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IN THE DISTRICT COURT OF WASHINGTON FOR KING COUNTY

IN RE:

SONYA DELANCE,

Petitioner.

and

MICHAEL DELANCE,

Respondent.

NO. 23-2-02586-5 SEA

DECLARATION OF SONYA DELANCE IN SUPPORT OF PETITION FOR PROTECTION ORDER

I, Sonya DeLance, am the Petitioner in this action, I am competent to testify as a witness and I make the following statements based on my personal knowledge of the facts and circumstances stated below.

I have an existing restraining order against Michael, which has failed to provide adequate protection for me or my family. See Exhibit A—Restraining Order. The Restraining Order expires in March of 2023, but Michael's harassing and threatening behavior continues to escalate, and I am concerned about my safety and my family's safety. I firmly believe that a Domestic Violence Protection Order is necessary for mine and my family's protection.

I believe that the background information in this case is important for the Court to know and supports entry of a Domestic Violence Protection Order, and the requirement for Michael to obtain a State-Certified DVIT Assessment.

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In January of 2021, Judge O'Donnell oversaw our parenting plan modification trial. The testimony and evidence at trial was the basis for the existing restraining order. Part of this restraining order "prohibits Michael from contacting me by any means, whether directly or indirectly." *See again, Exhibit A.* Prior to Judge O'Donnell's ruling, Dr. William Singer (the appointed Guardian Ad Litem) filed a 2nd Amended Report recommending that Michael obtain a domestic violence assessment from a State Certified DVIT provider. This report was filed with the Court on February 1, 2021. *See Sealed Confidential Report filed on February* 1, 2021.

Judge O'Donnell issued his written ruling on February 23, 2021. As part of the Final Order and Findings, Judge O'Donnell found that Michael "... has demonstrated a willful disobedience to court orders...he (Michael) does not feel bound by them and has been contemptuous of the Court's authority...deliberately ignored court orders, bullied Ms. DeLance and shrouded his unfortunate conduct with a plea to her to move on and co-parent with him (Michael)... is significantly and dangerously preoccupied with Ms. DeLance, her life, her partner and their failed marriage...this is an unhappy path if he continues down it." See Exhibit B – Final Order and Findings.

The same day that Judge O'Donnell issued this ruling, Michael was arrested for battery against his then girlfriend who claimed to be living with Michael in Florida. The police report cited that Michael was upset "because a child custody ruling had resulted negatively for him." See Exhibit C – Police Report from Miami-Dade County.

In June of 2021, Michael was held in contempt for violating various provisions of the support orders, including being held in contempt for canceling the children's health insurance, failing to pay spousal and child support and continually texting inappropriate

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comments to the children. See Exhibit D—Contempt Order dated June 16, 2021. Later that year, my husband and I decided to move to Oregon for various reasons (better employment, schools, a fresh start for the kids, etc.). Michael decided to object to my relocation and requested another modification to the parenting plan. Michael was bolstered when the Court temporarily restrained my move and required us to mediate or go to trial. He also felt emboldened enough to file a frivolous motion for contempt against me during this time for suspending his visitation (which I had the right to do) due to consistent inappropriate communication with the children and failure to comply with recommendations from our GAL and court ordered rules and procedures for supervised visits with the children. I was ordered to appear in court for this hearing and was not found in contempt but still had to spend the time and money defending myself, as well as manage the emotional trauma of having to face him in court yet again.

I was terrified of what the result would be if I had to litigate at trial against Michael for the second time in less than two years. It is extremely traumatizing for me to have to continue to litigate against my abuser and Michael knows this, this is why Michael continues to find ways to bring me to court. Therefore, Michael and I negotiated an agreement so that Jason, my kids, and I could move to Oregon in peace and hopefully stop being tormented by Michael. As part of this agreement, the requirement for Michael to obtain a DVIT assessment and engage in anger management counseling was not included in the provisions of the modified final parenting plan. We also agreed to appoint a new Guardian ad Litem of his choosing, and the communication coordinator remained appointed as the only way Michael was permitted to communicate with me. If the new GAL recommended that Michael engage in a DVIT assessment, then he would have to follow that recommendation.

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Also, because Michael had not fulfilled several financial requirements of our initial divorce decree (such as a stock transfer, payment of spousal and child support, and tax fillings), there were financial provisions also included in the agreement. His use of financial control tactics has hurt me financially in many ways. The CR2A Settlement Agreement was executed on November 26, 2021. See Sealed Source Document - CR2A Settlement Agreement.

Following execution of that CR2A Settlement Agreement, Michael's behavior worsened. He refused to sign any final order reflective of the CR2A Agreement. I had to file a Motion to Enforce and enter final orders, which Judge Kennan entered on February 15, 2022 and awarded me attorney's fees and costs for having to do so. See Exhibit E – Order Enforcing CR2A Agreement.

As part of the Modified Final Parenting Plan entered on February 15, 2022, Michael was to pay the retainer to the new Guardian Ad Litem that he selected, Julia Jensine. Michael still has not done so and the GAL has not been able to begin her appointment or make any recommendations. In addition, Section 14.4 of the Parenting Plan contains a non-disparagement clause preventing parties from making threatening, damaging, or detrimental remarks. See Exhibit F — Order Appointing Guardian Ad Litem and Exhibit G — Modified Final Parenting Plan.

Starting on January 31st, 2022 through February 10th, 2022, Michael sent my husband a series of emails in an effort to get my husband and I to renegotiate with him and meet his demands, because he refused to follow the recent CR2A agreement. Michael sent my husband a series of emails writing out his twisted version of events, making numerous false claims and accusations, disparaging both of us, insisting we meet his demands and demanding Jason get me to talk with him even though a protection order is in place, or else

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threatening he would continue to pursue legal action against us. In the emails, he stated things to my husband such as "you need to man up and call me" "the court's ruling needs to be discarded or highly modified in my favor" "This will end with a quick call, or we will go to arbitration..." "How do you want to play this?" *Exhibit H* – *E-Mails from Michael to Jason*.

On or about April 9th, 2022 Michael again began calling, texting and e-mailing my husband, Jason, for days, demanding to speak with him on the phone and to get me on the phone, again, despite knowing there is a restraining order in place. My husband thought this might be an effort to make peace and move forward amicably, so Jason agreed to have a call with him. Shortly after that, Michael began texting my husband 'knuckle up,' 'mano e mano,' and 'man up,' Michael called him several disparaging names such as 'an emotional faggot' a 'bottom feeder' a 'single white female' and 'ugly.' Michael also told him that my attorney would get disbarred because 'she dropped her whole clipboards.' See *Exhibit I*—

Text Messages from Michael to Jason. I believe he was under the influence when he began sending these insulting and somewhat incomprehensible text messages.

When my husband refused to speak with him any further and blocked Michael from his phone, Michael then sent a group text to Jason and our children in an effort to escalate the situation by frightening and creating anxiety in the children by involving them yet again. This is the tactic he used back in December of 2019 to harass and torment me and that originally led to issuance of an immediate restraining order. *See Exhibit J – Correspondence from Michael to Jason and Presley.* This is a violation of the restraining order, a violation of our Parenting Plan and greatly triggered the children, and caused more emotional distress to Ella who has been diagnosed with PTSD from Michael's actions. Ella has been in consistent therapy for trauma and PTSD (again caused by Michael) for years now. *See Sealed Health Record – Letter from Ella's Therapist.* I reported the messages to the police, but they told me it was a civil matter and took no action.

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In addition to violations of the restraining order, Michael also refused to comply with the financial terms of our agreement, as he has done for years. I had to then file a Motion to Appoint a Special Master due to his refusal. That Order was entered on March 28, 2021. See Exhibit K – Order Appointing Special Master. When the Special Master initiated contact with the company for the court ordered stock transfer, Michael filed a Motion to Vacate the final orders and Order Appointing the Special Master. That Order was denied on April 29, 2022. See Exhibit L – Order Denying Motion. Michael did not agree with that result, and then filed a duplicate Motion requesting that same relief that was denied on June 2, 2022. He was found to have acted in bad faith for improper purposes and I was again awarded attorney's fees. See Exhibit M – Order Denying Motion.

Shortly after Michael's second motion was denied, Michael emailed my husband, my attorney, and Judge Keenan saying: 'he was submitting a protection order against Monica (his ex-girlfriend) and would soon be doing the same to Jason (my husband).' See Exhibit N— E-mail from Michael dated 6/13/22 - 6/17/2022. Michael later filed for a protection order against Monica, which was denied.

Michael again did not agree with the Court's order, so he filed a Motion to Compel on August 31, 2022, and a Motion for Contempt against me on September 7, 2022. Because there was no legal basis for either of these motions, they were also denied. See Exhibit O – Order Denying Motions. My attorney did not have to appear because Michael did not serve the pleadings properly and the Court denied the motion without my need to participate.

Because Michael was not getting the results he wanted from the Court system, Michael directly contacted the company required to make the stock transfer and threatened to sue them if they did not 'cease and desist' on the stock transfer (which again was required by our divorce decree, agreed to in our CR2A Agreement, and court ordered to be done by

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the appointed special master). Specifically, Michael lied to the company about me having been found in contempt and threatened he would take action against the board if they transferred the stock shares to me. See Exhibit P - E-Mail from Michael to SoRSE Board dated 9/7/2022.

Also in September of 2022, Michael again emailed my husband with an incoherent message apparently in response to an email that he sent two years prior. See Exhibit Q-E-Mail from Michael dated 09/01/2022. In October of 2022, Michael again sent my husband another text message with a kiss emoji saying in Spanish that he is "...conducting an investigation for my children." See Exhibit R-T ext from Michael to Jason. I believe his consistent attempts to harass and contact my husband are intended to provoke a response in the hope he can twist or take out of context and use it against my husband somehow.

On October 20, 2022, Michael texted our children Presley and Ella saying "I miss you. Not my choice;" and "when you're ready for me I'm there." On October 24, 2022, he texted Presley saying: "I am working everyday to get you and your sister on our terms as you are a DeLance." On October 31, 2022, Michael texted Presley saying "you can see me. all you have to do is ask." He has previously stated to Presley and Ella that "it will be fixed very soon" and he "is doing everything he can to be with them again." Michael has repeatedly stated directly to the children that "if they want to see him, all they have to do is ask." That is not true. Michael has not taken the first required step to reinstate visits with the children. See Exhibit S – Text Messages from Michael to Presley and Ella. This is a clear violation of the parenting plan and detrimental to the children.

Michael has not done anything to reinstate his visitation, he has not paid the GAL, he has refused to pay the parenting coordinator, and believes that leveling consistent legal assaults on myself and my husband is somehow the way to 'fix' this issue. Michael is clearly trying to imply to the children (and has stated directly to them in the past) that I am the reason he has not been able to see them, and it is inappropriate for him to be saying these DECLARATION OF SONYA DELANCE - Page 7 of 15

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things to the kids. This is another attempt to circumvent the Court process and make it appear to the children as though I am the one preventing contact. I do not believe Michael will ever stop his harassment, inappropriate communication with the children or his attempts to coerce us into giving him what he demands, unless he is forced to do so. Michael has even made this clear with his own words when he messaged me years ago stating things such as "We will be at war forever." "I will never stop. You Rejected me." "Jason will never be accepted by me so get ready for a difficult life." "That is my life promise if you marry him." *Exhibit* T – Text Messages from Michael to Me.

In December of 2022, my nephew, Logan, was looking at his father's (Vaile Thompson) phone and saw texts from Michael saying harassing and disparaging things about me and Jason. Logan was concerned for my safety and took photos of those texts and sent them to me. The texts said things like Michael planned to "bury them (me and Jason) alive if Sonya doesn't get on the phone with me (Michael)" and that "Sonya and Jason are monsters" and that I was his "bitch ex-wife." He referred to both Jason and I as "mother fuckers," stated he was now "coming after my children," and said he had Jason "dead to rights." Logan also found an email from Michael to Vaile where Michael asked Vaile to "put a bullet in both of their heads" referring to me and Jason. See Exhibit U — Screenshots of Messages.

These are serious threats of violence - a request to put a bullet in my head, to bury me and Jason alive, and to come take the children, all made to my brother-in-law, clearly knowing this would be communicated to me and disturb my peace indirectly.

Then on December 29, 2022, my husband was served a baseless protection order that Michael filed in East Bellevue District Court. While Michael's Order had been denied on a temporary basis and set for a hearing, Michael instructed his process server not to include the denial order in the service package. See Exhibit V – Denial Order.

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The person who handed Jason the pleadings did not identify himself – he knocked at the door, asked if his name was Jason, handed him a stack of paperwork and then walked away. To this day we do not know his name and he did not say what Jason was being handed. We have camera's all around our home and a Ring doorbell which shows an exact video of this transaction, but I do not know if that is necessary to show the Court. Jason and I did not know that the Temporary Order was denied until my attorney obtained the pleadings from that docket on Tuesday, January 3, 2022.

I am also in the Address Confidentiality Program. As part of our CR2A agreement, I agreed to inform Michael of the school district in which the kids reside, but I did not agree to give him my home address. See Exhibit W – Address Confidentiality Program. It was scary and surprising that Michael had my husband served at our home address.

I am sure Michael wanted us to believe that the court had granted some type of restriction in an effort to disturb our peace, as we spent the holiday weekend worrying about this case and what it meant for our family. For almost one week, we had to worry that a police officer might show up at our house and ask my husband to leave in front of the children, causing further emotional distress to my children and to Jason's. I believe this is Michael's ultimate goal and, again, shows a consistent pattern of harassment exhibited by Michael, and a deliberate attempt to consistently harass us and disrupt our peace.

My husband had to take time away from work to appear at the return hearing and wait for more than two hours for Michael to inform the Judge that he was requesting a continuance to obtain counsel. Then at the next return hearing, the District Court Judge informed us that they did not have jurisdiction to hear the case because Michael was effectively asking to change the parenting plan.

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One of the most frightening things about Michael's frivolous petition against Jason is that he asked for the children to be included in the order and somehow believes that the East Bellevue District Court can 'help him get his children back.' There are very clear requirements laid out in our parenting plan about what Michael must do to reunite with the children – he just refuses to do them. For example, paying the GAL. However, because of his lack of effort toward this, I don't believe his goal is to become reacquainted with the children. I believe it is to use coercive methods to control and harass us until we drain our financial resources and give into his demands. It is simply a method of revenge for him.

Even though we have final orders that are supposed to prevent this continued harassment and disturbance of our peace, it has not deterred Michael from doing so in the slightest. Every time one door is shut, he finds another one to try and open. He will not stop in his efforts until his demands are met. Michael continues to use the Court systems, my husband and members of my extended family to find new ways to harass me without taking any accountability for his actions, working on his issues or simply complying with court orders so that he can see his children. This is harmful to me, my husband and our children.

I would also like the Court to be aware that I asked for a protection order against Michael in 2018. I thought the evidence I provided was sufficient for a protection order to issue, but kept some evidence from my testimony because I was still deathly afraid of what Michael would do to me by bringing these things to light. The Court denied my request. I have since felt strong enough to bring forward more of this evidence including his own admittance of substance abuse issues, attending rehab and even providing a card I have from Michael that he wrote me during our marriage where he apologizes for "laying a hand on me." See Exhibit X – Card from Michael. Michael admitted to physically abusing me during

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our marriage, and this evidence, combined with the interviews and observance of Michael's behavior from our then GAL Dr. Singer, is what lead Dr. Singer to recommend Michael complete a State Certified DVIT Assessment. For years now, while having to constantly protect and defend myself against Michael, I have suffered from severe depressive episodes that led me to acquiesce to a settlement offer last year so Jason, my children and I could move to Oregon, and because I was terrified of facing him in Court.

To summarize for the court, these are the actions that have occurred since Dr. Singer recommended Michael obtain a State Certified DVIT Assessment:

- 1) On February 23, 2021, Michael was arrested for battery against his then intimate partner that he lived with in Florida.
- 2) On June 16, 2021, Michael was held in contempt for violating various provisions of the parenting plan and child support order (including canceling the children's health insurance and refusing to pay spousal and child support).
- 3) In September 2021, Michael objected to my move to Oregon and the Court temporarily restrained my ability to move.
- 4) In October of 2021, Michael filed a baseless contempt case against me, and I was not found in contempt.
- 5) On November 26, 2021, Michael and I executed a CR2A Settlement Agreement so that I would be allowed to move to Oregon and to resolve other outstanding disputes.
- 6) On February 15, 2022, the Court entered an Order Enforcing the CR2A Agreement and awarded me attorney's fees because Michael refused to sign the final orders.

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7.	1	7) On March 28, 2022, the Court appointed a Special Master because Michael refused
8.	$2 \parallel$	to comply with the terms of the CR2A Agreement or Final Orders.
	3	8) In January and February of 2022 Michael repeatedly emailed my husband in an
	4	effort to force me to communicate with him and to coerce my husband and I into
9.	5	giving into his demands or else face the consequences of his threats.
	6	9) On April 9, 2022, Michael sent disparaging messages and made multiple phone
	7	calls to my husband for days, and contacted our children inappropriately, in
	8 9	violation of court orders.
10.	10	10) On April 29, 2022, the Court denied Michael's Motion to Vacate the Order
	11	Appointing the Special Master.
11.	12	1'1) On June 2, 2022, the Court denied Michael's duplicative Motion to Vacate and
	13	again awarded me attorneys' fees and costs.
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	15	12) Between June 13, 2022 – June 17, 2022, Michael contacted Judge Keenan, my
	16	attorney, and my husband threatening to file a protection order against my
	17	husband.
13.	18	13) On August 31, 2022, Michael filed a Motion to Compel, which was again denied
	19	as baseless.
14.	20	14) On September 7, 2022, Michael filed another Motion for Contempt, which was
	21	again denied as baseless.
15.	22	15) On September 7, 2022, when Michael did not get the answer he wanted from the
	23	Court, he contacted the company directly to threaten a lawsuit if they complied
	24	with our court orders. In this month he also contacted my husband Jason again via
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	26	email.
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16.	1	16) In October of 2022, Michael text my husband a kiss emoji and stated he was
17.	2	'conducting an investigating for my children.'
	3	17) In December of 2022, I was contacted by my nephew because he was concerned
	4	for my safety based on Michael's messages that included threats of violence
	5	against both me and my husband.
18.	$\begin{bmatrix} 6 \\ 7 \end{bmatrix}$	18) In December of 2022 we had to file to garnish Michael's accounts for refusal to
	8	pay me court awarded attorney fees and I have still not received them.
19.	9	19) On December 29, 2022, a stranger appeared at my door with a stack of papers for
	10	my husband. There were 180 pages of pleadings, but not the denial order that
	11	contained information about the return hearing and most importantly that
	12	Michael's request for a temporary order had been denied.
20.	13	20) My husband appeared at the return hearing in East Bellevue District Court on
	14	January 12 th where Michael requested a continuance.
0.4	15	21) My husband appeared at the second return hearing in East Bellevue District Court
21.	16	where the Judge transferred the case to King County Superior Court because
	17	Michael was effectively asking East Bellevue District Court to change the
	18 19	parenting plan.
	20	I am asking that the return hearing on this Petition be heard at the same time as my
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	22	husband's hearing as it is substantially similar.
	23	Michael is a dangerous person who has repeatedly threatened and disparaged my
	24	husband and I, and used the court systems and coercive control tactics to intimidate and harass
	25	me and my family for years, despite having a protection order in place. In addition, Michael
	26	has demonstrated a complete disregard for and unwillingness to follow court orders or any
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Costs

recommendations from court-appointed professionals for years now. In my protection order, the first item says that Michael is "restrained and enjoined" from "Disturbing the peace of the protected party." Michael has consistently disturbed my peace both before and after this protection order was put in place. I pray that the Court does something to finally make this constant harassment, that has now persisted for over four years, stop.

The Court has penalized Michael by awarding me attorney's fees and costs, which Michael never pays and for which I must always file Writs of Garnishment. This has not served as a deterrent to Michael in any way and is additional time and money I must spend that is never recouped in full. Most recently I paid the Special Master \$9,210.67. See Exhibit Y-Invoice and Copy of Check. Michael has well over two million dollars in assets, which he apparently moved recently from his account to avoid further garnishment.

On February 15, 2022, the Court awarded me \$7,676.50 in attorney's fees and costs. That represented the fees incurred from December 1, 2021 through January 31, 2022. Michael was also ordered to pay another \$2,500 in attorney's fees and costs on June 2, 2022 for another bad faith motion filing.

From February 1, 2022 to January 31, 2023, I have incurred an additional \$28,850.12 in attorney's fees and costs. In total, from December 1, 2021 through January 31, 2023, I have incurred a total of \$36,526.62 in attorney's fees and costs and paid \$9,210.67 that Michael was ordered to pay and for which I am entitled a judgment pursuant to the order appointing the special master.

Of the \$36,526.52 in attorney's fees I have incurred (most of which is due to Michael's bad faith actions and desire to reduce my financial resources), I was able to garnish \$11,321.91 before he moved all of his money out of that account. I am asking the Court award me a

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judgment in the amount of \$40,000, which represents the \$25,204.61 in attorney's fees I have incurred, the \$9,210.67 for the special master fees and costs I have paid, and an additional \$5,584.72 sanction for Michael's repeated violations of the restraining order, violations of the parenting plan, and refusal to follow any of the existing orders.

I am asking that the Court find that Michael has engaged in tactics such as harassment, abusive use of litigation, and financial control and that Michael must obtain a State Certified DVIT Assessment and comply with all recommendations from this assessment. I ask that the Court appoint a Litigation Special Master to approve any further filings by Michael against me, my husband, or any relief involving our children. In addition, our Guardian Ad Litem cannot investigate issues or make recommendations involving Michael and the children because Michael has not paid her – it is not fair to me or the children to allow this to continue. Michael has also not paid our communication coordinator, so he is using other methods such as my lawyer, my husband and extended family members to indirectly communicate with me, in violation of our court orders. I ask that Michael be required to pay the retainer for the GAL and Communication Coordinator immediately. I also ask that Michael be ordered to comply with any and all treatment recommendations of the State Certified DVIT Assessor.

A proposed Order, Judgment, and Declaration of Fees and Costs is filed herewith.

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

DATED this ⁶ day of February, 2023 at Oregon.

Sonya DeLance, Declarant