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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

10 In re the Marriage of) Case No. D 526368
11)
12 Petitioner: SAN SAN BLAIN) SUPPLEMENTAL DECLARATION OF
13) PETITIONER IN SUPPORT OF
14 and) AMENDED ORDER TO SHOW
15 Respondent: ARTHUR BLAIN) CAUSE

16 I, SAN SAN BLAIN declare as follows:

17 1. I mentioned in my prior declaration filed with my Order to Show Cause
18 motion that I have many concerns about the Respondent. I had proposed a child sharing
19 schedule to Respondent, but he has not been providing adequate care for our sons as
20 discussed specifically below. As a result, I have revised my proposed parenting plan
21 which is set forth in the attachment to my amended Order to Show Cause motion. We
22 have the Family Court Services appointment in place and will need to meet with the
23 counselor.

24 2. **Brief History of Care of Children During Marriage:** I have been the
25 primary caregiver for the children for the last 13 years. While my husband was focusing
26 on his medical studies, his MBA studies, his work including night shifts, and his athletic
27 events which included out-of-town stays by himself, I have been the one who has taken

1 care of the children. I have also been a stay-at-home mom for some years to take care
2 of the children including: 1997 when Nathan was born; 2000-2001 when Respondent
3 was stationed in Korea; 2005 when Russell was born; and 2006 when William was born. I
4 am requesting primary care of our four boys because I can provide a stable environment
5 for them.

6 **3. Examples of My Actions to Support My Children:**

- 7 • I make sure they are well fed and appropriately clothed for the weather.
- 8 • I provide two snacks daily for Russell to take to school - am and pm.
- 9 • I make sure the two little boys are bathed and their hair is washed. I apply
10 lotion on William daily for his eczema. I check their nails to keep them clean
and trimmed.
- 11 • I read Russell's school books with him. I have established a regular reading
12 time before bed with the two little boys.
- 13 • I work with the kids on their homework.
- 14 • I am working on getting the two big boys to make a habit of utilizing their
school planners effectively, showing them strategies I learned in AVID training.
- 15 • I'm enforcing bed time and lights out.
- 16 • I am not allowing Nathan to use excuses to avoid responsibility for his
17 schoolwork.
- 18 • I'm communicating regularly by email, phone, and in person with the school
counselor and Nathan's teachers.
- 19 • I bought a bed for my two little boys but they can sleep with me until they are
20 ready to transition into their own room.
- 21 • I am taking the children to a marriage and family therapist to work out issues
22 with our family system. I am taking my oldest son to see a social worker to
talk through various issues.
- 23 • I make sure that the boys are receiving proper medical and dental care. I took
24 both William and Russell to the dentist and took Russell to get sealants for his
molars. Nathan and Gavin were not due for dental appointments. I took
25 Nathan to the pediatrician and the cardiologist.
- 26 • I work hard on providing a comfortable home for my children that is clean,
27 makes good use of space, and is well stocked with groceries and ready to eat
nutritious snacks.

- 1 • I am teaching my sons life skills so they can take care of themselves to include
2 teaching them how to wash their own clothes and help with cleanup after
3 dinner. While they can always rely on me, they are taught how to rely on
4 themselves as well.

4. Concerns about Proper Care of the Children by Respondent:

- 5 • BACKGROUND: Respondent has alienated my mother who was previously
6 helping with childcare. This resulted in the following: Russell goes to before
7 and after school care. William could no longer go to part-time preschool and
8 had to switch to full days every day during the week. With both of us moved
9 out of our house, our two older sons could not take the bus and had to go to
10 before and after school care.
- 11 • BACKGROUND: Respondent moved out of our home and took our son's
12 clothing and personal possessions with him. I had to purchase clothes and
13 shoes for them when they were with me.
- 14 • BACKGROUND: I had one month off for Christmas break from December 18,
15 2010 through January 17, 2011 because I teach at a year-round school. I took
16 care of the children during my time off when Respondent went to work and
17 school was not in session. Additionally, I took care of the two younger boys
18 when school was back in session, taking Russell to kindergarten in the
19 morning and keeping William with me as he was changing preschools to better
20 accommodate our new schedules with the separation.
- 21 • During Christmas when we had heavy rain, Respondent sent 3 out of the 4
22 boys (all except the 4 year old) outside to play for hours in the rain.
- 23 • Both of the little boys were not bathed and wore the same clothes as the
24 previous day almost every day during this time after returning from their
25 father's home. While not a complete list, I did note that the boys were not
26 bathed and wore the same clothes on January 10th, 11th, 12th and 20th.
- 27 • Russell returned with shoes that were too small, mismatched, or no shoes at
all. I had to buy 2 pairs of shoes for Russell, despite the fact that Respondent
had 3 other pairs of shoes that fit Russell at his house. Russell came from his
father's home in just socks, no shoes, on January 12th.
- I had to buy another backpack for Russell because Respondent would not send
it back to school with Russell. That is why I use Trader Joe's grocery bags for
papers and paper brown bags for snacks on days when I drop off but dad is
picking up. Russell's teacher Ms. Gagnon gave a new Batman backpack to
Russell on February 3rd.
- Russell and William often did not have jackets when they came from their
father's home this winter.
- I bought jackets for William, Russell, and Gavin. My sister gave Nathan a
jacket and shoes for Christmas.

- 1 • Russell came every day with no backpack and no snack.
- 2 • I had to cut the two little boys' nails after returning from their father's home,
3 which were long and dirty.
- 4 • I took both William and Russell to the barber.
- 5 • William had a rash on his bottom that went away after I bathed him daily and
6 applied Desitin daily for one full week.
- 7 • I also applied lotion for William daily, so his eczema went away.
- 8 • Our children stated that they would eat cereal for dinner at dad's house.
- 9 • When Russell was sent home from school for vomiting during Respondent's
10 time, Respondent suggested that I keep the two little boys overnight during
11 his week. I was happy to do it because I was able to monitor Russell, who had
12 a fever overnight. I also watched both boys the next day.
- 13 • Respondent continues to routinely take Russell to school without essentials.
14 On February 3, 2011, he brought Russell to school with no breakfast and no
15 snack. Russell told his teacher and the school nurse that his stomach felt
16 upset because he had no breakfast and no snack.
- 17 • Both Russell and William have complained to me that they don't like dad's
18 house because dad makes them sleep downstairs on the sofa or floor. Note
19 that Respondent sleeps on a king sized bed.
- 20 • Respondent was irate when I did not approve of his plans to take the boys to
21 Maui for ten days in June and threatened to take me to court. Note that Kaiser
22 has a medical conference and is paying for Respondent's ticket and hotel; the
23 reason for the trip was to take advantage of this. Respondent is supposed to
24 be attending the conference, which would mean he is leaving the boys
25 unattended or with some companion. If he is taking a companion, that raises
26 questions of care of the children and sleeping arrangements.
- 27 • While Respondent had the boys on December 3, 2010, a school night, I saw
that Nathan was playing on Facebook until after 1:00 a.m. based on the
timestamp on the game. Gavin was also staying up late. I made Respondent
aware of this and also talked to Nathan and Gavin.
- When the elementary school office called Respondent on December 13, 2010
to tell him that Russell had diarrhea, he told them rudely not to call him unless
it is very serious emergency, so the school called my mother. My mom took
care of Russell for two days because it was Respondent's week with the
children.
- On the weekend of January 22, 2011, Respondent said he was sick and could
not take care of the children:

- 1 ○ Saturday, January 22, 2011, Respondent had made a big deal about taking
- 2 the boys to see USA vs. Chile soccer game. He did not show up to pick
- 3 them up nor did he call. Later I checked my email and Respondent had
- 4 sent an email to me at 4:13pm: "Not feeling well / skipping LA & not
- 5 picking up boys / going home to bed / I'll be away from cell till tomorrow
- 6 AM" Later that evening Nathan called Respondent's home landline and he
- 7 picked up, which means he drove all the way back to Poway from Riverside
- 8 rather than staying at March Air Base, where he would stay if he really were
- 9 sick.
- 10 ○ On Sunday January 23, 2011 Respondent did not pick up the kids. I drove
- 11 to his house, and he refused to let the kids in, even to fetch their things.
- 12 He shut them out of his house while he was home and would not answer
- 13 the phone.
- 14 • Also, I delivered valentines to Russell's classroom Friday morning, February
- 15 11, 2011. I brought his snack just in case. Respondent did not bring Russell's
- 16 backpack or snack when he dropped him off at school that morning. This is
- 17 after Ms. Gagnon bought a new backpack for Russell. Russell was also
- 18 wearing the same pants he was wearing on Thursday. Later I checked and
- 19 he also wore the same underwear and had not had a bath.
- 20 • Lodged as Exhibit 1 is a document summarizing emails from Respondent with
- 21 his many demands and scheduling changes since we separated

22 5. **Respondent's Claims Our Son Had a Heart Condition:**

- 23 • BACKGROUND: Our son Nathan takes ADD medication and it is routine
- 24 procedure to monitor the heart when a physician prescribes this stimulant
- 25 formulation.
- 26 • Respondent cited that he is a doctor and claimed that Nathan has a "serious
- 27 heart condition" in several emails and voicemails. I told him that both Dr. Ou
- (pediatrician at Sharp Rees-Stealy) and Dr. Cairo (pediatrician at Kaiser)
- reported that Nathan's EKG performed at two different times were normal.
- Respondent claimed I was wrong and sent me a fax of Nathan's
- echocardiogram from a year ago from Dr. Perry, cardiologist at Sharp.
- Although I am not a doctor, I only saw the word "mild" as a descriptor. Dr. Ou
- did say that it is very common for athletes to have a slight thickening of the
- heart and it is something to monitor but nothing to be concerned about.
- Respondent compared Nathan to the boy in Rancho Bernardo who collapsed
- and died on the soccer field.
- Respondent made Nathan feel anxious and hopeless about having a "serious
- heart condition" when there was no evidence of such a problem.
- I took Nathan to Children's Hospital for an echocardiogram on January 19,
- 2011. Dr. Perry stated that his heart is normal.

- 1 • On November 28, 2010, Respondent called me after 10:30 p.m. to tell me to
2 meet him at Pomerado Hospital Emergency Room because Nathan had
3 "possible very dangerous condition called temporal arteritis." Nathan just had
4 a headache as confirmed by ER doctor.

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6. **ADD Medication:**

- I took Nathan for a checkup with Dr. Ou, and she recommended Intuniv, a non-stimulant ADHD medication, as there were concerns about Nathan's appetite.
- Respondent claims that Intuniv is a "sugar pill". Respondent says if Nathan takes Adderall, he will get straight A's. If he takes Intuniv, he will fail. Respondent is neither a pediatrician, cardiologist, nor a psychiatrist. He said Nathan must take Adderall, even after I voiced my concern over Nathan's statement about getting fat on the new medication and wanting to take Adderall to stay skinny for athletic performance, specifically to maximize the number of pull-ups.
- I took Nathan to get an echocardiogram at Children's Hospital. Dr. Perry cleared Nathan for sports and Adderall.
- Respondent wanted to 1) demand Adderall from Dr. Ou or 2) go to another doctor who would prescribe Adderall.
- I suggested a second opinion by a psychiatrist, who would be a specialist on psychotropic medications. I also want Nathan evaluated by a professional to see whether he even has ADD. Medication began when Nathan was in 6th grade based on surveys taken by his teachers and by parents and not an evaluation by a psychiatrist. He is now in 8th grade. Moreover, Dr. Ou has stated that kids outgrow their need for medication.
- Tony said it would take 6 weeks to get an appointment with a psychiatrist, by which time Nathan will have failed his classes. He is demanding Adderall as the magic pill solution. This is alarming to me that a licensed physician and parent would not wait for the proper care and medication. Moreover, Nathan has been taking Adderall all the while that he received both good and bad grades, fluctuating from nearly straight A's to nearly straight D's and F's. Additionally, it did not take 6 weeks to get an appointment but rather 1 ½ weeks.

7. **Poor Performance in School:**

- Respondent did not take the boys to their required band performances during his turn with the kids, resulting in C's in band on their report cards.
- Respondent is enabling Nathan to slide with his homework by stating that he's not doing well in school because of the divorce. He sent an email to the school counselor and CC'd Nathan stating this. December 1 email in which Nathan was CC'd:

"Ms. Geist,

1 breakfast and lunch and losing more weight to get down to 145 to 150
2 pounds. Respondent is the male role model for my son, and Nathan has
3 stated that he wants to take Adderall for the diet pill side effect to be skinny
4 and boost athletic performance.

- 5 • The precipitating event for the divorce was when Respondent hit me hard on
6 the head with a pillow. Respondent had come home that night and argued with
7 me because the dishes were not cleaned. I am a full-time school teacher and
8 mother of four school age boys. I told him I would take care of it in the
9 morning. Respondent pulled the bed covers off me and hit me with a pillow.
10 This was the second time he had done this to me in recent months. My 4 year
11 old was sleeping next to me when he hit me the second time. I got out of bed,
12 went into the kitchen and threw one dish on the floor.
- 13 • After coming home, starting a fight, pulling the covers off me and hitting me
14 hard with the pillow, Respondent left the house and got a motel room.
15 Respondent called the police after he had left the house. Respondent called
16 Nathan's cell phone on the night of the arrest. Nathan woke me up to tell me
17 his father had called the police. I don't know what Respondent told the police,
18 but it was clearly not accurate. My 13 year old witnessed my being handcuffed
19 and taken out of our house. Respondent continues to involve the children,
20 especially Nathan, in adult matters.
- 21 • The City Attorney rejected the case.
- 22 • After 19 years of marriage, Respondent did not say a word when the police
23 took me out of the house in handcuffs based on his false statements. I did not
24 even have a chance to get a jacket. I wore a t-shirt, shorts, and flip flops.
- 25 • Respondent told Nathan and Gavin that going to jail is no big deal, and they
26 both believe it. He has told the children that it is mom's fault that we are
27 separated and we no longer live in our house.
- Respondent has sent me well over 500 emails stating that he loves me, he
hates me, he wants me back, he never wants to see me again, he wants to
marry Andrea right away, the women he's seeing are just friends, the kids hate
me, I'm a great mom.
- Respondent has also texted me and sent voicemails to fill up the capacity of
my cell phone with messages like the emails.
- Respondent vandalized my car by taping an entire box of pictures to my car in
addition to notes saying I'm sorry and flowers. My car was parked in my
mother's driveway. I stayed at my mother's house because I was afraid for my
safety to go home and I had no money or credit available.
- Respondent vandalized my parents' house a week later on November 23,
2010, throwing all the family pictures and albums all over my parents' yard.
This time I took photos.
- Respondent in the two acts of vandalism has gotten rid of all the family
pictures in the last 19 years. Respondent stated in an email that he wanted to

1 start over with new pictures. He sent an email on January 16, 2011: "I need to
2 fill up a bunch of new photo albums with my new life"

- 3 • Respondent has threatened to call the police on me and my mother on at least
4 three occasions. He sent an email to me on December 20, 2010 stating: "if
5 you do not abide, I will be call the police with a copy of our custody agreement
6 in my hand"
- 7 • Respondent has stated in at least two emails and texts that he would be a
8 good husband and father for a new family. On January 8, 2011, he stated in
9 an email: "wait till u see what a great husband & dad I'll be for someone else"
- 10 • Respondent continues to wildly embellish his story of the event that
11 precipitated our divorce.
 - 12 ○ Respondent sent an email on January 11, 2011 stating: "u & o [sic]
13 both know u were gesturing toward the knives in our fight (not the 1st
14 time u did it)" At no time did I gesture toward knives or do anything but
15 throw one dish on the floor.
- 16 • Respondent made accusations of slander when my family speaks Chinese in
17 front of the kids.
 - 18 ○ Respondent sent an email on January 11, 2011: "Pls tell your evil family
19 to stop saying bad things about me in front of the kids. ...I will ask
20 kids on a regular basis who said what and I'm going to start keeping
21 notes, so tell your stupid family to shut the fuck up in front of my
22 children."
- 23 • Respondent sent an email to me on Christmas Eve about the two Boston
24 terriers stating: "U will take them to the pound to get put asleep this week"
- 25 • After less than a month of separation, Respondent has brought a woman to
26 the house while the kids are there. He does not care about the kids' feelings
27 or how this will affect them in the future as they grow up.
- My mother came to our house every morning at 6am to take care of the four
kids so we can both go to work, save money, and receive the best care for our
kids. She has done this for over 2 years and had a very good relationship with
all four kids up until the separation. Respondent never appreciated her help
and told the kids that grandma is evil, blaming my mother for breaking up our
marriage.
 - Respondent sent an email to me on December 26, 2010 stating: "I know
UR evil mom twisted the English horn gift into something negative"
 - Respondent sent an email to me on December 25, 2010 stating: "UR
mom is evil / I hear about all the stuff she says / she's way worse than
UR dad / we'd still be married if she were not around / enjoy UR
Marriage to UR mom"

- 1 o Respondent sent an email to me on December 13, 2010 stating: "I
2 blame UR mom & dad for poisoning UR thoughts against me / they
3 broke up this marriage"

4 **9. Other Issues:**

- 5 • Respondent moved out of our home shortly after this incident. It did not make
6 financial sense for Respondent to immediately vacate our home. Before he
7 moved out, Respondent spent thousands of dollars having the kitchen
8 cabinets resurfaced and replacing the faucets. This makes no sense since we
9 cannot keep the home and will have to return it to the bank.
- 10 • Respondent leased a Porsche 911 when we are getting ready to see a
11 bankruptcy attorney.
- 12 • Respondent has taught the children to lie by omission about leasing a Porsche
13 911. Russell aged 5 said, "You already know about it? You're not supposed to
14 know about that!"
- 15 • Respondent has taught the children to lie by omission about moving and
16 taking all the furniture and household goods.
- 17 • Respondent is short changing me on child support. It is late and only half the
18 reasonable amount

- 19 1. Respondent stated in an email on November 24, 2010: "I'm sure your
20 lawyer told you that you'll get \$4000-5000 per month from me (which
21 is why I'm dumping the Lake Poway house -- can't afford it and pay you
22 alimony) in alimony and child support since I make more money, so you
23 can easily afford a small house also."
- 24 2. On February 4, 2011 he wrote: "I pay whatever I think is fair until your
25 attorney proposes amount or court tells me"
- 26 3. Respondent claims that he has no money. However, he says he has
27 money to buy a laptop for Nathan. He also has money for 1) a trip to
28 the mountains, 2) remodeling our house that is now vacant to include
29 resurfacing the kitchen cabinets, replacing all the faucets, and replacing
30 the standup mailbox, 3) leasing a Porsche 911, 4) dating, 5) proposed
31 trip to Maui; but he states that he does not have enough to pay child
32 support and alimony.
- 33 4. In a voicemail Respondent stated that the only thing he cares about is
34 how much support he has to pay. His wanting time with the boys is to
35 minimize his support payment.
- 36 5. December 3rd, Respondent gave me \$3,000 for moving expenses.
- 37 6. December 21st, Respondent gave me a check for \$1,238.75.
- 38 7. On January 3, 2011, I withdrew \$1,000 from our joint account.
- 39 8. On January 15th, I withdrew \$1,500 from our joint account.

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9. On February 2nd, I withdrew \$1,000 from our joint account.

10. Respondent left a cashier's check for \$1,500 in my mother's mailbox on February 12th.

10. **Conclusion:** In short, I am working on providing structure and predictability for my children. I want my children to feel secure and to know what to expect. The boys can always rely on me and trust me no matter what happens. This is how I feel I can best show that I love them, by giving them nourishment, nurturing, and help with developing independence and confidence so they can take care of themselves in my absence and make the right moral choices in their lives. I want to make sure that all four of my children will grow up to be men of character with a bright future.

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

Dated: 2-22-11

**SIGNATURE
VIA FAX**

SAN SAN BLAIN