

**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA**

**NO. 43,647**

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

**PETITIONER'S FIRST AMENDED RESPONSE  
TO RULE 194 REQUESTS FOR DISCLOSURE**

Christopher K. Wrampelmeier, Attorney for Petitioner, provides the attached response to the rule 194 requests for disclosure, which amends Petitioner’s previous response dated January 9, 2019.

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 February 19, 2019.

/s/Christopher K. Wrampelmeier  
Christopher K. Wrampelmeier

## **RESPONSES**

**Request 1:** R.194.2(a). State the correct names of the parties to the lawsuit.

**Response:**

Allison Gelbe-Pinkus  
Mark Pinkus

**Request 2:** R.194.2(b). State the name, address, and telephone number of each potential party.

**Response:** Xynga, Inc., 1 Xynga Court, San Francisco, California, (xxx) xxx-xxxx  
  
Tisdale, Indelicato & Key, 227 Oak Street, Suite 1200, Denton, Texas  
76201, (xxx) xxx-xxxx

**Request 3:** R.194.2(c). State the legal theories and, in general, the factual bases for your claims or defenses.

**Response:**

Texas is the home state of all three children and has jurisdiction to make a child custody determination under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). Texas has jurisdiction under the Uniform Interstate Family Support Act (UIFSA) to make child support orders regarding the children.

Allison and Mark each should be appointed joint managing conservators, with all the rights and duties of a parent conservator. Allison should be designated as the conservator who has the exclusive rights to designate the primary residence of the children without regard to geographic location, 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. The primary residence of the children should be restricted to Denton County, Texas. Mark 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. The payments for the support of the children survive the death of Mark and become obligations of his estate. These requests are in the best interest of the children.

Allison has been the sole caregiver for Lucy Pinkus, whom Mark has largely ignored, distracted as he is by his paramour, Nancy Poe. Nancy Poe is the real caregiver for the boys when they are with Mark. Mark's devotion to work over family and his narcissistic behavior leave little room for him to provide the twins with what they desperately need. Mark bullied Allison into taking the boys back and forth to California and then to enroll them in school in San Francisco. Allison is an exemplary parent to all the children, who

are her only focus.

On or about November 15, 2018, Allison learned that Mark had been married and divorced before, as described in the Petition to Annul Marriage and, in the Alternative, First Amended Petition for Divorce filed in this suit. Before the parties married, Mark intentionally had misled Allison about his prior marriage, knowing Allison's strong religious conviction would keep her from marrying Mark if she knew the truth. Mark's deceit induced Allison to marry him; she would not have married him if he had told her the truth as the marriage would have been in defiance of God's law. The Court should annul Mark and Allison's marriage.

With the Court's annulment of the marriage, the premarital agreement is of no effect, it being contingent on on the parties being married. The Court must set the premarital agreement aside, divide the property that accumulated since the date of marriage in a just and right manner, and confirm each party's separate property, including Allison's intellectual property, which has mutated into shares of Xynga, Inc.

Even if the Court does not annul the marriage, the Court should find that the premarital agreement is unenforceable. When the parties signed the document, the document was missing the schedules, which Mark's attorney later added. Since the document was incomplete, there was no agreement for the parties to have voluntarily signed.

If the Court does not annul the marriage, the Court should find there is a community estate and award Allison a disproportionate share of that estate for the reasons stated in the Petition to Annul Marriage and, in the Alternative, First Amended Petition for Divorce filed in this suit.

The Court should grant the other relief requested by Allison in the Petition to Annul Marriage and, in the Alternative, First Amended Petition for Divorce filed in this suit, including her tort claims, which are set forth in detail in the petition. Mark and his attorneys' invasions of Allison's privacy and privilege information are outrageous and deserving of severe sanctions.

**Request 4:** R.194.2(d). State the amount of economic damages and any method of calculating the damages.

**Response:** Petitioner's intellectual property has been misappropriated by Respondent and converted into at least 800,000 shares of Xynga, Inc. Those shares should be awarded to Petitioner or confirmed as her separate property.

Petitioner's damages relating to her tort claims are set forth in the Petition to Annul Marriage and, in the Alternative, First Amended Petition for Divorce filed in this suit.

Petitioner incorporates into this response her Motion for Sanctions filed this same day in this suit in which she requests damages for Respondent knowingly, intentionally, and maliciously disclosing Petitioner's protected health records and violating court orders and

rulings governing discovery.

**Request 5:** R.194.2(e). State the name, address, and telephone number of persons having knowledge of relevant facts, and state each person's connection with the case.

**Response:**

Mark Pinkus, 2300 California Street, Unit 2301, San Francisco, California 94123, (xxx) xxx-xxxx, Respondent

Allison Gelbe-Pinkus, 5400 Hwy 455, Little Elm, Denton County, Texas 76258, (xxx) xxx-xxxx, Petitioner

Amy and William Gelbe, 3131 Bowie St., Pflugerville, Texas 78660, (xxx) xxx-xxxx, Petitioner's parents

Nancy Poe, 504 Marin Drive, San Francisco, California 94112, (xxx) xxx-xxxx, Mark Pinkus's paramour

Sue Fieldman, 980 Maple Drive, Arlington, Texas 76013, (xxx) xxx-xxxx, former business partner of Petitioner

Tiffany Rodriguez, 10 La La Land Road, Petaluma, California 94952, (xxx) xxx-xxxx, Petitioner's life coach

John Upton, Travis Elementary School, Denton, Texas, (xxx) xxx-xxxx, principal of the school where Todd and Thomas Pinkus attended nursery school

Grace Bolton, Travis Elementary School, Denton, Texas, (xxx) xxx-xxxx, Todd and Thomas Pinkus's pre-K teacher

Angelina Garcia, John C. Frémont Elementary School, San Francisco, California (xxx) xxx-xxxx, Todd and Thomas Pinkus's kindergarten teacher

Mary Smith, LPC, 525 Oak Street, Denton, Texas 76201, (xxx) xxx-xxxx, court-appointed child custody evaluator

Saul Goodman, Goodman Law Offices, 777 Eagle Drive, Suite 122, Denton, Texas 76201, (xxx) xxx-xxxx, Petitioner's attorney for the parties' premarital agreement

Cindy V. Tisdale, Tisdale, Indelicato & Key, 227 Oak Street, Suite 1200, Denton, Texas 76201, (xxx) xxx-xxxx, Respondent's attorney for the parties' premarital agreement

**Request 6:** R.194.2(f). For each individual who may be called by you or your attorney as an expert witness, state:

1. the expert's name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the mental impressions and opinions held by the expert and the basis for them (or documents reflecting such information if the expert is not retained by, employed by, or otherwise subject to your control);
4. if the expert is retained by, employed by, or otherwise subject to your control:
  - A) produce all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
  - B) produce the expert's current resume and bibliography.

**Response:**

Mary Smith, LPC, 525 Oak Street, Denton, Texas 76201, (xxx) xxx-xxxx, court-appointed child custody evaluator. Petitioner expects Ms. Smith to give an opinion on the conservatorship of each child who is the subject of this suit and on the possession of or access to each such child, using the best interest of the child as her overarching standard. As Ms. Smith's mental impressions and opinions will be set forth in her report. The Court appointed Ms. Smith.

**Request 7:** R.194.2(h). Produce any settlement agreements as described in Rule 192.3(g).

**Response:**

Petitioner is producing a copy of the temporary orders in this suit.

**Request 8:** R.194.2(i). Produce any witness statements as described in Rule 192.3(h).

**Response:**

Respondent is producing a written statement from Grace Bolton about how Todd Pinkus and Thomas Pinkus did in her Pre-K class.

Petitioner is producing a copy of Saul Goodman's deposition.