

NO. 43,647

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
ALLISON GELBE-PINKUS	§	
AND	§	510TH JUDICIAL DISTRICT
MARK PINKUS	§	
	§	
AND IN THE INTEREST OF	§	
TODD PINKUS, THOMAS PINKUS	§	
AND LUCY PINKUS, CHILDREN	§	DENTON COUNTY, TEXAS

**PETITION TO ANNUL MARRIAGE OR, IN THE ALTERNATIVE,
FIRST AMENDED PETITION FOR DIVORCE**

1. Discovery Level

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. Objection to Assignment of Case to Associate Judge

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. Parties

This suit is brought by ALLISON GELBE-PINKUS, Petitioner. The last three numbers of Petitioner's driver's license number are 274. The last three numbers of Petitioner's Social Security number are 397.

MARK PINKUS is Respondent.

4. Service

Process should be served on Respondent by and through his attorney of record, Cindy V. Tisdale at Tisdale, Indelicato & Key, 227 Oak Street, Suite 1200, Denton, Texas 76201, in accordance with the Texas Rules of Civil Procedure.

5. Protective Order Statement

No protective order under title 4 of the Texas Family Code, protective order under chapter 7A of the Texas Code of Criminal Procedure, or order for emergency protection under

article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit or a child of a party to this suit, and no application for any such order is pending.

6. Dates of Marriage and Separation

The parties were married on or about December 27, 2008 and ceased to live together as husband and wife on or about June 1, 2018.

Petition for Annulment

7. Jurisdiction to Annul Marriage

The parties were married in Texas. Petitioner is domiciled in Texas.

8. Grounds for Annulment

Respondent induced Petitioner to enter into the marriage by fraud as permitted under Tex. Fam. Code section 6.107.

Respondent induced Petitioner to enter into the marriage by fraud. Due to Petitioner's strongly held religious beliefs, before becoming engaged and marrying Respondent, Petitioner specifically asked Respondent whether he had been previously married and divorced. Respondent denied that he had been previously married or divorced. Respondent further stipulated in writing within a Premarital Agreement signed by the parties prior to marriage that Respondent had "...never been married."

Petitioner subsequently learned that Respondent lied to Petitioner and was married for approximately four months in 2005, with the prior marriage ending in divorce on October 21, 2005. Having knowledge of his prior marriage and divorce, Respondent was aware that his statements to Petitioner were false. Respondent's misrepresentations were made with the express intention that Petitioner would rely and act on them. Respondent knew that Petitioner would not marry him if she were aware of his 2005 marriage and divorce.

Respondent's false statements constitute material representations. A representation is material if "a reasonable person would attach importance to [it] and would be induced to act on the information in determining his choice of actions in the transaction in question." *Italian Cowboy Partners, Ltd. v. Prudential Insurance Co. of America*, 341 S.W.3d 323, 337 (Tex. 2011). Petitioner acted in reliance on Respondent's material misrepresentations and agreed to marry Respondent on December 27, 2008. As a result of Respondent's material misrepresentations, Petitioner has suffered severe injury.

Petitioner has not voluntarily cohabited with Respondent since learning of the fraud.

The recent discovery by Petitioner of Respondent's admitted material misrepresentations gives rise to this cause of action for annulment, in that Respondent used fraud to induce Petitioner into marrying him in 2008 and Petitioner relied on the misrepresentations to her detriment. If Respondent had not lied about his prior marital status and divorce, Petitioner would not have married Respondent or suffered injury.

9. Property

The parties during their marriage accumulated property that the Court should divide in a manner that the Court deems just and right, as provided by law.

10. Premarital Agreement

Petitioner and Respondent have entered into a premarital agreement to alter their marital property rights in certain property on and during their marriage. Petitioner requests the Court to find after annulling the marriage that this premarital agreement never went into effect, the agreement being contingent on the parties being married.

First Amended Petition for Divorce

In the alternative to her Petition to Annul Marriage, Petitioner pleads the following:

11. Domicile

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

12. Grounds for Divorce

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

Respondent has committed adultery.

13. Premarital Agreement

Petitioner and Respondent have entered into a premarital agreement to alter their marital property rights in certain property on and during their marriage. Petitioner asks the Court to find that the premarital agreement is unenforceable in part or in whole. Petitioner asks the Court to find that Respondent is estopped from enforcing some or all of the terms of the premartial agreement.

Petitioner further asks the Court to set aside the premarital agreement because the parties signed an incomplete document. Petitioner did not voluntarily sign the “agreement” because there was no agreement at the time of signing, making the premarital agreement unenforceable.

14. Division of Community Property

Petitioner requests the Court to divide the estate of Petitioner and Respondent in a manner that the Court deems just and right, as provided by law.

Petitioner should be awarded a disproportionate share of the parties’ estate for the following reasons, including but not limited to:

- a. fault in the breakup of the marriage;
- b. benefits the innocent spouse may have derived from the continuation of the marriage;
- c. disparity of earning power of the spouses and their ability to support themselves;
- d. health of the spouses;
- e. the spouse to whom conservatorship of the children is granted;
- f. needs of the children of the marriage;
- g. future employability of the spouses;
- h. tax consequences of the division of property;
- i. earning power, business opportunities, capacities, and abilities of the spouses;
- j. need for future support;
- k. nature of the property involved in the division;
- l. community funds used to purchase out-of-state property; and
- m. attorney's fees to be paid.

15. Separate Property

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate. Specifically, Petitioner asks the Court to find that part of the famous Ranchton online game was her separate property, which has now mutated into 800,000 shares of stock of Xynga, Inc.

16. Interception of Wire, Aural and Electronic Communications

In violation of state and federal law, on or about the following dates Respondent intercepted electronic communications on Petitioner's iPhone and personal laptop: January 7, 2019 through January 9, 2019. Specifically, Respondent without Petitioner's knowledge or consent, wirelessly connected to Petitioner's iPhone, intercepted all electronic communications, and simultaneously transferred the electronic communications to Respondent's MacBook. Thereafter, Respondent maintained the connection and continued to access the electronic communications on Petitioner's iPhone by synching and creating an automatic back up to his MacBook. Respondent acquired Petitioner's call logs, calendar information, contacts and notes, including but not limited communications between Petitioner and her attorneys and recorded

sessions with Petitioner's life coach. Respondent also accessed Petitioner's personal MacBook and copied all of Petitioner's sessions with her life coach to Respondent's flash drive. In all there were 5 occurrences of interception.

Additionally, between January 7, 2019 and January 9, 2019, Respondent intercepted Petitioner's e-mails while they were in transmission, and in storage.

Respondent committed offenses against Petitioner when he:

(1) intentionally intercepted, endeavored to intercept, or procured another person to intercept or endeavor to intercept wire, oral, or electronic communications;

(2) intentionally disclosed or endeavored to disclose to another person the contents of a wire, aural, or electronic communications and he knew or had reason to know the information was obtained through interception of a wire, oral, or electronic communication in violation of the Federal Wiretap Act and/or Texas Criminal Wiretap Act;

(3) intentionally used or endeavored to use the contents of a wire, aural, or electronic communication when he knew or was reckless about whether the information was obtained through the interception of a wire, oral, or electronic communication in violation of the Federal Wiretap Act and/or Texas Criminal Wiretap Act;

(4) knowingly or intentionally effected a covert entry for the purpose of intercepting wire, oral, or electronic communications without court order or authorization; or

(5) intentionally used, endeavored to use, or procured any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communications when the device:

(a) is affixed to, or otherwise transmits a signal through a wire, cable, or other connection used in wire communications; or

(b) transmits communications by radio or interferes with the transmission of communication by radio.

On information and belief, Respondent has intentionally disclosed the contents of the electronic communications to other persons and has used the contents of these electronic communications every day since their interception in crafting his discovery and pleadings, and otherwise for the purpose of advancing his goals in these divorce proceedings. Respondent's actions have, upon information and belief, caused injury to Petitioner. Respondent's accessing, interception, disclosure and use of Petitioner's communications was illegal, outrageous, malicious and morally culpable.

Petitioner requests statutory damages of \$10,000.00 for each occurrence of interception of the communications and other statutory and common law damages for these acts. Petitioner further requests punitive damages in an amount determined by the jury and reasonable attorney's

fees and costs. Texas Criminal Wiretap Act, Tex. Pen. Code § 16.02; Tex. Code of Crim. Proc. § 18.20; Federal Wiretap Act 18 U.S.C. §§ 2510-2520; Tex. Civ. Prac. & Rem Code §123.002.

As a direct and proximate result of Respondent's wrongful conduct alleged above, Petitioner has suffered certain actual damages, including, but not limited to physical pain, suffering and mental anguish. Petitioner has been forced to incur the expense of prosecuting this cause of action and paying costs as a result of Respondent's alleged conduct. The damages sought by Petitioner are within the jurisdictional limits of this Court.

17. Intentional and Unauthorized Access to Stored Communications

In violation of state and federal law, Respondent intentionally and without authorization accessed Petitioner's iPhone and personal laptop and all information stored therein on or about the following dates: January 7 – 9, 2019. Specifically, Respondent, without Petitioner's knowledge or consent, connected Petitioner's iPhone to Respondent's personal MacBook, intercepted all electronic communications, and simultaneously transferred the electronic communications to Respondent's MacBook. Thereafter, Respondent maintained the connection and continued to access the electronic communications on Petitioner's iPhone by synching and creating an automatic back up to his MacBook. Respondent accessed Petitioner's call logs, calendar information, contacts and notes, including but not limited electronically stored communications between Petitioner and her attorneys and certain recorded sessions with Petitioner's life coach. Respondent also accessed Petitioner's personal MacBook and copied all of Petitioner's sessions with her life coach to Respondent's flash drive.

Additionally, between January 7, 2019 and January 9, 2019, Respondent intercepted Petitioner's e-mails while they were in in storage.

Respondent committed offenses against Petitioner when he:

- (1) intentionally obtained access without authorization to a facility through which a wire or electronic communications service is provided; or
- (2) intentionally exceeded an authorization for access to a facility through which a wire or electronic communications service is provided.

On information and belief, Respondent obtained, altered, or prevented Petitioner's authorized access to wire or electronic communications while the communications were in electronic storage on her personal, password protected, iPhone and laptop by intentionally obtaining access without authorization from Petitioner, or her computer service provider, through which wire or electronic communications are provided.

Petitioner requests all actual damages incurred by Petitioner as a result of the violations of Respondent, but in no event damages less than the statutory minimum of \$1,000.00 per incident. Petitioner further requests punitive damages in an amount to be determined by the jury as the violation was intentional and willful. Petitioner further requests all costs, attorney's fees,

and expenses to enforce Respondent's liability. *See* 18 U.S.C. §§ 2707, 2710; Tex. Pen. Code § 16.04.

Petitioner further requests that the Court grant her judgment against Respondent, and the community estate for Petitioner's damages, exemplary damages, pre and post-judgment interest, and court costs of this action, and attorney's fees incurred in the prosecution of this case as authorized by Texas Practice & Remedies Code section 123.004(5), Texas Code Criminal Procedure article 18.20, section 16(a)(2), Texas Code Criminal Procedure article 18.21, section 12(a), and 18 United States Code sections 2520(b)(2) and 2707(C).

As a direct and proximate result of Respondent's wrongful conduct alleged above, Petitioner has suffered certain actual damages, including, but not limited to physical pain, suffering and mental anguish. Petitioner has been forced to incur the expense of prosecuting this cause of action and paying costs as a result of Respondent's alleged conduct. The damages sought by Petitioner are within the jurisdictional limits of this Court.

18. Unauthorized Access of a Computer, Computer Network, or Computer System

In violation of federal law, Respondent intentionally and without authorization accessed Petitioner's personal laptop and all information stored therein on or about January 7, 2019. Specifically, Respondent, without Petitioner's knowledge or consent, accessed Petitioner's personal MacBook and copied all of Petitioner's sessions with her life coach to Respondent's flash drive.

Such occurrence has resulted in loss to Petitioner in the aggregate of at least \$5,000.00 during a one-year period. Pursuant to the clear test of the law, Petitioner seeks actual damages compensatory damages, injunctive relief, and other equitable relief to compensate Petitioner for said loss. 18 USC §§ 1030; Tex. Civ. Prac. & Rem. Code §§ 143.001-002.

As a direct and proximate result of Respondent's wrongful conduct alleged above, Petitioner has suffered certain actual damages, including, but not limited to physical pain, suffering and mental anguish. Petitioner has been forced to incur the expense of prosecuting this cause of action and paying costs as a result of Respondent's alleged conduct. The damages sought by Petitioner are within the jurisdictional limits of this Court.

19. Invasion of Privacy – Intentional Intrusion on Seclusion or Private Affairs of Another

Respondent intentionally intruded on Petitioner's seclusion and private affairs when Respondent intentionally and without Petitioner knowledge or consent accessed Petitioner's password-protected iPhone and laptop on or about the following dates: January 7 -10, 2019. *See Valenzuela v. Aquino*, 853 S.W.2d 512, 513 (Tex. 1993); *Billings v. Atkinson*, 489 S.W.2d 858, 860 (Tex. 1973); *Collins v. Collins*, 904 S.W.2d 792, 796 (Tex. App.—Houston [1st Dist.] 1995, writ denied). Specifically, Respondent, without Petitioner's knowledge or consent, connected Petitioner's iPhone to Respondent's personal MacBook, intercepted all electronic communications, and simultaneously transferred the electronic communications to Respondent's MacBook. Thereafter, Respondent maintained the connection and continued to access the

electronic communications on Petitioner's iPhone by synching and creating an automatic back up to his MacBook. Respondent accessed Petitioner's call logs, calendar information, contacts and notes, including but not limited electronically stored communications between Petitioner and her attorneys and certain recorded Skype sessions with Petitioner's life coach that had been stored therein. Additionally, Respondent accessed Petitioner's personal MacBook and copied all of Petitioner's sessions with her life coach to Respondent's flash drive. In all, there were 5 occurrences of intentional intrusions on the seclusion and/or private affairs of Petitioner.

On information and belief, Respondent has intentionally disclosed the contents of these private communications to which he was not a party to other persons and the Court and has used the contents of these communications every day since their interception in crafting his discovery and pleadings, and otherwise for the purpose of advancing his goals in these divorce proceedings. Respondent's actions have, upon information and belief, caused injury to Petitioner. Respondent's accessing, interception, disclosure and use of said private communications was illegal, outrageous, malicious and morally culpable.

The intrusion was a kind that would be highly offensive to a reasonable person and the intrusion was unreasonable, unjustified, and unwarranted. *See Valenzuela*, 853 S.W.2d at 513; *Farrington v. Sysco Food Servs.*, 865 S.W.2d 247, 253 (Tex. App.—Houston [1st. Dist.] 1993, writ denied). Further, the intrusion was outrageous, malicious, and otherwise morally culpable.

Respondent's wrongful acts caused injury to Petitioner, including humiliation, mental anguish, and harm to reputation and character. Petitioner therefore requests that the Court grant her a judgment against Respondent and the community estate for Petitioner's exemplary/punitive damages in an amount of no less than \$10,000.00 per incident. *See* Tex. Civ. Prac. & Rem. Code § 41.001(5). Petitioner further requests pre and post-judgment interest, court costs of this action, and attorney's fees incurred in the prosecution of this suit.

Suit Affecting the Parent-Child Relationship

In both her Petition to Annul Marriage and her alternative First Amended Petition for Divorce, Petitioner pleads the following:

20. Children of the Marriage

Petitioner and Respondent are parents of the following children of this voidable marriage who are not under the continuing jurisdiction of any other court:

Name: THOMAS PINKUS
Sex: Male
Birth date: March 1, 2013

Name: TODD PINKUS
Sex: Male
Birth date: March 1, 2013

Name: LUCY PINKUS

Sex: Female

Birth date: November 5, 2018

This Court has entered temporary orders regarding the children.

Information required by sections 152.209, 154.181(b), and 154.1815 of the Texas Family Code were previously filed with the Court.

No property of consequence is owned or possessed by the children the subject of this suit, beyond savings accounts established for college tuition.

Petitioner and Respondent, on final hearing, should be appointed joint managing conservators, with all the rights and duties of a parent conservator. Petitioner should be designated as the conservator who has the exclusive rights to designate the primary residence of the children, to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children, and to make education decisions for the children. Respondent should be ordered to provide support for the children, including the payment of child support and medical and dental support in the manner specified by the Court. Petitioner requests that the payments for the support of the children survive the death of Respondent and become the obligations of Respondent's estate.

The primary residence of the children should be restricted to Denton County, Texas.

The requested orders are in the best interest of the children.

Requests for Temporary Orders

In both her Petition to Annul Marriage and her alternative First Amended Petition for Divorce, Petitioner pleads the following:

21. Request for Temporary Orders Concerning Use of Property

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions respecting the temporary use of the parties' property as deemed necessary and equitable, including but not limited to the following:

Awarding Petitioner the exclusive use and possession of the residence located at 5400 Hwy 455, Little Elm, Denton County, Texas 76258, as well as the furniture, furnishings, and other personal property at that residence, while this case is pending, and enjoining Respondent from entering or remaining on the premises of the residence and exercising possession or control of any of this personal property, except as authorized by order of this Court.

Awarding Petitioner exclusive use and control of the 2018 Toyota Highlander and enjoining Respondent from entering, operating, or exercising control over it.

22. Request for Temporary Orders Regarding Children

Petitioner requests the Court, after notice and hearing, to dispense with the necessity of a bond and to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the children of the marriage as deemed necessary and equitable, including but not limited to the following:

Appointing Petitioner and Respondent temporary joint managing conservators and designating Petitioner as the conservator who has the exclusive rights to designate the primary residence of the children, to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children, and to make education decisions for the children.

Ordering Respondent to provide support for the children, including the payment of child support and medical and dental support in the manner specified by the Court, while this case is pending.

Ordering reasonable periods of electronic communication between the children and Petitioner to supplement Petitioner's periods of possession of the children.

Restricting the primary residence of the children to Denton County, Texas.

23. Request for Interim Attorney's Fees and Temporary Support

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions regarding attorney's fees and support as deemed necessary and equitable, including but not limited to the following:

Petitioner requests that Respondent be ordered to pay reasonable interim attorney's fees and expenses, including but not limited to fees for appraisals, accountants, actuaries, and so forth. Petitioner is not in control of sufficient community assets to pay attorney's fees and anticipated expenses.

Petitioner has insufficient income for support, and Petitioner requests the Court to order Respondent to make payments for the support of Petitioner until a final decree is signed.

Petitioner requests that Respondent be ordered to pay estimated income taxes on the due dates as required by the Internal Revenue Service and under the Social Security numbers of both Petitioner and Respondent.

Petitioner requests that Respondent be ordered to pay any ad valorem taxes and insurance premiums as due on the properties of the parties.

24. Request for Temporary Orders for Discovery and Ancillary Relief

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders for discovery and ancillary relief as

deemed necessary and equitable, including but not limited to the following:

Ordering Respondent to provide a sworn inventory and appraisal of all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties substantially in the form and detail prescribed by the Texas Family Law Practice Manual (3rd ed.), form 7-1.

Ordering the parties to participate in an alternative dispute resolution process before trial of this matter.

25. Notice Regarding Standing Order of Denton County, Texas

Petitioner hereby provides notice to Respondent that, effective January 11, 2017, the Denton County District Courts have issued the *Denton County Standing Order Regarding Children, Property and Conduct of the Parties* (the "Standing Order"), which applies in every divorce case and every suit affecting the parent-child relationship filed in Denton County, Texas. A true and correct copy of this Standing Order is attached as Exhibit 1 to this *Petition to Annul Marriage and, in the Alternative, First Amended Petition for Divorce* and is incorporated herein as if set forth verbatim.

26. Request for Change of Name

Petitioner requests a change of name to ALLISON GELBE.

27. Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of the law firm of Hays, Haston & Wrampelmeier, licensed attorneys, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the children, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorneys and be ordered paid directly to Petitioner's attorneys, who may enforce the judgment in the name of the firm. Petitioner requests postjudgment interest as allowed by law.

28. Prayer

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays that Petitioner's name be changed as requested above.

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above.

Petitioner prays for general relief.

Respectfully Submitted,

Hays, Haston & Wrampelmeier
1850 Sycamore Street,
Denton, Texas 76025
Tel: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: Chris@HHW.com

By: /s/ Christopher K. Wrampelmeier
Christopher K. Wrampelmeier
State Bar No. 00788721
Attorney for ALLISON GELBE-PINKUS,
Petitioner

Certificate of Service

I certify that a true copy of the above was served on Cindy V. Tisdale through the electronic filing manager in accordance with the Texas Rules of Civil Procedure on January 9, 2019.

/s/Christopher K. Wrampelmeier
Christopher K. Wrampelmeier
Attorney for Petitioner

EXHIBIT 1

DENTON COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

THIS DENTON COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES IS BINDING ON (1) THE PARTIES, (2) THE PARTIES' OFFICERS, AGENTS, SERVANTS, EMPLOYEES, AND ATTORNEYS, AND (3) ANY OTHER PERSON WHO ACTS IN CONCERT WITH THE PARTIES OR THEIR AGENTS AND WHO RECEIVES ACTUAL NOTICE OF THESE ORDERS, AND IS ENFORCEABLE BY CONTEMPT, INCLUDING A FINE OF UP TO \$500, CONFINEMENT IN THE COUNTY JAIL FOR SIX MONTHS, OR BOTH SUCH A FINE AND CONFINEMENT IN JAIL FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Denton County District Courts that applies in every divorce suit and every suit affecting the parent-child relationship, including a suit for modification or enforcement of a prior order, filed in Denton County, Texas. The Denton County District Courts have adopted this order pursuant to Texas Family Code §§6.501-6.503, 105.001, and 105.009 because the parties and their children should be protected and their property preserved while the lawsuit is pending before the court. IT IS THEREFORE ORDERED:

1. **NO DISRUPTION OF CHILDREN.** All parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:
 - 1.1 Removing the children from the State of Texas for the purpose of changing the children's domicile or residence, acting directly or in concert with others, without the written agreement of all parties or an order of this Court; provided, however, that this paragraph shall not prohibit or restrict a party from so removing the children if an active prior court order gives that party the right to designate the children's primary residence outside the State of Texas or without regard to geographic location.
 - 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled without the written agreement of all parties or an order of this Court; provided, however, that this paragraph shall not prohibit or restrict a party from so withdrawing the children from a school or day-care facility if that party is changing the children's domicile or residence within that party's rights pursuant to an active prior court order as described in §1.1 above.
 - 1.3 Hiding or secreting the children from any other party.
 - 1.4 Changing the children's current place of abode without the written agreement of all parties or an order of this Court; provided, however, that this paragraph shall not prohibit or restrict a party from changing such place of abode if an active prior court order gives that party the right to designate the children's primary residence without geographic restriction, or if the new place of abode lies within the geographic limits established by that active prior court order.
 - 1.5 Disturbing the peace of the children.
 - 1.6 Making disparaging remarks about another party or another party's family members, including but not limited to the child's grandparents, aunts, uncles, stepparents, or anyone with whom the party has a dating relationship.
 - 1.7 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.
 - 1.8 If this is an original divorce action, allowing anyone with whom the party has a dating relationship to be in the same dwelling or on the same premises overnight while in possession of the child. Overnight is defined from 10:00 p.m. until 7:00 a.m.
2. **CONDUCT OF THE PARTIES DURING THE CASE.** All parties are ORDERED to refrain from doing the following acts with the intent to harass, annoy, alarm, abuse, torment, or embarrass another party:
 - 2.1 Using vulgar, profane, obscene, coarse, offensive, or indecent language to communicate with another party, whether in person, by telephone, or in writing, including by email, text message, or any other electronic communication.
 - 2.2 Threatening another party in person, by telephone, or in writing, including by email, text message, or any other electronic communication, to take unlawful action against the party, a member of the party's family, including but not limited to anyone with whom the party has a dating relationship, or the party's property.
 - 2.3 Placing or transmitting one or more telephone calls, emails, text messages, or other electronic communications to another party at an unreasonable hour, in an offensive or repetitious manner, anonymously, or without a legitimate purpose of communication.

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following conduct:

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties, regardless of whether it is intellectual, personal, or real property and regardless of whether it is claimed as separate or community property.
- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property, including electronically stored or recorded information, of one or both of the parties, regardless of whether it is intellectual, personal, or real property and regardless of whether it is claimed as separate or community property.
- 3.3 Damaging, destroying or tampering with the tangible or intellectual property of one or both of the parties, including any document or electronically stored or recorded information that represents or embodies anything of value, regardless of whether it is intellectual, personal, or real property and regardless of whether it is claimed as separate or community property.
- 3.4 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, regardless of whether it is intellectual, personal, or real property and regardless of whether it is claimed as separate or community property, except as specifically authorized by this order or a subsequent order of this Court.
- 3.5 Incurring any indebtedness, including cash advances from a credit card or line of credit, other than legal expense in connection with this suit, except as specifically authorized by this order or a subsequent order of this Court.
- 3.6 Making withdrawals from any account in any financial institution for any purpose, except as specifically authorized by this order or a subsequent order of this Court.
- 3.7 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order or a subsequent order of this Court.
- 3.8 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order or a subsequent order of this Court.
- 3.9 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party. This includes affixing the other party's digital signature to any electronic document.
- 3.10 Taking any action to terminate, close, restrict, or limit lines of credit, credit cards, charge cards, or financial accounts in the name of or subject to the control of the other party, whether owned individually or jointly, except by subsequent court order or written agreement signed by each party permitting such action.
- 3.11 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.12 Discontinuing or altering the withholding for federal income taxes on wages or salary while this suit is pending.
- 3.13 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.
- 3.14 Unlawfully intercepting or recording the other party's electronic communications.
- 3.15 Opening or diverting mail, email, or any other electronic communication addressed to the other party.
- 3.16 Excluding a spouse from the use and enjoyment of the marital residence in which the spouse had been residing within the thirty (30) day period prior to the date the original petition for divorce was filed.
- 3.17 Communicating with the other party's employer or a person with whom the other party has a business relationship without a legitimate purpose.
- 3.18 Entering any safe deposit box in the name of or subject to the control of a party, whether owned individually or jointly, except by subsequent court order or written agreement signed by each party permitting such entrance.
- 3.19 Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the divorce suit, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
- 3.20 Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. This prohibition shall likewise apply to any suit affecting the parent-

- child relationship with regard to any electronic data or electronically stored information relevant to the subject matter of the suit affecting the parent-child relationship.
- 3.21 Deleting any data or content from any social network profile used or created by either party or a child of the parties.
 - 3.22 Using any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account.
4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:
- 4.1 Concealing, destroying, disposing of, or altering any of the parties' family records, property records, financial records, business records or any records of income, debts, or other obligations, including, but not limited to, a canceled check, deposit slip, other records from a financial institution, records of credit purchases or cash advances, tax returns, and financial statements.
 - 4.2 Falsifying any writing or record relating to the property of either party.
 - 4.3 "Records" includes e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.
5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts, except by written agreement signed by each party permitting such acts:
- 5.1 Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party, except as specifically authorized by this order or a subsequent order of this Court.
 - 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
 - 5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' minor children.
6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:
- 6.1 To engage in acts reasonably and necessary to the conduct of that party's usual business and occupation.
 - 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
 - 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.
 - 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.
7. **SERVICE AND APPLICATION OF THIS ORDER.**
- 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time an original petition is filed by non-electronic means, *if* the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented. At the time an original petition is filed electronically, *if* the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall decline to issue citation until the petition is resubmitted with a copy of this order attached in conformity with this section. Additionally, the Court *may* decline to grant temporary ex parte relief, decline to set a hearing in the case, or strike the petition without further notice *if* the Petitioner fails to resubmit the petition with a copy of this order attached in conformity with this section.
 - 7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. The requirement of a bond is waived. If, after service, no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of service of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this court. This entire order will terminate and will no longer be effective only upon further order of the court, entry of a final order or dismissal of the case.
 - 7.3 In addition to any other remedies available for the enforcement of this order, at the Court's discretion, the Court may award reasonable and necessary attorney fees and court costs against a party found to have violated a provision of this order.

8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree.

9. **PARTIES ENCOURAGED TO MEDIATE/COLLABORATE.** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation or the collaborative law process, to resolve the conflicts that may arise in this lawsuit.

10. **PARENT EDUCATION AND STABILIZATION.** If this is a suit affecting or seeking modification of the parent-child relationship, all parties are ORDERED to attend one of the following parent education and stabilization programs within sixty (60) days of the date of filing or service of the suit, as applicable:

10.1 Children in the Middle (www.childreninthemiddle.com or 800-239-3971).

10.2 Divorce Sanity Co-Parenting (www.ccdcounseling.com/divorce-sanity or 800-897-7068).

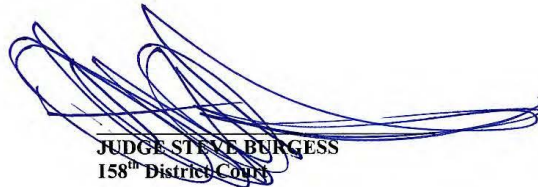
10.3 Crossroads of Parenting & Divorce (www.patschanz.com/co-parenting or 940.453.8700).

Waiver of the requirement that both parents shall complete a parent education and stabilization program may only be granted by order of the court. Completion of online programs or programs not listed above will not be accepted without prior approval by the court for good cause shown. Proof of completion of the program must be filed with the court upon meeting this requirement. Failure to provide such proof in a timely manner may result in the cancellation of any scheduled hearing or trial and denial of requested relief at the Court's discretion.

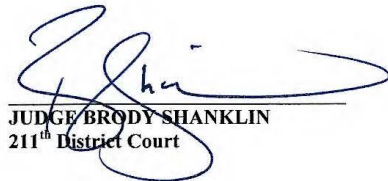
THIS DENTON COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES IS EFFECTIVE IN EVERY DIVORCE SUIT AND EVERY SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP, INCLUDING A SUIT FOR MODIFICATION OR ENFORCEMENT OF A PRIOR ORDER, FILED ON OR AFTER JANUARY 20, 2017.



JUDGE SHERRY SHIPMAN
16th District Court



JUDGE STEVE BURGESS
158th District Court



JUDGE BRODY SHANKLIN
211th District Court



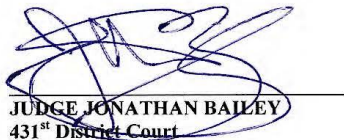
JUDGE BRUCE MCFARLING
362nd District Court



JUDGE MARGARET BARNES
367th District Court



JUDGE DOUG ROBISON
393rd District Court



JUDGE JONATHAN BAILEY
431st District Court



JUDGE TIFFANY HAERTLING
442nd District Court