

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: Case Nos. : 2017-002826 FC 04
2017-013378 FC 04

MICHELLE WATTS,
Petitioner,
and

MICHAEL J.M. GANTINE,
Respondent.

_____/

MOTIONS TO VACATE AMENDED ORDER TO PICK UP MINOR CHILD, DISSOLVE
TEMPORARY INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE WITH
CHILD(REN), FOR SANCTIONS TO BE ENTERED AND ATTORNEYS FEES AWARDED,
FOR ORDER REQUIRING PETITIONER TO RETURN THE MINOR CHILD TO
RESPONDENT

The Respondent, Michael J.M. Gantine, by and through undersigned counsel files this his motion and states:

1. The Petitioner, Michelle Watts, exemplifies a litigant that has utilized multiple systems and jurisdictions to forum shop and accomplish obtaining orders for improper purpose, and which are so detrimental to the well being of the minor child, J.R.G, born 5/31/08.

2. The Petitioner, Michelle Watts, has committed fraud upon the courts of the State of Florida, with the assistance of counsel, and their conduct need be sanctioned in the form of denial of the relief sought, sanctions and fees entered and awarded, and that the minor child, now in the Mother's custody be immediately returned to his father, Michael Gantine.

3. In addition to the cases pending in Miami Dade County, referenced in the above style there are additional cases pending as follows: Superior Court of Washington, for King County Case No, 17-2-01981 O KNT (Domestic Violence) and Case No. 17-2-03892 O KNT (Petition

for Writ of Habeas Corpus) and 17-3-01263-1 SEA; State of Florida, Circuit Court of Broward County, Family Division Case No. FMCE 09-000250 (41)(91); and State of Illinois, County of De Page, 18th Judicial Circuit Court , Case No. 09 F 143.

4. The State of Illinois has continuing and exclusive jurisdiction over the parties and the matters as ruled by courts of the State of Illinois, State of Washington, and the County of Broward.

5. The Petitioner/Mother's relief for domestic violence and custody of the child have all been adjudicated recently in both Washington and Illinois, which is why the Mother is seeking relief in Florida. The relief currently being sought by the Mother in Broward County, will be denied at the hearing her counsel set for August 3, 2017. On February 29, 2016 the Judge having jurisdiction over the child and subject matter awarded custody of the minor child to Michael Gantine for purposes of all state and federal statutes and leave was granted for the Father to relocate with the child to Miami, Florida. On May 19, 2017, the Judge in Illinois, continuing to exercise his jurisdiction entered an order entered such further order consistent with his prior and has set another hearing in that court for June 19, 2017. The Mother and her counsel being fully aware of this, thereafter sought relief from the Family and Domestic Violence Divisions in Miami.

6. Additionally, there have been three separate actions in Washington State King County Superior Court involving the child. A writ of habeas corpus action (cause number 17-2-03892-0); a domestic violence protection order DVPO action (cause number 17-2-01981-0); and a parenting plan modification action (cause number 17-3-01263-1). The Washington State action started when Ms. Watts sought a DVPO on January 30, 2017, the day after the child was taken

out of her custody by Bellevue Police Department and put into the custody of the Father.

This was done through the missing child's search out of Illinois. Bellevue Police Department acted on an "assist" to the DuPage police. Ms. Watts obtained an ex parte DVPO which stated that the child would reside with her but did not decide whether the court actually had jurisdiction under the UCCJEA. Based on that ex parte DVPO, Ms. Watts had the child removed from the Father's care in Florida and brought back to Washington State. The January 30, 2017 ex parte DVPO was before the court on February 13, 2017 at a return hearing. The court on February 13, 2017 reissued the DVPO but put the child back in the Father's care and "stayed" any issues concerning the child. The Washington State court on February 13th declined to exercise emergency jurisdiction under the UCCJEA and specifically recognized that Illinois had jurisdiction and was exercising jurisdiction under the UCCJEA. The court also recognized that the Mother took the child out of Illinois and brought him to Washington State without notifying the Father or the court of her taking the child or of her whereabouts. The court set another hearing for April 13, 2017 to give the court time to address the UCCJEA issues and determine if Washington State or Illinois should have jurisdiction. This hearing was subsequently continued to May 18, 2017. On February 17, 2017, the Father's petitioned the Washington State court for a Writ of Habeas Corpus to allow law enforcement to take the child out of the mother's care and place him into the Father's, and allow him to take his son home to Florida. The Father's request for a Writ of Habeas Corpus was based on the current Illinois order, which was issued on February 29, 2016, which awarded the Father custody of the child. The Washington State court issued the Writ and ordered that law enforcement put the child back into the Father's custody immediately and allowed the Father to take the child home to Florida. On March 3, 2017, the Mother started her parenting plan action in Washington State. In her Petition, the Mother did not

tell the court that there was a current custody order from Illinois. The Mother instead asked the court to issue a new parenting plan without any regard to the lawful, valid February 29, 2016 order from Illinois. On April 7, 2017, the Washington State court initiated a judicial conference with the court in Illinois to decide the issue of jurisdiction. The Illinois court said it wanted to maintain jurisdiction. Washington State thus declined to exercise UCCJEA jurisdiction, recognized that Illinois currently has exclusive, continuing jurisdiction under the UCCJEA, dismissed the parenting plan action in Washington State, and said that the DVPO action can only proceed as to whether there should be a DVPO between the the Mother and Father, the child could not be part The Mother asked the court to reconsider its decision. On May 15, 2017 the court entered an order declining to reconsider it's April 7, 2017 decision. On May 18, 2017, the court issued an oral ruling dismissing the mother's DVPO, and issuing "CR 11" sanctions, specifically finding the the Mother filed her DVPO action without merit. The court took the time to write a detailed order memorializing his findings. This written order was issued on May 23, 2017. This May 23, 2017 order dismissed all orders issued under cause number 17-2-01981-0 including the February 17, 2017 order which the Mother used to get custody in Florida. The Mother was aware of the court's ruling dismissing the DVPO action because she was in court on that date. The May 23, 2017 order lists all the ways that the mother has been found to have acted in bad faith. Judge McCullough also found the Mother to have acted in bad faith in taking the child out of Illinois. The Mother is currently being criminally investigated in Bellevue, Washington for forging the child's birth certificate.

7. An Amended Order To Pick Up Minor Child was entered in the Family Division of this Circuit on May 30, 2017 which provided that the child be picked up from the Father and put in the possession of the Mother. This unfortunately occurred. Said order also required the

parties to appear for hearing on May 31, 2017. At said hearing the Father would provide evidence so that the Family Court Judge would rescind her order. Upon information and belief the Mother anticipated this would occur so filed on that day a Domestic Violence Injunction Petition which included false allegations. As the Petition for Domestic Violence and a Temporary Injunction was entered (again), the Family Court Judge would not proceed with hearing on May 31, as a result of the cases being consolidated to Unified Family Court, whereby another Judge would be assigned to this matter.

8. The Respondent has retained undersigned counsel to represent him in both pending cases in this jurisdiction. He has agreed to pay a reasonable fee for those services. The Mother should be responsible for payment of all fees and costs incurred by the Father. Sanctions should be entered against the Mother and her counsel for their intentional misrepresentation and fraud upon the Court.

Wherefore, the Respondent respectfully requests this Court vacate and/or dismiss any orders entered which grants the relief sought by the Mother/Petitioner, enter any and all orders which requires the Mother to immediately return the child to the Father and provides custody of the minor child to the Father, enter such orders that prohibit the Mother from seeking relief in this jurisdiction, award attorneys fees and costs, enter sanctions, and for such further relief as is just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served and mailed this 2nd day of June, 2017 to Melody Ridgley Fortunato, Esq., 12 S.E. 7th Street, Suite 711, Ft. Lauderdale, Fl. 33301, and Michelle Watts 17701 SE 108th Ave., Renton, WA 98055, email: Michelle.02912@gmail.com.

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