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3 KING COUNTY
4 SUPERIOR COURT CLERK
5 E-FILED
6 CASE #: 18-3-05993-7 SEA

7 **IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

8 IN RE THE MARRIAGE OF:

NO. 18-3-05993-7 SEA

9 SONYA K. DELANCE,

**MOTION FOR CONTEMPT
HEARING**

10 Petitioner,

(MTSC)

11 and

12 MICHAEL A. DELANCE,

13 Respondent.

14 **MOTION FOR CONTEMPT HEARING**

15 **To both parties:**

16 ***Deadline!*** Your papers must be filed and served by the deadline in your county's Local
17 Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms
18 are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- 19 ▪ File your original documents with the Superior Court Clerk; AND
- 20 ▪ Give the Judge/Commissioner a copy of your papers (if required by your county's
Local Court Rules); AND
- 21 ▪ Have a copy of your papers served on all other parties or their lawyers; AND
- 22 ▪ Go to the hearing.

23 The court may not allow you to testify at the motion hearing. Read your county's Local
Court Rules, if any.

Bring proposed orders to the hearing.

24 **To the person filing this motion:**

25 To schedule a hearing on this motion, you must ask the court to sign the Order to Go to
Court for Contempt Hearing (Order to Show Cause) (FL All Family 166). This Order
26 may be signed "ex parte" (without the other party there). Contact the Superior Court
Clerk's office for the procedure in your county. You must have this Motion and the

1 Order to Go to Court personally served (by someone else) on the other party.

2 **To the person receiving this motion:**

3 If you do not agree with the requests in this motion, file a statement (using form FL All
4 Family 135, *Declaration*) explaining why the court should not approve those requests.
You may file other written proof supporting your side.

5 I declare:

- 6 1. I am the Petitioner in this case.
7 2. The other party, Michael A. DeLance, did **not** obey the orders checked below that were
8 signed by the court on November 1, 2018 in King County, Washington.

9 The parenting plan, residential schedule or custody order.

10 The Temporary Parenting Plan entered November 1, 2018, was violated, as follows:

- 11 1) Section 14.d mandates “Neither parent shall advise the children of any facts
12 related to this litigation or their relationship”. Michael A. DeLance has
13 repeatedly threatened to tell the children his version of the reason for this
14 divorce (e.g., facts about the parties’ relationship). On January 8, 2019, he
15 told the parties’ daughter to ask her mother about her “betrayal” via text
16 message.
- 17 2) Section 14.c mandates, in part, “Neither parent will disparage the other parent
18 to the children.” On January 8, 2019, he told the parties’ daughter to ask her
19 mother about her “betrayal” via text message which was disparaging. On
20 November 11, 2018, Michael stated to Ella, “this is all your mommy’s doing
21 and its because of her that we don’t live together.
- 22 3) Section 14.g mandates “The parties will only use “Our family wizard” to
23 communicate about issues and events related to the children. Michael A.
24 DeLance repeatedly uses the Our family wizard application to intimidate,
25 disparage, harass and annoy the Wife on topics outside the scope of ‘the
26 issues or events related to the children.”

Other order: Temporary Family Law Order entered November 1, 2018.

1) Section 5 requires both parties to maintaining their historical spending
2) pattern and requires Michael A. DeLance to deposit funds into the parties joint
3) Bank of America Account and to pay all bills as he has historically done.
4) Section 5 also prohibits the parties from spending more than \$5,000 each per
5) month (exclusive of money for bills). Michael was also required to cover all of
6) the children’s historical expenses.

7) In violation of the order, Michael DeLance spends over \$5,000 per month on
8) personal expenses, fails to deposit funds into the parties Household accounts to
9) pay bills, causes the account to become overdrawn, and leaves the Wife with
10) less than sufficient access to funds to pay necessary expenses.

11) 2) Section 8.1 requires the parties to notify each other of any extraordinary
12) expenditures. Michael DeLance has transferred over \$300,000 from the parties’

1 trust account held at Bernstein since November 1, 2018 and spent without
2 providing notice to the other party or explanation of use of these funds. Michael
3 DeLance has also spent hundreds of thousands of dollars outside of the
4 historical spending pattern in violation of this provision.

5 3) Section 8.2 prohibits the withdrawal of funds from any checking, savings,
6 money market, investment or brokerage accounts unless used in the ordinary
7 course of business. Michael DeLance has transferred over \$300,000 from the
8 parties' trust account held at Bernstein since November 1, 2018 and spent
9 without providing notice to the other party or explanation of use of these funds.

10 4) Section 9 requires the parties to maintain their historical spending pattern
11 and agree to immediately notify the other in the event any expense falls outside
12 the historical pattern. Michael DeLance has spent hundreds of thousands of
13 dollars outside of the historical spending pattern in violation of this provision.

14 5) Section 13 requires "communications are limited to family wizard about the
15 children." Michael A. DeLance repeatedly uses the Our family wizard
16 application to intimidate, disparage, harass and annoy the Wife on topics
17 unrelated to the children.

18 6) Section 14 requires "any texts or emails are limited to child related
19 immediate needs." Michael A. DeLance repeatedly uses email and text to
20 intimidate, disparage, harass and annoy the Wife on topics unrelated to the
21 immediate needs of children. Specific examples include a Text Message on
22 January 14, 2019 and Email communications commencing November 11, 2018.

23 See Declaration of Sonya DeLance, dated March 14, 2019, filed herewith.

24 3. **Request** – I ask the court to:

- 25 ▪ Order the other party to go to court to show why the court should not approve the judgment and orders I've requested,
- 26 ▪ Find the other party in contempt, and
- Approve the requests checked below.

1 **4. Money judgment requested**

I ask the court to approve a judgment ordering the other party to pay:

	Amount	Interest	From (date)	To (date)
<input type="checkbox"/> Other (specify):	\$	\$		

2 **5. Fines and penalties (remedial sanctions) requested**

- 3 Approve other reasonable orders, including ordering the other party to:
 - 4 ▪ Pay a fine – civil penalty (required for violations of parenting time orders),
 - 5 ▪ Pay a fine for each day the court's orders are not followed,

- 1 ▪ Meet certain conditions to stop being in contempt (purge the contempt),
- 2 ▪ Pay my lawyer fees and costs, if any,
- 3 ▪ Give me make-up parenting time, if appropriate, and
- 4 ▪ Any other relief allowed by law (Chapter 7.21 RCW, Chapter 26.09 RCW,
Chapter 26.10 RCW, Chapter 26.26 RCW, and RCW 26.18.040).

5 6. **Other orders requested** (if any):

6 (1) Sonya K. DeLance shall have discretion to transfer up to \$40,000 per month from
7 the Bernstein Account into the Bank of America Account ending 2741 or Bank of
8 America Account ending 5962. Sonya K. DeLance shall have exclusive use of Bank of
9 America Account ending 2471. Michael A. DeLance shall sign whatever letters of
10 authorization are necessary to permit her to do so.

11 (2) Michael A DeLance shall be prohibited from withdrawing more than \$20,000 each
12 month from the parties' Trust accounts held at Bernstein, without prior written
13 approval of Wife (through counsel).

14 (3) Michael A. DeLance shall adhere strictly to the Temporary Parenting Plan,
15 Sections 14(c) and 14(d), and the Temporary Order dated November 1, 2018,
16 paragraphs 13 and 14. The Wife is authorized to engage a Parenting Coordinator,
17 selected in her exclusive discretion, to aid in resolution of child related disputes and to
18 intervene if notified of inappropriate communications conveyed by Michael A.
19 DeLance to Wife through the Our Family Wizard application. The Parenting
20 Coordinator's fees shall be paid exclusively by Michael A. DeLance, from his
21 separate income. The Parenting Coordinator will remain in place until further
22 recommendation of a Parenting Evaluator (appointed by separate order), or further
23 Court Order.

24 (4) Order Michael A. DeLance reimburse the Bernstein Trust Account
25 \$_____ within seven (7) calendar days.

26 (5) Michael A DeLance shall pay all attorney's fees and costs incurred by Wife in
filing this Motion from his separate income.

See Declaration of Sonya DeLance, dated March 14, 2019, filed herewith.

27 **Person making this motion fills out below:**

28 I declare under penalty of perjury under the laws of the state of Washington that the facts I
29 have provided on this form are true.


30 Signed at Edmonds, Washington Date: _____

31 See Declaration of Sonya DeLance, dated March 14, 2019
32 Sonya K. DeLance, Petitioner

1 I agree to accept legal papers for this case at:

2 my lawyer's address, listed below.

3 **Lawyer (if any) fills out below:**

4  3/14/19
5 *Dimitra S. Scott, WSBA No. 34634* *Date*

6 *Dimitra S. Scott*
7 *Beresford Booth, PLLC*
8 *145 Third Avenue S.*
9 *Edmonds, WA 98020*
dimitras@beresfordlaw.com

10 **Warning!** Documents filed with the court are available for anyone to see unless they are
11 sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must**
12 be sealed so they can only be seen by the court, the other party, and the lawyers in your case.
Seal those documents by filing them separately, using a *Sealed* cover sheet (form FL All
Family 011, 012, or 013). You may ask for an order to seal other documents.