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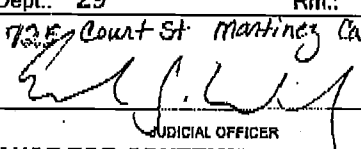
DEC 11 2015

FL-410

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, State Bar number, and address): Michelene Insalaco 161711 Sucherman . Insalaco LLP 101 Mission Street, Suite 1640 San Francisco, CA 94105 TELEPHONE NO.: (415) 357-5050 FAX NO. (optional): (415) 357-5051 E-MAIL ADDRESS (optional): mi@sucherman-insalaco.com ATTORNEY FOR (name): Keri Evilsizor		FOR COURT USE ONLY  <div style="border: 2px solid black; padding: 10px; text-align: center;"> <b>FILED</b>  <b>DEC 14 2015</b> </div> STEPHEN H. NASH, CLERK OF THE COURT SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF CONTRA COSTA By: _____ Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa County STREET ADDRESS: 751 Pine Street MAILING ADDRESS: P.O. Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME:		
PETITIONER/PLAINTIFF: Keri Evilsizor RESPONDENT/DEFENDANT: Joseph James Sweeney OTHER PARTY/PARENT:		
<b>ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT</b>		CASE NUMBER: <b>D13-01648</b>
<b>NOTICE!</b> A contempt proceeding is criminal in nature. If the court finds you in contempt, the possible penalties include jail sentence, community service, and fine.  You are entitled to the services of an attorney, who should be consulted promptly in order to assist you. If you cannot afford an attorney, the court may appoint an attorney to represent you.	<b>¡AVISO!</b> Un proceso judicial por desacato es de índole criminal. Si la corte le declara a usted en desacato, las sanciones posibles incluyen penas de prisión y de servicio a la comunidad, y multas.  Usted tiene derecho a los servicios de un abogado, a quien debe consultar sin demora para obtener ayuda. Si no puede pagar a un abogado, la corte podrá nombrar a un abogado para que le represente.	

BY FAX

1. TO CITEE (name of person you allege has violated the orders):  
Joseph James Sweeney
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS, TO GIVE ANY LEGAL REASON WHY THIS COURT SHOULD NOT FIND YOU GUILTY OF CONTEMPT, PUNISH YOU FOR WILLFULLY DISOBEYING ITS ORDERS AS SET FORTH IN THE AFFIDAVIT BELOW AND ANY ATTACHED AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT; AND REQUIRE YOU TO PAY, FOR THE BENEFIT OF THE MOVING PARTY, THE ATTORNEY FEES AND COSTS OF THIS PROCEEDING.

a. Date: <u>1/29/16</u>	Time: <u>8:30A</u>	Dept.: <u>29</u>	Rm.: _____
b. Address of court: <input type="checkbox"/> same as noted above <input checked="" type="checkbox"/> other (specify): <u>725 Court St Martinez Ca 94519</u>			
Date: <u>12/11/15</u>		JUDICIAL OFFICER 	

### AFFIDAVIT SUPPORTING ORDER TO SHOW CAUSE FOR CONTEMPT

3. ☒ An Affidavit of Facts Constituting Contempt (form FL-411 or FL-412) is attached.
4. Citee has willfully disobeyed certain orders of this court as set forth in this affidavit and any attached affidavits.
5. a. Citee had knowledge of the order in that
  - (1) ☒ citee was present in court at the time the order was made.
  - (2) ☒ citee was served with a copy of the order.
  - (3) ☐ citee signed a stipulation upon which the order was based.
  - (4) ☒ other (specify): Mr. Sweeney filed an appeal to challenge the order.
- ☐ Continued on Attachment 5a(4).
- b. Citee was able to comply with each order when it was disobeyed.
6. Based on the instances of disobedience described in this affidavit
  - a. ☒ I have not previously filed a request with the court that the citee be held in contempt.
  - b. ☐ I have previously filed a request with the court that the citee be held in contempt (specify date filed and results):

☐ Continued on Attachment 6b.

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PETITIONER/PLAINTIFF: Keri Evilsizor RESPONDENT/DEFENDANT: Joseph James Sweeney OTHER PARTY/PARENT:	CASE NUMBER: D13-01648
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7. ☐ Citee has previously been found in contempt of a court order (specify case, court, date):

☐ Continued on Attachment 7.

8. ☒ Each order disobeyed and each instance of disobedience is described as follows:

- a. ☐ Orders for child support, spousal support, family support, attorney fees, and court or other litigation costs (see attached *Affidavit of Facts Constituting Contempt* (form FL-411))
- b. ☒ Domestic violence restraining orders and child custody and visitation orders (see attached *Affidavit of Facts Constituting Contempt* (form FL-412))
- c. ☐ Injunctive or other order (specify which order was violated, how the order was violated, and when the order was violated):

☐ Continued on Attachment 8c.

- d. ☒ Other material facts, including facts indicating that the violation of the orders was without justification or excuse (specify): Please see attached declaration.

☐ Continued on Attachment 8d.

- e. ☒ I am requesting that attorney fees and costs be awarded to me for the costs of pursuing this contempt action. (A copy of my Income and Expense Declaration (form FL-450) is attached.) Fees req. under CCP 1218(a) and Fam. C. 271.

**WARNING: IF YOU PURSUE THIS CONTEMPT ACTION, IT MAY AFFECT THE ABILITY OF THE DISTRICT ATTORNEY TO PROSECUTE THE CITEE CRIMINALLY FOR THE SAME VIOLATIONS.**

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

Date: December 16, 2015

Keri Evilsizor

(TYPE OR PRINT NAME)

(SIGNATURE)

FL-412

PETITIONER/PLAINTIFF: <b>Keri Evilsizor</b>	CASE NUMBER:
RESPONDENT/DEFENDANT: <b>Joseph James Sweeney</b>	<b>D13-01648</b>
OTHER PARENT:	

**AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT****Domestic Violence/Custody and Visitation****Attachment to Order to Show Cause and Affidavit for Contempt (form FL-410)**

1. ☐ The Citee has violated the restraining order issued on (date): \_\_\_\_\_ by contacting, molesting, harassing, attacking, striking, threatening, sexually assaulting, battering, telephoning, sending any messages to, following, stalking, destroying the personal property of, disturbing the peace of, keeping under surveillance, or blocking movements in public places and thoroughfares of me or any other person protected by the restraining order. (Specify which order was violated, how the order was violated, and when the violation occurred):  
  
☐ Continued on Attachment 1.
2. ☐ The Citee has violated the restraining order issued on (date): \_\_\_\_\_ by not moving from and staying away from the residence as ordered by the court. (Specify how the order was violated and when the violation occurred):  
  
☐ Continued on Attachment 2.
3. ☐ The Citee has violated the restraining order issued on (date): \_\_\_\_\_ by not staying (specify): \_\_\_\_\_ yards away from me, the other protected persons, my residence, my place of work, the children's school or place of child care, my vehicle, or other (specify): \_\_\_\_\_ (Specify which order was violated, how the order was violated, and when the violation occurred):  
  
☐ Continued on Attachment 3.
4. ☐ The Citee has violated the restraining order issued on (date): \_\_\_\_\_ by not relinquishing his or her firearm(s) as ordered by the court. (Specify which order was violated, how the order was violated, and when the violation occurred):  
  
☐ Continued on Attachment 4.
5. ☐ The Citee has violated the restraining order issued on (date): \_\_\_\_\_ by failure to complete court-ordered batterer's treatment/anger management class (specify how the order was violated):  
  
☐ Continued on Attachment 5.
6. ☐ The Citee has violated order issued on (date): \_\_\_\_\_ by violating the following custody or visitation order (specify which order was violated, how the order was violated, and when the violation occurred):  
  
☐ Continued on Attachment 6.
7. ☒ The Citee has violated the order issued on (date): **May 6, 2014** by violating other orders (specify which order was violated and how the order was violated):  
**Please see attached declaration and Exhibit D for ten enumerated counts of violations.**  
  
☐ Continued on Attachment 7.

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

Date: **December 10, 2015****Keri Evilsizor**

(TYPE OR PRINT NAME)

(SIGNATURE)

1 In re Marriage of Evilsizor & Sweeney; Case No. D13-01648  
2 Attachment to FL-410 and FL-412  
3 Declaration of Petitioner Keri Evilsizor

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4 I, KERI EVILSIZOR, do hereby declare as follows:

5 ***Background.***

6  
7 1. Respondent Joseph Sweeney and I married in November of 2010, and separated in  
8 March of 2013, for a marriage of just over two years. We have one daughter, our daughter  
9 Julianna who is three years old.

10 2. While I was giving birth to our daughter, in November of 2012, Joe had took my  
11 cell phones that I had left plugged in to the wall in my hospital room, and rifled through my  
12 text messages and e-mails. I never gave Joe my phones that day and never authorized his  
13 access of them. I never even know until later what he had done.

14 3. Following Julianna's birth, also without my knowledge Joe proceeded to access my  
15 computer and downloaded backups of all of my files. Again, Joe never asked for my  
16 permission to download the data and I never gave him such permission.

17 4. After our separation, Joe sought sole custody or Julianna, accusing me of a host of  
18 terrible things, and this led to a custody evaluation. During the evaluation Joe gave many of  
19 my private text messages, including messages to and from my attorney, to the custody  
20 evaluator. It was then that I learned that he had illegally accessed my private information. I  
21 ultimately filed for a domestic violence restraining order to protect myself and my private  
22 information.

23 5. On May 6, 2014, the Court (Weil, J.) made a finding that Joe committed acts that  
24 are restrainable under the Domestic Violence Prevention Act ("DVPA") and issued a  
25 restraining order. (See EXH A, a true and correct copy of Restraining Order After Hearing  
26 filed 5/6/14 ("Restraining Order").) Joe appealed, and in a published opinion (237  
27 Cal.App.4th 1416) the appellate court has affirmed this decision as being proper and correct.  
28 Joe then sought review from the California Supreme Court, and this review was denied (Sep.  
09, 2015).

1           6. Ever since I learned about Joe's hacking into my private accounts, I've lived in fear  
2 of what he would do with the information. Joe has since our separation done everything he  
3 could to hurt and punish me (and my family) because we didn't capitulate to his financial  
4 demands at the time. I come from a wealthy family, and shortly after marriage it became  
5 apparent that Joe did not want to work or contribute financially to our needs, but instead  
6 assumed my parents would support us. After we separated, he assumed he'd received a large  
7 pay-off, which has not occurred, as I cannot give him what is not mine to give. Joe threatened  
8 that he would befriend my son's father and work with him to reduce my custodial rights to  
9 both of my children. Joe has done this. Joe threatened to tell my parents about the  
10 termination of our pregnancy. Joe has done this. Joe threatened to allege that I was "crazy" as  
11 a basis to take custody of our daughter. Joe has done this. Joe has even accused me of  
12 sleeping with my former attorneys, Milton Hum and Dan Cantrell, and filed State Bar  
13 complaints against me and others involved in this case, thereby attempting to ensure that I am  
14 without competent counsel. Finally, Joe files motion after motion in our divorce case, which  
15 has now been pending for longer than the duration of our marriage.

16  
17  
18           ***Orders Violated.***

19           7. The Restraining Order prohibits Joe from "using, delivering, copying, printing or  
20 disclosing the messages or content of Petitioner's text messages or email messages or notes, or  
21 anything else downloaded from her phone or from what has been called the family computer  
22 except as otherwise authorized by the court." (See **EXH A** at p. 7.)

23           8. Recently, Joe created a website entitled "**DivorcingtheEvilsizors.com.**" A true and  
24 correct copy of relevant portions of the site, as it existed as of November 2, 2015, is attached  
25 at **EXH B**. This website constitutes a one-sided, misleading, slanderous, and often-times false  
26 version of our relationship and the ensuing dissolution case. It also constitutes very blatant  
27 violations of the Restraining Order.

28           9. There can be no question that Joe created this site. He admitted this, and that he  
owns the LLC that in turns owns the site, at a recent trial about the ownership of our marital  
home. (Please see **EXH C**, Reporter's Transcript of Proceedings 11/2/15 at 41-50.)

          10. As one example of how the creation of the website constitutes violations of the  
Restraining Order, in the "short version" of his misinformed story Joe expressly discusses how  
and when he hacked into my phones at the hospital, and then summarizes *what he learned*,

1 information specifically protected by the Restraining Order. Joe writes: "After waiting in  
2 Labor & Delivery for hours, Joe plays some video games on Keri's iPhone. As is human  
3 nature, Joe scrolls through some of Keri's text messages and discovers information . . ." This  
4 is an admission that he gained access to my texts "as is human nature" and NOT by my  
5 permission. Joe goes on to write: "... Joe further investigates the phone. He discovers  
6 information indicating that . . ." Joe proceeds to recite information he discovered, *on the*  
7 *phone*. (See **EXH B** at pp. 3, 17-18.) This is the very information subject to the Restraining  
8 Order. It is now posted on the internet, for all of the world, including our daughter and my  
9 older son, to see.

10 11. The above is just the beginning of the website that Joe has created. The website  
11 contains a link to "Evilsizor v. Sweeney 'The Long Version.'" This section contains four  
12 "acts" divided into links to 36 chapters. Thirteen chapters are completed and the other  
13 chapters "will be unlocked over time." (See **EXH B** at pp. 7-12.) In this section Joe has  
14 posted both in the text and in downloadable .pdf files and audio files *volumes* of personal,  
15 private, and protected information taken directly from my cell phones and computer. This  
16 material includes photos that were stored on my phone.

17 12. Joe's website also endangers our daughter, in that he has posted for all of the  
18 world to see a Family Court Services report, Julianna's full name, her date of birth, the name  
19 of her pediatrician, medical information about her, and a photo of her closet. Joe further  
20 posted private information about my son (with a different father) John Louis. Joe further  
21 posted copies of my signature; my medical information; and my credit card and banking  
22 records, including unredacted account numbers. He also goes so far as to provide a link to an  
23 audio file that contains a private voice-mail that I left Joe's mother about ending the marriage.  
24 I am seeking appropriate remedies for these actions through a Request for Order that I have  
25 previously filed.

26 13. Attached as **EXH D** is a chart of 11 specific violations of the Restraining Order,  
27 citing for each the relevant pages of the website printout (**EXH B**).

28 14. Joe's actions have no legitimate purpose. They are intended to frighten,  
embarrass, coerce, and humiliate me. Joe is further inviting identity theft and fraud against me  
and my children. He is posting information that will haunt our daughter and my son for the  
rest of their lives. He is inciting disgruntled fathers and men's rights activists to stalk and

1 harm me and the children (Chapter 6 is entitled: "Take his child and put him on the street by  
2 filing false domestic violence charges.")

3 15. Without assistance from the Court, Joe will continue to use my confidential  
4 information in this manner and other ways. He needs to know that he cannot violate court  
5 orders; that these orders are meaningful; and that there will be consequences for his action.

6 16. I felt a *huge* relief when the Court issued a restraining order for five years against  
7 Joe and for my protection. If Joe is not held accountable for these very blatant violations of  
8 the order, it will be rendered meaningless and he will be empowered to violate them in more  
9 ways.

10 ***Request to Seal File.***

11 17. I respectfully request an order that this Declaration and the related Contempt  
12 pleadings that discuss the information protected by the Restraining Order be sealed. If they  
13 are not, Joe will post .pdf copies of these pleadings on his website or otherwise disseminate  
14 them as matters of public record, thereby compounding his contempt and further terrorizing  
15 me and invading my privacy. I have already requested in a separate Request for Order to have  
16 court documents pertaining to unredacted financial information and the children be sealed.  
(Please see Request for Order filed 11/17/15.)

17 ***Request for Fees Related to the Contempt.***

18  
19 18. Finally, I am requesting that Joe pay my attorneys' fees for having to file another  
20 motion that is predicated on Joe's wrongful -- and in this case unlawful -- behavior. Part of  
21 Joe's retaliatory conduct (in addition to the emotional distress he is causing me) is to run up  
22 my attorney fees. He has been successful so far in this mission. I estimate my attorney fees  
23 for the present Order to Show Cause, which will require an arraignment and trial, to be  
24 approximately \$20,000. (See Declaration of Michelene Insalaco, filed concurrently.) These  
25 funds could be paid by Joe over time, or could act as an offset in the division of our  
26 community property.

27 ///

1 *I thank the Court for considering this Declaration.*  
2

3 I declare, under penalty of perjury under the laws of the State of California, that the  
4 foregoing is true and correct, and that this declaration is executed in Walnut Creek  
5 California on December 10, 2015.  
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8 Keri Evilsizer  
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# **EXHIBIT A**

**DV-130****Restraining Order After Hearing  
(Order of Protection)****1 Name of Protected Person:**  
Keri A. Evilsizor

Your lawyer in this case (if you have one):

Name: Daniel Cantrell State Bar No.: 206824Firm Name: Whiting, Fallon, Ross & Abel, LLP

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: 101 Ygnacio Valley RoadCity: Walnut Creek State: CA Zip: 94596Telephone: (925) 296-6000 Fax: (925) 296-6001E-Mail Address: dcantrell@disso.com**2 Name of Restrained Person:**  
Joseph J. Sweeney

Description of restrained person:

Sex: ☒ M ☐ F Height: 6'3" Weight: 180 Hair Color: Brown Eye Color: Brown  
 Race: Caucasian Age: 32 Date of Birth: 9/25/1981  
 Mailing Address (if known): 324 Amberstone Lane  
 City: San Ramon State: CA Zip: 94582  
 Relationship to protected person: Husband/Spouse

**3 Additional Protected Persons**

In addition to the person named in ①, the following persons are protected by orders as indicated in item ⑥ and ⑦ (family or household members):

Full name	Relationship to person in ①	Sex	Age

☐ Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons" as a title.

**4 Expiration Date**

The orders, except as noted below, end on

(date): 4/11/2019 at (time): 12:00 ☐ a.m. ☐ p.m. or ☒ midnight

- If no date is written, the restraining order ends three years after the date of the hearing in item ⑤(a).
- If no time is written, the restraining order ends at midnight on the expiration date.
- Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation and child support orders usually end when the child is 18.
- The court orders are on pages 2, 3, 4 and 5 and attachment pages (if any).

**This order complies with VAWA and shall be enforced throughout the United States. See page 5.****This is a Court Order.**

Clerk stamps date here when form is filed.

**FILED**  
**MAY 06 2014**STEPHEN H. NASH, CLERK OF THE COURT  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF CONTRA COSTABy: [Signature], Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of  
 Contra Costa  
 751 Pine Street  
 P.O. Box 911  
 Martinez, CA 94553

Fill in case number:

Case Number:  
 D13-01648

Case Number:

D13-01648

**5 Hearings**

- a. The hearing was on (date): 4/11/2014 with (name of judicial officer): Edward Weil
- b. These people were at the hearing (check all that apply):
- ☒ The person in **(1)** ☒ The lawyer for the person in **(1)** (name): Daniel Cantrell
- ☒ The person in **(2)** ☐ The lawyer for the person in **(2)** (name): \_\_\_\_\_
- c. ☐ The people in **(1)** and **(2)** must return to court on (date): \_\_\_\_\_  
at (time): \_\_\_\_\_ ☐ a.m. ☐ p.m. to review (specify issues): \_\_\_\_\_

**To the person in **(2)****

The court has granted the orders checked below. Item **(9)** is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

**6 ☐ Personal Conduct Orders**

- a. The person in **(2)** must not do the following things to the protected people in **(1)** and **(3)**:
- ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements.
- ☐ Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail or other electronic means.
- ☐ Take any action, directly or through others, to obtain the addresses or locations of any protected persons.  
(If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person as needed to serve legal paper is allowed and does not violate this order.
- c. ☐ Exceptions: Brief and peaceful contact with the person in **(1)**, and peaceful contact with children in **(3)**, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**7 ☐ Stay-Away Order**

- a. The person in **(2)** must stay at least (specify): \_\_\_\_\_ yards away from:
- ☐ The person in **(1)** ☐ School of person in **(1)**
- ☐ The persons in **(3)** ☐ The children's school or child care
- ☐ Home of person in **(1)** ☐ Other (specify): \_\_\_\_\_
- ☐ The job or workplace of person in **(1)** \_\_\_\_\_
- ☐ Vehicle of person in **(1)** \_\_\_\_\_
- b. ☐ Exceptions: Brief and peaceful contact with the person in **(1)** and peaceful contact with children in **(3)**, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**8 ☐ Move-Out Order**

The person in **(2)** must move out immediately from (address): \_\_\_\_\_

**This is a Court Order.**

Case Number:

D13-01648

**9 No Guns or Other Firearms or Ammunition**

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The person in ② must:
- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
  - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (*Form DV-800, Proof of Firearms Turned In or Sold, may be used for the receipt.*)
- c. ☐ The court has received information that the person in ② owns or possesses a firearm.

**10 ☐ Record Unlawful Communications**

The person in ① has the right to record communications made by the person in ② that violate the judge's orders.

**11 ☐ Animals: Possession and Stay-Away**

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: \_\_\_\_\_

**12 ☐ Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): \_\_\_\_\_

**13 ☐ Child Support**

Child support is ordered on the attached Form FL-342, *Child Support Information and Order Attachment* or (*specify other form*): \_\_\_\_\_

**14 ☐ Property Control**

Only the person in ① can use, control, and possess the following property: \_\_\_\_\_

**15 ☐ Debt Payment**

The person in ② must make these payments until this order ends:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

☐ Check here if more payments ordered. Attach a sheet of paper and write, "DV-130, Debt Payments" as a title.

**16 ☐ Property Restraint**

The ☐ person in ① ☐ person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a "Personal Conduct" order.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**

Case Number:  
D13-01648

**17** ☐ **Spousal Support**

Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (specify other form): \_\_\_\_\_

**18** ☐ **Lawyer's Fees and Costs**

The person in **(2)** must pay the following lawyer's fees and costs:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**19** ☐ **Payments for Costs and Services**

The person in **(2)** must pay the following:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

☐ Check here if more payments ordered. Attach a sheet of paper and write, "DV-130, Payments for Costs and Services" as a title.

**20** ☐ **Batterer Intervention Program**

The person in **(2)** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

**21** ☒ **Other Orders**

Other orders (specify): See Further Orders Attachment

**22** ☐ **No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

**23** **Service**

a. ☒ The people in **(1)** and **(2)** were at the hearing or agreed in writing to this order. No other proof of service is needed.

b. ☐ The person in **(1)** was at the hearing. The person in **(2)** was not.

(1) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in **(2)** must be served. This order can be served by mail.

(2) ☐ Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. Someone—not the people in **(1)** or **(3)**—must personally "serve" a copy of this order to the person in **(2)**.

**24** ☐ **Criminal Protective Order**

a. ☐ Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.

Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

(If more orders, list them on extra sheet of paper and write, "DV-130, Other Criminal Protective Orders" as a title.)

b. ☐ No information has been provided to the judge about a criminal protective order.

**This is a Court Order.**

Case Number:  
D13-01648

**(25) ☒ Attached pages are orders.**

- Number of pages attached to this six-page form: One
- All of the attached pages are part of this order.
- Attachments include (check all that apply):
  - ☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ FL-342 ☐ FL-343
  - ☒ Other (specify): Further Orders Attachment

Date: 5/6/14

[Signature]  
Judge (or Judicial Officer)

**Certificate of Compliance With VAWA**

This restraining (protective) order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

**Warnings and Notices to the Restrained Person in 2**

**If you do not obey this order, you can be arrested and charged with a crime.**

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

**You cannot have guns, firearms, and/or ammunition.**



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

**Instructions for Law Enforcement**

**Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date in item (5)(a) on page 2 or
- The date next to the judge's signature on this page.

The orders *end* on the expiration date in item (4) on page 1. If no date is listed, they end three years from the hearing date.

**This is a Court Order.**

Case Number:

D13-01648

### Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

### Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

### Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- Forms DV-100 and DV-105 are not orders. Do not enforce them.

### Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

### Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

### —Clerk's Certificate—



I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: MAY 06 2014 Clerk, by [Signature], Deputy

**This is a Court Order.**

3 Further Orders Attachment to Restraining Order After Hearing

4 The court makes the following findings and orders:

5 1. The court finds that Respondent Joseph Sweeney committed acts that are  
6 restrainable under the Domestic Violence Prevention Act, and makes the following orders:

7 2. Respondent is prohibited from using, delivering, copying, printing or disclosing the  
8 messages or content of Petitioner's text messages or email messages or notes, or anything else  
9 downloaded from her phone or from what has been called the family computer except as otherwise  
10 authorized by the court.

11 3. Respondent is prohibited from attempting to access or otherwise interfere with  
12 Petitioner's Internet service provider accounts or social media accounts.

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# **EXHIBIT B**

# DIVORCING THE EVILSIZORS

THE STORY NOT EVEN HOLLYWOOD COULD  
HAVE WRITTEN

HOME ABOUT EVILSIZOR V. SWEENEY  
TAKE ACTION NEWS GIVE

## Evilsizor v. Sweeney

The Short Version.

### A guys walks into a bar.

On July 27, 2010 Kerl Evilsizor and Joe Sweeney meet at The Matrix in San Francisco. Kerl is 37 with a 3-year-old son; Joe is 28. In August they start seeing each other a couple of times per week. In early November, Kerl informs Joe that she is pregnant with his child. The couple marries at the Little White Wedding Chapel in Las Vegas on November 16, 2010. The pregnancy does not work out.

In early 2011, Joe realizes the marriage will not work and asks for an annulment or



Las Vegas, November 16,  
2010

divorce. Keri appears to become depressed about the situation. Joe feels responsible so he continues seeing Keri and her son, hoping that Keri will get better. During late August 2011, Joe decides there is little he can do to make the situation better and informs Keri that he wants a divorce. In September 2011 Keri goes on a cruise with her family, calls Joe from the cruise ship and leaves him text messages that convince Joe she might harm herself and her son. Joe frantically calls Keri's family members to intervene. When Keri returns from the trip Joe continues seeing her.

Two months later Keri tells Joe that she is pregnant again with his child. Joe is very surprised by the revelation because he cannot recall an instance when conception could have occurred. However, Joe trusts Keri and concludes that his memory is faulty - the conception would have occurred nearly 2 months prior. After seeing Keri's instability, Joe resolves to make the marriage work.

During December 2011, the couple begins to look for a house in the East Bay of San Francisco. In January 2012 they make an offer on a house, a short sale. In February 2012 Keri informs Joe that she miscarried the pregnancy. However, shortly thereafter she informs Joe that she is pregnant again. The house closes in April 2012.

### **The truth comes out.**

Fast forward to November 20, 2012. Keri goes into labor with the third pregnancy. Joe drives them to the hospital. After waiting in Labor & Delivery for hours, Joe plays some video games on Keri's iPhone. As is human nature, Joe scrolls through some of Keri's text messages and discovers information about prior relationships and fertility treatments that cause him to question if



Keri's pregnancies, all three of them, were his. The couple's daughter is born the following morning.

Not sure if he is the father, Joe further investigates the phone. He discovers information indicating that the first pregnancy may have been caused by other men Keri was also dating at the time, and that the second pregnancy was actually a series of failed *in vitro* fertilization treatments using donor sperm and eggs. He then finds some of Keri's bank records, which indicate that she used multiple sperm donor banks and fertility clinics for the fertility treatments - including Laurel Fertility Care, Kaiser Permanente, California Cryobank, and Genetics and IVF Institute - and was also taking fertility drugs. The fertility charges date all the way back to Summer 2011, well before the scary cruise incident that caused Joe to stay in the relationship with Keri. He also discovers that on the same day in August 2011 when he told Keri that he wanted a divorce, Keri signed up on eHarmony.com. Now Joe thinks the entire relationship is a fraud, that Keri has been manipulating him the entire time, and used him for a husband and to have another child. Here is a summary of the fertility information that Joe later shares with their custody evaluator.

In December 2012, Joe has a paternity test done to determine if he is the biological father of their daughter. Keri and Joe had already planned a trip to Joe's home in Minnesota to introduce their new daughter to the family over the Christmas holiday. Joe introduces their daughter to the family, not knowing if he is actually her biological father. Finally, on December 27, Joe receives the paternity test results, which conclude that he *is* the biological father. Not certain of all the details, in January 2013, Joe informs Keri that he discovered what she had done. Keri admits to the fertility treatments, but denies that the first pregnancy was not his. Keri tells Joe that what happened was no big deal, that all marriages have problems, and that he should just "get over it." The marriage quickly deteriorates and the couple separates in March 2013.

**1 Divorce: 2 years, 15 volumes, 7 lawsuits, 18 attorneys, 10 law firms, the public defender's office, and \$750,000 later.**

Keri and her family own residential and commercial properties valued at over \$100 million. The Evilsizor family grew up in Blackhawk, California, an exclusive gated community, and live a lavish lifestyle: expensive homes, exotic cars - Ferrari, Lamborghini, Rolls Royce, Bentley - airplanes, vacation homes, diamond rings, designer clothes and handbags, and fancy vacations. Keri is a real estate attorney and property manager for her family's extensive holdings. Joe is from a modest upbringing in Longville, Minnesota, a town of 156 people, and moved to California when he was accepted to Berkeley's chemistry Ph.D. program. He started a local tutoring company before meeting Keri, at which point his life becomes this story.

Instead of working out an amicable separation, the Evilsizors decide to try to destroy Joe by burying him in litigation and alienating him from his daughter. In a little over 2 years the divorce case file has reached 15 volumes, and a separate civil lawsuit, 4 appeals, and a Petition for Review to the California Supreme Court have been filed. The Evilsizors have cycled through more than 18 attorneys from 10 law firms, and spent around \$750,000 on the litigation. Joe spent less than \$100,000 before he could no longer afford an attorney and was forced to become self-represented. He taught himself law to withstand the Evilsizors' legal army and prevent his life, and his daughter's life, from being destroyed. Amazingly, Joe has held his own, but the family law court continues to disregard evidence, facts, and law at every turn and permit obvious, unsophisticated fraud and misconduct from the Evilsizors and their counsels. Joe is not the only one who sees the fraud and misconduct



- *three* other judges in the related civil and contempt actions censured the misconduct and shut it down in their courtrooms. However, his family law judge inexplicably turns a blind eye.

Joe has sought relief from the First District Court of Appeal, but information and evidence indicates that his family law judge, Edward Well, may be calling in favors from a friend on the appeals court, Jim Humes, to prevent reversal of his orders. The two worked together at the California Attorney General's office for nearly 20 years. Believing that his right to due process was violated, Joe requested disclosures and filed a declaration and motion, but the appellate justices refuse to disclose any information about a possible relationship and communications with his family law judge. Joe's requests to Public Access to Judicial Administrative Records have likewise been met with a refusal to provide any information or records.

*Evilsizer v. Sweeney* is a surreal example of the dysfunction and abuse rampant in the courts. Joe's case is ongoing, with no end in sight. As the case progresses it becomes more preposterous, and the rabbit hole keeps going deeper. For all the details, court documents, and transcripts, view the Long Version. You are invited to weigh in on the facts, decide if there is fraud, misconduct, or corruption, and encourage action to reform the system. Please join our cause.

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# DIVORCING THE EVILSIZORS

THE STORY NOT EVEN HOLLYWOOD COULD  
HAVE WRITTEN

HOME ABOUT EVILSIZOR V. SWEENEY  
TAKE ACTION NEWS GIVE

## Evilsizor v. Sweeney

The long version - chapters will be unlocked over time.

### PROLOGUE

Meet the Evilsizors and Sweeney.

1 Divorce: 2 years, 15 volumes, 1 civil action, 4 appeals, 1 Supreme  
Court petition, \$750,000; and counting.

How Joe learned to practice family, civil, and appellate law in a year,  
without a law degree, in 7 lawsuits, against 18 attorneys from 10 law  
firms and the public defender's office.

**ACT ONE. A guy walks into a bar.**



**Scene 1. You've heard this one before.**

Chapter 1. Kerl meets Joe.

Chapter 2. Pregnancy number 1. What happens In Vegas comes back to California.

**Scene 2. You haven't heard this one before.**

Chapter 3. Annulment. Divorce. Pregnancy number 2. Miscarriage. Pregnancy number 3.

Chapter 4. Sorry Joe, I didn't tell you about my other dates or the fertility treatments.

Chapter 5. The paternity test. The marriage deteriorates.

**ACT TWO. If at first you don't succeed, then spend more money.**

**Scene 1. The Evilsizers attack.**

Chapter 6. Take his child and put him on the street by filing false domestic violence charges.

Chapter 7. Three wins for Joe. Dad explodes, and the Game of Frauds begins.

Chapter 8. The fraudulent civil lawsuit. Courtesy of Dad, Mom, and Berding & Weil LLP.

Chapter 9. Dad fired me. Pay me child support.

Chapter 10. Dad is on my bank accounts now - the first appeal.

Chapter 11. Dad and his company put a fake lien on our house.  
**locked**

Chapter 12. The fraudulent settlement agreement - now I don't  
have a job or any assets. **locked**

Chapter 13. Countermeasures successful - Judge David Flinn puts  
the hammer down, and Judge Barbara Hinton steps on the snake's  
tail. **locked**

Chapter 14. These fake notes come in handy for an IRS audit, too.  
**locked**

***Scene 2. I would like to order some domestic violence. Okay, here you  
go ma'am. Can I have some, too? Sorry sir, we're out.***

Chapter 15. Enter Judge Edward Well. **locked**

Chapter 16. Filing a court document and disclosing text messages  
to a custody evaluator is domestic violence. Yelling, threatening,  
shoving, stalking, and harassing a spouse in front of a child is not.  
**locked**

Chapter 17. Are Judge Edward Well and Justice Jim Humes  
friends? The tainted Court of Appeal decision that impacts 40  
million Californians. **locked**

***Scene 3. I'll have another attorney, please.***

Chapter 18. Bring in the subs - a summary of the Evilsizors' legal army. **locked**

Chapter 19. \$125,000 sounds good about now. Thank you. **locked**

### **ACT THREE. A lesson in alternate reality.**

#### ***Scene 1. The world begins to bend.***

Chapter 20. The Evilsizors and their fancy friends try to send Joe to jail. **locked**

Chapter 21. Settlement Conference: walk away with nothing but your debt. **locked**

Chapter 22. Can I get attorney fees? Sorry Joe, changed my mind. **locked**

#### ***Scene 2. Facts and law exist, just not in my courtroom.***

Chapter 23. \$40,000 per month of paid expenses? That's not relevant. **locked**

Chapter 24. Still working for dad? Is John Evilsizor's signature forged on hundreds of unlawful detainer documents? Oh well. **locked**

Chapter 25. You all have the same attorney now? Tisk tisk. **locked**

Chapter 26. \$1 million in fraudulent notes? You don't need

discovery on that. **locked**

Chapter 27. Outspent by \$500,000? Too bad. **locked**

Chapter 28. Custody evaluator recommended sole legal custody?  
Don't even ask. **locked**

Chapter 29. Wanna stop? No, I'm enjoying this. **locked**

Chapter 30. The trial for the house. Joe represents himself against  
the Evilsizers' army. **locked**

**Scene 3. The real world still exists.**

Chapter 31. Judge Bruce Mills decipheres the entire case in 3  
minutes: a millionaire is using the public defender's office. **locked**

**ACT FOUR. Call to action.**

**Scene Enough**

Chapter 32. *Call to action.* **locked**

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# DIVORCING THE EVILSIZORS

THE STORY NOT EVEN HOLLYWOOD COULD HAVE  
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HOME ABOUT EVILSIZOR V. SWEENEY TAKE ACTION  
NEWS GIVE

## Chapter 4.

**Sorry Joe, I didn't tell you about my other dates or the fertility treatments.**

### The Move

Keri and Joe finish moving into their new home in June 2012 - a very nice 3,400 square foot home in Blackhawk, California, which they purchased for \$815,000. The property was in need of a new roof and the 1980s interiors needed some updating, but it was purchased well below market value due to the market crash and short sale. Three years later, the property is now worth approximately \$1.5



million.

During the summer of 2012 Keri and Joe go to multiple 3D ultrasound appointments together and are excited to find out they will be having a girl. They remodel Keri's son's bedroom and another bedroom for the arrival of their new baby. Keri immediately begins shopping and packs the entire closet full of pinks and purples.

Keri and Joe also discuss how they will handle the new living situation. The move from San Francisco to the suburbs has made their lives easier because they no longer have to commute an hour or more each way to work and don't have to contend with the logistics of squeezing their work day in between picking up and dropping off Keri's son at school in a very busy city. Keri is an attorney and property manager for her family's extensive real estate holdings and does not have the option of taking much time off. After leaving Berkeley in 2008, Joe started a local math and science tutoring company and grew it to a handful of part-time employees, but Keri is the breadwinner - she earns around \$500,000 per year working for her family, while Joe's growing company's total annual revenue is only around \$130,000. The two decide that Joe will reduce his tutoring hours so he can spend more time caring for the new baby and Keri's son and be home in the evenings and on weekends when most tutoring occurs.

### **The Discovery**

On November 20, 2012 Keri goes into labor while at home and Joe drives them to the hospital. Keri is admitted to the labor & delivery unit, and the long process of labor begins. Both Keri and Joe are excited that the time has finally arrived and they would soon be parents to a baby girl.

Keri just purchased a new iPhone and has given it to her nephew to set up and transfer all her contacts and information from her old phone. Keri is temporarily

using an old iPhone, which she had previously given to her son to use, but has brought with her to the hospital. After several hours of waiting, sleeping, and walking around the hospital in the middle of the night, Joe sits down and begins playing games on the phone, becomes bored, scrolls through some text messages and realizes that Keri used the phone when she and Joe were first dating. The phone was never password-protected during their relationship, but Joe was never curious or nosy enough see what was on the phone previously. He scrolls through some of his and Keri's old text message conversations, and, as is human nature, he begins scrolling through messages exchanged between Keri and her family and friends.

Then Joe makes a series of disturbing, life-altering discoveries: ***Keri's pregnancies, all three of them, may not be his.*** Joe discovers text messages exchanged between Keri and her family, friends, and men whom she previously dated indicating that the first pregnancy may have been caused by another man, and the second pregnancy was the result of *in vitro* fertilization treatments using donor sperm and donor eggs, which she had kept hidden from Joe, all while telling him that *he* got her pregnant. The very basis of their marriage was a pregnancy that Keri told him was his, and he stayed together with Keri because she told him that her second pregnancy was also his.

Joe's universe bends. He is sitting dumbfounded on a couch in the room with Keri, who is in the hospital bed right next to him drifting in and out of sleep as her labor progresses. Joe puts the phone back down on the couch, leaves the room, and walks out of the hospital. He doesn't know if Keri's current pregnancy is his, or how it was conceived. But given the information he just discovered, he begins to believe that the pregnancy is *not* his.



Joe and Julianna minutes after being born.



After pacing back and forth outside the hospital for a long period of time, Joe decides to stay because he doesn't *know*. Hours later, Keri gives birth to a beautiful baby girl who, despite the circumstances, Joe makes an instant, deep connection with. Keri's family visits shortly thereafter, and the couple returns home the next day with their new baby - Julianna Josephine Sweeney.

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# DIVORCING THE EVILSIZORS

THE STORY NOT EVEN HOLLYWOOD COULD HAVE  
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## Chapter 5.

### The Paternity Test. The Marriage Deteriorates.

#### The Paternity Test

Though Joe is instantly enamored by Julianna, he has a crushing feeling that he is not her biological father. When the couple returns home, Joe uses backup copies of Keri's phones to try to find more information about the pregnancies. He finds information that corroborates his discoveries at the hospital, and he is now convinced beyond a reasonable doubt that the first and second pregnancies were not his. He also finds information indicating that Julianna may also be the result of fertility treatments, but he is not certain because Keri has deleted hundreds of text messages, including weeks worth of conversation with her mom, close friends, and personal assistants. He begins searching through

Keri's bank and credit card statements and discovers that Keri has used multiple fertility, sperm, and egg donor clinics including Laurel Fertility Care, Kaiser Permanente, California Cryobank, and Genetics and IVF Institute. Here is a summary of some of the charges that Joe later puts together for their custody evaluator.

After piecing together this astonishing information, Joe visits a paternity clinic, purchases a paternity kit, swabs Julianna's cheek, and returns the kit to the clinic. And now he must wait. The problem is that Keri and Joe have already planned a trip to Minnesota over the Christmas holiday to introduce Julianna to Joe's entire family, and he is not sure if the results will arrive in time. He does not tell Keri that he has discovered any of this information or that he is awaiting the results of a paternity test. He calls into the clinic to see if the results will be back before they leave, but they tell him that he likely will not get them until after Christmas. They travel to Minnesota and Joe introduces Julianna to his entire family, while having a sinking feeling that he is not Julianna's father.

But two days later, on December 27, 2012, the clinic calls Joe and tells him the results of the test: he *is* Julianna's father.

### **To Separate or Not to Separate**

In a confusing mix of disbelief, joy, shock, and resentment, Joe returns home with Keri and Julianna, and tries to decide what to do next. He can't possibly stay with Keri after discovering what she has done, but he also doesn't want to be a part-time dad for Julianna, and he is "Daddy Joe" to Keri's son. Joe regularly drops him off and picks him up from school and is the only father, let alone step-father, who volunteers in the class on a weekly basis. And there is another important factor that Joe must weigh heavily: Keri has litigated

incessantly against her son's father for the past 5 years to prevent him from having more time.

Joe knows their situation well: Keri became pregnant while dating, they were engaged, separated before marriage, Keri had the baby, and then intentionally did not put the father on the birth certificate. Keri told Joe that she didn't put the father on the birth certificate so she could "get maximum custody." Her son's father had to file a paternity suit to be able to see his child, and spent years litigating in court against Keri to increase his time. Finally, after 5 years of constant litigation and several mediators and evaluators later, the father finally got a 50/50 timeshare. Keri told Joe that she spent over \$300,000, all to prevent the father from having more time with their son. Joe sees that the father is a good dad and has observed the tactics that Keri uses against him: she deliberately causes conflict, blames the father, exaggerates, fabricates lies, and then has her family and paid employees corroborate her stories by filing declarations on her behalf. The alienation of her son's father goes beyond the litigation; it is constant and unabated. Keri and much of the family trash talk the father in front of her son. Keri has even gone so far as to train her son to call *her* dad, John Evilsizor, "dad," and forces her son to call his real dad by his first name, "Michael," in her presence. John consents to the incestuous title of "dad."

Joe attempted to get Keri's behavior under control during the marriage and made incremental progress, even getting Keri to accept that her son should call John Evilsizor "grandpa" and be allowed to call his dad, "dad." But he is concerned that separation will result in Keri quickly relapsing and using the same litigation and alienation tactics against him. Unfortunately, Joe would prove to be right about everything, only it was worse than he could have imagined.

Joe decides to keep a cool head, says nothing to Keri about his discoveries, enjoys his time with Jullanna as much as possible, and tries to

block out his disgust of Keri's deceit. He is still unable to decipher the details of Keri's pregnancy with Julianna, but he knows from the various statements that Keri also didn't know if Julianna was his child initially because shortly after she found out she was pregnant she had a battery of laboratory tests performed to determine the baby's blood type and other information, not part of routine pregnancy checkups. Joe also recalls that Keri had asked him about his blood type around that time.

Now Joe sees Keri much differently - as a sociopath who merely used him to fill two big voids in her life: her desire to have a husband, and her desire to have another child. Joe grew up in a small town in Minnesota and has never met people like Keri or the Evilsizers. He was raised to believe that everyone is good, and that he should always give people the benefit of the doubt. But that rose-colored view has been shattered, and he now sees the picture crystal clear.

Keri likely senses that something is different. Every time she tries to get closer to Joe, he doesn't allow it. Keri begins trying get Joe to feel sorry for her. But now Joe sees Keri's behaviors for what they are: manipulation to get what she wants.

But Joe has an increasingly difficult time tolerating Keri's shallow facade. He now realizes that everything she says is either a fabrication, or a gross exaggeration, and an attempt to manipulate. He is unable trust anything she says. Joe also still wants to know how Keri became pregnant with Julianna because he cannot make a definitive conclusion based on the text messages and statements. His best guess is that Keri was at minimum taking fertility drugs at the time and using home self-insemination kits to become pregnant.

## The Marriage Deteriorates

In late January 2013, Joe tells Keri that he has discovered the details of the pregnancies. At first, Keri barely flinches, acts like Joe is crazy, and says she has no idea what he is talking about. Then Joe divulges specific information. Keri becomes defensive and asks where he got the information. Joe tells her that he saw text messages and statements. Keri yells at him for going through her stuff even though the the phones and statements were freely accessible and Joe regularly uses the phones.

Keri eventually admits that the second "pregnancy" was actually the result of a series of unsuccessful *in vitro* fertilization treatments using donor sperm. She denies using donor eggs, but her explanation does not match what the text messages and statements indicate. Keri denies that the first pregnancy was not Joe's, but her answers about whether or not she was seeing other men do not match what her text messages indicate.

Joe asks Keri how Julianna was conceived. Keri tells him that it was natural, but Joe knows there is more involved because Keri had lab tests performed to confirm blood type. Keri remains evasive, but admits to using home self-insemination kits. Joe believes that at minimum Keri was using the kit and taking fertility drugs. Joe asks if Keri's mom, Mary Evilsizor, helped her pay for the treatments, because the charges on her bank and credit card statements don't add up. Keri admits that her mom helped pay and went to some of the appointments with her.

The discussion continues sporadically. It doesn't seem to register with Keri that she has done something very wrong. She becomes defensive, does not apologize for anything, and blames Joe for the situation. She says that he "owed her a baby," that "all marriages have problems," and that he should "just get over it" and they can move on" with their life together because they have a

beautiful daughter and that's all that matters. Joe is dumbfounded that Keri can blame him for the situation and does not seem to feel any remorse.

Over the next couple of weeks, Keri tries to make Joe feel sorry for her, but he has little sympathy. When he doesn't respond to Keri, Keri yells at him. Keri is still in love with Joe and believes that he will come around in time. She is unable to comprehend why Joe can't just quickly "get over it" and "move on" with their life together.

Keri begins consulting with her family law attorney, Daniel Cantrell of Whiting, Fallon, Ross & Abel, LLP - the same attorney who has represented her against her son's father for the past few years. Even though every day Keri tries to convince Joe to work on the marriage and go to counseling with her, on March 12, 2013 she sends Joe an e-mail to document that she is legally separating from him. Joe sends a response. Keri and Joe discuss where to go from here. Joe says that if they are going to separate he will need time to get his business up and running again since he has dramatically cut back on his workload to take care of Julianna and his stepson, and has little income at the moment. They both want to see Julianna as much as possible, and seem to be okay living together while being separated. But then John Evilsizor gets involved.

In late March 2013, Keri informs Joe that her dad is not happy with the situation. Keri wants to stay married but tells Joe that it is not completely up to her - it is also up to her father. On April 2, 2013, Keri leaves Joe a voicemail saying that she doesn't know what to do, and that she thinks it's best if she just "hands it off ..." Joe believes this is clearly referring to letting her dad and attorney, Daniel Cantrell, handle the situation. A couple of days later, he overhears Keri talking on the phone in the bedroom upstairs. It sounds like she is talking to her attorney about *domestic violence*.

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# DIVORCING THE EVILSIZORS

THE STORY NOT EVEN HOLLYWOOD COULD HAVE WRITTEN

HOME EVILSIZOR V. SWEENEY TAKE ACTION UPDATES ABOUT  
GIVE

## Meet the Evilsizors and Sweeney

### ***Keri Evilsizor***

Keri is the middle of three sisters. Her family grew up in Blackhawk, California an exclusive, gated community about 30 miles east of San Francisco, where home values range up to \$20 million. Keri's grandparents were wealthy and owned businesses and properties, which were inherited by her father and his siblings. The family now owns approximately 20 apartment complexes in the San Francisco Bay and surrounding areas, and several residential and vacation properties, with a total value of more than \$100 million. Keri's father, John, runs the business. Keri is the family's real estate attorney, and is also a property manager. Keri's two sisters, a brother-in-law, and other family members also manage the properties, keep the books, and do various other tasks.



Keri Evilsizor at Encore  
ballet gala in January 2014

The Evilsizors live the quintessential material lifestyle - they own exotic cars (including about a dozen Ferraris, a Lamborghini, a Bentley, a Rolls Royce, and a fleet of Mercedes and other cars), airplanes, and millions of dollars worth of diamond rings, designer handbags, shoes, clothing, and other material items. Joe filed a request for attorney fees with points and authorities documenting some of the Evilsizors' wealth.

During his marriage, Joe witnessed that the Evilsizors' have very turbulent, conflicted relationships, constantly feuded about who got what, how much money everyone made, who worked harder and deserved more, who was the favorite child, and even argued over how the estate would be divided between Keri and her sisters.

### ***John Evilsizor***

# DIVORCING THE EVILSIZORS

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HOME EVILSIZOR V. SWEENEY TAKE ACTION  
UPDATES ABOUT GIVE

## Chapter 1.

### Keri meets Joe.

It is the evening of Tuesday, July 27, 2010. Joe is 28 years old and living in Oakland, California. He travels across the Bay Bridge to San Francisco to meet up with a few of his friends, who are part of the young, technology startup community for which the Bay Area is known. Joe has recently started a local tutoring company and is interested in education technology. The group eventually meets up at the Matrix Fillmore, a bar and lounge in the Marina neighborhood of San Francisco known for its young, dynamic crowd. The group has a drink and begins to discuss the usual topics - life, business, dating, politics - when they are approached by Keri, who is also out with a small group of friends. Keri walks up and asks "Why are you guys all wearing jackets?" referring to the sport coats and blazers the guys are wearing. Keri then quickly segways into informing the group that one of her friends thinks that one of Joe's friends is cute, but that she is too shy to introduce herself. Keri doesn't

have that problem - she introduces herself without hesitation, has very high energy, speaks quickly and loudly, and has few conversational boundaries. The group doesn't know what to make of Keri, but she appears friendly, gregarious, attractive, and confident.

Keri turns her attention to Joe, who is quite her opposite - stoic and prefers not to stand at the center of attention. A foot taller than Keri, at 6'3", Joe maintains a presence and confidence, but in a much different way. Keri is drinking Raspberry Stoli vodka and sodas, and asks Joe if he would like a drink. He tells Keri that a girl has never bought him a drink before, but accepts her offer. They continue talking and become interested in each other. Keri tells Joe that she is 34, but he would later discover when signing their marriage certificate that she is actually 37.

After their initial meet, the two don't see each other for a while because Joe travels to Minnesota to visit his family. Upon his return in mid-August, they see each other weekly. Keri lives with her 3-year-old son near the University of San Francisco on the top floor of a nice 3-unit residential property, which she owns. In September, Keri introduces Joe to her son, and they get along well.

Joe's birthday approaches in late September, and Keri insists they travel to New York City to celebrate because it is her favorite city and Joe has never been there. During the trip Joe discovers that Keri is very interested in expensive clothes and accessories. Keri introduces him to the brand Louis Vuitton, which sells purses that cost \$2,000 - \$20,000 or more, and other expensive designer brands as they walk through various department stores in Manhattan: Saks Fifth Avenue, Macy's, and Bloomingdale's. Keri seems to know all the latest releases and is talking to the Louis Vuitton sales



representative at Saks Fifth Avenue about a special edition purse that is made of three different kinds of lizard skins and costs \$15,000. Apparently, Keri has a problem: the store cannot ship her one since that particular kind of lizard product is illegal in California. Keri tries to figure out the logistics of how to send the purse to an out-of-state friend, who could then ship it to her via UPS. Joe is puzzled and amused by the prices as he closely inspects the purses to decipher why they are so expensive. He concludes that such a purse is not worth more than a Ford Focus. The two have a good trip, visit the usual sights, eat at nice restaurants, and return to San Francisco.

They date through October. Keri stays in constant contact and pushes Joe to go out more often, but Joe begins to question the relationship because their personalities and interests are very different. But shortly after Halloween, Joe's life changes.

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## **Chapter 2.**

### **Pregnancy number 1. What happens in Vegas comes back to California.**

On November 6, 2010 Keri texts Joe asking him to come over to her place and tells him the news: she is pregnant with his child. Joe is shocked. The conception would have happened in late August or early September, and Joe is certain that he was careful. Nonetheless, the odds were not zero and he trusts that Keri is being honest.

Joe takes some time to process the news. They agree to get married. Joe meets Keri's family for the first time after accepting a last-minute invitation to join them on a family vacation to Hawaii the following weekend. He spends the weekend with Keri, her son, and the rest of the family and gets along well with everyone.

The couple decides to elope to Las Vegas, and quickly arrange the

details. On the morning of November 16, 2010 Keri and Joe stop briefly at Keri's parents' house, where her mother and sister see them off, and then leave for the airport. Keri has not told her dad because she is worried how he will take the news, and Joe has not told his family.



Landing in Las Vegas, they check into their suite at the Bellagio, buy wedding rings at Tiffany's, take a limo to the Little White Wedding Chapel, get married alone in a brief ceremony, take pictures, jump back in the limo, head back to the strip, see the Holly Madison show, and then return to their room at the Bellagio. And live happily ever after? Not quite.

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## **Chapter 2.**

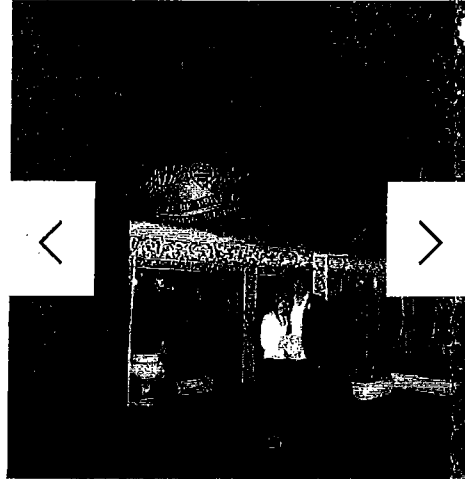
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# **DIVORCING THE EVILSIZORS**

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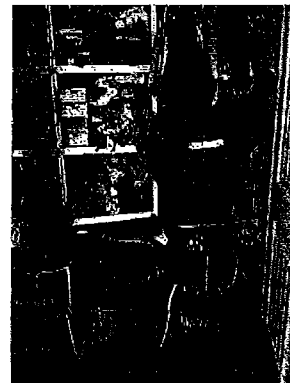
**HOME EVILSIZOR V. SWEENEY TAKE ACTION  
UPDATES ABOUT GIVE**

## **Chapter 4.**

**Sorry Joe, I didn't tell you about my other dates or the  
fertility treatments.**

### **The Move**

Keri and Joe finish moving into their new home in June 2012 - a very nice 3,400 square foot home in Blackhawk, California, which they purchased for \$815,000. The property was in need of a new roof and the 1980s interiors needed some updating, but it was purchased well below market value due to the market crash and short sale. Three years later, the property is now worth approximately \$1.5 million.



During the summer of 2012 Keri and Joe go to multiple 3D ultrasound

appointments together and are excited to find out they will be having a girl. They remodel Keri's son's bedroom and another bedroom for the arrival of their new baby. Keri immediately begins shopping and packs the entire closet full of pinks and purples.

Keri and Joe also discuss how they will handle the new living situation. The move from San Francisco to the suburbs has made their lives easier because they no longer have to commute an hour or more each way to work and don't have to contend with the logistics of squeezing their work day in between picking up and dropping off Keri's son at school in a very busy city. Keri is an attorney and property manager for her family's extensive real estate holdings and does not have the option of taking much time off. After leaving Berkeley in 2008, Joe started a local math and science tutoring company and grew it to a handful of part-time employees, but Keri is the breadwinner - she earns around \$500,000 per year working for her family, while Joe's growing company's total annual revenue is only around \$130,000. The two decide that Joe will reduce his tutoring hours so he can spend more time caring for the new baby and Keri's son and be home in the evenings and on weekends when most tutoring occurs.

### **The Discovery**

On November 20, 2012 Keri goes into labor while at home and Joe drives them to the hospital. Keri is admitted to the labor & delivery unit, and the long process of labor begins. Both Keri and Joe are excited that the time has finally arrived and they would soon be parents to a baby girl.

Keri just purchased a new iPhone and has given it to her nephew to set up and transfer all her contacts and information from her old phone. Keri is temporarily using an old iPhone, which she had previously given to her son to use, but has brought with her to the hospital. After several hours of waiting, sleeping, and walking around the hospital in the middle of the night, Joe sits down and begins playing games on the phone, becomes

bored, scrolls through some text messages and realizes that Keri used the phone when she and Joe were first dating. The phone was never password-protected during their relationship, but Joe was never curious or nosy enough see what was on the phone previously. He scrolls through some of his and Keri's old text message conversations, and, as is human nature, he begins scrolling through messages exchanged between Keri and her family and friends.

Then Joe makes a series of disturbing, life-altering discoveries: ***Keri's pregnancies, all three of them, may not be his.*** Joe discovers text messages exchanged between Keri and her family, friends, and men whom she previously dated indicating that the first pregnancy may have been caused by another man, and the second pregnancy was the result of *in vitro* fertilization treatments using donor sperm and donor eggs, which she had kept hidden from Joe, all while telling him that *he* got her pregnant. The very basis of their marriage was a pregnancy that Keri told him was his, and he stayed together with Keri because she told him that her second pregnancy was also his.

Joe's universe bends. He is sitting dumbfounded on a couch in the room with Keri, who is in the hospital bed right next to him drifting in and out of sleep as her labor progresses. Joe puts the phone back down on the couch, leaves the room, and walks out of the hospital. He doesn't know if Keri's current pregnancy is his, or how it was conceived. But given the information he just discovered, he begins to believe that the pregnancy is *not* his.



Joe and Julianna minutes after being born.

After pacing back and forth outside the hospital for a long period of time, Joe decides to stay because he doesn't *know*. Hours later, Keri gives birth to a beautiful baby girl who, despite the circumstances, Joe makes an instant, deep connection with. Keri's family visits shortly thereafter,

and the couple returns home the next day with their new baby - Julianna Josephine Sweeney.

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# **EXHIBIT C**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA  
BEFORE THE HONORABLE EDWARD G. WEIL  
DEPARTMENT NO. 39

--oOo--

KERI EVILSIZOR,	)	
	)	
Petitioner,	)	
	)	
vs.	)	NO. D13-01648
	)	Page 1 thru 103
JOSEPH SWEENEY,	)	
	)	Page 47, Line 5
Respondent.	)	thru Page 49, Line
	)	13, under seal

REPORTER'S TRANSCRIPT OF PROCEEDINGS

November 2, 2015

--oOo--

For the Petitioner:	MICHELENE INSALACO Attorney at Law SUCHERMAN INSALACO, LLP 101 Mission Street, Suite 1640 San Francisco, California 94105
For the Respondent:	JOSEPH SWEENEY In Pro Per 324 Amber Stone Lane San Ramon, California 94582
For John and Mary Evilsizor:	RONALD PECK Attorney at Law SCHENONE & PECK LAW OFFICES 1260 B Street, Suite 350 Hayward, California 94541
Taken by:	RAJAHNIQUE JONES Certified Shorthand Reporter License No. 13457 State of California

--oOo--

1 Q. -- the petitioner and the claimants, and  
2 you're taking steps to try to harm them because of  
3 their positions they're taking in the litigation?

4 THE COURT: That is a compound question. First,  
5 if you want to ask him about threats --

6 MS. INSALACO: Okay.

7 THE COURT: -- ask him about specific threats and  
8 what he might have ever said.

9 BY MS. INSALACO:

10 Q. Did you communicate to the claimants or Keri  
11 that you would take steps to harm them in response to  
12 the positions they've taken in this case?

13 A. No.

14 MS. INSALACO: Your Honor, I have an exhibit I'd  
15 like to mark.

16 THE COURT: What will be next?

17 MS. INSALACO: This is the petitioner's first  
18 exhibit.

19 THE COURT: Is it --

20 THE CLERK OF THE COURT: It will be 1.

21 MR. SWEENEY: I didn't previously receive a copy.

22 THE COURT: It's impeachment.

23 THE CLERK OF THE COURT: It would be Petitioner's  
24 Exhibit 1. I have the other ones as third-party  
25 claimants.

26 (Whereupon, Petitioner's Exhibit 1 was marked for  
27 identification.)

28 THE COURT: Okay.

1 MS. INSALACO: How many copies do I hand up, your  
2 Honor?

3 THE CLERK OF THE COURT: Do you have it marked?

4 MS. INSALACO: I wasn't sure how we were going to  
5 mark it.

6 THE COURT: One for the witness; one for the  
7 Court; one for Mr. Peck.

8 THE CLERK OF THE COURT: She can mark them.

9 MR. PECK: Actually, I don't need a copy because  
10 it's all over the Internet.

11 THE CLERK OF THE COURT: What is this document?

12 MS. INSALACO: It's a printout of a web page  
13 called, "Divorcing the Evilsizors."

14 THE COURT: Call it "Web Page Printout."

15 MS. INSALACO: Does the Court have a copy?

16 THE BAILIFF: I just gave him the Court copy.  
17 You want to mark it for the witness?

18 THE WITNESS: I don't have a copy.

19 THE CLERK OF THE COURT: You only have to use the  
20 stickers for the originals.

21 MS. INSALACO: I gave the Court the one with the  
22 sticker.

23 THE COURT: See, the original goes to the  
24 witness. That's the one that's official and counts.  
25 That's the one that needs the sticker.

26 MS. INSALACO: I'm sorry, your Honor. I handed  
27 it to the bailiff.

28 ///



1 BY MS. INSALACO:  
2 Q. Mr. Sweeney, do you recognize this document?  
3 A. I recognize the content of the document.  
4 Q. Is this a web page you created?  
5 A. The content is the content I created, yes.  
6 Q. Did you construct this website? Is it your  
7 website?  
8 A. It is not my website.  
9 Q. Whose website is it?  
10 A. It is owned by Family Court Reform, LLC.  
11 Q. And who is the owner of that LLC?  
12 A. I am a manager.  
13 Q. Who's the owner?  
14 A. I guess, myself.  
15 Q. You guess?  
16 A. Yes. I don't know what you mean by owner.  
17 I --  
18 Q. Did you create the LLC?  
19 A. Yes.  
20 Q. You're the only partner of it?  
21 A. Yes.  
22 Q. Or owner of it?  
23 A. Yes.  
24 Q. And you created that LLC when?  
25 A. In September of this year.  
26 Q. Just a few weeks ago?  
27 A. Early to mid-September.  
28 Q. And when did you post this content that's in

1 Exhibit 1 of petitioner's?

2 A. I believe also in September of 2015 this  
3 year.

4 Q. Do you know what day?

5 A. Not exactly.

6 Q. Is it recently?

7 A. Fairly recently. In September of 2015.

8 Q. In this website do you talk about how you  
9 were waiting and laboring delivery when your daughter  
10 was being born and, as is human nature, you scrolled  
11 through Keri's text messages?

12 A. Yes.

13 Q. You talk about how her pregnancy was ended  
14 didn't work out?

15 A. I -- I said it didn't work out.

16 Q. And you talk about how her family -- Keri and  
17 her family own property valued at over \$100 million?

18 A. Yes.

19 Q. And that since this separation the case has  
20 become your life story -- your life has become this  
21 story?

22 A. I don't exactly recall those words, but...

23 THE COURT: You need to identify specific wording  
24 in the document if you want to ask him about it.

25 BY MS. INSALACO:

26 Q. If you look at Exhibit -- on the left corner  
27 it says 4 of 6. The end of that first paragraph it  
28 says "He" -- that's you, I take it, "he"?

1 A. Yes.

2 Q. -- "started a local tutoring company before  
3 meeting Keri, at which point his life becomes this  
4 story of divorce"; correct?

5 A. Yes.

6 Q. Then if you look at the third page of the  
7 document, right in the middle of the page it says,  
8 "Here is a summary of the fertility information."

9 A. Yes.

10 MS. INSALACO: Your Honor, can I mark our next  
11 exhibit?

12 THE COURT: This would be medical charges  
13 summary.

14 (Whereupon, Petitioner's Exhibit 2 was marked for  
15 identification.)

16 BY MS. INSALACO:

17 Q. Mr. Sweeney, if you look at Petitioner's  
18 Exhibit 2 that's been marked, is this the material, a  
19 PDF file that appears when you link to that link that  
20 I identified on the third page of Exhibit 1?

21 A. Yes.

22 Q. And is page 1 of this -- all of this is on  
23 the Internet for the public to see; correct?

24 A. Yes.

25 Q. Page 1, that's personal medical information  
26 of Ms. Evilsizor's?

27 A. It is information that I obtained from  
28 looking over statements on our accounts, yes.

1 Q. These have to do with her medical care;  
2 correct?

3 A. I -- I mean, it states the location or the  
4 company for which charges were made.

5 Q. How much she spent on various medical  
6 treatments and prescriptions and things?

7 A. There are no details as to what the charges  
8 are for.

9 Q. If you turn to page 4 of my exhibit --  
10 actually, sorry, page 6.

11 THE COURT: Do we need to take a few minutes? We  
12 can stop the proceedings. Let's take five minutes.

13 MS. INSALACO: We just found out about this last  
14 night, so it's sort of new to her.

15 (Break taken.)

16 THE COURT: Is Ms. Evilsizor going to be back?

17 MS. INSALACO: She's going to come back at the  
18 end of my questioning.

19 THE COURT: All right.

20 Mr. Sweeney, if you would come back to the stand,  
21 please.

22 BY MS. INSALACO:

23 Q. Mr. Sweeney, if you look at exhibit --  
24 Petitioner's Exhibit 2 and you go six pages back, and  
25 what is this document?

26 A. Are you referring to the HSBC credit card  
27 statement?

28 Q. Yeah. That's what it is? Is it for you? Is

1 this your credit card?

2 A. No. This is Keri Evilsizor's statement.

3 Q. And if you look towards the bottom it says  
4 account number, and there's a 16-digit number right  
5 there. Do you see that?

6 A. No.

7 Q. At the bottom right here. If you look --

8 A. On page 6?

9 Q. Page 6.

10 A. On the first statement? Okay. I see it on  
11 page 5, I think.

12 Q. Yeah. Sorry. Page 5. You see that?

13 A. Yes.

14 Q. You posted this --

15 A. Yes.

16 Q. -- of Keri's? Did you let her know you were  
17 putting that up there?

18 A. No.

19 Q. Then if we go back to page 10 -- I'm sorry --  
20 the last page of the packet, what's that?

21 A. A copy of a check.

22 Q. Is that Keri's bank account number right  
23 there?

24 A. Yes.

25 Q. Did you tell her you were putting her bank  
26 account number on the Internet?

27 A. No.

28 Q. Isn't it true that you're doing this as well

1 as this whole proceeding to punish Keri and her family  
2 for what you feel is a slight or inappropriate action  
3 on their part?

4 A. No?

5 (Whereupon, the following portion of the  
6 transcript was sealed as confidential from  
7 Page 47, Line 5, thru Page 49, Line 13)  
8

9 --oOo--

10 /// /// ///  
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10            (Whereupon, the following portion of the  
11            transcript was sealed as confidential from  
12            Page 47, Line 5, thru Page 49, Line 13)

13                            --oOo--

14            THE COURT: Now, with respect to your request as  
15            to Documents 1 and 2, you're asking they be admitted  
16            Petitioner's 1 and 2?

17            MS. INSALACO: Right.

18            THE COURT: Any objection, Mr. Sweeney?

19            MR. SWEENEY: No.

20            THE COURT: 1 and 2 are admitted.

21            MS. INSALACO: Is it possible to ask for an  
22            emergency order that he take down all these financial  
23            documents from the website?

24            THE COURT: Here's the problem, we're not here on  
25            a domestic violence restraining order. We're not here  
26            on an application for contempt for violation of the  
27            domestic violence restraining order. I can't do that.

28            MS. INSALACO: I'm not asking for a finding --

1 THE COURT: Ms. Insalaco, you have to stop  
2 talking over me.

3 MS. INSALACO: I'm sorry.

4 THE COURT: I know sometimes the mind works  
5 faster and you want to say something, but you have to  
6 stop talking over me.

7 I can't do anything about that as part of today's  
8 hearing. We have to finish what's in front of us. If  
9 you think there's a need for relief based on this, I'm  
10 sure you know how to ask for it.

11 MS. INSALACO: Okay.

12 BY MS. INSALACO:

13 Q. Mr. Sweeney, did you contribute money that  
14 you've earned in your own name towards Blue Spruce?

15 A. Yes.

16 Q. When?

17 A. After we purchased the property. I mean, my  
18 income as well as our community income -- my income, I  
19 assumed, was community income, as was Keri's. I  
20 helped pay for improvements on the property, as did  
21 income earned by Keri.

22 Q. Okay. I'm not -- I understand there's a  
23 concept of community income. Just income you earned  
24 in your own name from your own work, did that go into  
25 the house in any way?

26 A. Yes.

27 Q. How? When?

28 A. I deposited money into our community account.



# **EXHIBIT D**

<b>Count</b>	<b>Description of Violation</b>	<b>Location of Violation on Website in Exhibit B</b>
1	Joe disclosed that the bank records he found on my phone while I was in labor showed my use of fertility treatments.	<ul style="list-style-type: none"> <li>• P. 3</li> <li>• P. 18</li> </ul>
2	Joe disclosed that the bank records he found on my phone while I was in labor show that I signed up for an online dating service in August 2011 when Joe told me that he wanted a divorce.	<ul style="list-style-type: none"> <li>• P. 3</li> </ul>
3	Joe disclosed the contents of text messages he found on my phone while I was in labor exchanged between me and my family, friends, and previous boyfriends to reveal that my second pregnancy was the result of in vitro fertilization treatments.	<ul style="list-style-type: none"> <li>• P. 3</li> <li>• P. 15</li> </ul>
4	Joe disclosed that my text messages and statements he found on my phone while I was in labor indicate that I used donor eggs for my second pregnancy.	<ul style="list-style-type: none"> <li>• P. 15</li> <li>• P. 21</li> </ul>
5	Joe disclosed that my text messages he found on my phone while I was in labor "indicate" that I was seeing other men when I first became pregnant.	<ul style="list-style-type: none"> <li>• P. 21</li> </ul>
6	Joe used and disclosed a 11/16/10 photo of me that he obtained from my phone.	<ul style="list-style-type: none"> <li>• P. 1</li> </ul>
7	Joe used and disclosed a January 2014 photo of me that he obtained from my phone.	<ul style="list-style-type: none"> <li>• P. 24</li> </ul>
8	Joe used and disclosed a photo of Joe and me that he obtained from my phone.	<ul style="list-style-type: none"> <li>• P. 26</li> </ul>
9	Joe used and disclosed a photo of Joe and me that he obtained from my phone.	<ul style="list-style-type: none"> <li>• P. 29</li> </ul>
10	Joe used and disclosed a different photo of Joe and me that he obtained from my phone.	<ul style="list-style-type: none"> <li>• P. 31</li> </ul>
11	Joe used and disclosed a photo of Joe and Julianna when Julianna was born, which he obtained from my phone.	<ul style="list-style-type: none"> <li>• P. 34</li> </ul>

1 Michelene Insalaco (SBN 161711)  
2 SUCHERMAN • INSALACO LLP  
3 101 Mission Street, Suite 1640  
4 San Francisco, CA 94105  
5 Telephone: (415) 357-5050

6 Attorneys for Keri Evilsizor

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF CONTRA COSTA COUNTY  
9

10 In re the Marriage of

11 PETITIONER: Keri Evilsizor

12 and

13 RESPONDENT: Joseph Sweeney  
14  
15  
16

**No. D13-01648**

**DECLARATION OF MICHELENE INSALACO  
IN SUPPORT OF PETITIONER'S REQUEST  
FOR ATTORNEYS' FEES**

17  
18 I, Michelene Insalaco, do hereby declare as follows:

19  
20 1. I am partner with SUCHERMAN- INSALACO LLP, attorneys of record for Petitioner  
21 Keri Evilsizor ("Keri").<sup>1</sup> I have been serving as Keri's lead counsel since May of this year. I  
22 submit this declaration in compliance with California Rule of Court 5.427, and in support of  
Keri's request for fees related to her Order to Show Cause for Contempt.

23  
24 2. I have practiced law, exclusively in the area of family law, since 1993. I was  
25 certified as a Specialist in Family Law in 2003 by the California State Bar Board of Legal  
26 Specialization. I have served on several different family law committees in various capacities,  
27 including acting as Chair of the San Francisco Bar's Family Law Section for two years. I am a  
28 frequent presenter of family law continuing legal education programs. I've also received  
numerous awards for pro bono work in family law including BASF's James P. Preovolos

<sup>1</sup>For clarity, I will refer herein to the parties by their first names.

1 Award and an Angel Award from California Lawyer Magazine. I have received an "AV"  
2 Rating from Martindale-Hubbell.

3 3. In addition to trial-level work, I also practice appellate law, with my published  
4 cases to date including *In re Marriage of Edlund & Hales* (1998) 66 Cal.App.4th 1454,  
5 *Ragghianti v. Reyes* (2004) 123 Cal.App.4th 989; *In re Marriage of Blazer* (2009) 176  
6 Cal.App.4th 1438; and *Sabato v. Brooks* (2015) 2015 WL 7737536.

7 4. My hourly rate for this case is \$450. Our associate working on the case, Staci  
8 Lambright, is billed at \$375 and our paralegal, Tom Eberhart, at \$150.

9 5. The following information is provided pursuant to *In re Marriage of Keech* (1999)  
10 75 Cal.App.4th 860 and CRC 5.427, as it speaks to the reasonableness of this fee request:

11 A. Nature of the Litigation: The issues for which Keri is requesting relief are Joe's  
12 deliberate and repeated violations of the Court's domestic violence restraining order issued on  
13 May 6, 2014.

14 B. The Difficulty of the Litigation: The contempt prosecution will require an  
15 arraignment and trial. The burden of proof that Keri must meet is beyond a reasonable doubt.  
16 The trial will require extensive and thorough examination, effective evidence presentation on  
17 each element of contempt, and argument.

18 C. The Amount Involved in the Litigation: Keri's attorney fees incurred to date related  
19 to the contempt total approximately \$6,000 and she estimates she will need another \$12,000 to  
20 cover future expenses. (See breakdown of expenses below.)

21 D. The Skill Required & Employed in the Litigation and the Success of the Attorney's  
22 Efforts: As the issues involved in this case are complex and the burden of proof a high burden  
23 to meet, much skill has been required to navigate through this contempt prosecution. Given the  
24 criminal nature of contempt prosecution, many family law attorneys avoid this type of action.  
25 But, we believe that contempt prosecution is sometimes the only measure to ensure a party's  
26 future compliance with a court order.

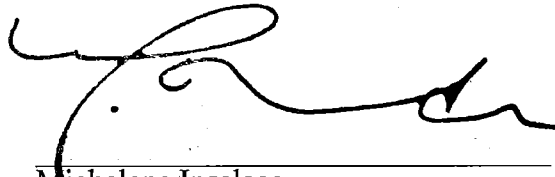
27 E. The Attorney's Experience: Please see my credentials set forth above.  
28

1 F. Specific Work Performed. To prepare the OSC for contempt including review of the  
2 website, creation of the table of violations, Keri's declaration, and this fee declaration, I have  
3 spent approximately 4 hours, Staci Lambright has spent approximately 10 hours, and our  
4 paralegal has or will spend roughly 4 hours. I anticipate that Joe will file a lengthy response,  
5 with a long and detailed legal brief, and we will then need to prepare reply pleadings. I  
6 estimate that Ms. Lambright and I will each spend 5 hours on that reply, and our paralegal 2  
7 hours. I will then spend approximately 2 hours for the initial court appearance, and then 10  
8 hours to prepare for and conduct the evidentiary hearing (with paralegal time for hearing prep  
9 being roughly 5 hours). There will also be a filing fee, copy costs, and costs for a court reporter  
and transcript. This all totals roughly \$18,000. I will provide a more firm report on fees at the  
actual hearing on this OSC.

10 I declare, under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct, and that this declaration is executed in San Francisco,  
12 California.

13 Dated: December 10, 2015

SUCHERMAN • INSALACO LLP

14  
15  
16 

Michelene Insalaco  
Counsel for Keri Evilsizor