

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

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

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

Cindy V. Tisdale, Attorney for Respondent, provides the attached response to the rule 194 requests for disclosure, which amends Respondent’s previous response dated January 22, 2019.

Respectfully submitted,

Cindy V. Tisdale
Tisdale, Indelicato & Key
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By: /s/ Cindy V. Tisdale
Cindy V. Tisdale
State Bar No. 00792700
Attorney for Respondent

Certificate of Service

I certify that a true copy of the above was served on Christopher K. Wrampelmeier through the electronic filing manager in accordance with the Texas Rules of Civil Procedure on February 16, 2019.

/s/Cindy V. Tisdale
Cindy V. Tisdale
Attorney for Respondent

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: None

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

Response:

As shown in Mark's UCCJEA affidavit filed with this Court, Texas has jurisdiction only over Lucy Pinkus to make a child custody determination under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). The home state of the twins Todd and Thomas Pinkus is California and California has jurisdiction to make a child custody determination regarding the twins.

Mark concedes that Texas has jurisdiction under the Uniform Interstate Family Support Act (UIFSA) to make child support orders regarding the children.

Mark and Allison each should be appointed joint managing conservators, with all the rights and duties of a parent conservator. Mark should be designated as the conservator who has the exclusive rights to designate the primary residence of Lucy Pinkus without regard to geographic location, to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child, and to make education decisions for the child. If Texas has jurisdiction under the UCCJEA, these requests apply to all three children. Allison 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. Mark requests that the payments for the support of the children survive the death of Allison and become the obligations of Allison's estate. These requests are in the best interest of each child who is before the Court.

Mark has shown himself to be responsible for the health, education, and welfare of the twins virtually all by himself, while managing a multi-million dollar corporation. The boys have thrived in his care and are excelling in school. The children should remain together, with Lucy joining her brothers in California.

Allison is addicted to prescription medicine and is not motivated to become sober or otherwise improve herself. She will not keep a clean residence for the children, even though she has plenty of money to hire someone to do her work for her if she continues to refuse to get up and do it. When she was primarily responsible for the boys, she let their education slip to the point that the school principal had to intervene. Likely due to her mental health issues, Allison filed for divorce after the birth of Lucy Pinkus. Mark, devastated, tried to help Allison, even after she threw Mark's success back at him and demanded financial support, despite being rich herself. Mark understood the parties would work out their issues in the best interest of the children and in a quiet, dignified manner. He even came to Denton to care for Allison and the children when she had the flu in January.

Allison showed she does not care about her past agreements and co-parenting when she amended her pleadings to try to avoid the parties' enforceable premarital agreement, falsely accused Mark of adultery, and made claims against Mark's separate property stock.

The Court should modify the provisions in the temporary orders requiring Mark to pay temporary spousal support and interim attorney's fees as those provisions are contrary to the parties' premarital agreement and therefore unenforceable. On final hearing, the Court should deny Allison's frivolous petition to annul the marriage. The Court should enforce the premarital agreement and confirm each party's separate property in accordance with its terms. Specifically, the Court should confirm that all Xynga, Inc. stock in Mark's name is his separate property. There is no community property to divide.

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

Response: None

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

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

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

Nancy Poe, 504 Marin Drive, San Francisco, California 94112, (xxx) xxx-xxxx, twins' nanny and employee of Mark Pinkus

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. Respondent 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:

Respondent 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 copy of Todd Pinkus's and Thomas Pinkus's school records for nursery school and for kindergarten (through December 2018), which include teacher comments.

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