

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DEC 01 2015
SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

IN RE THE MARRIAGE OF:

SALLY HOWE SMITH
COURT CLERK

[REDACTED]

Petitioner,

Case No. [REDACTED]

and

Judge [REDACTED]

[REDACTED]

[REDACTED]

Respondent.

MOTION TO DISMISS PURSUANT TO FORUM NON CONVENIENS

COMES NOW the Petitioner, [REDACTED] ("Father"), by and through his attorneys of record P. Gae Widdows and Blake M. Feamster of Widdows Law Firm PC, and respectfully request these proceedings be dismissed, as follows:

1. These proceedings should be dismissed based upon *forum non conveniens* because the Maronite Religious Tribunal is a more convenient forum which has jurisdiction as to all outstanding issues between the parties and this Court does not.

2. On July 29, 2015, Mother filed an action in the Maronite Religious tribunal in Lebanon. See Exhibit A. There is no dispute as the existence of the proceedings in Lebanon or that the proceedings in Lebanon are currently ongoing and Mother has asked for a property settlement in the Maronite Court in the amount of \$500,000.00.

3. On August 11, 2015, Father initiated the proceedings in this Court in an effort to secure the return of his children from Beit Chabeb, Lebanon based upon concerns that the children are located roughly ten miles from ISIS and the bombing in Beirut. Despite these concerns, it has become clear that this Court does not have jurisdiction as to child custody or

parenting time pursuant to the Uniform Child Custody Jurisdiction Enforcement Act as the “home state” of the children is Lebanon. *See* 43 O.S. § 551-201 (2015).¹

4. Upon information and belief, the proceedings in the Maronite Religious tribunal are annulment proceedings initiated by Mother. The Maronite Tribunal will issue a decision as to child custody, parenting time, support alimony and child support (which are combined into a single payment), and an award of damages in lieu of property division as the Court will not award property division in an annulment proceeding. Mother elected to move forward with annulment proceedings in the Maronite Tribunal.

5. Moreover, the Maronite Tribunal has issued temporary orders as to child custody, parenting time, child support, and support alimony. The Maronite Tribunal also issued a restraining order at the request of Mother which prohibits the removal of the children from Lebanon. *See* **Exhibit B**.

6. This matter was scheduled for temporary order hearing before this Honorable Court, however opposing counsel withdrew their motion and vacated the hearing based upon the temporary orders that were issued.

7. This Court only could have jurisdiction as to financial matters pursuant to the Uniform Interstate Family Support Act (UIFSA). However, simply because this Court could have jurisdiction does not mean that it should exercise jurisdiction. In fact, this Court should decline to exercise jurisdiction based upon *forum non conveniens*.

8. The standard of review for a district court’s decision on a motion to dismiss based on the doctrine of *forum non conveniens* is abuse of discretion. *Binder v. Shepard’s Inc.*, 2006

¹ It is irrelevant that the home state of the children is another country and not a “state” of the United States as the Court is required to treat a foreign country as if it were a state of the United States when determining home state jurisdiction. 43 O.S. § 551-105 (2015).

OK 17, ¶ 1, citing *Conoco Inc. v. Agrico Chem. Co.*, 2004 OK 83, ¶ 14.

9. The common law doctrine of forum non conveniens has been codified at 12 O.S. § 140.3 (2015) [forum non conveniens has also been recognized by the UCCJEA at 43 O.S. § 551-207 (2015) and UIFSA at 43 O.S. § 601-301 (2015)]. Title 12 O.S. § 140.3 directs the court to consider the following factors in ruling on a motion to transfer or dismiss an action under the doctrine of *forum non conveniens*:

(1) Whether an alternate forum exists in which the action may be tried; (2) Whether the alternate forum provides an adequate remedy; (3) Whether maintenance of the action in the court in which the case is filed would work a substantial injustice to the moving party; (4) Whether the alternate forum can exercise jurisdiction over all the defendants properly joined in the action of the plaintiff; (5) Whether the balance of the private interests of the parties and the public interest of the state predominate in favor of the action being brought in an alternate forum; and (6) Whether the stay, transfer or dismissal would prevent unreasonable duplication or proliferation of litigation.

12 O.S. § 140.3 (2015).

AN ALTERNATE FORUM EXISTS IN WHICH THE ACTION MAY BE TRIED

10. An alternative forum exists in which the action may be and is already being litigated. As previously discussed, there is currently a proceeding before the Maronite Religious Tribunal in Lebanon which Mother initiated. The Maronite Tribunal has jurisdiction as to all issues whereas this Court only has jurisdiction as to support alimony and child support – both issues over which the Maronite Tribunal has jurisdiction.

THE ALTERNATE FORUM PROVIDES AN ADEQUATE REMEDY

11. The Maronite Tribunal provides an adequate remedy. The Maronite Tribunal has jurisdiction to enter orders as to child custody, child support, support alimony, and may enter an

award of damages in lieu of property division. The Court will not enter orders as to property division because Mother initiated an annulment proceeding. However, the Court can enter an award as to damages which would satisfy the property division thereby providing an adequate remedy as to *all* issues whereas the Court here can only enter orders as to support alimony and child support.

**MAINTENANCE OF THE ACTION IN THIS COURT
WOULD WORK A SUBSTANTIAL INJUSTICE**

12. Maintenance of the action in this court would work a substantial injustice to Father, the moving party. While Father initiated these proceedings in an effort to return his children from Lebanon, moving forward at this point would result in a substantial injustice as Father faces the risk of duplicitous orders being entered against him. As Mother has elected to advance the proceedings in Lebanon, Father could be forced to comply with orders from both this Court as well as the Maronite Tribunal.

**THE ALTERNATE FORUM CAN EXERCISE
JURISDICTION OVER ALL PARTIES TO THE ACTION**

13. The alternate forum can and is exercising jurisdiction over both Father and Mother. There is no issue as to whether the Maronite Tribunal can exercise jurisdiction as to all the parties or all the issues.

**THE PRIVATE INTERESTS OF THE PARTIES AND THE
PUBLIC INTEREST OF THE STATE PREDOMINATE IN
FAVOR OF THE ACTION BEING DISMISSED IN
OKLAHOMA**

14. The private interests of the parties and the public interest of the State predominate in favor of the action being dismissed in Oklahoma and proceedings in Lebanon progressing. It would be expensive for both parties to move forward with litigation in Oklahoma. Mother will

have to pay to return to Oklahoma. Multiple interpreters will be required to translate from Arabic to English thereby multiplying the expense of litigation exponentially. Upon information and belief, both parties currently have to fund legal counsel in Lebanon and Oklahoma. Because the children are now prohibited from leaving Lebanon pursuant to Court Order at the request of Mother, Father must continue to return to Lebanon in order to even see his children. Accordingly, Father will have to pay for travel to and from Lebanon regardless.

**THE DISMISSAL WILL PREVENT UNREASONABLE
DUPLICATION OF LITIGATION**

15. The dismissal will prevent unreasonable duplication of litigation. Currently, there is a risk of duplicitous orders being issued. If this Court enters Orders as to child support, support alimony and property division, then the Order will be duplicitous thereby allowing Mother to have two bites of the apple. This is the very nature of forum shopping as well as piecemeal litigation and exactly why is it frowned upon in our Court system. *See Gulf Oil Corp. v. Gilbert*, 330 U.S. 501 (1947); *Piper Aircraft Co. v. Reyno*, 454 U.S. 235 (1981); *American Dredging Co. v. Miller*, 510 U.S. 443 (1994).

16. In *Perdomo v. Fuller*, the Oklahoma Court of Civil Appeals held that the district court correctly declined jurisdiction based upon *forum non conveniens* but reversed and remanded with instructions because the Court failed to transfer the case to Wisconsin². 1999 OK CIV APP 11, ¶ 7. In *Perdomo*, Father filed a paternity action in Oklahoma pursuant to UIFSA on the basis that the child was conceived in Oklahoma. *Id.* at ¶ 3. However, both Mother and child resided in another State. *Id.* at ¶ 1. The Court reasoned that although UIFSA

² The failure to transfer is a non-issue in these proceedings as the proceedings in Lebanon have already been initiated and the tribunal Judges in Lebanon are neither willing nor authorized to communicate with any authority outside of their own Court.

provides a means of acquiring evidence from a distant forum, the district court has discretion to decline jurisdiction. *Id.* at ¶ 5.

17. The also noted that “a court located where the child resides may be in a better position to deal with the collateral issues that plaintiff raises in his pleadings: support and maintenance of the child, and proper surname of the child. Although not specifically raised by plaintiff, the question of custody will likewise be an important issue should paternity be established.” *Id.* at ¶ 6. Here, as in *Perdomo*, there are collateral issues which the Court in Lebanon can address that this Court is prohibited from addressing for lack of jurisdiction. Therefore, here as in *Perdomo*, the Court should decline to exercise jurisdiction as to support alimony and child support when the tribunal in Lebanon has jurisdiction as to all outstanding issues including child custody and parenting time. *See Id.*

18. Additionally, this Court should enter an Order as to this Motion prior to moving forward with any other proceedings or motions. In *Sinochem Intern. Co. Ltd. v. Malaysia Intern. Shipping Corp.*, the Supreme Court of the United States held that “a district court has discretion to respond **at once** to a ... *forum non conveniens* plea.” 549 U.S. 422, 423 (2007) (emphasis added). Courts are not even required to first establish their own jurisdiction before dismissing a suit on the grounds of *forum non conveniens* where judicial economy so warrants. *Sinochem Intern. Co. Ltd. v. Malaysia Intern. Shipping Corp.*, 549 U.S. 422, 423 (2007) (“A district court therefore may dispose of an action by a *forum non conveniens* dismissal, bypassing questions of subject-matter and personal jurisdiction, when consideration of convenience, fairness, and judicial economy so warrant.”)

19. Moving forward entering a ruling on any motion before ruling on this Motion would be judicially inefficient. A hearing on temporary orders could last several hours –

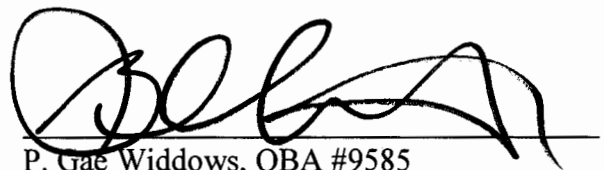
especially given that Mother is likely to produce statements in Arabic – thereby wasting the Court’s time and causing unnecessary attorney fees and costs particularly if the Motion is granted.

20. Father is currently having to travel to Lebanon to exercise any parenting time with his children because Maronite Tribunal requires that the children not be permitted to leave Lebanon without Mother’s permission and Mother refuses to allow the children to leave Lebanon.

WHEREFORE, Petitioner respectfully requests this Court grant Petitioner the following relief:

1. Immediately place these proceedings in abeyance – specifically await entering a ruling on the *Motion to Compel Discovery* – until entering an Order on this *Motion*;
2. Dismiss this matter in its entirety on the basis of *forum non conveniens*; and
3. Grant Petitioner such other relief as this Court deems appropriate.

Respectfully submitted,




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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December, 2015, a true and correct copy of the foregoing *Motion to Dismiss Based Upon Forum Non Conveniens* was:

- _____ mailed via first-class mail with postage prepaid thereon;
- _____ mailed via Certified Mail, Return Receipt No. _____;
- _____ transmitted via Email;
- _____ transmitted via facsimile; and/or
- X hand-delivered.

TO: James A. Williamson, OBA #9698
6218 S. Lewis Ave., Ste. 125
Tulsa, OK 74136


P. Gae Widdows

Maronite Tribunal of First Instance

Zouk Mosbeh - Lebanon

Summons

Nature of lawsuit: Nullity of marriage - N° of lawsuit: 188/2015

Plaintiff: [REDACTED]

Defendant: [REDACTED]

Date of the session: Thursday 8/10/2015 at 11 a.m.

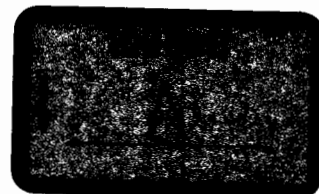
The husband shall report to the Maronite Tribunal in Zouk Mosbeh, chamber of the Tribunal's President, Bishop Mouawad, to assist to a session aiming at reconciling the spouses or at determining the subject of the lawsuit. Attached is a copy of the petition.

Issued by the Maronite Tribunal of First Instance, on 29/7/2015

Signature of the Clerk of the Tribunal

Signature of the investigating judge

Seal of the Maronite Tribunal of First Instance



Nicole G. Yazbeck
Sworn Translator

Submitted on 29 July 2015
Signature of the chancellor
Seal of the Maronite Tribunal of First Instance

A copy hereof should be sent to the husband
Zouk Mosbeh, on 29/7/2015
s/President of the Tribunal
s/Clerk

Salloum - Assaf
Law and Legal Consultation Office

Lawsuit n° 188/2015 - Antelias

To the Maronite Tribunal of First Instance
Lawsuit of nullity of marriage
Filed by

The plaintiff: [REDACTED] represented by proxy,
Mona Salloum and Farhat Assaf, attorneys-at-law

Against the defendant: [REDACTED] residing in Beit
Chabab - facing St. Sassine Church - in his property. Tel.: 04-981667; 70-
237953; 04-980880.

Subject: Nullity of marriage on the ground of the husband's incapacity of
assuming the essential obligations of matrimony due to causes of a
psychic nature, by virtue of paragraph 3 of Canon 818 of the Code of
Canons of The Oriental Churches (CCEO).

First: Facti Species

1- Prior to the marriage:

The plaintiff is of Syrian nationality and born in 1979 from a Lebanese
mother and a Syrian father who worked hard in the fear of God in the
United Arab Emirates, along with his wife, to make a family and provide a
decent life for their children.

The plaintiff studied in Abu Dhabi and grew up in a conservative environment. She has credibility, high morals and politeness which make her respect all people who surround her and make everyone respect and cherish her.

She met the defendant through his sister, Brigitte, who also resides in the UAE. In light of their friendship based on cordiality and respect, Brigitte decided to introduce her brother, the defendant [REDACTED] who was born in 1964 and residing in the United States of America, to the plaintiff for the purpose of marriage. She was sure that the plaintiff had high morals, that she was polite and kind and that she originated from a family known for its credibility in the business world.

Upon his sister's request, the defendant travelled to Abu Dhabi where he met the plaintiff. An admiration arose between the two. After that, the defendant travelled back to the USA and stayed in contact with the plaintiff via internet.

Then, the two parties got engaged and wore engagement rings.

Following the engagement, the defendant asked his fiancée, the plaintiff, to travel to the USA where he was living and working. However, the plaintiff's father refused to speed things up and to let his daughter travel to her fiancé, given the conservative education of his daughter.

Being unstable, inflexible and hasty in his positions, he reacted violently and decided to take off his ring and to call off the engagement. However, few days later, he changed his mind and called the plaintiff to reconcile with her, to sort out their differences and to set a date for the marriage. She forgave him because he acknowledged his mistake and because of her kindness. Therefore, they decided to get married in Lebanon.

2- During courtship:

Interestingly, the brother of the defendant, Roland, took care of all the wedding preparations. He came to Lebanon, instead of the groom, and accomplished the wedding's preparations four days before the date of the ceremony. Whenever the bride had an inquiry regarding the ceremony, the groom referred her to his brother.

On 10/8/2003, the marriage of the two parties was concluded in Our Lady church in Beit Chabab. During the wedding ceremony, a dispute took place between them before the altar, because the bride was shy to kiss the groom in front of all the guests and the photographers. However, the negative reaction of the groom shocked the guests and the plaintiff who was disappointed. She began to suffer due to the bad temper of the groom, shortly after the wedding.

Following the ecclesiastic wedding, the newlyweds concluded a civil marriage in the State of Oklahoma in the USA on 28/10/2003, upon the request of the husband.

The parties had two children: [REDACTED] born on 27/2/2005 and [REDACTED] born on 8/6/2007.

3- After the wedding:

The plaintiff hoped that her husband, **who was fifteen years older than her** and who had a wide experience in life, would surround her with his care and love and compensate the absence of her parents, community and friends from whom she had been separated to follow him, according to the instructions of the Church. However, instead of feeling safe and secure, she faced multiple disappointments!

The first disappointment of the bride was when her husband informed her that he was unable to spend the honeymoon with her because he had a test in the USA (he successfully passed the test and didn't

try to make it up to his bride). Her second disappointment was when he notified her, in the plane, on their way to the USA, after the marriage, that he was not living alone in the conjugal home, that his cousin was residing with him and that he will keep living with them. Moreover, he informed her that seven of his friends had the keys of their house. She was really shocked.

Then, she was disappointed when he yelled at her when she innocently asked him how long his cousin was intending to stay with them in their home. He humiliated his bride because she dared to ask a question that "no respectful woman would ask!"

The wife didn't want to change the locks of her conjugal house without informing her husband's friends. While they were all at the spouses' house, she notified them of her intention to change the locks. Nevertheless, her conjugal life never seemed independent in the USA. In fact, the husband hosted his friends on a daily basis and his cousin lived with them. They all witnessed what was happening between the plaintiff and the defendant who never hesitated to insult her in front of them. Moreover, he wasn't showing her any kind of care or affection.

For example, the plaintiff had to prepare food for all her husband's colleagues at the hospital. He asked her once to prepare dinner for thirty people, even though she was pregnant with her first baby. When the guests left, he didn't try to encourage or help her but watched a football game on the television instead.

This hard situation in which the wife was living made her loose her first baby. She called her husband, the defendant, to tell him about the pain, the cramps and the bleeding she was experiencing, but he refused to come home to help her, under the pretext of work. The next day, the plaintiff visited her doctor alone and he told her that she had lost the baby. She got depressed!

Three months later, the plaintiff got pregnant again and had her first baby. She asked her husband to stay with her at the hospital. However, he refused, because he wanted to meet his friends!

It is noteworthy that her pregnancy with the child Goviani wasn't easy and that the doctors informed her that the child might be born with an abnormality. When he was born abnormal, the reaction of the defendant surprised the plaintiff: he asked her to raise the boy alone because he couldn't tolerate to raise an abnormal child. She assumed alone this responsibility and signed to the doctors some documents admitting full responsibility for keeping the baby. Then, the plaintiff slept with Goviani for a whole year in the living room because he was constantly yelling and crying.

The birth of the second child didn't change the conduct of the husband: he kept gambling at the conjugal house and playing tennis outside. He considered his wife a servant for him and for his friends at home and didn't assume any responsibility towards his house, his wife or his children.

The wife's devotion for her husband made her accept to work with him at his clinic, in the best interest of their future. She was keeping him company at the clinic from four p.m. till eleven p.m. However, he used to leave her alone at that time to practice his hobbies. Despite the insecure location of the clinic, he'd let her come home alone without caring about the hazards she was always facing.

The endless conflicts of the spouses led to the wife's breakdown due to the constant and intolerable anger of her husband. He never showed her love or affection, communicated with her or provided a luxurious life for her. All he did was yelling and playing cards with his friends, as if he didn't get married. He kept living as he pleased: staying up late, playing tennis and hanging out with his friends without caring for his wife or assuming his conjugal responsibilities.

The wife could no longer tolerate the ambiance of the conjugal home: her husband had a bad temper and never cared for her to make her cope with her new life. Every time she called her mother, the latter encouraged her to give her marriage a second chance and to try to solve the problems through love. However, the husband didn't rectify his behavior.

The relationship of the spouses deteriorated. Therefore, they decided to get back to Lebanon, in order to provide their children with a catholic education in their homeland and to save some money. The husband asked his wife to live in an apartment owned by his brother at Beit Chabab, until he comes to Lebanon, hoping to minimize the pressure under which the family was living abroad. The plaintiff approved the request of her husband, came back to Lebanon and registered her children at St. Joseph School - Kornet Chehwan, hoping that this settlement would help them overcome the negative ambiance that was dominating their life in the USA. However, the husband did not keep his promise and didn't travel to Lebanon. Instead, he asked his wife to go back to the USA to manage a liquor store he owned there.

Given her kindness, her love for her husband and her intention to save her family, the wife accepted the request of her husband to get back to the USA without her children, in order to manage the liquor store that he owned in Florida. He left her there, under all the pressure, ignoring her feelings and the problems she might encounter.

Finally, the wife declares that her husband never tried to preserve her interests or take care of her like a loving and honest husband. Moreover, after twelve years of marriage, the husband didn't give her the Lebanese nationality to which she was entitled after the first year of marriage. That's why, she struggled each year and resorted to the General Directorate of General Security to obtain the documents legalizing her stay in Lebanon, knowing that her mother is Lebanese and that nothing

prevented her from obtaining the Lebanese nationality other than the carelessness of her husband.

Based upon the above, the wife had to resort to Your Honorable Tribunal, to put an end to her suffering with her husband, asking for the declaration of the nullity of her marriage that was null since its celebration and doomed to failure.

Second: In lure:

Whereas the nullity of the marriage of the two parties should be declared on the ground of the husband's incapacity of assuming the essential obligations of matrimony due to causes of a psychic nature, by virtue of paragraph 3 of Canon 818 of the Code of Canons of the Oriental Churches:

Canon 817 CCEO explained, in its first paragraph, that matrimonial consent is an act of the will by which a man and woman, through an irrevocable covenant, mutually give and accept each other in order to establish marriage.

The following canons defined consent and determined the defects that invalidate it. Among such defects are those related to psychological incapacity.

Canon 818 of the Code of Canons of the Oriental Churches states in its third paragraph: "They are incapable of contracting marriage... who are not capable of assuming the essential obligations of matrimony due to causes of a psychic nature".

The aforementioned paragraph is about the will. In fact, the mind's power is hindered by reason of a lack of the willpower due to causes of a psychic nature, i.e. a confirmed psychological infirmity which was rooted in the person before the celebration of the marriage. In such case, the contracting party perfectly understands the subject matter of the contract,

but remains unable, at the level of the will and because of certain aberrations controlling the will or of a mental illness, to assume the obligations of such contract. Therefore, there is a clear difference between the incapacity to give consent and the inability to assume obligations. The rotal jurisprudence was clear regarding the distinction between a happy and valid marriage or a failed marriage on one hand and the nullity of marriage on the other hand.

According to the rotal jurisprudence, incapacity by virtue of this canon means the inability arising from personality problems. Even if such incapacity does not affect the superior ability of the mind and the will, it makes a sane person unable to make valid matrimonial vows, given that such person is unable to keep their vows or to assume the essential obligations of matrimony (rotal judgment rendered on April 4 (Ewers) 220.6 SRRD, LXXIII).

The third paragraph of the said canon presumes that the power of the mind is present and sufficiently usable by the spouses, in order to estimate, select, distinguish and understand the fundamental properties and characteristics of marriage, i.e. indissolubility, fidelity and generation of offspring, and to seriously aim at realizing their mutual development and maintaining the matrimonial covenant. However, the mind's power gets hindered due to a serious lack of willpower during the execution of the fundamental properties of marriage, due to causes of psychic nature. In other words, the will is hindered due to a clear and confirmed psychological infirmity or to a disorder which was rooted in the person before the celebration of the marriage. On the other hand, such causes may originate from a certain "neurotic" disorder or from a group of conflicts rooted in the personality, hindering harmony and preventing the person from controlling their behavior, which makes such person prompted or even lured by undesired objectives.

It seems that only a serious psychic condition having originated prior to the celebration of the marriage may hinder the willpower during the

execution of the contract, given that it deprives the contracting party from conscious awareness and hinders their willpower. Only in such case may the Tribunal consider the marriage null.

On the other hand, ecclesiastic jurisprudences have not required the verification of the presence of an actual illness and settled for the confirmation of psychological disorders or conditions that prevent the spouses from reanimating their love and conjugal life due to causes of psychic nature that they were unable to overcome. Ponent Di Filippi said:

“The cause of psychic nature required by the law to give rise to an incapacity to assume the charges of matrimony lies not only in a pathological condition of the contracting party, but also in any cause specified by the psychologists and psychiatrists in their field of expertise and which makes the contracting party unable to establish a community of life and love, despite the good will of the party” (coram Di Filippi, RCA XXXIII, 2005, P. 2679).

Judge Pinto considered, in this context, that the psychological infirmity rooted in the person before the celebration of the marriage shall inhibit conjugal life and prevent the spouses’ interest in a final and untreatable manner. In this case, it is sufficient that the roots of such psychological infirmity are precedent to the celebration of the marriage, even if the infirmity is invisible, unapparent or categorized only by specialists. After the intervention of experts, proving the presence of an essential and radical incapacity, and not just a certain difficulty that may be tolerated and overcome, the nullity of the marriage shall be confirmed, even if harmony is temporarily reached, given that the spouses’ interest is the objective of matrimonial life which ends only by death (judgment rendered on 12/2/1982 by Ponent Pinto, Monitor Ecclesiasticus, 1982, p. 452, n° 2).

The psychological infirmity that may be causing the husband’s behavior did not appear after the marriage, because it existed prior to its celebration. In

fact, the psychological incapacity due to causes of psychic nature, as stated in the law and proved by science, is a state (infirmity) that arises during teenage and persists in the phase following the marriage, leading to a serious psychological disorder that inhibits spiritual community.

And whereas the psychological examination of the husband determines his personality and his responsibility for the failure of the conjugal life;

The nullity of the marriage of the two parties should be declared on the ground of the husband's incapacity of assuming the essential obligations of matrimony due to causes of psychic nature.

2- Whereas the custody of the two minor children, [REDACTED] [REDACTED] on 27/2/2005 and [REDACTED] born on 8/6/2007 shall be entrusted to the wife:

All rights and obligations of the parental authority are, in principle, exclusively entrusted to the father. However, they are transferred to the mother whenever the father is forfeit or deprived therefrom or in case the tribunal chooses to take such decision in the interest of the minor, provided that the mother is trustworthy and able and that the tribunal confirms such ability and notifies the mother of the transfer of the parental authority, by virtue of articles 123 and 124 of the Personal Status Law in Catholic Communities.

Whereas the wife was solely taking care of her children for six years, since her return from the USA, and whereas she managed to do so according to everyone's testimony;

Whereas the interest of the children requires that they remain under the custody of their mother in Lebanon where they are settled and where they study in a catholic school;

Whereas the wife has devoted all her life to her children, has cared for them and has raised them since their birth;

Whereas the husband never refused to leave his children under the wife's custody, acknowledging therefore her ability to take care of them;

And whereas the defendant is, at all events, unable to raise and care for his children, given that he works and lives outside the Lebanese territories;

Therefore,

The custody of the two minor children should be entrusted to the wife until they attain legal age.

3- Whereas a monthly permanent maintenance shall be paid to the minor children, Channele (2005) and Goviani (2007) along with a housing allowance:

Once the custody of the children is entrusted to the plaintiff,

Whereas the husband pays, in favor of the two minor children, a monthly permanent maintenance amounting to USD /2.000/ through proven bank transfers and whereas he undertook to raise such maintenance, as of September 2015, to USD /3.000/, excluding school fees and expenses, i.e. supplies, school bus fees, medical and hospitalization expenses, dental and ophthalmologic expenditures as well as medicines that the husband shall settle separately;

Therefore, the current situation should be confirmed in this regard;

Whereas the husband is bound to provide his family, and mainly his children, with a residence;

Whereas the wife needs to find a decent residence for her and her children, knowing that she intends to rent an apartment located near the

children's school, without caring for her personal interest, which is to stay near her parents' house;

And whereas the rent of a decent family house may not be less than one thousand and five hundred dollars per month;

Therefore, the husband should be bound to pay a housing allowance.

4- Whereas the wife is entitled to financial compensation:

Article 179 of the Personal Status Law in Catholic Communities states that the spouse having caused the nullity or dissolution of marriage shall be bound to pay damages to the other.

Whereas Article 182 of the said Law states literally:

"Upon estimation of the compensation, the material and moral damages as well as the status of the husband and the wife and the condition of each of them shall be taken into consideration".

Whereas the husband has a fortune in the USA, given that he owns a real-estate in Oklahoma State, Tulsa, 7003 East 86th Place, and two real-estates in Florida, the first located in 9227 Florida, Fort Myers, #104, Calle Arragon and the second in 9270 Belleza Way, #201, Fort Myers, Florida.

Moreover, he has bank accounts and multiple investments in banking institutions, knowing that the wife enumerates the following accounts numbers as examples:

ING IRA ACCOUNT * 1182
Morgan Stanley Account * 7032
Morgan Stanley SEP/Ira Account * 4002
PC Inc. Account * 4090
Prosperity Bank Account * 3189
Prosperity Bank Account * 3190
ScotTrade Account

In addition, he invests in AXA, a company known for its financial revenues - account: AXA Equitable Account * 1760.

It is noteworthy that the husband is a good physician, and that he works in many investment fields, along with his work in the medical field. He also owns a liquor store called Mingo Valley Liquor, a diner called "Mom's Diner LLC" and an orthopedic center called "Orthopaedic Center PC".

In addition to what was mentioned above, he owns two shares out of ten at a hospital in Talsa, in the State of Texas.

Whereas the wife has suffered a lot during her conjugal life;

And whereas the husband was responsible for the failure of the conjugal life and for the psychological, moral and material damages that she incurred, especially that he did not provide her with the Lebanese nationality;

Therefore, the husband shall be bound to pay his wife financial compensation that may not be less than five hundred thousand dollars.

Third: In Facto:

The Honorable Tribunal will conclude, based on the interrogation of the spouses and their witnesses, the psychological examination and the analysis of the circumstances having preceded, accompanied and followed the celebration of the marriage, that the husband was responsible for the failure of this marriage, that he's unable to understand others and that he suffers from self-centeredness that makes him focus exclusively on himself without taking into consideration the needs and suffering of his spouse, which caused the perturbation and failure of the conjugal life, despite the wife's efforts to save it.

For these grounds,
For the ones we will declare later on
And for the ones you will find ex officio and by virtue of the law

The plaintiff, [REDACTED] hereby asks:

- 1- To declare the nullity of her marriage with the defendant, [REDACTED] on the ground of the husband's incapacity of assuming the essential obligations of matrimony due to causes of psychic nature, by virtue of paragraph 3 of Canon 818 of the Code of Canons of the Oriental Churches.
- 2- To entrust the custody of the two minor children, [REDACTED] born on 27/2/2005 and [REDACTED] on 8/6/2007 to her until they attain legal age.
- 3- To bind the husband to pay to the two minor children a monthly permanent maintenance that may not be less than three thousand dollars, to provide them with a medical insurance card In & Out, and to pay separately medical expenses, school expenses, transportation fees, supplies and school uniform, in addition to a housing allocation amounting to one thousand and five hundred dollars.
- 4- To bind the husband to pay his wife, by virtue of Articles 179 and 182 of the Personal Status Law in Catholic Communities, financial compensation amounting to USD /500.000/.
- 5- To bind the defendant to pay all fees, expenses and honorarium.

Beirut, on 28/7/2015

Without prejudice and with all due respect,
by proxy, Mona Salloum and Farhat Assaf, Attorneys-at-law

Encl:

- 1- Marriage certificate
- 2- Family civil record

THE LEBANESE REPUBLIC
MINISTRY OF INTERIOR AND MUNICIPALITIES
GENERAL DIVISION OF CIVIL STATUS

N. 1565/2003

Marriage Certificate

Husband:

First name and family name: [REDACTED]
Place of birth: Beit Chabeb
Caza: Metn
Date of birth: 19/01/1964
Father's name: [REDACTED]
Mother's name: [REDACTED]
Profession:
Religion: Maronite
Register: Place: Beit Chabeb Caza: Metn Register No: 698 Maronite

Wife

First name and family name: [REDACTED]
Place of birth: Abu Dhabi
Caza:
Date of birth: 12/10/1979
Father's name: Charles
Mother's name: Ghana El Haibe
Married/single: Single
Religion: Syriac catholic
Register: Place: Caza: Register: No: 382/5

Legal authorization

Granted by: Maronite archbishop of Antelias
Under the n°: 496/2003
Date: 08/08/2003

Contract

Date: 10/8/2003
Place: Beit Chabeb Caza: Metn
Time: 18:30

Signature of the husband:

First name and family name: [REDACTED]
Date: 16/08/2003

Nicole G. Yazbeck
Sworn translator

Signature: s/ [REDACTED]

Certification of the spiritual authority

Antoine Sarkis

Date: 26/08/2003

Seal and signature: Antoine Sarkis

Witnesses

First witness

Full name: Assad Bou Saleh

Date of birth: 1922

Address: Beit Chabeb

Register: 151/ Beit Chabeb

Signature: s/ Assad Bou Saleh

Second witness

Full name: Joseph Boudalha Ghsoub

Date of birth: 1936

Address: Beit Chabeb

Register: 266/ Beit Chabeb

Signature: s/ Joseph Boudalha Ghsoub

Mayor

Full name: Farah Bejjani

Place: Beit Chabeb

Caza: Metn

Date: 16/08/2003

Seal and signature: s/ Farah Bejjani

Request n°: 1741

Date: 26/08/2003

Execution n°: 123

Date: 05/06/2009

Signature of the registrar of Metn

True Copy 13/10/2009

Nicole G. Yasbeck
Sworn Translator

THE LEBANESE REPUBLIC
MINISTRY OF INTERIOR AND MUNICIPALITIES
GENERAL DIVISION OF CIVIL STATUS

Family Civil Record
According to the census of 1932

N° 8067331/A.M/12

Province: Metn
Register of Beit Chabab / 698

First name & family name	Father's name	Mother's full name	P.O.B. D.O.B.	Religion	Single/ Married	M / F	Observation
[REDACTED]	[REDACTED]	[REDACTED]	Canada, on 19/04/1964	Maronite	Married to [REDACTED] of Syrian nationality	M	Birth 964/1191
[REDACTED]	[REDACTED]	[REDACTED]	Oklahoma, on 27/12/2005	Maronite	Single	F	Birth 209/2010
[REDACTED]	[REDACTED]	[REDACTED]	Oklahoma, on 08/06/2007	Maronite	Single	M	Birth 210/2010

Marriage contracted on 10/08/2003
Contract executed on 05/06/2009
Records 123/2009

Based on the principal register

On 06/11/2012

Signature of the registrar of Bikfaya, Norma Majdalani

Seal of the Ministry of Interior and Municipalities of the Lebanese Republic.

Nicole G. Yazbeck
Sworn Translator



**Maronite Archbishop of Antelias
Episcopal Court**

Together we build the Church

Issue No. 3-2015

Attestation

On Aug.24.2015, Mr. [REDACTED] (his attorney Me. Rita Farah TOMB) submitted a petition to the Episcopal Court, by virtue of which he requests to cancel the travel ban on his minor children: [REDACTED] her mother [REDACTED] her father [REDACTED] from Beit Chabab – Metn district, born on Dec.27.2005 in Tulsa – Oklahoma, Reg. No. 698, holding an American passport and [REDACTED] his mother [REDACTED] and his father [REDACTED] from Beit Chabab – Metn district, born on Jun.08.2007 in Tulsa – Oklahoma, Reg. No. 698 holding an American passport.

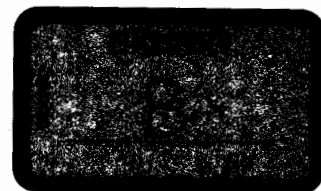
Whereas the petition is a subject of dispute, we refused it waiting for the Maronite Religious Court to decide about it.

Antelias, on Oct.08.2015

Mgr. Assaad BASSIL
(seal and signature)

The Clerk
Father Mirab Suleiman HAKIM
(seal and signature)

True and faithful translation
The Sworn Translator





مطَرَانِيَّة أَنْطَلِيَّاسِ المَارُونِيَّةِ ARCHEVECHE MARONITE D'ANTELIAS

مَعَالِمُ الخَمِيْمَةِ
لِسَبْنِيَانِ الكَنِيْسَةِ

Ensemble, édificions l'Eglise

الديوان الأسقفي

ع م ب / ٣ - ٢٠١٥

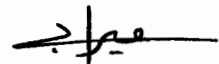
إفادَة

بتاريخ ٢٤ / ٠٨ / ٢٠١٥، قدّم السيّد برنارد جان بودلحه غصوب (وكيلته الأستاذة ريتا فرح طنّب) عريضةً إلى الديوان الأسقفي يطلب فيها رفع منع السفر عن ولديه القاصرَيْن: شانيل ماري برنارد بودلحه غصوب، والدتها ماري شارل يامين، من بيت شباب - قضاء المتن، رقم السجل ٦٩٨، تحمل جواز سفر أميركي وإسمها بالإنكليزية [REDACTED] مواليد ٢٧ / ١٢ / ٢٠٠٥، Tulsa-Oklahoma، والدتها Jean [REDACTED] والدتها [REDACTED]؛ وجيوفاني برنارد بودلحه غصوب، والدته ماري شارل يامين، من بيت شباب - قضاء المتن، رقم السجل ٦٩٨، يحمل جواز سفر أميركي وإسمه بالإنكليزية [REDACTED] مواليد ٠٨ / ٠٦ / ٢٠٠٧، Tulsa-Oklahoma، والده [REDACTED] والدته [REDACTED].
وبما أنّ الطلب هو موضوع نزاع، رفضنا تلبّيته، بانتظار أن تثبت المحكمة الروحية المارونية بذلك.

أنطلياس، في ٠٨ / ١٠ / ٢٠١٥



الخوري ميراب سليمان الحكيم


المسجل