since they were two years old. I'm the only income.

4 MS. PETERSON: And move for admission of Exhibits 15  
5 and 16, the Merrill Lynch IRA statements. 01:50

6 THE COURT: Any objection?

7 MR. DABLING: No objection.

8 THE COURT: Exhibits 15 and 16 will be admitted.

9 (WHEREUPON, Petitioner's Exhibit

10 Nos. 15 and 16 were admitted into evidence.) 01:50

11 Q. BY MS. PETERSON: Do you have any community debt, credit  
12 card debt, or anything other than what you've already  
13 described?

14 A. Not as a couple. I have some debt as an individual after  
15 the separation. I have some credit card debt right now. 01:50

16 Q. Do you own any vehicles?

17 A. We have two vehicles during the marriage. The Honda  
18 Odyssey that Theresa drives. We bought it brand new in  
19 2006. And like I said, I pay it off when we sold the  
20 business. And then I bought a Honda for myself. I mean,  
21 I had a Honda Accord, and then we traded it in. I got a  
22 truck for work like two years ago. 01:51

23 Q. And what do you believe is the fair market value of the  
24 vehicle that Theresa is driving?

25 A. I think 12,000. That was the Kelly Blue Book. 01:51

1 Q. Is it owned free and clear?

2 A. It's free and clear.

3 Q. What about your vehicle?

4 A. That's about 15,000 left on the loan, and I think it's  
5 18,000 market value. I don't remember that one.

01:51

6 Q. Is this the loan on your vehicle currently?

7 A. Yes. That's the BECU car loan, and it's showing a balance  
8 of \$14,875.

9 MS. PETERSON: Move admission of Exhibit 17.

10 THE COURT: Any objection?

01:52

11 MR. DABLING: No objection.

12 THE COURT: Exhibit 17 will be admitted.

13 (WHEREUPON, Petitioner's Exhibit

14 No. 17 was admitted into evidence.)

15 Q. BY MS. PETERSON: We did prepare child support worksheets  
16 for this case. Are you anticipating collecting child  
17 support from Theresa if you are given custody of the  
18 children?

01:52

19 A. I don't know how.

20 Q. The child support worksheets that we've prepared are --  
21 have your income listed at -- just what you testified,  
22 about 10,000 a month?

01:52

23 A. Yeah, that's just about right.

24 Q. And you also included on here maintenance for Theresa of  
25 how much?

01:53

1 A. 2500.

2 Q. Okay. And what are you proposing for maintenance for  
3 Theresa?

4 A. 2500.

5 Q. And do you think that it should stay at 2500 or do you  
6 think it should decrease as she becomes more  
7 self-supporting?

01:53

8 A. Exactly, yeah. She needs to be independent.

9 MS. PETERSON: Just one second.

10 Q. BY MS. PETERSON: Samir, the spreadsheet that we submitted  
11 with our trial brief actually listed the business at a  
12 higher value than the 265 that you're talking about. We  
13 chose the number that had come into their -- so would you  
14 be okay with -- would you be agreeable to that?

01:53

15 A. It's really -- it's a deal price, you know. Depends on  
16 how much was the building appraised for. That's the way I  
17 look at it. It has to be fair value together. I can't  
18 really say yes or no until I see the building value.

01:54

19 MS. PETERSON: Nothing further.

20 THE COURT: Are you moving to admit the child support  
21 worksheets?

01:54

22 MS. PETERSON: I'm sorry, yes. Move to admit -- and  
23 the parenting plan, No. 6, the parenting plan.

24 THE COURT: Any objection to Exhibit 6?

25 MR. DABLING: No objection.

01:54

1 THE COURT: Exhibit 6, the parenting plan will enter.  
2 And what are the numbers on the child support worksheets.

3 MS. PETERSON: 18.

4 THE COURT: Exhibit 18, any objection to the child  
5 support worksheets?

01:54

6 MR. DABLING: No objection.

7 THE COURT: Exhibit 18 will be admitted as well.

8 (WHEREUPON, Petitioner's Exhibit  
9 Nos. 6 and 18 were admitted into evidence.)

10 THE COURT: Do you have a proposal that you want to  
11 enter an asset and debt distribution, the spreadsheet?

01:55

12 MS. PETERSON: It is on the back of my trial brief.

13 THE COURT: So you're proposing this?

14 MS. PETERSON: Yes.

15 THE COURT: All right.

01:55

16 MS. PETERSON: I think that's it for us.

17 THE COURT: Okay. Thank you. Counsel, you wish to  
18 cross-examine.

19

20 **CROSS EXAMINATION**

01:55

21 **BY MR. DABLING:**

22 Q. Good afternoon, sir. And as far as your gambling problem,  
23 you say you are no longer gambling at all?

24 A. No, I've never been gambling since November 14th last  
25 year.

01:56

1 Q. Does your restaurant sell any gambling products?

2 A. Yeah, I have pull tabs.

3 Q. And do you use any pull tabs at all at this time?

4 A. No. I can't play in my restaurant.

5 Q. So you say that your receipts in the restaurant haven't  
6 really fluctuated more than about 10 percent in the year?

01:56

7 A. Yeah.

8 Q. A while ago you gave Theresa some quitclaim deeds to sign?

9 A. Yes.

10 Q. And you gave these to her to sign for the restaurant and  
11 you gave her a quitclaim deed to sign for the house?

01:57

12 A. When I bought the restaurant in 2008, it's a community  
13 property, the escrow office says that your wife has to be  
14 there to sign those closing documents. My wife does not  
15 like to sign any paper. It's part of her OCD. She  
16 doesn't trust anything. So I took the message and I told  
17 my escrow officer she doesn't want to sign anything. He  
18 said that's fine. You know, we are in a community  
19 property state. Her named on the deed doesn't make any  
20 difference. Have her sign a quitclaim deed. She faxed me  
21 the paper and --

01:57

01:57

22 Q. Did you explain to her at the time what a quitclaim deed  
23 would mean to her?

24 A. I don't really know what a quitclaim deed means to her. I  
25 find out that the quitclaim deed means at the time when we

01:58

1 bought the house because we had to do the same thing. The  
2 first time we bought the house, we refinanced the house,  
3 she find out the sister's name is in the deed of the  
4 house, so she wanted her name to be on the deed of the  
5 house. So she agreed to sign the refinance paper so her 01:58  
6 name will be on the deed of the house. And actually that  
7 took two different visits because she did not trust the  
8 escrow, any paper. The officer, the manager of the escrow  
9 office has to come in and explain to Theresa every single  
10 paper in the document, in a closing signing. I think we 01:58  
11 were there like two hours.

12 Q. Would you consider it an unwise action for her to want  
13 everything explained?

14 A. No, it's not unwise action, but I didn't see a point of  
15 it. I have refinanced since I bought my first house and I 01:58  
16 know it doesn't make any difference.

17 Q. Just as a point for her need to understand things and to  
18 take the extra time?

19 A. I did not make any objection. I wanted her to be as  
20 comfortable as possible, just to make a point to the court 01:59  
21 that her behavior is very consistent.

22 Q. Consistent in that she always asks those questions and she  
23 always wants to understand and it might take a bit of  
24 extra time?

25 A. Yeah. No, very consistent that she has paranoia with me. 01:59

1 She doesn't trust me on anything I do. Yet I never did  
2 anything to her to make her not to trust me.

3 Q. And you say right now, you know, her paranoia, and you  
4 mentioned in many of your declarations that you say she  
5 has paranoia. Do you have any professional  
6 qualifications, any medical training that would qualify  
7 you to --

01:59

8 A. No, but I was in with her in the room with her  
9 psychiatrist when he told her. I was there. And I'm sure  
10 it's in their record.

01:59

11 Q. The record that hasn't been provided?

12 A. No, we were unable. That was my point from the beginning.  
13 We were unable to get her medical record. I wrote we need  
14 to see those so you guys believe me. I'm not making this  
15 up.

02:00

16 Q. But you, yourself, you are not qualified to --

17 A. No, I'm not. I didn't say that was opinion. That's the  
18 doctor's opinion.

19 Q. But you said to her more than one time that she was  
20 paranoid or crazy?

02:00

21 A. Not from nothing. When she accused me of having an  
22 affair, and when she insisted no matter how long it will  
23 convince her it didn't happen, my last, last effort to  
24 stop the conversation and the argument is you're sick.  
25 There is nothing else -- I can't do anything else. I

02:00

1 don't know what else to do. How long will it take  
2 somebody to be convinced that you did something or didn't,  
3 36 hours, 72 hours of continuous argument?

4 Q. You said that she has been accusing you of having an  
5 affair?

02:01

6 A. That's right.

7 Q. And you left the house in September of 2011?

8 A. That's right.

9 Q. And then in October of 2011 and also in November, at least  
10 these two times, you put advertisements looking for new  
11 companionship?

02:01

12 A. That's right.

13 THE COURT: Counsel. How does marital misconduct,  
14 which is what you're trying to drive at, have any bearing  
15 on what I have to do here today?

02:01

16 MR. DABLING: The fact that he's calling her paranoid  
17 and showing she's crazy and unstable, as far as the  
18 parenting plan, is very important because she's shown in  
19 his actions in November and October that he is potentially  
20 having an affair. She's showing that he has a propensity,  
21 despite being married, looking into dating.

02:01

22 THE COURT: That has no bearing on what I have to do.  
23 It has no relevance to the division of property or to the  
24 creation of a parenting plan. You've got to show a link  
25 between that kind of misconduct and some 191 restriction

02:02

1 in order to be able to even get there or to show some  
2 wastage of the community assets of his gambling and he's  
3 having an affair, and I'm not saying the evidence has been  
4 established. So unless you can lay a foundation, it's  
5 really a waste of the court's time to go into this. So  
6 perhaps you can see if you can lay a foundation, but so  
7 far I don't think this is helpful.

02:02

8 THE WITNESS: May I say something?

9 THE COURT: No.

10 MR. DABLING: Your Honor --

02:04

11 THE COURT: Would you like a break to organize your  
12 thoughts?

13 MR. DABLING: I would like a break.

14 THE COURT: I'll give you to 2:30. Would that be  
15 adequate time?

02:04

16 MR. DABLING: Yes.

17 THE COURT: I'll give you a half hour to organize your  
18 thoughts. We'll be in recess.

19 (Recess taken.)

20 THE COURT: All right. Let's proceed.

02:29

21 Q. BY MR. DABLING: Mr. Gohar, do you remember the name of  
22 the doctor who said that your wife is paranoid to you?

23 A. Tom. I remember the second one, not the first one. The  
24 second one was through Group Health, and the first one was  
25 through a family counselor that we went to see once.

02:29

1 Q. One of the name's is Tom?

2 A. Yeah, Tom. I'm sure she knows who Tom is.

3 Q. I'd like to present Exhibit 19.

4 MS. PETERSON: Can I get a copy?

5 MR. DABLING: I don't have a copy at this time, but I  
6 can show it to you.

7 Q. BY MR. DABLING: Is this from an e-mail sent to Theresa  
8 from her doctor in regards to what her treatment and the  
9 diagnosis was. Do you remember then the doctor diagnosed  
10 her as being paranoid or --

11 A. Here's what happened. I was explaining to the doctor that  
12 I wasn't allowed to bring my cellphone to the meeting  
13 because she always thinks that I might record the meeting.  
14 And I wasn't allowed to go anywhere by myself and I have  
15 to let her know where I am, who I'm talking to all the  
16 time. And when I told Dr. Tom that behavior, he told this  
17 is paranoia. And when she argued with her doctor saying  
18 that's not paranoia, so he asked her what do you call that  
19 behavior? And she went -- after that she went home, she  
20 went on line, she start reading about paranoia, and she's  
21 been like three days sending back and forth e-mails trying  
22 to make Dr. Tom change his mind about the word, but he  
23 just said the word paranoia and she went crazy.

24 Q. But did he diagnose her with paranoia?

25 A. I don't know. I don't have access to that. I don't know.

1 I'm saying as a fact I don't know what single e-mail says.  
2 And my opinion from the beginning, we should have access  
3 to the medical record from all of the doctors she has  
4 seen, for the medication she used to take, including the  
5 doctor when she was trying to kill herself in  
6 Massachusetts, told her if you don't take the medication,  
7 I'm going to have to put you in a hospital.

02:32

8 Q. Are you aware of the side-effects of the medications she  
9 was taking caused her?

10 A. I'm aware that she used to take those medications before  
11 for more than two years and nothing happened.

02:32

12 Q. You say nothing happened to her while she was taking the  
13 medication?

14 A. She was taking it for two years.

15 Q. And you're not aware of the stomachaches and other  
16 problems that her medication caused her?

02:33

17 A. She was taking them for two years.

18 Q. And so you were on --

19 A. She was taking the same medication for two years.

20 Q. She was taking the same medication for two years?

02:33

21 A. She never complained. She was happy. She was the  
22 happiest Theresa I ever seen when she was taking the  
23 medication. She went to get a job. She wanted to have a  
24 second child. We went to vacation to Florida. We went to  
25 vacation to Egypt. There was no drama whatsoever. As

02:33

1 soon as she stopped the medication so she could be  
2 pregnant our second child, the paranoia started. When she  
3 was pregnant and the first sign of her paranoia is we used  
4 to go to a family counselor when she was pregnant and she  
5 stopped going because she thought I was having a  
6 relationship with that family counselor.

02:33

7 THE COURT: Mr. Gohar, you went a little bit to far,  
8 sir. Just wait for the next question.

9 THE WITNESS: Okay.

10 THE COURT: Thank you. Listen to what he's asking you.  
11 Next question, sir.

02:33

12 Q. BY MR. DABLING: In regard to the taking of medication,  
13 you had written a note to your wife in April requesting  
14 that she take medication and see a doctor weekly; is this  
15 true?

02:34

16 A. I don't know.

17 Q. Do you recognize this?

18 A. Yeah, I do.

19 Q. Do you know who wrote this?

20 A. Yes, that's me. Here's what happen, why did I do this.

02:34

21 Q. Just a moment. What does it say under Line 1?

22 A. I will --

23 MS. PETERSON: I'm still reading it.

24 Q. BY MR. DABLING: Give her a moment to let her read.

25 MS. PETERSON: No objection.

02:35

1 THE COURT: All right. Are you moving to admit the  
2 document?

3 MR. DABLING: Yes. I move to admit Document No. 20,  
4 and also move to admit No. 19, which is an e-mail from  
5 Dr. Darrell Tom. 02:35

6 THE COURT: No. 20 will be admitted. No. 19 do you  
7 have any objection to?

8 MS. PETERSON: I just don't have a copy of it.

9 MR. DABLING: I'm sorry, I was just given this.

10 THE COURT: Have you looked at it. 02:35

11 MS. PETERSON: Yes, I have looked at it. I would just  
12 like to have a copy of it going forward so I'm prepared  
13 for summation.

14 THE COURT: A copy will be provided to you at the end  
15 of the testimony. 02:35

16 MS. PETERSON: Thank you.

17 THE COURT: Any objection to 19?

18 MS. PETERSON: No.

19 THE COURT: It shall be admitted. All right. Thank  
20 you. 02:36

21 (WHEREUPON, Respondent's Exhibit

22 Nos. 19 and 20 were admitted into evidence.)

23 MR. DABLING: I apologize for not having that document  
24 beforehand.

25 Q. BY MR. DABLING: On number one it says you go to the 02:36

1 doctor every week and take medication. No excuses. In  
2 regard to side-effects that her medicine was causing her,  
3 it would then be a correct assumption you say under here  
4 no excuses, that even though it causes her stomach cramps  
5 and clenching her teeth, that that doesn't matter, no  
6 excuses, take the medication? 02:36

7 A. There was no -- she never said she had stomach cramps.  
8 One of her -- I don't know about the stomach. That's not  
9 in the letter. Do you want me to say what happened?

10 Q. So you're saying that she's not allowed -- to keep you in 02:36  
11 the home, you're saying here then that if she does have  
12 problems with the medication, no excuses?

13 A. What are you talking about?

14 Q. I'm saying what you said to Theresa to get --

15 A. Can we talk about the circumstances? There is a perfect 02:37  
16 circumstance to this letter.

17 Q. The circumstances are that you gave this letter to her and  
18 you said that you would come back as long as she followed  
19 these things; is that correct?

20 A. When she approach me -- 02:37

21 Q. Is that correct?

22 A. -- she wanted me -- yes.

23 Q. Okay. And so you asked her in part 5, you cannot ask me  
24 any questions about whom I see, touch or talk to  
25 personally or on the phone. Is that correct? 02:37

1 A. That's right.

2 Q. And so a wife doesn't have the responsibility --

3 MS. PETERSON: Objection. Argumentative and trying to  
4 bring fault back in.

5 THE COURT: Objection is sustained. Next question. 02:38

6 Q. BY MR. DABLING: So Theresa, then, you didn't want her to  
7 know who you were talking to?

8 MS. PETERSON: Objection. Trying to bring fault back  
9 in.

10 THE COURT: I'm going to overrule the objection at this 02:38  
11 point. Why don't you answer the question. Why didn't you  
12 want Theresa to know who you were talking to?

13 THE WITNESS: Because it doesn't matter whom I'm  
14 talking to, it will be somebody that I'm having an affair  
15 with. For example, we were sitting at home, my cellphone 02:38  
16 rang up, wrong number, we were fighting for ten hours  
17 trying to figure out who this strange woman that called my  
18 cellphone, and no matter how many times I swear to her  
19 that it's no one, she don't believe it.

20 THE COURT: All right. Thank you. Next question. 02:39

21 MR. DABLING: No further questions at this time, Your  
22 Honor.

23 THE COURT: I have a couple of questions for this  
24 witness.

25 ///

02:39

**EXAMINATION****BY THE COURT:**

1  
2  
3 Q. All right. Andrew, could you hand me the exhibits,  
4 please. Mr. Gohar, with respect to the guardian ad  
5 litem's recommendations, I have a question.

02:39

6 A. Yes.

7 Q. Prior to the most recent recommendations, the guardian ad  
8 litem had said that she supported your wife as the  
9 custodial parent, do you remember that?

10 A. No.

02:40

11 Q. You don't remember --

12 A. No. Her original was I will be in custody, but she will  
13 have regular visitation. But then after the allegation,  
14 she wanted supervision visitation. But her original  
15 recommendation is I have custody.

02:40

16 Q. Thank you for clarifying that for me. So now my next  
17 question is: What's really changed? Your testimony seems  
18 to be that you're being harassed by the wife, phone  
19 harassment, business harassment, basically wanting to know  
20 where you are, but what's changed in terms of that? Isn't  
21 she still as good a parent as she was before she made the  
22 allegation?

02:40

23 A. No. My point was to get at the bottom of her mental  
24 status and that was my main point. When I filed the first  
25 order of protection I filed in February was asking for her

02:41

1 to get a mental evaluation. So my position did not  
2 change. I wanted to make sure she is capable of raising  
3 the kids and then things happened. You know, it went  
4 worse after I left the house. Schools, kids missing  
5 schools. When I see the kids, they're wearing the same  
6 clothes for the whole week. There is no activity  
7 whatsoever. The kids sleep all day. There was so many  
8 things. The house was dirty.

02:41

9 Q. Would you be willing to pay for a psychological evaluation  
10 for your wife once we enter these orders as part of the  
11 parenting plan?

02:41

12 A. I am, if I'm capable, yes.

13 Q. All right. Then my next question is: Do you know what  
14 efforts Theresa has made to find a job?

15 A. No idea. She was ordered by the court to find a job or do  
16 something.

02:42

17 Q. Historically what did she do for a living?

18 A. When she took the medication, she went to work for  
19 Walmart.

20 Q. Prior to the marriage what did she do for a living?

02:42

21 A. She was working at Taco Bell.

22 Q. Restaurants. Okay. Sir, are you a college graduate?

23 A. I didn't finish, but I went to college.

24 Q. Is she a college graduate?

25 A. She went for one year.

02:42

1 Q. Did you go to school in Egypt or the United States?

2 A. In Egypt. I didn't go to school here.

3 Q. So you matriculated to like the second level?

4 A. I was a civil engineer. I had one year left before  
5 graduation.

02:42

6 Q. How about Theresa?

7 A. She went one year in social study college.

8 Q. And that's -- what you had was what's equivalent to like  
9 your community college, would that be correct?

10 A. Yeah. They actually consider it as a two-year degree when  
11 I came here.

02:43

12 Q. Would Theresa, had she finished, also have done that?

13 A. When we got married she -- before she got pregnant with  
14 the first child she went and wanted to be a nurse,  
15 community college. I think she went like one semester and  
16 then she got pregnant.

02:43

17 Q. Under what conditions do you believe we could move to  
18 unsupervised visitation?

19 A. Have her go to psychiatrist. Have her take medications on  
20 regular basis. I think Dr. Schau is a great doctor. He  
21 made me -- he could, or Martha, they could advise us what  
22 do we need to do. I always approach this with one thing,  
23 she needs help. She is unhappy more than anyone in the  
24 family.

02:43

25 Q. All right. Next question: I'm going to turn your

02:43

1 attention to some financial issues. I have in front of me  
2 your profit and loss statement, your earnings statement,  
3 Exhibit 12, for September 30, 2012, and your nine-month  
4 projections ending September 30th.

5 A. This is actual number. 02:44

6 Q. Correct. You list total sales as \$91,031.87 as your gross  
7 sales. Would that be accurate?

8 A. 900,000.

9 Q. No, 91,000. 91,031? 02:44

10 A. What is that? 02:44

11 Q. 91,000?

12 A. What is the 91,000?

13 Q. About 9,000 to 10,000 a month?

14 A. Is what?

15 Q. Your gross. 02:44

16 A. My income?

17 Q. Yes, monthly income.

18 A. Yeah.

19 Q. And that's probably what it is, would you say?

20 A. Yeah. 02:44

21 Q. So my question here is: All -- I'm not understanding. It  
22 looks like everything you own go goes through the  
23 business; is that correct?

24 A. Yes, it's only income.

25 Q. So the 10,000 a month, you use that not only to cover your 02:44

- 1 monthly overhead, but also -- do you understand what I  
2 mean, monthly overhead? You're covering your business  
3 plus your covering your gas and house and everything else  
4 from that \$10,000?
- 5 A. My expenses, yes. My retirement, medical expenses my 02:45  
6 day-to-day living expenses?
- 7 Q. Do you have a line of credit?
- 8 A. I have a credit card. I have very good credit card.
- 9 Q. Do you ever use it to --
- 10 A. I use it for the business, but I pay it at the end of the 02:45  
11 month.
- 12 Q. I see. You're always current?
- 13 A. Not now. I only like -- I have -- well, I almost got it,  
14 but I have seven to 30 days. I have accounts between ten  
15 and 20,000 that I have to pay within 30 days. 02:45
- 16 Q. It floats?
- 17 A. Yeah.
- 18 Q. Okay. Let's me see if I understand this as well. Do you,  
19 yourself, as part of the business, do you get tips?
- 20 A. I don't serve, no. 02:46
- 21 Q. You don't serve at all?
- 22 A. No.
- 23 Q. You're strictly the manager?
- 24 A. Manager. I help in the kitchen.
- 25 Q. Some cooking? 02:46

1 A. Even if I serve, I don't get tips.

2 Q. And how many employees do you have?

3 A. 26.

4 Q. Are they part-time?

5 A. 15 and 10. It's a 24-hour restaurant and there is a  
6 lounge.

02:46

7 Q. I wanted to ask you about that. Does the lounge do  
8 separate shows and things like that?

9 A. It's a very small lounge. We have music like every  
10 Friday.

02:46

11 Q. Not like been a major thing?

12 A. It's a 20-seat lounge.

13 Q. Do you cater as well?

14 A. No.

15 Q. So no outside business, everything is located in the shop  
16 itself?

02:46

17 A. Yeah, in the premises.

18 Q. I see. All right. Turning to your profit and loss --  
19 strike that.

20 Turning to your worksheet that was provided, have you  
21 seen this at the end of your attorney's brief?

02:46

22 A. I looked at it Friday briefly, yes.

23 THE COURT: Counsel, would you hand him a copy of your  
24 spreadsheet, please.

25 Q. BY THE COURT: The top line item is the family home.

02:47

1 You're following me with that; right?

2 A. Yeah.

3 Q. You'll notice that you say that the separate value of the  
4 house is 92,707?

5 A. The equity in the house?

02:47

6 Q. That's correct.

7 A. Yes.

8 Q. I don't understand. Did you purchase this house with  
9 separate funds or funds that you had during the marriage?

10 A. Funds that I had from selling of the previous house and  
11 the previous restaurant that I owned in Massachusetts.

02:47

12 Q. You lived with Theresa in Massachusetts; correct?

13 A. Yes, but I owned this before I married.

14 Q. That's the question I wanted to understand. So the house  
15 you owned prior to marriage?

02:47

16 A. Yeah.

17 Q. And the prior restaurant, you owned it prior to marriage  
18 as well?

19 A. Yes.

20 Q. All right. You're willing to take all of the business  
21 debts; is that correct?

02:47

22 A. Yes.

23 Q. And that basically, according to the line item here,  
24 leaves you about \$21,000 short in the long-term; is that  
25 correct? You got a market value of your business of

02:48

1 750,000 and liens of 771,000?

2 A. Yeah. Yeah, that's fine.

3 Q. That's correct. So you're basically, if you had to  
4 liquidate everything today, you'd be underwater?

5 A. The bank, yes, because I bought it in 2008. So you don't  
6 have the market now and 2008.

7 Q. Does your market analysis take that into consideration  
8 that the market has gone down?

9 A. It's very obvious in the county assessment. The county  
10 assessment for the building was 250,000 in 2008. I think  
11 it's 470 this year. The same thing for the house, too.  
12 When we bought it the county assessment was 450,000. I  
13 think it's 350,000.

14 Q. If you had to sell the business, what do you think your  
15 best sale price would be, given the market?

16 A. That's one of the things I talked with my accountant, my  
17 business accountant about this, and he told me what kind  
18 of sale? Is it going to be a fire sale? This is a  
19 restaurant business. It's a very risky business. When I  
20 bought it, it was under market for two years. Am I going  
21 to get the first offer I'm going to get, or am I going to  
22 wait until best offer to get, or I'm going to sell it? It  
23 could sell for 200,000 or it could sell for 400,000. It  
24 depends on what condition the sale is.

25 And the professional business evaluation that was done

02:48

02:48

02:49

02:49

02:49

1 that's in the exhibit is talking about all that. It's  
2 actually including all of this in there. They came up  
3 with 319,000.

4 Q. 319. And it's your understanding that when Maxwell's  
5 sold --

02:50

6 A. Maxwell's was listed -- when I bought Don's, Maxwell's was  
7 listed for three and a quarter million. It was sold last  
8 year for 957,000.

9 Q. Would you consider that a fire sale?

10 A. That's the best sale ever. I mean, I would like to be the  
11 buyer. I mean, the real estate itself was \$2-million in  
12 the county.

02:50

13 Q. I see.

14 A. It's a beautiful restaurant.

15 Q. I see.

02:50

16 THE COURT: All right. I appreciate your answers.  
17 Thank you. I don't have any further questions.

18 Does this prompt any questions for you from, counsel?

19 MS. PETERSON: No.

20 THE COURT: Any further questions based on my  
21 questions?

02:50

22 MR. DABLING: Not at this time, no.

23 MS. PETERSON: Your Honor, I do have one question. I  
24 just forgot in my -- it's my first trial, sorry.

25 THE COURT: You know, we've all been here. We've all

02:50

1 been in our first trial.

2

3

**REDIRECT EXAMINATION**

4

**BY MS. PETERSON:**

5

Q. So in terms of the house, if you are awarded the house,  
6 which is mainly -- custody is the main point there, does  
7 Theresa have someplace else to go?

02:51

8

A. She can go live with her parents.

9

Q. Do they live nearby?

10

A. They live five minutes away. They have their own house.  
11 It three bedrooms, 1700-square foot house, and only her  
12 mom and her dad live there.

02:51

13

MS. PETERSON: That's all.

14

THE COURT: Counsel, does that prompt any further  
15 question?

02:51

16

17

**REXCROSS EXAMINATION**

18

**BY MR. DABLING:**

19

Q. If Theresa were to live with her parents, do you think she  
20 would feel independent and maintain the same life-style as  
21 she had during the marriage?

02:51

22

A. Theresa had no life-style when she was living with me.  
23 Unfortunately she have no friends. I mean, yeah, so it  
24 will be the same life-style.

25

MR. DABLING: No further questions at this time.

02:52

1 THE COURT: That prompted an interesting question. In  
2 the Coptic culture, if a wife returns to her parents'  
3 home, doesn't the parent have control over the wife in the  
4 order of things? Doesn't the wife sort of lose some of  
5 her autonomy?

02:52

6 THE WITNESS: In Egypt, not here. But in the Coptic --  
7 in our culture, the Coptic culture, there is no divorce.  
8 So I'm not seeking divorce from the church.

9 THE COURT: I understand. Not in a religious means.

10 THE WITNESS: Yes. And in Egypt she goes back to her  
11 parents. And if we were in Egypt her parents would have  
12 more say now. I would have more say now, but I was  
13 hopeless.

02:52

14 THE COURT: I understand. Thank you. You've answered  
15 my questions. Any further questions based on my  
16 questions?

02:53

17 MS. PETERSON: No, thank you.

18 THE COURT: Thank you, Mr. Gohar. You can return to  
19 your seat.

20 Call your next witness, counsel.

02:53

21 MS. PETERSON: We don't have any more witnesses. We  
22 rest.

23 THE COURT: You rested. All right. Counsel, your  
24 witnesses.

25 MR. DABLING: I believe Michael Kendall is in the hall.

02:53

The GAL Martha Wakenshaw testimony at trial

5,6,8, 2012 transcript

1 person is coming into their life and what they're doing,  
2 and I believe that that is what happened with the guardian  
3 ad litem. The mistrust stemmed also from the report that  
4 the guardian ad litem gave which has inconsistencies with  
5 filings, and we do not believe that everything the 10:42  
6 guardian ad litem says can be substantiated. So with this  
7 we ask that we get full custody, we ask that we get a fair  
8 division of assets, and we request for reasonable  
9 maintenance and child support.

10 THE COURT: Thank you, counsel. Call your first 10:42  
11 witness.

12 MS. PETERSON: Our first witness is the guardian ad  
13 litem, Martha Wakenshaw.

14  
15 MARTHA WAKENSHAW, witness herein, after being 10:42  
16 duly sworn, was examined  
and testified as follows:

17  
18 **DIRECT EXAMINATION**

19 **BY MS. PETERSON:**

20 Q. Can you spell your name for the court. 10:42

21 A. Yes. It's Martha Wakenshaw. M-A-R-T-H-A, Wakenshaw is  
22 W-A-K-E-N-S-H-A-W.

23 Q. Thank you. And Ms. Wakenshaw, are you on the Snohomish  
24 County registry for guardian ad litem?

25 A. Yes, I am. I've been on the registry since 2001. 10:43

1 Q. And can you go through some of your qualifications to  
2 perform your duties as a guardian ad litem?

3 A. Yes. As a guardian ad litem, I am mandated to represent  
4 the best interest of the child or the children. I conduct  
5 home visits. I conduct interviews of all of the parties. 10:43  
6 The parents, the children. I've observed the family, the  
7 parents and the children, and review any of the court file  
8 and documents.

9 Q. Okay. And can you describe some of your training and  
10 education that's prepared you for this work? 10:44

11 A. Yes, I can. I'm a licensed mental health counselor. It's  
12 actually 20 years. My CV says 18, but it's now 20. I  
13 have a master's of arts in counseling from Seattle  
14 University with a specialty in child psychology. A BA in  
15 psychological from Connecticut College, graduated in 1979. 10:44  
16 I also have special training as a child and adolescent  
17 forensic interviewer through APSAC, the American  
18 Professional Society of Abuse Against Children.

19 Let's see. I was director of Child Haven, which is a  
20 birth-to-five center for children that have been abused 10:44  
21 and neglected and have open -- well, they have had Child  
22 Protective Services involved. And I have a clinical  
23 practice seeing clients as young as four up to age 18.

24 Q. Okay.

25 MS. PETERSON: Move to admit Ms. Wakenshaw's resumé. 10:45

1 THE COURT: Any objection?

2 MR. DABLING: I'm sorry, what was that?

3 MS. PETERSON: Her resumé.

4 MR. DABLING: No objection.

5 THE COURT: Exhibit 1, correct, will be admitted. 10:45

6 (WHEREUPON, Petitioner's Exhibit

7 No. 1 was admitted into evidence.)

8 Q. BY MS. PETERSON: Ms. Wakenshaw, how many cases have you  
9 invested as a guardian ad litem?

10 A. I would estimate about an average of ten a year. So I'd 10:45  
11 say at least 100.

12 Q. Okay. And have you testified before in trial?

13 A. I have.

14 Q. Okay. And did you complete an investigation on this -- in  
15 this particular case? 10:45

16 A. Yes, I did.

17 Q. Can you describe how you proceeded with your  
18 investigation?

19 A. Yes. Let me just reference my notes. I proceed in the  
20 usual manner that I just testified to in how I do guardian 10:46  
21 ad litem investigations by interviewing the father,  
22 interviewing the mother, doing a home visit in each home,  
23 observing the parents with the children. In this  
24 particular case I will say that neither party was able to  
25 present me with collateral contacts in terms of friends. 10:46

1 They both spoke -- or family members, except for the  
2 maternal grandmother. Both parties explained that they  
3 were so isolated in the marriage that they were unable to  
4 provide parenting references. I did review Dr. Schau's  
5 psychological evaluation and letters from the mother's  
6 therapist. 10:46

7 Q. And Dr. Schau's psychological evaluation, you had a chance  
8 to review that?

9 A. I have.

10 MS. PETERSON: And I move to admit Dr. Schau's  
11 psychological evaluation. 10:47

12 THE COURT: Any objection?

13 MR. DABLING: No objection.

14 THE COURT: Dr. Schau's evaluation shall be admitted.

15 (WHEREUPON, Petitioner's Exhibit 10:47

16 No. 2 was admitted into evidence.)

17 Q. BY MS. PETERSON: When you recommended a psychological  
18 evaluation for both parents, what's the basis of your  
19 recommendation?

20 A. Basis was the father presented with some mild depression  
21 and was taking medications and I felt that it would be  
22 prudent to have him evaluated. 10:47

23 The mother presented with significant anxiety and  
24 depression from my observations and also based on a letter  
25 from her therapist having also obsessive-compulsive 10:47

1 disorder, OCD. I felt that it was in the best interest of  
2 the children for the parents to be evaluated as to their  
3 mental health functioning. The father did comply with my  
4 recommendation. I spoke with Dr. Schau who said he had  
5 tried to contact the mother and she was noncompliant with  
6 presenting for an evaluation. 10:48

7 Q. Okay. When you reviewed Mr. Gohar's psychological  
8 evaluation, was there anything in it that surprised you?

9 A. There were -- just give me one minute here to look at my  
10 notes. There wasn't anything that stood out to me as a  
11 surprise, as you're asking. And I thought it was  
12 noteworthy that in the summary and recommendations on the  
13 last page, I don't know that it has a number on it, if I  
14 can read from the summary recommendations. "From my  
15 perspective, there is nothing" -- this is Dr. Schau -- 10:49  
16 "From my perspective there is nothing in Samir's  
17 psychological presentation that should be of concern as  
18 far as parenting."

19 Q. All right. Thank you. In the course of your  
20 investigation, you completed a report. Can you describe,  
21 summarize somewhat for the court, the things that stood  
22 out to you that you put in your report, the issues that  
23 were the most -- that -- the issues that caused you to  
24 make the recommendations that you did?

25 A. Sure. I was concerned that the mother did not cooperate 10:49

1 with appointments with me and missed an appointment and  
2 didn't call. To her credit, she did turn in her  
3 preliminary guardian ad litem paperwork timely, as did the  
4 father.

5 I was struck by her desire to stay in the marriage all 10:50  
6 the way up until this last hearing with Commissioner Gaer  
7 last week. But during the course of my investigation, the  
8 mother was adamant about wanting to stay married and not  
9 have a dissolution. I have now heard that has changed,  
10 that she is going forward with the dissolution. 10:50

11 I had concerns that -- very grave concerns in  
12 interviewing the daughter Catherine, who was quite verbal  
13 and open with me on both interviews. The first interview  
14 she presented as quiet, but then warmed up and opened up  
15 about what was going on in the home with the primary 10:51  
16 parent, the respondent.

17 The daughter Catherine, who is 11, said that her mother  
18 would let her read all court pleadings because she didn't  
19 want to be left in the dark. The mother didn't want leave  
20 the child in the dark. 10:51

21 The daughter was concerned in reading these pleadings  
22 that her father had called her mother crazy. And I had --  
23 it was just a classic, if you will, abusive use of  
24 conflict to involve the child in reading court documents.  
25 Fairly serious -- very serious thing for this child who is 10:51

1 put in the middle.

2 The little boy, Matthew, who we haven't really  
3 discussed very much, it's been mostly about the sister  
4 Catherine, he is in second grade and a very likeable,  
5 affable little boy. Overweight, by admission of both 10:52  
6 parents, significantly. Matthew also knew about court.  
7 And I asked him what court was, and he said court -- let's  
8 see if that's back in my report. He talked about judges  
9 and what court is.

10 And Catherine, getting back to her briefly, talked 10:52  
11 about the mother being -- sleeping a lot and not being up  
12 for employment phone calls.

13 Matthew said that his mom yells a lot. He was  
14 distressed by that. He said that she gets frustrated by  
15 court. He did indicate that he preferred going to his 10:53  
16 father's home.

17 And back -- looking at my notes with Matthew, he said,  
18 "Court are when children are not allowed in court," a  
19 second grader. "The judge and people are there." Quote,  
20 "My mom's judge is really mean. He tells orders. The 10:53  
21 judge almost decided that we stay with her dad for two  
22 weeks then he changed his mind."

23 These children, contrary to what -- well, I don't know  
24 what was said in Judge Downes' room is relevant here, but  
25 anyway, it was mentioned the kids are happy and thriving. 10:54

1 That is not at all what I had found with these children,  
2 especially when I interviewed Catherine last Wednesday --  
3 or Tuesday, I'm sorry, I believe it was Tuesday, at  
4 Commissioner Gaer's order in the middle. She took a  
5 recess and then I interviewed Catherine.

10:54

6 Q. Will you describe the sequence of events, how that came  
7 about?

8 A. Yes. We had a hearing on the domestic violence calendar  
9 based on the allegations that the daughter Catherine had  
10 allegedly told the mother about inappropriate sexual  
11 touching by the father. The allegation was, in the  
12 mother's pleadings, was rather vague. The child said he  
13 touched me down there. There wasn't a reference, you  
14 know, to the anatomy or like specific words. It was just  
15 he touched me down there.

10:54

10:55

16 We had a hearing where ultimately Commissioner Gaer  
17 lifted the restraints that were in place against the  
18 father prohibiting him from seeing the children. During  
19 this hearing Commissioner Gaer took a recess and found out  
20 the child was at the courthouse and asked me to please get  
21 her and interview her on the spot to help her, the  
22 commissioner, make a ruling. I'd been out of town, wasn't  
23 able to interview the child. I found out about these  
24 allegations on Friday. The hearing was on Tuesday.

10:55

25 I went to the car. The commissioner was very sure that

10:56

1 the mother needed to stay in the courtroom, told her to  
2 sit down, did not want any influence with the mother  
3 getting the child from the car. So I went out and got the  
4 child from the car. It was nothing short of chaotic and  
5 distressing to this child, the way that this was handled 10:56  
6 by the maternal grandmother, who accompanied me, and some  
7 other relatives that was there.

8 The child was reading a book in the car. She was --  
9 they were speaking in their language, in a foreign  
10 language. It was a lot of bustle and excitement. 10:56

11 I brought the child into an interview room and the  
12 maternal grandmother proceeded to come in the room, would  
13 not leave. The mother and the grandmother and the  
14 relatives were outside of the interview room, which has a  
15 glass window downstairs. It was -- they could be heard 10:57  
16 saying that I was a liar. And this child was under so  
17 many stress, but nonetheless, I got a very good forensic  
18 interview with her. I learned later that security was  
19 called to manage the chaos that was ensuing around this  
20 interview. 10:57

21 After the interview the child was surrounded and the  
22 questioned by the mother and the other relatives.

23 Q. During the interview, will you describe what Catherine  
24 told you?

25 A. Yes. She had kind of lost her voice from being ill or 10:57

1 something. I don't know. She just said -- but I was  
2 still able to hear her quite audibly. So she -- I'll just  
3 go through the interview. There were a lot of  
4 inconsistencies. She disclosed that she was touched by  
5 her father inappropriately down there, which is very 10:58  
6 vague. And it was hard to remember when that happened.  
7 At one point she said it was a week ago. At another point  
8 she said it was two weeks ago. At another point she said  
9 it was a month ago. She said it happened twice. And then  
10 her clothes were on, but then she said she was bleeding 10:58  
11 from her genital area.

12 She said the touch -- I asked her how long the touch in  
13 her mind lasted? She said about three seconds. She said  
14 he also touched her at other places on her leg but she  
15 didn't think that was bad. And she told her mother and 10:59  
16 her mother talked to the school counselor, and the school  
17 counselor asked her if she had been touched by her father.

18 The issue of the bleeding was -- that she said she was  
19 bleeding caused question in my mind because her clothes  
20 were on allegedly from what she disclosed and the touch 10:59  
21 was three seconds. So I had a little difficulty putting  
22 that together. But the child came forth and said that she  
23 may have been premenstrual and that's what that was all  
24 about.

25 I asked her if she had been privy to any more court 10:59

1 documents and she said no, her mother had stopped doing  
2 that since my report came out, but she was aware that I  
3 had a report.

4 She said that she sometimes sleeps with her mother, and  
5 when she did disclose to her mother they were in the same 11:00  
6 bed and they were discussing menstruation and her mother  
7 asked her if her dad had touched her, and I felt that --  
8 and she said, "I said yes." Catherine said, "I said yes."

9 I asked her how she felt about her father. She said  
10 she was not afraid of him. But she did disclose the 11:00  
11 touching. I just -- there -- it was so vague and there  
12 were so many inconsistencies that when I reported back to  
13 Commissioner Gaer, I can't recall her exact words, but  
14 it was something like some allegations have a ring of  
15 truth and some don't, and this one, you know, doesn't. 11:01  
16 Anyway, her ruling reflects, you know, what her opinion  
17 was.

18 Q. Do you have experience questioning children in these types  
19 of situations?

20 A. I have extensive experience, 20 years' experience as a 11:01  
21 child therapist, and also my training in forensic  
22 interviewing, which is really helpful in guiding me in not  
23 asking leading questions and getting information. I feel  
24 like I have an ability to establish a rapport with  
25 children and I find their reporting to be very helpful, 11:01

1 and it's not always easy, but it is usual that I can  
2 elicit information that is helpful for the court.

3 Q. So prior to this whole -- these new allegations when you  
4 were doing your investigation earlier, did you see any  
5 signs of this -- of sexual molestation between the father 11:02  
6 and these children? Was there anything that raised a red  
7 flag to you?

8 A. There were no red flags, and I want to say that I'm not  
9 the children's therapist, so I don't diagnose or make  
10 recommendations on treatment or things like that, but I am 11:02  
11 trained in forensic interviewing. I didn't see any red  
12 flags. I didn't hear anything in the interview with  
13 Catherine that would suggest anything at all other than  
14 her relationship with her father is solid and good. There  
15 were no disclosures and the child also participates in 11:02  
16 family therapy. There have not been disclosures there.  
17 This just came -- the timing of this came after the mother  
18 tried to have me dismissed as the guardian ad litem. And  
19 then these allegations came forth. Again, I want to  
20 emphasize the child told the mother about those 11:03  
21 allegations, then the mother sought a restraining order.  
22 This was how the thing got started.

23 Q. Okay. I want to go back to one thing you started to say  
24 that the mother in the motion for the trial continuance,  
25 her attorney was saying that these are happy, 11:03

1 well-adjusted children that are doing great, and you  
2 started to touch on the fact that you don't see that. Can  
3 you give us some more detail during your time with them,  
4 just how you see them as not thriving and not doing well?

5 A. Right. For one thing, child obesity, which Matthew, we 11:03  
6 can safely say, has. I'm not a medical doctor, but both  
7 parents have said that he's extremely overweight, and to  
8 observe him, he is. That can often be associated --  
9 medical causes need to be ruled out, so I don't want to  
10 say too much about it, except that once that has happened 11:04  
11 it can be an emotional response to stress, kids are  
12 overeating and not exercising enough.

13 It was really noticeable on the home visit. On the  
14 interview the kids really opened up to me. But on the  
15 home visit to the mother's home, it was as if the mother 11:04  
16 didn't know what to do with the kids and there was sort of  
17 a pause in the action. They started talking about the  
18 court case, she and her mother. But I was the one that  
19 suggested a game to engage the children. So we played  
20 dominos. 11:05

21 And the children just seemed -- Catherine especially  
22 seems very shut down. Again, she presents to me with my  
23 training as a depressed child, very anxious, and shut  
24 down.

25 I don't have as much information about Matthew. He was 11:05

1 pretty verbal and active at the home visit. But again, I  
2 was the one engaging the children at that visit.

3 Q. Did you observe in terms of the bonding between a parent,  
4 the mother and the children, did you observe anything that  
5 you would like to report?

11:05

6 A. It's a little difficult to assess bonding. It usually  
7 needs to happen over time and as a guardian ad litem you  
8 don't always see the family, you know, for extended, long  
9 stretches of time. You see them more intermittently.

10 I'd say they have a bond with their mother and the  
11 children need their mother, but I feel that there needs to  
12 be a psychological evaluation of the mother to rule out  
13 any concerns that have been brought up.

11:06

14 Q. Now, in terms of Mr. Gohar's relationship with the  
15 children and the interaction between he and them and their  
16 response towards him, what can you tell us about that?

11:06

17 A. Very comfortable. The children seem to enjoy his company.  
18 He was very much at ease, very welcoming when I came to  
19 the home. The children sat in close proximity with him on  
20 the couch. He demonstrated good parenting skills. The  
21 children were polite. He encouraged them to speak with  
22 me. He was mindful of privacy for the daughter, if she  
23 wanted to be in her room, that was okay. The house was  
24 very clean, well kept. I didn't have any concerns there.

11:06

25 Q. Okay. You said earlier that Matthew had actually

11:07

1 requested that he would prefer to live with his father?

2 A. He did say he prefers.

3 Q. Were there any allegations that the mother made about  
4 other sexual abuse of the children that had nothing to do  
5 with my client?

11:07

6 A. There was on interview with her a story that -- not a  
7 story, a situation that she told me about. When Matthew  
8 was three or four years old that he was at Sunday school  
9 and allegedly he got lost and was molested in the bathroom  
10 by the Sunday school teacher's son. The child was not  
11 taken for medical attention. And it was a pretty graphic  
12 disclosure from the mother that this child had put a stick  
13 in his anus. That would be something that I believe you  
14 would have taken a child for medical attention.

11:08

15 There was no -- nothing more said about that, except  
16 that it was reported to me. There was one more thing  
17 said. The mother said that she saw the Sunday school  
18 teacher's son and asked Matthew, "Did he do it?" I think  
19 there is a pattern of the mother asking the children  
20 leading questions.

11:08

11:08

21 Q. Okay. What are your recommendations currently in this  
22 case now? They changed since your report.

23 A. Yes. Current recommendations are listed on Page 11 and 12  
24 of my report. However, given the environment that I  
25 perceive this child to be in when I interviewed her last

11:09

1 week, the behavior that was really out of control, I can't  
2 explain it any other way, by the mother and her family, I  
3 really feel, and with the abusive use of conflict and  
4 until there is the psychological evaluation by Dr. Schau,  
5 I do feel that the visits do need to be supervised at this  
6 time.

11:09

7 Q. Okay. Do you think they need to be professionally  
8 supervised or lay supervised?

9 A. I will say professionally because of the influence of  
10 other family members that I observed.

11:10

11 Q. And that's taking into account you speaking to Catherine  
12 regarding these allegations of inappropriate sexual  
13 touching, you still are recommending that Mr. Gohar be  
14 awarded custody of these children?

15 A. I am.

11:10

16 MS. PETERSON: Thank you.

17 THE COURT: Thank you. You know, let's take a  
18 five-minute break since my staff needs their break. We'll  
19 be back here at 11:15 for cross examination.

20 (Recess taken.)

11:10

21 THE COURT: Let's begin with cross examination.

22 MS. PETERSON: Your Honor, I neglected to have asked to  
23 have the guardian ad litem report admitted.

24 THE COURT: All right. Any objection to the GAL  
25 report?

11:21

1 MR. DABLING: No objection.

2 THE COURT: It will be marked as Exhibit 3. It shall  
3 be admitted.

4 (WHEREUPON, Petitioner's Exhibit  
5 No. 3 was admitted into evidence.) 11:21

6

7

**CROSS EXAMINATION**

8 **BY MR. DABLING:**

9 Q. In your interview with Catherine, she did say that her  
10 father had touched her did you say twice? 11:21

11 A. Yes.

12 Q. And you believe that she believed that her father had  
13 touched her inappropriately twice?

14 A. Do I believe that?

15 Q. Yeah, do you believe -- 11:21

16 A. No, I don't.

17 Q. So you do not believe that Samir at any time touched his  
18 daughter?

19 A. Based on my interview, there were so many inconsistencies  
20 that I concluded that it wasn't credible, the disclosures. 11:22

21 Q. What was inconsistent? What made you believe that one  
22 thing she said proved that he hadn't touched her?

23 A. Because there was a timeframe. In forensic interviewing,  
24 timeframe is very important to ask a child, you know, when  
25 did this allegedly occur, under what circumstances, in 11:22

1 what room, what were you wearing, that kind of thing.

2 Catherine gave me three different timeframes for this  
3 alleged touching, and that was very inconsistent.

4 Q. So to have three times that touching may have occurred is  
5 inconsistent with, you know, having a pattern of touching,  
6 is an inconsistency? 11:22

7 A. The disclosure that she made was that it happened twice,  
8 but she said it was a week ago, two weeks ago, a month  
9 ago.

10 Q. So because she's not -- she didn't write down the dates  
11 you think that she is un-credible? 11:23

12 A. Not because she didn't write it down, but because of the  
13 inconsistencies in her reporting to me. I wouldn't expect  
14 an 11 year old to write this down, you know, specifically.

15 Q. But you expect an 11 year old to remember everything that  
16 happens to her on a specific date? 11:23

17 A. I believe I -- sorry. No, I don't believe that she would  
18 need to remember everything on a specific date, but I  
19 do -- I would expect a child with something this serious  
20 of an allegation to remember more detail. 11:23

21 Q. You said you were concerned about her mother coaching her.  
22 Though not admitting to doing so, if her mother was  
23 coaching her, does that necessarily mean that the touching  
24 never happened?

25 A. I would say it would cast quite a lot of aspersions on 11:24

1 whether it happened or not, if it was being coached.

2 Q. But does it mean it didn't happen if it was coached?

3 A. It wouldn't be conclusive that it didn't, but it would be  
4 weighted towards coaching, putting ideas in the child's  
5 head.

11:24

6 Q. Putting -- so coaching is putting ideas in the child's  
7 head, but it still doesn't necessarily mean it that didn't  
8 happen?

9 A. I have no way of knowing that it happened or not without  
10 having been there. So the answer would be no.

11:24

11 Q. Now, it's not a secret that my client doesn't like your  
12 recommendations, but do you believe that a parent must  
13 necessarily cooperate with you in order to be a good  
14 parent?

15 A. No.

11:25

16 Q. Do you believe that a good parent can have a very  
17 different opinion about what should be done and how it  
18 should be done to be a good parent?

19 A. Yes.

20 Q. Do people in the situation similar to my client, you know,  
21 where she had a first language, isn't English, she hasn't  
22 been through the court system before, would you expect her  
23 to necessarily understand your purpose as a guardian ad  
24 litem?

11:25

25 A. I would because I explained it quite clearly.

11:25

1 Q. At what time did you explain that?

2 A. I believe I explained that at the home visit.

3 Q. Even so, does that necessarily mean that she must trust  
4 you?

5 A. No, no one needs to trust. That's up to the person that  
6 I'm in a professional relationship with. I'm aware of the  
7 fact that the mother doesn't trust me. 11:25

8 Q. All right. But do you say that her not trusting you means  
9 she is not as good a parent as Samir?

10 A. That was not my basis for determining the quality of  
11 parenting. 11:26

12 Q. Now, as for abusive use of conflict in this case, do you  
13 believe that petitioner is entirely innocent of the  
14 abusive use of conflict with the court?

15 A. Based on my knowledge of the case and my interviews with  
16 the children, I believe that he has not used an abusive  
17 use of conflict. 11:26

18 Q. Did you ask the children?

19 A. I interviewed the children quite similarly.

20 Q. Did you ask the children whether or not he had talked to  
21 them about the case? 11:26

22 A. I don't recall if I did or not.

23 Q. And do you remember if they had the opportunity to see and  
24 view the files while at their father's house?

25 A. No. 11:27

1 Q. So you don't know entirely that the knowledge that the  
2 children had of the case comes entirely from the mother?

3 A. I don't know if anything has come from the father,  
4 although that was not anything the children talked about.

5 Q. So you didn't try to investigate whether or not he had  
6 used the conflict in the papers? 11:27

7 A. Well, I believe when I asked the children if they were  
8 privy to any of the matters, adult matters, that they  
9 spoke mostly -- not mostly, exclusively, not them,  
10 Catherine, about the mother showing her the court papers. 11:27  
11 She didn't volunteer anything about the father.

12 Q. She said that she showed the court papers. Did she say  
13 she went through and had her read it and make sure she  
14 understood what was being said in the court papers?

15 A. She did say she helped her mother to read them. 11:27

16 Q. Did she explain to what extent she helped her to read?

17 A. My understanding from Catherine is that her mother shared  
18 a large majority of the papers. She said she didn't want  
19 to keep her clueless or in the dark. So she said quite  
20 specifically that she helped her mother read these 11:28  
21 documents.

22 Q. And you said in your report dated October 1, 2012,  
23 "Because the mother has not taken the For Kids Sake  
24 seminar and has engaged in abusive use of conflict, the  
25 children spend more residential time with their father to 11:28

1 ensure their emotional safety." Is that an accurate use  
2 of words?

3 A. Do you know what page that is?

4 Q. I have them marked, I believe.

5 A. I'll try to find it. I found it. It's on Page 11,  
6 Paragraph 6.

11:28

7 Q. "Because the mother has not taken the For Kids Sake  
8 seminar and has engaged in abusive use of conflict, the  
9 children spend more residential time with the father to  
10 ensure their emotional safety." Is that an accurate  
11 reading?

11:29

12 A. That's an accurate reading, yes.

13 MR. DABLING: I'd like to present the court with this  
14 exhibit and show it to the guardian ad litem.

15 THE COURT: Which exhibit are you showing her?

11:29

16 THE CLERK: 4.

17 THE COURT: 4, okay.

18 Q. BY MR. DABLING: Will you please describe this.

19 THE COURT: Have you shown Exhibit 4 to opposing  
20 counsel?

11:29

21 MR. DABLING: This is an exhibit that was filed on  
22 July 23, 2012, proving that my client had in fact gone to  
23 the For Kids Sake seminar.

24 Q. BY MR. DABLING: Were you aware that my client had in fact  
25 gone to the For Kids Sake seminar?

11:30

- 1 A. I wasn't, and I'm happy to know that she did. I apologize  
2 to the court for that error, but I was never presented  
3 with the certificate.
- 4 Q. Your written admission to the court, it's in your report,  
5 were based partially at least on the idea that she had not 11:30  
6 gone for the For Kids Sake seminar?
- 7 A. I would say very minimally, yes.
- 8 Q. But yes, it was partially based on that fact?
- 9 A. Partially, but not majority.
- 10 Q. So do you still hold to the recommendations, partially 11:30  
11 knowing that she did in fact comply with the For Kids Sake  
12 seminar?
- 13 A. I do stand by my recommendations, with the exception that  
14 I have amended them based on my previous testimony, to  
15 include professionally supervised visitation pending a 11:30  
16 psychological evaluation.
- 17 Q. Now, have you read or are you aware of what my client's  
18 therapist has said in regard to her mental state?
- 19 A. I am.
- 20 Q. And do you have any doubts as far as her therapist's 11:31  
21 qualifications?
- 22 A. I don't. They seem very thorough.
- 23 Q. Do you have any doubts to believe that she isn't paranoid  
24 and what her therapy says is an accurate summation of her  
25 depression and anxiety? 11:31

1 seminar admitted?

2 MR. DABLING: Yes.

3 THE COURT: Any objection?

4 MS. PETERSON: No.

5 THE COURT: Exhibit 4, the For Kids Sake seminar, will 11:33  
6 be admitted.

7 (WHEREUPON, Respondent's Exhibit  
8 No. 4 was admitted into evidence.)

9

10 **REDIRECT EXAMINATION** 11:33

11 **BY MS. PETERSON:**

12 Q. So, Ms. Wakenshaw, are your recommendations on your  
13 parenting plan in your report based on the mother's lack  
14 of cooperation with you, was that the basis of your  
15 recommendations? 11:33

16 A. That was not the basis, no.

17 Q. Okay. And you said that you explained your purpose to  
18 Ms. Gohar about what you were there for and what you were  
19 doing; correct?

20 A. I did. And I believe I want to correct what I said. It 11:33  
21 was on a telephone call. I don't think it was at the home  
22 visit because I would have done that earlier on in the  
23 investigation. I always tell people what I'm going to do,  
24 but one of the preliminary appointments she had missed and  
25 so -- and didn't show or call. So, yeah. 11:34

1 Q. Okay. And were you aware that Ms. Gohar was represented  
2 by Ms. Michaelson at the time you were appointed?

3 A. I was aware of that, yes.

4 Q. So she had counsel at the time you came on board?

5 A. She did.

11:34

6 Q. And in terms of the For Kids Sake seminar certificate,  
7 were you provided that by her counsel?

8 A. I was not provided a copy of that until just now is the  
9 first time I've seen it.

10 Q. And then in terms of Ms. Gohar's therapist's declarations  
11 that have come into this, you have reviewed those?

11:34

12 A. I have.

13 Q. Do you have any knowledge of how often Ms. Gohar sees her  
14 or what the extent of the therapy is?

15 A. I don't.

11:35

16 MS. PETERSON: No further questions.

17 THE COURT: I have a couple of questions for you.

18

19

**EXAMINATION**

20 **BY THE COURT:**

11:35

21 Q. When you made the home visit, could you describe for me  
22 what the interior of Ms. Gohar's house looks like?

23 A. Yes, Your Honor. It was a roomy like three-bedroom home.  
24 She sleeps with the kids, or said that she does, but with  
25 the son there is a room with a mattress where they sleep,

11:35

1 and sometimes she sleeps with the daughter. Each of the  
2 children have their own room. The house was a bit  
3 cluttered, but I didn't find it to be unclean or  
4 unsanitary.

5 Q. Did you have any trouble communicating with Ms. Gohar?  
6 Does she understand English?

11:35

7 A. She understands very well.

8 Q. You had no need for an interpreter?

9 A. No need at all.

10 THE COURT: Thank you. I have no further questions.  
11 Recross?

11:35

12  
13 **RECROSS EXAMINATION**

14 **BY MR. DABLING:**

15 Q. I believe you said that it was in a phone interview that  
16 you explained to my client what you were doing as a  
17 guardian ad litem?

11:35

18 A. I believe that's correct, yes.

19 MR. DABLING: No further questions at this time.

20 THE COURT: All right. Any redirect based on what you  
21 heard?

11:36

22 MS. PETERSON: No.

23 THE COURT: May this witness be excused?

24 MS. PETERSON: Yes.

25 THE COURT: Thank you, Ms. Wakenshaw. You may be

11:36

Final parenting plan filed December 3, 2012

(CP 161)

FILED

12 DEC -3 PM 4:31

CLERK, NEW  
COUNTY CLERK  
SNOHOMISH, WASH



CL15785165

Superior Court of Washington  
County SNOHOMISH

In re the Marriage of:

No. 12-3-00776-6

SAMIR GOHAR,

Final Parenting Plan

Petitioner,

and

THERESA GOHAR,

Respondent.

This parenting plan is the final parenting plan signed by the Court.

**It is Ordered, Adjudged and Decreed:**

**I. General Information**

This parenting plan applies to the following children:

Name	Age
Catherine Gohar	11
Matthew Gohar	7

**II. Basis for Restrictions**

*Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the children and the right to make decisions for the children.*

1  
2 **2.1 Parental Conduct (RCW 26.09.191(1), (2))**

3 Does not apply.

4 **2.2 Other Factors (RCW 26.09.191(3))**

5 The respondent's involvement or conduct may have an adverse effect on the children's  
6 best interests because of the existence of the factors which follow:

7 Neglect or substantial nonperformance of parenting functions

8 A long-term emotional or physical impairment, which interferes with the  
9 performance of parenting functions as defined in RCW 26.09.004.

10 The abusive use of conflict by the parent, which creates the danger of serious  
11 damage to the children's psychological development.

12 **III. Residential Schedule**

13 *The residential schedule must set forth where the children shall reside each day of the year,*  
14 *including provisions for holidays, birthdays of family members, vacations, and other special*  
15 *occasions, and what contact the children shall have with each parent. Parents are encouraged*  
16 *to create a residential schedule that meets the developmental needs of the children and*  
*individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your*  
*residential schedule. If you do not use these paragraphs, write in your own schedule in*  
*Paragraph 3.13.*

17 **3.1 Schedule for Children Under School Age**

18 There are no children under school age.

19 **3.2 School Schedule**

20 Upon enrollment in school, the children shall reside with the father, except for the  
21 following days and times when the children will reside with or be with the other parent:

22 The mother shall have a psychiatric evaluation by Dr. Ed Schau within 30 days of  
23 November 8, 2012. The mother shall cooperate with all treatment recommendations by  
24 Dr. Schau, including taking all prescribed medications. Dr. Schau shall provide monthly  
reports about the mother's compliance with treatment recommendations to the Guardian  
Ad Litem. Prior to completion of the psychiatric evaluation and compliance with the  
treatment recommendations, the children shall have supervised visitation with the  
mother two times per week for four hours per visit, on Wednesdays and Saturdays. The

1 supervisor will be chosen by the father. Upon completion of the psychiatric evaluation  
2 and a report, the mother may motion family court to allow unsupervised visitation. The  
3 mother will come to the visitation without any family members. If there are family  
4 members, visitation will be suspended.

5 **3.3 Schedule for Winter Vacation**

6 The children shall reside with the during winter vacation, except for the following days  
7 and times when the children will reside with or be with the other parent:

8 Same as 3.2

9 **3.4 Schedule for Other School Breaks**

10 The children shall reside with the during other school breaks, except for the following  
11 days and times when the children will reside with or be with the other parent:

12 Same as 3.2

13 **3.5 Summer Schedule**

14 Upon completion of the school year, the children shall reside with the except for the  
15 following days and times when the children will reside with or be with the other parent:

16 Same as 3.2

17 **3.6 Vacation With Parents**

18 The schedule for vacation with parents is as follows:

19 Does not apply.

20 **3.7 Schedule for Holidays**

21 The residential schedule for the children for the holidays listed below is as follows:

	With Petitioner (Specify Year Odd/Even/Every)	With Respondent (Specify Year Odd/Even/Every)
22		
23		
24		
	New Year's Day	
	July 4th	
	Thanksgiving Day	
	Christmas Eve	
	Christmas Day	

1 Other:

2 The mother shall have up to two hours professionally supervised visitation on the  
3 above-listed holidays.

4 **3.8 Schedule for Special Occasions**

5 The residential schedule for the children for the following special occasions (for example,  
6 birthdays) is as follows:

7	With Petitioner (Specify Year Odd/Even/Every)	With Respondent (Specify Year Odd/Even/Every)
---	---	---

8 The mother shall have up to two hours of professionally supervised residential time with  
9 the children on Mother's Day.

10 **3.9 Priorities Under the Residential Schedule**

11 Does not apply because one parent has no visitation or restricted visitation.

12 **3.10 Restrictions**

13 The respondent's residential time with the children shall be limited because there are  
14 limiting factors in paragraph 2.2 The following restrictions shall apply when the children  
15 spend time with this parent: The mother shall refrain from discussing the court case or  
16 the father with the children during her visitation with the children. If the child makes  
17 statements that the mother has made a statement in the presence of the supervisor that  
18 leads one to believe she's attempting to manipulate the child, the visitations will be  
19 suspended and they cannot be renewed except on the family motions calendar.

20 **3.11 Transportation Arrangements**

21 Transportation costs are included in the Child Support Worksheets and/or the Order of  
22 Child Support and should not be included here.

23 Transportation arrangements for the children between parents shall be as follows:

24 The father shall provide the transportation.

**3.12 Designation of Custodian**

The children named in this parenting plan are scheduled to reside the majority of the  
time with the father. This parent is designated the custodian of the children solely for  
purposes of all other state and federal statutes which require a designation or  
determination of custody. This designation shall not affect either parent's rights and  
responsibilities under this parenting plan.

1  
2  
3 **3.13 Other**

4 The children shall be placed into therapy within 30 days of November 8, 2012 with a  
5 state-approved therapist.

6 **3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child**

7 This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

8 If the person with whom the child resides a majority of the time plans to move, that  
9 person shall give notice to every person entitled to court ordered time with the child.

10 If the move is outside the child's school district, the relocating person must give notice by  
11 personal service or by mail requiring a return receipt. This notice must be at least 60  
12 days before the intended move. If the relocating person could not have known about  
13 the move in time to give 60 days' notice, that person must give notice within 5 days after  
14 learning of the move. The notice must contain the information required in RCW  
15 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A  
16 Child).

17 If the move is within the same school district, the relocating person must provide actual  
18 notice by any reasonable means. A person entitled to time with the child may not object  
19 to the move but may ask for modification under RCW 26.09.260.

20 Notice may be delayed for 21 days if the relocating person is entering a domestic  
21 violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health  
22 and safety.

23 If information is protected under a court order or the address confidentiality program, it  
24 may be withheld from the notice.

A relocating person may ask the court to waive any notice requirements that may put the  
health and safety of a person or a child at risk.

Failure to give the required notice may be grounds for sanctions, including contempt.

**If no objection is filed within 30 days after service of the notice of intended  
relocation, the relocation will be permitted and the proposed revised residential  
schedule may be confirmed.**

A person entitled to time with a child under a court order can file an objection to the  
child's relocation whether or not he or she received proper notice.

An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700,  
(Objection to Relocation/Petition for Modification of Custody Decree/Parenting

1 Plan/Residential Schedule). The objection must be served on all persons entitled to time  
2 with the child.

3 The relocating person shall not move the child during the time for objection unless: (a)  
4 the delayed notice provisions apply; or (b) a court order allows the move.

5 If the objecting person schedules a hearing for a date within 15 days of timely service of  
6 the objection, the relocating person shall not move the child before the hearing unless  
7 there is a clear, immediate and unreasonable risk to the health or safety of a person or a  
8 child.

#### 9 IV. Decision Making

##### 10 4.1 Day-to-Day Decisions

11 Each parent shall make decisions regarding the day-to-day care and control of each  
12 child while the children are residing with that parent. Regardless of the allocation of  
13 decision making in this parenting plan, either parent may make emergency decisions  
14 affecting the health or safety of the children.

##### 15 4.2 Major Decisions

16 Major decisions regarding each child shall be made as follows:

17 Education decisions: father

18 Non-emergency health care: father

19 Religious upbringing: father

##### 20 4.3 Restrictions in Decision Making

21 Sole decision making shall be ordered to the petitioner for the following reasons:

22 One parent is opposed to mutual decision making, and such opposition is reasonably  
23 based on the following criteria:

24 The existence of a limitation under RCW 26.09.191

#### V. Dispute Resolution

*The purpose of this dispute resolution process is to resolve disagreements about carrying out  
this parenting plan. This dispute resolution process may, and under some local court rules or  
the provisions of this plan must, be used before filing a petition to modify the plan or a motion for  
contempt for failing to follow the plan.*

1  
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24

No dispute resolution process, except court action is ordered.

**VI. Other Provisions**

There are no other provisions.

**VII. Declaration for Proposed Parenting Plan**

Does not apply.

**VIII. Order by the Court**

It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and approved as an order of this court.

**WARNING:** Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected.

Dated: 12/3/2012

[Signature]  
Judge/Commissioner

Presented by:  
[Signature]  
Katherine E. Peterson, WSBA #44851  
Attorney for Petitioner

Approved for entry:  
[Signature] 11-19-12  
Joshua Dabling, WSBA #44792  
Attorney for Respondent

[Signature]  
Martha Wakenshaw, GAL



Final order of child support filed December 3, 2012

(CP 162)



CL15785163

FILED

12 DEC -3 PM 4:31

CLERK OF SUPERIOR COURT  
SNOHOMISH CO. WASH

Superior Court of Washington  
County of SNOHOMISH

In re the Marriage of:

SAMIR GOHAR,

and

THERESA GOHAR,

Petitioner,

Respondent.

No. 12-3-00776-6

Order of Child Support

Final Order (ORS)

Clerk's Action Required

I. Judgment Summary

1.1 Judgment Summary for Non-Medical Expenses

Does not apply.

1.2 Judgment Summary for Medical Support

Does not apply.

II. Basis

2.1 Type of Proceeding

This order is entered under a petition for dissolution of marriage or domestic partnership, legal separation, or declaration concerning validity:

WSSR

162

1 decree of dissolution, legal separation or a declaration concerning validity.

2 **2.2 Child Support Worksheet**

3 The child support worksheet which has been approved by the court is attached to this  
4 order and is incorporated by reference or has been initialed and filed separately and is  
5 incorporated by reference.

6 **2.3 Other**

7 Does not apply.

8 **III. Findings and Order**

9 ***It Is Ordered:***

10 **3.1 Child(ren) for Whom Support is Required**

Name (first/last)	Age
Catherine Gohar	11
Matthew Gohar	7

13 **3.2 Person Paying Support (Obligor)**

14 Name (first/last): Theresa Gohar  
15 Birth date: 12/15/1978  
16 Service Address:

17  
18 ***The Obligor Parent Must Immediately File With the Court and the  
19 Washington State Child Support Registry, and Update as Necessary, the  
20 Confidential Information Form Required by RCW 26.23.050.***

21 ***The Obligor Parent Shall Update the information Required by Paragraph 3.2  
22 Promptly After any Change in the Information. The Duty to Update the  
23 Information Continues as long as any Support Debt Remains due Under  
24 This Order.***

25 For purposes of this Order of Child Support, the support obligation is based upon the following income:

(A) Actual Monthly Net Income: \$ 2,156. X

1  
2  
3 **3.3 Person Receiving Support (Obligee)**

4 Name (first/last): Samir Gohar  
5 Birth date: 9/1/1968  
6 Service Address:

7 14521 Meridian Place West  
8 Lynnwood, WA 98087

9 ***The Obligee Must Immediately File With the Court and the Washington  
10 State Child Support Registry and Update as Necessary the Confidential  
11 Information Form Required by RCW 26.23.050.***

12 ***The Obligee Shall Update the Information Required by Paragraph 3.3  
13 Promptly After any Change in the Information. The Duty to Update the  
14 Information Continues as Long as any Monthly Support Remains Due or  
15 any Unpaid Support Debt Remains Due Under This Order.***

16 For purposes of this Order of Child Support, the support obligation is based upon the  
17 following income:

18 **A.** Actual Monthly Net Income: \$ 6,555. X

19 The obligor may be able to seek reimbursement for day care or special child rearing  
20 expenses not actually incurred. RCW 26:19.080.

21 **3.4 Service of Process**

22 ***Service of Process on the Obligor at the Address Required by Paragraph  
23 3.2 or any Updated Address, or on the Obligee at the Address Required by  
24 Paragraph 3.3 or any Updated Address, may Be Allowed or Accepted as  
25 Adequate in any Proceeding to Establish, Enforce or Modify a Child  
Support Order Between the Parties by Delivery of Written Notice to the  
Obligor or Obligee at the Last Address Provided.***

26 **3.5 Transfer Payment**

27 The obligor parent shall pay the following amounts per month for the following children:

Name	Amount
Catherine Gohar	\$150.00
Matthew Gohar	\$150.00
<b>Total Monthly Transfer Amount</b>	<b>\$300.00</b> X

1  
2  
3 A party required to make payments to the Washington State Support Registry will not  
4 receive credit for a payment made to any other party or entity. The obligor parent shall  
5 keep the registry informed whether he or she has access to health insurance coverage  
6 at reasonable cost and, if so, to provide the health insurance policy information.

7 Any time the Division of Child Support is providing support enforcement services under  
8 RCW 26.23.045, or if a party is applying for support enforcement services by signing the  
9 application form on the bottom of the support order, the receiving parent might be  
10 required to submit an accounting of how the support, including any cash medical  
11 support, is being spent to benefit the children.

### 12 **3.12 Wage Withholding Action**

13 Withholding action may be taken against wages, earnings, assets, or benefits, and liens  
14 enforced against real and personal property under the child support statutes of this or  
15 any other state, without further notice to the obligor parent at any time after entry of this  
16 order unless an alternative provision is made below:

17 [If the court orders immediate wage withholding in a case where Division of Child  
18 Support does not provide support enforcement services, a mandatory wage assignment  
19 under Chapter 26.18 RCW must be entered and support payments must be made to the  
20 Support Registry.]

### 21 **3.13 Termination of Support**

22 Support shall be paid:

23 until the children reach the age of 18, or as long as the children remain(s) enrolled in  
24 high school, whichever occurs last, except as otherwise provided below in Paragraph  
25 3.14.

### 26 **3.14 Post Secondary Educational Support**

27 The right to request post secondary support is reserved, provided that the right is  
28 exercised before support terminates as set forth in paragraph 3.13.

### 29 **3.15 Payment for Expenses not Included in the Transfer Payment**

30 The petitioner shall pay 74% and the respondent 26% (each parent's proportional share  
31 of income from the Child Support Schedule Worksheet, line 6) of the following expenses  
32 incurred on behalf of the children listed in Paragraph 3.1:

33 Educational expenses.

34 Other:

1  
2 Extra curricular activities

3 Payments shall be made to the parent receiving the transfer payment.

4 **3.16 Periodic Adjustment**

5 Child support shall be adjusted periodically as follows:

6 Per Washington State statute.

7 **3.17 Income Tax Exemptions** *X*

8 Tax exemptions for the children shall be allocated as follows:

9 The mother shall have the tax exemption for Catherine and the father shall have the tax exemption for Matthew.

10  
11 The parents shall sign the federal income tax dependency exemption waiver.

12 **3.18 Medical Support - Health Insurance**

13 Each parent shall provide health insurance coverage for the children listed in paragraph 3.1, as follows:

14 **3.18.1 Health Insurance** (either check box A(1) or check box A(2) and complete sections B and C. *Section D applies in all cases.*)

15 A. Evidence

16 (2) There is sufficient evidence for the court to determine which parent must  
17 provide coverage and which parent must contribute a sum certain. Fill in  
18 B and C below.

18 B. Findings about insurance:

19 The court makes the following findings:

20

Samir Gohar (Parent's Name)	Theresa Gohar (Parent's Name)	Check at least one of the following findings for each parent.
[X]		Insurance coverage for the children is available and accessible to this parent at \$377 cost (children's portion of the premium, only).
	[ ]	Insurance coverage for the children is available and accessible to this parent at \$ cost (children's portion of the premium, only).
[ ]		Insurance coverage for the children is available <u>but</u> <u>not</u> accessible to this parent at \$ cost (children's portion of the premium, only).

21  
22  
23  
24  
25

	<input type="checkbox"/>	Insurance coverage for the children is available <u>but not accessible</u> to this parent at \$ cost (children's portion of the premium, only).
<input type="checkbox"/>		Neither parent has available or accessible insurance through an employer or union; but this parent is able to provide private coverage at a cost not to exceed 25% of this parent's basic support obligation.
	<input type="checkbox"/>	Neither parent has available or accessible insurance through an employer or union; but this parent is able to provide private coverage at a cost not to exceed 25% of this parent's basic support obligation.
<input type="checkbox"/>	<input type="checkbox"/>	(Check only one parent) Both parties have available and accessible coverage for the children. The court finds that this parent has better coverage considering the needs of the children, the cost and extent of each parent's coverage, and the accessibility of the coverage.
<input type="checkbox"/>	<input type="checkbox"/>	Other:

C. Parties' obligations:

The court makes the following orders:

Samir Gohar (Parent's Name)	Theresa Gohar (Parent's Name)	Check at least one of the following options for each parent.
<input type="checkbox"/>	<input type="checkbox"/>	This parent shall provide health insurance coverage for the children that is available through <b>employment or is union-related</b> as long as the cost of such coverage <u>does not exceed 25%</u> of this parent's basic support obligation.
<input type="checkbox"/>	<input type="checkbox"/>	This parent shall provide health insurance coverage for the children that is available through <b>employment or is union-related</b> even though the cost of such coverage <u>exceeds 25%</u> of this parent's basic support obligation. It is in the best interests of the children to provide such coverage despite the cost <i>because</i> :

1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This parent shall provide private health insurance coverage for the children as long as the cost of such coverage <u>does not exceed</u> 25% of this parent's basic support obligation.
2	<input type="checkbox"/>	<input type="checkbox"/>	This parent shall provide private health insurance coverage for the children even though the cost of such coverage <u>exceeds</u> 25% of this parent's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost <i>because:</i>
3			
4	<input type="checkbox"/>	<input type="checkbox"/>	This parent shall pay \$        towards the health insurance premium being paid by the other parent. This amount is this parent's proportionate share of the premium or 25% of this parent's basic support obligation, whichever is less. This payment is only required if this parent is not providing insurance as described above.
5			
6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	This parent's contribution to the health insurance premium is calculated in the Worksheet and included in the transfer payment.
7	<input type="checkbox"/>	<input type="checkbox"/>	This parent shall be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium <i>because:</i>
8			
9			(Only one parent may be excused.)

D. Both parties' obligation:

If the children are receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the children listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

A parent who is required under this order to provide health insurance coverage is liable for any covered health care costs for which that parent receives direct payment from an insurer.

A parent who is required under this order to provide health insurance coverage shall provide proof that such coverage is available or not available within 20 days

1 of the entry of this order to the other parent or the Washington State Support  
2 Registry if the parent has been notified or ordered to make payments to the  
3 Washington State Support Registry.

4 If proof that health insurance coverage is available or not available is not  
5 provided within 20 days, the parent seeking enforcement or the Department of  
6 Social and Health Services may seek direct enforcement of the coverage through  
7 the other parent's employer or union without further notice to the other parent as  
8 provided under Chapter 26.18 RCW.

### 3.18.2 Change of Circumstances and Enforcement

9 A parent required to provide health insurance coverage must notify both the Division of  
10 Child Support and the other parent when coverage terminates.

11 If the parents' circumstances change, or if the court has not specified how medical  
12 support shall be provided, the parents' medical support obligations will be enforced as  
13 provided in  
14 RCW 26.18.170. If a parent does not provide proof of accessible coverage for the  
15 child(ren) through private insurance, a parent may be required to satisfy his or her  
16 medical support obligation by doing one of the following, listed in order of priority:

- 17 Providing or maintaining health insurance coverage through the parent's employment  
18 or union at a cost not to exceed 25% of that parent's basic support obligation;
- 19 Contributing the parent's proportionate share of a monthly premium being paid by the  
20 other parent for health insurance coverage for the child(ren) listed in paragraph  
21 3.1 of this order, not to exceed 25% of the obligated parent's basic support  
22 obligation; or
- 23 Contributing the parent's proportionate share of a monthly premium paid by the state  
24 if the child(ren) receives state-financed medical coverage through DSHS under  
25 RCW 74.09 for which there is an assignment.

A parent seeking to enforce the obligation to provide health insurance coverage may  
apply for support enforcement services from the Division of Child Support; file a motion  
for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration for an Order to  
Show Cause re Contempt); or file a petition.

### 3.19 Uninsured Medical Expenses

Both parents have an obligation to pay their share of uninsured medical  
expenses.

The petitioner shall pay 74% of uninsured medical expenses (unless stated  
otherwise, the petitioner's proportional share of income from the Worksheet, line  
6) and the respondent shall pay 26% of uninsured medical expenses (unless  
stated otherwise, the respondent's proportional share of income from the  
Worksheet,  
line 6).

1  
2 **3.20 Back Child Support**

3 No back child support is owed at this time.  
4 No back interest is owed at this time.

5 **3.21 Past Due Unpaid Medical Support**

6 No past due unpaid medical support is owed at this time.  
7 No back interest is owed at this time.

8 **3.22 Other Unpaid Obligations**

9 No other obligations are owed at this time.  
10 No back interest is owed at this time.

11 **3.23 Other**

12 Does not apply.

13 Dated: 12/19/2012

14   
15 \_\_\_\_\_  
16 **Judge/Commissioner**

17 Presented by:

18 Approved for entry:  
19 Notice of presentation waived:

20   
21 \_\_\_\_\_  
22 Katherine E. Peterson, WSBA #44851  
23 Attorney for Petitioner

24  11-19-12  
25 \_\_\_\_\_  
26 Joshua Dabling, WSBA #44792  
27 Attorney for Respondent



Part II: Basic Child Support Obligation (see Instructions, page 7)		
7. Each Parent's Basic Child Support Obligation without consideration of low income limitations (Each parent's Line 6 times Line 5.)	\$1,379.50	\$452.50
8. Calculating low income limitations: Fill in only those that apply.		
Self-Support Reserve: (125% of the Federal Poverty Guideline.)	\$1,164.00	
a. Is combined Net Income Less Than \$1,000? If yes, for each parent enter the presumptive \$50 per child.	-	-
b. Is Monthly Net Income Less Than Self-Support Reserve? If yes, for that parent enter the presumptive \$50 per child.	-	-
c. Is Monthly Net Income Greater Than Self-Support Reserve? If yes, for each parent subtract the self-support reserve from line 3. If that amount is less than line 7, then enter that amount or the presumptive \$50 per child, whichever is greater.	-	-
9. Each parent's basic child support obligation after calculating applicable limitations. For each parent, enter the lowest amount from line 7, 8a - 8c, but not less than the presumptive \$50 per child.	\$1,379.50	\$452.50
Part III: Health Care, Day Care, and Special Child Rearing Expenses (see Instructions, page 8)		
10. Health Care Expenses	Father	Mother
a. Monthly Health Insurance Paid for Child(ren)	\$377.00	-
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	-	-
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	\$377.00	-
d. Combined Monthly Health Care Expenses (line 10c amounts combined)	\$377.00	
11. Day Care and Special Expenses		
a. Day Care Expenses	-	-
b. Education Expenses	-	-
c. Long Distance Transportation Expenses	-	-
d. Other Special Expenses (describe)	-	-
	-	-
	-	-
e. Total Day Care and Special Expenses (Add lines 11a through 11d)	-	-
12. Combined Monthly Total Day Care and Special Expenses (line 11e amounts Combined)		
13. Total Health Care, Day Care, and Special Expenses (line 10d plus line 12)	\$377.00	
14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses (multiply each number on line 6 by line 13)	\$283.88	\$93.12
Part IV: Gross Child Support Obligation		
15. Gross Child Support Obligation (line 9 plus line 14)	\$1,663.38	\$545.62
Part V: Child Support Credits (see Instructions, page 9)		
16. Child Support Credits		
a. Monthly Health Care Expenses Credit	\$377.00	-
b. Day Care and Special Expenses Credit	-	-

c. Other Ordinary Expenses Credit (describe)		
d. Total Support Credits (add lines 16a through 16c)	\$377.00	
<b>Part VI: Standard Calculation/Presumptive Transfer Payment (see Instructions, page 9)</b>		
17. Standard Calculation (line 15 minus line 16d or \$50 per child whichever is greater)	\$1,286.38	\$545.62
<b>Part VII: Additional Informational Calculations</b>		
18. 45% of each parent's net income from line 3 (.45 x amount from line 3 for each parent)	\$2,949.78	\$970.03
19. 25% of each parent's basic support obligation from line 9 (.25 x amount from line 9 for each parent)	\$344.88	\$113.13
<b>Part VIII: Additional Factors for Consideration (see Instructions, page 9)</b>		
20. Household Assets (List the estimated value of all major household assets.)	Father's Household	Mother's Household
a. Real Estate	-	-
b. Investments	-	-
c. Vehicles and Boats	-	-
d. Bank Accounts and Cash	\$500.00	-
e. Retirement Accounts	-	-
f. Other: (describe)	-	-
	-	-
	-	-
	-	-
21. Household Debt (List liens against household assets, extraordinary debt.)		
a.	-	-
b.	-	-
c.	-	-
d.	-	-
e.	-	-
f.	-	-
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action)		
Name	-	-
Name	-	-
b. Income Of Other Adults in Household		
Name	-	-
Name	-	-
c. Gross income from overtime or from second jobs the party is asking the court to exclude per Instructions, page-8	-	-
d. Income Of Child(ren) (if considered extraordinary)		
Name	-	-
Name	-	-

e. Income From Child Support			
Name			
Name			
f. Income From Assistance Programs			
Program			
Program			
g. Other Income (describe)			
23. Non-Recurring Income (describe)			
24. Child Support Owed, Monthly, for Biological or Legal Child(ren)		Father's Household	Mother's Household
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name/age:	Paid <input type="checkbox"/> Yes <input type="checkbox"/> No		
25. Other Child(ren) Living In Each Household (First name(s) and age(s))			
26. Other Factors For Consideration			

Other Factors For Consideration (continued) (attach additional pages as necessary)

**Signature and Dates**

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these Worksheets is complete, true, and correct.

\_\_\_\_\_  
Mother's Signature

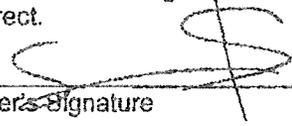
\_\_\_\_\_  
Father's Signature

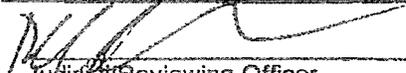
\_\_\_\_\_  
Date

\_\_\_\_\_  
City

\_\_\_\_\_  
Date

\_\_\_\_\_  
City

  
11-16-12 Everett

  
\_\_\_\_\_  
Judicial/Reviewing Officer

11/3/12  
\_\_\_\_\_  
Date

Worksheet certified by the State of Washington Administrative Office of the Courts.  
Photocopying of the worksheet is permitted.

Finding of fact and conclusions of law

Filed December 3, 2012 (CP 163)



CL15785164

12 PFC -3 PM 4:31

SMITH JENKINS  
COURT REPORTERS & VIDEO  
1215 1/2 1ST AVE S  
BOZEMAN, MT 59717

Superior Court of Washington  
County of SNOHOMISH

In re the Marriage of:

SAMIR GOHAR

No. 12-3-00776-6

and

Petitioner,

Findings of Fact and  
Conclusions of Law  
(Marriage)  
(FNFCL)

THERESA GOHAR

Respondent.

I. Basis for Findings

The findings are based on trial. The following people attended:

Petitioner.

Petitioner's Lawyer.

Respondent.

Respondent's Lawyer.

Guardian ad Litem.

II. Findings of Fact

Upon the basis of the court record, the court  *Finds*:

2.1 Residency of Petitioner

163

1  
2 The Petitioner is a resident of the State of Washington.

3 **2.2 Notice to the Respondent**

4 The respondent appeared, responded or joined in the petition.

5 **2.3 Basis of Personal Jurisdiction Over the Respondent**

6 The facts below establish personal jurisdiction over the respondent.

7 The respondent is currently residing in Washington.

8 **2.4 Date and Place of Marriage**

9 The parties were married on 1/10/1999 at Framingham, MA.

10 **2.5 Status of the Parties**

11 Husband and wife separated on 9/20/2011. X

12 **2.6 Status of Marriage**

13 The marriage is irretrievably broken and at least 90 days have elapsed since the date  
14 the petition was filed and since the date the summons was served or the respondent  
joined.

15 **2.7 Separation Contract or Prenuptial Agreement**

16 There is no written separation contract or prenuptial agreement.

17 **2.8 Community Property**

18 The parties have real or personal community property as set forth in Exhibits A and B. X  
19 These exhibits are attached or filed and incorporated by reference as part of these  
20 findings. X

21 **2.9 Separate Property**

22 The husband has real or personal separate property as set forth in Exhibit A. X

23 The wife has no real or personal separate property. X

24 **2.10 Community Liabilities**

25 The parties have incurred community liabilities as set forth in Exhibits A and B. These  
exhibits are attached or filed and incorporated by reference as part of these findings.

1  
2 **2.11 Separate Liabilities**

3 The husband has incurred separate liabilities as set forth in Exhibit A. This exhibit is  
4 attached or filed and incorporated by reference as part of these findings.

5 The parties have separate liabilities as set forth in the separation contract or prenuptial  
6 agreement referenced above.

7 **2.12 Maintenance**

8 Other: The husband shall pay spousal maintenance as set forth in Exhibits A and B. X

9 **2.13 Continuing Restraining Order**

10 Does not apply.

11 **2.14 Protection Order**

12 Does not apply.

13 **2.15 Fees and Costs**

14 There is no award of fees or costs. X

15 **2.16 Pregnancy**

16 The wife is not pregnant.

17 **2.17 Dependent Children**

18 The children listed below are dependent upon either or both spouses.

Name of Child	Age	Mother's/Father's Names
Catherine Gohar	<u>11</u>	Theresa Gohar/Samir Gohar
Matthew Gohar	<u>6</u>	Theresa Gohar/Samir Gohar

X

21 **2.18 Jurisdiction Over the Children**

22 This court has jurisdiction over the children for the reasons set forth below:

23 This court has exclusive continuing jurisdiction. The court has previously made a  
24 child custody, parenting plan, residential schedule or visitation determination in  
25 this matter and retains jurisdiction under RCW 26.27.211.

This state is the home state of the children because the children lived in

1 Washington with a parent or a person acting as a parent for at least six  
2 consecutive months immediately preceding the commencement of this  
3 proceeding.

4 **2.19 Parenting Plan** X

5 The parenting plan signed by the court on this date is approved and incorporated as part  
6 of these findings.

7 **2.20 Child Support** X

8 There are children in need of support and child support should be set pursuant to the  
9 Washington State Child Support Schedule. The Order of Child Support signed by the  
10 court on this date and the child support worksheet, which has been approved by the  
11 court, are incorporated by reference in these findings.

12 **2.21 Other:**

13 Does not apply.

14 **III. Conclusions of Law**

15 The court makes the following conclusions of law from the foregoing findings of fact:

16 **3.1 Jurisdiction**

17 The court has jurisdiction to enter a decree in this matter.

18 **3.2 Granting a Decree**

19 The parties should be granted a decree.

20 **3.3 Pregnancy**

21 Does not apply.

22 **3.4 Disposition** X

23 The court should determine the marital status of the parties, make provision for a  
24 parenting plan for any minor children of the marriage, make provision for the support of  
25 any minor children of the marriage entitled to support, consider or approve provision for  
maintenance of either spouse, make provision for the disposition of property and  
liabilities of the parties, make provision for the allocation of the children as federal tax  
exemptions, make provision for any necessary continuing restraining orders, and make  
provision for the change of name of any party. The distribution of property and liabilities  
as set forth in the decree is fair and equitable. X

1 **3.5 Continuing Restraining Order**

2 Does not apply.

3 **3.6 Protection Order**

4 Does not apply.

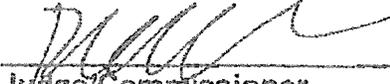
5 **3.7 Attorney Fees and Costs**

6 Does not apply.

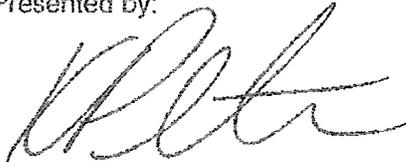
7 **3.8 Other**

8 The Court adopts Commissioner Gaer's findings at the 10/30/2012 hearing in their  
9 entirety.

10 Dated: 12/3/2012

11   
12 Judge/Commissioner

13 Presented by:

14   
15 Katherine E. Peterson, WSBA #44851 Date

16 Attorney for Petitioner

Approved for entry:

Notice of presentation waived:

17  11-11-12

18 Joshua Dabling, WSBA #44792 Date  
19 Attorney for Respondent

Court of appeals division 1 of the state of Washington

Samir Aziz Gohar

VS.

Theresa Ibrahim Gohar

Respondent,

Appellant.

No. 69920-2

**Certificate of Service**

---

***I Declare:***

I declare that I caused a true and correct copy of Appellant reply to respondent brief to be sent to respondent lawyers:

Attorneys for the petitioner:  
Law office of Shipman Uberti, P.S.  
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(206) 624-0974  
FAX (206) 624-0809

Signed at Everett, WA on September 15, 2014



\_\_\_\_\_  
Theresa Gohar, Appellant

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Tel: 425-953-6121

E-mail: Tigohar@hotmail.com