

# THE MICKLIN LAW GROUP

BRAD M. MICKLIN, ESQ.\*

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\*MEMBER NJ AND PA BARS

+MEMBER NJ, PA AND FLA. BARS

August 27, 2014

VIA LAWYER'S SERVICE

Superior Court of New Jersey  
Hudson County Family Intake Team  
Hudson County Administration Bldg., Room 203  
595 Newark Avenue  
Jersey City, NJ 07306

Re: C [REDACTED] v. [REDACTED]  
Docket No. FM-09-1928-14  
Our File No. [REDACTED] 091714

Dear Sir/Madam:

Please be advised that the undersigned represents Defendant, Anastasia [REDACTED]  
Enclosed please find an original and a copy of a Reply Certification. Kindly stamp the  
enclosed copy "filed" and return in the enclosed self-addressed stamped envelope.

Thank you for your cooperation. Please call if there are any questions.

Respectfully,



BRAD M. MICKLIN

BMM/RMM

cc: Anastasia [REDACTED] (w/ encl.) (via email)  
See Certification of Mailing

HANDLING ALL YOUR FAMILY MATTER PERSONALLY, PROFESSIONALLY AND PROMPTLY

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CERTIFICATION OF MAILING

I hereby certify that on the date set forth below, I  
caused to be delivered by Lawyer's Service the within Reply  
Certification to:

Superior Court of New Jersey  
Hudson County Family Intake Team  
Hudson County Administration Bldg., Room 203  
595 Newark Avenue  
Jersey City, NJ 07306

Hon. Daniel D' Allessandro, J.S.C.  
Superior Court of New Jersey  
Hudson County Administration Building  
595 Newark Avenue, 8<sup>th</sup> Floor  
Jersey City, NJ 07306

Thomas Sidoti, Esq.  
Karen Kirchoff Saminski, Esq., LLC  
79 Hudson Street, Suite 201  
Hoboken, NJ 07030

THE MICKLIN LAW GROUP



BRAD M. MICKLIN, ESQ.  
Attorney for Defendant,  
Anastasia Lekkas  
Dated: 8/27/14

THE MICKLIN LAW GROUP  
BRAD M. MICKLIN, ESQ. - SBN: 020771996  
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Nutley, New Jersey 07110  
(973) 562-0100  
Attorney for Defendant,  
Anastasia Lekkas  
Our File No. LEKK-091714

-----x  
JOHN [REDACTED]

Plaintiff,

vs.

ANASTASIA [REDACTED],

Defendant.  
-----x

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
FAMILY PART  
HUDSON COUNTY

DOCKET NO. FM-09-1928-14

CIVIL ACTION

CERTIFICATION OF  
ANASTASIA [REDACTED]

I, ANASTASIA [REDACTED], certify as follows:

1. I am the Defendant herein. Accordingly, I have personal knowledge of the facts as set forth herein. This certification is submitted in support of my motion for pendente lite support and in opposition to Plaintiff's cross motion.

I. THE PLAINTIFF FLED THE UNITED STATES, CREATED MORE DEBT, AND PROVIDED NO SUPPORT

2. On July 17, 2014, the Plaintiff fled the country, to Greece, abandoning Alexander and me for nearly a month. The Plaintiff notified me through an email entitled "Good Luck" in

which he stated, "I resigned from the DOE and left the United States last night. I am not coming back." See Exhibit A. This selfish stunt perpetrated by the Plaintiff has put Alexander and me in a terrible situation. Additionally, the Plaintiff has caused us to go into further debt.

A. THE PLAINTIFF DOES NOT HAVE THE ABILITY TO CARE FOR ALEXANDER

3. The Plaintiff is unable to have joint physical custody of Alexander. The Plaintiff fled the country and resigned from his job on a whim. These are not the actions of a stable person, or a caring father. This seriously calls the Plaintiff's judgment and his commitment to caring for our son into question. He fled to Greece, resigned from a good job, and left Alexander and me to fend for ourselves. By resigning, he caused Alexander and me to lose our health insurance coverage.

4. Moreover, Alexander was left without a father for nearly a month. He obviously ignored the negative consequences his selfish actions would have on his family. During this time, the Plaintiff did not seek to speak with Alexander, though he could have over the phone or via skype. Furthermore, contrary to the Plaintiff's certification, in the time since he left the apartment, he only sporadically paid Alexander any attention. His actions clearly demonstrate that his priority is to live a single life.

5. The Plaintiff's actions have also made me very scared to leave Alexander alone with him. I do not know if he can care for Alexander. His erratic and irrational behavior illustrates that he

cannot care for our son and, as a result, I am afraid that I cannot trust his judgment. Additionally, I am scared that he may just leave the country in the middle of the night with Alexander and refuse to come back.

6. The Plaintiff should not be given physical custody of Alexander until he undergoes a psychological evaluation to confirm whether he is fit to care for Alexander. It is respectfully requested that the court provide me with sole legal custody of Alexander and grant me primary physical custody. Additionally, it is respectfully requested that the court deny Plaintiff's request for joint physical custody and order the Plaintiff to undergo psychological evaluation. If the Plaintiff is then deemed able to care for Alexander, it is respectfully requested that the parties receive joint legal custody of Alexander and Plaintiff's shall receive liberal and reasonable parenting time each week, not to exceed 2-3 days per week and Plaintiff shall not receive overnight parenting time.

**B. THE PLAINTIFF IS VOLUNTARILY UNEMPLOYED AND MUST BE IMPUTED INCOME WHEN CALCULATING PENDENTE LITE SUPPORT**

7. The Plaintiff is attempting to financially hold me hostage. The Plaintiff resigned from his job when he fled the country. See Exhibit B. Consequently, he must now pay \$1,869.55 to his former employer because he used 83.5 hours of unearned vacation. The Plaintiff's unemployment is a direct consequence of his voluntary and irresponsible actions.

8. While Plaintiff was in Greece, I received an email from his father indicating that his family will support the Plaintiff. See Exhibit C. Additionally, they threatened me to accept their proposal stating "you will suffer very much. Time is not on your side." See Exhibit C. The Plaintiff sent an email two (2) days later stating, "I will continue prosecuting you in order to force you to stay in NJ forever." See Exhibit D. Please note that these emails were in Greek and I translated them through Google Translate.

9. Plaintiff's proposal was exactly what he offered in his cross motion, which would only provide me with enough for rent plus \$500.00 per month. This is grossly inadequate to sustain a child and a mother who earns nominal income. Additionally, the Plaintiff provided Alexander and I with only \$100.00 while he was in Greece. See Exhibit E.

10. The Plaintiff is trying to financially beat me into submission. He knows time is on his side because now his parents will financially support him. The Plaintiff is now voluntarily unemployed and likely receiving money from his parents. The Court cannot reward this type of behavior. Plaintiff must be imputed a salary of at least \$145,389.00 per year, his yearly earned income from 2013, for purposes of calculating pendente lite support.

11. The Plaintiff's request to impute income to me must be denied. I have not had a career since before Alexander was born, and I do not have the ability to earn \$75,000.00 per year.

Additionally, my income only rose to that level after working for my former employer for many years. I would have to start all over now.

12. The Plaintiff and I agreed that I would stay home with Alexander and it was only recently that the Plaintiff unilaterally changed his mind and started demanding that I seek full-time employment. It is unfair for the Plaintiff to expect people to turn their lives upside down to accommodate his desires on a whim. The Plaintiff fails to acknowledge that I supported him in many ways, including: cooking his meals, caring for our child, giving him emotional support, caring for our home, and supporting his career advancement.

13. Since Alexander was born, the status quo has been the Plaintiff is the primary wage earner, and I provide care for our three (3) year old son and our home. I do believe that I will seek full-time employment in the future; however, this will not occur for some time, and only after we relocate to Maryland. Therefore, it is respectfully requested that the Court deny Plaintiff's cross motion and grant my motion in its entirety.

PLAINTIFF INCURRED DEBT AND DISSIPATED MARITAL ASSETS

14. Furthermore, the Plaintiff dissipated marital assets prior to fleeing the country by withdrawing \$3,166.32 from our joint account, representing the two (2) security deposits for our tenants in Maryland. He did not deposit our tenant's July rent payment of \$1,055.44. See Exhibit F. Moreover, he has allowed many

of the utilities to become overdue since May or June. See Exhibit G. The Plaintiff must be responsible for bringing all utilities current and returning the rent and security deposit funds.

15. The Plaintiff has an obligation to support Alexander and me, but he is doing everything in his power, including fleeing the country, to avoid his obligations. The Plaintiff attempts to make himself look like the victim; however, he has done nothing but withhold support from Alexander and me while putting us into greater debt. He refuses to compromise and attempts to coerce me into accepting his grossly inadequate proposals. There is no incentive for him to be reasonable in our divorce litigation because his parents are financially supporting him, greatly reducing, if not eliminating, his expenses.

16. Furthermore, the Plaintiff has caused unnecessary delays to this matter because he fled the country. The Court cannot allow the Plaintiff to financially hold me hostage. Therefore, it is respectfully requested that the Plaintiff's cross motion be denied and my motion be granted in its entirety.

## II. THE PLAINTIFF'S CROSS MOTION ATTEMPTS TO INTENTIONALLY MISLEAD THE COURT

### A. DEFENDANT'S PENDENTE LITE SUPPORT REQUEST AND MONTHLY EXPENSES

17. The Plaintiff continually misrepresents my statements and his critique of my CIS is very disingenuous. Since May 2012, it has been the status quo that the Plaintiff paid all expenses, which includes Schedule A, B, & C expenses. I simply requested an order

requiring him to maintain the status quo that was in place for more than two (2) years. Contrary to his argument, I asked that he pay my monthly expenses, not for him to pay \$8,045.00 per month. There is a huge distinction and the Plaintiff is only trying to place me in a bad light by misrepresenting my request.

18. Additionally, the Plaintiff spends unreasonably. It was the Plaintiff who chose to move out of our apartment and lease a \$2,250.00 per month apartment. This apartment is beyond what is necessary and he unilaterally incurred this expense knowing we cannot afford it. Therefore, this expense must be backed out. Moreover, the Plaintiff dissipated marital funds when he took our tenants' security deposits and one of their July rents, totaling over \$4,000.00. If the Plaintiff does not have the ability to pay, it is because he spends unreasonably and I cannot be held responsible for that.

19. Finally, I made it very clear that certain expenses in my CIS were anticipated and would be incurred at some point in the near future. This includes the following: car payment, car insurance, fuel and oil, maintenance, school lunch for Alexander, Alexander's school costs, and babysitting. As I understand it, the CIS is used to present a picture to the Court of a party's need, which can include anticipated expenses. The Plaintiff has attempted to misrepresent my statements in bad faith. It is respectfully requested that the Court deny the Plaintiff's application and grant my motion in its entirety.

B. THE PLAINTIFF HAS NOT PROVIDED \$21,000.00 IN SUPPORT

20. The Plaintiff has not provided me \$21,000.00 in support. When I found out Plaintiff was taking out money for attorney consultations, I withdrew \$6,000.00 from our joint bank account. Please note that several months before I found out the Plaintiff was going to divorce me, he had asked me to sign a letter requesting my credit union to close my only credit card, which I did. I believe this was all part of his plan to hold me hostage financially.

21. I used approximately \$1,000.00 for consultation fees and transportation costs, as I do not have a car, and \$3,750.00 toward my \$7,500.00 retainer. As indicated by the Plaintiff, the remainder was returned to the account. The Plaintiff used joint funds, so it is only fair that I use them as well.

22. Additionally, the Plaintiff did not give me half of the bed bug settlement because of his "good heart." I was entitled to it as a party in the case. See Exhibit H and Exhibit I. The Plaintiff is not freed of his obligation to support Alexander and me because I receive an asset which is rightfully mine. The Plaintiff did not provide me with \$21,000.00 in support and has purposefully lied to the Court.

23. Moreover, I did in fact notify the Court that I received these funds, contrary to Plaintiff's allegations. See footnote 9 of my CIS, attached to my motion as Exhibit A. I indicated, "my portion of the bed bug settlement was used to pay off my credit

card and legal fees. The remainder is in this account [Treasury Federal Credit Union Checking] and Alexander's account." Plaintiff is the only one that is attempting to mislead the Court.

#### DEFENDANT'S RECENTLY OPENED CREDIT CARD

24. Finally, with regard to my credit card which my friend co-signed, I do not earn nearly as much as the Plaintiff, thus it was necessary for me to have a personal credit card, especially since the Plaintiff previously tricked me into closing my only credit card before the divorce began. The remainder of my retainer, \$3,750.00 went on this credit card, as well as portions of my attorney's fees. As stated above, I used portions of the bed bug settlement to pay part of my fees.

#### III. RELOCATION TO MARYLAND

25. It is respectfully requested that the Court allow me to relocate to Maryland with Alexander. Presently, the Plaintiff and I own two coop apartments in Bethesda, Maryland. Our coops are in a safe and beautiful city, which provides a great school system for Alexander. Prior to moving to New Jersey, I lived in Maryland for seven (7) years. Our roots, community, employment contacts, and support system are in Maryland. The coops are in the same complex, and would allow the Plaintiff and I to live in close proximity to each other if the Plaintiff moved as well. I believe this living arrangement would aid Alexander in acclimating to parenting time.

26. Additionally, this would allow us both to see Alexander on a regular basis. There would be almost no travel time between

parenting times. This is all the more reason why this move would not be adverse to Alexander's best interest. He would have both of his parents within a close proximity to minimize the trauma of his parents divorcing.

27. If the Plaintiff did not relocate with Alexander and I, I would foster a relationship and encourage Alexander to communicate with the Plaintiff. I believe that it is in Alexander's best interest to have both of his parents in his life and I would never keep Alexander from his father. With regard to parenting time, the Plaintiff would receive fair and reasonable parenting time, of course taking into context the distance; however, Plaintiff's parenting time must be predicated on favorable findings regarding his psychological state and ability to care for Alexander.

28. Furthermore, as the Plaintiff resigned from his job and I can leave my job at will, now is the perfect time for us to relocate. It has always been my intention to move back to Maryland, as can be seen by Plaintiff's threat to keep me in New Jersey forever. See Exhibit D. Additionally, moving to Maryland would be fiscally responsible. At this time we are paying for four (4) properties: the two (2) Bethesda properties and the two (2) apartments in New Jersey. The mortgage and fees for our coops are far lower than the rents we pay for our apartments, and each payment would increase our equity in the coop. Considering our current financial situation, we cannot afford to continue to pay for all of these residences. Therefore, it is respectfully

requested that the Court allow Alexander and I to relocate to Maryland.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


  
ANASTASIA 

Dated: 8-27-14

CERTIFICATION

I, Brad M. Micklin, Esq. am employed by the Micklin Law Group, attorneys for Defendant, Anastasia [REDACTED], in the within matter. I hereby certify that I was in contact with the Defendant regarding the attached documents and have confirmed that the annexed signature is the Defendant's. Upon request of the Court or any party hereto, we will submit the original signature.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
BRAD M. MICKLIN, ESQ.  
Dated: 8/27/18

A

**Subject:** Fw: Good Luck

**Date:** Monday, August 25, 2014 10:00:43 AM Eastern Daylight Time

**From:** Anastasia

**To:** Richard Muglia

Sent from Yahoo Mail on Android

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**From:** John [REDACTED] <jc[REDACTED]@yahoo.com>;

**To:** Anastasia [REDACTED] <a[REDACTED]@yahoo.com>;

**Subject:** Good Luck

**Sent:** Fri, Jul 18, 2014 12:04:00 PM

I resigned from the DOE and left the United States last night. I am not coming back. All the money i would have received next week from my paycheck, that I was planning to use to support you for August, are being claimed by my lawyer in order to respond to your Pendent Lite motion. The motion itself is above my means as well and purely irrational and unjust. Even if the court did grant the request i would soon have ended up before the court again in a contempt proceeding that could have landed me in jail.

I have nothing left to give, you always wanted more. I try to focus my efforts on Alexander and my work but you keep exhausting me with a relentless prosecution. After calling the police on me and threatening with a restraining order I am afraid you just want to see me in jail irrespective of the effect this will have to Alexander (an arrest means I automatically loose my work authorization at the DOE). I can no longer spend a day at work without being harassed by you. I stormed out from the conference room yesterday in tears when I received my lawyer's email, it was the final blow. I hope Alexander never realizes how you treated me and the harm you did to him. I wish you both good luck.

#### NOTES

There is a set of keys under your [REDACTED]

